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BOROUGH OF PALISADES PARK
BOARD OF ADJUSTMENT
MONDAY, SEPTEMBER 17, 2018
COMMENCING AT 7:00 P.M.

IN THE MATTER OF: : TRANSCRIPT
: OF
: PROCEEDINGS

APPLICATION NO. 18-06 :
JZS DEVELOPER, LLC :
523 FOURTH STREET :
BLOCK 321; LOT 15 :

APPLICATION NO. 18-07 :
DRC DEVELOPMENT CORP. :
417 E. Central Boulevard :
Block 427; Lot 1 :

APPLICATION NO. 18-03 :
BERGEN ADULT DAY CARE, INC :
131 East Brinkerhoff Avenue :
BLOCK 318; LOT 15 :

.....
B E F O R E :
THE BOROUGH OF PALISADES PARK BOARD OF ADJUSTMENT
THERE BEING PRESENT:

JOSEPH FERGUSON, CHAIRMAN
PAUL ALBANESE, VICE CHAIRMAN
ANDY NAM, MEMBER
VINCENT CARNOVALE, MEMBER
MIRJANA TARABOCCHIA, ALTERNATE MEMBER
LEFTE RI LEFTE RI O U, ALTERNATE MEMBER

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

2 DIANE TESTA, ESQUIRE
Counsel for the Board

3

4 LAW OFFICES OF MARC D. MACRI
BY: MARC D. MACRI, ESQUIRE
1000 Anderson Avenue
Fort Lee, New Jersey 07024
Counsel for JSZ Developers, LLC

6

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

9 ELENI LAMBRINIDES, BOARD CLERK/SECRETARY
MICHAEL KAUKER, BOARD PLANNER
10 STEVE COLLAZUOL, BOARD ENGINEER
JUDD ROCCIOLA, BOARD TRAFFIC ENGINEER

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5 **APPLICATION NO. 18-06**

6 **JZS Developers, LLC**
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BLOCK 427; LOT 1

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

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07:02PM 1 MS. LAMBRINIDES: Mr. Lefteriou?
 07:02PM 2 MR. LEFTERIOU: Here.
 07:02PM 3 CHAIRMAN FERGUSON: Okay.
 07:10PM 4 So everybody has received the minutes
 07:10PM 5 of the last meeting which was very brief, only a
 07:10PM 6 page-and-a-half.
 07:10PM 7 Can I get a motion to approve the
 07:10PM 8 minutes?
 07:10PM 9 VICE CHAIRMAN ALBANESE: I make a
 07:10PM 10 motion we approve the minutes.
 07:10PM 11 MR. CARNOVALE: I second.
 07:10PM 12 CHAIRMAN FERGUSON: There's a motion
 07:10PM 13 and a second.
 07:10PM 14 Question on the motion?
 07:10PM 15 (No response.)
 07:10PM 16 CHAIRMAN FERGUSON: Roll call vote.
 07:10PM 17 MS. LAMBRINIDES: Mr. Ferguson?
 07:10PM 18 CHAIRMAN FERGUSON: Yes.
 07:10PM 19 MS. LAMBRINIDES: Mr. Albanese?
 07:10PM 20 VICE CHAIRMAN ALBANESE: Yes.
 07:10PM 21 MS. LAMBRINIDES: Mr. Nam?
 07:10PM 22 MR. NAM: Yes.
 07:10PM 23 MS. LAMBRINIDES: Mr. Carnovale?
 07:10PM 24 MR. CARNOVALE: Yes.
 07:10PM 25 MS. LAMBRINIDES: Ms. Tarabocchia?

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07:10PM 1 MS. TARABOCCHIA: Yes.
 07:10PM 2 MS. LAMBRINIDES: Mr. Lefteriou?
 07:10PM 3 MR. LEFTERIOU: Yes.
 07:10PM 4 CHAIRMAN FERGUSON: Okay. Next we have
 07:11PM 5 some bills to pay. The Court Reporter will be
 07:11PM 6 \$460.00, and The Bergen Record will be \$4425.00.
 07:11PM 7 Can I get a motion to pay the bills?
 07:11PM 8 VICE CHAIRMAN ALBANESE: Motion to pay
 07:11PM 9 the bills.
 07:11PM 10 CHAIRMAN FERGUSON: There's a motion.
 07:11PM 11 Second?
 07:11PM 12 MR. CARNOVALE: Second.
 07:11PM 13 CHAIRMAN FERGUSON: Roll call vote.
 14 MS. LAMBRINIDES: Mr. Ferguson?
 15 CHAIRMAN FERGUSON: Yes.
 16 MS. LAMBRINIDES: Mr. Albanese?
 17 VICE CHAIRMAN ALBANESE: Yes.
 18 MS. LAMBRINIDES: Mr. Nam?
 19 MR. NAM: Yes.
 07:11PM 20 MS. LAMBRINIDES: Mr. Carnovale?
 07:11PM 21 MR. CARNOVALE: Yes.
 07:11PM 22 MS. LAMBRINIDES: Ms. Tarabocchia?
 07:11PM 23 MS. TARABOCCHIA: Yes.
 07:11PM 24 MS. LAMBRINIDES: Mr. Lefteriou?
 07:11PM 25 MR. LEFTERIOU: Yes.

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07:11PM 1 CHAIRMAN FERGUSON: Okay.
 07:11PM 2 Next we have a matter we have to go
 07:11PM 3 into closed session for.
 07:11PM 4 Would the board like to go into closed
 07:12PM 5 session now to discuss legal matters or do you guys
 07:12PM 6 want to wait until the end of the meeting, then go
 07:12PM 7 out and then have to come back in?
 07:12PM 8 MR. CARNOVALE: I would say we go now.
 07:12PM 9 VICE CHAIRMAN ALBANESE: We go now,
 07:12PM 10 then we got to waste time. We'll wait till the end
 07:12PM 11 of the meeting when she goes.
 07:12PM 12 CHAIRMAN FERGUSON: Okay.
 07:12PM 13 VICE CHAIRMAN ALBANESE: You know what
 07:12PM 14 I'm saying? It's quicker, right?
 07:12PM 15 MS. TESTA: Yes.
 07:12PM 16 CHAIRMAN FERGUSON: Okay. No problem.
 07:12PM 17 So I guess we're ready for the first
 07:12PM 18 case of the day which would be Case Number 18-06, JZS
 07:12PM 19 Developers, 523 Fourth Street.
 07:12PM 20 Counselor, you want to put your
 07:12PM 21 appearance in?
 07:12PM 22 MR. MACRI: Yes.
 07:12PM 23 Good evening, Mr. Chairman, Members of
 07:12PM 24 the Board. My name is Mark Macri, M-A-C-R-I.
 07:12PM 25 I represent JZS Developers who are the

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07:12PM 1 owners and applicant in connection with the property
 07:12PM 2 located at 523 Fourth Street here in the borough.
 07:12PM 3 We're here this evening seeking the
 07:12PM 4 board's approval to demolish the existing dwelling on
 07:12PM 5 the property and construct a new two-family
 07:13PM 6 side-by-side duplex-style building. The property is
 07:13PM 7 located in the AA zone. The use is permitted. We
 07:13PM 8 are seeking three variances.
 07:13PM 9 With me this evening I have
 07:13PM 10 Mr. Vassilios Cocoros, our architect, as well as
 07:13PM 11 Mr. David Spatz, our professional planner.
 07:13PM 12 If I can have Mr. Cocoros sworn in,
 07:13PM 13 he'll describe the condition of the property, what we
 07:13PM 14 propose to construct.
 07:13PM 15 We'll address the questions of the
 07:13PM 16 professionals. And Mr. Spatz will provide the basis
 07:13PM 17 and the reasons why these three variances can be
 07:13PM 18 granted.
 07:13PM 19 CHAIRMAN FERGUSON: Okay.
 07:13PM 20 MS. TESTA: Raise your right hand,
 21 please. Do you swear that the testimony you will
 22 give this application will be the truth, the whole
 23 truth and nothing but the truth?
 24 MR. COCOROS: I do.
 25

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07:14PM 1 **street. From front to back we have approximate**
 07:14PM 2 **difference of, if I can add, it's about 23 feet drop**
 07:14PM 3 **off, so it's one of the more extreme ones in town.**
 07:14PM 4 **So that's one of the main reasons we're here tonight.**
 07:14PM 5 **Also the property has somewhat of a**
 07:14PM 6 **cross slope across the front of almost 6 feet from**
 07:14PM 7 **right to left. We have a hydrant on the right-hand**
 07:14PM 8 **side. At that point we have approximately about 200**
 07:14PM 9 **or so. The property has quite a bit of a cross slope**
 07:14PM 10 **from the front to the back and a cross slope across**
 07:14PM 11 **the front of the property on Fourth Street.**
 07:14PM 12 **The property is oversized, so there are**
 07:15PM 13 **some --**
 07:15PM 14 CHAIRMAN FERGUSON: Mr. Cocoros, you
 07:15PM 15 have to speak up.
 07:15PM 16 THE WITNESS: Sure. Okay.
 07:15PM 17 The property.
 07:15PM 18 MS. LAMBRINIDES: And slow down, I
 07:15PM 19 think.
 07:15PM 20 THE WITNESS: Or both.
 07:15PM 21 The property is oversized. It's
 07:15PM 22 55-foot wide where a typical lot is 50-foot wide.
 07:15PM 23 We're proposing to demolish the
 07:15PM 24 existing dwelling and construct a new side-by-side
 07:15PM 25 two-family dwelling that would fit into the existing

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1 VASSILIOS COCOROS,
 2 Having been duly sworn, testifies as follows:
 3 MS. TESTA: Please state your name for
 07:13PM 4 the record and spell it.
 07:13PM 5 MR. COCOROS: Vassilios,
 07:13PM 6 V-A-S-S-I-L-I-O-S, Cocoros, C-O-C-O-R-O-S.
 07:13PM 7 CHAIRMAN FERGUSON: Okay. You may
 07:13PM 8 proceed.
 07:13PM 9 MR. MACRI: Mr. Chairman, just for the
 07:13PM 10 record, I have handed in an affidavit of service to
 07:13PM 11 Counsel prior to the meeting.
 07:13PM 12 MS. TESTA: Yes. Right. Everything
 07:13PM 13 looks to be in order. Jurisdiction has been met.
 07:13PM 14 MR. MACRI: Thank you.
 07:13PM 15 DIRECT EXAMINATION
 07:13PM 16 BY MR. MACRI:
 07:14PM 17 **Q.** Mr. Cocoros, could you please explain
 07:14PM 18 to the board what currently exists at the property
 07:14PM 19 and what we propose?
 07:14PM 20 **A. Existing older dwelling on the**
 07:14PM 21 **property. The property, itself, is 65-foot wide.**
 07:14PM 22 **It's located on the west side of Fourth Street,**
 07:14PM 23 **approximately 255 feet north of Easat Edsall**
 07:14PM 24 **Boulevard.**
 07:14PM 25 **It's on the downhill side of the**

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07:15PM 1 grade.
 07:15PM 2 However, we will be proposing a
 07:15PM 3 retaining wall in the back which will replace
 07:15PM 4 somewhat of the damaged one that's there now and help
 07:15PM 5 raise the grade and minimize the drop off from front
 07:15PM 6 to back.
 07:15PM 7 Part of that wall will be stepped, and
 07:15PM 8 that's at the rear left side of the property.
 07:15PM 9 What we're proposing is 41-foot wide by
 07:15PM 10 54-foot 10-inches deep, and the setback is 7 feet to
 07:15PM 11 the main building and 4 feet to the stairs.
 07:15PM 12 The building, itself, does require some
 07:15PM 13 variances for the side yard setback. Since we are a
 07:15PM 14 55-foot-wide lot, the side yard setback it 7 feet 8
 07:16PM 15 inches. We're proposing 7 feet to the main building.
 07:16PM 16 However, our staircases will have a 4-foot setback
 07:16PM 17 where 3 feet is allowed for a setback.
 07:16PM 18 The building, itself, will be on four
 07:16PM 19 levels. There's a ground floor/basement level which
 07:16PM 20 is typical in most duplexes. There will be two
 07:16PM 21 living levels above that.
 07:16PM 22 However, since we do drop off, the
 07:16PM 23 hollow space above the rear portion of it will be a
 07:16PM 24 finished room that is similar to other properties
 07:16PM 25 that have been developed on the slope side,

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07:16PM 1 down-slope side of streets in Palisades Park.
 07:16PM 2 The floor plan is Sheet A2. The
 07:16PM 3 basement floor behind the garage is set up like the
 07:17PM 4 typical duplexes we have a recreation room and home
 07:17PM 5 office. We also have a door on the one side that is
 07:17PM 6 raised up a little bit higher. It's a bathroom.
 07:17PM 7 At the front we have a real two-car
 07:17PM 8 garage and a real two-car driveway since the property
 07:17PM 9 is a little bit wider.
 07:17PM 10 First floor and second floor are --
 07:17PM 11 first floor we have the main living space, living
 07:17PM 12 room/dining room at the front. At the back we have a
 07:17PM 13 kitchen and an eating area and a deck that is off the
 07:17PM 14 backyard.
 07:17PM 15 Between the living room and the kitchen
 07:17PM 16 and dining room we have what's called a powder
 07:17PM 17 room/alcove area.
 07:17PM 18 Upstairs we have the bedrooms. There
 07:17PM 19 are three-bedrooms configuration on each side.
 07:17PM 20 However, on this one we take advantage of the views
 07:17PM 21 we are up high. We have the master at the rear
 07:17PM 22 instead of the front.
 07:17PM 23 The lower right-hand portion is the
 07:17PM 24 sub-basement. We have a powder room, a recreation
 07:17PM 25 room and a utility room. The door to the left unit

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07:18PM 1 THE WITNESS: The ground floor which is
 07:18PM 2 behind the garage. I'm showing a -- a full bathroom
 07:18PM 3 up and down below is a powder room.
 07:18PM 4 CHAIRMAN FERGUSON: Yes.
 07:18PM 5 Let me just -- hold on, just so I'm
 07:18PM 6 clear. When you're on the lower level, aren't you
 07:18PM 7 showing a bathtub on the lower level?
 07:18PM 8 MR. MACRI: Yes. Yes, we do have that
 07:18PM 9 on the basement plan there's a bathroom, full bath.
 07:19PM 10 THE WITNESS: The sub-basement has a
 07:19PM 11 powder room -- powder room only.
 07:19PM 12 CHAIRMAN FERGUSON: Okay. You got a
 07:19PM 13 second level -- let's not get off of this.
 07:19PM 14 Right now you've got a second, a
 07:19PM 15 sub-basement, right -- oh, I see what you're doing.
 07:19PM 16 Okay. Okay.
 07:19PM 17 No problem.
 07:19PM 18 As long as there's no bathroom --
 07:19PM 19 there's no tub. Right.
 07:19PM 20 THE WITNESS: No tub, no.
 07:19PM 21 CHAIRMAN FERGUSON: No problem.
 07:19PM 22 Is that it, Mr. Cocoros?
 07:19PM 23 THE WITNESS: I think so.
 07:19PM 24 CHAIRMAN FERGUSON: Okay. So just
 07:19PM 25 briefly, Mr. Cocoros, if you could just run through

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07:17PM 1 is down there because it is raised lower, and the
 07:17PM 2 staircase that brings you up to the first floor -- up
 07:17PM 3 to the ground floor which is the -- the area behind
 07:17PM 4 the garage.
 07:17PM 5 So the layout is pretty much typical of
 07:18PM 6 other duplexes. However, we have the additional
 07:18PM 7 finished space at the back half of the sub-basement.
 07:18PM 8 BY MR. MACRI:
 07:18PM 9 **Q.** Mr. Cocoros, there is no full bathroom
 07:18PM 10 proposed in the sub-basement, correct?
 07:18PM 11 **A. No. It's a powder room.**
 07:18PM 12 MS. SCHOR: What?
 07:18PM 13 THE WITNESS: It's a powder room.
 07:18PM 14 There's no full bathroom on the lower level.
 07:18PM 15 MS. SCHOR: In the lower level or the
 07:18PM 16 --
 07:18PM 17 THE WITNESS: Both lower levels.
 07:18PM 18 Sub-basement and basement.
 07:18PM 19 CHAIRMAN FERGUSON: What was that you
 07:18PM 20 just said?
 07:18PM 21 MR. MACRI: I wanted to confirm. In
 07:18PM 22 the sub-basement and the lower level we do not have
 07:18PM 23 full bathrooms.
 07:18PM 24 Powder rooms only.
 07:18PM 25 CHAIRMAN FERGUSON: Okay.

