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BOROUGH OF PALISADES PARK  
ZONING BOARD OF ADJUSTMENT  
MONDAY, SEPTEMBER 20, 2021  
7:00 p.m.

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1	IN THE MATTER OF	)	TRANSCRIPT OF
4		)	PROCEEDING
4	<b>Case No. 21-15</b>	)	
5	Kyung Soon Yi	)	
6	265 Highland Avenue	)	
6	Block 209; Lot 8	)	
7	<b>Case No. 21-02</b>	)	
7	In Chang Chung Hae Jang	)	
8	139-145 Morningside Lane	)	
8	Block 717; Lots 10, 11, 23 & 24	)	
9	<b>Case No. 21-06</b>	)	
9	123 East Ruby Avenue, LLC	)	
10	127 East Ruby Avenue	)	
10	Block 615; Lots 11 & 12	)	
11	<b>Case No: 21-14</b>	)	
11	Grand Bellview, LLC	)	
12	254 Grand Avenue	)	
12	Lot: 4 Block: 202	)	
13	<b>Case No. 21-16</b>	)	
13	60 Brinkerhoff Terrace	)	
14	Lot: 13 Block: 201	)	
14	<b>Case No. 21-17</b>	)	
15	274 10th Street, LLC	)	
15	274 10th Street	)	
16	Lot: 7 Block: 417	)	
16	<b>Case No. 21-18</b>	)	
17	27 Henry Avenue	)	
17	Lot: 16 Block: 214	)	
18	-----		
18	B E F O R E:		
19	JOSEPH FERGUSON, CHAIRMAN		
20	PAUL ALBANESE, VICE CHAIRMAN		
20	ELEFTERIOS ELEFTERIOU, MEMBER		
21	VINCENT CARNOVALE, MEMBER		
21	DAVID TERRANOVA, MEMBER		
22	JOHN GRALA, MEMBER		
22	SEONGHYE YOON, MEMBER		
23	STEVEN BROGNA, ALTERNATE MEMBER #1		
23	CHARLIE CHUNG, ALTERNATE MEMBER #2		
24	MICHAEL LEE, ALTERNATE MEMBER #3 (ABSENT)		
24			
25			

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

3

I N D E X

1			
2	<u>WITNESS</u>	<u>SWORN</u>	<u>TESTIMONY</u>
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5	<b>Case No. 21-06</b>		
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8	<b>Case No: 21-14</b>		
9	<b>Grand Bellview, LLC</b>		
9	<b>254 Grand Avenue</b>		
10	<b>Lot: 4 Block: 202</b>		13
10	<b>Case No. 21-17</b>		
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11	<b>274 10th Street</b>		
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1	<b>A P P E A R A N C E S:</b>
2	<b>DIANE TESTA, ESQUIRE</b>
	-and-
3	<b>MARC D. MACRI, ESQUIRE (Case No. 21-02, In Chang Chung Hae Jang)</b>
4	Counsel for the Board of Adjustment
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6	Fort Lee, New Jersey 07024
7	Attorney for the Applicant, Kyung Soon Yi
8	<b>STEPHEN F. PELLINO, ESQUIRE</b>
8	<b>BASILE, BIRCHWALE &amp; PELLINO, LLC</b>
9	865 Broad Avenue
9	Ridgefield, New Jersey 07657
10	Attorney for the Applicant, In Chang Chung
10	<b>LAW OFFICE OF MARC D. MACRI, P.C.</b>
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11	1000 Anderson Avenue
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12	Fort Lee, New Jersey 07024
13	Attorney for Applicant, 60 Brinkerhoff Terrace
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15	<b>GINA KIM, BOROUGH CLERK, LAND USE SECRETARY</b>
16	<b>STEVE COLLAZUOL, P.E., BOARD ENGINEER</b>
17	<b>HAL SIMOFF, P.E., BOARD TRAFFIC ENGINEER</b>
18	<b>MICHAEL KAUKER, P.P., BOARD PLANNER</b>
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I N D E X (continued)

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1 MS. KIM: Albanese?  
 2 VICE CHAIRMAN ALBANESE: Yes.  
 3 MS. KIM: Elefteriou?  
 4 MR. ELEFTERIOU: Yes.  
 5 MS. KIM: Carnovale?  
 6 MR. CARNOVALE: Yes.  
 7 MS. KIM: Grala?  
 8 MR. GRALA: Yes.  
 9 MS. KIM: Terranova?  
 10 MR. TERRANOVA: Yes.  
 11 MS. KIM: Yoon?  
 12 MS. YOON: Yes.  
 13 MS. KIM: Chung?  
 14 MR. CHUNG: Yes.  
 15 CHAIRMAN FERGUSON: Okay.  
 16 Next we have one memorialization, Case  
 17 Number 21-12, Kyung Soon Yi, 265 Highland Avenue.  
 18 This is a memorialization from the last  
 19 meeting.  
 20 VICE CHAIRMAN ALBANESE: I wasn't here.  
 21 CHAIRMAN FERGUSON: Oh, you weren't  
 22 here.  
 23 Can I get a motion to accept?  
 24 (No response.)  
 25 CHAIRMAN FERGUSON: All right, I'll

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1 MS. KIM: Brogna?  
 2 MR. BROGNA: Abstain.  
 3 MS. KIM: Chung?  
 4 MR. CHUNG: Yes.  
 5 MS. KIM: Lee is absent. Okay.  
 6 MS. TESTA: I guess we should do the...  
 7 CHAIRMAN FERGUSON: Okay.  
 8 So we're going to go through some of  
 9 the postponements.  
 10 There's three on the agenda tonight.  
 11 The first one is 123 East Ruby Avenue,  
 12 LLC. I just want to make a comment on that one.  
 13 At the last meeting I did say that we  
 14 were not going to grant any more adjournments to this  
 15 individual because he already had three.  
 16 Unfortunately, he had a death in the  
 17 family, and he tells our attorney that he's still not  
 18 capable to come in. He's a little behind. So I'll  
 19 leave it to the board.  
 20 My preference would be that I don't  
 21 believe people -- that would be bad karma that if he  
 22 turned around and said he had a death in the family  
 23 and he didn't have it, right? That's something that,  
 24 you know...  
 25 So I do think he did have a death in

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1 make a motion.  
 2 Fine.  
 3 Can I get a second?  
 4 MR. GRALA: Second.  
 5 MS. KIM: Who seconded it?  
 6 MS. TESTA: John.  
 7 CHAIRMAN FERGUSON: Roll call.  
 8 If you weren't here you can't vote.  
 9 MS. TESTA: Right.  
 10 If you voted no -- Vinnie, you can't  
 11 vote.  
 12 MS. KIM: Ferguson?  
 13 CHAIRMAN FERGUSON: Yes.  
 14 MS. KIM: Albanese?  
 15 VICE CHAIRMAN ALBANESE: Abstain.  
 16 MS. KIM: Elefteriou?  
 17 MR. ELEFTERIOU: Abstain.  
 18 MS. KIM: Carnovale?  
 19 MR. CARNOVALE: Pass.  
 20 MS. KIM: Grala?  
 21 MR. GRALA: Yes.  
 22 MS. KIM: Terranova?  
 23 MR. TERRANOVA: Yes.  
 24 MS. KIM: Yoon?  
 25 MS. YOON: Yes.

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1 the family. I don't know when.  
 2 But I'm of the opinion that we should  
 3 grant the adjournment. But that's just me.  
 4 I'll be glad to -- if the board has a  
 5 different feeling, it's fine with me.  
 6 VICE CHAIRMAN ALBANESE: I make a  
 7 motion we adjourn.  
 8 MR. CARNOVALE: I second that motion.  
 9 CHAIRMAN FERGUSON: Roll call?  
 10 MS. TESTA: So that would be until the  
 11 next meeting, which is October 17 at 7 p.m.  
 12 CHAIRMAN FERGUSON: Right.  
 13 MS. TESTA: No further --  
 14 VICE CHAIRMAN ALBANESE: That's it.  
 15 MS. TESTA: Be ready to proceed or  
 16 we'll dismiss.  
 17 That's the motion, then.  
 18 CHAIRMAN FERGUSON: Roll call?  
 19 MS. KIM: Ferguson?  
 20 CHAIRMAN FERGUSON: Yes.  
 21 MS. KIM: Albanese?  
 22 VICE CHAIRMAN ALBANESE: Yes.  
 23 MS. KIM: Elefteriou?  
 24 MR. ELEFTERIOU: Yes.  
 25 MS. KIM: Carnovale?

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1 MR. CARNOVALE: Yes.  
 2 MS. KIM: Grala?  
 3 MR. GRALA: Yes.  
 4 MS. KIM: Terranova?  
 5 MR. TERRANOVA: Yes.  
 6 MS. KIM: Yoon?  
 7 MS. YOON: Yes.  
 8 MS. KIM: Brogna?  
 9 MR. BROGNA: Yes.  
 10 MS. KIM: Chung?  
 11 MR. CHUNG: Yes.  
 12 MS. KIM: Okay. The case has been  
 13 adjourned.  
 14 MS. TESTA: That's Case No. 21-06, 123  
 15 East Ruby Avenue, LLC, regarding 127 East Ruby  
 16 Avenue, Block 615, Lots 11 and 12.  
 17 At the request of the applicant, it  
 18 will be carried for one more month until  
 19 October 18th, 2021, at 7 p.m.  
 20 There will be no further notice. And I  
 21 will advise the attorney that he needs to proceed  
 22 that date, yes.  
 23 CHAIRMAN FERGUSON: The next one is 254  
 24 Grand Avenue, Case Number 21-14, Grand Bellevue, LLC.  
 25 He's asking for an adjournment to the  
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1 MS. KIM: Yoon?  
 2 MS. YOON: Yes.  
 3 MS. KIM: Brogna?  
 4 MR. BROGNA: Yes.  
 5 MS. KIM: Chung?  
 6 MR. CHUNG: Yes.  
 7 MS. KIM: Okay. The case is adjourned.  
 8 CHAIRMAN FERGUSON: Okay.  
 9 Last, but certainly not least, is  
 10 274 10th Street, LLC.  
 11 He put a letter in saying that his  
 12 experts, or one of his experts, aren't available  
 13 tonight.  
 14 Therefore, I'll make a motion to grant  
 15 the adjournment until next month.  
 16 MR. CARNOVALE: I'll second the motion.  
 17 MS. TESTA: Again, no further notice.  
 18 MR. SOKOLICH: Thank you.  
 19 CHAIRMAN FERGUSON: Can I get a motion?  
 20 VICE CHAIRMAN ALBANESE: Motion.  
 21 MR. CARNOVALE: I seconded.  
 22 CHAIRMAN FERGUSON: Roll call?  
 23 MS. KIM: Ferguson?  
 24 CHAIRMAN FERGUSON: Yes.  
 25 MS. KIM: Albanese?  
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1 next month.  
 2 I would make a motion to grant the  
 3 adjournment.  
 4 Can I get a second?  
 5 VICE CHAIRMAN ALBANESE: I make a  
 6 motion for the adjournment.  
 7 CHAIRMAN FERGUSON: Okay. A second?  
 8 MR. ELEFTERIOU: Second.  
 9 CHAIRMAN FERGUSON: Roll call?  
 10 MS. TESTA: Again, this motion will be  
 11 for no further notice.  
 12 CHAIRMAN FERGUSON: Yes, no further  
 13 notice.  
 14 MS. KIM: Ferguson?  
 15 CHAIRMAN FERGUSON: Yes.  
 16 MS. KIM: Albanese?  
 17 VICE CHAIRMAN ALBANESE: Yes.  
 18 MS. KIM: Elefteriou?  
 19 MR. ELEFTERIOU: Yes.  
 20 MS. KIM: Carnovale?  
 21 MR. CARNOVALE: Yes.  
 22 MS. KIM: Grala?  
 23 MR. GRALA: Yes.  
 24 MS. KIM: Terranova?  
 25 MR. TERRANOVA: Yes.  
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1 VICE CHAIRMAN ALBANESE: Yes.  
 2 MS. KIM: Elefteriou?  
 3 MR. ELEFTERIOU: Yes.  
 4 MS. KIM: Carnovale?  
 5 MR. CARNOVALE: Yes.  
 6 MS. KIM: Grala?  
 7 MR. GRALA: Yes.  
 8 MS. KIM: Terranova?  
 9 MR. TERRANOVA: Yes.  
 10 MS. KIM: Yoon?  
 11 MS. YOON: Yes.  
 12 MS. KIM: Brogna?  
 13 MR. BROGNA: Yes.  
 14 MS. KIM: Chung?  
 15 MR. CHUNG: Yes.  
 16 MS. KIM: Okay. The case is adjourned.  
 17 MS. TESTA: Okay.  
 18 So that would be Case No. 21-14, Grand  
 19 Bellevue, LLC, 254 Grand Avenue, and also Case  
 20 Number 21-17, 274-10th Street, LLC regarding 274-10th  
 21 Street.  
 22 Both applications are being carried to  
 23 the October 18th meeting, 2021, at 7 p.m. at the  
 24 request of the applicants. No further notice will be  
 25 provided to the residents via mail or by the  
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1 newspaper.

2 CHAIRMAN FERGUSON: Okay.

3 So now we're going to call our first  
4 case.

5 And our first case is going to be

6 27 Henry.

7 Counsel, do you want to put your  
8 appearance in?

9 MR. SOKOLICH: I do, Chairman, thank  
10 you.

11 Mark Sokolich on behalf of the

12 applicant before you this evening.

13 As the Chair points out, this relates  
14 to 27 Henry Avenue. The client, Kyung Soon Yi.

15 My name is Mark Sokolich.

16 As your files will indicate, this is  
17 actually a matter that was filed and was proposed to  
18 be presented by Brian Chewcaskie. Brian has a  
19 conflict and he asked that I step in tonight.

20 So please excuse the JB, as the  
21 expression goes.

22 The application is a request to convert  
23 an existing one-family house into a two -- not a  
24 duplex-style two-family, on a lot that's under the  
25 5,000-square-foot minimum.

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

3 MR. H. CHUNG: My name is Hojoon Chung,  
4 H-O-J-O-O-N. Last name is C-H-U-N-G.

5 CHAIRMAN FERGUSON: Okay.

6 VOIR DIRE EXAMINATION

7 BY MR. SOKOLICH:

8 **Q.** Mr. Chung, are you a licensed architect  
9 in the State of New Jersey?

10 **A. Yes.**

11 **Q.** For how long?

12 **A. For 13 years.**

13 **Q.** And have you testified before other  
14 zoning boards and planning boards in the State of New  
15 Jersey before?

16 **A. Yes.**

17 **Q.** And have your credentials been accepted  
18 in the field of architecture before those other  
19 boards?

20 **A. Yes.**

21 **Q.** Have you had an opportunity to either  
22 prepare the plans we're about to speak to, or have  
23 you had an opportunity to carefully review the plans  
24 that we're about to present in evidence?

25 **A. For this project, I carefully reviewed**

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1 Our intention is to present the  
2 testimony of one expert, a licensed architect in the  
3 State of New Jersey.

4 Just by way of housekeeping, we  
5 presented Counsel with an Affidavit of Service  
6 provided to me by Mr. Chewcaskie's office, which we  
7 hope and trust is in order, providing the board with  
8 jurisdiction of the application tonight.

9 The property specifically is designated  
10 as Lot 16, Block 214. It is in what is commonly  
11 referred to as the AA1 and two-family zone here in  
12 the Borough of Palisades Park.

13 And unless the Chair or any board  
14 member or any counsel has any question of I, we are  
15 prepared to proceed.

16 CHAIRMAN FERGUSON: Take it away.

17 MR. SOKOLICH: Thank you, Chairman.

18 MS. TESTA: Please raise your right  
19 hand.

20 Do you swear that the testimony you  
21 will give this application will be the truth, the  
22 whole truth, and nothing but the truth?

23 MR. H. CHUNG: Yes.

24 H O J O O N C H U N G, AIA,

25 Having been duly sworn, testifies as follows:

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1 **the present project.**

2 **Q.** And in anticipation of your testimony  
3 this evening, I presume that you reviewed the  
4 appropriate provision of the zoning ordinances here  
5 in the Borough of Palisades Park --

6 **A. Yes.**

7 **Q.** -- site plan ordinances, and also  
8 conducted a physical inspection of the property,  
9 correct?

10 **A. Yes.**

11 MR. SOKOLICH: Chairman, I would --

12 CHAIRMAN FERGUSON: We'll accept him.

13 MR. SOKOLICH: Thank you.

14 DIRECT EXAMINATION

15 BY MR. SOKOLICH:

16 **Q.** So your credentials have been accepted  
17 as an expert in the field of architecture.

18 I'm going to ask you to get a little  
19 closer to these plans.

20 MR. SOKOLICH: The first one we marked  
21 as A-1, with Counsel's permission.

22 The plans are entitled -- where are we  
23 -- "Renovation for Two-family Home, 27 Henry Avenue."  
24 They are last revised August 27, 2021.

