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1 BOROUGH OF PALISADES PARK
 2 ZONING BOARD OF ADJUSTMENT
 3 MONDAY, JANUARY 22nd, 2024
 4 7:18 p.m.

5 -----

6 Case No. 22-16)
 7 Ryan Park)
 8 126 East Brinkerhoff Ave)
 9 Block: 606; Lot: 3)
 10 Case No. 23-13)
 11 Jeong Mi Lee)
 12 35 Henry Avenue)
 13 Block: 214; Lot: 18)
 14 Case No. 23-06)
 15 Chris Kim)
 16 19 W. Homestead Avenue)
 17 Block: 601; Lot: 23.01)
 18 Case No. 23-10)
 19 H Distillery Inc.)
 20 343 Bergen Boulevard)
 21 Block: 424; Lot: 5)
 22 Case No. 23-15)
 23 DRC Development Corp.)
 24 35, 37 & 39 Columbia Avenue)
 25 Block: 617; Lots: 21-23)
 Case No. 23-14)
 DSN Homes LLC)
 67 W. Harwood Terrace)
 Block: 607; Lot: 37)

16 B E F O R E:
 17 BOROUGH OF PALISADES PARK BOARD OF ADJUSTMENT
 18 THERE BEING PRESENT:

19 JOSEPH FERGUSON, CHAIRMAN
 20 PAUL ALBANESE, VICE CHAIRMAN
 21 ELEFTERIOS ELEFTERIOU, MEMBER
 22 VINCENT CARNOVALE, MEMBER (ABSENT)
 23 DAVID TERRANOVA, MEMBER
 24 JOHN GRALA, MEMBER
 25 STEVEN BROGNA, MEMBER
 BRIAN KIM, MEMBER
 SEONGHYE YOON, ALTERNATE MEMBER 1
 CHARLIE CHUNG, ALTERNATE MEMBER 2
 ESTHER KIM, ALTERNATE MEMBER 3 (ABSENT)

24 LAURA A. CARUCCI, C.S.R., R.P.R., L.L.C.
 25 201-641-1812
 LauraACaruccillc@gmail.com

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

3

I N D E X

| 1 | WITNESS | SWORN | TESTIMONY |
|----|------------------------------------|-------|-----------|
| 3 | Case No. 22-16 | | |
| 4 | Ryan Park | | |
| 4 | 216 East Brinkerhoff Avenue | | 24 |
| 5 | Block: 606; Lot: 3 | | |
| 6 | Case No. 23-13 | | |
| 6 | Jeong Mi Lee | | |
| 7 | 35 Henry Avenue | | 25 |
| 7 | Block: 214; Lot: 18 | | |
| 8 | Case No. 23-06 | | |
| 9 | Chris Kim | | |
| 9 | 19 W. Homestead Avenue | | 26 |
| 10 | Block: 601; Lot: 23.01 | | |
| 11 | Case No. 23-10 | | |
| 11 | H Distillery Inc. | | |
| 12 | 343 Bergen Boulevard | | 29 |
| 12 | Block: 424; Lot: 5 | | |
| 13 | Case No. 23-14 | | |
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| 14 | 67 Harwood Terrace | | 30 |
| 14 | Block 607, Lot 37 | | |
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1 A P P E A R A N C E S :

2 DIANE TESTA, ESQUIRE
 3 Counsel for the Board of Adjustment

4 MARK SOKOLICH, ESQUIRE
 5 1223 Anderson Avenue
 6 Fort Lee, New Jersey 07024
 7 (201) 224-4000
 8 Counsel for the Applicants
 9 DRC Development Corp. and DSN Homes LLC

10

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

12 REBEKAH KIM, BOARD SECRETARY

13 STEVE COLLAZUOL, PE, BOARD ENGINEER

14 HAL SIMOFF, PE, BOARD TRAFFIC ENGINEER

15 MICHAEL KAUKER, PP, BOARD PLANNER

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I N D E X (CONT'D)

| 1 | WITNESS | SWORN | TESTIMONY |
|----|---------------------------------------|-------------|------------|
| 3 | Case No. 23-15 | | |
| 4 | DRC Development Corp. | | |
| 4 | 35, 37 & 39 Columbia Avenue | | 79 |
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| 15 | E X H I B I T S | | |
| 16 | No. | Description | Ident/Evid |
| 17 | Case No. 23-14 | | |
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LAURA A. CARUCCI, C.S.R., R.P.R., L.L.C.
201-641-1812

07:24PM **1** I do further solemnly swear that I will
07:24PM **2** impartially and justly perform all the duties of
07:25PM **3** board member of the Zoning Board of Adjustment of the
07:25PM **4** Borough of Palisades Park according to the best of my
07:25PM **5** ability, so help me, God.

07:24PM **6** MR. BRIAN KIM: I, Brian Kim, do
07:24PM **7** solemnly swear, that I will support the Constitution
07:24PM **8** of the United States and the Constitution of the
07:24PM **9** State of New Jersey. And that I will bear true faith
07:24PM **10** and allegiance to the same and to the governments
07:24PM **11** established in the United States and in this state,
07:24PM **12** under the authority of the people, so help me, God.

07:24PM **13** I do further solemnly swear that I will
07:24PM **14** impartially and justly perform all the duties of
07:25PM **15** board member of the Zoning Board of Adjustment of the
07:25PM **16** Borough of Palisades Park according to the best of my
07:25PM **17** ability, so help me, God.

07:25PM **18** MS. TESTA: Congratulations.
07:25PM **19** MR. BRIAN KIM: Thank you.
07:25PM **20** CHAIRMAN FERGUSON: Okay.
07:25PM **21** Roll call?
07:25PM **22** MS. REBEKAH KIM: Mr. Ferguson?
07:25PM **23** CHAIRMAN FERGUSON: Here.
07:25PM **24** MS. REBEKAH KIM: Mr. Albanese?
07:25PM **25** VICE CHAIRMAN ALBANESE: Here.

LAURA A. CARUCCI, C.S.R., R.P.R., L.L.C.
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07:23PM **1** (time noted 7:23 p.m.)
07:23PM **2** CHAIRMAN FERGUSON: Okay. We're going
07:23PM **3** to call the meeting to order.
07:23PM **4** And, Paul, you want to lead us in the
07:23PM **5** flag salute?
07:23PM **6** (Whereupon, all rise for a recitation
07:23PM **7** of the Pledge of Allegiance as led by Vice
07:23PM **8** Chairman Albanese.)
07:23PM **9** CHAIRMAN FERGUSON: In accordance with
07:23PM **10** the Open Public Meetings Act, notice of this meeting
07:23PM **11** has been posted on the borough bulletin board.
07:23PM **12** Notice has been approved to at least two borough
07:23PM **13** newspapers and filed with borough clerk's office.
07:23PM **14** Okay. First what we've got to do is
07:24PM **15** swear in a new member, Brian Kim.
07:24PM **16** MS. TESTA: Please stand, raise your
07:24PM **17** right hand, repeat after me nice and loud so that
07:24PM **18** they can pick it up.
07:24PM **19** I, state your name, do solemnly swear,
07:24PM **20** that I will support the Constitution of the United
07:24PM **21** States and the Constitution of the State of New
07:24PM **22** Jersey. And that I will bear true faith and
07:24PM **23** allegiance to the same and to the governments
07:24PM **24** established in the United States and in this state,
07:24PM **25** under the authority of the people, so help me, God.

LAURA A. CARUCCI, C.S.R., R.P.R., L.L.C.
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07:25PM **1** MS. REBEKAH KIM: Mr. Brogna?
07:25PM **2** MR. BROGNA: Here.
07:25PM **3** MS. REBEKAH KIM: Mr. Elefteriou?
07:25PM **4** MR. ELEFTERIOU: Here.
07:25PM **5** MS. REBEKAH KIM: Mr. Grala?
07:25PM **6** MR. GRALA: Here.
07:25PM **7** MS. REBEKAH KIM: Mr. Kim?
07:25PM **8** MR. BRIAN KIM: Here.
07:25PM **9** MS. REBEKAH KIM: Mr. Terranova?
07:25PM **10** MR. TERRANOVA: Here.
07:25PM **11** MS. REBEKAH KIM: Mr. Chung?
07:25PM **12** MR. CHUNG: Here.
07:25PM **13** MS. REBEKAH KIM: Mrs. Yoon?
07:25PM **14** MS. YOON: Here.
07:25PM **15** CHAIRMAN FERGUSON: Okay.
07:25PM **16** So how many members do we have? One,
07:25PM **17** two, three, four, five, six, seven, eight, nine,
07:25PM **18** beautiful.
07:25PM **19** MS. TESTA: All right.
07:26PM **20** Ms. Yoon and Mr. Chung are alternates
07:26PM **21** and everybody else is a member.
07:26PM **22** CHAIRMAN FERGUSON: Okay. So first off
07:26PM **23** we all got a copy --
07:26PM **24** MS. TESTA: You have got to do reorg
07:26PM **25** first.

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07:26PM 1 CHAIRMAN FERGUSON: Okay. We're going
 07:26PM 2 to do reorg. Okay.
 07:26PM 3 Okay. I'll take nominations for
 07:26PM 4 Chairman for --
 07:26PM 5 VICE CHAIRMAN ALBANESE: I nominate Joe
 07:26PM 6 Ferguson for Chairman.
 07:26PM 7 MR. GRALA: I'll second.
 07:26PM 8 MS. TESTA: Second, Grala.
 07:26PM 9 Roll call, please.
 07:26PM 10 MS. REBEKAH KIM: Mr. Ferguson?
 07:26PM 11 CHAIRMAN FERGUSON: Yes.
 07:26PM 12 MS. REBEKAH KIM: Mr. Albanese?
 07:26PM 13 VICE CHAIRMAN ALBANESE: Yes.
 07:26PM 14 MS. REBEKAH KIM: Mr. Brogna?
 07:26PM 15 MR. BROGNA: Yes.
 07:26PM 16 MS. REBEKAH KIM: Mr. Elefteriou?
 07:26PM 17 MR. ELEFTERIOU: Yes.
 07:26PM 18 MS. REBEKAH KIM: Mr. Grala?
 07:26PM 19 MR. GRALA: Yes.
 07:26PM 20 MS. REBEKAH KIM: Mr. Kim?
 07:26PM 21 MR. BRIAN KIM: Yes.
 07:26PM 22 MS. REBEKAH KIM: Mr. Terranova?
 07:26PM 23 MR. TERRANOVA: Yes.
 07:26PM 24 MS. REBEKAH KIM: Mr. Chung?
 07:26PM 25 MR. CHUNG: Yes.

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07:27PM 1 MS. YOON: Yes.
 07:27PM 2 CHAIRMAN FERGUSON: Okay. Next we're
 07:27PM 3 going to have the appointment for the secretary.
 07:27PM 4 I would like to nominate Rebekah Kim to
 07:27PM 5 be secretary.
 07:27PM 6 VICE CHAIRMAN ALBANESE: I'll second
 07:27PM 7 that motion.
 07:27PM 8 CHAIRMAN FERGUSON: Roll call.
 07:27PM 9 MS. REBEKAH KIM: Mr. Ferguson?
 07:27PM 10 CHAIRMAN FERGUSON: Yes.
 07:27PM 11 MS. REBEKAH KIM: Mr. Albanese?
 07:27PM 12 VICE CHAIRMAN ALBANESE: Yes.
 07:27PM 13 MS. REBEKAH KIM: Mr. Brogna?
 07:27PM 14 MR. BROGNA: Yes.
 07:27PM 15 MS. REBEKAH KIM: Mr. Elefteriou?
 07:27PM 16 MR. ELEFTERIOU: Yes.
 07:27PM 17 MS. REBEKAH KIM: Mr. Grala?
 07:27PM 18 MR. GRALA: Yes.
 07:27PM 19 MS. REBEKAH KIM: Mr. Kim?
 07:27PM 20 MR. BRIAN KIM: Yes.
 07:27PM 21 MS. REBEKAH KIM: Mr. Terranova?
 07:27PM 22 MR. TERRANOVA: Yes.
 07:27PM 23 MS. REBEKAH KIM: Mr. Chung?
 07:27PM 24 MR. CHUNG: Yes.
 07:27PM 25 MS. REBEKAH KIM: Mrs. Yoon?

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07:26PM 1 MS. REBEKAH KIM: Mrs. Yoon?
 07:26PM 2 MS. YOON: Yes.
 07:26PM 3 CHAIRMAN FERGUSON: Okay. Next we'll
 07:26PM 4 go to the appointment of Vice Chairman for this year.
 07:26PM 5 I nominate Pauly Albanese.
 07:26PM 6 Can I get a second?
 07:26PM 7 MR. ELEFTERIOU: I second.
 07:26PM 8 CHAIRMAN FERGUSON: Roll call.
 07:26PM 9 MS. REBEKAH KIM: Mr. Ferguson?
 07:26PM 10 CHAIRMAN FERGUSON: Yes.
 07:26PM 11 MS. REBEKAH KIM: Mr. Albanese?
 07:27PM 12 VICE CHAIRMAN ALBANESE: Yes.
 07:27PM 13 MS. REBEKAH KIM: Mr. Brogna?
 07:27PM 14 MR. BROGNA: Yes.
 07:27PM 15 MS. REBEKAH KIM: Mr. Elefteriou?
 07:27PM 16 MR. ELEFTERIOU: Yes.
 07:27PM 17 MS. REBEKAH KIM: Mr. Grala?
 07:27PM 18 MR. GRALA: Yes.
 07:27PM 19 MS. REBEKAH KIM: Mr. Kim?
 07:27PM 20 MR. BRIAN KIM: Yes.
 07:27PM 21 MS. REBEKAH KIM: Mr. Terranova?
 07:27PM 22 MR. TERRANOVA: Yes.
 07:27PM 23 MS. REBEKAH KIM: Mr. Chung?
 07:27PM 24 MR. CHUNG: Yes.
 07:27PM 25 MS. REBEKAH KIM: Mrs. Yoon?