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07:19PM 1 the variances that you're looking for.
 07:19PM 2 THE WITNESS: Sure.
 07:19PM 3 The variances we have are the left- and
 07:19PM 4 right-side yard setbacks. Since we're a 55-foot-wide
 07:20PM 5 lot it's 7 feet 8 inches. We have 7 feet to the main
 07:20PM 6 building; however, the staircase is closer so we have
 07:20PM 7 4 feet. So we are requesting a variance for side
 07:20PM 8 yard setback, which is a variation of 8 inches.
 07:20PM 9 CHAIRMAN FERGUSON: Eight inches?
 07:20PM 10 THE WITNESS: Yes. On the height we
 07:20PM 11 have three stories at the front and four stories at
 07:20PM 12 the back --
 07:20PM 13 CHAIRMAN FERGUSON: Right.
 07:20PM 14 THE WITNESS: And taken from the
 07:20PM 15 average grade we have 38 feet 3 inches.
 07:20PM 16 CHAIRMAN FERGUSON: And the reason why
 07:20PM 17 it's 38 feet is because of the slope of the land
 07:20PM 18 downward.
 07:20PM 19 Is that correct?
 07:20PM 20 THE WITNESS: Correct.
 07:20PM 21 Actually it's two slopes. Part of the
 07:20PM 22 problem is if it was a level lot you could have had
 07:20PM 23 this thing maybe 3 feet lower to the ground, but we
 07:20PM 24 have almost a 6-foot difference across the front, so
 07:20PM 25 I know one of the concerns the board is not having

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07:20PM 1 the driveway down.
 07:20PM 2 CHAIRMAN FERGUSON: Right. The board
 07:20PM 3 decided that it didn't want to dig down.
 07:20PM 4 THE WITNESS: Correct. And what we
 07:20PM 5 have done, we actually -- at one point we're
 07:20PM 6 basically dead level maybe, but there's enough room
 07:20PM 7 for the water to boomerang out or not.
 07:20PM 8 CHAIRMAN FERGUSON: Okay.
 07:20PM 9 THE WITNESS: So we did try to bring it
 07:20PM 10 down as much as we possibly could.
 07:20PM 11 VICE CHAIRMAN ALBANESE: You got a
 07:21PM 12 pitch.
 07:21PM 13 THE WITNESS: Yes. We have -- it
 07:21PM 14 pitches away.
 07:21PM 15 VICE CHAIRMAN ALBANESE: That's good.
 07:21PM 16 You got a little pitch in it.
 07:21PM 17 CHAIRMAN FERGUSON: Okay.
 07:21PM 18 Any other board members have anything
 07:21PM 19 presently?
 07:21PM 20 (No response.)
 07:21PM 21 CHAIRMAN FERGUSON: Well, we'll begin
 07:21PM 22 with the experts and then maybe they can ask the --
 07:21PM 23 Steve, you want to take it away.
 07:21PM 24 MR. COLLAZUOL: Yes, I will.
 07:21PM 25 THE WITNESS: Hi, Steve.

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07:22PM 1 itself, right now there's about 5 feet, itself, so
 07:22PM 2 we're rebuilding that damaged wall and creating that
 07:22PM 3 rear wall to replace that, for stability. I would
 07:22PM 4 like to keep that.
 07:22PM 5 The only thing is if I lower that wall,
 07:22PM 6 I might be able to lower it and create a -- I guess
 07:22PM 7 it would create 3 foot or 4 foot wall, because if the
 07:22PM 8 wall -- the second wall is 3-feet high and the
 07:22PM 9 borough ordinance gives you 4 feet, then a 3-foot
 07:22PM 10 wall.
 07:22PM 11 MR. COLLAZUOL: Six-foot separation.
 07:22PM 12 THE WITNESS: Six-foot separation. If
 07:22PM 13 it's 6 feet, we could adjust. The only problem is we
 07:22PM 14 do have a seepage pit proposed back there.
 07:22PM 15 MR. COLLAZUOL: That would be my next
 07:22PM 16 question.
 07:23PM 17 THE WITNESS: And we don't want the
 07:23PM 18 wall -- I would like to keep -- I would like to amend
 07:23PM 19 the application for the setback of the wall and also
 07:23PM 20 for the height to keep the grades where they are.
 07:23PM 21 If I lower it would still be increasing
 07:23PM 22 the height.
 07:23PM 23 MR. COLLAZUOL: I think that you would
 07:23PM 24 require an additional variance for that because I
 07:23PM 25 believe that's part of the ordinance. Right.

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07:21PM 1 MR. COLLAZUOL: On S1, Bill, you have
 07:21PM 2 left rear corner two walls.
 07:21PM 3 THE WITNESS: Yes.
 07:21PM 4 MR. COLLAZUOL: And one of the walls
 07:21PM 5 appears to be graded in 4 feet in height. And the
 07:21PM 6 other one is 6 feet, i guess, 178.67 at the bottom of
 07:21PM 7 the wall and 184.67 --
 07:21PM 8 THE WITNESS: Correct.
 07:21PM 9 MR. COLLAZUOL: -- at the top of the
 07:21PM 10 wall. That's greater than 6 feet.
 07:21PM 11 THE WITNESS: Right.
 07:21PM 12 MR. COLLAZUOL: So if I'm not mistaken,
 07:21PM 13 the duplex ordinance prohibits walls in excess of 4
 07:21PM 14 feet.
 07:21PM 15 THE WITNESS: Okay. I have to amend
 07:21PM 16 it.
 07:21PM 17 MR. COLLAZUOL: So if I am not
 07:22PM 18 mistaken, you have to have a -- no greater than
 07:22PM 19 4-foot wall, a lower wall, and then separation to 6
 07:22PM 20 feet. And then a wall not to exceed 3 feet in
 07:22PM 21 height.
 07:22PM 22 So do you -- can you make that
 07:22PM 23 adjustment with that section of the lower left-hand
 07:22PM 24 rear corner of the property.

THE WITNESS: The existing wall,
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07:23PM 1 I would assume that the application has
 07:23PM 2 to be amended in that regard.
 07:23PM 3 And then, as well, you have to provide
 07:23PM 4 stability calculations for the design, the final
 07:23PM 5 design of that wall.
 07:23PM 6 THE WITNESS: We can do that.
 07:23PM 7 We can submit that as part of the
 07:23PM 8 approval.
 07:23PM 9 MR. COLLAZUOL: The other item is that,
 07:23PM 10 like you said, the seepage pit would appear to be too
 07:23PM 11 close to the upper wall then. The drainage system
 07:23PM 12 would interfere.
 07:23PM 13 So I think you have to make a
 07:23PM 14 modification to that seepage pit on the left rear, as
 07:23PM 15 well as separate it from the other seepage pit
 07:23PM 16 immediately -- or separate system, left side of the
 07:24PM 17 house, right side of the house. So...
 07:24PM 18 THE WITNESS: I can do something on the
 07:24PM 19 left-hand side, something either CULTEC that would be
 07:24PM 20 more slimmer that can fit within that space between
 07:24PM 21 the deck and the wall.
 07:24PM 22 MR. COLLAZUOL: Would it be possible to
 07:24PM 23 place a drainage system under the front left driveway
 07:24PM 24 and get in the front left roof under the front
 07:24PM 25 driveway.

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07:24PM 1 THE WITNESS: I guess we could break it
 07:24PM 2 up.
 07:24PM 3 MR. COLLAZUOL: Okay. So that sounds
 07:24PM 4 good.
 07:24PM 5 The question of the sanitary sewer for
 07:24PM 6 the basement and the sub-basement, will that be
 07:24PM 7 pumped?
 07:24PM 8 THE WITNESS: Well, I think the
 07:24PM 9 basement will be able to get gravity. That would
 07:24PM 10 have to be verified, we will try to reuse the
 07:24PM 11 existing lateral, see if we can test it.
 07:24PM 12 The sub-basement will probably have to
 07:24PM 13 be an ejector pump for the powder room down below.
 07:24PM 14 MR. COLLAZUOL: Is that going to be
 07:24PM 15 shown in the utility room.
 07:24PM 16 THE WITNESS: Yes.
 07:24PM 17 If it's approved, we would have it in
 07:24PM 18 the building permit plans also. Ejector pump shown
 07:24PM 19 going up to the -- up to the main line, it goes out
 07:24PM 20 to the street.
 07:24PM 21 MR. COLLAZUOL: Okay.
 07:24PM 22 The other comment or question I have is
 07:25PM 23 regarding the dense vegetation along the left side of
 07:25PM 24 the property from about the existing front building
 07:25PM 25 line to the back corner. It says "dense vegetation."
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07:25PM 1 Would you be able to tell the board whether there's
 07:25PM 2 any large trees in there that would be removed or
 07:25PM 3 not?
 07:25PM 4 THE WITNESS: I don't have -- I don't
 07:25PM 5 know if there was any trees.
 07:25PM 6 Usually Mark does the tree survey on
 07:25PM 7 there, but I don't see any trees on there. I know
 07:25PM 8 the front has some bushes that will be taken out.
 07:25PM 9 The vegetation will be cut back to accommodate the
 07:25PM 10 stepped walkway down to the back yard.
 07:25PM 11 MR. COLLAZUOL: The reason I ask is
 07:25PM 12 because there is a wall shown on the neighbor's
 07:25PM 13 property. If the tree was going to be removed, it
 07:25PM 14 might affect the wall on the neighbor's property.
 07:25PM 15 THE WITNESS: I guess they would have
 07:25PM 16 to take care to make sure it be taken down piecemeal
 07:25PM 17 so it's not going to rip the foundation for the wall
 07:25PM 18 adjacent to us. That adjacent wall looks like it's
 07:25PM 19 about 2 feet off the property line, so...
 07:25PM 20 MR. COLLAZUOL: Right. Okay. Thank
 07:25PM 21 you.
 07:25PM 22 I have nothing else.
 07:25PM 23 CHAIRMAN FERGUSON: Mr. Cocoros, you're
 07:26PM 24 going to submit perc tests, I assume?
 07:26PM 25 THE WITNESS: Yes. Well, the -- if
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07:26PM 1 it's submitted before they excavate. Before they
 07:26PM 2 knock the house down they'll probably have a perc
 07:26PM 3 test done where the pit -- the one pit in the front
 07:26PM 4 left and the two pits in the back just to make sure
 07:26PM 5 that system works.
 07:26PM 6 CHAIRMAN FERGUSON: Okay. And that
 07:26PM 7 would go to the engineer, our engineer --
 07:26PM 8 THE WITNESS: Yes.
 07:26PM 9 CHAIRMAN FERGUSON: -- or go to the
 07:26PM 10 building department.
 07:26PM 11 THE WITNESS: I guess -- I guess it
 07:26PM 12 would go both. I guess --
 07:26PM 13 MR. COLLAZUOL: It usually goes to
 07:26PM 14 both.
 07:26PM 15 CHAIRMAN FERGUSON: Okay. Make a note
 07:26PM 16 of that.
 07:26PM 17 Mr. Rocciola?
 07:26PM 18 Let me take this opportunity, I was
 07:26PM 19 very saddened tonight to hear that you're
 07:26PM 20 contemplating retiring next year.
 07:26PM 21 MR. ROCCIOLA: This year. The end of
 07:26PM 22 this year.
 07:26PM 23 It's not contemplating, it's happening.
 07:26PM 24 CHAIRMAN FERGUSON: I don't know who am
 07:26PM 25 I going to bother on the day of the meeting? Who am
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07:26PM 1 I going to call and say: Well, how about this and
 07:26PM 2 how about that and --
 07:26PM 3 MR. ROCCIOLA: I know.
 07:26PM 4 CHAIRMAN FERGUSON: I am going to miss
 07:27PM 5 you, Judd, you know.
 07:27PM 6 MR. ROCCIOLA: Okay. Thank you.
 07:27PM 7 CHAIRMAN FERGUSON: Okay. You have
 07:27PM 8 nothing?
 07:27PM 9 MR. ROCCIOLA: No.
 07:27PM 10 CHAIRMAN FERGUSON: Mr. Kauker.
 07:27PM 11 MR. KAUKER: Just one quick question.
 07:27PM 12 I think you testified to this fact, but
 07:27PM 13 just confirm that the garage can accommodate two
 07:27PM 14 vehicles?
 07:27PM 15 THE WITNESS: Yes. The garage, we have
 07:27PM 16 a 17 -- it will be a 17-foot garage door that could
 07:27PM 17 easily accommodate two cars.
 07:27PM 18 And I have 19 feet from the center line
 07:27PM 19 to the edge of the staircase, so it's a realistic
 07:27PM 20 two-car driveway with a little bit of room for snow.
 07:27PM 21 MR. KAUKER: Okay. Thank you.
 07:27PM 22 CHAIRMAN FERGUSON: That's it,
 07:27PM 23 Mr. Kauker?
 07:27PM 24 MR. KAUKER: Yes, that's it.
 07:27PM 25 CHAIRMAN FERGUSON: Okay.
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07:27PM 1 MS. SCHOR: Marsha Schor, some
 07:27PM 2 difficult questions. Your sub-basement, how do you
 07:27PM 3 get into it?
 07:27PM 4 THE WITNESS: We have a door -- we have
 07:27PM 5 a staircase from the main basement, and there is also
 07:27PM 6 on the one side we have a door at the grade level, so
 07:27PM 7 if you look at the left-hand side the grade is a lot
 07:27PM 8 lower, so you enter at that grade. That's where the
 07:27PM 9 door is.
 07:27PM 10 MS. SCHOR: Do both sides have
 07:27PM 11 sub-basements.
 07:27PM 12 THE WITNESS: Yes.
 07:28PM 13 MS. SCHOR: May I ask why in the
 07:28PM 14 basement portion do you need a full bathroom? Is not
 07:28PM 15 a powder room sufficient?
 07:28PM 16 THE WITNESS: I mean we were typically
 07:28PM 17 doing full bathrooms.
 07:28PM 18 MS. SCHOR: No, you haven't been doing
 07:28PM 19 it. Thanks to Mr. Ferguson, you haven't been.
 07:28PM 20 CHAIRMAN FERGUSON: But I think the
 07:28PM 21 debate is, if I can, we were talking about the
 07:28PM 22 basement where the garage goes into.
 07:28PM 23 In other words, in back of the garage
 07:28PM 24 they were putting bathtubs and things in back.
 07:28PM 25 Right?

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07:29PM 1 bathtubs.
 07:29PM 2 CHAIRMAN FERGUSON: Okay.
 07:29PM 3 MR. CARNOVALE: Behind the garages,
 07:29PM 4 it's --
 07:29PM 5 MS. SCHOR: No. Why in the basement.
 07:29PM 6 VICE CHAIRMAN ALBANESE: There's no
 07:29PM 7 bathtub in the sub-basement.
 07:29PM 8 MS. BAUER: But behind the garage --
 07:29PM 9 MS. SCHOR: Why does the basement have
 07:29PM 10 a full bathroom.
 07:29PM 11 CHAIRMAN FERGUSON: Don't --
 07:29PM 12 VICE CHAIRMAN ALBANESE: All these
 07:29PM 13 places have them.
 07:29PM 14 MS. SCHOR: No they don't.
 07:29PM 15 VICE CHAIRMAN ALBANESE: Yes, they do.
 07:29PM 16 THE COURT REPORTER: I'm sorry, one at
 07:29PM 17 a time. I can't take everybody. Sorry. Too many
 07:29PM 18 people are speaking.
 07:29PM 19 MS. SCHOR: I'd like to know why a
 07:29PM 20 basement, first of all, needs a full bathroom.
 07:29PM 21 He's got the steps, he can go up to his
 07:29PM 22 house, 1, 2, 3, if he's got to do what he has to do.
 07:29PM 23 A sink and a toilet should be sufficient in a
 07:29PM 24 basement. Not sub-basement, regular basement.
 07:29PM 25 CHAIRMAN FERGUSON: So you want to do

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07:28PM 1 THE WITNESS: Yes.
 07:28PM 2 CHAIRMAN FERGUSON: And in this plan
 07:28PM 3 are you putting a powder room there or are you
 07:28PM 4 putting --
 07:28PM 5 THE WITNESS: I'm showing a full
 07:28PM 6 bathroom on this plan. A lavatory, a sink and a
 07:28PM 7 tub/shower. Down below it's a powder room.
 07:28PM 8 VICE CHAIRMAN ALBANESE: Down in the
 07:28PM 9 sub-basement.
 07:28PM 10 THE WITNESS: Sub-basement it's a
 07:28PM 11 powder room.
 07:28PM 12 MS. SCHOR: That's a regular basement
 07:28PM 13 --
 07:28PM 14 MS. BAUER: Regular basement --
 07:28PM 15 THE COURT REPORTER: One at a time.
 07:28PM 16 MS. SCHOR: -- you have the full
 07:28PM 17 bathroom.
 07:28PM 18 VICE CHAIRMAN ALBANESE: The bathroom
 07:28PM 19 that he's putting there is just normal for duplexes.
 07:28PM 20 Now he's got the sub-basement.
 07:28PM 21 MS. SCHOR: It's not normal.
 07:28PM 22 MS. BAUER: It's not normal.
 07:28PM 23 MS. SCHOR: It's not normal.
 07:28PM 24 MR. CARNOVALE: Mr. Chairman, we had
 07:28PM 25 discussed the fact that in sub-basements no more

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07:29PM 1 powder rooms behind the garage?
 07:29PM 2 MS. SCHOR: Yes.
 07:29PM 3 CHAIRMAN FERGUSON: Is that what you're
 07:29PM 4 telling me?
 07:29PM 5 MS. SCHOR: Yes. Instead of a full
 07:29PM 6 bathroom.
 07:29PM 7 MR. CARNOVALE: Mr. Chairman, may I.
 07:29PM 8 CHAIRMAN FERGUSON: Well, let's ask --
 07:29PM 9 VICE CHAIRMAN ALBANESE: Joe.
 07:29PM 10 CHAIRMAN FERGUSON: Hold it. Hold on.
 07:29PM 11 Wait. Wait. Let's do one at a time, Paulie.
 07:29PM 12 Go ahead, Vin.
 07:29PM 13 MR. CARNOVALE: In every duplex built
 07:29PM 14 in Palisades Park, behind the garage there is a
 07:29PM 15 bathtub.
 07:29PM 16 MS. SCHOR: No, there isn't.
 07:29PM 17 MR. CARNOVALE: It's been accepted
 07:29PM 18 since they --
 07:29PM 19 VICE CHAIRMAN ALBANESE: Excuse me.
 07:29PM 20 Excuse me.
 07:29PM 21 MR. CARNOVALE: -- started building
 07:29PM 22 duplexes.
 07:29PM 23 VICE CHAIRMAN ALBANESE: Excuse me.
 07:29PM 24 Excuse me.
 07:29PM 25 MR. CARNOVALE: I think the board does

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07:29PM 1 not like the sub-basements having full bathrooms.
 07:29PM 2 The gentleman has a toilet and a powder room.
 07:29PM 3 CHAIRMAN FERGUSON: Right.
 07:30PM 4 MR. CARNOVALE: So you can go to any
 07:30PM 5 duplex built in Palisades Park since the '70s or
 07:30PM 6 '80s, they all have bathrooms.
 07:30PM 7 MS. SCHOR: Okay.
 07:30PM 8 MR. CARNOVALE: And the board, when
 07:30PM 9 there was a full board here it seemed like everybody
 07:30PM 10 agreed that should a contractor or a normal person
 07:30PM 11 come home from work filthy --
 07:30PM 12 CHAIRMAN FERGUSON: Right.
 07:30PM 13 MR. CARNOVALE: -- the wife or
 07:30PM 14 girlfriend doesn't want them going upstairs filthying
 07:30PM 15 the bathroom.
 07:30PM 16 So I, personally, and I think the rest
 07:30PM 17 of the board would agree, that a full bathroom behind
 07:30PM 18 the garage should be accepted and has been accepted
 07:30PM 19 since they started building duplexes.
 07:30PM 20 The sub-basement --
 07:30PM 21 MS. SCHOR: That's not true.
 07:30PM 22 CHAIRMAN FERGUSON: Well, go ahead,
 07:30PM 23 Paulie.
 07:30PM 24 VICE CHAIRMAN ALBANESE: I made quite a
 07:30PM 25 few inspections on the duplexes.