25 And, Counsel, with your permission A-1;

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1 is that okay?  
 2 MS. TESTA: Yes.  
 3 (Whereupon, Renovation for Two-family  
 4 Home, 27 Henry Avenue, Last Revised August 27,  
 5 2021 is marked as Exhibit A-1 for  
 6 identification.)  
 7 BY MR. SOKOLICH:  
 8 Q. So, Mr. Chung, if you would just --  
 9 referring to the lower right-hand corner, the tax map  
 10 excerpt, if you can just identify generally where the  
 11 property is located?  
 12 A. Okay.  
 13 **The property is located on the site**  
 14 **plan on R and N, eight one- and two-family zone.**  
 15 And lot area is 4,446.  
 16 Q. It's 4,440 square feet, correct?  
 17 A. Correct.  
 18 Q. And I believe that's short of the  
 19 5,000-square-foot minimum.  
 20 Is that correct?  
 21 A. Correct.  
 22 Q. And this property fronts on Henry  
 23 Avenue, does it not?  
 24 A. Yes.  
 25 Q. Are there any other thoroughfares or  
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1  
 2 BY MR. SOKOLICH:  
 3 Q. Which is presently detached, correct?  
 4 A. **Detached.**  
 5 **Then we are proposing the proposed**  
 6 **green drive area on the right side and the front.**  
 7 Q. Okay.  
 8 When you say "proposed green," what  
 9 does green mean?  
 10 A. **Because due to the lot coverage --**  
 11 Q. Just stay here for a second. Just you  
 12 can describe it.  
 13 A. **So we are trying to let water coming**  
 14 **through the space.**  
 15 Q. Okay.  
 16 So it's not pervious -- it's not  
 17 impervious, it's pervious?  
 18 A. **Correct.**  
 19 Q. Okay.  
 20 And I know that we have a better  
 21 description as to the improvements on the following  
 22 exhibits.  
 23 But there are a few variances that are  
 24 being sought in connection with this application,  
 25 correct?  
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1 roads that this property fronts on, or is it just  
 2 Henry Avenue?  
 3 A. **Just Henry Avenue.**  
 4 Q. Okay.  
 5 And on A-1, on the lower left-hand  
 6 corner, you have what I refer to as the architectural  
 7 site plan, which depicts existing conditions and  
 8 what's being proposed?  
 9 A. **Correct.**  
 10 Q. So very carefully, if you could explain  
 11 to the board and the attending members of the public  
 12 what these colors signify and what this architectural  
 13 site plan represents?  
 14 A. Okay.  
 15 **The site plan is located on Henry**  
 16 **Avenue. And as is shown in the blue is the existing**  
 17 **building (indicating).**  
 18 **This is two-story masonry dwelling.**  
 19 MS. BRAUER: Can you speak up a little,  
 20 please?  
 21 THE WITNESS: This blue main building  
 22 is a two-story masonry building which is the  
 23 existing.  
 24 And behind the building the rear side  
 25 there is a masonry garage building.  
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1 A. **Correct.**  
 2 Q. And those variances -- and I'll walk  
 3 you through them. There are several preexisting  
 4 nonconforming conditions.  
 5 What I mean by that, conditions that  
 6 exist no matter what action is taken by the board.  
 7 For example, the minimum lot size is not met,  
 8 correct?  
 9 A. **Correct.**  
 10 Q. The minimum lot depth, correct, is not  
 11 met; that's also preexisting, correct?  
 12 A. **Yes.**  
 13 Q. And there are a few other conditions  
 14 that, likewise, exist that we're not impacting;  
 15 however, they're existing conditions.  
 16 We're requesting a continuous of those  
 17 preexisting, nonconforming conditions, in fact,  
 18 expanding on several of them, correct?  
 19 A. **Correct.**  
 20 MR. SOKOLICH: I'm going to turn you so  
 21 we give the board a better taste as to what exactly  
 22 our improvements are to a plan that I'm going to  
 23 mark, with your permission and Counsel's permission,  
 24 as A-2.  
 25 (Whereupon, Renovation for Two-Family  
**LAURA A. CARUCCI, C.S.R., R.P.R., L.L.C.**  
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1 Home, Last Revised August 27, 2021 is marked  
2 as Exhibit A-2 for identification.)  
3 BY MR. SOKOLICH:  
4 **Q.** A-2 is likewise entitled, "Renovation  
5 for Two-family Home," last revised August 27 of 2021.

6 Again, these plans were reviewed  
7 carefully by you in anticipation of your testimony?

8 **A. Yes.**

9 **Q.** Before we get started with the plans,  
10 in the lower right-hand corner there are cutouts  
11 concerning the driveway that's proposed.

12 Could you please describe in more  
13 detail the driveway that's proposed for this project?

14 **A. Okay.**

15 **Because we are concerning a stormwater  
16 drain, so what we've drawn is trying to use the  
17 concrete blocks. But treated blocks, we keep the --  
18 So we try to keep the water from coming down.**

19 **Q.** These pictures are -- well, the top is  
20 actually a photograph of an existing type of  
21 driveway, and the bottom is side shot, if you will,  
22 as to how it works.

23 Would you say that those pictures  
24 combined represent an accurate depiction of what this  
25 applicant proposes?

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1 **is as is, existing.**

2 **Q.** Now, this area is devoted to what  
3 you're calling Unit A (indicating).

4 **A. Yes.**

5 **Q.** Okay.

6 So I presume at one point we're going  
7 to get an area or a unit that we're designating as  
8 Unit B?

9 **A. Correct.**

10 **Q.** Does Unit B have access to this, or is  
11 this exclusively for Unit A?

12 **A. Unit A.**

13 **Q.** Okay.

14 Are there any points of ingress or  
15 egress into this bottom section, other than from the  
16 back or from the front?

17 **A. No. Only two exits.**

18 **Q.** Now, the next -- the next cut sheet, or  
19 the next section, is what we depict as Unit A  
20 Proposed First Floor Plan, correct?

21 **A. Yes.**

22 **Q.** Could you describe what's depicted on  
23 the first floor plan?

24 And, again, be specific as to what's  
25 existing and what's new.

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1 **A. Yes.**

2 **Q.** Now, on A-2 you also have a series of  
3 floor plans.

4 The first one is what you're referring  
5 to as the proposed cellar floor plan. And then above  
6 that would be what you're calling the first floor  
7 plan for Unit A.

8 Starting on the ground level, if you  
9 could just please bring the board through what is  
10 proposed.

11 Now, when you do that, I need you to be  
12 specific as to what exists and what's being proposed,  
13 okay?

14 And Henry Avenue, I presume, is on the  
15 bottom of your page, so this is the front that fronts  
16 Henry Avenue?

17 **A. Yes.**

18 **Q.** Take it away.

19 **A. Number one, the proposed cellar plan.  
20 This shows pretty much existing. So we  
21 didn't change any major modification. We tried  
22 to make the storage area a little bigger.**

23 **Instead we tried to cut the space for  
24 the existing space. And on the left upper corner we  
25 tried to put a new laundry area. And all other space**

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1 **A. Okay.**

2 **So the first floor is fine to us so we  
3 didn't change any footprint. The only thing we did  
4 is we tried to separate the two units, Unit A and  
5 Unit B on the second floor.**

6 **Q.** Yes, sir.

7 **A. So we tried to create fire-rated  
8 staircase going up to the second floor unit.**

9 As you come into the Unit A on the  
10 right side, there is living space door and a kitchen  
11 area (indicating).

12 The only thing we added was the  
13 laundry. And then tried to cut a smaller bathroom  
14 area.

15 And then we replaced the bathroom,  
16 kitchen, and tried to put more closet space.

17 **Q.** So the square footage, if I'm to  
18 understand you correctly -- and I believe I do -- the  
19 square footage that's depicted on this plan for the  
20 cellar and this plan for the proposed first floor is  
21 all square footage that exists now?

22 **A. Right, correct.**

23 **Q.** There's no expansion of either the  
24 footprint or the square footage, the livable square  
25 footage in the house?

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1 **A. No.**  
 2 **Q.** And the only -- and now, Unit B, which  
 3 we're about to talk about, can Unit B access this  
 4 middle floor, first floor or the basement?

5 **A. No.**  
 6 **Q.** It cannot?

7 **A. No.**  
 8 **Q.** So they're completely segregated?

9 **A. Right.**  
 10 **Q.** I'm going to now turn you, if I may, to  
 11 --

12 MR. SOKOLICH: With Counsel's  
 13 permission what we will mark as A-3.  
 14 (Whereupon, Renovation for Two-Family  
 15 Home, Last Revised August 27, 2021 is marked  
 16 as Exhibit A-3 for identification.)

17 MR. SOKOLICH: And just to identify  
 18 this, this is again, "Renovation for Two-family  
 19 Home."

20 It depicts the second floor plans. And  
 21 it has a last revised date of August 27th, 2021.

22 Diane, I'm trying to give you  
 23 distinguished titles here, but they're all entitled  
 24 the same.

25 MS. TESTA: That's fine.  
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1 we tried to put a closet space (indicating). And  
 2 that's it for the second floor.

3 And as you're coming up to the third  
 4 floor, the pitch is actually adding a level. And  
 5 there is one existing bedroom here.

6 And what we did was actually we added  
 7 dormer in the front. It's shown on this elevation.

8 This is actually the new dormer (indicating). And I  
 9 think that's pretty much the front elevation.

10 **Q.** So if you would -- now, if one were to  
 11 be standing on Henry Avenue looking at this property,  
 12 were the board to act favorable, is there anything  
 13 that's depicted on A-3 that would depict what we  
 14 would be looking at?

15 That's this here (indicating), correct?

16 **A. Correct.**

17 **Q.** So if you would, describe the  
 18 materials, describe what the look is, describe what  
 19 you've been trying to achieve?

20 **A. So the front, we are trying to renovate  
 21 the styling to be a wood-panel finishing and then  
 22 replace some windows.**

23 **And we used the stucco moulding around  
 24 it.**

25 **So we tried to make it a little modern,**  
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1 No problem.

2 MR. SOKOLICH: Sorry.

3 BY MR. SOKOLICH:

4 **Q.** So A-3, Mr. Chung, if you would,  
 5 starting on what you're calling the Proposed Second  
 6 Floor Plan for Unit B.

7 Now, this is the first space we're  
 8 talking about for the other unit, Unit B  
 9 (indicating), correct?

10 **A. Yes.**

11 **Q.** Again, if you could please speak  
 12 clearly and loudly.

13 **A. As shown, this second floor perimeter,  
 14 we didn't change any footprint.**

15 The only thing was added was a  
 16 staircase coming up to the second floor, which is  
 17 fire rated. And then there is an entrance door on  
 18 the right sidewalk (indicating).

19 So as you come into the space, there's  
 20 a living space for living -- a living room.

21 And we replaced the existing kitchen.  
 22 And we tried to relocate the wall a little farther to  
 23 make the existing bedroom smaller, but make the  
 24 living space bigger (indicating).

25 And then inside the existing bedrooms,  
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1 but tried to clean.

2 **Q.** And up top is that dormer you --

3 **A. Dormer.**

4 **Q.** We can't talk at the same time.

5 So up top is the dormer that you're  
 6 referring to in the attic floor plan for Unit B,  
 7 correct?

8 **A. Correct.**

9 **Q.** And the materials you said were going  
 10 to be stucco, Hardie board, new windows, those types  
 11 of materials?

12 **A. Yes.**

13 **Q.** And as far as parking, I think we need  
 14 to go back. I just wanted to discuss that with you.

15 As far as vehicles, where are vehicles  
 16 proposed to park for these two units?

17 **A. We may use the --**

18 **Q.** For the record, we're back to A-1?

19 **A. Right.**

20 **We may use this garage and these two  
 21 (indicating).**

22 **Q.** Is this a one- or two-car garage?

23 **A. A two-car garage.**

24 **Q.** Or tandem parking along the front where  
 25 you depict in the green?

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1 **A. Correct.**  
2 **Q.** Now, we also reviewed in the beginning  
3 that there were several variances that were being  
4 sought, many of which are existing because of the lot  
5 size that's below, correct?

6 **A. Yes.**  
7 **Q.** And just to confirm, the maximum  
8 building height for what's now being proposed is  
9 approximately 26-and-a-half feet  
10 Is that correct?

11 **A. Correct.**  
12 **Q.** And there are, you believe, adequate  
13 parking spaces.

14 But, again, that would include the  
15 tandem spaces that might technically not be counted,  
16 correct?

17 **A. Yes.**  
18 **Q.** Also, there are preexisting conditions,  
19 such as lot width and lot size.  
20 Is that correct?

21 **A. Yes.**  
22 **Q.** Is there anything else that you would  
23 like to add with regard to either the new areas that  
24 are proposed, the old areas that are proposed, or  
25 opinion generally of this approval?

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1 MR. SOKOLICH: Well, unless I'm wrong,  
2 and that certainly wouldn't be the first, I've always  
3 viewed a duplex as twin units side by side, right,  
4 with two separate and distinct entities. And  
5 effectively, symmetrical with one another.

6 So you walk up, there's either a common  
7 stairwell that leads to a door to the left and the  
8 right. Then there are two units that are all by  
9 identical on either side.

10 We don't really have that condition  
11 here. That's why I didn't use the word duplex.

12 CHAIRMAN FERGUSON: So the house that's  
13 existing now.

14 MR. SOKOLICH: Yes, sir.

15 CHAIRMAN FERGUSON: The blueprint's  
16 going to be the same? You're not moving that...

17 MR. H. CHUNG: We're not moving  
18 anything.

19 CHAIRMAN FERGUSON: You're not moving  
20 anything.

21 MR. SOKOLICH: Correct.

22 CHAIRMAN FERGUSON: So the next  
23 question is, this green area that you're talking  
24 about. I'm wondering why it's green.

25 I mean, you know, I sit for a lot of

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1 **A. No.**  
2 **That's pretty much about it.**  
3 MR. SOKOLICH: Okay. Chairman, I offer  
4 Mr. Chung.

5 CHAIRMAN FERGUSON: Okay.  
6 So I've got a lot of questions. The  
7 first one is, the building that's there now is a  
8 one-family house --

9 MR. SOKOLICH: Yes, sir.  
10 CHAIRMAN FERGUSON: -- two-family?  
11 Okay.

12 Well, they're saying no; you're saying  
13 yes.

14 MR. SOKOLICH: No, no, no. Existing,  
15 two.

16 CHAIRMAN FERGUSON: It's an existing  
17 two.

18 MR. SOKOLICH: Yes. Excuse me.  
19 I'm sorry.

20 CHAIRMAN FERGUSON: Okay.  
21 So when you say on your plans it's a  
22 two-family house, right?

23 MR. SOKOLICH: Yes, sir.

24 CHAIRMAN FERGUSON: Can we interchange  
25 the word duplex?

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1 applications. I don't -- I never saw green.

2 MR. SOKOLICH: Yeah. I get it,  
3 Chairman. I do.

4 So when you see green you think lawn.  
5 When you see green you think garden. When you see,  
6 right, you think unimproved. Understood.

7 I didn't pick the colors. I inherited  
8 the plans.

9 But I think the point that was trying  
10 to be made was that the area of the driveway that's  
11 depicted in green, they were going to employ these  
12 permeable driveways where it's not technically  
13 impervious, and then, therefore, it doesn't go  
14 against your coverage count, correct?

15 MR. H. CHUNG: Correct.

16 MR. SOKOLICH: Or at least the  
17 impervious count.

18 So, in other words, the water hits it,  
19 and there are areas for the water to seep through and  
20 just naturally go into the ground.

21 That's why I think he labeled it green.  
22 At least that's...

23 CHAIRMAN FERGUSON: Right.

24 And on each side of this house now  
25 there's one- or two-family houses.

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1 MR. SOKOLICH: Yes, yes, Chairman.  
 2 CHAIRMAN FERGUSON: There's two-family  
 3 houses or one.  
 4 MR. SOKOLICH: Do you know, Tony?  
 5 MALE AUDIENCE MEMBER: A one-family.  
 6 MR. SOKOLICH: One.  
 7 We believe one.  
 8 CHAIRMAN FERGUSON: So you're going to  
 9 have a one-family, a two-family, and then you're  
 10 going to have another one; is that what you're --  
 11 yeah.  
 12 MR. SOKOLICH: That's correct,  
 13 Chairman.  
 14 CHAIRMAN FERGUSON: Okay.  
 15 My major concern about this is the  
 16 bulk. I don't -- I don't -- on Henry, as I've been  
 17 there many times in the last month, I don't see a lot  
 18 of parking in the front.  
 19 MR. SOKOLICH: Yes, sir.  
 20 CHAIRMAN FERGUSON: In other words, you  
 21 know, I see driveways leading to the back garages. I  
 22 don't see a lot of cars in front of the houses. It's  
 23 -- you know.  
 24 So I'm just -- I'm just curious, how  
 25 many cars can you put in the front?

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1 I'm concerned, though, if you start  
 2 putting cars parked in on the driveway, you're going  
 3 to have move three cars, four cars out onto Henry to  
 4 get the first car done, to get out.  
 5 In other words, if you -- if you were  
 6 good enough to get two cars in the garage, I don't  
 7 see that happening, but let's just say for the sake  
 8 of the argument you can get two cars in there. You  
 9 would put, you know, two cars in the front and two  
 10 cars in the driveway. You know, I just don't -- I  
 11 mean, I've got a little problem with looking at Henry  
 12 Avenue on that side, right?  
 13 I don't see any cars in the front of  
 14 the house. Now you're putting cars -- you're putting  
 15 cars in front of the house.  
 16 MR. SOKOLICH: Chairman?  
 17 CHAIRMAN FERGUSON: Yeah.  
 18 MR. SOKOLICH: I think the proposal,  
 19 right, is the two cars in -- the two vehicles  
 20 proposed for the garage, which is an existing  
 21 condition that's been going for many, many years,  
 22 right?  
 23 CHAIRMAN FERGUSON: Yes.  
 24 MR. SOKOLICH: And then the two cars  
 25 directly in the front that would park side by side.