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07:27PM 1 MS. YOON: Yes.
 07:27PM 2 CHAIRMAN FERGUSON: Okay. Next we'll
 07:27PM 3 have the appointment of the attorney.
 07:27PM 4 So I'll nominate Diane Testa.
 07:27PM 5 VICE CHAIRMAN ALBANESE: I'll second
 07:27PM 6 that motion.
 07:27PM 7 CHAIRMAN FERGUSON: Okay.
 07:27PM 8 Roll call.
 07:27PM 9 MS. REBEKAH KIM: Mr. Ferguson?
 07:27PM 10 CHAIRMAN FERGUSON: Yes.
 07:27PM 11 MS. REBEKAH KIM: Mr. Albanese?
 07:27PM 12 VICE CHAIRMAN ALBANESE: Yes.
 07:27PM 13 MS. REBEKAH KIM: Mr. Brogna?
 07:27PM 14 MR. BROGNA: Yes.
 07:28PM 15 MS. REBEKAH KIM: Mr. Elefteriou?
 07:28PM 16 MR. ELEFTERIOU: Yes.
 07:28PM 17 MS. REBEKAH KIM: Mr. Grala?
 07:28PM 18 MR. GRALA: Yes.
 07:28PM 19 MS. REBEKAH KIM: Mr. Kim?
 07:28PM 20 MR. BRIAN KIM: Yes.
 07:28PM 21 MS. REBEKAH KIM: Mr. Terranova?
 07:28PM 22 MR. TERRANOVA: Yes.
 07:28PM 23 MS. REBEKAH KIM: Mr. Chung?
 07:28PM 24 MR. CHUNG: Yes.
 07:28PM 25 MS. REBEKAH KIM: Mrs. Yoon?

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07:28PM 1 MS. YOON: Yes.
 07:28PM 2 CHAIRMAN FERGUSON: Okay. Next we're
 07:28PM 3 going to do the appointment of the borough engineer
 07:28PM 4 for the board.
 07:28PM 5 MS. TESTA: Board engineer.
 07:28PM 6 CHAIRMAN FERGUSON: Oh, the board
 07:28PM 7 engineer, correct.
 07:28PM 8 And I'll nominate Steve Collazuol.
 07:28PM 9 MR. GRALA: I'll second.
 07:28PM 10 CHAIRMAN FERGUSON: Roll call.
 07:28PM 11 MS. REBEKAH KIM: Mr. Ferguson?
 07:28PM 12 CHAIRMAN FERGUSON: Yes.
 07:28PM 13 MS. REBEKAH KIM: Mr. Albanese?
 07:28PM 14 VICE CHAIRMAN ALBANESE: Yes.
 07:28PM 15 MS. REBEKAH KIM: Mr. Brogna?
 07:28PM 16 MR. BROGNA: Yes.
 07:28PM 17 MS. REBEKAH KIM: Mr. Elefteriou?
 07:28PM 18 MR. ELEFTERIOU: Yes.
 07:28PM 19 MS. REBEKAH KIM: Mr. Grala?
 07:28PM 20 MR. GRALA: Yes.
 07:28PM 21 MS. REBEKAH KIM: Mr. Kim?
 07:28PM 22 MR. BRIAN KIM: Yes.
 07:28PM 23 MS. REBEKAH KIM: Mr. Terranova?
 07:28PM 24 MR. TERRANOVA: Yes.
 07:28PM 25 MS. REBEKAH KIM: Mr. Chung?

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07:29PM 1 MS. REBEKAH KIM: Mr. Chung?
 07:29PM 2 MR. CHUNG: Yes.
 07:29PM 3 MS. REBEKAH KIM: Mrs. Yoon?
 07:29PM 4 MS. YOON: Yes.
 07:29PM 5 CHAIRMAN FERGUSON: Okay. I'd like to
 07:29PM 6 -- the next one is going to be board traffic engineer
 07:29PM 7 and we're going to appoint Hall Simoff.
 07:29PM 8 VICE CHAIRMAN ALBANESE: I'll second
 07:29PM 9 that.
 07:29PM 10 MR. SIMOFF: Call me anything, but late
 07:29PM 11 for diner.
 07:29PM 12 CHAIRMAN FERGUSON: Can I get a second?
 07:29PM 13 VICE CHAIRMAN ALBANESE: I second that.
 07:29PM 14 CHAIRMAN FERGUSON: Okay.
 07:29PM 15 Roll call.
 07:29PM 16 MS. REBEKAH KIM: Mr. Ferguson?
 07:29PM 17 CHAIRMAN FERGUSON: Yes.
 07:29PM 18 MS. REBEKAH KIM: Mr. Albanese?
 07:29PM 19 VICE CHAIRMAN ALBANESE: Yes.
 07:29PM 20 MS. REBEKAH KIM: Mr. Brogna?
 07:29PM 21 MR. BROGNA: Yes.
 07:29PM 22 MS. REBEKAH KIM: Mr. Elefteriou?
 07:29PM 23 MR. ELEFTERIOU: Yes.
 07:29PM 24 MS. REBEKAH KIM: Mr. Grala?
 07:29PM 25 MR. GRALA: Yes.

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07:28PM 1 MR. CHUNG: Yes.
 07:28PM 2 MS. REBEKAH KIM: Mrs. Yoon?
 07:28PM 3 MS. YOON: Yes.
 07:28PM 4 CHAIRMAN FERGUSON: Okay. Next we're
 07:28PM 5 going to do appointment of the municipal planner for
 07:28PM 6 this year.
 07:28PM 7 And we are going to nominate -- oh,
 07:28PM 8 Harry -- no. Oh, Mike Kauker, right?
 07:28PM 9 VICE CHAIRMAN ALBANESE: I'll second
 07:28PM 10 that.
 07:29PM 11 CHAIRMAN FERGUSON: Roll call.
 07:29PM 12 MS. REBEKAH KIM: Mr. Ferguson?
 07:29PM 13 CHAIRMAN FERGUSON: Yes.
 07:29PM 14 MS. REBEKAH KIM: Mr. Albanese?
 07:29PM 15 VICE CHAIRMAN ALBANESE: Yes.
 07:29PM 16 MS. REBEKAH KIM: Mr. Brogna?
 07:29PM 17 MR. BROGNA: Yes.
 07:29PM 18 MS. REBEKAH KIM: Mr. Elefteriou?
 07:29PM 19 MR. ELEFTERIOU: Yes.
 07:29PM 20 MS. REBEKAH KIM: Mr. Grala?
 07:29PM 21 MR. GRALA: Yes.
 07:29PM 22 MS. REBEKAH KIM: Mr. Kim?
 07:29PM 23 MR. BRIAN KIM: Yes.
 07:29PM 24 MS. REBEKAH KIM: Mr. Terranova?
 07:29PM 25 MR. TERRANOVA: Yes.

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

07:29PM 1 MS. REBEKAH KIM: Mr. Kim?
 07:29PM 2 MR. BRIAN KIM: Yes.
 07:29PM 3 MS. REBEKAH KIM: Mr. Terranova?
 07:29PM 4 MR. TERRANOVA: Yes.
 07:29PM 5 MS. REBEKAH KIM: Mr. Chung?
 07:29PM 6 MR. CHUNG: Yes.
 07:29PM 7 MS. REBEKAH KIM: Mrs. Yoon?
 07:29PM 8 MS. YOON: Yes.
 07:29PM 9 CHAIRMAN FERGUSON: Okay. Next we're
 07:29PM 10 going to accept the report of the attorney for 2023.
 07:30PM 11 Apparently this is something that you
 07:30PM 12 submit every year.
 07:30PM 13 MS. TESTA: Correct, yes.
 07:30PM 14 CHAIRMAN FERGUSON: Okay. So --
 07:30PM 15 MS. TESTA: You have a copy.
 07:30PM 16 CHAIRMAN FERGUSON: Right. Well, I
 07:30PM 17 could read it.
 07:30PM 18 MS. TESTA: No, no, just --
 07:30PM 19 CHAIRMAN FERGUSON: Okay. So I'll make
 07:30PM 20 a motion we accept the list.
 07:30PM 21 VICE CHAIRMAN ALBANESE: I'll second
 07:30PM 22 it.
 07:30PM 23 CHAIRMAN FERGUSON: Roll call.
 07:30PM 24 MS. REBEKAH KIM: Mr. Ferguson?
 07:30PM 25 CHAIRMAN FERGUSON: Yes.

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

07:30PM 1 MS. REBEKAH KIM: Mr. Albanese?
 07:30PM 2 VICE CHAIRMAN ALBANESE: Yes.
 07:30PM 3 MS. REBEKAH KIM: Mr. Brogna?
 07:30PM 4 MR. BROGNA: Yes.
 07:30PM 5 MS. REBEKAH KIM: Mr. Elefteriou?
 07:30PM 6 MR. ELEFTERIOU: Yes.
 07:30PM 7 MS. REBEKAH KIM: Mr. Grala?
 07:30PM 8 MR. GRALA: Yes.
 07:30PM 9 MS. REBEKAH KIM: Mr. Kim?
 07:30PM 10 MR. BRIAN KIM: Yes.
 07:30PM 11 MS. REBEKAH KIM: Mr. Terranova?
 07:30PM 12 MR. TERRANOVA: Yes.
 07:30PM 13 MS. TESTA: Mr. Kim will abstain from
 07:30PM 14 that, because it's cases that were handled in 2023.
 07:30PM 15 MS. REBEKAH KIM: Mr. Kim abstain.
 07:30PM 16 Mr. Terranova?
 07:30PM 17 MR. TERRANOVA: Yes.
 07:30PM 18 MS. REBEKAH KIM: Mr. Chung?
 07:30PM 19 MR. CHUNG: Yes.
 07:30PM 20 MS. REBEKAH KIM: Mrs. Yoon?
 07:30PM 21 MS. YOON: Yes.
 07:30PM 22 CHAIRMAN FERGUSON: Okay. So we talked
 07:30PM 23 about this last meeting, I believe in November we set
 07:31PM 24 the meeting dates for the third Monday of each month
 07:31PM 25 at 7 o'clock except for Presidents' Day.

LAURA A. CARUCCI, C.S.R., R.P.R., L.L.C.
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07:32PM 1 is open?
 07:32PM 2 What Monday is open.
 07:32PM 3 MS. TESTA: The 5th. The 12th. I'm
 07:32PM 4 not available on the 12th, but I could have, you
 07:32PM 5 know, my partner fill in, so it's not a problem. The
 07:32PM 6 12th would be a week before Presidents' Day.
 07:32PM 7 CHAIRMAN FERGUSON: Okay. But you
 07:32PM 8 can't make it?
 07:32PM 9 MS. TESTA: No, but the 5th I'm here.
 07:32PM 10 CHAIRMAN FERGUSON: The 5th?
 07:32PM 11 MS. TESTA: And that's too soon.
 07:32PM 12 That's two weeks from today.
 07:32PM 13 CHAIRMAN FERGUSON: Okay. So how
 07:32PM 14 about, I don't know, is this a Monday?
 07:32PM 15 MS. TESTA: Right the 12th is a Monday,
 07:32PM 16 that's when I'm not here, the 19th is Presidents'
 07:32PM 17 Day, and then the 26th is the same day that the
 07:32PM 18 council is meeting.
 07:32PM 19 I mean, we could have the meeting start
 07:32PM 20 at 7:30, but I don't know if that's too late for
 07:32PM 21 everybody or not.
 07:32PM 22 CHAIRMAN FERGUSON: Yeah, we'll do it
 07:32PM 23 -- I think we're better off doing it on the 26th.
 07:32PM 24 MS. TESTA: Okay. Just as soon as
 07:32PM 25 they're finished like we did tonight?

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07:31PM 1 I think we all agree.
 07:31PM 2 MS. TESTA: Right, now the only --
 07:31PM 3 because tonight there was a conflict because of the
 07:31PM 4 holiday, Martin Luther King.
 07:31PM 5 Next month will be the same issue, the
 07:31PM 6 Mayor and Council have their meeting scheduled for
 07:31PM 7 the 26th. Do we want to keep it on the 26th or do we
 07:31PM 8 want to move it to a different date?
 07:31PM 9 CHAIRMAN FERGUSON: It's up to the
 07:31PM 10 board.
 07:31PM 11 I guess we should move it to the 26th.
 07:31PM 12 MS. TESTA: Well, they're the 26th.
 07:31PM 13 Would we want to move it to the 27th, a Tuesday, or
 07:31PM 14 is that an issue?
 07:31PM 15 CHAIRMAN FERGUSON: No, we're going to
 07:31PM 16 keep it Monday.
 07:31PM 17 MS. TESTA: Keep it Monday, okay.
 07:31PM 18 The Mayor and Council also have it the
 07:31PM 19 same day. So like tonight, because we pushed ours
 07:31PM 20 back a week because it's Presidents' Day.
 07:31PM 21 CHAIRMAN FERGUSON: No, I understand,
 07:31PM 22 but why is the Mayor and Counsel meeting on our --
 07:31PM 23 MS. TESTA: Yeah, I think they have --
 07:31PM 24 we moved our meeting because of the holiday.
 07:32PM 25 CHAIRMAN FERGUSON: Okay. So what date

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07:32PM 1 CHAIRMAN FERGUSON: Yeah.
 07:32PM 2 VICE CHAIRMAN ALBANESE: I'll second
 07:32PM 3 that.
 07:32PM 4 MR. BRIAN KIM: Yeah, that's fine.
 07:32PM 5 MS. TESTA: Okay.
 07:32PM 6 CHAIRMAN FERGUSON: I'll make that
 07:33PM 7 motion.
 07:33PM 8 VICE CHAIRMAN ALBANESE: I'll second.
 07:33PM 9 MS. REBEKAH KIM: Mr. Ferguson?
 07:33PM 10 CHAIRMAN FERGUSON: Yes.
 07:33PM 11 MS. REBEKAH KIM: Mr. Albanese?
 07:33PM 12 VICE CHAIRMAN ALBANESE: Yes.
 07:33PM 13 MS. REBEKAH KIM: Mr. Brogna?
 07:33PM 14 MR. BROGNA: Yes.
 07:33PM 15 MS. REBEKAH KIM: Mr. Elefteriou?
 07:33PM 16 MR. ELEFTERIOU: Yes.
 07:33PM 17 MS. REBEKAH KIM: Mr. Grala?
 07:33PM 18 MR. GRALA: Yes.
 07:33PM 19 MS. REBEKAH KIM: Mr. Kim?
 07:33PM 20 MR. BRIAN KIM: Yes.
 07:33PM 21 MS. REBEKAH KIM: Mr. Terranova?
 07:33PM 22 MR. TERRANOVA: Yes.
 07:33PM 23 MS. REBEKAH KIM: Mr. Chung?
 07:33PM 24 MR. CHUNG: Yes.
 07:33PM 25 MS. REBEKAH KIM: Mrs. Yoon?