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07:30PM 1 CHAIRMAN FERGUSON: Right.
 07:30PM 2 VICE CHAIRMAN ALBANESE: They all have
 07:30PM 3 a tub in -- all right. You're telling me no.
 07:30PM 4 MS. SCHOR: How long have you been --
 07:30PM 5 VICE CHAIRMAN ALBANESE: I go there.
 07:30PM 6 MS. SCHOR: How long have you been a
 07:30PM 7 plumbing inspector.
 07:30PM 8 VICE CHAIRMAN ALBANESE: I've been
 07:30PM 9 doing it for years.
 07:30PM 10 MS. SCHOR: I don't know why you're
 07:30PM 11 even doing it, it's not legal --
 07:30PM 12 VICE CHAIRMAN ALBANESE: You're saying
 07:30PM 13 no. I'm telling you.
 07:30PM 14 MS. SCHOR: Okay.
 07:30PM 15 VICE CHAIRMAN ALBANESE: They have the
 07:30PM 16 bathrooms in the basement, in the basement.
 07:30PM 17 MS. SCHOR: And they also rent the
 07:30PM 18 basement which you don't -- as an inspector don't
 07:30PM 19 care about either.
 07:30PM 20 VICE CHAIRMAN ALBANESE: What do you
 07:31PM 21 mean we don't care about.
 07:31PM 22 MS. SCHOR: You go in, you see a
 07:31PM 23 bathroom, you see the whole thing.
 07:31PM 24 VICE CHAIRMAN ALBANESE: Yes.
 07:31PM 25 MS. SCHOR: Do you know whether or not

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07:31PM 1 they're going to move somebody in or not? And you
 07:31PM 2 don't care.
 07:31PM 3 VICE CHAIRMAN ALBANESE: I have no
 07:31PM 4 control who they're going to put in the house.
 07:31PM 5 MS. BAUER: Exactly.
 07:31PM 6 MS. SCHOR: That's the whole idea. No
 07:31PM 7 full bathroom --
 07:31PM 8 VICE CHAIRMAN ALBANESE: They could put
 07:31PM 9 the -- you're saying you don't want them to put it
 07:31PM 10 in.
 07:31PM 11 MS. SCHOR: Right.
 07:31PM 12 VICE CHAIRMAN ALBANESE: If they're
 07:31PM 13 going to sneak people in, don't worry, they'll put
 07:31PM 14 the tub in the basement, too. But they --
 07:31PM 15 MS. SCHOR: But you won't be
 07:31PM 16 responsible for that.
 07:31PM 17 VICE CHAIRMAN ALBANESE: But they can
 07:31PM 18 legally put it in. You're telling me no, I'm telling
 07:31PM 19 you yes.
 07:31PM 20 MS. SCHOR: Where does it say so, Paul?
 07:31PM 21 VICE CHAIRMAN ALBANESE: There's a
 07:31PM 22 builder over there, ask him.
 07:31PM 23 MS. SCHOR: Oh, please.
 07:31PM 24 VICE CHAIRMAN ALBANESE: Come on, I
 07:31PM 25 mean, you're talking. You don't know what you're

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07:31PM 1 talking about.
 07:31PM 2 MS. SCHOR: I do know because I looked
 07:31PM 3 at the law.
 07:31PM 4 VICE CHAIRMAN ALBANESE: Listen, I'm
 07:31PM 5 telling you, they're legal. In the basement you
 07:31PM 6 could put a tub, a shower, a toilet in the -- in the
 07:31PM 7 basement.
 07:31PM 8 MS. SCHOR: The word is "could."
 07:31PM 9 Doesn't mean that you have to approve it. Could,
 07:31PM 10 Paul.
 07:31PM 11 VICE CHAIRMAN ALBANESE: We don't have
 07:31PM 12 to approve it. It's in the code.
 07:31PM 13 MS. SCHOR: It's not in the code.
 07:31PM 14 VICE CHAIRMAN ALBANESE: Snow is black.
 07:31PM 15 You're right. You're right.
 07:31PM 16 MS. SCHOR: Also -- also in regards to
 07:31PM 17 the -- in regards to sub-basement, they should not to
 07:31PM 18 be allowed from the outside.
 07:31PM 19 MR. MACRI: Mr. Chairman --
 07:31PM 20 VICE CHAIRMAN ALBANESE: Well, then,
 07:31PM 21 God forbid something -- there's a fire in there, how
 07:31PM 22 are the people going to get out.
 07:31PM 23 MR. CARNOVALE: How are they going to
 07:31PM 24 get out?
 07:31PM 25 MS. SCHOR: Through the basement.

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1 VICE CHAIRMAN ALBANESE: What happens
 2 if they can't get up the basement, there's a fire?
 3 You need two exits.
 4 MS. SCHOR: Right.
 5 VICE CHAIRMAN ALBANESE: Well, if you
 6 don't put the door there, they got to go up the
 7 steps. They can't get out.
 07:32PM 8 MS. SCHOR: How do they get to the
 07:32PM 9 sub-basement, Paul.
 10 VICE CHAIRMAN ALBANESE: You got the
 11 steps. And you go through the side.
 12 MS. SCHOR: Yes, and they're going rent
 13 the sub-basement and the basement as another
 14 apartment. That's what I'm saying --
 15 VICE CHAIRMAN ALBANESE: Because you're
 16 talking about not putting a door there. God forbid
 17 there's a fire. They can't get out with that door on
 18 the side that could give you that way or go up the
 07:32PM 19 steps, whatever way.
 07:32PM 20 MR. CARNOVALE: Mr. Chairman?
 07:32PM 21 CHAIRMAN FERGUSON: Right.
 07:32PM 22 MS. SCHOR: Also -- hold on. I'm not
 07:32PM 23 finished yet, Vinny. I'm not finished.
 07:32PM 24 Do you have an attic in that house?
 07:32PM 25 THE WITNESS: There's an attic. You
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07:33PM 1 MS. SCHOR: All right. Let me ask you
 07:33PM 2 then, are you allowing attics now because not
 07:33PM 3 everyone has an attic.
 07:33PM 4 CHAIRMAN FERGUSON: It's been an attic.
 07:33PM 5 You're going to tell me that houses in Palisades Park
 07:33PM 6 don't have attics?
 07:33PM 7 MS. SCHOR: I don't have an attic.
 07:33PM 8 MS. BRAUER: If you want to lower the
 07:33PM 9 house you do away with the attic.
 07:33PM 10 MS. SCHOR: You do away with the attic.
 07:33PM 11 MS. BAUER: There's plenty of storage
 07:33PM 12 space there.
 07:33PM 13 MS. SCHOR: All right.
 07:33PM 14 MS. BAUER: Let me ask a question.
 07:33PM 15 CHAIRMAN FERGUSON: Susan, go ahead.
 07:33PM 16 MS. BRAUER: Okay.
 07:33PM 17 First thing I don't understand is
 07:34PM 18 you've got an oversized lot, correct?
 07:34PM 19 Why do you need setback, variances for
 07:34PM 20 setbacks? Is it because of the largeness of the
 07:34PM 21 house?
 07:34PM 22 THE WITNESS: No. We wanted to get a
 07:34PM 23 real two-car garage and a real two-car driveway.
 07:34PM 24 MS. BRAUER: You could get a real
 07:34PM 25 two-car garage keeping to the code.
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1 can't occupy it. The attic is --
 2 MS. SCHOR: No, that's not what I asked
 3 you. Is there an attic.
 4 THE WITNESS: Yes, there's an attic in
 5 the house.
 6 MS. SCHOR: Why does the house need an
 7 attic? You can take care of the height.
 8 (Laughter.)
 9 MS. SCHOR: Vinny, my house doesn't
 10 have an attic, so sit there laughing a little more.
 11 MR. MACRI: An attic is permitted. An
 12 attic is permitted.
 13 MR. CARNOVALE: The mechanicals go in
 14 the attic.
 15 CHAIRMAN FERGUSON: Okay.
 16 MS. SCHOR: What mechanics? Wait.
 17 What mechanics go in the attic.
 18 MR. CARNOVALE: The air handler.
 19 CHAIRMAN FERGUSON: Listen to me, we're
 20 not going to get a dialog between the audience and
 21 members of the board.
 07:33PM 22 You ask your question, you ask a
 07:33PM 23 question to the applicant. Him and his merry band
 07:33PM 24 over there will answer what he can, right? I do not
 07:33PM 25 want this back and forth --
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07:34PM 1 THE WITNESS: Well, part of the
 07:34PM 2 trade-off was we could have went 3 feet with the
 07:34PM 3 staircase and we went 4 feet with the staircase.
 07:34PM 4 MS. BRAUER: You're before this board
 07:34PM 5 to ask permission to do something, not to tell them
 07:34PM 6 you want it that way.
 07:34PM 7 You're here to ask permission.
 07:34PM 8 THE WITNESS: That's what we did.
 07:34PM 9 We're requesting a variance.
 07:34PM 10 MS. BRAUER: Okay. You've got an
 07:34PM 11 oversized lot and you're still asking for variances
 07:34PM 12 on your side yard and your setback. It just doesn't
 07:34PM 13 make sense. You have an oversized house to begin
 07:34PM 14 with. Make it a few inches smaller so people on
 07:34PM 15 either side have a right to live.
 07:34PM 16 The other thing, Mr. Ferguson?
 07:34PM 17 CHAIRMAN FERGUSON: Yes, I'm sorry.
 07:34PM 18 MS. BRAUER: What we have in this town,
 07:34PM 19 as you probably well know, is an abundance of illegal
 07:34PM 20 apartments.
 07:34PM 21 And asking that you don't permit a tub
 07:35PM 22 in a room behind the garage is to alleviate the
 07:35PM 23 problem that's rampant and no one is covering it in
 07:35PM 24 this town. They are renting it out.
 07:35PM 25 CHAIRMAN FERGUSON: Right.
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07:35PM 1 MS. BRAUER: Period. If you put in a
 07:35PM 2 powder room and someone sees somebody putting a
 07:35PM 3 bathroom in after the fact, that's going to get
 07:35PM 4 reported. Okay.
 07:35PM 5 CHAIRMAN FERGUSON: Right.
 07:35PM 6 MS. BRAUER: They're not allowing the
 07:35PM 7 bathtub. You're helping us not to add illegal
 07:35PM 8 families.
 07:35PM 9 CHAIRMAN FERGUSON: Right.
 07:35PM 10 Here's the issue for me, just so we're
 07:35PM 11 clear.
 07:35PM 12 As you know, I agree with that. This
 07:35PM 13 particular building, right, most duplexes you go
 07:35PM 14 right in, right, and we're talking about behind the
 07:35PM 15 garages we're not allowing tubs, right?
 07:35PM 16 MS. BRAUER: Right.
 07:35PM 17 CHAIRMAN FERGUSON: But this particular
 07:35PM 18 application, right, there's a sub-basement, correct
 07:35PM 19 me if I'm wrong, so it's -- you know, it's below --
 07:35PM 20 MS. BAUER: The basement has a house.
 07:35PM 21 CHAIRMAN FERGUSON: -- which is not the
 07:35PM 22 usual.
 07:36PM 23 And I think when I was -- made that
 07:36PM 24 statement about no bathrooms in the -- behind
 07:36PM 25 garages --

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07:36PM 1 downstairs. And they have a bathroom in the
 07:37PM 2 basement.
 07:37PM 3 MS. BRAUER: Behind the garage.
 07:37PM 4 VICE CHAIRMAN ALBANESE: Right. With a
 07:37PM 5 tub.
 07:37PM 6 MS. BRAUER: Right.
 07:37PM 7 VICE CHAIRMAN ALBANESE: Okay.
 07:37PM 8 Now, that's legal. They can do it.
 07:37PM 9 They don't need no variance.
 07:37PM 10 A guy comes in, they got a 50 by 100
 07:37PM 11 lot, here's my plans. They got the setback. They
 07:37PM 12 don't have to come in front of any board.
 07:37PM 13 MS. BRAUER: Okay. All right. Hold
 07:37PM 14 on.
 07:37PM 15 VICE CHAIRMAN ALBANESE: Go ahead.
 07:37PM 16 MS. BAUER: Mr. Kauker, what is your
 07:37PM 17 opinion on this?
 07:37PM 18 MR. KAUKER: Well, there's really
 07:37PM 19 nothing --
 07:37PM 20 VICE CHAIRMAN ALBANESE: Excuse me.
 07:37PM 21 Not what your opinion is, what's the law.
 07:37PM 22 Your opinion, then her opinion, we all
 07:37PM 23 got opinions.
 24 MS. BRAUER: But we pay him for his
 25 opinion and he knows the law.

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07:36PM 1 MS. BRAUER: Right.
 07:36PM 2 CHAIRMAN FERGUSON: -- I don't think I
 07:36PM 3 was talking about houses that are laid out like this.
 07:36PM 4 I was talking about houses that can, you know, right
 07:36PM 5 behind the garages we weren't going to allow a
 07:36PM 6 basements.
 07:36PM 7 Now, Mr. Albanese, who I have -- he is
 07:36PM 8 the plumbing inspector, he tells me that it's
 07:36PM 9 perfectly legal.
 07:36PM 10 MS. BRAUER: It's perfectly legal,
 07:36PM 11 correct, if you permit it.
 12 VICE CHAIRMAN ALBANESE: No. Not if we
 13 permit it. It's legal.
 14 MS. BRAUER: No, no, you can't -- you
 15 can't automatically put it in.
 16 VICE CHAIRMAN ALBANESE: Yes, you can.
 17 MS. BRAUER: Read the code.
 18 VICE CHAIRMAN ALBANESE: All right.
 07:36PM 19 All right. Susan, let me explain something to you.
 07:36PM 20 MS. BRAUER: Paul, I am looking at the
 07:36PM 21 code --
 07:36PM 22 VICE CHAIRMAN ALBANESE: Let me explain
 07:36PM 23 something. Let me explain something.
 07:36PM 24 When they come in with the plan they
 07:36PM 25 have a bathroom upstairs. They have a bathroom

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1 VICE CHAIRMAN ALBANESE: We don't pay
 2 him for his opinions, though. We don't pay him for
 3 his opinion. If we were paying for his opinion, we
 4 would --
 5 MS. BRAUER: And his knowledge.
 6 VICE CHAIRMAN ALBANESE: All right. So
 07:37PM 7 what is the law? He's got to go by the law, too.
 07:37PM 8 MR. KAUKER: Yes.
 07:37PM 9 I would say he's right. If this
 07:37PM 10 application were to get approved without a tub, they
 07:37PM 11 could come in and have a tub put in after the fact.
 07:37PM 12 MS. BRAUER: Right.
 07:37PM 13 But after the fact it would be seen and
 07:37PM 14 the building department would be notified.
 07:37PM 15 MR. KAUKER: But let me -- can I answer
 07:37PM 16 your question.
 07:38PM 17 If they came in and asked for a permit
 07:38PM 18 to put that in, there's no way that they could deny
 07:38PM 19 it.
 07:38PM 20 MS. BRAUER: Yeah, but then the
 07:38PM 21 building department would be well aware of that.
 07:38PM 22 VICE CHAIRMAN ALBANESE: They are aware
 07:38PM 23 of it.
 24 MR. KAUKER: What you're really talking
 25 about --