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1 MR. H. CHUNG: In front.  
 2 CHAIRMAN FERGUSON: Yeah.  
 3 MR. H. CHUNG: I think two.  
 4 MR. SOKOLICH: You've got to speak up.  
 5 You have to speak up so that they can hear you.  
 6 MR. H. CHUNG: Two cars.  
 7 MR. SOKOLICH: So let's be specific.  
 8 How many in the garage? How many in  
 9 the driveway? How many in the front?  
 10 Come up with a total number.  
 11 MR. H. CHUNG: The garage, two. And  
 12 the rear side, pretty much you can park three cars.  
 13 CHAIRMAN FERGUSON: Okay.  
 14 MR. H. CHUNG: Then the front, if you  
 15 want to park, you can park one or two cars.  
 16 CHAIRMAN FERGUSON: Okay.  
 17 So how many cars do you need?  
 18 MR. H. CHUNG: Four cars.  
 19 CHAIRMAN FERGUSON: You need four cars.  
 20 MR. SOKOLICH: Maximum.  
 21 MR. H. CHUNG: Max.  
 22 CHAIRMAN FERGUSON: See, the problem  
 23 for me is if you park -- I took the liberty to drive  
 24 up that driveway, and it's narrow, to say the least.  
 25 I've got a small car and I just made it.

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1 So that the driveway would always be  
 2 clear. This driveway could be completely clear and  
 3 still four cars could be readily handled onto the  
 4 property so there's no, as we call it, tandem parking  
 5 that would require multiple back outs.  
 6 CHAIRMAN FERGUSON: Right.  
 7 But you're going to be putting cars in  
 8 the front of the building that no cars -- houses are  
 9 now blocked.  
 10 MR. SOKOLICH: Understood.  
 11 CHAIRMAN FERGUSON: Because right now  
 12 if you go to the house on the left or to the right,  
 13 there's no parking in what I would call the front  
 14 yard, right?  
 15 MR. SOKOLICH: I cannot deny that,  
 16 Chairman.  
 17 CHAIRMAN FERGUSON: Yeah, no.  
 18 So, you know, I just -- I mean, you  
 19 have to be -- I mean, I appreciate you're doing the  
 20 outline of the current...  
 21 MR. SOKOLICH: Impervious.  
 22 CHAIRMAN FERGUSON: You're putting  
 23 two-families in, you know, with the same, you know,  
 24 blueprint.  
 25 MR. SOKOLICH: Would the Chair be

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1 inclined to have the architect go back and take  
 2 another look at this and maybe come up with another  
 3 alternative?  
 4 CHAIRMAN FERGUSON: I think that would  
 5 be for me --  
 6 MR. SOKOLICH: Yeah.  
 7 CHAIRMAN FERGUSON: I can't speak for  
 8 the board.  
 9 For me it would be a better...  
 10 MR. SOKOLICH: Our policy has always  
 11 been to try to please all concerns.  
 12 CHAIRMAN FERGUSON: Right.  
 13 But you might as well finish it up so  
 14 you know what we could do.  
 15 MR. SOKOLICH: Please do.  
 16 CHAIRMAN FERGUSON: The next is going  
 17 to be the height of the building.  
 18 Now, you're showing the height of the  
 19 building, 25 feet existing, 26.49 now, right?  
 20 You're going to put how many stories on  
 21 the building.  
 22 MR. H. CHUNG: Two stories and an attic  
 23 above.  
 24 CHAIRMAN FERGUSON: Okay.  
 25 What's the height of the first story?

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1 Now you're going to go to the second  
 2 floor.  
 3 Well, let me just say this: How many  
 4 bedrooms do you have on the first floor?  
 5 MR. H. CHUNG: The first floor, there's  
 6 two bedrooms.  
 7 CHAIRMAN FERGUSON: The first floor.  
 8 MR. CHUNG: Two bedrooms.  
 9 CHAIRMAN FERGUSON: Oh, no.  
 10 I'm talking about -- I'm sorry. You're  
 11 talking -- my mistake.  
 12 I'm talking about the cellar, the  
 13 first, not the one on top, the one on bottom.  
 14 MR. H. CHUNG: Oh, the cellar, there's  
 15 no bedroom.  
 16 CHAIRMAN FERGUSON: There is no  
 17 bedroom, okay.  
 18 Now we're going to go to the second  
 19 floor. And how many bedrooms do you have on the  
 20 second floor?  
 21 MR. H. CHUNG: I believe two, two  
 22 bedrooms.  
 23 CHAIRMAN FERGUSON: You only have two  
 24 bedrooms.  
 25 MR. H. CHUNG: One and two bedrooms,

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1 MR. H. CHUNG: The first story is  
 2 8-foot-4-inches building.  
 3 And then the second floor is 8 feet  
 4 finished to ceiling. Then the attic is 7 feet 9.  
 5 CHAIRMAN FERGUSON: Okay, so it's 23.  
 6 MR. H. CHUNG: Plus we have a total of  
 7 26 feet.  
 8 CHAIRMAN FERGUSON: Well, it's obvious  
 9 to me that you did a good job on the height of the  
 10 building because it's only at 27 feet.  
 11 MR. H. CHUNG: Because actually we kept  
 12 the existing roof.  
 13 We didn't go over.  
 14 CHAIRMAN FERGUSON: You didn't go over.  
 15 That's good.  
 16 Now we're going to go to the actual  
 17 plan. And I can tell you, I have a little problem.  
 18 You said the first floor, which is Unit A, that's all  
 19 going to stay the same except that you're going to do  
 20 a laundry, right?  
 21 You're going to redo the laundry?  
 22 MR. H. CHUNG: Right.  
 23 The laundry and some closet space we  
 24 added.  
 25 CHAIRMAN FERGUSON: Okay.

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1 yes.  
 2 CHAIRMAN FERGUSON: Okay.  
 3 Now, on the third floor, that's the  
 4 height of the building, correct?  
 5 MR. H. CHUNG: Right.  
 6 CHAIRMAN FERGUSON: On the other side  
 7 of building, right --  
 8 MR. H. CHUNG: Right.  
 9 CHAIRMAN FERGUSON: -- you're going to  
 10 build Unit B.  
 11 MR. CHUNG: Um-hmm.  
 12 CHAIRMAN FERGUSON: And Unit B is going  
 13 to have how many bedrooms?  
 14 MR. H. CHUNG: Unit B, a second attic  
 15 space.  
 16 We have two bedrooms.  
 17 CHAIRMAN FERGUSON: Two more bedrooms.  
 18 MR. H. CHUNG: Yes.  
 19 CHAIRMAN FERGUSON: Okay. And you said  
 20 that they don't connect.  
 21 MR. H. CHUNG: No.  
 22 CHAIRMAN FERGUSON: In other words,  
 23 there's no way.  
 24 Now, is there a way to get into the  
 25 cellar area from the outside other than the front

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1 door?  
 2 Is there a side door?  
 3 MR. H. CHUNG: There is an outside door  
 4 outside of the cellar, it will be.  
 5 But we cannot access it unless unit --  
 6 since it's used by Unit A, if they lock it you cannot  
 7 use it from the Unit B.  
 8 CHAIRMAN FERGUSON: Okay.  
 9 But you can get into the first A  
 10 section from the outside.  
 11 MR. H. CHUNG: If you have a key, yeah.  
 12 CHAIRMAN FERGUSON: No, no, I know.  
 13 And there's only one door to get in there.  
 14 MR. H. CHUNG: Right.  
 15 CHAIRMAN FERGUSON: One door in the  
 16 back, you're telling me.  
 17 MR. H. CHUNG: Yes, just one door.  
 18 CHAIRMAN FERGUSON: So there's no  
 19 access.  
 20 Now, how big are your side yards?  
 21 MR. H. CHUNG: The side yard?  
 22 CHAIRMAN FERGUSON: Yeah, side yards.  
 23 MR. SOKOLICH: Chairman, I can tell you  
 24 that they're existing.  
 25 They're not proposing to -- they're

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1 already hampered with.  
 2 Asphalt would just include -- or would  
 3 increase that number. So we thought the pervious  
 4 driveway concept, which is considerably more  
 5 expensive, would be a little more amenable to the  
 6 board, not only for stormwater, for look, so forth  
 7 and so on.  
 8 CHAIRMAN FERGUSON: Well, I'm not sold  
 9 on it at all.  
 10 But that's not here or there, but...  
 11 MR. SOKOLICH: Okay, I got it.  
 12 CHAIRMAN FERGUSON: Now I'm going to go  
 13 to the rest of the board.  
 14 Does anybody on the board have  
 15 anything?  
 16 MR. CARNOVALE: Yes.  
 17 How do you get into this garage that's  
 18 back there?  
 19 Where is the garage door?  
 20 MR. H. CHUNG: The garage.  
 21 MR. CARNOVALE: How do you get in that  
 22 garage right now without touching anything?  
 23 MR. H. CHUNG: I believe there is a  
 24 side door on the garage.  
 25 MR. CARNOVALE: How do you drive a car

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1 5 feet. One side is 5 feet.  
 2 And if my math is correct, the other is  
 3 10.91 feet for a combined of 15.91.  
 4 CHAIRMAN FERGUSON: Okay.  
 5 So before I turn it over to the rest of  
 6 the board, my two comments are: A, I don't  
 7 particularly care for the parking, putting cars in  
 8 the front of the building.  
 9 And B, I don't -- I'm not totally sold  
 10 on this green area that -- that you have.  
 11 MR. SOKOLICH: Understood.  
 12 CHAIRMAN FERGUSON: Because I believe  
 13 -- I went, I think it was Leonia, but don't quote me.  
 14 And after a year, a year-and-a-half, it  
 15 turned -- it turned like to brown. It was almost  
 16 like dirt. So the green doesn't stand up over a long  
 17 period of time.  
 18 Why couldn't you make macadam? There's  
 19 macadam there now, no?  
 20 MR. H. CHUNG: Because we worried about  
 21 improving the lot coverage. That's why we came up  
 22 with stormwater control.  
 23 MR. SOKOLICH: Chairman, since the lot  
 24 has a bit undersized, I think the concern was  
 25 creating more coverage issues than the property is

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1 into the garage?  
 2 MR. H. CHUNG: Into the garage?  
 3 MR. CARNOVALE: I'm sorry.  
 4 MR. SOKOLICH: Where are the garage  
 5 doors to get into the garage with vehicles?  
 6 MR. H. CHUNG: In the front.  
 7 MR. SOKOLICH: In the front, okay.  
 8 MR. CARNOVALE: How do you make that  
 9 turn to get into the garage now?  
 10 MR. H. CHUNG: Yeah, it's very tight, I  
 11 know.  
 12 But it's existing.  
 13 MR. CARNOVALE: Sir, how wide is that  
 14 driveway?  
 15 So I don't have to go crazy trying to  
 16 --  
 17 MR. H. CHUNG: The driveway is 10 --  
 18 almost 11 feet, 10.91 feet.  
 19 MR. CARNOVALE: Okay.  
 20 And do you have a seepage pit here  
 21 someplace for the roof drains.  
 22 MR. H. CHUNG: I don't believe.  
 23 MR. CARNOVALE: I don't see anything  
 24 here.  
 25 MR. H. CHUNG: I don't believe.

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1 MR. CARNOVALE: So you guys are worried  
2 about the coverage, which you're exceeding, plus how  
3 are you going to treat the -- and you guys stuck a  
4 dormer up on the top there.

5 MR. H. CHUNG: Yes.

6 MR. CARNOVALE: I didn't visit this  
7 site, but I think this garage -- isn't the door in  
8 the back where the townhomes are, that piece of  
9 property, or am I wrong.

10 MR. SOKOLICH: There is a strip to the  
11 rear that's owned by the Borough of Palisades Park.

12 MR. CARNOVALE: Is that where the  
13 garage door is.

14 MR. SOKOLICH: Not to my knowledge.

15 On the tax map -- I believe you're  
16 talking about the easement that runs to the rear of  
17 all the properties in that neighborhood?

18 MR. CARNOVALE: Yes, sir.

19 Because a lot of these garages have the  
20 doors back there. So I didn't happen to drive down  
21 these people's driveways and look.

22 But I'm wondering where the garage is.

23 And like the gentleman said, there's  
24 big parking issue here. You guys keep talking about  
25 parking cars in the front. Where in the front? When

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1 door on it.

2 MR. SOKOLICH: But they face Henry.

3 MR. CARNOVALE: Oh, they do? Okay.

4 MR. SOKOLICH: No, no.

5 I wasn't understanding your question.

6 MR. CARNOVALE: No, I'm sorry.

7 MR. SOKOLICH: We don't use the access  
8 through the back and get to the garage through the  
9 back. The garage doors face Henry.

10 So they're in the front. And I'm not  
11 suggesting the angle isn't difficult, but this garage  
12 door is existing here (indicating).

13 MR. CARNOVALE: Okay.

14 Because some of the houses, they face  
15 that townhouse east in the back.

16 MR. SOKOLICH: Which would be here and  
17 then people go down this way, not here, not this  
18 condition (indicating).

19 MR. CARNOVALE: The parking in the  
20 front...

21 MR. SOKOLICH: That's not -- yeah,  
22 that's not what we're proposing.

23 MS. BRAUER: We live there, Mark.

24 CHAIRMAN FERGUSON: Okay. You're going  
25 to get an opportunity to talk.

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1 we talk about the front, usually we mean the front of  
2 the house.

3 CHAIRMAN FERGUSON: They're proposing  
4 that green area on -- off of Henry. They're going to  
5 park cars in front of the house.

6 MR. CARNOVALE: Yeah.

7 But that's out --

8 CHAIRMAN FERGUSON: Right now it's  
9 grass or whatever.

10 MR. CARNOVALE: But that's out of  
11 character for the neighborhood.

12 And I don't know because I'm not a  
13 lawyer, but I don't know, I think the driveway is too  
14 narrow.

15 And I'm concerned about this garage in  
16 the back.

17 Maybe some audience members would know  
18 where the doors are to this because I don't want to  
19 drive down their driveways.

20 CHAIRMAN FERGUSON: Vinnie?

21 MR. CARNOVALE: The doors could be in  
22 the back.

23 CHAIRMAN FERGUSON: Yeah, no.

24 If you drive down the driveway now it's  
25 very narrow. There's a garage in the back that has a

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1 We always let everybody talk.

2 Vinnie, you done, kid?

3 MR. CARNOVALE: Yeah.

4 What about this extra dormer up on the  
5 roof here, how did you calculate your height to come  
6 up with -- what did you say -- 26 point something?

7 CHAIRMAN FERGUSON: Yes, 27 feet.

8 MR. H. CHUNG: Yes, we provide the  
9 average grade.

10 And then from that average grade, we  
11 took the building height. It's showing here we made  
12 the average grade we have.

13 Then we have the dimension of 25 feet  
14 to the top.

15 And then actually the center of the  
16 peak.

17 So we put the highest building.

18 MR. CARNOVALE: Actually, that's not  
19 even how we calculate the height. Could I ask Steve  
20 to look at that, or later?

21 CHAIRMAN FERGUSON: Yeah, Steve's going  
22 to get his shot.

23 MR. CARNOVALE: Okay, I'm done. I'm  
24 done.

25 CHAIRMAN FERGUSON: So, Mr. Simoff,  
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1 you're on.  
 2 MR. SIMOFF: Who me?  
 3 CHAIRMAN FERGUSON: Yes.  
 4 So for the Members of the Board that  
 5 haven't met him, he's our new parking expert.  
 6 MR. SIMOFF: Good evening.  
 7 I'm Hal Simoff.  
 8 CHAIRMAN FERGUSON: He took Judd's  
 9 place.  
 10 So he's in charge of the parking.  
 11 MR. SIMOFF: Well, it looks like it's a  
 12 physical impossibility if the garage doors are on the  
 13 west side of the building. It looks like it's --  
 14 based on the survey, it looks like it's a physical  
 15 impossibility to get two cars in that building.  
 16 MR. SOKOLICH: Between now and the next  
 17 meeting, Chairman -- now, again, it's not my  
 18 applicant -- but it's going to be at my strong urging  
 19 that a template be placed on this property to  
 20 determine what cars can or if they even can access  
 21 that garage.  
 22 CHAIRMAN FERGUSON: Okay.  
 23 MR. SOKOLICH: Also, come up with a  
 24 specific count.  
 25 That's at least my recommendation.