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07:33PM 1 MS. YOON: Yes.
 07:33PM 2 CHAIRMAN FERGUSON: Okay.
 07:33PM 3 That's done.
 07:33PM 4 MS. TESTA: Yup.
 07:33PM 5 CHAIRMAN FERGUSON: Okay. So now we're
 07:33PM 6 going to pay a couple of bills.
 07:33PM 7 We have one from The Record for \$59.04.
 07:33PM 8 And we've got two bills from our board attorney which
 07:33PM 9 totaled \$2,062.50.
 07:33PM 10 Can I get a motion we pay the bills?
 07:33PM 11 VICE CHAIRMAN ALBANESE: I make a
 07:33PM 12 motion we pay the bills.
 07:33PM 13 MR. GRALA: I'll second.
 07:33PM 14 CHAIRMAN FERGUSON: Okay.
 07:33PM 15 Roll call.
 07:33PM 16 MS. REBEKAH KIM: Mr. Ferguson?
 07:33PM 17 CHAIRMAN FERGUSON: Yes.
 07:33PM 18 MS. REBEKAH KIM: Mr. Albanese?
 07:33PM 19 VICE CHAIRMAN ALBANESE: Yes.
 07:33PM 20 MS. REBEKAH KIM: Mr. Brogna?
 07:33PM 21 MR. BROGNA: Yes.
 07:33PM 22 MS. REBEKAH KIM: Mr. Elefteriou?
 07:33PM 23 MR. ELEFTERIOU: Yes.
 07:33PM 24 MS. REBEKAH KIM: Mr. Grala?
 07:33PM 25 MR. GRALA: Yes.

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07:34PM 1 MS. REBEKAH KIM: Mr. Brogna?
 07:34PM 2 MR. BROGNA: Yes.
 07:34PM 3 MS. REBEKAH KIM: Mr. Elefteriou?
 07:34PM 4 MR. ELEFTERIOU: Yes.
 07:34PM 5 MS. REBEKAH KIM: Mr. Grala?
 07:34PM 6 MR. GRALA: Yes.
 07:34PM 7 MS. REBEKAH KIM: Mr. Kim?
 07:34PM 8 MR. BRIAN KIM: Yes.
 07:34PM 9 CHAIRMAN FERGUSON: Okay.
 07:34PM 10 MS. REBEKAH KIM: Is it okay to --
 07:34PM 11 CHAIRMAN FERGUSON: Okay. Now we've
 07:34PM 12 got a couple of these.
 07:34PM 13 MS. REBEKAH KIM: Is it okay for
 07:34PM 14 Mr. Kim to yes the --
 07:34PM 15 MS. TESTA: Oh, the minutes? No.
 07:34PM 16 Okay. Yeah, I'm sorry.
 07:34PM 17 MS. REBEKAH KIM: So it's abstain?
 07:34PM 18 MS. TESTA: Abstain.
 07:34PM 19 MS. REBEKAH KIM: Abstain.
 07:34PM 20 MR. BRIAN KIM: It should be abstain.
 07:34PM 21 MS. REBEKAH KIM: Mr. Terranova?
 07:34PM 22 MR. TERRANOVA: Yes.
 07:34PM 23 MS. REBEKAH KIM: Mr. Chung?
 07:34PM 24 MR. CHUNG: Yes.
 07:34PM 25 MS. REBEKAH KIM: Mrs. Kim --

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07:33PM 1 MS. REBEKAH KIM: Mr. Kim?
 07:33PM 2 MR. BRIAN KIM: Yes.
 07:33PM 3 MS. REBEKAH KIM: Mr. Terranova?
 07:33PM 4 MR. TERRANOVA: Yes.
 07:33PM 5 MS. REBEKAH KIM: Mr. Chung?
 07:33PM 6 MR. CHUNG: Yes.
 07:33PM 7 MS. REBEKAH KIM: Mrs. Yoon?
 07:33PM 8 MS. YOON: Yes.
 07:34PM 9 CHAIRMAN FERGUSON: Okay.
 07:34PM 10 Next we all had received the minutes of
 07:34PM 11 the previous meeting, we all had an opportunity to
 07:34PM 12 review it.
 07:34PM 13 Is there any corrections to the
 07:34PM 14 minutes?
 07:34PM 15 VICE CHAIRMAN ALBANESE: I make a
 07:34PM 16 motion we accept the minutes.
 07:34PM 17 CHAIRMAN FERGUSON: There's a motion to
 07:34PM 18 accept.
 07:34PM 19 Can I get a second?
 07:34PM 20 MR. GRALA: I'll second.
 07:34PM 21 CHAIRMAN FERGUSON: Roll call.
 07:34PM 22 MS. REBEKAH KIM: Mr. Ferguson?
 07:34PM 23 CHAIRMAN FERGUSON: Yes.
 07:34PM 24 MS. REBEKAH KIM: Mr. Albanese?
 07:34PM 25 VICE CHAIRMAN ALBANESE: Yes.

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07:34PM 1 Mrs. Yoon.
 07:34PM 2 MS. YOON: Yes.
 07:34PM 3 CHAIRMAN FERGUSON: Okay. So Case No.
 07:34PM 4 22-16, Ryan Park, 126 East Brinkerhoff Avenue and
 07:35PM 5 this is a memorialization of the withdrawal. This is
 07:35PM 6 one of the cases that we knocked down last month.
 07:35PM 7 MS. TESTA: Well, they withdrew it.
 07:35PM 8 CHAIRMAN FERGUSON: Oh, they withdrew
 07:35PM 9 it?
 07:35PM 10 MS. TESTA: They withdrew it, yeah.
 07:35PM 11 They are revising their plans, so they're going to
 07:35PM 12 come back just withdraw rather than carrying it.
 07:35PM 13 CHAIRMAN FERGUSON: Oh, they're going
 07:35PM 14 to come back. Good.
 07:35PM 15 Okay. Second?
 07:35PM 16 VICE CHAIRMAN ALBANESE: I second.
 07:35PM 17 CHAIRMAN FERGUSON: Second? Good.
 07:35PM 18 Roll call.
 07:35PM 19 MS. REBEKAH KIM: Mr. Ferguson?
 07:35PM 20 CHAIRMAN FERGUSON: Yes.
 07:35PM 21 MS. REBEKAH KIM: Mr. Albanese?
 07:35PM 22 VICE CHAIRMAN ALBANESE: Yes.
 07:35PM 23 MS. REBEKAH KIM: Mr. Brogna?
 07:35PM 24 MR. BROGNA: Yes.
 07:35PM 25 MS. REBEKAH KIM: Mr. Elefteriou?

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07:35PM 1 MR. ELEFTERIOU: Yes.

07:35PM 2 MS. REBEKAH KIM: Mr. Grala?

07:35PM 3 MR. GRALA: Yes.

07:35PM 4 MS. REBEKAH KIM: Mr. Kim?

07:35PM 5 MS. TESTA: Abstain.

07:35PM 6 MR. BRIAN KIM: Abstain.

07:35PM 7 MS. REBEKAH KIM: Mr. Terranova?

07:35PM 8 MR. TERRANOVA: Yes.

07:35PM 9 MS. REBEKAH KIM: Mr. Chung?

07:35PM 10 MR. CHUNG: Yes.

07:35PM 11 MS. TESTA: We don't need the

07:35PM 12 alternates.

07:35PM 13 MS. REBEKAH KIM: Okay.

07:35PM 14 CHAIRMAN FERGUSON: Okay. Next is

07:35PM 15 Jeong Mi Lee 35 Henry. It's a memorialization. We

07:35PM 16 approved it last meeting, I guess.

07:36PM 17 MS. TESTA: Yes, in November.

07:36PM 18 CHAIRMAN FERGUSON: So I make that

07:36PM 19 motion we approve the memorialization.

07:36PM 20 VICE CHAIRMAN ALBANESE: I'll second.

07:36PM 21 CHAIRMAN FERGUSON: Roll call.

07:36PM 22 MS. REBEKAH KIM: Mr. Ferguson?

07:36PM 23 CHAIRMAN FERGUSON: Yes.

07:36PM 24 MS. REBEKAH KIM: Mr. Albanese?

07:36PM 25 VICE CHAIRMAN ALBANESE: Yes.

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07:36PM 1 mean, this has been kicking around for a while,

07:36PM 2 hasn't it?

07:36PM 3 MS. TESTA: Yes, but we can -- I can

07:36PM 4 let him know that that would be the last adjournment

07:36PM 5 without a withdrawal.

07:36PM 6 CHAIRMAN FERGUSON: We'll inform him

07:37PM 7 that this is the last continuance that we're going to

07:37PM 8 have and then I will make a motion to accept the

07:37PM 9 continuance.

07:37PM 10 VICE CHAIRMAN ALBANESE: I'll second

07:37PM 11 it.

07:37PM 12 MS. TESTA: No further notice?

07:37PM 13 CHAIRMAN FERGUSON: You know, I think

07:37PM 14 he should put notice in because it's been so long.

07:37PM 15 I mean, how do people know? Neighbor's

07:37PM 16 know? So I would say yes, he has to provide notice.

07:37PM 17 All right.

07:37PM 18 VICE CHAIRMAN ALBANESE: Yup.

07:37PM 19 MS. TESTA: Second?

07:37PM 20 VICE CHAIRMAN ALBANESE: I second.

07:37PM 21 CHAIRMAN FERGUSON: Roll call.

07:37PM 22 MS. REBEKAH KIM: Mr. Ferguson?

07:37PM 23 CHAIRMAN FERGUSON: Yes.

07:37PM 24 MS. REBEKAH KIM: Mr. Albanese?

07:37PM 25 VICE CHAIRMAN ALBANESE: Yes.

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07:36PM 1 MS. REBEKAH KIM: Mr. Brogna?

07:36PM 2 MR. BROGNA: Yes.

07:36PM 3 MS. REBEKAH KIM: Mr. Elefteriou?

07:36PM 4 MR. ELEFTERIOU: Yes.

07:36PM 5 MS. REBEKAH KIM: Mr. Grala?

07:36PM 6 MR. GRALA: Yes.

07:36PM 7 MS. REBEKAH KIM: Mr. Kim?

07:36PM 8 MR. BRIAN KIM: I think I'll abstain.

07:36PM 9 MS. TESTA: Correct.

07:36PM 10 MS. REBEKAH KIM: Mr. Terranova?

07:36PM 11 MR. TERRANOVA: Yes.

07:36PM 12 MS. TESTA: Okay.

07:36PM 13 CHAIRMAN FERGUSON: Okay. Next is

07:36PM 14 Chris Kim.

07:36PM 15 MS. TESTA: It's going to be carried.

07:36PM 16 I just need the letter from his -- an e-mail from his

07:36PM 17 attorney.

07:36PM 18 They're revising the plans and they're

07:36PM 19 asking that the matter be carried.

07:36PM 20 CHAIRMAN FERGUSON: Okay.

07:36PM 21 MS. TESTA: And I guess the -- I don't

07:36PM 22 know whether or not the board wants to carry it or

07:36PM 23 you want him to provide notice, because it has been a

07:36PM 24 while.

07:36PM 25 CHAIRMAN FERGUSON: Well, how long -- I

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07:37PM 1 MS. REBEKAH KIM: Mr. Brogna?

07:37PM 2 MR. BROGNA: Yes.

07:37PM 3 MS. REBEKAH KIM: Mr. Elefteriou?

07:37PM 4 MR. ELEFTERIOU: Yes.

07:37PM 5 MS. REBEKAH KIM: Mr. Grala?

07:37PM 6 MR. GRALA: Yes.

07:37PM 7 MS. REBEKAH KIM: Mr. Kim?

07:37PM 8 MR. BRIAN KIM: Abstain.

07:37PM 9 MS. REBEKAH KIM: Mr. Terranova?

07:37PM 10 MR. TERRANOVA: Yes.

07:37PM 11 MS. TESTA: So Case No. 23-06, Chris

07:37PM 12 Kim, 19 West Homestead Avenue, Block 601, Lot 23.01,

07:37PM 13 at the request of the applicant is being carried to

07:37PM 14 the February 26th, 2024, meeting at 7:00 p.m.

07:37PM 15 The applicant will provide notice just

07:37PM 16 if there's anybody here in the audience tonight, it's

07:37PM 17 not going to be heard.

07:38PM 18 CHAIRMAN FERGUSON: Okay.

07:38PM 19 Now this Case No. 23-10, H Distillery,

07:38PM 20 Incorporated.

07:38PM 21 MS. TESTA: Right.

07:38PM 22 I received an e-mail from the attorney.

07:38PM 23 The applicant is withdrawing their application

07:38PM 24 without prejudice.

07:38PM 25 CHAIRMAN FERGUSON: Okay.