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1 MS. BRAUER: I'll bring that up after.
 2 VICE CHAIRMAN ALBANESE: Well, I'll
 3 tell you what --
 07:38PM 4 MR. KAUKER: What you're really talking
 07:38PM 5 about is not really a matter for this board.
 07:38PM 6 MS. BRAUER: Yes. Yes.
 07:38PM 7 Okay. Go ahead.
 07:38PM 8 MR. CARNOVALE: Mr. Chairman.
 07:38PM 9 MS. BAUER: You could put Niagara Falls
 07:38PM 10 in there for all I care at this point.
 07:38PM 11 CHAIRMAN FERGUSON: I don't want to get
 07:38PM 12 into a dissertation --
 07:38PM 13 MS. LAMBRINIDES: Can we just move on?
 07:38PM 14 MR. CARNOVALE: No. I just want to put
 15 something on the record.
 16 CHAIRMAN FERGUSON: We got to move
 17 along. We've got things to do.
 18 MR. CARNOVALE: In the '80s the board
 19 said we outlaw bath tubs but the town was sued, we
 20 lost in the '80s. Okay? That's what that -- there's
 21 no ordinance against bathrooms behind the garage.
 22 And I -- right, that we weren't going
 23 to allow it. I know you are opposed to this and
 24 that's fine.
 07:38PM 25 CHAIRMAN FERGUSON: The board can do
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1 D A V I D S P A T Z,
 07:39PM 2 Having been duly sworn, testifies as follows:
 07:39PM 3 MS. TESTA: Please state your name and
 07:39PM 4 spell it for the record.
 07:39PM 5 MR. SPATZ: David Spatz, S-P-A-T-Z.
 07:39PM 6 MR. MACRI: Thank you.
 07:39PM 7 DIRECT EXAMINATION
 07:39PM 8 BY MR. MACRI:
 07:39PM 9 Q. Mr. Spatz, you prepared the photo board
 07:40PM 10 that I just handed out?
 07:40PM 11 A. I did, yes.
 07:40PM 12 MR. MACRI: Counselor, if I could mark
 07:40PM 13 that A-1.
 07:40PM 14 MS. TESTA: Okay.
 07:40PM 15 (Whereupon, Photoboard is received and
 07:40PM 16 marked as Exhibit A-1 for identification.)
 07:40PM 17 MR. MACRI: Photo exhibit.
 07:40PM 18 MS. TESTA: Two pages?
 07:40PM 19 THE WITNESS: No, it's just one sheet.
 07:40PM 20 One sheet, four photos.
 07:40PM 21 MS. TESTA: Four photos.
 07:40PM 22 THE WITNESS: Right.
 07:40PM 23 BY MR. MACRI:
 07:40PM 24 Q. Mr. Spatz, you're familiar with the
 07:40PM 25 application, as well as the surrounding area?
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07:38PM 1 it. I have no problems with the board doing it. But
 07:38PM 2 it's just that I wouldn't be voting for it. But if
 07:38PM 3 you guys want to do it. But I really thought, I
 07:38PM 4 really thought we were talking about --
 5 MR. CARNOVALE: I think we're mixing up
 6 with the sub-basement.
 7 CHAIRMAN FERGUSON: -- about, you
 8 know -- -
 9 MR. CARNOVALE: You were mixed up with
 10 the sub-basement.
 11 Let's get going.
 12 THE COURT REPORTER: Can you just
 13 describe what you're marking.
 14 MR. MACRI: I'm going to do it once I
 15 swear him in.
 16 THE COURT REPORTER: All right.
 17 CHAIRMAN FERGUSON: Okay. You want to
 18 swear in --
 19 MS. TESTA: Yes. Raise your right
 20 hand.
 21 Do you swear the testimony you will
 22 give in this application will be the truth, the whole
 23 truth and nothing but the truth?
 24 MR. SPATZ: Yes, I do.
 25
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07:40PM 1 A. I am, yes.
 07:40PM 2 Q. Would you please explain to the board
 07:40PM 3 what exists -- would you please explain Exhibit A-1,
 07:40PM 4 then go on to explain to the board the existing
 07:40PM 5 conditions and the board proposed and how this board
 07:40PM 6 can grant the variances without any substantial
 07:40PM 7 detriment to the public good or to the ordinances of
 07:40PM 8 the Borough of Palisades Park.
 07:40PM 9 A. Certainly. The photo exhibit shows
 07:40PM 10 four photographs. The top left-hand photograph is of
 07:40PM 11 the subject property and the tree that was being
 07:40PM 12 discussed. You can see that on the left-hand side of
 07:40PM 13 the photograph.
 07:40PM 14 The top right-hand photograph is
 07:40PM 15 looking up the hill on Fourth. To the right of our
 07:40PM 16 property there's a newer two-family home there. The
 07:40PM 17 bottom left-hand photograph is to the left side of
 07:40PM 18 our building. You could see the home adjacent to us
 07:41PM 19 is a little lower. It's also screened by generous
 07:41PM 20 landscaping there.
 07:41PM 21 And then the bottom right-hand
 07:41PM 22 photograph is of directly across the street, which
 07:41PM 23 includes a two-family home, as well as a new
 07:41PM 24 two-family home currently under construction.
 07:41PM 25 So we're in the AA zone where
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07:41PM **1** two-family homes are permitted and that's what we're
 07:41PM **2** proposing. The lot conforms to the lot area and lot
 07:41PM **3** width requirements. We need two variances, one (d)
 07:41PM **4** variance for building height and then a (c) variance
 07:41PM **5** for side yards on either side of the building where
 07:41PM **6** we are about 8 inches short of what is required
 07:41PM **7** within the zone.

07:41PM **8** So looking at the height variance
 07:41PM **9** first, the case law indicates that heights greater
 07:41PM **10** than what is permitted would be allowed if what is
 07:41PM **11** being done is consistent with the neighborhood
 07:41PM **12** development, and as can be seen from the photographs
 07:41PM **13** it is. They're newer two-family homes, including the
 07:41PM **14** one directly next to us as well as across the street
 07:41PM **15** are all three stories in height and a similar height
 07:41PM **16** to what we are proposing.

07:42PM **17** Mr. Cocoros discussed the topographic
 07:42PM **18** conditions on the property. There is a slope from
 07:42PM **19** right to left down and then a significant slope to
 07:42PM **20** the rear as well. We are a three-story building on
 07:42PM **21** the street level and a four-story building to the
 07:42PM **22** rear. And it's because of that, where the way the
 07:42PM **23** height is calculated, that we exceed the ordinance.

07:42PM **24** Glen Avenue, which is to the rear of
 07:42PM **25** our property, is significantly lower, and the height
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07:43PM **1** So I think the positive criteria are
 07:43PM **2** met, both the (d) and the (c) variances.
 07:43PM **3** Lastly, looking at the negative
 07:43PM **4** criteria with the bulk of the variances, I believe
 07:43PM **5** nothing is substantially negative. We are consistent
 07:43PM **6** with the neighborhood development including the newer
 07:43PM **7** structures on Fourth Street. Two-family homes are
 07:43PM **8** permitted within the zone so we're not asking for
 07:43PM **9** anything more than what is permitted.

07:44PM **10** The setbacks are either conforming.
 07:44PM **11** Where they're not conforming they're similar to what
 07:44PM **12** currently exists on the property and are only
 07:44PM **13** minimally less than what is required within the zone.

07:44PM **14** As Mr. Cocoros indicated, part of the
 07:44PM **15** reason for that is in order to get a full two-car
 07:44PM **16** garage within the building, because of that we
 07:44PM **17** provided conforming amount of parking on-site, and
 07:44PM **18** there will be no impact on the street parking from
 07:44PM **19** what we're proposing.

07:44PM **20** So on balance, I think that the
 07:44PM **21** positive criteria outweigh anything that might be
 07:44PM **22** considered negative, and I think the variances could
 07:44PM **23** be granted.

07:44PM **24** MR. MACRI: Thank you, Mr. Spatz.
 07:44PM **25** CHAIRMAN FERGUSON: Any Board Members
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07:42PM **1** of our building is not going to have any greater
 07:42PM **2** impact on that than any other type of development of
 07:42PM **3** the property itself. So I think that the height
 07:42PM **4** variance can be granted.

07:42PM **5** Looking at the (c) variance, the side
 07:42PM **6** yard, we're required 6.67 feet. We are at 7 feet.
 07:42PM **7** The stairs project into the side yard a little more,
 07:42PM **8** but not as far as they would actually be permitted,
 07:42PM **9** so we feel that that balance is appropriate.

07:42PM **10** As can be seen from the photograph, the
 07:42PM **11** existing building is a similar distance from the
 07:43PM **12** structure to the right of us as what is being
 07:43PM **13** proposed. The building to the left of us is a
 07:43PM **14** significant distance away and will be screened by
 07:43PM **15** existing landscaping and then some improved
 07:43PM **16** landscaping that is there. The tree that is
 07:43PM **17** existing, the large tree is right along the property
 07:43PM **18** line and will still be a sufficient distance away
 07:43PM **19** from our building that it should be able to be
 07:43PM **20** remained.

07:43PM **21** The building does meet all of the other
 07:43PM **22** setback limitations of the zone, as well as the
 07:43PM **23** coverage limitations, so it certainly is not designed
 07:43PM **24** to overwhelm the site, which is, in fact, larger than
 07:43PM **25** what is required within the zone.

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07:44PM **1** have anything?
 07:44PM **2** (No response.)
 07:44PM **3** CHAIRMAN FERGUSON: Mr. Kauker, you
 07:44PM **4** have anything?

07:44PM **5** MR. KAUKER: A couple questions.
 07:44PM **6** CHAIRMAN FERGUSON: Okay.
 07:44PM **7** MR. KAUKER: Hold on a second.
 07:44PM **8** You talked about the (c) variance with
 07:44PM **9** respect to the side yard setback condition?

07:44PM **10** THE WITNESS: Correct.
 07:44PM **11** MR. KAUKER: And you indicated that, I
 07:45PM **12** guess, one of the reasons was to accommodate the
 07:45PM **13** two-car garage.

07:45PM **14** THE WITNESS: That's correct.
 07:45PM **15** MR. KAUKER: I don't know if this is a
 07:45PM **16** question for you or for Billy, but what is the
 07:45PM **17** minimum that a two-car garage could be accommodated
 07:45PM **18** at.

07:45PM **19** MR. COCOROS: I know that we've done
 07:45PM **20** 16-foot doors before and it doesn't work. I try to
 07:45PM **21** get at least a 17-foot door and a foot-and-a half on
 07:45PM **22** each side.

07:45PM **23** So realistically, if I can get 19 feet
 07:45PM **24** clear on the inside of the two-car garage. So right
 07:45PM **25** now inside we're at 19-foot-1.

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1 We got rear parking spaces at 9 feet,
 2 but you have the actual wall, so --
 3 MR. KAUKER: Right.
 4 MR. COCOROS: -- if you park your car
 5 on the side they'll still be able to get around you.
 6 MR. KAUKER: So you're saying you do a
 07:45PM 7 17-foot door --
 07:45PM 8 MR. COCOROS: A 17-foot door.
 07:45PM 9 MR. KAUKER: -- and the door that's
 07:45PM 10 proposed is 17 feet 6 inches.
 07:45PM 11 MR. COCOROS: Yes, but it's going to be
 07:45PM 12 -- it's going to be a 17-foot door that's custom
 07:45PM 13 size. So that will be adjusted. It will be a
 07:45PM 14 17-foot door which is the standard size, and then you
 07:45PM 15 can still -- you can fit the cars between them,
 07:45PM 16 because usually the cars take about 5 to 6 feet, 6
 07:45PM 17 feet being pretty wide.
 07:45PM 18 You get your spot, and then you
 07:46PM 19 probably have a foot-and-a-half to 2 feet of -- I'd
 07:46PM 20 say 2 feet from your car to the wall, and about 3, 4
 07:46PM 21 feet between you and the other car. And the same
 07:46PM 22 thing for the other car, about 2, 3 -- 2 feet or so
 07:46PM 23 from that wall.
 07:46PM 24 MR. KAUKER: So I guess the answer is
 07:46PM 25 if you comply with the side yard setback requirement,
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07:46PM 1 you could still have two vehicles in that garage.
 07:46PM 2 MR. MACRI: But the problem is once you
 07:46PM 3 have a tight garage, no one has any room for storage.
 07:46PM 4 And then people don't utilize the garage as parking.
 07:46PM 5 When they're parking on the pad because other people
 07:46PM 6 are parking on the street.
 07:46PM 7 With a true two-car-wide garage,
 07:46PM 8 17-and-a-half-foot door, you could fit both cars
 07:46PM 9 comfortably and your snow blower and your leaf blower
 07:46PM 10 and you're not utilizing the garage as storage as
 11 opposed to parking.
 12 MR. KAUKER: Well, I guess, I mean if
 13 you're talking about a matter of 6 inches I don't
 14 know if that would be used for storage --
 15 MR. MACRI: I mean it could --
 16 MR. KAUKER: -- but I guess the
 07:46PM 17 question is really have you designed other garages at
 07:46PM 18 17 feet or --
 07:46PM 19 MR. COCOROS: Yes. But like Mark said,
 07:46PM 20 why is it happening because even, like I said, you
 07:47PM 21 have a typical non-variance driveway, what happens is
 07:47PM 22 you have the 3-foot setback to the staircase which is
 07:47PM 23 now turned to 3 foot one. You have
 07:47PM 24 4-and-a-half-foot, you know, 5-foot staircase, then
 07:47PM 25 you have in reality 17 feet left over that will fit
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07:47PM 1 two small cars in there.
 07:47PM 2 So people can park across there, but on
 07:47PM 3 the inside you'll see one car, if that.
 07:47PM 4 MR. KAUKER: Well, the reason why I'm
 07:47PM 5 even bringing it up your application for a (c)
 07:47PM 6 variance -- a (c)(2) variance.
 07:47PM 7 THE WITNESS: Exactly.
 07:47PM 8 MR. KAUKER: There's no hardship that
 07:47PM 9 exists on the property.
 07:47PM 10 THE WITNESS: Correct.
 07:47PM 11 MR. KAUKER: So -- and really the
 07:47PM 12 benefit is to the property owner, it's not really to
 07:47PM 13 the community.
 07:47PM 14 MR. MACRI: Well, and the community.
 07:47PM 15 If I can fit two cars in my garage and parking as
 07:47PM 16 opposed to putting them on the parking pad, I am
 07:47PM 17 leaving on-street parking open for my neighbors.
 07:47PM 18 AUDIENCE MEMBER: Yeah, I'm going to go
 07:47PM 19 by there and see them do that.
 07:47PM 20 MR. KAUKER: I mean --
 21 AUDIENCE MEMBERS: Nobody parks in the
 22 driveway.
 23 MR. KAUKER: -- I don't potentially
 24 have a problem, but U mean if you can construct a
 25 two-car garage to avoid some applications for a
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07:47PM 1 two-car garages that are that size, but it's just a
 2 question -- I mean, I know it's not a huge deviation,
 3 but I'm just bringing it up.
 4 MR. COCOROS: And -- and -- and we did
 5 try to mitigate that by instead of putting the
 6 staircases further up we put them in a little bit
 7 closer by -- by minimizing the appearance at the
 8 front.
 07:48PM 9 MR. KAUKER: Okay. And then just one
 07:48PM 10 other question regarding the height of the building,
 07:48PM 11 Mr. Spatz.
 07:48PM 12 THE WITNESS: Yes.
 07:48PM 13 MR. KAUKER: Comparatively speaking,
 07:48PM 14 how is it going to relate to the newer two-family
 07:48PM 15 home that's a little bit higher in terms of the slope
 07:48PM 16 to the right of the property? Is it going to be the
 07:48PM 17 same size? Is it going to be higher? Is it going to
 07:48PM 18 be lower.
 07:48PM 19 THE WITNESS: They are both three
 07:48PM 20 stories on the front as they face the street.
 07:48PM 21 They're bigger in the back. They look similar in
 07:48PM 22 height. That property adjacent to us is also similar
 07:48PM 23 where there is a cross slope as well. So that part
 07:48PM 24 of it --
 07:48PM 25 MR. KAUKER: Right. It's a little bit
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07:48PM 1 higher elevation.
 07:48PM 2 THE WITNESS: -- we'll -- right.
 07:48PM 3 MR. KAUKER: The question is, is this
 07:48PM 4 building going to be the same, higher or lower? Or
 07:48PM 5 maybe Mr. Cocoros would be able to answer the
 07:48PM 6 question.
 07:48PM 7 MR. COCOROS: I mean, it's similar
 07:48PM 8 because the building to the left was actually up
 07:48PM 9 higher because they're about 5 feet higher than we
 10 are --
 11 MR. KAUKER: Right.
 12 MR. COCOROS: -- so we'll follow that
 13 natural progression down.
 14 MR. KAUKER: Right.
 15 So you're -- the building that's
 07:49PM 16 proposed on this lot is going to be --
 07:49PM 17 MR. COCOROS: Similar.
 07:49PM 18 MR. KAUKER: Well, probably, if you're
 07:49PM 19 following the progression, and considering that other
 07:49PM 20 structure is 5 feet, the property is 5 feet lower,
 07:49PM 21 this should theoretically be lower --
 07:49PM 22 MR. COCOROS: Yes. A little bit lower.
 07:49PM 23 The elevation is lower.
 07:49PM 24 THE WITNESS: What is also does is the
 07:49PM 25 lower portion of our building is closest to the
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07:49PM 1 property to the left which is also lower, so the
 07:49PM 2 difference in height --
 07:49PM 3 MR. KAUKER: Right. I understand that.
 07:49PM 4 I am just making sure, compare it to that building, I
 07:49PM 5 just wanted to get --
 07:49PM 6 THE WITNESS: Right. But it's
 07:49PM 7 better -- I think better than having the taller
 07:49PM 8 portion of that building -- of our building looming
 07:49PM 9 over the adjacent one. The height will be similar in
 07:49PM 10 scale as they move up the block.
 07:49PM 11 MR. KAUKER: Okay. I have no other
 07:49PM 12 questions.
 07:49PM 13 CHAIRMAN FERGUSON: Okay. Susan, do
 07:49PM 14 you have anything?
 07:49PM 15 MS. BRAUER: Yes, but it's, you don't
 07:49PM 16 want it on tape.
 07:49PM 17 CHAIRMAN FERGUSON: Okeydokey.
 07:49PM 18 Counsel, you want to sum up?
 07:49PM 19 MR. MACRI: Thank you, Mr. Chairman.
 07:49PM 20 Per the testimony of our experts, I
 07:49PM 21 believe Mr. Spatz has given you sufficient basis to
 07:50PM 22 grant the variances which we seek.
 07:50PM 23 This application meets both the
 07:50PM 24 positive and negative criteria test. Based on the
 07:50PM 25 testimony provided by Mr. Spatz, the granting of
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07:50PM 1 these variances will not substantially detriment --
 07:50PM 2 will not be detrimental to the public good, nor will
 07:50PM 3 it substantially impair the intent or the purpose of
 07:50PM 4 the Zoning Ordinances of the Borough of Palisades
 07:50PM 5 Park as well as the Master Plan.
 07:50PM 6 Based on that, I'm asking you to all
 07:50PM 7 vote favorably upon this application.
 07:50PM 8 However, Mr. Chairman, I do want to
 07:50PM 9 amend the application to increase the height of the
 07:50PM 10 -- include the increased height of the retaining wall
 07:50PM 11 at the rear property as well as the space between the
 07:50PM 12 walls as set forth by Mr. Collazuol.
 07:50PM 13 CHAIRMAN FERGUSON: Okay.
 07:50PM 14 And you're going to donate \$2,000.00 to
 07:50PM 15 the Tree Preservation Fund, I assume?
 07:50PM 16 MR. MACRI: Yes.
 07:50PM 17 CHAIRMAN FERGUSON: Yes.
 18 Okay. Can I get a motion?
 19 MR. CARNOVALE: I make a motion.
 20 VICE CHAIRMAN ALBANESE: I make a
 21 motion.
 22 CHAIRMAN FERGUSON: Well, go ahead,
 23 Vince. Go ahead.
 07:50PM 24 MR. CARNOVALE: I make a motion we
 07:50PM 25 accept it with the only modifications as per
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07:50PM 1 Mr. Collazuol.
 07:50PM 2 VICE CHAIRMAN ALBANESE: I second that
 07:50PM 3 motion.
 07:50PM 4 CHAIRMAN FERGUSON: And the Tree
 07:50PM 5 Preservation Fund. Okay.
 07:50PM 6 Second? Thank you.
 07:50PM 7 Roll call vote.
 07:50PM 8 MS. LAMBRINIDES: Mr. Ferguson?
 07:51PM 9 CHAIRMAN FERGUSON: Okay. Before I
 07:51PM 10 vote I just want to say that I'm relying on the
 07:51PM 11 recommendation of Mr. Albanese and also the opinion
 07:51PM 12 of Mr. Kauker, and for the next meeting I will be
 07:51PM 13 clear on what's allowed and what isn't allowed.
 07:51PM 14 So I'll vote yes.
 07:51PM 15 MS. LAMBRINIDES: Mr. Albanese?
 07:51PM 16 VICE CHAIRMAN ALBANESE: Yes.
 07:51PM 17 MS. LAMBRINIDES: Mr. Nam?
 07:51PM 18 MR. NAM: Yes.
 07:51PM 19 MS. LAMBRINIDES: Mr. Carnovale?
 07:51PM 20 MR. CARNOVALE: Yes.
 07:51PM 21 MS. LAMBRINIDES: Ms. Tarabocchia?
 07:51PM 22 MS. TARABOCCHIA: Yes.
 07:51PM 23 MS. LAMBRINIDES: Mr. Lefteriou?
 07:51PM 24 MR. LEFTERIOU: Yes.
 07:51PM 25 MR. MACRI: Thank you.
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07:51PM 1 CHAIRMAN FERGUSON: Okay. Thank you.
 07:51PM 2 So listen, what we're going to do now,
 07:51PM 3 we're going to give the court reporter a break.
 07:51PM 4 We'll go into closed session now and handle that
 07:51PM 5 legal thing. It will only be, believe me, this is a
 07:51PM 6 five-minute deal, and then we'll come back.
 07:51PM 7 MS. LAMBRINIDES: Do we have to make a
 07:51PM 8 motion for that.
 07:51PM 9 CHAIRMAN FERGUSON: I make a motion to
 07:51PM 10 go into closed session.
 07:52PM 11 MR. CARNOVALE: Second the motion.
 07:52PM 12 CHAIRMAN FERGUSON: All in favor.
 07:52PM 13 (Whereupon, all Board Members respond
 07:52PM 14 in the affirmative.)
 07:52PM 15 (Whereupon, a brief recess is taken.)
 07:52PM 16 CHAIRMAN FERGUSON: Okay. Roll call
 07:52PM 17 for attendance.
 08:10PM 18 MS. LAMBRINIDES: Mr. Ferguson?
 08:10PM 19 CHAIRMAN FERGUSON: Here.
 20 MS. LAMBRINIDES: Mr. Albanese?
 21 VICE CHAIRMAN ALBANESE: Here.
 22 MS. LAMBRINIDES: Mr. Terranova?
 23 (No response.)
 24 MS. LAMBRINIDES: Mr. Kim?
 25 (No response.)