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1 to take it?  
 2 MR. COLLAZUOL: We prepared a report  
 3 dated September 15.  
 4 I'll direct your attention to  
 5 Item No. 5 on the stormwater management. These plans  
 6 do not include the connections for the roof leader of  
 7 the building. This is a redevelopment. It really  
 8 should address the stormwater from the roof.  
 9 Can you explain where the present roof  
 10 water is going?  
 11 MR. SOKOLICH: Where is the present  
 12 water from the gutters going to?  
 13 Is there any proposed formal stormwater  
 14 management system?  
 15 And I think I can answer that. The  
 16 answer is no  
 17 Correct, Chung?  
 18 MR. H. CHUNG: No.  
 19 MR. SOKOLICH: No, not at this time.  
 20 But we understand that could be a  
 21 condition of any action by the board. And we'll  
 22 consider it, Steve.  
 23 MR. COLLAZUOL: Very good.  
 24 MR. SOKOLICH: And we acknowledge we're  
 25 going to have to provide that.

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1 CHAIRMAN FERGUSON: Right.  
 2 I appreciate that.  
 3 MR. SIMOFF: Then maybe on the north  
 4 side of the garage, if you're going to use the alley  
 5 for access -- can you use the alley for access?  
 6 That's the question.  
 7 MR. SOKOLICH: That's what -- it's  
 8 there.  
 9 MR. SIMOFF: Maybe you want to put a  
 10 parking space on the north side of the garage so  
 11 they're not in the front yard.  
 12 MR. CARNOVALE: Sir, with all due  
 13 respect, if the garage doors are facing Henry, you  
 14 would have to bust the back wall out to put the  
 15 garage doors back there.  
 16 MR. SIMOFF: Just change the access.  
 17 MR. CARNOVALE: Yeah.  
 18 I don't really know if our ordinance --  
 19 I don't know about that stuff.  
 20 MR. SOKOLICH: Mr. Simoff, we will look  
 21 at all of this in the intervening period.  
 22 CHAIRMAN FERGUSON: Are you done, my  
 23 friend.  
 24 MR. SIMOFF: Yes.  
 25 CHAIRMAN FERGUSON: Steve, do you want

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1 MR. COLLAZUOL: With following  
 2 Item No. 7, rear and side yard drainage should be  
 3 addressed.  
 4 Runoff from proposed driveway has been  
 5 shown to be directed to Henry Avenue. The existing  
 6 trench drain outlets determined or removed and or  
 7 extended along the proposed driveway.  
 8 Note on the plan. There's a note that  
 9 says, "Drain outlet trench drain is unknown."  
 10 Turning and answering the question from  
 11 Vincent earlier, on page 2, Item No. 3, the wall on  
 12 the right isn't shown to be either removed or to  
 13 remain. It appears to be approximately 1 foot in  
 14 width, which would make the driveway 10 feet, except  
 15 for the width of the chimney, which may makes it 10  
 16 -- about 9 feet, 8-foot-8 in dimension width.  
 17 There is also a projection shown on the  
 18 right side. That may be a lower roof. I'm not  
 19 certain.  
 20 But that may also be a low clearance,  
 21 to answer your question, Vincent.  
 22 Typically, a conversion like this would  
 23 require further utilities to be shown under sanitary  
 24 sewer. The sanitary sewer should be shown on the  
 25 plans, and the connection to the borough's sewer out

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1 in the street.

2 The application should include new  
3 curbing and sidewalks along the entire property  
4 frontage to borough specifications.

5 So all you're showing, a new apron and  
6 curb, it should be full across the property frontage.

7 There is a note on the plan, on the  
8 Grading and Draining Plan, indicating that a variance  
9 is requested for driveway width. Required is  
10 20 feet. Requested is 29.8.

11 I defer to Mr. Kauker. There is no  
12 such ordinance.

13 So although I was wondering if that's a  
14 variance requirement, it is not.

15 So that note should be removed from the  
16 plan, and that variance would not be required.

17 Aside from the other items which are  
18 standard on a report, there's just one more comment.

19 As you said Chairman, green looks very  
20 nice, but it's not used routinely.

21 CHAIRMAN FERGUSON: Right.

22 MR. COLLAZUOL: It's used a lot for  
23 fire roads and limited access where the grass does  
24 continue to grow.

25 But if this is going to be used  
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1 MR. KAUKER: Yeah.

2 Just an observation following up on all  
3 of the comments and also Mr. Simoff's point.

4 Again, it appears that you can use the  
5 rear alley for ingress and egress.

6 But one of the things you may want to  
7 take a look at which you could be able to do.

8 Mr. Simoff said -- I don't know what  
9 the condition of this garage is in the rear.

10 But if you're able to flip the garage  
11 doors to the rear and have two vehicles come in the  
12 front, probably you can get two vehicles from the  
13 garage.

14 And then in the area that's delineated  
15 as green (indicating), maybe put a parking some  
16 macadam in there and put parking. That would  
17 eliminate that green driver in the front.

18 And then you could keep a small portion  
19 of this probably past a home for one of the four  
20 parking spots.

21 And then you also would be able to  
22 eliminate the macadam green as well so it's kind of  
23 like an offset. That may be something they can do  
24 also.

25 In terms of the height of the building,  
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1 commonly on an everyday basis, you would find that  
2 that perviousness where grass is anticipated would  
3 probably be very brown, as you indicated.

4 CHAIRMAN FERGUSON: Okay.

5 So you're telling me that you feel it's  
6 not appropriate; is that what you telling me?

7 MR. COLLAZUOL: It's usually not used  
8 for residential use.

9 CHAIRMAN FERGUSON: Okay.

10 Anybody else have anything?

11 MR. CARNOVALE: Steve, did you look at  
12 the height on this and how it was calculated?

13 MR. COLLAZUOL: Yes, we did go over it.

14 It does appear the existing roof line  
15 is present. And the architect did appear to show to  
16 the midpoint of that, which is not saying it's  
17 changing.

18 However, I question Mr. Kauker on the  
19 number of stories because now they're adding an attic  
20 there.

21 So I question whether it's really three  
22 stories now or not.

23 MR. CARNOVALE: Okay.

24 CHAIRMAN FERGUSON: Okay.

25 Mr. Kauker?

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1 theoretically that could be considered. If it's more  
2 than 5 feet it would be considered a story, and  
3 probably it looks like it might be.

4 And the cellar is not a story per the  
5 code. And so you would have one, two, and then that  
6 additional area would be considered a story. So you  
7 would be three stories.

8 CHAIRMAN FERGUSON: All right. Okay,  
9 anybody else?

10 Yes, Steve?

11 MR. COLLAZUOL: Any access where it's  
12 going to be used -- and I was going to say earlier --  
13 that curb -- we would recommend a curb be placed at  
14 the rear property line to differentiate between the  
15 borough's right-of-way and the property in question.

16 CHAIRMAN FERGUSON: Okay, got it.

17 Okay, now we're going to turn it over  
18 to the audience.

19 And, Susan, do you want to lead us off?  
20 Name and address.

21 MS. SCHOR: Marsha Schor.

22 May I ask, what are you putting in the  
23 basements?

24 MR. H. CHUNG: The basement?

25 The basement, we have an existing

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1 utility room and existing storage.  
 2 And then utility room.  
 3 And then actually we are adding one  
 4 playroom.  
 5 And there is open space with a summer  
 6 kitchen, which is existing.  
 7 MS. SCHOR: Do you have a bathroom in  
 8 there at all?  
 9 MR. H. CHUNG: Yes, one existing  
 10 bathroom is there.  
 11 MS. SCHOR: What do you have in the  
 12 bathroom?  
 13 MR. H. CHUNG: That's existing, so we  
 14 didn't touch anything.  
 15 MS. SCHOR: Okay.  
 16 Because I remember when after the owner  
 17 died, the people came before this board to ask for a  
 18 -- to be allowed to put a two-family, and they did.  
 19 First of all, the driveway -- there  
 20 were two entrances into the garage. There was one  
 21 directly from the driveway and one from the easement,  
 22 which made -- because they said they needed two exits  
 23 and entrances into the driveway.  
 24 The basement is below ground.  
 25 Are you having windows there or

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1 We're going to have only one. It can  
 2 access on from the rear side.  
 3 MS. SCHOR: Now, on the first floor  
 4 you're just going to have two bedrooms, or no?  
 5 MR. H. CHUNG: Yes, one, two bedrooms.  
 6 MS. SCHOR: That's the second floor.  
 7 MR. H. CHUNG: Yes, second floor.  
 8 MS. SCHOR: Aren't you making it --  
 9 it's almost like not quite a 6-over-6; it's a  
 10 4-over-4.  
 11 But you're adding another floor, which  
 12 would make it a three-story building.  
 13 MR. H. CHUNG: Right.  
 14 Because we considered it as an attic  
 15 space. So we tried to make it --  
 16 MS. SCHOR: Does the house now have an  
 17 attic?  
 18 MR. H. CHUNG: Yes.  
 19 MS. SCHOR: It now has an attic?  
 20 MR. H. CHUNG: Yes.  
 21 MS. SCHOR: I mean, it has -- is there  
 22 an existing attic right now?  
 23 MR. SOKOLICH: There is, yes.  
 24 MR. H. CHUNG: We are just adding the  
 25 new attic dormer in front.

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1 something? Because after these people were flooded  
 2 this last rain --  
 3 MR. H. CHUNG: Yes, there are some  
 4 existing windows.  
 5 MS. SCHOR: Okay.  
 6 And there used to be a door on the  
 7 left-hand side of the house that would lead you  
 8 directly into the basements.  
 9 I know because I went through it. On  
 10 the left-hand side, on the side of the building.  
 11 Not in the back, on the side.  
 12 So you have a door there too, then.  
 13 MR. H. CHUNG: No.  
 14 If we have an existing door, we are  
 15 going to close it and then put --  
 16 MS. SCHOR: Excuse me.  
 17 MR. H. CHUNG: If we have anything  
 18 there, we're going to close it.  
 19 MS. SCHOR: You're going to close that  
 20 door.  
 21 MR. H. CHUNG: Close the door, right.  
 22 MS. SCHOR: In other words, because a  
 23 little step, like, three steps down. Then you went  
 24 down to the regular basement.  
 25 MR. H. CHUNG: Right.

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1 MS. SCHOR: To the attic space.  
 2 How high is the ceiling on that?  
 3 MR. H. CHUNG: It's 7 feet 6 maximum.  
 4 MS. SCHOR: Okay, thank you.  
 5 CHAIRMAN FERGUSON: Susan, take it  
 6 away.  
 7 MS. BRAUER: The Chairman may or may  
 8 not remember this. Several years back that was  
 9 originally Bert's house.  
 10 When she passed away, the new owner  
 11 said he would just like to make it into a two-family.  
 12 And, essentially, what happened,  
 13 without coming back to the board is they picked up  
 14 the roof and shoved a whole new gigantic house under  
 15 it.  
 16 For as long it's been there, it has  
 17 been a two-family house or more. That house had more  
 18 people in it than are in this room. Last week there  
 19 was a moving truck that moved out.  
 20 Is there a brand-new owner to this  
 21 house, or is this the existing owner for many years?  
 22 CHAIRMAN FERGUSON: I don't know if  
 23 they know.  
 24 MR. SOKOLICH: I'll check the  
 25 application.

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1 MS. BRAUER: Well, somebody's got to be  
 2 his client.  
 3 MR. SOKOLICH: The present applicant  
 4 Yong Suk Yom had acquired ownership to this house in  
 5 June of 2010.  
 6 There have been no changes in ownership  
 7 since.  
 8 MS. BRAUER: Okay.  
 9 Well, he's had a two-family house or  
 10 more there. And I will attest to that any way you  
 11 want.  
 12 Is there an existing chimney in that  
 13 house?  
 14 MR. H. CHUNG: Yes.  
 15 MS. SCHOR: I believe there's a  
 16 fireplace.  
 17 MS. BRAUER: I believe there's a  
 18 borough ordinance that says you can't have a car  
 19 parked on the outside next to that.  
 20 And then I remember from -- Joe, before  
 21 you, and Mr. Pallotta discussed something because  
 22 it's a fire hazard.  
 23 So if he wants to put parking next to  
 24 -- up the side of the house, we have an ordinance  
 25 against that.

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1 shape and it's narrow.  
 2 So I don't know how you're going to get  
 3 cars in and out of that safely.  
 4 Because you have Rodeo Plaza that uses  
 5 it. You have everybody else from Brinkerhoff that  
 6 uses it. And when the weather is bad, that floods  
 7 right down to Henry Avenue and right down the  
 8 easement to Highland. And there are no catch basins  
 9 there.  
 10 CHAIRMAN FERGUSON: Right.  
 11 MS. BRAUER: So if they don't do  
 12 something about runoff, there's going to be another  
 13 major problem.  
 14 So they've already got a basement where  
 15 they're adding space.  
 16 And I think if they're going to put a  
 17 playroom, they've going to need, as you know, the  
 18 fire code for either windows to get out of there.  
 19 CHAIRMAN FERGUSON: Right.  
 20 Hopefully.  
 21 MS. BRAUER: The two exits.  
 22 Because he said he's closing off one  
 23 doorway that's on the side. There's going to be one  
 24 in the back. I don't know if that's enough.  
 25 But you've already got two stories that

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1 CHAIRMAN FERGUSON: Okay.  
 2 MS. BRAUER: Okay, that's fine.  
 3 Now, you say -- you've been using two  
 4 separate descriptions. Are you adding a dormer --  
 5 MR. H. CHUNG: Yes.  
 6 MS. BRAUER: -- or are you adding an  
 7 attic.  
 8 MR. H. CHUNG: We're adding a dormer on  
 9 the existing attic.  
 10 MS. BRAUER: Well, a dormer means  
 11 you're going to increase living space, correct.  
 12 MR. H. CHUNG: Correct.  
 13 MS. BRAUER: An attic is an attic.  
 14 All right. So is there a possibility  
 15 adding another bedroom? We don't know that.  
 16 So we don't know how many people are  
 17 going to live there and how many cars are actually  
 18 going to be on that property?  
 19 Hold on. All right. There is no  
 20 seepage pit.  
 21 I remember when they did the house. So  
 22 whatever runs off that is a mess.  
 23 MS. SCHOR: There's an easement, too.  
 24 MS. BRAUER: The easement in the back  
 25 really restricts the parking because it's in bad

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1 are relatively new.  
 2 Now he wants to put a third story and  
 3 what he calls a dormer/easement, whatever. That's  
 4 absurd. It's absurd.  
 5 Our street can't take it. It just --  
 6 it can't take it. It's ridiculous.  
 7 The whole plan is ridiculous.  
 8 CHAIRMAN FERGUSON: Anybody else?  
 9 MR. SOKOLICH: If I may?  
 10 We're talking about 100-square-foot  
 11 dormer. And that's all that we're talking about.  
 12 We're talking about 100-square-foot dormer. We're  
 13 not talking about, you know, adding those bedrooms.  
 14 MS. BRAUER: I'm sorry. You already  
 15 have --  
 16 MR. SOKOLICH: No, I got it.  
 17 But you're creating the impression the  
 18 dormer we're building is like another independent  
 19 living unit. It is not.  
 20 MS. BRAUER: No, I didn't say that. I  
 21 said possibly. You mentioned that.  
 22 Well, then let's be accurate. He has  
 23 an attic.  
 24 CHAIRMAN FERGUSON: Right.  
 25 MS. BRAUER: So he's adding to that

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1 attic.  
 2 I'm not clear how that is.  
 3 Do you have an attic space?  
 4 MR. SOKOLICH: The idea is there -- I'm  
 5 sorry to interrupt you, Susan.  
 6 But there are four bedrooms that are  
 7 now proposed with this existing dwelling, and there  
 8 are four new ones.  
 9 MS. BRAUER: Okay. Let's not even go  
 10 there.  
 11 We can save time, Mr. Sokolich.  
 12 You have attic space now. And you're  
 13 adding to that?  
 14 MR. H. CHUNG: Right.  
 15 MS. BRAUER: So it be will be one large  
 16 attic or dormer.  
 17 So how many square feet will that total  
 18 amount to, the existing plus the new.  
 19 MR. H. CHUNG: The existing attic is  
 20 364.  
 21 MS. BRAUER: It's 364.  
 22 MR. H. CHUNG: Then if you add --  
 23 MS. BRAUER: So that's more than 100.  
 24 MR. SOKOLICH: No. What's new is 100.  
 25 Please don't --

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1 I'll make a motion that the variance  
 2 adjournment -- I'm sorry.  
 3 MS. TESTA: And your client waives any  
 4 time.  
 5 MR. SOKOLICH: He does.  
 6 MS. TESTA: And no further notice.  
 7 VICE CHAIRMAN ALBANESE: Second.  
 8 MR. SOKOLICH: Thank you. Thank you,  
 9 Chair, Members of the Board.  
 10 Good night, ladies.  
 11 CHAIRMAN FERGUSON: Board, who are the  
 12 members who vote?  
 13 MS. TESTA: Mr. Brogna and Mr. Chung,  
 14 you don't vote.  
 15 Two of you are alternatives, to my  
 16 understanding.  
 17 CHAIRMAN FERGUSON: You're not voting,  
 18 okay.  
 19 So there's one, two, three, four, five,  
 20 six, seven.  
 21 Roll call?  
 22 MS. KIM: Ferguson?  
 23 CHAIRMAN FERGUSON: Yes.  
 24 MS. KIM: Albanese?  
 25 VICE CHAIRMAN ALBANESE: Yes.