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07:38PM 1 MS. TESTA: We just need a motion to
 07:38PM 2 accept that.
 07:38PM 3 CHAIRMAN FERGUSON: Okay. I'll make
 07:38PM 4 the motion.
 07:38PM 5 Can I get a second?
 07:38PM 6 VICE CHAIRMAN ALBANESE: Second.
 07:38PM 7 CHAIRMAN FERGUSON: Roll call.
 07:38PM 8 MS. REBEKAH KIM: Mr. Ferguson?
 07:38PM 9 CHAIRMAN FERGUSON: Yes.
 07:38PM 10 MS. REBEKAH KIM: Mr. Albanese?
 07:38PM 11 VICE CHAIRMAN ALBANESE: Yes.
 07:38PM 12 MS. REBEKAH KIM: Mr. Brogna?
 07:38PM 13 MR. BROGNA: Yes.
 07:38PM 14 MS. REBEKAH KIM: Mr. Elefteriou?
 07:38PM 15 MR. ELEFTERIOU: Yes.
 07:38PM 16 MS. REBEKAH KIM: Mr. Grala?
 07:38PM 17 MR. GRALA: Yes.
 07:38PM 18 MS. REBEKAH KIM: Mr. Kim?
 07:38PM 19 MR. BRIAN KIM: Abstain.
 07:38PM 20 MS. REBEKAH KIM: Mr. Terranova?
 07:38PM 21 MR. TERRANOVA: Yes.
 07:38PM 22 CHAIRMAN FERGUSON: Okay. That takes
 07:38PM 23 care of that.
 07:38PM 24 Now we're going to get to the
 07:38PM 25 highlight -- oh, we're not going to get to the
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07:38PM 1 highlight yet.
 07:38PM 2 So what we're going to do, we've got
 07:38PM 3 two cases left and, Mr. Sokolich, you have both of
 07:38PM 4 those cases?
 07:38PM 5 MR. SOKOLICH: Pardon me, Chairman?
 07:38PM 6 CHAIRMAN FERGUSON: That's okay. So
 07:39PM 7 you have both cases?
 07:39PM 8 MR. SOKOLICH: We do.
 07:39PM 9 CHAIRMAN FERGUSON: Okay. So we're
 07:39PM 10 going to go a little out of order and we're going to
 07:39PM 11 do Case 23-14, which is DSN Homes LLC.
 07:39PM 12 MR. SOKOLICH: I presumed as much.
 07:39PM 13 For the record, Mark Sokolich on behalf
 07:39PM 14 of the first applicant, DSN Homes LLC. It relates to
 07:39PM 15 property known as 67 West Harwood Terrace.
 07:39PM 16 Mr. Cocoros is our architect. He's
 07:39PM 17 setting up the plans.
 07:39PM 18 But at the outset, I wish you and the
 07:39PM 19 board and your professionals nothing but a happy,
 07:39PM 20 healthy and prosperous 2024 and I hope the year is
 07:39PM 21 good to all of us.
 07:39PM 22 So thank you.
 07:39PM 23 But with that, this is an application,
 07:39PM 24 Chairman, made by an applicant who is well known to
 07:39PM 25 the town, a reputable builder. For the record, he is
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07:39PM 1 present. His name is Mr. Romana, he's to my
 07:39PM 2 immediate right.
 07:39PM 3 CHAIRMAN FERGUSON: Okay.
 07:39PM 4 MR. SOKOLICH: The gentleman that he's
 07:39PM 5 engaged for this evening's application is
 07:39PM 6 Mr. Cocoros, an architect known very well to the
 07:39PM 7 board and of course planning testimony from
 07:40PM 8 Mr. Spatz.
 07:40PM 9 It's an application seeking approval of
 10 a two-family. The challenge here is an undersized
 11 lot; however, that lot size is a pattern in that
 12 immediate neighborhood.
 13 Just by way of housekeeping, we have
 14 presented Ms. Testa with our affidavit of service
 07:40PM 15 which I'm hopeful is in order, proof of publication,
 07:40PM 16 certified mailing and all that's required by the
 07:40PM 17 Municipal Land Use Law.
 07:40PM 18 MS. TESTA: Yes, I've reviewed it, it
 07:40PM 19 looks to be in order, so the board does have
 07:40PM 20 jurisdiction.
 07:40PM 21 MR. SOKOLICH: Thank you, Diane.
 07:40PM 22 But, Chairman, unless you direct me
 07:40PM 23 otherwise --
 07:40PM 24 CHAIRMAN FERGUSON: Nope. Go for it.
 07:40PM 25 MR. SOKOLICH: -- we're going to present
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07:40PM 1 the testimony of Mr. Cocoros.
 07:40PM 2 CHAIRMAN FERGUSON: And Mr. Cocoros has
 07:40PM 3 been here many times, so obviously we accept him as
 07:40PM 4 an --
 07:40PM 5 MS. TESTA: Expert, yeah.
 07:40PM 6 Do you swear that the testimony you
 07:40PM 7 will provide in this application will be the truth,
 07:40PM 8 the whole truth, and nothing but the truth?
 07:40PM 9 MR. COCOROS: I do.
 07:40PM 10 VASSILIOS COCOROS, RA
 07:40PM 11 467 Sylvan Avenue, Englewood Cliffs, New Jersey,
 07:40PM 12 having been duly sworn, testifies as follows:
 07:40PM 13 MS. TESTA: Please state your name for
 07:40PM 14 the record.
 07:40PM 15 MR. COCOROS: Sure.
 07:40PM 16 Vassilios, V-A-S-S-I-L-I-O-S; Cocoros,
 07:40PM 17 C-O-C-O-R-O-S, 467 Sylvan Avenue, Englewood Cliffs,
 07:41PM 18 New Jersey.
 07:41PM 19 CHAIRMAN FERGUSON: Okay.
 07:41PM 20 MR. SOKOLICH: Thank you, Chairman.
 07:41PM 21 Thank you, Counsel.
 07:41PM 22 DIRECT EXAMINATION
 07:41PM 23 BY MR. SOKOLICH:
 07:41PM 24 Q. Bill, just by way of background, you're
 07:41PM 25 the architect that's been engaged by DSN?
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07:41PM 1 A. Yes.

07:41PM 2 Q. And as I ask you in all applications,

07:41PM 3 did you conduct a physical inspection of the

07:41PM 4 property?

07:41PM 5 A. Yes.

07:41PM 6 Q. And you've also taken note of the size

07:41PM 7 and types of improvements that are adjacent to this

07:41PM 8 property?

07:41PM 9 A. Yes.

07:41PM 10 MR. SOKOLICH: We have here on the

07:41PM 11 tripod plans, the plans we're about to mark, the

07:41PM 12 first one which, with the board's permission, I'll

07:41PM 13 mark as A-1.

07:41PM 14 MS. TESTA: Yes.

07:41PM 15 MR. SOKOLICH: If that's okay.

07:41PM 16 MS. TESTA: Um-hmm.

07:41PM 17 MR. SOKOLICH: It's entitled

07:41PM 18 "Elevations, site plan and zoning information" with a

07:41PM 19 last revised date of January 8th, 2024.

07:41PM 20 (Whereupon, Elevations, Site Plan and

07:41PM 21 Zoning Information Last Revised January 8,

07:41PM 22 2024 is marked as Exhibit A-1 for

07:41PM 23 identification.)

07:41PM 24 MR. SOKOLICH: And I'm going to mark as

07:41PM 25 A-2, and you as well marked it as A-2, plans entitled

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07:41PM 1 "Floor plans," which are likewise last revised

07:41PM 2 January 8th of 2024. Those we'll mark as A-2 with

07:41PM 3 the board's permission.

07:41PM 4 (Whereupon, Floor Plans Last Revised

07:41PM 5 January 8th, 2023 is marked as Exhibit A-2 for

07:41PM 6 identification.)

07:41PM 7 THE WITNESS: And there's a third one.

07:41PM 8 BY MR. SOKOLICH:

07:41PM 9 Q. The third one, we'll get to it, but

07:41PM 10 just to be clear, A-1 and A-2 and the third page was

07:42PM 11 submitted to this board in advance of the hearing?

07:42PM 12 A. Yes, they were.

07:42PM 13 Q. So they're part of our application

07:42PM 14 package?

07:42PM 15 A. Yes.

07:42PM 16 Q. So first, generally referring to A-1,

07:42PM 17 and everything will be referring to A-1 until we note

07:42PM 18 for the record we've turned the page, if you could

07:42PM 19 just indicated to the board, Billy, where the

07:42PM 20 property is and the roads that bound it?

07:42PM 21 A. Sure.

07:42PM 22 The property on the north side of West

07:42PM 23 Harwood Terrace. It's 224.63 feet to the east of

07:42PM 24 Grand Avenue. It's on an angle.

07:42PM 25 The property itself is

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07:42PM 1 40-feet-wide-by-100-feet-deep. It has a total lot

07:42PM 2 area of 4,000 square feet.

07:42PM 3 The actual property, itself, has a

07:42PM 4 slope going from right to left, which is basically

07:42PM 5 from east to west, of about 3 -- 3 to 4 feet of

07:42PM 6 drop-off along the curb.

07:42PM 7 Also the back is basically about 6-feet

07:42PM 8 high on the left-hand side.

07:42PM 9 And on the right-hand side, it's about

07:43PM 10 -- it's also about 6 feet. I'm sorry. It's about

07:43PM 11 6 feet higher also on the rear portions.

07:43PM 12 The building, itself, mostly sunk in

07:43PM 13 into the ground, especially on the rear and the

07:43PM 14 right-hand side of the dwelling.

07:43PM 15 Q. So other than you've described the size

07:43PM 16 of the property, also the topographic condition,

07:43PM 17 anything else we need to disclose to the board?

07:43PM 18 Is there any wetlands? Any

07:43PM 19 environmental conditions that the board should

07:43PM 20 consider that you're aware of?

07:43PM 21 A. No.

07:43PM 22 Q. Okay.

07:43PM 23 A. And just to let you know, there's two

07:43PM 24 other lots to the right of us, which is going east

07:43PM 25 towards Broad Avenue, they're 40-by-100, and the lot

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07:43PM 1 on the other size of us on the left, which is the

07:43PM 2 west, is 50-by-100, so there's no chance to get any

07:43PM 3 additional land --

07:43PM 4 Q. Understood.

07:43PM 5 A. -- underneath the property.

07:43PM 6 Q. Now, we're about to now go through the

07:43PM 7 size of the house and setbacks and the variances that

07:43PM 8 are required because there's a zoning schedule on

07:43PM 9 A-1, correct?

07:43PM 10 A. Yes.

07:43PM 11 Q. Now, you've been here enough times,

07:43PM 12 Bill, that you understand and have a pretty good

07:43PM 13 grasp as to what the sentiment of the board is on

07:43PM 14 similarly situated properties, correct?

07:44PM 15 A. Yes.

07:44PM 16 Q. And did you take that into account when

07:44PM 17 you designed this house?

07:44PM 18 A. Yes.

07:44PM 19 This is a typical configuration that we

07:44PM 20 have for a six-over-six in Palisades Park.

07:44PM 21 Q. On an undersized lot?

07:44PM 22 A. On an undersized lot. You know,

07:44PM 23 typically this is a little bit bigger for an

07:44PM 24 undersized.

07:44PM 25 They're usually, the undersized ones we

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07:44PM **1 deal with are 37-and-a-half-feet wide. Here we have**
 07:44PM **2 the benefit of 40 feet, however another 40 foot that**
 07:44PM **3 we've done, we basically have the same footprint**
 07:44PM **4 where we have 3-and-a-half-foot side yards where**
 07:44PM **5 originally they were 3 feet.**
 07:44PM **6 And then we took the recommendation of**
 07:44PM **7 the board and increased those to 3-foot-6.**
 07:44PM **8 There's no projections into that side**
 07:44PM **9 yard, so it's a clean 3-and-a-half feet. There's no**
 07:44PM **10 bay windows or anything come into that. The depth of**
 07:44PM **11 the building is 57 feet where we have a 22-foot rear**
 07:44PM **12 yard setback and a 21-foot front yard setback where**
 07:44PM **13 the setback along that portion of West Harwood,**
 07:44PM **14 including newer dwellings, is 21 feet or in some**
 07:44PM **15 cases, 20 feet.**
 07:44PM **16 Q. Now, Bill, just referring to the upper**
 07:44PM **17 right-hand corner of A-1, the architectural site**
 07:44PM **18 plan, there's only one roadway that bounds this**
 07:44PM **19 house, correct?**
 07:44PM **20 A. Yes.**
 07:44PM **21 Q. And that's West Harwood Terrace?**
 07:45PM **22 A. Correct.**
 07:45PM **23 Q. And just if you could describe,**
 07:45PM **24 generally speaking, access -- excuse me -- it's one**
 07:45PM **25 stairwell that brings you to two doors?**

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07:45PM **1 any action that this board were to take would be**
 07:45PM **2 subject to the conditions and requirements that are**
 07:46PM **3 imposed by Mr. Collazuol's office on behalf of the**
 07:46PM **4 board?**
 07:46PM **5 A. Yes.**
 07:46PM **6 Q. And while we're there, you acknowledge**
 07:46PM **7 receipt of Mr. Collazuol's review of January 18th,**
 07:46PM **8 2024?**
 07:46PM **9 A. Yes.**
 07:46PM **10 Q. Now, we'll touch upon this during the**
 07:46PM **11 course of your testimony, but based on your review of**
 07:46PM **12 that document, is there anything in this review**
 07:46PM **13 letter and the conditions imposed that you don't**
 07:46PM **14 think are achievable by Mr. Romana and his company?**
 07:46PM **15 A. Not at all.**
 07:46PM **16 We can accommodate all the comments.**
 07:46PM **17 Q. Back to your plans, wherever you deem**
 07:46PM **18 appropriate.**
 07:46PM **19 Thank you, Bill?**
 07:46PM **20 A. So it's an all-brick structure;**
 07:46PM **21 however, we do have bay windows in the rear and the**
 07:46PM **22 front that would be either a stucco or a panelized**
 07:46PM **23 system to kind of break up where we have possibly**
 07:46PM **24 three different materials where we have stucco and**
 07:46PM **25 then infill between the windows. It would be just**

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07:45PM **1 A. Correct, there's a main staircase that**
 07:45PM **2 brings you up to the main entry doors; however, we do**
 07:45PM **3 have a side door which is typical on these**
 07:45PM **4 configurations on the left-hand side.**
 07:45PM **5 Q. And it's a double car driveway**
 07:45PM **6 servicing the two, single-car garages that are**
 07:45PM **7 proposed?**
 07:45PM **8 A. Correct.**
 07:45PM **9 Q. So it's the intentions of the**
 07:45PM **10 developer, were the board to act favorably, to allow**
 07:45PM **11 for each apartment a garage space and then the**
 07:45PM **12 driveway space immediately behind that garage?**
 07:45PM **13 A. Correct, that's the typical**
 07:45PM **14 configuration.**
 07:45PM **15 Q. Excellent.**
 07:45PM **16 A. In addition, we do provide a trench**
 07:45PM **17 drain, as per the board -- the board engineer's**
 07:45PM **18 recommendation on other applications where any runoff**
 07:45PM **19 going towards the street will be intercepted by a**
 07:45PM **20 trench drain at the front of the driveway.**
 07:45PM **21 Q. So we're way ahead of ourselves, but**
 07:45PM **22 since you --**
 07:45PM **23 A. I'm sorry.**
 07:45PM **24 Q. No, no, it's fine, but since you**
 07:45PM **25 brought it up, I want to be clear, we understand that**

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07:46PM **1 like a metal siding that looks like wood just to kind**
 07:46PM **2 of give it a little bit more variation.**
 07:46PM **3 As you can see in the back, the**
 07:46PM **4 building on the back end, the right-hand side is**
 07:46PM **5 basically almost halfway submerged into the ground.**
 07:46PM **6 And then on the left-hand side, that's where we have**
 07:46PM **7 the side door.**
 07:46PM **8 We go to Sheet A-2 --**
 07:46PM **9 Q. And on A-1, though, Bill on the**
 07:46PM **10 elevations, I'm sorry, we always ask this question,**
 07:47PM **11 there isn't any change in façade materials on the**
 07:47PM **12 side or the rear, there's a similar treatment on all**
 07:47PM **13 four sides?**
 07:47PM **14 A. Correct.**
 07:47PM **15 Q. In other words, we didn't cheapen out.**
 07:47PM **16 We're trying to maintain the aesthetic of the**
 07:47PM **17 building?**
 07:47PM **18 A. Yes, we have all brick, which is, you**
 07:47PM **19 know, two ways, it's good for aesthetic purposes and**
 07:47PM **20 good for fire rating.**
 07:47PM **21 Q. Understood.**
 07:47PM **22 We're going to go back to your zoning**
 07:47PM **23 schedule, or would you like to do that now?**
 07:47PM **24 A. Yeah, we can do that.**
 07:47PM **25 Q. So it is an undersized lot, correct?**

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07:47PM 1 A. Yes.