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08:19PM 1 lawsuit was filed. And a consent order has been
 08:19PM 2 submitted to the board, and basically what the
 08:19PM 3 consent order would permit would be to remand the
 08:19PM 4 action of the Bergen Adult Day Care back to the board
 08:19PM 5 to be decided whether or not to extend the time
 08:19PM 6 period of its variance. And the Applicant would have
 08:19PM 7 the right to come back and submit their proofs as to
 08:19PM 8 why they feel the request to extend their approval
 08:19PM 9 would be granted by this board.
 08:19PM 10 So that's what we would be voting on
 08:19PM 11 tonight would be to accept the settlement order that
 08:19PM 12 has been submitted to this board. The borough
 08:19PM 13 attorney, John Schettino, had handled this matter
 08:19PM 14 before the court, and this is what he has requested
 08:19PM 15 that the board consider, and he is recommending that
 08:19PM 16 the board would accept this settlement offer.
 08:19PM 17 CHAIRMAN FERGUSON: Okay. So I will
 08:19PM 18 make a motion that we accept the settlement offer.
 19 Second?
 20 VICE CHAIRMAN ALBANESE: Second.
 21 CHAIRMAN FERGUSON: Roll call vote?
 22 MS. LAMBRINIDES: Mr. Ferguson?
 23 CHAIRMAN FERGUSON: Yes.
 24 MS. LAMBRINIDES: Mr. Albanese?
 25 VICE CHAIRMAN ALBANESE: Yes.

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08:11PM 1 MS. LAMBRINIDES: Mr. Nam?
 08:11PM 2 MR. NAM: Here.
 08:11PM 3 MS. LAMBRINIDES: Ms. Yoon?
 08:11PM 4 (No response.)
 08:11PM 5 MS. LAMBRINIDES: Mr. Carnovale?
 08:11PM 6 MR. CARNOVALE: Here.
 08:11PM 7 MS. LAMBRINIDES: Ms. Tarabocchia?
 08:11PM 8 MS. TARABOCCHIA: Here.
 08:11PM 9 MS. LAMBRINIDES: Mr. Lefteriou?
 08:11PM 10 MR. LEFTERIOU: Here.
 08:11PM 11 CHAIRMAN FERGUSON: Okay. So we had a
 08:11PM 12 closed session, coming out now, and I will let the
 08:11PM 13 board attorney explain to you what is going on.
 08:11PM 14 MS. TESTA: Right.
 08:11PM 15 Well, basically we're just going to
 08:11PM 16 place on the record, this is a matter regarding the
 08:11PM 17 Zoning Board of Adjustment, the Borough of Palisades
 08:11PM 18 Park versus -- should be excuse me Bergen Adult Day
 08:11PM 19 Care, Inc. versus the Zoning Board of Adjustment of
 08:11PM 20 the Borough of Palisades Park.
 08:11PM 21 This stems from a lawsuit that was
 08:11PM 22 filed by the Applicant, Bergen Adult Day Care, Inc.
 08:11PM 23 They had applied for an extension of a previous
 08:11PM 24 approval of a use variance had been granted. The
 08:19PM 25 board had denied their request for the extension. A

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1 MS. LAMBRINIDES: Mr. Nam?
 2 MR. NAM: Yes.
 3 MS. LAMBRINIDES: Mr. Carnovale?
 08:20PM 4 MR. CARNOVALE: Yes.
 08:20PM 5 MS. LAMBRINIDES: Ms. Tarabocchia?
 08:20PM 6 MS. TARABOCCHIA: Yes.
 08:20PM 7 MS. LAMBRINIDES: Mr. Lefteriou?
 08:20PM 8 MR. LEFTERIOU: Yes.
 08:20PM 9 CHAIRMAN FERGUSON: Okay.
 08:20PM 10 Next is going to be 417 East Central
 08:20PM 11 Boulevard.
 08:20PM 12 Counselor, if you want to put your
 08:20PM 13 appearance in?
 08:20PM 14 MR. MACRI: Thank you, Mr. Chairman,
 08:20PM 15 Members of the Board. My name is Marc Macri,
 08:20PM 16 M-A-C-R-I. I represent the owner and applicant, DRC
 08:20PM 17 Development Corp. for the property located at 417
 08:20PM 18 East Central Boulevard here in the borough.
 08:20PM 19 We're here this evening seeking the
 08:20PM 20 board's permission to construct a four-unit-attached
 08:20PM 21 dwelling on the property.
 08:20PM 22 With me this evening I have
 08:20PM 23 Mr. David Spatz, our professional planner, and
 08:20PM 24 Vassilios Cocoros, our architect.
 08:20PM 25 We have handed out what we're going to

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08:20PM 1 mark as A-1.
 08:20PM 2 I have also handed in proof of
 08:20PM 3 publication, an affidavit of service to counsel. I
 08:21PM 4 am sharing that request and --
 5 CHAIRMAN FERGUSON: We're going to
 6 accommodate Mr. Spatz and we're going to put him on
 7 first.
 8 MR. MACRI: Thank you.
 9 MS. TESTA: Okay. That's fine.
 08:21PM 10 They have submitted the affidavit of
 08:21PM 11 service and jurisdiction has been met.
 08:21PM 12 CHAIRMAN FERGUSON: Okay.
 08:21PM 13 MS. TESTA: Mr. Spatz, you're still
 08:21PM 14 under oath.
 15 MR. SPATZ: Okay.
 16 D A V I D S P A T Z,
 17 Having been previously sworn, continues to
 18 testify as follows:
 19 (Whereupon, Photoboard is received and
 20 marked as Exhibit A for identification.)
 21 DIRECT EXAMINATION
 08:21PM 22 BY MR. MACRI:
 08:21PM 23 Q. Mr. Spatz, please explain Exhibit A.
 08:21PM 24 A. Yes. I have a photo exhibit with four
 08:21PM 25 photographs.
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08:22PM 1 four-unit development.
 08:22PM 2 East Central Avenue and the surrounding
 08:22PM 3 neighborhood contains a mixture of low density, and
 08:22PM 4 the surrounding neighborhood also contains a mixture
 08:22PM 5 of low density, higher density, as well as commercial
 08:23PM 6 uses.
 7 I believe that the proposed development
 08:23PM 8 would provide a good transition between the lower
 08:23PM 9 density residential uses to our east and then the
 08:23PM 10 commercial and the higher density properties to the
 08:23PM 11 west.
 12 As I indicated, there is a townhouse
 08:23PM 13 development of a series of two-family homes directly
 08:23PM 14 across the street.
 08:23PM 15 Also, the fact that we front on a
 08:23PM 16 significant roadway, East Central, we're a block from
 08:23PM 17 Bergen Boulevard. And I think that those roadways
 08:23PM 18 can handle the additional traffic.
 08:23PM 19 If the proposal was as to two separated
 08:23PM 20 two-family homes it would be permitted. It would be
 08:23PM 21 the same number of units. We felt that combining it
 08:23PM 22 into a series of single-family homes would be the
 08:23PM 23 best way to develop the property, as well as minimize
 08:23PM 24 impact on the surrounding neighborhood.
 08:23PM 25 We do meet the purposes of the zoning,
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08:21PM 1 The top left-hand photograph is of the
 08:21PM 2 subject property looking at it from East Central.
 08:21PM 3 The top right-hand photograph is
 08:21PM 4 looking at the property from 12th.
 08:21PM 5 The bottom left-hand photograph is also
 08:21PM 6 on 12th. That is a large two-family and newer home
 08:21PM 7 directly next to our property.
 08:21PM 8 And then the bottom right-hand property
 08:21PM 9 is directly across the street from us on 12th, which
 08:21PM 10 is a series of two-family townhouses that cover the
 08:21PM 11 entire length of the block.
 08:22PM 12 So we're in the AA zone which permits
 08:22PM 13 one- and two-family. We are coming in for a
 08:22PM 14 four-unit building. They are individual units, but
 08:22PM 15 four of them attached. We need one additional (d)
 08:22PM 16 variance which is the building height. We're at 3
 08:22PM 17 stories and 33.75 feet in height, where 2-and-a-half
 08:22PM 18 stories and 28 feet is what is permitted in the zone.
 08:22PM 19 And then there are several (c)
 08:22PM 20 variances as well; building coverage, lot area per
 08:22PM 21 unit, front yard and then rear yard. Side yards and
 08:22PM 22 the coverage we conform to.
 08:22PM 23 So looking at the special reasons for
 08:22PM 24 both the use and the height variance, I believe our
 08:22PM 25 property is particularly well-suited for the proposed
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08:23PM 1 I believe, which would go towards the special reasons
 08:23PM 2 for the use variance.
 08:24PM 3 Purpose G is for the provision of
 08:24PM 4 sufficient space in appropriate locations for a
 08:24PM 5 variety of uses. I believe what we are doing is
 08:24PM 6 consistent with the neighborhood, as well as the
 08:24PM 7 adjacent units -- adjacent uses within the property.
 08:24PM 8 Purpose I is the promotion of a
 08:24PM 9 desirable visual environment, and I believe that we
 08:24PM 10 meet that as well. The board passed single-family
 08:24PM 11 dwellings, I believe they're consistent, the
 08:24PM 12 two-family developments that are in the neighborhood,
 08:24PM 13 the townhouses directly across the street, the larger
 08:24PM 14 newer two-family directly adjacent to us as well.
 08:24PM 15 And as Mr. Cocoros will testify to in a
 08:24PM 16 moment, there are some topographical conditions on
 08:24PM 17 the property. It slopes from front to back, as well
 08:24PM 18 as from south to north.
 08:24PM 19 And that goes towards the height as
 08:24PM 20 well. We exceed the height limitations by a half
 08:24PM 21 story and 4.75 feet. And, again, I think that the
 08:24PM 22 height variance is caused by the slope of the
 08:25PM 23 property from south to north.
 08:25PM 24 And we are similar height to that
 08:25PM 25 two-family development directly next to us, as well
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08:25PM **1** as the two-family homes directly across the street
 08:25PM **2** which are three stories in height, so I think that
 08:25PM **3** the positive criteria and the special reasons for the
 08:25PM **4** use variance, the height variance, is met.
 08:25PM **5** Looking at the bulk variances, we
 08:25PM **6** provide similar setbacks to what current exists on
 08:25PM **7** the property. In terms of the setbacks from the
 08:25PM **8** adjacent property to the north, we have a detached
 08:25PM **9** garage which has access from 12th and our building is
 08:25PM **10** not as close to that townhouse, to the two-family
 08:25PM **11** house as the garage. There is a larger setback and
 08:25PM **12** our setback, we are treating it as a side yard on
 08:25PM **13** East Central. And we are at a similar distance from
 08:25PM **14** the street as to the existing development as well.
 08:25PM **15** The side yards are met for the
 08:25PM **16** building, as well as the -- combined side yards as
 08:26PM **17** well as the individual side yards, by removing the
 08:26PM **18** detached garage, as I've indicated, it will actually
 08:26PM **19** provide a greater setback on the north.
 08:26PM **20** The dwelling, we are approximately
 08:26PM **21** 1,000 square feet in lot coverage than what is
 08:26PM **22** permitted within the AA district.
 08:26PM **23** And, again, as Mr. Cocoros will
 08:26PM **24** describe, the landscaping, additional landscaping and
 08:26PM **25** fencing will be provided to buffer those adjacent
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08:26PM **1** properties.
 08:26PM **2** Similar to across the street, they are
 08:26PM **3** -- across the street on 12th are larger two-family
 08:26PM **4** homes that are nearly entirely covered with building
 08:26PM **5** and pavement. So we are a better circumstance than
 08:26PM **6** that, so I think that the positive criteria are met
 08:26PM **7** for the (c) variances.
 08:26PM **8** Looking at the negative criteria for
 08:26PM **9** both types of variances, I don't believe anything is
 08:26PM **10** substantially negative or in character with the
 08:26PM **11** surrounding residential land uses.
 08:26PM **12** The two-family homes adjacent to us, as
 08:27PM **13** well as the townhouse development across the street.
 08:27PM **14** So we are consistent with that. We provide similar
 08:27PM **15** setbacks with what currently exists on the property,
 08:27PM **16** and there is further buffering from the adjacent
 08:27PM **17** dwellings by landscaping, so I think a sufficient
 08:27PM **18** amount of light, air and open space is provided.
 08:27PM **19** And, lastly, a conforming amount of
 08:27PM **20** parking will be provided on the site. There is an
 08:27PM **21** existing driveway on 12th, and then from that portion
 08:27PM **22** to the street there's no parking, so there will be no
 08:27PM **23** loss of street parking on 12th. There is no access
 08:27PM **24** from our property on East Central.
 08:27PM **25** So I think that the positive impact
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08:27PM **1** from what we're proposing far outweighs anything that
 08:27PM **2** might be substantially negative.
 08:27PM **3** MR. MACRI: Thank you, Mr. Spatz.
 08:27PM **4** CHAIRMAN FERGUSON: Okay. I know --
 08:27PM **5** any board members have anything?
 08:27PM **6** (No response.)
 08:27PM **7** CHAIRMAN FERGUSON: I know Mr. Kauker
 08:27PM **8** has sent a report in. You received Mr. Kauker's
 08:28PM **9** report?
 08:28PM **10** THE WITNESS: I didn't get a copy of
 08:28PM **11** the report.
 08:28PM **12** CHAIRMAN FERGUSON: Oh, You didn't get
 08:28PM **13** Mr. Kauker's report?
 08:28PM **14** THE WITNESS: No, I haven't seen it.
 08:28PM **15** CHAIRMAN FERGUSON: Okay.
 08:28PM **16** MR. KAUKER: I do have some questions.
 08:28PM **17** I do have questions.
 08:28PM **18** CHAIRMAN FERGUSON: Say again?
 08:28PM **19** MR. KAUKER: I do have questions for
 08:28PM **20** him.
 08:28PM **21** CHAIRMAN FERGUSON: I know. I'm
 08:28PM **22** wondering if they didn't get the report? So I'm
 08:28PM **23** looking to -- because obviously you are raising some
 08:28PM **24** questions.
 08:28PM **25** MR. KAUKER: Yes. There are many -- I
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08:28PM **1** have some additional questions actually --
 08:28PM **2** CHAIRMAN FERGUSON: Okay.
 08:28PM **3** MR. KAUKER: -- based upon his testimony
 08:28PM **4** this evening.
 08:28PM **5** CHAIRMAN FERGUSON: Okay. Why don't
 08:28PM **6** you just fire away?
 08:28PM **7** MR. KAUKER: Okay. Sure.
 08:28PM **8** Just briefly, the report doesn't have
 08:28PM **9** many questions in it, it just cites the variances
 08:28PM **10** that are being required this evening.
 08:28PM **11** I don't know if I -- you do need also a
 08:28PM **12** variance as is identified on Page 5 of the report for
 08:28PM **13** encroachment on a sight triangle. I don't know if
 08:28PM **14** you mentioned that one or not.
 08:28PM **15** THE WITNESS: I did not. And that
 08:28PM **16** development aspect will be discussed by Mr. Cocoros.
 08:29PM **17** MR. KAUKER: So an additional variance
 08:29PM **18** would be required for the sight triangle.
 08:29PM **19** But with respect to your testimony, you
 08:29PM **20** testified to the fact that this property could be
 08:29PM **21** developed with two separate two-family homes for a
 08:29PM **22** total of four?
 08:29PM **23** THE WITNESS: Needing -- needing the
 08:29PM **24** same variances. I think that it was really in terms
 08:29PM **25** of the setbacks, discussing that, that we combined
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08:29PM 1 them to get them further away from both East Central
 08:29PM 2 as well as the property to the north. It's a
 08:29PM 3 two-family zone that requires 5,000 square feet.
 08:29PM 4 MR. KAUKER: Yes, 5,000. Right.
 08:29PM 5 THE WITNESS: So that would be the most
 08:29PM 6 we're -- as I've indicated, a variance for
 08:29PM 7 1250-square-feet per unit. Correct.
 08:29PM 8 MR. KAUKER: Right. Just to be clear,
 08:29PM 9 the way I understood that testimony was we believe we
 08:29PM 10 could put four units on this property.
 08:29PM 11 THE WITNESS: No. I am sorry if I gave
 08:29PM 12 that indication.
 08:29PM 13 MR. KAUKER: All right.
 08:29PM 14 THE WITNESS: Just in terms of the
 08:29PM 15 design of the building by combining --
 08:29PM 16 MR. KAUKER: Just to point out with
 08:29PM 17 respect --
 08:29PM 18 THE WITNESS: Right. Right.
 08:29PM 19 MR. KAUKER: -- for the board's
 08:29PM 20 consideration, obviously this site is a
 08:29PM 21 5,000-square-foot lot. Pursuant to the code, you
 08:29PM 22 could construct a two-family home.
 08:30PM 23 CHAIRMAN FERGUSON: I understand.
 08:30PM 24 THE WITNESS: Correct.
 08:30PM 25 MR. KAUKER: You did also mention, I