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1 MS. BRAUER: Okay, so he's adding that  
 2 to the existing --  
 3 MR. SOKOLICH: I didn't say that.  
 4 MS. BRAUER: -- is that correct, or did  
 5 I misspeak?  
 6 But you're adding that to the existing.  
 7 MR. H. CHUNG: Right.  
 8 MS. BRAUER: All right.  
 9 So, collectively, it's 364 square feet.  
 10 That's not a tiny space.  
 11 CHAIRMAN FERGUSON: Okay. Anybody  
 12 else?  
 13 (No response.)  
 14 CHAIRMAN FERGUSON: So, Counsel, do you  
 15 want to...  
 16 MR. SOKOLICH: Chairman, we've heard  
 17 quite a bit. I am confident that a lot of what we've  
 18 heard we can address by way of material amendment.  
 19 It's not something I can address this  
 20 evening verbally. We'd like the opportunity to  
 21 reappear on the 18th, having filed amended plans on a  
 22 timely basis before that hearing.  
 23 And I'm sure Mr. Chewcaskie is going to  
 24 look forward to addressing much of this.  
 25 CHAIRMAN FERGUSON: Mr. Chewcaskie.

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1 MS. KIM: Elefteriou?  
 2 MR. ELEFTERIOU: Yes.  
 3 MS. KIM: Carnovale?  
 4 MR. CARNOVALE: Yes.  
 5 MS. KIM: Grala?  
 6 MR. GRALA: Yes.  
 7 MS. KIM: Terranova?  
 8 MR. TERRANOVA: Yes.  
 9 MS. KIM: Yoon?  
 10 MS. YOON: Yes.  
 11 MR. SOKOLICH: Thank you.  
 12 Good evening. Everyone stay safe.  
 13 Thank you.  
 14 CHAIRMAN FERGUSON: Okay, next.  
 15 MR. CARNOVALE: Joe, can we have a  
 16 two-minute break.  
 17 CHAIRMAN FERGUSON: You want a break  
 18 already?  
 19 All right five-minute break.  
 20 (Whereupon, a brief recess is taken.)  
 21 CHAIRMAN FERGUSON: All right, the next  
 22 case on the agenda -- there's only two applications  
 23 left, so let's see if we can move this along so we  
 24 can get home, which would be 139-145 Morningside,  
 25 which is Case Number 21-02.

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1 MS. TESTA: Let the record reflect that  
 2 I'm recusing myself, and Mark Macri will be sitting  
 3 in for this application.  
 4 CHAIRMAN FERGUSON: Roll call for  
 5 attendance.  
 6 MS. KIM: Ferguson?  
 7 CHAIRMAN FERGUSON: Yes.  
 8 MS. KIM: Albanese?  
 9 VICE CHAIRMAN ALBANESE: Yes.  
 10 MS. KIM: Elefteriou?  
 11 MR. ELEFTERIOU: Here.  
 12 MS. KIM: Carnovale?  
 13 MR. CARNOVALE: Here.  
 14 MS. KIM: Grala?  
 15 MR. GRALA: Here.  
 16 MS. KIM: Terranova?  
 17 MR. TERRANOVA: Here.  
 18 MS. KIM: Yoon?  
 19 MS. YOON: Here.  
 20 MS. KIM: Brogna?  
 21 MR. BROGNA: Here.  
 22 MS. KIM: Chung?  
 23 MR. CHUNG: Here.  
 24 (Whereupon, Ms. Testa leaves the  
 25 dais as the Palisades Park Zoning Board of

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1 As originally proposed, we were taking  
 2 basically what are two lots between Morningside Lane  
 3 and Bergen Boulevard and combining them.  
 4 We originally were looking for seven  
 5 units in two dwellings.  
 6 We've revised those plans to scale it  
 7 back to six units in two structures.  
 8 We've downsized the building somewhat.  
 9 We've eliminated some of the variances that we  
 10 require.  
 11 And, again, we've done our best,  
 12 considering the costs and those things to bring this,  
 13 we think, closer and, hopefully, in line with what  
 14 the board would find acceptable here.  
 15 I have three witnesses once again  
 16 tonight. We have our engineer, Tom Skrable; our  
 17 architect, Sean Kim; and Mr. David Spatz, who is our  
 18 planner, who will give you the rationale for the  
 19 variances required.  
 20 I can tell you just as a highlight, or  
 21 some of the highlights, this development is fully  
 22 parked.  
 23 We don't require any variances for  
 24 parking.  
 25 We do have a significant required

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1 Adjustment Attorney.)  
 2 CHAIRMAN FERGUSON: Okay.  
 3 The next case up 21-02, 139-145  
 4 Morningside Lane.  
 5 Counsel?  
 6 MR. PELLINO: Yes.  
 7 Mr. Chairman, Members of the Board,  
 8 good evening.  
 9 As you may remember, my name is Stephen  
 10 Pellino. I'm with the Law Firm of Basile, Birchwale  
 11 & Pellino down the street, just across the border in  
 12 Ridgefield.  
 13 You might also recall, if my notes are  
 14 correct, we were here, I think, last in April.  
 15 CHAIRMAN FERGUSON: Right.  
 16 MR. PELLINO: And the matter has been  
 17 carried with the board's indulgence until tonight.  
 18 I take it then we can recognize that  
 19 notice is in order.  
 20 CHAIRMAN FERGUSON: Right.  
 21 MR. PELLINO: And I do note that since  
 22 we were here in April, we've tried our best to  
 23 accommodate some of the board's concerns.  
 24 And we've revised our plans, as you see  
 25 them in front of you.

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1 height variance, but that really is a factor of the  
 2 very steep slope from Morningside down to Bergen  
 3 Boulevard. It's more than 30 feet, as our engineer  
 4 will tell you.  
 5 I can also tell you, Mr. Collazuol has  
 6 given a very thorough review letter. And you'll hear  
 7 from Mr. Skrable that we intend to comply with all of  
 8 his comments with perhaps one exception where we have  
 9 a physical impossibility.  
 10 So with that said --  
 11 CHAIRMAN FERGUSON: Call your first  
 12 witness.  
 13 MR. PELLINO: Yes.  
 14 The first witness is Mr. Tom Skrable,  
 15 our engineer.  
 16 Mr. Skrable was previously sworn. I  
 17 don't know if you want to swear him again.  
 18 CHAIRMAN FERGUSON: Yes. We definitely  
 19 accept him.  
 20 MR. PELLINO: And he was previously  
 21 recognized as...  
 22 MR. MACRI: Raise your right hand.  
 23 Do you swear or affirm the testimony  
 24 you're about to give will the truth, the whole truth,  
 25 and nothing but the truth?

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1 MR. SKRABLE: I do.  
 2 T H O M A S S K R A B L E, P.E.,  
 3 65 Ramapo Valley Road, Mahwah, New Jersey, having  
 4 been duly sworn, testifies as follows:  
 5 MR. MACRI: Please state your name.  
 6 MR. SKRABLE: Tom Skrable, "S" as in  
 7 Sam, K-R-A-B as in boy, L-E.  
 8 CHAIRMAN FERGUSON: Okay, we'll accept  
 9 him.  
 10 MR. PELLINO: He's accepted as an  
 11 expert in the field of engineering.  
 12 CHAIRMAN FERGUSON: Yes.  
 13 DIRECT EXAMINATION  
 14 BY MR. PELLINO:  
 15 Q. Mr. Skrable, I see you have a drawing  
 16 up on the board, sir.  
 17 Is that what you've prepared for this  
 18 application?  
 19 A. Yes.  
 20 The original signature date is in this  
 21 kind of lower right-hand corner. That's 8-31-20. We  
 22 have one revision.  
 23 That's the lower left, 8-25-21. And  
 24 that's the revised drawing that Mr. Pellino briefly  
 25 summarized.

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1 lots square footage?  
 2 A. The total area is a little over 15,000  
 3 square feet, 15,118.  
 4 Q. Now you heard me mention to the board  
 5 the slope from Morningside down to Bergen Boulevard?  
 6 A. Yes.  
 7 Q. Can you confirm that slope for us,  
 8 please?  
 9 A. Yeah.  
 10 The elevation at the northeast corner  
 11 of the site is 257. And the lowest point is kind of  
 12 the southwest corner of the site. And that's about  
 13 227.  
 14 So you've got 30 feet over about a  
 15 little less of a 150. So it's more or less a  
 16 20-percent slope the entire property.  
 17 Q. You heard me tell the board that we're  
 18 fully parked.  
 19 Do you agree with that? We provide all  
 20 the parking that's required for this?  
 21 A. Yes.  
 22 Every unit has a two-car garage. The  
 23 Morningside Lane units actually could park in front  
 24 of those garage doors if you wanted.  
 25 And then by eliminating one of the

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1 Q. Okay.  
 2 And would you basically take us through  
 3 the layout here, Tom, in terms of the building  
 4 structure?  
 5 A. Yeah.  
 6 I'm trying to find the best place to  
 7 stand.  
 8 If you recall, it's very -- it's a  
 9 similar layout to what you saw conceptually last time  
 10 several months ago.  
 11 Previously we had three units in the  
 12 front, four units in the back. There's a driveway on  
 13 the north side that runs down, and kind of courtyard  
 14 between the two buildings. So the floors are  
 15 separated.  
 16 Whereas the garage floors for the  
 17 Morningside units are on that floor level, that first  
 18 floor level.  
 19 You go down the driveway, and then the  
 20 garage -- the garage for the rear units are then at  
 21 that level.  
 22 So you're basically driving in into the  
 23 garage floor for both units. They just happen to be  
 24 separated by a little over 10 feet vertically.

Q. And, Tom, the size of the two combined  
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1 units, we've actually gained three guest parking  
 2 spaces.  
 3 I guess you would call that the  
 4 northwest portion of the site.  
 5 Q. Okay.  
 6 Is it fair to say then that we're  
 7 over-parked?  
 8 A. Yes.  
 9 Q. More parking than is required under the  
 10 RSIS standards; Tom, agreed?  
 11 A. Yes.  
 12 Q. Okay.  
 13 You heard me mention to the board a  
 14 review letter from Mr. Collazuol in regards to this  
 15 application?  
 16 A. Yes.  
 17 Q. Okay.  
 18 And that letter specifically originally  
 19 March 3, 2021, revised September 14, 2021, correct?  
 20 A. Yes.  
 21 Q. Okay.  
 22 And you've seen that? In fact, you  
 23 have a copy in front of you, correct?  
 24 A. I do.  
 25 Q. Okay.

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1 And you've reviewed all of  
 2 Mr. Collazuol's comments?  
 3 And this certainly is a very thorough  
 4 letter, I'd say about -- they're not numbered  
 5 consecutively -- but quite a few pages and quite a  
 6 few comments, correct?  
 7 **A. Yes.**  
 8 **Q.** And other than an issue with the slope  
 9 on the drive, are we prepared to meet all of those  
 10 open -- open issues?  
 11 **A. Yes.**  
 12 **The only issue is the slope of the**  
 13 **driveway on the north side of the property. Anything**  
 14 **we do to mitigate that would require walls along the**  
 15 **northerly property line and actually increased height**  
 16 **variance for the rears units because they would be**  
 17 **pulled further out of the ground.**  
 18 Just to give you an idea. If we were  
 19 going to go to 10-percent grade -- yeah, just on the  
 20 length of the driveway we're losing about probably  
 21 3 feet or so.  
 22 So the rear units would be that much  
 23 further out of the ground. And we would need walls  
 24 all along the northerly property line up against our  
 25 neighbor's property.

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1 designed to fit into the slope, to fit into that  
 2 20-percent slope.  
 3 But by doing that, you've got, you  
 4 know, over 10 foot of elevation from your front  
 5 corners to your back corners.  
 6 So once you put a two-story building on  
 7 the front side, the high side, you basically end up  
 8 with a three-story building on the rear side that's  
 9 -- that's relatively tall.  
 10 So that's why those numbers are so  
 11 significant.  
 12 Again, 39.1 feet for the front building  
 13 and 40.2 for the rear.  
 14 **Q.** Is it fair to say, Tom, that based on  
 15 the slope and the conditions here that no matter what  
 16 building or type of building we put up, we would  
 17 confront that height issue?  
 18 **A. Yeah.**  
 19 **You couldn't fit a two-story building**  
 20 **anywhere on this site without it being exposed on the**  
 21 **low side, which is going to create a height variance.**  
 22 **You'd have to have some kind of flatter building or**  
 23 **do a significant amount of earth work to raise the**  
 24 **grade.**  
 25 And we're already, you know, showing

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1 We were trying to maintain the grade,  
 2 you know, more or less even with the property north  
 3 of us with that sloped driveway.  
 4 And that's not completely possible,  
 5 just because their property is a little flatter than  
 6 ours.  
 7 But for the most part, we're close to  
 8 the grade on the north side, much closer than we  
 9 would be if we had to flatten the driveway out  
 10 further.  
 11 **Q.** Now, Tom, on your plan you have, in  
 12 fact, a zoning schedule, do you not?  
 13 **A. Yes.**  
 14 **Q.** Okay.  
 15 And would you go through with us the  
 16 variances that you've identified?  
 17 **A. Yeah.**  
 18 **The variances that are required is**  
 19 **building height, which we've already mentioned. I'm**  
 20 **starting from the bottom.**  
 21 **Our building height for the front**  
 22 **building is 39.1 feet, and the rear building is 40.2.**  
 23 And those are based on average finished  
 24 grades.  
 25 So the buildings are architecturally

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1 walls throughout the property to make steps in the  
 2 grade to raise it, you know, 10 feet to eliminate a  
 3 height variance.  
 4 Honestly, it would look ridiculous from  
 5 the rear of the property. And it's just not  
 6 practical from an engineering or financial  
 7 standpoint.  
 8 **Q.** What other variances have you  
 9 identified?  
 10 **A. The other variances are the maximum**  
 11 **coverage: 40 percent is allowed; we're at 43.2.**  
 12 That's actually a reduction from the prior -- prior  
 13 plan. We were at, I think, almost 49. Yeah, 48.98.  
 14 But now we are at 43.2.  
 15 We have a rear yard variance: 25 is  
 16 required; we're showing 9.7.  
 17 And that's the northwest corner of the  
 18 rear building.  
 19 **Q.** And that's back onto the Bergen  
 20 Boulevard side, correct?  
 21 **A. Yes, yes.**  
 22 **So the only other variance that we**  
 23 **eliminated is the combined side yard. That was a**  
 24 **variance in the prior version, and that is no longer**  
 25 **a variance.**

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1 Q. And also I don't know if you've called  
2 it out on your schedule, but in terms of the number  
3 of units --

4 A. The number of units is absolutely a  
5 variance, yes.

6 MR. PELLINO: Mr. Chairman, with your  
7 permission, and Mr. Macri's permission, I'd like to  
8 mark the plan as Applicant's A-1 with today's date.

9 MR. MACRI: All right.

10 CHAIRMAN FERGUSON: A-1.  
11 (Whereupon, Engineering Plan, Last  
12 Revised August 25, 2021 is marked as Exhibit  
13 A-1 for identification.)

14 MR. PELLINO: And I'm done then with my  
15 questioning of Mr. Skrable.

16 CHAIRMAN FERGUSON: Okay, I've just got  
17 just a couple things.

18 You know, when you get to 77 your  
19 memory starts to fail.

20 But I could have swore -- maybe I'm  
21 wrong -- that when you were here in April, I voiced a  
22 concern that the driveway was on the north end of the  
23 property.

24 And I didn't think it was fair to that  
25 house on the north end, we're going to send cars up

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1 MR. PELLINO: Well, I think you'll hear  
2 from the architect.

3 CHAIRMAN FERGUSON: Okay, we can do  
4 that.

5 MR. PELLINO: Well, I'll let you know  
6 that we plan to snow melt the system. And it would  
7 be taken off with the runoff and the drainage plan.

8 CHAIRMAN FERGUSON: Okay.

9 Now, if you look at the plan on  
10 Morningside -- and I'm not an engineer -- but if you  
11 turned the buildings -- if you put the driveway in  
12 the middle, right, so there's Morningside, and you  
13 put a driveway in the middle, you put three units on  
14 one side of the driveway, three units on the other  
15 side of the driveway, so you would have six units  
16 going down.

17 You would eliminate the driveway on the  
18 right-hand side. You wouldn't have to worry about  
19 runoff in the back because there's basically woods  
20 back there.

21 What was the reason why you couldn't  
22 build -- go this way, three on this side, three this  
23 way with a driveway right in the middle?

24 MR. PELLINO: Well, I don't know if  
25 that's something -- Mr. Skrable.

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1 and down his driveway to get into the back lot, you  
2 know, so...

3 MR. PELLINO: I do in fact recall that.  
4 Your memory is not so bad. And mine is slipping too,  
5 but I do recall that.

6 Here's the choice we face,  
7 Mr. Chairman. We could observe that concern, but  
8 that would have pushed the buildings out closer and  
9 would have left the neighbor with a building to his  
10 -- close across his side yard abutting us.

11 We thought the better plan would be to  
12 bring the building in and to go with the driveway  
13 rather than have the building up against the side  
14 yard.

15 But I understand your concern.

16 But that was a judgment call we had.

17 CHAIRMAN FERGUSON: So right now you  
18 have the driveway up -- the buildings -- the three  
19 buildings facing Morningside?