07:47PM 2 Q. So there are preexisting, nonconforming

07:47PM 3 conditions which would include the minimum lot size

07:47PM 4 of 4,000 square feet where 5,000 is required and of

07:47PM 5 course, the minimum lot width of 40 feet where

07:47PM 6 50 feet minimum is required?

07:47PM 7 A. Right, and that's preexisting,

07:47PM 8 nonconforming.

07:47PM 9 Q. And those are preexisting, correct, but

07:47PM 10 we still need to provide a basis to the board to

07:47PM 11 continue them. If you could review the other

07:47PM 12 variances that are being sought?

07:47PM 13 A. Sure.

07:47PM 14 Yeah, based on the lot size, I guess

07:47PM 15 the lot area per dwelling unit where

07:47PM 16 two-and-a-half-thousand square feet is typically

07:47PM 17 required in the AA zone, we have 2,000 square feet.

07:47PM 18 Our building coverage is 47.03 percent;

07:48PM 19 it's a variance, however, it's inline with other

07:48PM 20 six-over-sixes built in the area.

07:48PM 21 The side yard since it's not a duplex,

07:48PM 22 we have 5-feet minimum on each side required. We

07:48PM 23 have 3-and-a-half feet on each side, which is

07:48PM 24 basically your typical six-over-six configuration.

07:48PM 25 Combined yard of 14 feet. We have a

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07:49PM 1 as to the variances?

07:49PM 2 A. Correct.

07:49PM 3 Q. But I wanted to at least identify them.

07:49PM 4 Is there anything else that you'd like to speak to on

07:49PM 5 A-1? And we could always go back to it.

07:49PM 6 A. As I said, it's pretty typical as far

07:49PM 7 as, like, the footprint, it lines with the existing,

07:49PM 8 prevailing setback along the street.

07:49PM 9 In addition, it aligns with newer --

07:49PM 10 either duplexes or newer six-over-sixes on that

07:49PM 11 street also.

07:49PM 12 Q. I didn't ask you what condition -- what

07:49PM 13 improvement's there now at the property?

07:49PM 14 A. Let me see.

07:49PM 15 We basically have a one-car garage at

07:49PM 16 the rear left -- rear right corner, which is a

07:49PM 17 preexisting, nonconforming condition where you have

07:49PM 18 about 2 feet off the rear and -- 2.2 feet off the

07:49PM 19 rear and --

07:49PM 20 Q. But what's there now? Is it a

07:49PM 21 one-family, two-family? If you know. But it's a

07:49PM 22 residential dwelling --

07:49PM 23 A. Yeah, residential.

07:49PM 24 Q. -- slated to be demolished?

07:50PM 25 A. Correct.

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07:48PM 1 combined side yard of 7 feet. Rear yard setback we

07:48PM 2 have 22 feet where 25 feet is required; it's a

07:48PM 3 variance.

07:48PM 4 Building height we have two-and-a-half

07:48PM 5 stories required at 25 feet because it's not a

07:48PM 6 duplex. We have proposed three stories. It's

07:48PM 7 basically three stories on the left-hand side,

07:48PM 8 two-and-a-half stories on the right-hand side.

07:48PM 9 Q. And comparably speaking to the best of

07:48PM 10 your ability and based on your personal observation,

07:48PM 11 does this house dwarf the other houses in the

07:48PM 12 neighborhood or is there a consistency?

07:48PM 13 A. No, we have 30.63-feet height; however,

07:48PM 14 if it was a duplex, like, let's say next door a new

07:48PM 15 duplex would go up, it would be actually a 32-foot

07:48PM 16 height requirement.

07:48PM 17 So we're under a duplex requirement;

07:48PM 18 however, we are requesting a variance for the height

07:49PM 19 because we're not a duplex.

07:49PM 20 Q. Because we're not a duplex, correct?

07:49PM 21 A. Correct.

07:49PM 22 Q. Understood.

07:49PM 23 Is there anything else on A-1 that --

07:49PM 24 now, bear in mind, you do have knowledge that

07:49PM 25 Mr. Spatz is on deck and he'll provide more details

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07:50PM 1 Q. And correct me if I'm wrong, Bill,

07:50PM 2 there are quite a few preexisting, nonconforming

07:50PM 3 conditions on that site now?

07:50PM 4 A. Yes.

07:50PM 5 Q. I believe that there's a freestanding

07:50PM 6 garage that --

07:50PM 7 A. A shed.

07:50PM 8 Q. A shed, rather, that interferes with

07:50PM 9 the rear yard setback, the side yard setback. I'm

07:50PM 10 eyeballing it, but I think coverage is blown away

07:50PM 11 here.

07:50PM 12 So there's a lot of variances or

07:50PM 13 conditions, I should say, that exist now; would you

07:50PM 14 agree with that?

07:50PM 15 A. Yeah, there's some nonconforming issues

07:50PM 16 as far the setbacks, especially in the rear and on

07:50PM 17 the side.

07:50PM 18 The front is basically generally in the

07:50PM 19 same spot where the building is going to go.

07:50PM 20 Q. Yes, sir. I'm going to turn you now --

07:50PM 21 thank you, Bill.

07:50PM 22 I'm going to turn you now to A-2, if

07:50PM 23 you don't mind. Now, A-2 your floor plans, wherever

07:50PM 24 you want to start, and I presume in the basement.

07:50PM 25 A. Basically we have the front, we have

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07:50PM **1** the staircase up to the sidewalk level for the first
 07:50PM **2** floor, which has the entry door to the first
 07:50PM **3** apartment. And the second door is going to go up to
 07:50PM **4** the second-floor apartment via a staircase.
 07:50PM **5** Down below we have the driveway. We
 07:50PM **6** have a two-car driveway, two-car garage and two
 07:50PM **7** separate doors. We'll probably have a little more
 07:51PM **8** separation between the two -- we'll have a little
 07:51PM **9** more space between the two cars.
 07:51PM **10** Behind that we have a utility room with
 07:51PM **11** separate utilities for each apartment. We have a
 07:51PM **12** hallway that brings you up to a staircase. At the
 07:51PM **13** back we have recreation, home office and den.
 07:51PM **14** At the rear, middle of the building, we
 07:51PM **15** have proposed AC condensers to avoid keeping them --
 07:51PM **16** keeping them closer to the corner, so we kept them in
 07:51PM **17** the middle.
 07:51PM **18** On the ground floor basement level, we
 07:51PM **19** have a powder room; no shower or nothing. It's
 07:51PM **20** basically set up for a toilet and a sink, coat
 07:51PM **21** closets in the hallway and then there's also a
 07:51PM **22** staircase up to the first floor. The first floor
 07:51PM **23** there's also access by the entry platform.
 07:51PM **24** We have a three-bedroom configuration.
 07:51PM **25** There will be a master or a primary suite in the

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07:51PM **1** back. And then on the -- that would be on the
 07:51PM **2** left-hand side where we have three bedrooms in a row.
 07:51PM **3** And then on the right-hand side, we have a living
 07:51PM **4** room, dining room, kitchen, eating area that has
 07:51PM **5** access to the wood deck.
 07:51PM **6** The second-floor apartment basically
 07:51PM **7** has the same configuration. You have a staircase up
 07:51PM **8** from the first floor which has its own little entry
 07:51PM **9** vestibule and then we have a three-bedroom
 07:52PM **10** configuration, two bathrooms, side-by-side laundry,
 07:52PM **11** living room, dining room, kitchen, eating area and a
 07:52PM **12** wood deck.
 07:52PM **13** So it's basically the same
 07:52PM **14** configuration as the first floor. It's a little
 07:52PM **15** different. Since there's no entry-level entry
 07:52PM **16** platform in the front, we have a closet in the front
 07:52PM **17** right corner and a staircase up from down below. So
 07:52PM **18** it's basically your typical six-over-six.
 07:52PM **19** Q. Rooftop decks of any nature proposed?
 07:52PM **20** A. No.
 07:52PM **21** Q. None of that?
 07:52PM **22** A. No.
 07:52PM **23** Q. But the only deck that we're speaking
 07:52PM **24** of are the decks off of what you're describing as the
 07:52PM **25** eating area on both units or the kitchen area; is

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07:52PM **1** that correct?
 07:52PM **2** A. Right.
 07:52PM **3** And no deck over the front door, it's
 07:52PM **4** basically just a shed roof.
 07:52PM **5** Q. And as best I can tell by looking at
 07:52PM **6** your plans, I know we reviewed this when we were
 07:52PM **7** talking about it this evening -- early this
 07:52PM **8** afternoon, rather, but the only protrusion is that
 07:52PM **9** wood deck to the rear?
 07:52PM **10** A. Yeah.
 07:52PM **11** We also have a bay window too, which is
 07:52PM **12** basically a 1-foot-8 bay window which is -- we've
 07:52PM **13** done before.
 07:52PM **14** Q. But you do show it as a protrusion
 07:52PM **15** included in this --
 07:52PM **16** A. Yes.
 07:52PM **17** Q. All right. So that's fully disclosed.
 07:52PM **18** Now, as far as the wood deck, access to
 07:52PM **19** that deck is only from the interior, correct?
 07:53PM **20** A. Yeah, sliding glass door off the eating
 07:53PM **21** area and the kitchen on the first floor and the
 07:53PM **22** kitchen on the second floor.
 07:53PM **23** Q. Can anyone from the backyard go
 07:53PM **24** upstairs, you know, stairs or what have you to access
 07:53PM **25** any of those decks? I don't believe so.

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07:53PM **1** A. Yeah, we don't have any stairs to
 07:53PM **2** access --
 07:53PM **3** Q. Understood. Understood.
 07:53PM **4** Now, I didn't mark this earlier, but I
 07:53PM **5** will now, Bill, thank you for reminding me.
 07:53PM **6** MR. SOKOLICH: Ms. Testa, with your
 07:53PM **7** permission, I'd like to mark as A-3 Mr. Cocoros's
 07:53PM **8** third and final plan, which is entitled "Stormwater
 07:53PM **9** plan and details," last revised January 8, 2024.
 07:53PM **10** MS. TESTA: That's fine, yes.
 07:53PM **11** MR. SOKOLICH: Thank you.
 07:53PM **12** MS. TESTA: You're welcome.
 07:53PM **13** (Whereupon, Stormwater Plan and Details
 07:53PM **14** Last Revised January 8, 2024 is marked as
 07:53PM **15** Exhibit A-3 for identification.)
 07:53PM **16** BY MR. SOKOLICH:
 07:53PM **17** Q. Now, Bill, we've already acknowledged
 07:53PM **18** and confirmed on the record that any requirements
 07:53PM **19** imposed upon us by Mr. Collazuol will be complied
 07:53PM **20** with by the applicant. We've already confirmed that
 07:53PM **21** his review letter of, I believe, January 18th will be
 07:53PM **22** complied with.
 07:53PM **23** A. Yes.
 07:53PM **24** Q. But just if you could just is there any
 07:53PM **25** stormwater system that's on the site now?

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07:53PM 1 A. No.

07:53PM 2 Q. So water, torrential downpour --

07:54PM 3 A. **It runs to the street.**

07:54PM 4 Q. It could run to the street or onto the

07:54PM 5 neighbors --

07:54PM 6 A. **The neighbors.**

07:54PM 7 Q. -- or wherever, but that's not the case

07:54PM 8 with this new proposal by Mr. Romano and his company,

07:54PM 9 is it?

07:54PM 10 A. No.

07:54PM 11 Q. And what is that proposal?

07:54PM 12 A. **We basically have four storm chambers**

07:54PM 13 **in the back, those will be confirmed with two things;**

07:54PM 14 **it will be a drainage calculation and a perc test to**

07:54PM 15 **make sure that they drain properly. There's roof**

07:54PM 16 **leaders that connect to that drain system.**

07:54PM 17 **We also have a trench drain in the**

07:54PM 18 **front that connects to that rear system; however, if**

07:54PM 19 **it's too much of a run to the back, we might have to**

07:54PM 20 **put an additional chamber in the front yard just to**

07:54PM 21 **accommodate the front roof leaders and possibly the**

07:54PM 22 **trench drain in the front.**

07:54PM 23 **As far as anything else is basically**

07:54PM 24 **roof leaders tied into the storm system and the**

07:54PM 25 **trench drain in the driveway.**

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07:55PM 1 situated propertied?

07:55PM 2 A. **Yes.**

07:55PM 3 Q. Is there anything else that you would

07:55PM 4 like to add before we open you up to questions to the

07:55PM 5 board?

07:55PM 6 A. **No, I don't think so.**

07:55PM 7 Q. Okay. Thank you.

07:55PM 8 MR. SOKOLICH: Mr. Chairman, I hope

07:55PM 9 that was quick enough.

07:55PM 10 CHAIRMAN FERGUSON: Okay. so just a

07:55PM 11 couple quick ones.