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08:30PM 1 think in terms of, I know there's a mixed -- I do
 08:30PM 2 agree there are a mix of different types of uses in
 08:30PM 3 the area, but one thing I would point out is that it
 08:30PM 4 appears that the lot, at least in terms of across the
 08:30PM 5 street, is much larger than the lot that you have
 08:30PM 6 here. This lot, I think is, you know, it's smaller
 08:30PM 7 than other lots, possibly, that have two-families in
 08:30PM 8 the zone.
 08:30PM 9 So I think when you take -- when you're
 08:30PM 10 comparing this four-family home to other multiple
 08:30PM 11 family homes in the lot, you have to take a look at
 08:30PM 12 the size of those properties. I don't know if
 08:30PM 13 anything else was done comparing those.
 08:30PM 14 THE WITNESS: Do you mean the townhouse
 08:30PM 15 development across the street on that triangular
 08:30PM 16 piece of property?
 08:30PM 17 MR. KAUKER: Yes.
 08:30PM 18 THE WITNESS: Well --
 08:30PM 19 MR. KAUKER: That property, I mean, is
 08:30PM 20 much deeper.
 08:30PM 21 MR. MACRI: It's only 52 feet deeper on
 08:30PM 22 one side, and then the next lot next to it is
 08:30PM 23 nonconforming. It's only 75 by 93.
 08:30PM 24 MR. KAUKER: Well, right, but it's
 08:30PM 25 deeper than this lot.

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08:30PM 1 MR. MACRI: By 2 feet.
 08:30PM 2 MR. KAUKER: This lot is much narrower
 08:31PM 3 than that lot, from front to back.
 08:31PM 4 MR. MACRI: Well, it's --
 08:31PM 5 MR. KAUKER: This lot is actually much
 08:31PM 6 narrower than any other lot on the street along 12th
 08:31PM 7 Street.
 08:31PM 8 THE WITNESS: We are --
 08:31PM 9 MR. MACRI: We're 50 by 100.
 08:31PM 10 THE WITNESS: We're 50 by 100 and those
 08:31PM 11 properties are 50 by 100, 75 by 100, the ones next to
 08:31PM 12 us on East Central are --
 08:31PM 13 MR. KAUKER: Right.
 08:31PM 14 THE WITNESS: -- are narrower, 40-feet
 08:31PM 15 width and 34 width.
 08:31PM 16 The ones across the street, the
 08:31PM 17 townhouses, it's one large --
 08:31PM 18 MR. KAUKER: Right.
 08:31PM 19 THE WITNESS: It's sort of in a large,
 08:31PM 20 irregularly shaped piece of property that is --
 08:31PM 21 MR. KAUKER: It is.
 08:31PM 22 But what I'm -- the point is is that
 08:31PM 23 those properties are larger and their deeper than
 08:31PM 24 this site. If you look at -- if you -- this is lot,
 08:31PM 25 I can't read it here, but Lot 18, I believe --

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08:31PM 1 THE WITNESS: We are Lot 18.
 08:31PM 2 MR. KAUKER: Right. If you look at Lot
 08:31PM 3 2 and 3 that are next door, those are a lot deeper
 08:31PM 4 than this lot.
 08:31PM 5 MR. MACRI: No. They're 50 by -- one's
 08:31PM 6 50 by 100.
 08:31PM 7 THE WITNESS: It's -- it's -- well,
 08:32PM 8 it's narrower and deeper just because of we're a
 08:32PM 9 corner lot.
 08:32PM 10 If you turned us on its side we'd be
 08:32PM 11 the same size as that one, 50 by 100.
 08:32PM 12 MR. KAUKER: Right.
 08:32PM 13 THE WITNESS: It's not as deep because
 08:32PM 14 of the corner.
 08:32PM 15 MR. KAUKER: And the adjacent lot is
 08:32PM 16 two-family, right?
 08:32PM 17 THE WITNESS: The other one -- they're
 08:32PM 18 all the same 100-foot deep.
 08:32PM 19 MR. KAUKER: Right.
 08:32PM 20 THE WITNESS: But there -- we're at
 08:32PM 21 50-foot wide. There's 50 foot, 75 foot, 67 foot, the
 08:32PM 22 ones next to us on East Central. They're a variety
 08:32PM 23 of sizes.
 08:32PM 24 MR. KAUKER: Right, I don't want to
 08:32PM 25 belabor this --

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08:32PM 1 THE WITNESS: Yeah.

08:32PM 2 MR. KAUKER: But -- but the point is

08:32PM 3 they're different characteristics on that property

08:32PM 4 than what you have on this property.

08:32PM 5 I don't know if you looked at setbacks

08:32PM 6 in terms of what, you know, the other multifamily

08:32PM 7 projects across the street.

08:32PM 8 THE WITNESS: I did not combine them.

08:32PM 9 Across the street the townhouses are

08:32PM 10 all a similar distance from the street. The fronts

08:32PM 11 of those properties is all parking and paving and the

08:32PM 12 building, that row of townhouses that go --

08:32PM 13 MR. KAUKER: Right. My point is

08:33PM 14 they're much deeper, where they -- if you look at the

08:33PM 15 way the proposed town homes are oriented and how the

08:33PM 16 town homes across the street are oriented, they're

08:33PM 17 deeper.

08:33PM 18 So that's basically the point I was

08:33PM 19 trying to make. So the properties are deeper at that

08:33PM 20 point, so I didn't --

08:33PM 21 THE WITNESS: They're slightly deeper,

08:33PM 22 yes. They're -- at the corner they're 52-foot deep

08:33PM 23 where we're 50-foot deep and it flares out, it's 75

08:33PM 24 at one end and we're 50. So...

08:33PM 25 MR. KAUKER: Right.

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08:34PM 1 THE WITNESS: Yes. This is four

08:34PM 2 attached single-family -- single units --

08:34PM 3 MR. KAUKER: Right.

08:34PM 4 THE WITNESS: Yes. It is a bigger

08:34PM 5 building, yes.

08:34PM 6 MR. KAUKER: And the need for the

08:34PM 7 deviation in the rear yard and the front yard again?

08:34PM 8 They were -- let me just take a look at

08:34PM 9 that. I think the deviations were pretty significant

08:34PM 10 for -- yeah, two of those, the front yard setback

08:34PM 11 where 20 feet is required, and so you're saying, your

08:34PM 12 testimony is that the 9 feet that is proposed is

08:34PM 13 consistent with the other buildings along 12th

08:34PM 14 Street.

08:34PM 15 THE WITNESS: That's correct. Both

08:34PM 16 along 12th Street, as well as on East Central.

08:34PM 17 MR. KAUKER: Okay. All those --

08:35PM 18 THE WITNESS: And it's consistent with

08:35PM 19 the setbacks of the townhome development across the

08:35PM 20 street from us, as well as the two-family home

08:35PM 21 directly adjacent to us to the north.

08:35PM 22 MR. KAUKER: And then how about the

08:35PM 23 rear yard.

08:35PM 24 THE WITNESS: The rear yard is an

08:35PM 25 improvement over -- if we're looking at the rear yard

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08:33PM 1 Then just moving on to the bulk

08:33PM 2 requirements, I didn't really follow, you were moving

08:33PM 3 pretty quickly, but what were the justifications for

08:33PM 4 the variances? Were they (c)(1)? Were they (c)(2).

08:33PM 5 THE WITNESS: (C)(2).

08:33PM 6 MR. KAUKER: And what were the benefits

08:33PM 7 again? Did you go over those?

08:33PM 8 THE WITNESS: The benefits are that the

08:33PM 9 setbacks are as you go up 12th and adjacent to the

08:33PM 10 two-family home on 12th, we're actually set back

08:33PM 11 further from the property line because of the removal

08:33PM 12 of the detached garage on our property which is right

08:33PM 13 on the property line.

08:34PM 14 And we are similar setback from East

08:34PM 15 Central than the existing building, as well as

08:34PM 16 further away from the rear yard from the adjacent

08:34PM 17 property on East Central.

08:34PM 18 So the setbacks are similar or

08:34PM 19 improved, depending on which setback you are looking

08:34PM 20 at.

08:34PM 21 MR. KAUKER: But this building is much

08:34PM 22 larger than those structures, correct?

08:34PM 23 THE WITNESS: I'm sorry, I didn't --

08:34PM 24 MR. KAUKER: This building is larger

08:34PM 25 than those, those are two-family homes, correct?

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08:35PM 1 at the area, I guess along the property line on East

08:35PM 2 Central we are setback again a similar distance, or

08:35PM 3 actually a little bit further away than that.

08:35PM 4 There is a structure in the back which

08:35PM 5 is being removed. So the covered area in the rear,

08:35PM 6 so the setback is, again, similar to that adjacent

08:35PM 7 property.

08:35PM 8 MR. KAUKER: Okay. I guess just the

08:35PM 9 point to keep in mind is obviously the fact that what

08:35PM 10 we have here is, you haven't provided testimony, but

08:35PM 11 you have a lot here that is 5,000 square feet which

08:35PM 12 can typically accommodate a two-family home. You

08:36PM 13 know, the Applicant is requesting, you know, a

08:36PM 14 four-family home, a larger building.

08:36PM 15 You've got to really, I think, take a

08:36PM 16 look at it in comparison to what exists in the

08:36PM 17 neighborhood, but also keep in mind, you know, the

08:36PM 18 fact that this building is a lot larger than the

08:36PM 19 other structures in that area.

08:36PM 20 I have no further questions.

08:36PM 21 CHAIRMAN FERGUSON: Before you --

08:36PM 22 Mr. Kauker brought it out in his report that he gave

08:36PM 23 us, how -- I'm a little concerned about the sight

08:36PM 24 triangle.

08:36PM 25 THE WITNESS: Yes.

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1 CHAIRMAN FERGUSON: Can either you or
 2 Billy --
 3 THE WITNESS: I think Mr. Cocoros, when
 4 he's sworn in and testifies --
 5 CHAIRMAN FERGUSON: Okay.
 08:36PM 6 THE WITNESS: -- can better answer that
 08:36PM 7 question.
 08:36PM 8 CHAIRMAN FERGUSON: Okay. That's
 08:36PM 9 something that I would be concerned with.
 08:36PM 10 THE WITNESS: Right.
 08:36PM 11 CHAIRMAN FERGUSON: Steve, do you have
 08:36PM 12 anything?
 08:36PM 13 MR. COLLAZUOL: Yes.
 08:36PM 14 In regards to architecture and site
 08:36PM 15 plan, not for Mr. Spatz.
 08:36PM 16 CHAIRMAN FERGUSON: Okay.
 08:36PM 17 Judd, do you have anything or are you
 08:36PM 18 going to wait for --
 08:37PM 19 MR. ROCCIOLA: Wait.
 08:37PM 20 CHAIRMAN FERGUSON: Audience, do you
 21 have any questions for Mr. Spatz?
 22 (No response.)
 23 CHAIRMAN FERGUSON: No? No? No
 24 questions? Okay.
 25 Mr. Spatz, good to see you again.

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08:38PM 1 **you're going north on 12th Street because the**
 08:38PM 2 **topography changes, so the height that we're**
 08:38PM 3 **calculating for variance purposes is measured at the**
 08:38PM 4 **midpoint of the highest unit. So the average amount,**
 08:38PM 5 **the actual height, is a little less.**
 08:38PM 6 **The vehicle access for the proposed**
 08:38PM 7 **units will be off 12th Street by a driveway at the**
 08:38PM 8 **front.**
 08:38PM 9 **On the end units will have a two-car**
 08:38PM 10 **driveway and a one-car garage. There was some**
 08:38PM 11 **concern by the traffic specialist where the driveway**
 08:38PM 12 **width, depth would actually have to be increased, and**
 08:38PM 13 **we can accommodate that to provide 18 feet from the**
 08:38PM 14 **right-of-way line to the garage, to the wall of the**
 08:38PM 15 **garage.**
 08:38PM 16 **So we have a full 18 feet, plus**
 08:38PM 17 **approximately 2-and-a-half feet between the proposed**
 08:38PM 18 **sidewalk and the property line. So you'd have**
 08:38PM 19 **20-foot clearance from the sidewalk to the garage**
 08:38PM 20 **wall for parking a car, that can accommodate that.**
 08:39PM 21 **In regards to the sight triangle, part**
 08:39PM 22 **of the building does go into the sight triangle;**
 08:39PM 23 **however we left that corner open with a column and**
 08:39PM 24 **access from 12th Street as you're -- I guess as**
 08:39PM 25 **you're heading south towards East Central Boulevard,**

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08:37PM 1 Okay.
 08:37PM 2 MR. MACRI: Thank you, Mr. Chairman.
 08:37PM 3 At this time I would like to have
 08:37PM 4 Mr. Cocoros sworn in.
 08:37PM 5 MS. TESTA: Do you swear the testimony
 08:37PM 6 you'll give in this application will be the truth,
 08:37PM 7 the whole truth and nothing but the truth?
 08:37PM 8 MR. COCOROS: I do.
 08:37PM 9 V A S S I L I O S C O C O R O S,
 08:37PM 10 Having been duly sworn, testifies as follows:
 08:37PM 11 MS. TESTA: State your name for the
 08:37PM 12 record.
 08:37PM 13 MR. COCOROS: Vassilios,
 08:37PM 14 V-A-S-S-I-L-I-O-S, Cocoros, C-O-C-O-R-O-S.
 08:37PM 15 DIRECT EXAMINATION
 08:37PM 16 BY MR. MACRI:
 08:37PM 17 Q. Mr. Cocoros, can you please explain the
 08:37PM 18 dwelling you intend to construct upon the property?
 08:37PM 19 A. Sure.
 08:37PM 20 It's a four-unit dwelling that will be
 08:37PM 21 oriented on 12th Street. We are setting it back 9
 08:37PM 22 feet from Central Boulevard. Although it is a
 08:37PM 23 variance, we are -- it is a better condition than
 08:38PM 24 what was there before.