20 MR. PELLINO: Two buildings, three  
21 units each facing Morningside.

22 CHAIRMAN FERGUSON: Right, Morningside.  
23 Okay.

24 So the next question would be, where  
25 are we going to put the snow?

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1 MR. SKRABLE: I know that that was  
2 looked at.

3 I was not part of the conversations. I  
4 think the architect will be able to speak to that  
5 better.

6 CHAIRMAN FERGUSON: Okay, we'll wait  
7 for the architect. All right. You're the architect.

8 Let's wait until everybody asks.

9 VICE CHAIRMAN ALBANESE: Let him give  
10 his name and everything.

11 The architect, right?

12 MR. PELLINO: He'll testify next.

13 CHAIRMAN FERGUSON: He'll testify next.  
14 All right.

15 Anybody else on the board have any  
16 questions?

17 MR. SIMOFF: I prepared a memo. The  
18 second memo dated September 17. I had just a couple  
19 concerns.

20 Number one, the steep grade coming down  
21 from Morningside, there's no transition.

22 And I show a diagram. So the standards  
23 so the car doesn't bottom out going from one starting  
24 at grade is to have a 12-foot transition that's  
25 half the grade.

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1 And it's depicted on my -- on page 3 of  
2 my memo. So what that does is it makes it flatter at  
3 either end and steeper in the middle.

4 Mr. Skrable's plan showed a constant  
5 grade of 17.3 percent.

6 But if you lessen the grade at the top  
7 and the bottom, the middle gets up to almost  
8 21 percent.

9 And based on what you'll hear from  
10 Steve, he's concerned about the grade of the  
11 driveway.

12 The other concern is that I've made a  
13 couple visitations to the area, and the area -- the  
14 street parking is highly used.

15 And Mike's comment about putting the  
16 access to the driveways in the back, you know,  
17 eliminating the access in the front, would free up  
18 four parking spaces that are being used now by the  
19 residents in the neighborhood. That's something for  
20 the board to take a look at.

21 And then the other question that I had  
22 is, these units have a -- usually a two-car garage is  
23 probably about 16-feet wide. The door is about 16  
24 feet, two 8-foot doors.

25 So when one pulls out of the garage,  
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1 Morningside, the garage is at the rear.

2 MR. KAUKER: The question was just was  
3 it something you considered, the lots running on  
4 Morningside having -- because you're accessing the  
5 rear building from the rear entry garages.

6 So the question was, as long as you're  
7 doing that, it might make sense and be more efficient  
8 to have your entry garages on the other.

9 That way you eliminate driveways on  
10 Morningside.

11 As Mr. Simoff mentioned, you preserve  
12 some of that on-street parking on Morningside.

13 As long as you -- that one existing  
14 curb cut would serve six garages theoretically.

15 I don't know if it's feasible from an  
16 engineering standpoint, but at least that's my posed  
17 question.

18 MR. PELLINO: Is that the memo,  
19 Mr. Chairman?

20 CHAIRMAN FERGUSON: That's the memo.

21 MR. PELLINO: Thank you.

22 Thanks.

23 CHAIRMAN FERGUSON: Okay.

24 MR. PELLINO: Again, we're looking at  
25 it for the first time.

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1 you have to be straight for a longer period of time  
2 compared to, like, a parking space in a shopping  
3 center or an office building. The car has to be  
4 straight to get out of the garage before it can start  
5 its turning maneuver.

6 And so I'd just ask that the applicant  
7 provide turning templates to show that the position  
8 of the garage and the distance between the building  
9 works.

10 MR. PELLINO: Yeah.

11 I mean, I'll let Mr. Skrable address  
12 some of that. We haven't received Mr. Simoff's memo  
13 so we're, kind of, hearing this for the first time,  
14 which is fine.

15 CHAIRMAN FERGUSON: All right.

16 MR. PELLINO: Any comments, Tom?

17 MR. SKRABLE: It's better just to say  
18 we can provide the information.

19 MR. PELLINO: Yeah.

20 MR. SKRABLE: Mr. Simoff, the one  
21 comment about access from the rear, you mean actually  
22 having our main entrance --

23 MR. SIMOFF: No.

24 Mike, in his memo talked about having  
25 the access to the three units rather than back out to

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1 CHAIRMAN FERGUSON: That's all right.

2 MR. PELLINO: With respect to  
3 Mr. Simoff's comments.

4 CHAIRMAN FERGUSON: Do you want to take  
5 a couple minutes.

6 MR. PELLINO: I'm sorry.

7 CHAIRMAN FERGUSON: Do you want to take  
8 a couple minutes to review it.

9 MR. PELLINO: Sure.

10 CHAIRMAN FERGUSON: All right, we're  
11 going to adjourn for a couple minutes, two, three.

12 (Whereupon, a brief recess is taken.)

13 CHAIRMAN FERGUSON: Okay. All right.  
14 We're going to go back in session.

15 Roll call for attendance.

16 MS. KIM: Ferguson?

17 CHAIRMAN FERGUSON: Here.

18 MS. KIM: Albanese?

19 VICE CHAIRMAN ALBANESE: Here.

20 MS. KIM: Elefteriou?

21 MR. ELEFTERIOU: Here.

22 MS. KIM: Carnovale?

23 MR. CARNOVALE: Here.

24 MS. KIM: Grala?

25 MR. GRALA: Here.

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1 MS. KIM: Terranova?  
 2 MR. TERRANOVA: Here.  
 3 MS. KIM: Yoon?  
 4 MS. YOON: Here.  
 5 MS. KIM: Brogna?  
 6 MR. BROGNA: Here.  
 7 MS. KIM: Chung?  
 8 MR. CHUNG: Here.  
 9 CHAIRMAN FERGUSON: Okay, Counselor,  
 10 continue if you want to.  
 11 MR. PELLINO: Yes.  
 12 If I can just give you a reaction, but  
 13 we'll deal with it more with the our architect. We  
 14 believe we may be able to and willing to try to  
 15 follow Mr. Simoff's, we understand to be his major  
 16 suggestion, which would be to put the garages on the  
 17 inside of the two buildings, which would eliminate  
 18 most of the curb cuts along -- along Morningside.  
 19 So I'll get into that with the  
 20 architect.  
 21 But we think that's something that's  
 22 doable and probably does reflect an improvement to  
 23 the plan.  
 24 CHAIRMAN FERGUSON: Comment.  
 25 MR. SIMOFF: Show me.

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1 just so the board is aware of it. There's three  
 2 driveways for the front building. And then the  
 3 two-way driveway on the north end of the site.  
 4 So if the plan is to put the garages in  
 5 the rear of the front building, that would eliminate  
 6 those three driveways in front of the building on  
 7 Morningside.  
 8 I have two questions aside from the  
 9 report. Mr. Skrable, regarding the sanitary sewer,  
 10 your plan says that it will be designed in the  
 11 future.  
 12 Could you explain the existing sanitary  
 13 sewer? And if you know if there's any easements  
 14 currently where that sewer goes, and what you would  
 15 plan on doing with the sewer for both of these  
 16 buildings?  
 17 And if you would have to go to DEP for  
 18 a TWA.  
 19 MR. SKRABLE: The sewer shown -- all  
 20 the existing facilities are shown in that lighter  
 21 tone on the drawing (indicating).  
 22 The sewer is shown kind of in the  
 23 middle of the site on the southerly property line.  
 24 There is a sewer easement there. I  
 25 don't have any information other than that. I didn't

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1 CHAIRMAN FERGUSON: Thank you. Okay.  
 2 Any other -- do you want to work your  
 3 way down the line?  
 4 Steve?  
 5 MR. KAUKER: You mentioned the  
 6 variances so I just wanted to go over theirs.  
 7 This is actually a through lot so there  
 8 are two front lot lines. There's no rear. Basically  
 9 what you would have here is two front yards.  
 10 So you would have...  
 11 MR. PELLINO: So rather than a rear  
 12 yard variance, I need a front yard variance.  
 13 MR. KAUKER: And then again I think you  
 14 mentioned -- so there you have -- basically what it  
 15 would be instead of a rear yard variance, it would be  
 16 a front yard variance.  
 17 Then, obviously, you have the height  
 18 variance. And then there's a coverage variance as  
 19 well. And there's the (d)(1) variance as well.  
 20 MR. PELLINO: Yes, agreed.  
 21 MR. KAUKER: Okay, so we agree.  
 22 I have nothing else.  
 23 MR. COLLAZUOL: Yes.  
 24 So if I'm understanding it, at this  
 25 point in time there's four driveways on the plan,

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1 prepare the survey myself.  
 2 But everything just flows out in a  
 3 southerly direction. I honestly don't know,  
 4 ultimately, where it goes.  
 5 But we are proposing to connect to that  
 6 existing sewer. We have no reason to believe there's  
 7 anything wrong with it.  
 8 If there's some testing that's  
 9 necessary, we obviously would agree to that to make  
 10 sure that the system is functioning the way it's  
 11 supposed to be.  
 12 As far as the TWA goes, for six units,  
 13 even at 400 gallons a day, we don't need a TWA.  
 14 MR. COLLAZUOL: If there's two  
 15 buildings you need a TWA.  
 16 MR. SKRABLE: I thought it was still  
 17 eight -- isn't it 8,000 gallons.  
 18 MR. COLLAZUOL: Yeah. I realize it's  
 19 either/or.  
 20 MR. SKRABLE: I'll have to check that.  
 21 I'm not sure.  
 22 MR. COLLAZUOL: Thank you for the  
 23 sanitary.  
 24 It's my understanding the borough has  
 25 an easement across all those properties to the rear

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1 of those properties in front of Morningside Lane.  
2 That was filed in the clerk's office. So you can  
3 probably find it that way.

4 But I would think that the capacity of  
5 that sewer, the slope of that sewer should be  
6 improved for this application.

7 You have six buildings, six units going  
8 into that. We don't know if that sewer has the  
9 capacity.

10 The second question I have, which is  
11 not contained in the report, you had in both the  
12 survey the slope rights for the State of New Jersey  
13 for Bergen Boulevard, which is a state highway.

14 Do you know to any extent those slope  
15 rights affect the property, where the slope rights  
16 end, and how the slope rights would be affected by  
17 the proposed rear building?

18 MR. SKRABLE: We've tried to be in  
19 touch with DOT, one, because we're proposing our  
20 stormwater outfall there, and also the question that  
21 you just raised.

22 I don't know if it's COVID or what.  
23 It's literally a black hole right now. I can't get  
24 anyone to respond.

25 We've done phone calls, e-mails, all  
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1 MR. PELLINO: Thank you, Tom.  
2 Our next witness is our architect,  
3 Mr. Sean Kim.

4 MR. MACRI: Mr. Kim, please raise your  
5 right hand?

6 Do you swear or affirm the testimony  
7 you provide this board will be the truth, the whole  
8 truth, and nothing but the truth, so help you God?

9 MR. KIM: Yes, I do.

10 **S U N G S O O K I M, AIA**  
11 650 East Palisades Avenue #8, Englewood Cliffs,  
12 New Jersey, having been duly sworn, testifies as  
13 follows:

14 MR. MACRI: Thank you.  
15 Please state your full name for the  
16 record.

17 MR. KIM: Sean Kim, K-I-M.

18 MR. PELLINO: Mr. Kim appeared  
19 previously.

20 CHAIRMAN FERGUSON: Yes, he's  
21 recognized.

22 We accept him as an expert in the field  
23 of architecture.

24 MR. PELLINO: Thank you.

25 CHAIRMAN FERGUSON: Speak up, Mr. Kim.  
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1 kinds of stuff and can't reach anybody.  
2 But we're trying to do that. We  
3 understand that that's something that would need to  
4 be cleared up.

5 MR. COLLAZUOL: Wouldn't the title  
6 report, when this property was taken possession of,  
7 have that contained in the deeds for the conveyance  
8 of this property.

9 MR. SKRABLE: I have not seen a full  
10 report. I'll check with my client to see what they  
11 have.

12 MR. COLLAZUOL: I would suggest that --  
13 I would say that you should be cautious of the slope  
14 rights, because typically the slope rights do affect  
15 the property and it may affect the location of that  
16 rear building.

17 MR. PELLINO: Thank you.

18 CHAIRMAN FERGUSON: Okay.

19 MR. COLLAZUOL: That's it for now, Joe.

20 CHAIRMAN FERGUSON: For now, fine.

21 Anybody in the audience have any  
22 comments for this individual?

23 (No response.)

24 CHAIRMAN FERGUSON: No?

25 Next witness.

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1 DIRECT EXAMINATION

2 BY MR. PELLINO:

3 **Q.** Mr. Kim, you have put a plan up on the  
4 easel, I see. That's your plan, I take it, sir?

5 **A. Yes.**  
6 **So plus we previously had this drawing**  
7 **for the town. And the previous drawing is dated**  
8 **May 24, 2021. This drawing was on September 10,**  
9 **2021.**

10 **Q.** So September 10 is the last revision?

11 **A. This is the latest revision.**

12 **Q.** And the title of the plan, Mr. Kim?

13 **A. Yeah.**  
14 **This Edition 1, the zoning data and**  
15 **site plan.**

16 **Q.** How many sheets do we have?

17 **A. We have seven sheets.**

18 **Q.** Okay.

19 The first sheet, would you tell us --

20 **A. Yes.**  
21 **The first page is showing the site plan**  
22 **and some zoning schedule. Our engineer will recall**  
23 **the zoning schedule. We're looking for some**  
24 **variances.**

25 Then we have three units, three units  
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1 and the slope down, and three parking spaces.  
 2 And this is the site elevation from  
 3 Morningside Lane. So you can see the relationship of  
 4 the building height between this house.  
 5 So we pretty much carried this height  
 6 similarly in the street.

7 **Q.** Sean, if we can, let's deal with an  
 8 issue that was raised during Mr. Skrable's testimony.  
 9 The suggestion from Mr. Simoff was that we consider  
 10 putting the garages for the units that face  
 11 Morningside to the rear rather than the front.

12 **A. Yeah, we can.**  
 13 **I think we can have this access from**  
 14 **the backside.**

15 **But the one is that we're going to have**  
 16 **-- if you elevate this curb cut, we're not going to**  
 17 **have two extra parking spaces for the front building.**

18 **So each unit is going to have two**  
 19 **parking spaces and the guest parking space.**

20 **Q.** Where would that -- where would that  
 21 leave us in terms of compliance with the parking  
 22 requirement?

23 **A. The parking requirement requires 15**  
 24 **parking spaces.**

25 **So if you have two parking garages**

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1 fair to say?

2 **A. Right, the ground floor.**

3 **Actually, people call it the basement.**

4 **Because we have the ground floor from one side of the**  
 5 **plan.**

6 **Q.** Are each of these the same for each  
 7 building.

8 Each of the three units in each  
 9 building, are they pretty much same?

10 **A. Yeah, pretty much the same**  
 11 **configuration.**

12 **Q.** In terms of configuration in terms of  
 13 dimensions?

14 **A. Yeah, right.**

15 **Q.** Okay.

16 Would you take us to the next level,  
 17 please?

18 **A. The next layout is showing the ground**  
 19 **floor plan.**

20 **So we have two -- for the front**  
 21 **building we have two parking garages and two driveway**  
 22 **parking spaces, the recreation room, stairs, storage**  
 23 **for each unit.**

24 **And the backside we have two-car**  
 25 **garages, recreation room, stairs for each unit.**

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1 for each unit, then you're going to have 12 parking  
 2 spaces across the whole street.

3 So we are going to have 15 parking  
 4 spaces.

5 Yeah, we will eliminate the required  
 6 parking spaces.

7 **Q.** So we would no longer be over-parked,  
 8 but we would meet the minimum of the Residential Site  
 9 Improvement Standards?

10 **A. Right.**

11 **Q.** Would you explain to the board just the  
 12 proposed layout, how each of these buildings is  
 13 intended to function?

14 **A. This is the basement floor plan**  
 15 **(indicating).**

16 **So we have a finished basement, stairs,**  
 17 **a half bathroom for each unit, and storage.**

18 **Q.** Obviously if we went with the  
 19 amendment, the garage would be flipped to the other  
 20 side?

21 **A. Right.**

22 **So, basically, if you access this**  
 23 **parking garage from the backside, then you're going**  
 24 **to have a parking garage for each unit.**

25 **Q.** So that's what I call the ground floor;

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1 **Q.** But, again, if we follow the  
 2 suggestion, those garages on the front units would be  
 3 flipped, correct?

4 **A. Right, yeah.**

5 **Q.** Okay.

6 The next floor, please?

7 **A. The next Sheet is A-4, showing the**  
 8 **second floor plan.**

9 For each unit there is a living space,  
 10 dining room, an eat-in kitchen, deck, a half-bathroom  
 11 and stairs (indicating).

12 That's also a similar configuration.

13 **Q.** Flipped front and back?

14 **A. Yes, which is a similar layout.**

15 **Q.** The next floor.

16 **A. This is the third floor plan.**

17 **So there is a two -- three bedrooms,**  
 18 **two bathrooms, a closet, a stair for each unit**  
 19 **(indicating).**

20 **So pretty much a similar layout.**

21 **Q.** Okay. The next sheet.