07:55PM 12 MR. SOKOLICH: Yes, sir.

07:55PM 13 CHAIRMAN FERGUSON: I noticed when

07:55PM 14 you're going into the basement, you have a door on

07:56PM 15 the left-hand side.

07:56PM 16 THE WITNESS: Yes.

07:56PM 17 CHAIRMAN FERGUSON: So you come in

07:56PM 18 here, how do you get to the other side?

07:56PM 19 THE WITNESS: As far as --

07:56PM 20 CHAIRMAN FERGUSON: You come in here

07:56PM 21 and there's a wall here.

07:56PM 22 THE WITNESS: Yeah, there's an opening

07:56PM 23 from, you know, the picture into the main space.

07:56PM 24 CHAIRMAN FERGUSON: Okay. So this is

07:56PM 25 connected?

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07:54PM 1 Q. But again for the third time, when

07:54PM 2 Mr. Collazuol does a more dili- -- you know, a

07:54PM 3 specific review and you file for your permits,

07:54PM 4 there's going to be recommendations and conditions

07:54PM 5 imposed by him?

07:54PM 6 A. **Correct.**

07:54PM 7 Q. The applicant will agree to comply?

07:54PM 8 A. **Yeah, they'll be two, the original**

07:54PM 9 **comments from the letter and then when we provide the**

07:55PM 10 **perc test and the drainage calculations, there might**

07:55PM 11 **be more comments from that.**

07:55PM 12 Q. Thank you. Thank you, Bill.

07:55PM 13 So we've gone through A-1, we've gone

07:55PM 14 through A-2, the floor plans, A-3, your stormwater

07:55PM 15 details, which are critical here in Pal Park;

07:55PM 16 everywhere, but particularly here in Pal Park.

07:55PM 17 We've also gone through the -- excuse

07:55PM 18 me -- the zoning schedule and your testimony, correct

07:55PM 19 me if I'm wrong, was that this lot is consistent with

07:55PM 20 other lots in the area?

07:55PM 21 A. **Yes.**

07:55PM 22 Q. And that the variances that are being

07:55PM 23 sought -- now, every application stands on its own

07:55PM 24 merit, but have been consistent with prior requests

07:55PM 25 that you've made before this board for similarly

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07:56PM 1 THE WITNESS: Yeah, yeah, it's

07:56PM 2 connected to the --

07:56PM 3 CHAIRMAN FERGUSON: There's no walls?

07:56PM 4 THE WITNESS: No, there's, like, a

07:56PM 5 doorway that connects to the hallway that's adjacent

07:56PM 6 to the garage and then the staircase that brings you

07:56PM 7 up to the first floor.

07:56PM 8 CHAIRMAN FERGUSON: Yeah.

07:56PM 9 THE WITNESS: It's basically here,

07:56PM 10 there's a door here. This is a space here, this is a

07:56PM 11 door from the side. This is a staircase up to the

07:56PM 12 first floor.

07:56PM 13 CHAIRMAN FERGUSON: Okay. Now, I see

07:56PM 14 that you got two wooden decks in the back.

07:56PM 15 THE WITNESS: Yes.

07:56PM 16 CHAIRMAN FERGUSON: And then you have a

07:56PM 17 masonry platform, I assume that's flat?

07:56PM 18 THE WITNESS: Yeah, I mean, that might

07:56PM 19 be either -- that's probably taken from a job we had

07:56PM 20 a sliding glass door in the back.

07:56PM 21 So that will basically be -- there

07:57PM 22 should be no patio back there, just basically pavers

07:57PM 23 to accommodate a small walkway for service purposes

07:57PM 24 where the AC units are.

07:57PM 25 So the masonry platform under the deck

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07:57PM 1 will be taken out.

07:57PM 2 CHAIRMAN FERGUSON: Okay. The -- of

07:57PM 3 course, the one thing that I saw on your note, and

07:57PM 4 that is building coverage.

07:57PM 5 THE WITNESS: Yes.

07:57PM 6 CHAIRMAN FERGUSON: So you're allowed

07:57PM 7 40, you're showing 47.03, correct?

07:57PM 8 THE WITNESS: Yes.

07:57PM 9 CHAIRMAN FERGUSON: Now, is there a way

07:57PM 10 we can reduce that?

07:57PM 11 THE WITNESS: I mean, I could probably

07:57PM 12 take a foot off the building.

07:57PM 13 CHAIRMAN FERGUSON: Say it again?

07:57PM 14 THE WITNESS: I could probably take a

07:57PM 15 foot off the building, which will be 30 -- just about

07:57PM 16 33 square feet. Let me figure out the exact.

07:57PM 17 CHAIRMAN FERGUSON: Well, just to be

07:57PM 18 clear so we know, they got -- you're looking for ten

07:58PM 19 variances; two of them are, you know, are

07:58PM 20 preexisting. So that leaves you with eight.

07:58PM 21 THE WITNESS: Um-hmm.

07:58PM 22 CHAIRMAN FERGUSON: Now, the --

07:58PM 23 THE WITNESS: And the side yard,

07:58PM 24 technically there's a combined aspect of it.

07:58PM 25 So it's, like, you know, it's basically

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07:59PM 1 off the back and make it 24 feet, if that's okay with

07:59PM 2 the board.

07:59PM 3 CHAIRMAN FERGUSON: All right. Well,

07:59PM 4 let me mow that around.

08:00PM 5 Any other board members have anything?

08:00PM 6 MR. SOKOLICH: But that would increase

08:00PM 7 the -- excuse me, Chairman, I'm sorry, that would

08:00PM 8 decrease the coverage and it would also eliminate a

08:00PM 9 variance.

08:00PM 10 THE WITNESS: Yeah, we'd basically be

08:00PM 11 at the 45.37 percent, which is, you know, basically

08:00PM 12 it's a little above 10 percent of a variance, and

08:00PM 13 that would be, say, 33-by-55.

08:00PM 14 MR. SOKOLICH: And an undersized lot,

08:00PM 15 Bill, that's pretty good?

08:00PM 16 THE WITNESS: Yeah, you know, like I

08:00PM 17 said, there's other ways we could improve the same

08:00PM 18 side, you know, we could accommodate the comments

08:00PM 19 where if we go, let's say, 24-foot rear yard setback,

08:00PM 20 which would be 2 feet off the back of the building

08:00PM 21 and the building would be 55-feet deep.

08:00PM 22 CHAIRMAN FERGUSON: Okay. And just one

08:00PM 23 other quick thing is the thing that's the overhang

08:00PM 24 over the steps, I don't see any doors there, so I

08:00PM 25 assume that --

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07:58PM 1 3-and-a-half and 3-and-a-half, so it's --

07:58PM 2 CHAIRMAN FERGUSON: What is it now?

07:58PM 3 THE WITNESS: The side yards, there's

07:58PM 4 basically the minimum side yard and combined.

07:58PM 5 CHAIRMAN FERGUSON: Right.

07:58PM 6 No, I get it, but your -- the 47.3.

07:58PM 7 THE WITNESS: Let me see.

07:58PM 8 CHAIRMAN FERGUSON: It seems like a lot

07:58PM 9 of coverage is what I'm --

07:58PM 10 THE WITNESS: Let me see what the

07:58PM 11 actual number would be if we reduce it.

07:59PM 12 Yeah, we could take 2 feet off, let's

07:59PM 13 say, so that would be -- there's two things we could

07:59PM 14 do. We could basically take off 2 feet and move the

07:59PM 15 building up 1 foot, or we could do 20 feet and then

07:59PM 16 we would eliminate the rear yard variance.

07:59PM 17 CHAIRMAN FERGUSON: Is the -- is it

07:59PM 18 going to line up with the other houses in the front?

07:59PM 19 THE WITNESS: If you take the average,

07:59PM 20 yes, and the newer ones, except there's a variation

07:59PM 21 on all the houses, but if you take the average, we're

07:59PM 22 basically at 20 feet.

07:59PM 23 CHAIRMAN FERGUSON: Well, is there a

07:59PM 24 way we could give it to the front and the back?

07:59PM 25 THE WITNESS: Yeah, I could take 2 feet

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08:00PM 1 THE WITNESS: No.

08:00PM 2 MR. SOKOLICH: There's no balcony or

08:00PM 3 anything, no.

08:00PM 4 CHAIRMAN FERGUSON: Okay.

08:00PM 5 MR. SOKOLICH: Good question, Chairman.

08:00PM 6 MR. TERRANOVA: Yeah, I just have a

08:00PM 7 question. You have to height listed at 30.63 feet,

08:00PM 8 but on other applications and I know those are

08:00PM 9 separate, but on other applications, you always take

08:00PM 10 the average on the four corners, why is --

08:00PM 11 THE WITNESS: Yeah, no, we took the

08:00PM 12 four corners, created the grade plane, and then

08:01PM 13 basically took the midpoint of the roof and

08:01PM 14 subtracted the grade plane.

08:01PM 15 So roof midpoint is 84, the average

08:01PM 16 grade comes out to 53.37, we subtract 53.37 from 84,

08:01PM 17 you have 30.63, which is the height.

08:01PM 18 MR. TERRANOVA: And 30.6 because that's

08:01PM 19 basically what it says on the front of the building,

08:01PM 20 but the back is 33?

08:01PM 21 THE WITNESS: We have 30-foot-6-inches

08:01PM 22 then we have 34-feet-10-inches. Well, you have to go

08:01PM 23 to the midpoint of the roof.

08:01PM 24 MR. TERRANOVA: Okay.

08:01PM 25 THE WITNESS: On the left-hand side and

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08:01PM 1 the front, which is the building that's a little bit
 08:01PM 2 taller, to the midpoint of the roof, we have 34 feet
 08:01PM 3 on the right-hand side, which the building is more in
 08:01PM 4 the ground. We have 29-feet-10-inches.
 08:01PM 5 At the rear the -- I guess it would be
 08:01PM 6 the rear, right corner of the building, since that's
 08:01PM 7 I think the point where the building is deepest in
 08:01PM 8 the ground, we have 27-feet-2-inches. And then on
 08:02PM 9 the rear, left corner we have 31-foot-6-inches.
 08:02PM 10 MR. TERRANOVA: Okay.
 08:02PM 11 THE WITNESS: So when you average all
 08:02PM 12 those out, that's --
 08:02PM 13 MR. TERRANOVA: It's an accurate
 08:02PM 14 system.
 08:02PM 15 THE WITNESS: Yeah.
 08:02PM 16 MR. TERRANOVA: And then you had also
 08:02PM 17 said that for a duplex, the required height was
 08:02PM 18 28-and-a-half?
 08:02PM 19 THE WITNESS: No, 32 feet.
 08:02PM 20 MR. SOKOLICH: Thirty-two.
 08:02PM 21 MR. TERRANOVA: Thirty-two feet?
 08:02PM 22 MR. SOKOLICH: Yes, sir.
 08:02PM 23 MR. TERRANOVA: Did that get raised?
 08:02PM 24 THE WITNESS: It's always been 32, I
 08:02PM 25 think.

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08:02PM 1 (No Response.)
 08:03PM 2 CHAIRMAN FERGUSON: Okay. Steve,
 08:03PM 3 you're on.
 08:03PM 4 MR. COLLAZUOL: Just quickly could you
 08:03PM 5 go over what the summary of the front yard setback
 08:03PM 6 will be then?
 08:03PM 7 THE WITNESS: I guess it will be
 08:03PM 8 21 feet, keep 21 feet because there's a little bit of
 08:03PM 9 a pitch, and there will be 24 feet in the rear yard.
 08:03PM 10 So the building footprint will be
 08:03PM 11 33-feet wide, 3-and-a-half-foot side yard setbacks,
 08:03PM 12 21-foot setback in the front, and then we'll have a
 08:03PM 13 24-foot setback at the rear, which is still a
 08:03PM 14 variance, but it's less, you know, it's closer to the
 08:03PM 15 25-foot requirement.
 08:03PM 16 And then our building coverage will be
 08:03PM 17 reduced to 45.
 08:03PM 18 MR. COLLAZUOL: Once again, the rear
 08:03PM 19 yard will be 24?
 08:03PM 20 THE WITNESS: Twenty-four, yes.
 08:03PM 21 MR. COLLAZUOL: And the front will be
 08:03PM 22 -- will remain at 21?
 08:03PM 23 THE WITNESS: Yes, and then the
 08:03PM 24 building footprint comes out to 18 -- 1,815 square
 08:03PM 25 feet on the ground.

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08:02PM 1 MR. TERRANOVA: I thought it was always
 08:02PM 2 28-and-a-half, to be quite honest.
 08:02PM 3 MR. KAUKER: No, it's 28.
 08:02PM 4 MS. TESTA: Twenty-eight for a duplex,
 08:02PM 5 yeah, 25 for a non-duplex.
 08:02PM 6 MR. KAUKER: The permitted height for a
 08:02PM 7 duplex is 28 feet.
 08:02PM 8 MR. TERRANOVA: Absolutely.
 08:02PM 9 MR. KAUKER: Twenty-eight feet.
 08:02PM 10 MR. TERRANOVA: Just so you know. I
 08:02PM 11 mean, it's not on this because this is a
 08:02PM 12 six-over-six, but I'm just saying you said 32 and
 08:02PM 13 it's 28.
 08:02PM 14 THE WITNESS: We couldn't raise the
 08:02PM 15 backyard with the retaining wall. We kept all the
 08:02PM 16 natural grading.
 08:02PM 17 MR. TERRANOVA: That's fine.
 08:02PM 18 I'm just saying for duplex, it's
 08:02PM 19 supposed to be 28.
 08:02PM 20 THE WITNESS: I think I'm mixing up
 08:02PM 21 with another town.
 08:02PM 22 I'm sorry.
 08:02PM 23 MR. TERRANOVA: I understand.
 08:02PM 24 CHAIRMAN FERGUSON: Okay. Any other
 08:02PM 25 board members have anything?