The building, itself, will step up as
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08:39PM 1 **you're further away from that corner because you're**
 08:39PM 2 **heading south.**
 08:39PM 3 **So any car that is coming -- going west**
 08:39PM 4 **on East Central will see -- will have clear access,**
 08:39PM 5 **better access -- I'm sorry -- better visual clearance**
 08:39PM 6 **than what is there now.**
 08:39PM 7 **In addition, we've also opened up the**
 08:39PM 8 **platform in front so there is still a little more of**
 08:39PM 9 **a glimpse.**
 08:39PM 10 **But the cars themselves will be further**
 08:39PM 11 **away from that corner. There is a two-way street,**
 08:39PM 12 **there's not -- there's no traffic coming close to**
 08:39PM 13 **that corner. I think that the sight triangle, as**
 08:39PM 14 **shown, can work and is a better condition than**
 08:39PM 15 **exists.**
 08:39PM 16 **In regard to the footprint of the**
 08:39PM 17 **building, I know this is a bigger footprint than what**
 08:40PM 18 **is allowed, and it's slightly bigger than some of the**
 08:40PM 19 **buildings on that side of the street. However, it is**
 08:40PM 20 **in line with the proposed -- the existing dwelling**
 08:40PM 21 **that's across the street from us, and actually less**
 08:40PM 22 **than what's across the street from us.**
 08:40PM 23 **We do -- in regards to the setback**
 08:40PM 24 **along 12th Street, we have 9 feet to the main**
 08:40PM 25 **building.**

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08:40PM **1** **If this was a regular, let's say,**
 08:40PM **2** **building footprint, we would have a setback of 10**
 08:40PM **3** **feet. So it's a variation of -- of 9 feet.**
 08:40PM **4** **In regards to the rear yard, of**
 08:40PM **5** **7-and-a-half, 7 feet 4 inches. It is a side yard**
 08:40PM **6** **setback condition to the neighbor -- where we're**
 08:40PM **7** **against the neighborhood that's to the north of us,**
 08:40PM **8** **which is the house, it's a two-family on 12th Street,**
 08:40PM **9** **they -- they probably have an approximate 6-foot side**
 08:40PM **10** **yard setback, we have a 7 feet 6 inches. So that's 7**
 08:40PM **11** **feet 4 inches.**
 08:40PM **12** **In addition, there is no staircase at**
 08:40PM **13** **all coming out from this building. Everything,**
 08:40PM **14** **you're entering from ground floor. In addition,**
 08:41PM **15** **there's no decks. Everything is ground floor.**
 08:41PM **16** **The main level, the main living spaces**
 08:41PM **17** **are basically first and second floor. The lower**
 08:41PM **18** **levels, the two end units have small finished area**
 08:41PM **19** **with a powder room; however, all the two middle**
 08:41PM **20** **two-bedroom units have just a garage and a portion of**
 08:41PM **21** **the area where the entry is with a staircase up to**
 08:41PM **22** **the first floor.**
 08:41PM **23** **If you go to sheet A-2, you see the**
 08:41PM **24** **ground floor plan going from left to right.**
 08:41PM **25** **Buildings going down as you're heading towards the**
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08:42PM **1** staircase that brings you back downstairs.
 08:42PM **2** So it's set up in two configurations;
 08:42PM **3** three-bedroom and two-bedroom.
 08:42PM **4** MR. MACRI: Thank you, Mr. Cocoros.
 08:43PM **5** CHAIRMAN FERGUSON: Can you Just
 08:43PM **6** briefly just go over the variances that you're
 08:43PM **7** looking for now?
 08:43PM **8** You're looking for what? A (d)(1) and
 08:43PM **9** a (d)(6)? How about the (c) variances? What are we
 08:43PM **10** doing with that?
 08:43PM **11** THE WITNESS: We have building
 08:43PM **12** coverage. We have a footprint of 3,012 square feet
 08:43PM **13** or 60.24 percent where 40 percent is allowed. The
 08:43PM **14** left side yard, it should be -- well, actually, no.
 08:43PM **15** It should be 5 feet because we're not a duplex, we're
 08:43PM **16** technically a non-duplex, so we have different
 08:43PM **17** requirements, 5 feet, we have 9 feet proposed.
 08:43PM **18** The combined side yard we do meet. We
 08:43PM **19** have 4-feet deep. Building height, 2-and-a-half
 08:43PM **20** story is 25 feet because it's not a duplex. We have
 08:44PM **21** three stories, 29 feet 9 inches of lowest unit and 33
 08:44PM **22** feet 9 inches at the highest unit. That's right at
 08:44PM **23** the midpoint from the average grade. So we are
 08:44PM **24** requesting a variance of three stories, 33 feet 9
 08:44PM **25** inches.
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08:41PM **1** **corner --**
 08:41PM **2** MS. BAUER: Can you speak up a little
 08:41PM **3** bit, please?
 08:41PM **4** THE WITNESS: The buildings go down as
 08:41PM **5** you're heading towards the corner.
 08:41PM **6** At the end unit we have a three-bedroom
 08:41PM **7** layout. In the middle we have two two-bedroom
 08:41PM **8** layouts.
 08:41PM **9** At the front we have covered parking
 08:41PM **10** area, part of it's covered, one-car garage. We have
 08:42PM **11** the entry door. We have the stairs up to the first
 08:42PM **12** floor.
 08:42PM **13** At the back we have a small recreation
 08:42PM **14** room, a powder room, small laundry and a door out to
 08:42PM **15** the -- out to the back area.
 08:42PM **16** First floor, the main living space. We
 08:42PM **17** have the living room, dining areas in the front. At
 08:42PM **18** the back portion we have a kitchen. We have a little
 08:42PM **19** powder room that's hidden off the hallway with a
 08:42PM **20** closet and a linen closet.
 08:42PM **21** Staircase up to the second floor. The
 08:42PM **22** end units are two-bedroom layouts. We have at the
 08:42PM **23** front. Two middles are set up with two-bedroom
 08:42PM **24** configuration. We have an ensuite bathroom in each
 08:42PM **25** bedroom. We have a side-by-side laundry, and a
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08:44PM **1** Parking spaces, eight are required. We
 08:44PM **2** are proposing ten parking spaces; three for each
 08:44PM **3** three-bedroom layout and two for each two-bedroom
 08:44PM **4** layout, which gives us a total of ten spaces. And
 08:44PM **5** those spaces would be tweaked by moving the garage
 08:44PM **6** wall back that 1 foot to provide the 18 foot to the
 08:44PM **7** right-of-way line from the garage wall.
 08:44PM **8** And the other variance as mentioned by
 08:44PM **9** the planner is the sight triangle. And we are
 08:44PM **10** providing a better condition than what's there now.
 08:44PM **11** I did try to mitigate some of the effects by opening
 08:44PM **12** up the corner; however, it's not a full solid corner.
 08:45PM **13** In addition, the way the street is
 08:45PM **14** oriented is at the corner. You have a little poor
 08:45PM **15** visibility of the cars. As you're heading west on
 08:45PM **16** East Central, the car that you have to watch out for
 08:45PM **17** will be on the west side of 12th Street coming out
 08:45PM **18** towards -- towards the south.
 08:45PM **19** And usually those cars are either
 08:45PM **20** making a left to go down the hill or they're trying
 08:45PM **21** to get around, they make a left to go down.
 08:45PM **22** MS. TARABOCCHIA: Can you explain to me
 08:45PM **23** the parking? How do you get ten spaces?
 08:45PM **24** THE WITNESS: Sure.
 08:45PM **25** MS. TARABOCCHIA: Because I don't have
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08:45PM 1 the full set of drawings.

08:45PM 2 THE WITNESS: Okay. Sheet A-2. These

08:45PM 3 are the two end units (indicating). Over here we

08:45PM 4 have the two-car parking area. We have 17 foot 4

08:45PM 5 inches clear. It's a little bit more with the

08:46PM 6 adjustment. We have two spaces here (indicating),

08:46PM 7 then we have one space inside the garage. And then

08:46PM 8 here we have one space in the driveway (indicating),

08:46PM 9 one space in the garage.

08:46PM 10 And these two middle units have no

08:46PM 11 finished basement. Basically they have the entry

08:46PM 12 door to get to the top floor like an old school

08:46PM 13 townhouse. And then we have the utility room in the

08:46PM 14 back corner of the --

08:46PM 15 MS. TARABOCCHIA: Okay.

08:46PM 16 THE WITNESS: And the same thing out

08:46PM 17 here.

08:46PM 18 However, the one all the way to the --

08:46PM 19 closest to the main street we set the driveway

08:46PM 20 further away from corner so you wouldn't see cars in

08:46PM 21 that triangle. If it was a mirror image, the driver

08:46PM 22 would be close to that corner.

08:46PM 23 So we have one, two, three; one, two;

08:46PM 24 one, two; one, two three.

08:46PM 25 MS. TARABOCCHIA: Okay. I understand.

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08:47PM 1 MR. COLLAZUOL: I have nothing further.

08:47PM 2 CHAIRMAN FERGUSON: That's it?

08:47PM 3 Judd, I know you have some.

08:47PM 4 MR. ROCCIOLA: Yeah. Judd Rocciola.

08:47PM 5 Did you say that you were going to meet

08:47PM 6 the 18-foot --

08:48PM 7 THE WITNESS: Yes.

08:48PM 8 MR. ROCCIOLA: -- driveway.

08:48PM 9 THE WITNESS: Yes. We would move the

08:48PM 10 garage wall in and -- actually we wouldn't even

08:48PM 11 reduce the garage space, to adjust the utility ramp.

08:48PM 12 MR. ROCCIOLA: So, therefore, you'll be

08:48PM 13 meeting RSIS standards and the parking would meet

08:48PM 14 RSIS standards.

08:48PM 15 THE WITNESS: Yes.

08:48PM 16 MR. ROCCIOLA: Let's see. I guess the

08:48PM 17 only other question, just a little more

08:48PM 18 clarification.

08:48PM 19 On the sight triangle that Mr. Kauker

08:48PM 20 raised, the standard is within that sight triangle

08:48PM 21 there shouldn't be any higher than 18 inches. How

08:48PM 22 much of the building is, itself, cut by that

08:48PM 23 triangle? It's just the small little corner and is

08:48PM 24 the rest just the steps.

08:49PM 25 THE WITNESS: It's approximately --

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08:46PM 1 Thank you.

08:46PM 2 THE WITNESS: You're welcome.

08:46PM 3 CHAIRMAN FERGUSON: Any other board

08:46PM 4 members have anything?

08:46PM 5 (No response.)

08:46PM 6 CHAIRMAN FERGUSON: Okay, Steve. You

08:46PM 7 want to --

08:46PM 8 MR COLLAZUOL: Yes.

08:46PM 9 Bill, on S-1, the site plan, you show

08:47PM 10 this sanitary sewer is below the sidewalk within the

08:47PM 11 borough's right-of-way.

08:47PM 12 Can you move that sanitary so it's on

08:47PM 13 the property on the project site so that that main

08:47PM 14 line is within the maintenance and responsibility of

08:47PM 15 the property owner and not underneath the sidewalk as

08:47PM 16 well.

08:47PM 17 THE WITNESS: Oh, sure.

08:47PM 18 Yeah, you mean the lateral that handles

08:47PM 19 all four units before it goes to the --

08:47PM 20 MR. COLLAZUOL: Yeah.

08:47PM 21 THE WITNESS: We can do that.

08:47PM 22 MR. COLLAZUOL: The only other comment,

08:47PM 23 I believe this is on a county road, so you get an

08:47PM 24 exemption from the county.

08:47PM 25 THE WITNESS: Yes.

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08:49PM 1 well, there's no steps. It's approximately a 5-foot,

08:49PM 2 let's say, triangle. Two 5-foot legs. And the

08:49PM 3 actual corner is open, so I mean, it's still 5 foot,

08:49PM 4 let's say, in --

08:49PM 5 MR. ROCCIOLA: That's what I mean.

08:49PM 6 Most of that 5-foot triangle is open.

08:49PM 7 THE WITNESS: Yes.

08:49PM 8 MR. ROCCIOLA: Is it lower than 18

08:49PM 9 inches.

08:49PM 10 THE WITNESS: Yes. It's basically at

08:49PM 11 ground level, so yeah, you have a little area, you

08:49PM 12 have about a 10-foot clearance. It's almost like a

08:49PM 13 window. You have the corner column here, you have

08:49PM 14 about a 4-foot opening, and then you have -- the site

08:49PM 15 triangle kinda comes through, it's the real thing,

08:49PM 16 I'm going to say ground level in that sight triangle

08:49PM 17 is that -- it's a 12 by 12 post that's holding up the

08:49PM 18 building.

08:49PM 19 MR. ROCCIOLA: So then just the small

08:49PM 20 little corner that it nicks in the building, itself,

08:49PM 21 is where, that's the wall of the building.

08:49PM 22 THE WITNESS: Yes.

08:49PM 23 MR. ROCCIOLA: Which is maybe 1 foot by

08:49PM 24 1 foot.

08:49PM 25 THE WITNESS: Yes. It's about a foot.

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08:49PM 1 I want to say it's about a foot-and-a-half, let's
 08:49PM 2 say, like on the one portion of it.
 08:49PM 3 MR. ROCCIOLA: Okay. I would think the
 08:49PM 4 infringement in the sight triangle would require that
 08:50PM 5 it's pretty minimal. That's why I wanted to make
 08:50PM 6 sure. I think a note should be on the plan just to
 08:50PM 7 assure that any landscaping has to be 18 inches or
 08:50PM 8 less.
 08:50PM 9 THE WITNESS: Yes. We could do some
 08:50PM 10 boxwoods or something along the corner and then keep
 08:50PM 11 it clear from the corner of the building out to the
 08:50PM 12 -- towards the sidewalk.
 08:50PM 13 MR. ROCCIOLA: That's it now. It
 08:50PM 14 wouldn't be a de minimus exception requirement.
 08:50PM 15 THE WITNESS: It would not.
 08:50PM 16 MR. ROCCIOLA: You wouldn't need that.
 08:50PM 17 MR. MACRI: So you would need for the
 08:50PM 18 parking and also --
 08:50PM 19 MR. ROCCIOLA: But the sight triangle
 08:50PM 20 would still require a variance.
 08:50PM 21 CHAIRMAN FERGUSON: Okay. Counsel.
 08:50PM 22 MR. MACRI: That's our application.
 08:50PM 23 CHAIRMAN FERGUSON: Any questions?
 08:50PM 24 Take it away.
 08:50PM 25 MS. BRAUER: Question? Susan Brauer.

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08:51PM 1 THE WITNESS: Yes.
 08:51PM 2 MS. BRAUER: Okay. Can I just mention
 08:51PM 3 something with regard to --
 08:52PM 4 CHAIRMAN FERGUSON: Sure.
 08:52PM 5 MS. BRAUER: All right. The sight
 08:52PM 6 triangle worries me, but if Mr. Rocciola is happy
 08:52PM 7 with it. With regard to this particular developer
 08:52PM 8 who has developed throughout town --
 08:52PM 9 CHAIRMAN FERGUSON: Right.
 08:52PM 10 MS. BRAUER: All right.
 08:52PM 11 We've had some problems with it and
 08:52PM 12 some things we found. And this one time I would just
 08:52PM 13 like to mention something.
 08:52PM 14 I have the paperwork to support it.
 08:52PM 15 CHAIRMAN FERGUSON: Does it have to do
 08:52PM 16 with this case?
 08:52PM 17 MS. BRAUER: Pardon?
 08:52PM 18 CHAIRMAN FERGUSON: Does it have to do
 08:52PM 19 with this case?
 08:52PM 20 MS. BAUER: Well, it does in as far as
 08:52PM 21 integrity. And if I can just mention it quickly,
 08:52PM 22 I'll explain.
 08:52PM 23 MS. TESTA: I'll hear from Counsel, but
 08:52PM 24 I don't think this is the proper forum to discuss the
 08:52PM 25 integrity of the builder or of an applicant.

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08:51PM 1 Was it the two end units will have
 08:51PM 2 garage with space behind it?
 08:51PM 3 THE WITNESS: No. Actually off to the
 08:51PM 4 side of the garage is a small recreation room. It's
 08:51PM 5 only about 10 feet by 10 feet.
 08:51PM 6 MR. MACRI: So apartments, two on the
 08:51PM 7 pad, one on the garage.
 08:51PM 8 MS. BRAUER: No, no. I mean --
 08:51PM 9 MR. MACRI: Inside?
 08:51PM 10 MS. BRAUER: No. The extra space is
 08:51PM 11 going to have a powder room. Where are you having
 08:51PM 12 the powder room?
 08:51PM 13 THE WITNESS: The only powder room is
 08:51PM 14 in the outside units which are the three-bedroom
 08:51PM 15 units. There's a small, 10-and-a-half by, let's say,
 08:51PM 16 10 recreation room, and then there's a 3-foot by
 08:51PM 17 seven-foot powder room with a window to the outside
 08:51PM 18 and that's it.
 08:51PM 19 MS. BRAUER: And the other two units?
 08:51PM 20 THE WITNESS: Just the basement will
 08:51PM 21 have -- the ground floor, let's say, is going to have
 08:51PM 22 an entry door and a staircase up to the main living
 08:51PM 23 level, and an oversized garage with a corner area for
 08:51PM 24 utilities.
 08:51PM 25 MS. BRAUER: An oversized garage?