22 **A. So this is the elevation.**

23 **So, basically, we're going to use gray**  
 24 **stucco and siding for the exterior. This is the**  
 25 **front elevation from Morningside Lane.**

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1 **And this is elevation from the backside**  
 2 **of the building. And this is the side elevations**  
 3 **(indicating).**  
 4 **You can see the slope down from**  
 5 **Morningside Lane and the driveway and the slope down**  
 6 to Bergen Boulevard (indicating).

7 **Q.** Sean, I'm not sure if I caught it.  
 8 The facades on these buildings, what  
 9 material are you using?

10 **A.** **The facade is going to have stucco,**  
 11 **brick and siding. Hardie board, yeah.**

12 **Q.** Can you go to the next sheet?

13 **A.** **So the next sheet is showing all the**  
 14 side views of the building.

15 And this is the side section  
 16 (indicating). So you can see the Morningside Lane,  
 17 and one structure front side, and the driveway and  
 18 the back of the building.

19 And you can see Bergen Boulevard  
 20 (indicating).

21 So you can see the relationship between  
 22 Morningside and Bergen Boulevard and the two  
 23 buildings.

24 **Q.** And, again, that shows the slope that  
 25 is there?

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1 Sean?

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

3 **Q.** Do you agree with the variances that  
 4 Mr. Skrable went through?

5 **A.** **Yes.**

6 **So pretty much he called out our**  
 7 **variances.**

8 **Basically we're going to have some**  
 9 **variances, like dwelling unit number, maximum four.**  
 10 We have six.

11 And also maximum coverage. We require  
 12 40 percent. We have 43.2 percent.

13 So, basically, this application comes  
 14 down to the previous application, we did lose some  
 15 variances, like size.

16 **Q.** You heard Mr. Kauker say we've listed a  
 17 rear yard variance, technically it's a second -- a  
 18 front yard variance?

19 **A.** **Yeah.**

20 **It makes sense, because this is facing**  
 21 **Bergen Boulevard. So it's pretty much (indicating).**

22 **Q.** We provide what, a little less than  
 23 10 feet to the Morningside -- I mean to Bergen  
 24 Boulevard?

25 **A.** **Right.**

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1 **A.** **Yeah, quite right.**

2 **Q.** Do we have another sheet?

3 **A.** **This is the last one.**

4 **Q.** Okay.

5 In terms of the size of each of these  
 6 units, about how many square feet for each unit?

7 **A.** **So each unit -- for example, the second**  
 8 **floor kitchen area, each unit has about 1,050 square**  
 9 **feet. And the smaller unit on the other is a typical**  
 10 **duplex house (indicating).**

11 **Q.** Okay.

12 The total square footage for each unit?

13 **A.** **Each unit has about 3,200 square feet.**

14 **Q.** How does that compare to what I would  
 15 say a typical duplex structure here in Palisades  
 16 Park, one half of the duplex?

17 **A.** **Yeah.**

18 **A duplex, I think we have a variance so**  
 19 **we can go 1,100 square feet for each floor, so we can**  
 20 **go to 3,300 square feet.**

21 **Q.** So we're a little smaller than that?

22 **A.** **Yeah, pretty much.**

23 **Because yeah, smaller.**

24 **Q.** Okay. All right.

25 You have a zoning schedule as well,

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1 **We have 10 -- 9.7; required is 20.**

2 MR. PELLINO: I don't have anything

3 further for this witness, Mr. Chairman.

4 CHAIRMAN FERGUSON: Okay.

5 I don't have anything.

6 Does anybody on the board have

7 anything?

8 (No response.)

9 CHAIRMAN FERGUSON: Do any of our  
 10 experts have anything?

11 (No response.)

12 CHAIRMAN FERGUSON: Does our experts  
 13 have anything?

14 (No response.)

15 CHAIRMAN FERGUSON: No? You're good?  
 16 You're all good?

17 Anybody in the audience have anything?

18 Yes.

19 MS. SCHOR: Marsha Schor. I'm sorry, I  
 20 didn't hear you.

21 Is there a basement on each house?

22 MR. KIM: Yeah, a basement.

23 MS. SCHOR: And what do they have in  
 24 there?

25 MR. KIM: So this is the basement

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1 (indicating). Only the half of the building is  
 2 basement.  
 3 We have a recreation room, stair, and  
 4 the storage, a half bathroom and a utility room.  
 5 MS. SCHOR: I think normally if you are  
 6 -- are you allowed to have bedrooms?  
 7 MR. KIM: There's no bedrooms.  
 8 MS. SCHOR: No bedrooms.  
 9 MR. KIM: Recreation.  
 10 MS. SCHOR: So when you walk in the  
 11 front, what do you walk into, the first floor.  
 12 MR. KIM: From Morningside Lane you're  
 13 not going to see the basement.  
 14 This area is garage above this floor.  
 15 This is, I think, better to understand.  
 16 MS. SCHOR: In other words, the  
 17 basement is below that area.  
 18 MR. KIM: So this is the basement.  
 19 This is Morningside Lane. The garage is here and  
 20 coming down (indicating).  
 21 MS. SCHOR: So, in other words, to get  
 22 to the basement, you would have to physically be in  
 23 the house in order to get there.  
 24 MR. KIM: Right.  
 25 We have stairs. We can come down to

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1 Do you want to swear him in?  
 2 MR. MACRI: Mr. Spatz, do you swear or  
 3 affirm you testimony you'll provide this evening will  
 4 be the truth, the whole truth, and nothing but the  
 5 truth?  
 6 MR. SPATZ: Yes, I do.  
 7 D A V I D S P A T Z, P.P.  
 8 60 Friend Terrace, Harrington Park, New Jersey,  
 9 having been duly sworn, testifies as follows:  
 10 MR. MACRI: Please state your full name  
 11 for the record.  
 12 MR. SPATZ: David Spatz, S-P-A-T-Z.  
 13 MR. MACRI: Thank you.  
 14 MR. SPATZ: You're welcome.  
 15 CHAIRMAN FERGUSON: Mr. Spatz has been  
 16 here many times; we accept him.  
 17 MR. SPATZ: Thank you.  
 18 Just to quickly go through the photo  
 19 exhibit just to show what's here.  
 20 The top row two photographs are to the  
 21 left and the center of the two dwellings that are on  
 22 the current property (indicating). You can see to  
 23 the left of us is a newer two-family home  
 24 (indicating).  
 25 The top right-hand photograph is

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1 the basement.  
 2 MS. SCHOR: Okay, thank you.  
 3 CHAIRMAN FERGUSON: Okay, anybody else.  
 4 Do you want to call your next witness?  
 5 MR. PELLINO: Yes. Thank you,  
 6 Mr. Chairman.  
 7 Thank you, Mr. Kim.  
 8 Oh, I don't think I did it. If I could  
 9 mark A-2, the architect's plan.  
 10 (Whereupon, Architectural Plan is  
 11 marked as Exhibit A-2 for identification.)  
 12 MR. PELLINO: My next witness is our  
 13 planner, Mr. David Spatz, who has previously been  
 14 recognized.  
 15 CHAIRMAN FERGUSON: Absolutely.  
 16 Hit the high points, David, and move  
 17 this along.  
 18 MR. SPATZ: I have the photo exhibit.  
 19 Let me just pass that around.  
 20 I guess it's marked A-3. Just to  
 21 quickly go through that.  
 22 (Whereupon, Photoboard is marked as  
 23 Exhibit A-3 for identification.)  
 24 MR. PELLINO: I think they want to  
 25 swear you in.

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1 looking to the right of our property (indicating).  
 2 It's a series of two-family homes. Morningside is  
 3 primarily developed with two-family homes.  
 4 The bottom left-land photograph is  
 5 across the street.  
 6 Again another one, but this is really  
 7 just to show the height of it (indicating).  
 8 The center photograph at the bottom is  
 9 the rear of our property. That is a nine-unit  
 10 dwelling that fronts on Bergen Boulevard  
 11 (indicating).  
 12 Then the bottom right-hand photograph,  
 13 that is the garage that is being removed as part of  
 14 the construction that's going on. That will free up  
 15 a little bit of space, both to the rear as well as to  
 16 the north (indicating).  
 17 In terms of the variances, townhouses  
 18 are not permitted. There are six units where four  
 19 would be permitted on the property. We have that  
 20 height variance, which is the other (d) variance.  
 21 And in the terms of (c) variances,  
 22 building coverage. And that has been reduced since  
 23 the original submission. And the variances: Front  
 24 yard, which again has been increased. That's to the  
 25 rear of the property towards Bergen Boulevard. We've

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1 eliminated with the modifications two variances.  
 2 Combined side yard has been eliminated.  
 3 And most importantly actually, lot area  
 4 per unit has been eliminated. The zone requires  
 5 2,500 square feet, and we are actually at 2,519  
 6 square feet.  
 7 So in terms of density, our large lot  
 8 allows the six units to still meet that density.  
 9 Looking at our (d) variances, we do  
 10 meet the purposes of zoning.  
 11 Purpose A is the appropriate use of  
 12 land to promote public health, safety, morals and  
 13 general welfare. I think we do.  
 14 We're providing housing units, a little  
 15 bit smaller housing units, which I think will be  
 16 certainly something that's a little bit different,  
 17 but in a residential zone I think it's reasonable.  
 18 Appropriate population densities, that  
 19 is Purpose E.  
 20 Again, we have a conforming density on  
 21 the property because we have a 15,000-square-foot  
 22 lot, can support in terms of your ordinance the six  
 23 units.  
 24 Purpose I is promoting a desirable  
 25 visual environment.

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1 structures around us are all much taller than what  
 2 exists on the property, similar in height to what  
 3 we're proposing. The height of the buildings is  
 4 really caused by the steep topography change, as was  
 5 described by both the engineer and the architect.  
 6 In terms of the bulk variance, the  
 7 height variance has been reduced and we've eliminated  
 8 two variances for lot area per unit. And the side  
 9 yard, there will be additional landscaping, walls and  
 10 fencing provided on the site to buffer both the rear  
 11 of the property as well as the properties to the  
 12 side.  
 13 The building directly behind us that  
 14 fronts on Bergen Boulevard actually has nine units on  
 15 a smaller piece of property.  
 16 So in terms of density again and  
 17 massing, we are similar to what's in the  
 18 neighborhood.  
 19 Lastly, looking at the negative  
 20 criteria, I don't think there's anything that's  
 21 substantially negative. What we're proposing, I  
 22 think is in character with the neighborhood, which  
 23 has two-family dwellings and larger buildings on  
 24 smaller lots than us.

The setbacks are similar to what  
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1 And I believe that's being done. You  
 2 have two older structures in a neighborhood of new  
 3 structures. We're providing new structures that fit  
 4 within the neighborhood in terms of the massing of  
 5 the building. Given the size of the property, our  
 6 side yards are conforming so there is enough space  
 7 between the units and the adjacent properties.  
 8 The modification that we talked about  
 9 this evening, putting the driveways so that the  
 10 garages are accessible from the rear, frees up  
 11 additional parking on the street. There are existing  
 12 two driveways to two units so there will be no loss  
 13 of street parking by what we're proposing.  
 14 In terms of density, as I've indicated,  
 15 I think the site is particularly well suited. We're  
 16 more than 10,000 square feet larger than what is  
 17 required within the zone.  
 18 Visually, because we have a  
 19 three-family in the front, a three-family in the  
 20 back, along the streetscape it will appear to be a  
 21 three-family on a much larger piece of property. In  
 22 terms of the spacing, I think it's similar to the  
 23 adjacent properties.  
 24 In terms of the height variance, the  
 25 photographs, I think, clearly show that the newer

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1 currently exists on the property as well as on the  
 2 adjacent properties. Eliminating the garage to the  
 3 rear actually creates a larger rear and side yard  
 4 than what currently exists. There is enough parking  
 5 to satisfy the six units. The improvements being  
 6 made to the circulation, I think certainly benefits  
 7 the neighborhood.  
 8 And on balance, I think positive  
 9 criteria are met for both the (d) and (c) variances.  
 10 It exceeds anything that could be considered  
 11 negative.  
 12 And I believe that the variances could  
 13 be granted. So that's a good synopsis.  
 14 If you have any questions, I'll be  
 15 happy to answer them.  
 16 CHAIRMAN FERGUSON: Job well done.  
 17 Do any board members have anything?  
 18 (No response.)  
 19 CHAIRMAN FERGUSON: Do any experts have  
 20 anything?  
 21 Yes, go.  
 22 MR. KAUKER: Just a couple questions  
 23 with respect to -- I understand your argument with  
 24 that obviously allows 50,000 square feet.  
 25 But, theoretically, if you were to go

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1 through that analysis and try to subdivide the  
2 property, you would create two 5,000-square-foot lots  
3 that could accommodate two units each, but it would  
4 be difficult.

5 I mean, the third lot, if you carved up  
6 the property, it would be somewhat oddly-shaped  
7 because of the topographical constraints. It might  
8 be difficult to accommodate another two units on the  
9 property.

10 I guess the question is whether or not  
11 the site can accommodate, really, six units? I guess  
12 I don't really have a question.

13 The only thing I just wanted to bring  
14 to the board's attention, they are proposing six  
15 units in a AA zone. The AA zone obviously permits  
16 one- and two-family use.

17 So just one of the things I just wanted  
18 to highlight for the zoning ordinance, the intent of  
19 the ordinance really is to preserve the one- and  
20 two-family residential character of the neighborhood.

21 I know there's a multiple family that  
22 exists, I guess, to the south of the property.

23 But if you look primarily along  
24 Morningside, it's prominently one- and two-family  
25 homes.

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1 CHAIRMAN FERGUSON: Okay.  
2 So, Counsel, as you heard, our parking  
3 and also may have some problems with the parking  
4 layout. I'll leave it to you.

5 If you want to call for a vote tonight,  
6 we're glad to call for a vote.

7 But I would give you the opportunity to  
8 -- to come back next meeting and explain the  
9 different parking thing.

10 MR. PELLINO: Yes. Mr. Chairman, from  
11 what I understand speaking with our architect, we can  
12 reconfigure the parking so that the garages for the  
13 front building will be to the rear.

14 That would eliminate most of the curb  
15 cuts along Morningside, and I think be a benefit to  
16 the project.

17 So, yes, we would like to have the  
18 benefit of the opportunity to come back with that  
19 revision.

20 CHAIRMAN FERGUSON: Okay.  
21 So I just want to note for the record  
22 -- is there anybody in the audience from Morningside  
23 Lane?

24 (No response.)

25 CHAIRMAN FERGUSON: Okay. No one in  
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1 So those are just the things that I  
2 wanted to bring to the board's attention.

3 One other thing with respect to the  
4 height of the structure. Do you know the height of  
5 that buildings along Route 63 on either side?

6 MR. SPATZ: I think the property to the  
7 rear of us is four stories in height. You can see  
8 from the photograph, the center bottom photograph,  
9 that it projects, you know, a little over two stories  
10 above our property line.

11 So I think it is in and of itself  
12 taller than what our building is.

13 MR. KAUKER: I have nothing else.

14 MR. SPATZ: And if I could just respond  
15 to the other question on it.

16 There are, you know, primarily  
17 two-families along Morningside.

18 But those are two-families on a  
19 50-foot-wide lot, where three-families as it fronts  
20 on it on 100-foot lot.

21 So I think in terms of the spacing  
22 between the building, we exceed what's there. And I  
23 think -- you know, the massing of the building I  
24 think does fit in with the neighborhood, given the  
25 size of our property.

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1 the audience from Morningside Lane. Okay.

2 So I'll make a motion that we adjourn  
3 this until next month.

4 MR. PELLINO: Yes, sir.

5 CHAIRMAN FERGUSON: That way you're  
6 going to submit the plans in a timely manner.

7 MR. PELLINO: Yes.

8 CHAIRMAN FERGUSON: And make sure our  
9 parking expert gets it.

10 MR. PELLINO: Yes, sir.

11 CHAIRMAN FERGUSON: Because he's the  
12 one that's going to see A and A, correct?

13 MR. PELLINO: Understood, Mr. Chairman.

14 CHAIRMAN FERGUSON: Okay, I'll make  
15 that motion.

16 Can I get a second?

17 MR. CARNOVALE: I second.

18 CHAIRMAN FERGUSON: Roll call.

19 MS. KIM: Ferguson?

20 CHAIRMAN FERGUSON: Yes for

21 adjournment.