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08:03PM 1 MR. COLLAZUOL: The building depth is
 08:03PM 2 55 feet?
 08:03PM 3 THE WITNESS: Correct, and the percent
 08:03PM 4 coverage is 45.37 percent.
 08:03PM 5 MR. COLLAZUOL: The only suggestion I
 08:03PM 6 would make, generally speaking, if the board were to
 08:04PM 7 approve this, that somehow our report goes into the
 08:04PM 8 resolution.
 08:04PM 9 There are occasions in the past, for
 08:04PM 10 example, that the lateral connection has been used.
 08:04PM 11 And although Bill put a new sewer line
 08:04PM 12 on the plan, the old sewer gets used.
 08:04PM 13 So sometimes the report doesn't get to
 08:04PM 14 the building department. So if somehow our report
 08:04PM 15 could get noted in the resolution if approved.
 08:04PM 16 MS. TESTA: Your report is always noted
 08:04PM 17 in the resolution.
 08:04PM 18 MR. COLLAZUOL: It is?
 08:04PM 19 MS. TESTA: Yeah, dated and -- yeah,
 08:04PM 20 it's in all resolutions. So it's something maybe you
 08:04PM 21 could speak with the building department.
 08:04PM 22 MR. COLLAZUOL: I will then.
 08:04PM 23 Thank you. Nothing further.
 08:04PM 24 CHAIRMAN FERGUSON: You don't have --
 08:04PM 25 MR. KAUKER: Nothing of the architect.

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08:04PM 1 CHAIRMAN FERGUSON: Parking expert, do
 08:04PM 2 you have anything?
 08:04PM 3 MR. SIMOFF: No.
 08:04PM 4 CHAIRMAN FERGUSON: Okay. Now we're
 08:04PM 5 going to open it up to the audience.
 08:04PM 6 Anybody in the audience have anything?
 08:04PM 7 Yes, name and address.
 08:04PM 8 MS. COMAS: It's Melanie Comas, 83 West
 08:05PM 9 Harwood Terrace.
 08:05PM 10 The only thing that I question right
 08:05PM 11 now, there's no garage in the front, but there's a
 08:05PM 12 driveway --
 08:05PM 13 MR. SOKOLICH: Presently.
 08:05PM 14 MS. COMAS: -- to the back of the
 08:05PM 15 house?
 08:05PM 16 THE WITNESS: Yes.
 08:05PM 17 MS. COMAS: But now you have two
 08:05PM 18 single-car garages. Do you have enough room in the
 08:05PM 19 front to accommodate another parked car?
 08:05PM 20 THE WITNESS: Oh, yes, we have 21 feet.
 08:05PM 21 And in addition, there's about a foot
 08:05PM 22 from the property line to the sidewalk.
 08:05PM 23 So, basically, from the sidewalk to the
 08:05PM 24 house will be 22 feet about. And a car is usually
 08:05PM 25 16, 17 feet, a parking space is anywhere from 18-,
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08:05PM 1 20-foot deep. So we have more than enough room to
 08:05PM 2 accommodate a car on the property and not to hang
 08:05PM 3 over onto the sidewalk.
 08:05PM 4 MS. COMAS: I'm wondering how many
 08:05PM 5 people will park by the garage, you know, outside of
 08:06PM 6 the garage if there's a car inside, it's like you
 08:06PM 7 have to move --
 08:06PM 8 THE WITNESS: No, I mean, it's typical
 08:06PM 9 on those type of houses where even a duplex, you have
 08:06PM 10 basically the driveway space and then you have garage
 08:06PM 11 space.
 08:06PM 12 MS. COMAS: But I know that they'll
 08:06PM 13 take parking space away from the street.
 08:06PM 14 THE WITNESS: Yeah, because right now
 08:06PM 15 we have 10-foot curb cut for the existing driveway on
 08:06PM 16 the right-hand side and this --
 08:06PM 17 MS. COMAS: But I mean, you're losing
 08:06PM 18 parking on the street, that's what I'm saying.
 08:06PM 19 THE WITNESS: Yes, but we're gaining --
 08:06PM 20 like I said, right now the building, itself,
 08:06PM 21 basically has a single-car driveway and a garage,
 08:06PM 22 which is basically two spaces realistically and
 08:06PM 23 then --
 08:06PM 24 MR. SOKOLICH: Which is consistent with
 08:06PM 25 the ordinance.
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08:06PM 1 THE WITNESS: Yeah.
 08:06PM 2 And then here we have basically, you
 08:06PM 3 know, 22-foot curb cut, which is basically a parking
 08:06PM 4 space, but we're talking out the existing drop curb,
 08:06PM 5 which is about 10 feet.
 08:06PM 6 So it's a net loss of maybe a half
 08:06PM 7 parking space, but we're gaining two parking spaces
 08:06PM 8 in a driveway and two parking spaces in the garage.
 08:07PM 9 MS. COMAS: Okay. But I still see that
 08:07PM 10 your cars go -- the second car will probably not be
 08:07PM 11 parking in the -- you know, in that space and we're
 08:07PM 12 losing, you know, a parking on the street.
 08:07PM 13 MR. SOKOLICH: We believe that they'll
 08:07PM 14 park on the driveway, but we understand. Your
 08:07PM 15 concern is duly noted.
 08:07PM 16 Thank, you ma'am.
 08:07PM 17 CHAIRMAN FERGUSON: Anybody else?
 08:07PM 18 (No Response.)
 08:07PM 19 CHAIRMAN FERGUSON: Just one more quick
 08:07PM 20 thing.
 08:07PM 21 MR. SOKOLICH: Yes, sir.
 08:07PM 22 CHAIRMAN FERGUSON: When you were going
 08:07PM 23 in the water system what was -- that was the one that
 08:07PM 24 you have one in the back?
 08:07PM 25 THE WITNESS: Yeah, the one in the
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08:07PM 1 back, I guess, you know, I'll wait for Steve's
 08:07PM 2 comments and when we submit them for construction,
 08:07PM 3 you know, we'll see what the difference is, you know,
 08:07PM 4 it might be easier to put one in the front that
 08:07PM 5 would -- you know, maybe take out one from the back,
 08:07PM 6 put one in the front to accommodate the front leaders
 08:07PM 7 and the trench drain, because it's less of a run and
 08:07PM 8 we just have to locate it far enough away from the
 08:07PM 9 sewer line and the water lines.
 08:07PM 10 CHAIRMAN FERGUSON: But at any rate,
 08:07PM 11 you're going -- whatever he recommends, that's what
 08:08PM 12 you're going to do?
 08:08PM 13 MR. SOKOLICH: Done.
 08:08PM 14 We shall, Chairman.
 08:08PM 15 CHAIRMAN FERGUSON: Okay. You want to
 08:08PM 16 put your next witness on?
 08:08PM 17 MR. SOKOLICH: Please.
 08:08PM 18 We call Mr. Spatz.
 08:08PM 19 MS. TESTA: Please raise your right
 08:08PM 20 hand.
 08:08PM 21 Do you swear the testimony you will
 08:08PM 22 give in this application will be the truth, the whole
 08:08PM 23 truth, and nothing but the truth?
 08:08PM 24 MR. SPATZ: Yes, I do.
 08:08PM 25
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08:08PM **1** D A V I D S P A T Z, PP,
 08:08PM **2** 60 Friend Terrace, Harrington Park, New Jersey,
 08:08PM **3** having been duly sworn, testifies as follows:
 08:08PM **4** MS. TESTA: Please state your name for
 08:08PM **5** the record.
 08:08PM **6** MR. SPATZ: David Spatz, S-P-A-T-Z, my
 08:08PM **7** business address is 60 Friend Terrace, Harrington
 08:08PM **8** Park, New Jersey.
 08:08PM **9** MS. TESTA: Thank you.
 08:08PM **10** CHAIRMAN FERGUSON: Mr. Spatz has been
 08:08PM **11** here many times, more times than me.
 08:08PM **12** DIRECT EXAMINATION
 08:08PM **13** BY MR. SOKOLICH:
 08:08PM **14** Q. Mr. Spatz, just for the record, what is
 08:08PM **15** the scope of your engagement?
 08:08PM **16** A. **I was engaged to review plans, visit**
 08:08PM **17 the property, review the Municipal Zoning Ordinance**
 08:08PM **18 and Master Plan, and then provide planning testimony**
 08:08PM **19 for this evening.**
 08:08PM **20** Q. Okay. And part of that assessment
 08:08PM **21** included an inspection of the property?
 08:08PM **22** A. **Correct, yes.**
 08:08PM **23** Q. A visual inspection of the adjacent
 08:08PM **24** properties and the use pattern in the zone?
 08:08PM **25** A. **Yes.**
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08:09PM **1** David, during your testimony, but those pictures were
 08:09PM **2** all taken by you?
 08:09PM **3** A. **They were, yes.**
 08:09PM **4** Q. And none of them have been cropped or
 08:09PM **5** modified?
 08:09PM **6** A. **No.**
 08:09PM **7** Q. And they depict what's on the --
 08:09PM **8** A. **No changes.**
 08:09PM **9** **That is what is there.**
 08:09PM **10** Q. Thank you.
 08:09PM **11** A. **Okay. So the top, left-hand photograph**
 08:09PM **12 is of the subject property, it's a two-story,**
 08:09PM **13 single-family dwelling with a detached garage in the**
 08:10PM **14 rear, which you can see. You can see the driveway**
 08:10PM **15 and there's an extra paved area.**
 08:10PM **16 The top, right-hand photograph is**
 08:10PM **17 looking to the right or to the east of our property**
 08:10PM **18 and you can see the grade slopes upward.**
 08:10PM **19 To the east, there's one and two-family**
 08:10PM **20 homes in the area. The brick structure at the edge**
 08:10PM **21 of the photograph is a two-family -- excuse me -- a**
 08:10PM **22 four-family dwelling and there's a four-family**
 08:10PM **23 dwelling next to that.**
 08:10PM **24 Those are at 53-55 and 57-59 West**
 08:10PM **25 Harwood Place.**
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08:09PM **1** Q. And you've obviously reviewed the plans
 08:09PM **2** that have been prepared by Mr. Cocoros, and you were
 08:09PM **3** present during his testimony?
 08:09PM **4** A. **I was, yes.**
 08:09PM **5** Q. You're familiar with the variances that
 08:09PM **6** are required?
 08:09PM **7** A. **Correct.**
 08:09PM **8** Q. I would ask that you provide the board
 08:09PM **9** with your planning assessment, please.
 08:09PM **10** A. **Certainly.**
 08:09PM **11 I've provided a photo exhibit, which**
 08:09PM **12 has been marked as A-4.**
 08:09PM **13** Q. Now, as far as -- thank you, David.
 08:09PM **14** (Whereupon, Photoboard, Four
 08:09PM **15** Photographs, is marked as Exhibit A-4 for
 08:09PM **16** identification.)
 08:09PM **17** MR. SOKOLICH: I premarked it, Counsel,
 08:09PM **18** with your permission, as A-4.
 08:09PM **19** MS. TESTA: Yes.
 08:09PM **20** BY MR. SOKOLICH:
 08:09PM **21** Q. And they're a series of four
 08:09PM **22** photographs, including the subject and also
 08:09PM **23** properties in the area?
 08:09PM **24** A. **Yes.**
 08:09PM **25** Q. You'll describe those photos, I trust,
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08:10PM **1** **So there's ones, twos, and again,**
 08:10PM **2 there's four families there. The bottom, left-hand**
 08:10PM **3 photograph is looking to the left of our property,**
 08:10PM **4 again, one and twos, and then the final photograph,**
 08:10PM **5 the bottom, right-hand photograph is looking directly**
 08:10PM **6 across the street, which has several newer two-family**
 08:10PM **7 homes similar in scale and scope to what we're**
 08:10PM **8 proposing.**
 08:10PM **9 We're in the AA zone which permits**
 08:10PM **10 two-family dwellings. The lot is undersized for the**
 08:11PM **11 zone, but that is typical of properties on West**
 08:11PM **12 Harwood, both the ones, twos, as well as the**
 08:11PM **13 four-family dwellings.**
 08:11PM **14 We need one D variance for building**
 08:11PM **15 height, we're at 30.63 where 25 is permitted, and**
 08:11PM **16 then a series of C variances, which Mr. Cocoros**
 08:11PM **17 described. They have been modified by changes to the**
 08:11PM **18 plans. The rear yard is now 24 feet, so we're only**
 08:11PM **19 one foot off, and then the lot coverage has been**
 08:11PM **20 reduced from 47 to about 45, so we still need a**
 08:11PM **21 variance, but that has been reduced as well.**
 08:11PM **22 So looking at our one D variance, which**
 08:11PM **23 is for building height, I think the property is**
 08:11PM **24 particularly well suited for what we're proposing.**
 08:11PM **25 It is in a zone that permits two-family dwellings.**
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08:11PM 1 West Harwood contains a number of two-family
 08:11PM 2 dwellings, as well as those four-unit dwellings that
 08:11PM 3 I described.
 08:11PM 4 So in terms of both the existing uses,
 08:12PM 5 the older dwellings as well as the newer dwellings,
 08:12PM 6 those across the street, this use is typical there.
 08:12PM 7 The height is typical of what is proposed.
 08:12PM 8 One way to document the special reasons
 08:12PM 9 to support the D variance is looking at the Municipal
 08:12PM 10 Land Use Law and the purposes of zoning and see how
 08:12PM 11 we measurement up against that. We meet a number of
 08:12PM 12 those purposes.
 08:12PM 13 Purpose A is promoting public health,
 08:12PM 14 safety, morals and general welfare. We're providing
 08:12PM 15 a two-family house in a two-family zone,
 08:12PM 16 acknowledging both the undersized nature of the
 08:12PM 17 property and the topographic conditions, as well as
 08:12PM 18 the surrounding development.
 08:12PM 19 Purpose G is providing a sufficient
 08:12PM 20 space in an appropriate locations for a variety of
 08:12PM 21 uses. The use is consistent with the neighborhood,
 08:12PM 22 as I've indicated and as the photographs document.
 08:12PM 23 And lastly, we meet Purpose I, which is
 08:12PM 24 promoting a desirable visual environment. The
 08:12PM 25 existing structure is in only fair condition. We're