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08:52PM 1 MS. BAUER: Well, he represents the
 08:52PM 2 builder.
 08:52PM 3 MR. MACRI: Thank you.
 08:52PM 4 Any testimony outside of the scope of
 08:52PM 5 this application --
 08:52PM 6 MS. BAUER: Right.
 08:52PM 7 MR. MACRI: -- I am going to object to.
 08:52PM 8 MS. TESTA: Okay. Yes. That's --
 08:52PM 9 MS. BRAUER: Okay. It's just that, I
 08:52PM 10 have the paperwork to support it.
 08:52PM 11 He doesn't go by the builder's
 08:52PM 12 agreement.
 08:52PM 13 MS. TESTA: Again that is something --
 08:52PM 14 MS. BAUER: And we have gone to the
 08:52PM 15 building department about this.
 08:53PM 16 MS. TESTA: Again, that's something
 08:53PM 17 that -- right. Because --
 08:53PM 18 MS. BRAUER: I'm only bringing it up --
 08:53PM 19 MS. TESTA: You can bring your concern
 08:53PM 20 to the building department.
 08:53PM 21 MS. BRAUER: Okay.
 08:53PM 22 CHAIRMAN FERGUSON: Yes.
 08:53PM 23 MS. TARABOCCHIA: I have a question.
 08:53PM 24 On the rear setback, it's required 25 feet and your
 08:53PM 25 proposal is 7.33 feet?

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08:53PM 1 THE WITNESS: Yes.
 08:53PM 2 MS. TARABOCCHIA: And that is from the
 08:53PM 3 property line or is that from --
 08:53PM 4 THE WITNESS: From the property line?
 08:53PM 5 MS. TARABOCCHIA: Okay. How large are
 08:53PM 6 your utilities that are going to be in the back area?
 08:53PM 7 Considering that this is going to be four units along
 08:53PM 8 a single-family house that those people have to hear
 08:53PM 9 the noise of the four air conditioning units.
 08:53PM 10 THE WITNESS: Well, they're on the
 08:53PM 11 side. They're going to be --
 08:53PM 12 MS. TARABOCCHIA: In the back?
 08:53PM 13 THE WITNESS: Yes. Well, actually, if
 08:53PM 14 you're looking at it from Central, it's the -- it's
 08:53PM 15 the right-hand side, which the back of the units
 08:53PM 16 themselves. There's going to be four of them set up.
 08:53PM 17 They're going to be spread out where --
 08:53PM 18 MS. TARABOCCHIA: I'm concerned about
 08:53PM 19 the neighbors that are -- that are adjacent to that
 08:53PM 20 property where that's their side of their house.
 08:53PM 21 Do they have any greenery, any grass or
 08:53PM 22 anything back there?
 08:53PM 23 THE WITNESS: There'll be a privacy
 08:54PM 24 fence put up between them, you know, I guess to shade
 08:54PM 25 those units.

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1 there going to be high lighting like on the ground
 2 level, will it be like --
 08:55PM 3 THE WITNESS: There's a small light
 08:55PM 4 above the garage space, you know. I'm thinking back
 08:55PM 5 here, it's actually probably better in this corner, I
 08:55PM 6 just realized, because it's going to be further away
 08:55PM 7 from this house here (indicating) on 12th Street, and
 08:55PM 8 back here, this is the back yard of this house
 08:55PM 9 (indicating).
 08:55PM 10 So I think it might make more sense to
 08:55PM 11 keep it in the front here.
 08:55PM 12 Also, this unit here (indicating), we
 08:55PM 13 might be able to move it in the front corner to avoid
 08:55PM 14 being close to the building, and minimize noise that
 08:55PM 15 way.
 08:55PM 16 CHAIRMAN FERGUSON: Okay. Anybody
 08:55PM 17 else?
 08:55PM 18 Yes. Oh, I'm sorry. Go ahead.
 08:55PM 19 MS. SCHOR: Yes. Marsha Schor.
 08:55PM 20 I would ask that this board deny the
 08:55PM 21 four families make it a maximum of a three-family.
 08:55PM 22 Because normally just a two-family duplex would go on
 08:55PM 23 a 50 by 100. And this is, like, stuffing too much
 08:55PM 24 into too little.
 08:55PM 25 The street already has an awful lot of

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08:54PM 1 MS. TARABOCCHIA: Okay.
 08:54PM 2 THE WITNESS: You know we do a higher
 08:54PM 3 efficiency-type of unit that won't be as loud. We
 08:54PM 4 have a couple of issues because I don't want to put
 08:54PM 5 it in the front yard here (indicating).
 08:54PM 6 We could -- we were planning to put one
 08:54PM 7 or two of them in the front yard and screen it, but
 08:54PM 8 there is an easement in the back that I can't put --
 08:54PM 9 I want to put two in the back, but I don't think
 08:54PM 10 we're allowed to put AC units in that easement.
 08:54PM 11 MR. COLLAZUOL: I think you'd be all
 08:54PM 12 right with that, it doesn't show that it's being
 08:54PM 13 used. I think that would be a good idea. You would
 08:54PM 14 then remove one unit from that side and get it onto
 08:54PM 15 the left-hand side.
 08:54PM 16 THE WITNESS: Do the same thing on the
 08:54PM 17 front if we have to or?
 08:54PM 18 MR. COLLAZUOL: I -- I -- yeah. So we
 08:54PM 19 can minimize the noise by moving them to Central
 08:54PM 20 Boulevard.
 08:54PM 21 THE WITNESS: Yes.
 08:54PM 22 So we're in the corner here, we could
 08:54PM 23 move it to the side, so it's -- but, then again, this
 08:54PM 24 one here, you're in the backyard.
 08:54PM 25 MS. TARABOCCHIA: They have a -- so is

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08:55PM 1 houses. I think maybe he could go by either, just
 08:55PM 2 make a plain duplex or if he had to, three families,
 08:56PM 3 but no larger than three family.
 08:56PM 4 CHAIRMAN FERGUSON: Okay.
 08:56PM 5 Susan?
 08:56PM 6 MS. BRAUER: Yes. I'm just -- I have a
 08:56PM 7 bone of contention here, Joe, in that when
 08:56PM 8 Mr. Cocoros discusses his plans --
 08:56PM 9 CHAIRMAN FERGUSON: Right.
 08:56PM 10 MS. BAUER: -- he will very often talk
 08:56PM 11 about what the town -- what you have permitted on
 08:56PM 12 other duplexes. I don't see why I can't mention that
 08:56PM 13 this builder: A, has recently been fined by the
 08:56PM 14 state for irregularity --
 08:56PM 15 CHAIRMAN FERGUSON: Yes, but it has
 08:56PM 16 nothing to do with this.
 08:56PM 17 Yeah. It has nothing -- yeah.
 08:56PM 18 MS. BRAUER: Well, neither do other
 08:56PM 19 things --
 08:56PM 20 CHAIRMAN FERGUSON: Yeah, well --
 08:56PM 21 VICE CHAIRMAN ALBANESE: You can't talk
 08:56PM 22 about it.
 08:56PM 23 It has nothing to do with this case.
 08:56PM 24 CHAIRMAN FERGUSON: Okay. Listen --
 08:56PM 25 MS. BRAUER: Didn't ask you, Paul.

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1 VICE CHAIRMAN ALBANESE: Well, no,
 08:56PM 2 because our lawyer has said that it is inappropriate
 08:56PM 3 and I know what our lawyer said.
 08:56PM 4 MS. BRAUER: Well, I guess it's
 08:56PM 5 appropriate for the architect, but it's not
 08:56PM 6 appropriate at a public hearing for the public.
 08:56PM 7 VICE CHAIRMAN ALBANESE: Well, I'm
 08:57PM 8 going to --
 08:57PM 9 MS. TESTA: Yes, it's not the forum to
 08:57PM 10 discuss the integrity of a builder or an applicant or
 08:57PM 11 anybody.
 08:57PM 12 MR. MACRI: And she doesn't have
 08:57PM 13 firsthand knowledge of what she's referring to.
 08:57PM 14 MS. TESTA: Right.
 08:57PM 15 MR. MACRI: She doesn't have firsthand
 08:57PM 16 knowledge of what the complaint is about and what the
 17 resolution is.
 18 MS. TESTA: Right.
 19 MS. BRAUER: Yes, I do.
 20 MR. MACRI: We were given a citation.
 21 It was dismissed.
 22 MS. BRAUER: We are the complainant.
 23 We do have complete information.
 24 CHAIRMAN FERGUSON: Okay, so --
 25 MS. SCHOR: Oh, Joe, one thing, could I
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08:57PM 1 ask, please, that this board, if you should pass
 08:57PM 2 this --
 08:57PM 3 CHAIRMAN FERGUSON: Right.
 08:57PM 4 MS. SCHOR: -- monitor it very closely
 08:57PM 5 to make certain that they adhere to everything that
 08:57PM 6 they are saying here tonight. That's --
 7 CHAIRMAN FERGUSON: But isn't that the
 8 building department? I mean, really, the --
 9 MS. SCHOR: No.
 10 MS. TESTA: The board is not enforcing
 11 that.
 12 If there's anything that's built that
 13 deviates from it, you have to come back before the
 14 board.
 08:57PM 15 But the building department and the
 08:57PM 16 inspectors that go out and inspect it to make sure.
 08:57PM 17 MS. SCHOR: Normally I would say you're
 08:57PM 18 right, but you're not right.
 08:58PM 19 MS. TESTA: But this board doesn't have
 08:58PM 20 jurisdiction once we grant the approval.
 08:58PM 21 If the Applicant is looking to change
 08:58PM 22 something then he has an obligation to come before
 08:58PM 23 the board to get the approval. If he doesn't, than
 08:58PM 24 the building department needs to step in.
 08:58PM 25 MS. SCHOR: The building department
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08:58PM 1 doesn't do it.
 08:58PM 2 CHAIRMAN FERGUSON: Okay. So let me
 08:58PM 3 say this -- oh, do you want to sum up? Why don't
 08:58PM 4 you sum up first?
 08:58PM 5 MR. MACRI: Thank you, Mr. Chairman,
 08:58PM 6 members of the board.
 08:58PM 7 You've heard our application and the
 08:58PM 8 testimony of our experts, as well as the testimony of
 08:58PM 9 the board's experts. Mr. Kauker pointed out the
 08:58PM 10 sight triangle. Mr. Cocoros explained it in detail.
 08:58PM 11 Mr. Spatz has provided the board with
 08:58PM 12 testimony which would give you the opportunity, as
 08:58PM 13 well as the basis, to grant the variance which we
 08:58PM 14 seek.
 08:58PM 15 This application, again, meets the
 08:58PM 16 positive/negative criteria test. Granting these
 08:58PM 17 variances will not cause substantial detriment to the
 08:58PM 18 ordinance or the Borough of Palisades Park, nor to
 08:58PM 19 the Master Plan.
 08:58PM 20 Based upon that, I'm requesting that
 08:58PM 21 you will vote favorably upon this application.
 08:58PM 22 CHAIRMAN FERGUSON: Okay. So I got a
 08:59PM 23 -- just, you're okay with \$2,000.00 to the Tree
 08:59PM 24 Preservation Fund?
 08:59PM 25 MR. MACRI: Yes.
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08:59PM 1 CHAIRMAN FERGUSON: Okay.
 08:59PM 2 So here's the issue for me, just, I
 08:59PM 3 come, you know -- I come to the board meetings and
 08:59PM 4 believe it or not, when residents come and object
 08:59PM 5 like they did up in Fort Lee, you know, I listen to
 08:59PM 6 them. I've got to notice that tonight not a person
 08:59PM 7 has arrived on the scene to oppose this application.
 08:59PM 8 So it would seem to me that if the
 08:59PM 9 neighbors of this place, of this proposed building,
 08:59PM 10 were really -- they all got notice, they all, you
 08:59PM 11 know, knew we were having it. And it's not that I
 08:59PM 12 don't appreciate the two --
 09:00PM 13 MS. SCHOR: Watch it.
 09:00PM 14 MR. MACRI: The two members of the
 09:00PM 15 public.
 09:00PM 16 CHAIRMAN FERGUSON: -- the two
 09:00PM 17 residents that come, right? I mean, you know, there
 09:00PM 18 doesn't seem to be an uproar from the community.
 09:00PM 19 MR. MACRI: Right.
 09:00PM 20 CHAIRMAN FERGUSON: So I am going to
 09:00PM 21 make a motion to pass this plan, with the
 09:00PM 22 stipulations by --
 09:00PM 23 MR. MACRI: Mr. Kauker.
 09:00PM 24 CHAIRMAN FERGUSON: -- Mr. Kauker or
 09:00PM 25 Steve.
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1 And can I get a second?

2 VICE CHAIRMAN ALBANESE: I second.

3 CHAIRMAN FERGUSON: Roll call vote?

4 MS. LAMBRINIDES: Mr. Ferguson?

5 CHAIRMAN FERGUSON: Yes.

6 MS. LAMBRINIDES: Mr. Albanese?

09:00PM 7 VICE CHAIRMAN ALBANESE: Yes.

8 MS. LAMBRINIDES: Mr. Nam?

9 MR. NAM: Yes.

10 MS. LAMBRINIDES: Mr. Carnovale?

11 MR. CARNOVALE: Yes.

12 MS. LAMBRINIDES: Ms. Tarabocchia?

09:00PM 13 MS. TARABOCCHIA: As long as the air

09:01PM 14 conditioners are relocated as part of the approval.

09:01PM 15 MR. COCOROS: If I could just do the

09:01PM 16 front because back here (indicating), it's not going

09:01PM 17 to affect the neighbor.

09:01PM 18 So I think the back yard, the house

09:01PM 19 will end somewhere here (indicating).

09:01PM 20 So I think this unit should stay,

09:01PM 21 because if I put it on the side right here

09:01PM 22 (indicating), I would move this one to the front

09:01PM 23 corner so you could keep it away from the building

09:01PM 24 over here.

09:01PM 25 MS. TARABOCCHIA: I asked the expert's

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09:01PM 1 expertise because he recommended to move the one air

09:01PM 2 conditioning unit.

09:01PM 3 MR. COLLAZUOL: Bill, you're saying that

09:01PM 4 the unit, or Unit A --

09:01PM 5 MR. COCOROS: I think the unit, if I

09:01PM 6 put it in that 7-foot-4 sidewalk I think it's going

09:01PM 7 to be closer to the house that's to the --

09:01PM 8 MS. TARABOCCHIA: Do they have a yard

09:01PM 9 or do they have a -- because the person that is

09:01PM 10 behind it, even though their house is here

09:01PM 11 (indicating), they're going to have to listen to

09:01PM 12 three versus one.

09:01PM 13 MR. COCOROS: I'm sorry, we can put it

09:01PM 14 there, because it's -- that building is set back at

09:02PM 15 25 feet, so, you know.

09:02PM 16 MS. TESTA: The air conditioning units

09:02PM 17 on the two end units will be placed on the side yard?

09:02PM 18 MR. COCOROS: Yes, at the front and

09:02PM 19 actually at the rear actually technically, because

09:02PM 20 it's the side of the proposed building, which you're

09:02PM 21 facing it from 12th Street.

09:02PM 22 But it's going to be the Unit A, the --

09:02PM 23 Unit A, yeah, it's going to be in the rear yard

09:02PM 24 portion of the 7-foot-4 easement.

09:02PM 25 On Unit B will be in the front yard but

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09:02PM 1 on the corner away from the neighbor.

2 MS. LAMBRINIDES: So back to our roll

3 call, was that a yes.

4 MS. TARABOCCHIA: That's a yes.

5 MS. LAMBRINIDES: Thank you.

6 Mr. Lefteriou?

7 MR. LEFTERIOU: Yes.

8 CHAIRMAN FERGUSON: Okay. Thank you,

9 counsel.

10 MR. MACRI: Thank you, sir.

11 CHAIRMAN FERGUSON: Motion to adjourn.

12 VICE CHAIRMAN ALBANESE: I motion.

09:03PM 13 CHAIRMAN FERGUSON: Second? Third?

09:03PM 14 (Whereupon, this meeting is concluded.

15 Time noted: 9:03 p.m.)

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1 C E R T I F I C A T E

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4 I, LAURA A. CARUCCI, C.C.R., R.P.R., a Notary

5 Public of the State of New Jersey, Notary ID. #15855,

6 Certified Court Reporter of the State of New Jersey,

7 and a Registered Professional Reporter, hereby

8 certify that the foregoing is a verbatim record of

9 the testimony provided under oath before any court,

10 referee, board, commission or other body created by

11 statute of the State of New Jersey.

12 I am not related to the parties

13 involved in this action; I have no financial

14 interest, nor am I related to an agent of or employed

15 by anyone with a financial interest in the outcome of

16 this action.

17 This transcript complies with

18 regulation 13:43-5.9 of the New Jersey Administrative

19 Code.

20

21

22

23

24

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

17 Dated: _____

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