22 MS. KIM: Albanese?

23 VICE CHAIRMAN ALBANESE: Yes.

24 MS. KIM: Elefteriou?

25 MR. ELEFTERIOU: Yes.

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1 MS. KIM: Carnovale?  
 2 MR. CARNOVALE: Yes.  
 3 MS. KIM: Terranova?  
 4 MR. TERRANOVA: Yes.  
 5 MS. KIM: Yoon?  
 6 MS. YOON: Yes.  
 7 MS. KIM: Brogna?  
 8 MR. BROGNA: Yes.  
 9 MS. KIM: Chung?  
 10 MR. CHUNG: Yes.  
 11 MR. GRALA: You missed me.  
 12 Yes.  
 13 MR. PELLINO: Thank you all. Have a  
 14 good evening.  
 15 (Whereupon, Ms. Testa returns to the  
 16 dais as the Palisades Park Zoning Board of  
 17 Adjustment Attorney.)  
 18 CHAIRMAN FERGUSON: Hal, you're not  
 19 needed for this next one.  
 20 If you want to take off, you're  
 21 welcome.  
 22 If you want to stay, we'd love to have  
 23 you.  
 24 If you want to go, you can go because  
 25 you're not needed. The other two guys are going to  
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1 stay, but you being the newbie...  
 2 MR. SIMOFF: Well, I'll just take a  
 3 look and then bolt.  
 4 CHAIRMAN FERGUSON: Okay, no problem.  
 5 Okay.  
 6 MR. MACRI: Ready.  
 7 CHAIRMAN FERGUSON: Yeah, I'm ready.  
 8 MR. MACRI: Okay.  
 9 Good evening, Mr. Chairman, Members of  
 10 the Board. My name is Marc Macri.  
 11 I represent New Vision Developers, LLC,  
 12 the applicant in connection with the property located  
 13 at 60 Brinkerhoff Terrace here in the borough.  
 14 We're here this evening requesting the  
 15 board's permission to demolish the existing dwelling  
 16 and construct what is commonly known as a 6-over-6  
 17 two-family dwelling.  
 18 I have two expert witnesses with me  
 19 this evening.  
 20 I have Mr. Bill Cocoros, our architect,  
 21 and Mr. David Spatz, our professional planner.  
 22 I'd like to begin by having our  
 23 architect sworn in.  
 24 MS. TESTA: Do you swear that the  
 25 testimony you will give this application will be the  
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1 truth, the whole truth, and nothing but the truth?  
 2 MR. COCOROS: I do.  
 3 VASSILIOS COCOROS, AIA  
 4 467 Sylvan Avenue, Englewood Cliffs, New Jersey,  
 5 having been duly sworn, testifies as follows:  
 6 MS. TESTA: Please state your name for  
 7 the record.  
 8 MR. COCOROS: Vassilios,  
 9 V-A-S-I-L-I-O-S; Cocoros, C-O-C-O-R-O-S, 467 Sylvan  
 10 Avenue, Englewood Cliffs, New Jersey 07632.  
 11 MS. TESTA: Thank you.  
 12 CHAIRMAN FERGUSON: Okay.  
 13 DIRECT EXAMINATION  
 14 BY MR. MACRI:  
 15 **Q.** Bill, before we begin, can you just  
 16 give the board the dimensions of the property?  
 17 **A. Sure.**  
 18 **The property, which is 60 Brinkerhoff**  
 19 **Terrace, is 40-feet-wide-by-117-feet deep, with a**  
 20 **total lot area of 4,680 square feet.**  
 21 **Q.** Bill, both properties to the left and  
 22 the right are developed, correct?  
 23 **A. Yes.**  
 24 **Q.** So we would not be able to acquire the  
 25 additional properties?  
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1 **A. Correct.**  
 2 **The one to the left of us is an**  
 3 **oversized duplex -- I'm sorry, to the right of us.**  
 4 **Then there's an existing on the**  
 5 **left-hand side. There's no other way to get any**  
 6 **other property.**  
 7 **So this is always going to be a**  
 8 **40-by-100 lot -- I'm sorry -- 40-by-117 lot.**  
 9 **Q.** Can you explain to the board what we're  
 10 proposing to put on the property.  
 11 **A. Sure.**  
 12 **We're proposing a new two-family**  
 13 **dwelling on the property. The dwelling, itself,**  
 14 **would be 33-feet-wide-by-68-feet-deep.**  
 15 It's a 6-over-6 configuration basically  
 16 on three levels, where we have a ground/basement,  
 17 that has a two-car garage at the front and a finished  
 18 basement behind that.  
 19 Then the first floor is the primary  
 20 unit, and the second floor is the secondary unit.  
 21 Each one being a three-bedroom layout.  
 22 Basically we are a typical 6-over-6.  
 23 These type of lots have been developed and the board  
 24 has approved previously.  
 25 **Q.** Bill, for the record, the ground level  
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1 only contains a half-bath.  
 2 Is that correct?  
 3 **A. Correct.**  
 4 **Q.** It's always good to check.  
 5 **A. Correct.**  
 6 **Q.** I believe -- just turn to A-2.  
 7 **A. Going from left to right, we have the**  
 8 **basement, first floor, second floor, a basement.**  
 9 Up here we have a garage in the front,  
 10 a two-car garage, a two-car garage.  
 11 We have a staircase up to the first  
 12 floor connected to the main apartment.  
 13 At the back we have the recreation  
 14 room. You have utility rooms. We have a powder room  
 15 (indicating).  
 16 Upstairs is the main apartment. We  
 17 have living room, dining room in the front  
 18 (indicating).  
 19 Then on the right-hand side we have the  
 20 bedroom section. We have the primary bedroom in the  
 21 back with its own en suite bathroom, walk-in closets  
 22 (indicating).  
 23 The secondary bedrooms share a hall  
 24 bathroom. Also there's a small powder room for  
 25 guests off that hallway (indicating).

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1 So I notice that the house is -- the  
 2 house on your immediate right, if I'm looking at the  
 3 house, it's also a big house.  
 4 MR. COCOROS: Yes.  
 5 CHAIRMAN FERGUSON: But I'm just a  
 6 little concerned with the side yards. I would like  
 7 to see the side yards get increased to 4 feet on each  
 8 side, which would mean you have to reduce the size of  
 9 the house by whatever it takes to get there, correct?  
 10 MR. COCOROS: Yeah.  
 11 Right now we're 3-and-a-half. I guess  
 12 with if we do 6 inches on each side, that would be a  
 13 1-foot reduction.  
 14 CHAIRMAN FERGUSON: You're amenable  
 15 with that?  
 16 MR. COCOROS: I'm good.  
 17 CHAIRMAN FERGUSON: The other thing is  
 18 my usual question, you don't have no bathtubs in the  
 19 basement, correct?  
 20 MR. COCOROS: Nope.  
 21 CHAIRMAN FERGUSON: I'm glad. You're  
 22 learning. It took a while. It took like a year.  
 23 You've got decks in the back. You've  
 24 got a kitchen area.  
 25 What is your front yardage?

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1 At the left side, we have the main  
 2 living space.  
 3 As I said, living room, dining room in  
 4 the front, kitchen, eat-in area, and it has a sliding  
 5 glass door out to the deck in the back.  
 6 The second floor is basically the same  
 7 layout; however, it's accessed via the entry platform  
 8 staircase from up the primary platform to the second  
 9 floor.  
 10 It has basically the same layout except  
 11 you enter right at the area between the living room  
 12 and the dining room.  
 13 MR. MACRI: Okay, thank you.  
 14 Mr. Chairman, I have no further  
 15 questions.  
 16 CHAIRMAN FERGUSON: No further  
 17 questions of this witness.  
 18 I tell you what my one concern is that  
 19 on your side yards. What is the existing side yards  
 20 now that you have?  
 21 MR. COCOROS: Five is required. The  
 22 existing -- on the one side we have about just under  
 23 4, it looks like. The other side is a little more  
 24 because you have a driveway there.  
 25 CHAIRMAN FERGUSON: Okay.

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1 MR. MACRI: Twenty-four. And it  
 2 complies.  
 3 MR. COCOROS: Twenty-four.  
 4 And that lines up with the neighbors.  
 5 We do comply with the average.  
 6 CHAIRMAN FERGUSON: Your rear yard,  
 7 you've still got 25, correct?  
 8 MR. COCOROS: Yes.  
 9 CHAIRMAN FERGUSON: All right.  
 10 Any other board have any questions?  
 11 (No response.)  
 12 CHAIRMAN FERGUSON: Any board members  
 13 have any questions?  
 14 MR. TERRANOVA: Yeah.  
 15 Can you lower the height 9 feet in the  
 16 center?  
 17 MR. COCOROS: Basically with all the  
 18 rains that we had, we're trying to keep the driveway  
 19 up.  
 20 You know, if we go a lot higher, have  
 21 the driveway, basically, just enough where the water  
 22 doesn't go down there. You know, even if we do --  
 23 even before the rain we tried to keep it as best we  
 24 could, 9 foot...  
 25 MR. TERRANOVA: Yeah.

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1 But is there a structural reason for  
2 9 foot? You can't lower that to 8.  
3 MR. COCOROS: I mean, on the main unit,  
4 the people who buy these houses, their main space,  
5 they, kind of, like that adjustment.

6 The house next -- you run a slight hill  
7 so the house next to us is quite a bit higher than we  
8 are.

9 It's also under the duplex requirement.  
10 The same thing with the house next to us, it would be  
11 built under the duplex requirement.

12 Even though we're asking for a  
13 variance, we would be in line with those houses as  
14 far as height would go.

15 CHAIRMAN FERGUSON: So you're saying  
16 there's no way to lower it without affecting the  
17 runoff.

18 Is that correct?

19 MR. COCOROS: I mean, the runoff part  
20 of it. And the 9-foot ceilings is a nice  
21 configuration.

22 CHAIRMAN FERGUSON: Yeah. But I'm more  
23 concerned with the runoff than I am --

24 MR. COCOROS: Oh, yeah.

25 The way it's set up right now, we're a

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1 MR. COLLAZUOL: Reconfigure if  
2 necessary.

3 And the other item is that, Brinkerhoff  
4 Terrace there is no storm drainage. And you've got  
5 the driveways pitched down. If you can provide a  
6 trench drain at the right-of-way line and perhaps put  
7 a small system in the front for that trench drain.

8 MR. COCOROS: Okay.

9 Basically it would be a small -- like,  
10 a small plastic chamber in the driveway? A small  
11 plastic chamber in the driveway like a precast  
12 fiberglass trench drain?

13 MR. COLLAZUOL: Yes.

14 Something to accommodate that. Because  
15 there's nothing in Brinkerhoff Avenue to catch the  
16 water from the driveway.

17 That's all I have, Mr. Chairman.

18 Thank you.

19 CHAIRMAN FERGUSON: Okay, thank you.

20 Anybody in the audience?

21 (No response.)

22 CHAIRMAN FERGUSON: No.

23 Thank you.

24 Next witness.

25 MR. MACRI: Mr. David Spatz, our

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1 little bit higher than the actual sidewalk. The one  
2 side is out of the ground completely so...

3 CHAIRMAN FERGUSON: Okay.

4 Do you want to put your next witness  
5 on?

6 MR. MACRI: Do you want to open to  
7 public?

8 CHAIRMAN FERGUSON: I'm sorry. Expert?  
9 (No response.)

10 CHAIRMAN FERGUSON: Board members?  
11 (No response.)

12 CHAIRMAN FERGUSON: It's getting late.  
13 Yes, Steve.

14 MR. COLLAZUOL: Yes, two things.

15 Mr. Cocoros, have you seen the report?

16 MR. COCOROS: Yes.

17 MR. COLLAZUOL: You testified you'll  
18 comply with the conditions of the report.

19 No questions on that.

20 I would ask you, although it's not in  
21 the report, your drainage system in the rear, it's a  
22 little too close to the neighboring property lines.  
23 It should be reduced such that it's 5 feet from all  
24 property lines.

25 MR. COCOROS: Sure.

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1 Professional Planner.

2 CHAIRMAN FERGUSON: Hi, Mr. Spatz.

3 Good to see you.

4 Long time no see.

5 MR. SPATZ: It's been a while.

6 CHAIRMAN FERGUSON: You've been sworn  
7 in already.

8 Again, the hour is late.

9 MR. SPATZ: I hear you.

10 MS. TESTA: You're still under oath.

11 MR. SPATZ: Thank you.

12 D A V I D S P A T Z, P.P.

13 60 Friend Terrace, Harrington Park, New Jersey,  
14 having been previously sworn, continues to  
15 testify as follows:

16 MR. SPATZ: There's a photo exhibit  
17 being passed around. It's late.

18 Let's start on this. So it's a Google  
19 map photo.

20 Our property is directly in the center  
21 (indicating). And that newer larger two-family home  
22 that we were discussing before is located to the  
23 right of us. It's mixture of ones and twos in the  
24 area. A number of the lots recently had new  
25 two-families approved.

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1 The use is permitted within the zone.  
2 We have only one (d) variance; that is the building  
3 height. And then (c) variances for building  
4 coverage, lot area per unit, and side yards.

5 The height variance, the photograph, I  
6 can certainly demonstrate the height of the newer  
7 two-family home directly adjacent to us.

8 You can also see the slope of the  
9 property. The property to the left of us is at a  
10 higher elevation. It will be similar in height to  
11 ours. The property to the right of us is a much  
12 taller three-story building.

13 So I think the height certainly fits in  
14 as consistent with the neighborhood. It's also  
15 consistent with the other two-families.

16 In terms of the bulk variances, they're  
17 really all caused by the fact that we have an  
18 undersized lot. It's only 40-foot wide. The lot  
19 coverage, the side yards are -- and the lot per unit  
20 are all really affected by the undersized nature of  
21 the property. We discussed earlier this evening that  
22 the side yards will be increased to 4 feet so they're  
23 only 1 feet short.

24 The photograph, again, demonstrates  
25 that that matches the side yard to the right of us

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1 granted. So any questions, I'll be happy to answer  
2 them.

3 CHAIRMAN FERGUSON: Any questions from  
4 the board?

5 (No response.)

6 CHAIRMAN FERGUSON: Any questions from  
7 -- no, no questions?

8 MR. SIMOFF: I have nothing.

9 CHAIRMAN FERGUSON: He doesn't have any  
10 questions.

11 MR. SPATZ: It's a good night.

12 CHAIRMAN FERGUSON: Anybody from the  
13 audience?

14 Counsel, do you want to sum up?

15 MR. MACRI: Yes, Mr. Chairman.

16 I just want to go over it. We're  
17 stipulating to a right side yard and a left side yard  
18 of 4 feet. Our combined side yard will also be  
19 8 feet.

20 You heard the testimony of our  
21 experts. Mr. David Spatz laid out the reasons why  
22 you can permit the variances we seek. Based upon the  
23 reasons he provided, I'm asking the board to vote in  
24 favor of this application.

25 CHAIRMAN FERGUSON: Okay.  
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1 (indicating).

2 The side yard to the left is wider of  
3 course because of the driveway (indicating).

4 But at least we're consistent with the  
5 neighborhood. Again, you can see that from both the  
6 structures on either side of us (indicating).

7 As was mentioned earlier, they are  
8 developed so we can't acquire any other property to  
9 make our lot bigger to eliminate some of those  
10 variances.

11 That certainly affects the coverage as  
12 well. The building has been sized to meet the size  
13 of the property. If we were a full-sized lot, we'd  
14 really be fully conforming in terms of all of the  
15 setbacks and coverage.

16 In terms of the negative criteria, I  
17 don't believe there's anything substantially  
18 negative. We're a permitted use. We're consistent  
19 with the neighborhood development pattern. The  
20 setbacks are consistent with the neighborhood. The  
21 building has been designed to fit on a smaller lot.  
22 The side yards have been increased this evening.

23 So on balance, I think the positive  
24 criteria is met, and it exceeds anything that could  
25 be negative. And I think the variances could be

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1 The side yard, and you're going to two  
2 donate \$2,000.00 to the Tree Preservation Fund.

3 MR. MACRI: You love that.

4 Thank you.

5 CHAIRMAN FERGUSON: I'll make a motion  
6 to accept the application with the changes.

7 VICE CHAIRMAN ALBANESE: Second.

8 CHAIRMAN FERGUSON: Second.

9 Roll call.

10 MS. KIM: Ferguson?

11 CHAIRMAN FERGUSON: Yes.

12 MS. KIM: Albanese?

13 VICE CHAIRMAN ALBANESE: Yes.

14 MS. KIM: Elefteriou?

15 MR. ELEFTERIOU: Yes.

16 MS. KIM: Carnovale?

17 MR. CARNOVALE: Yes.

18 MS. KIM: Grala?

19 MR. GRALA: Yes.

20 MS. KIM: Terranova?

21 MR. TERRANOVA: Yes.

22 MS. KIM: Yoon?

23 MS. YOON: Yes.

24 MS. KIM: Brogna?

25 MR. BROGNA: Yes.

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1 MS. KIM: Chung?  
 2 MS. TESTA: We don't need him.  
 3 We have seven.  
 4 MR. MACRI: Thank you very much.  
 5 CHAIRMAN FERGUSON: Thank you.  
 6 I make a motion to adjourn.  
 7 MR. CARNOVALE: Second.  
 8 (Whereupon, the meeting is concluded.  
 9 Time noted: 9:13 p.m.)

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**201-641-1812**

1 C E R T I F I C A T E  
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 3 I, RONDA L. REINSTEIN, a Certified Court  
 4 Reporter of the State of New Jersey, authorized to  
 5 administer oaths pursuant to R.S.41:2-2, do hereby  
 6 certify that the foregoing is a true and accurate  
 7 transcript of the testimony as taken stenographically  
 8 by and before me at the time, place and on the date  
 9 herein before set forth, to the best of my ability.  
 10 I DO FURTHER CERTIFY that I am neither a  
 11 relative nor employee nor attorney nor counsel of any  
 12 of the parties to this action, and that I am neither  
 13 a relative nor employee of such attorney or counsel,  
 14 and that I am not financially interested in the  
 15 action.

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 RONDA L. REINSTEIN, CCR No. 30X100217800

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