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08:14PM 1 typical of West Harwood in that area.
 08:14PM 2 Many of the one and two families are on
 08:14PM 3 undersized properties. Particularly in terms of
 08:14PM 4 width, this affects the minimum lot area per unit
 08:14PM 5 because it is an undersized lot.
 08:14PM 6 The lots, as was noted on either side
 08:14PM 7 and as the photographs document, are fully developed
 08:14PM 8 so there's no ability to increase the size of our
 08:14PM 9 lot.
 08:14PM 10 In terms of the setbacks, the side
 08:14PM 11 yards are slightly less than what is required, again,
 08:14PM 12 this is due to the undersized nature of the lot, the
 08:14PM 13 narrowness of the lot. Mr. Cocoros has designed a
 08:14PM 14 building that acknowledges that size and it is scaled
 08:14PM 15 down slightly, it's been designed to acknowledge
 08:14PM 16 that. The side yards, there are no projections into
 08:14PM 17 the side yards that would sort of reduce the actual
 08:14PM 18 setback that's there.
 08:14PM 19 We have parking on the driveway into
 08:14PM 20 the building, that creates a building that's a little
 08:14PM 21 bit wider in order to get the parking within the
 08:14PM 22 building. And in terms of the coverage, that has
 08:15PM 23 been reduced based on comments from this evening.
 08:15PM 24 Drainage improvements are being
 08:15PM 25 provided on the site to mitigate that increased

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08:13PM 1 replacing that with a new structure that meets all
 08:13PM 2 building codes.
 08:13PM 3 We're providing drainage improvements
 08:13PM 4 on the property. Removing that detached garage in
 08:13PM 5 the rear will actually create greater light, air and
 08:13PM 6 open space and reduce impact on the adjacent
 08:13PM 7 properties, because we are quite close to the
 08:13PM 8 property lines.
 08:13PM 9 So I think the purposes of zoning are
 08:13PM 10 met.
 08:13PM 11 The case law as it relates to height
 08:13PM 12 variances indicate that a variance can be granted
 08:13PM 13 when it is consistent with the neighborhood
 08:13PM 14 development, and I believe it is. The photographs
 08:13PM 15 show the existing newer, two-family homes directly
 08:13PM 16 across the street.
 08:13PM 17 The properties as you go towards the
 08:13PM 18 right are on a higher elevation. So our adjacent
 08:13PM 19 property at two-and-a-half stories, because of the
 08:13PM 20 height, changes will be similar in height to what we
 08:13PM 21 are proposing, so I think the height variance can be
 08:13PM 22 granted.
 08:13PM 23 Looking at those bulk variances, the
 08:13PM 24 property is undersized, which really affects most of
 08:14PM 25 the variances. That undersize nature is actually

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08:15PM 1 coverage and I think that that reduces any impacts on
 08:15PM 2 the surrounding properties, so I think the positive
 08:15PM 3 criteria exists for the C variance.
 08:15PM 4 Lastly, looking at the negative
 08:15PM 5 criteria, I don't believe there is anything
 08:15PM 6 substantially negative from what we're proposing.
 08:15PM 7 We're in character with the neighborhood in terms of
 08:15PM 8 the size. We're similar, the setbacks and the
 08:15PM 9 streetscape is maintained. The rear yard has been
 08:15PM 10 increased by changes that we've made this evening.
 08:15PM 11 The setbacks are improved, actually, by the removal
 08:15PM 12 of the detached garage.
 08:15PM 13 There's a conforming amount of parking
 08:15PM 14 on the property. Drainage improvements as well.
 08:15PM 15 Additional landscaping is being provided to help
 08:15PM 16 buffer the property.
 08:15PM 17 So on balance, I think the positive
 08:15PM 18 criteria outweighs anything that might be considered
 08:15PM 19 negative and I believe it's appropriate to grant the
 08:16PM 20 variance.
 08:16PM 21 Q. Thank you, David.
 08:16PM 22 MR. SOKOLICH: I have no questions of
 08:16PM 23 Mr. Spatz, Mr. Chairman.
 08:16PM 24 CHAIRMAN FERGUSON: Neither do I.
 08:16PM 25 Any board members have anything?

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08:16PM **1** MR. KAUKER: Just one question.

08:16PM **2** With respect to the height variance,

08:16PM **3** the applicant -- you obviously require a

08:16PM **4** D-6 variance?

08:16PM **5** THE WITNESS: Yes.

08:16PM **6** MR. KAUKER: So the board can grant the

08:16PM **7** variance if they find that the proposed height is

08:16PM **8** consistent with the height of other buildings in the

08:16PM **9** neighborhood.

08:16PM **10** In your opinion, is the proposed height

08:16PM **11** consistent with other heights of buildings in the

08:16PM **12** area?

08:16PM **13** THE WITNESS: Yes.

08:16PM **14** In terms of the newer structures across

08:16PM **15** the street, which are shown, those are all similar in

08:16PM **16** height than what we're proposing.

08:16PM **17** The adjacent properties slope upward as

08:16PM **18** you go towards the east, so they're on a higher

08:16PM **19** elevation.

08:16PM **20** So they are taller and will be less

08:16PM **21** affected by what we're proposing also.

08:16PM **22** MR. KAUKER: Okay. Thank you.

08:16PM **23** I have nothing else.

08:16PM **24** CHAIRMAN FERGUSON: Okay. Anybody in

08:16PM **25** the audience have anything for this witness?

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08:17PM **1** only point that out because we try to remain

08:17PM **2** consistent with prior requests of the board, number

08:18PM **3** one.

08:18PM **4** Number two, as far as the height

08:18PM **5** variance that's being sought, the keyword is

08:18PM **6** consistent. It was held in the Grasso case and as

08:18PM **7** your planner points out, there must be a consistency,

08:18PM **8** that's why that question was asked at the end. And

08:18PM **9** the newer construction in that neighborhood is

08:18PM **10** consistent with what we're proposing.

08:18PM **11** As far as the other variances are

08:18PM **12** concerned, we believe that the improvement, the

08:18PM **13** aesthetics, the purposes of zoning that will be

08:18PM **14** advanced, the correct use of space and the creative

08:18PM **15** development and the additional housing to that area

08:18PM **16** outweigh any negative impact that the application

08:18PM **17** would have.

08:18PM **18** So for all the reasons that Mr. Spatz

08:18PM **19** stated and for all the reasons that Mr. Cocoros

08:18PM **20** stated, we would respectfully request the board to

08:18PM **21** act favorably and we are grateful for your

08:18PM **22** consideration.

08:18PM **23** Thank you.

08:18PM **24** CHAIRMAN FERGUSON: Okay. So I'm going

08:18PM **25** to make a motion to approve the application with

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08:16PM **1** (No Response.)

08:17PM **2** CHAIRMAN FERGUSON: Nope. Okay.

08:17PM **3** MR. SOKOLICH: Chairman, I have no

08:17PM **4** further witnesses.

08:17PM **5** CHAIRMAN FERGUSON: Okay.

08:17PM **6** MR. SOKOLICH: As I indicated at the

08:17PM **7** outset, I shall thank you.

08:17PM **8** Mr. Romano is present, were the board

08:17PM **9** to have any questions of him. I keep pointing that

08:17PM **10** out because his reputation precedes him. He's a

08:17PM **11** reputable builder who's built in Palisades Park in

08:17PM **12** the past and has always delivered a topnotch product,

08:17PM **13** number one.

08:17PM **14** Number two, this is an undersized lot

08:17PM **15** and as such, it provides various challenges that the

08:17PM **16** applicant must rise to the occasion to meet. We've

08:17PM **17** engaged Mr. Cocoros, who's designed a building that

08:17PM **18** we think fits. There's a consistency with the

08:17PM **19** neighborhood.

08:17PM **20** This lot is not an alien notion to this

08:17PM **21** neighborhood, there are three or four that have

08:17PM **22** 40-foot widths also. The variances that are being

08:17PM **23** requested are basically the same variances that have

08:17PM **24** been sought for similarly situated properties, but

08:17PM **25** again, all applications stand on their own merit. I

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08:18PM **1** these changes: Number one, we're going reduce the

08:19PM **2** house by 2 feet.

08:19PM **3** Yes.

08:19PM **4** MR. SOKOLICH: Public.

08:19PM **5** MS. TESTA: Yeah, the applicant has

08:19PM **6** amended his application to increase the rear yard to

08:19PM **7** 24 feet by reducing the house.

08:19PM **8** CHAIRMAN FERGUSON: He's saying the

08:19PM **9** public has another shot.

08:19PM **10** MS. TESTA: Oh, I'm sorry.

08:19PM **11** CHAIRMAN FERGUSON: Yeah.

08:19PM **12** MS. TESTA: Right.

08:19PM **13** It was just the public for Mr. Spatz,

08:19PM **14** yeah.

08:19PM **15** CHAIRMAN FERGUSON: Okay. Anybody in

08:19PM **16** the public have anything?

08:19PM **17** (No Response.)

08:19PM **18** CHAIRMAN FERGUSON: Good.

08:19PM **19** So again, I'm going to approve the

08:19PM **20** application with these changes: We're going to

08:19PM **21** reduce the size of house by 2 feet and you're going

08:19PM **22** to give it to the backyard, correct?

08:19PM **23** THE WITNESS: Correct.

08:19PM **24** CHAIRMAN FERGUSON: Then any

08:19PM **25** suggestions, recommendations that Steve has you're

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08:19PM 1 going to abide by?

08:19PM 2 THE WITNESS: Yes.

08:19PM 3 CHAIRMAN FERGUSON: Of course you have

08:19PM 4 to donate \$2,000.00 to the Tree Preservation Fund,

08:20PM 5 which is always there, and that's what -- that's my

08:20PM 6 motion.

08:20PM 7 MR. GRALA: I'll second.

08:20PM 8 MS. REBEKAH KIM: Mr. Ferguson?

08:20PM 9 CHAIRMAN FERGUSON: Yes.

08:20PM 10 MS. REBEKAH KIM: Mr. Albanese?

08:20PM 11 VICE CHAIRMAN ALBANESE: Yes.

08:20PM 12 MS. REBEKAH KIM: Mr. Brogna?

08:20PM 13 MR. BROGNA: Yes.

08:20PM 14 MS. REBEKAH KIM: Mr. Elefteriou?

08:20PM 15 MR. ELEFTERIOU: Yes.

08:20PM 16 MS. REBEKAH KIM: Mr. Grala?

08:20PM 17 MR. GRALA: Yes.

08:20PM 18 MS. REBEKAH KIM: Mr. Kim?

08:20PM 19 MR. BRIAN KIM: Yes.

08:20PM 20 MS. REBEKAH KIM: Mr. Terranova?

08:20PM 21 MR. TERRANOVA: Yes.

08:20PM 22 MS. REBEKAH KIM: Mr. Chung?

08:20PM 23 MR. CHUNG: Yes.

08:20PM 24 MS. REBEKAH KIM: Mrs. Yoon?

08:20PM 25 MS. YOON: Yes.

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08:29PM 1 MR. CHUNG: Here.

08:29PM 2 MS. REBEKAH KIM: Mrs. Yoon?

08:29PM 3 MS. YOON: Here.

08:29PM 4 CHAIRMAN FERGUSON: Okay. So we're

08:29PM 5 here for case number --

08:29PM 6 MS. TESTA: Case 23 --

08:29PM 7 CHAIRMAN FERGUSON: Case 23-14.

08:29PM 8 MS. TESTA: Case 23-15.

08:29PM 9 CHAIRMAN FERGUSON: Oh, 15, right.

08:29PM 10 So, Mr. Sokolich, you're in charge of

08:29PM 11 this one too?

08:29PM 12 MR. SOKOLICH: Thank you, Chairman.

08:29PM 13 I'm glad to be back.

08:29PM 14 For the record, Mark Sokolich on behalf

08:29PM 15 of the next application before you. The applicant is

08:29PM 16 DRC Development Corp. This application consists of

08:29PM 17 three distinct properties that are owned all by the

08:29PM 18 applicant, either under this name or a related name.

08:29PM 19 So there's no ownership consent requirements,

08:30PM 20 although I may have if there's a different entity,

08:30PM 21 but it's controlled by the same principal, number

08:30PM 22 one.

08:30PM 23 Number two, by way of housekeeping, we

08:30PM 24 had presented to counsel proof of publication

08:30PM 25 certified mailing and an affidavit of service hoping

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08:20PM 1 MR. SOKOLICH: Chairman, Members of the

08:20PM 2 Board, Engaged Professionals, thank you for your

08:20PM 3 consideration.

08:20PM 4 Thank you.

08:20PM 5 CHAIRMAN FERGUSON: All right. Okay.

08:20PM 6 We're going to take a five-minute break.

08:20PM 7 (Whereupon, a recess is held 8:21 p.m.

08:28PM 8 to 8:28 p.m.)

08:28PM 9 CHAIRMAN FERGUSON: We're back.

08:28PM 10 Can we get a roll call for attendance?

08:29PM 11 MS. REBEKAH KIM: Mr. Ferguson?

08:29PM 12 CHAIRMAN FERGUSON: I'm here.

08:29PM 13 MS. REBEKAH KIM: Mr. Albanese?

08:29PM 14 VICE CHAIRMAN ALBANESE: Here.

08:29PM 15 MS. REBEKAH KIM: Mr. Brogna?

08:29PM 16 MR. BROGNA: Here.

08:29PM 17 MS. REBEKAH KIM: Mr. Elefteriou?

08:29PM 18 MR. ELEFTERIOU: Here.

08:29PM 19 MS. REBEKAH KIM: Mr. Grala?

08:29PM 20 MR. GRALA: Here.

08:29PM 21 MS. REBEKAH KIM: Mr. Kim?

08:29PM 22 MR. BRIAN KIM: Yes.

08:29PM 23 MS. REBEKAH KIM: Mr. Terranova?

08:29PM 24 MR. TERRANOVA: Yes.

08:29PM 25 MS. REBEKAH KIM: Mr. Chung?

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08:30PM 1 to vest jurisdiction with this board, if that's okay.

08:30PM 2 MS. TESTA: Yes.

08:30PM 3 MR. SOKOLICH: Thank you.

08:30PM 4 Thank you, Diane.

08:30PM 5 MS. TESTA: Yes, I reviewed it and the

08:30PM 6 board has jurisdiction of the application.

08:30PM 7 MR. SOKOLICH: Thank you.

08:30PM 8 Just by way of background, this

08:30PM 9 application was filed back on November 8th this past

08:30PM 10 year. It is an application that is seeking approval

08:30PM 11 of 50 residential units within these three lots that

08:30PM 12 we propose to merge and create one lot.

08:30PM 13 There is a consistent building that's

08:30PM 14 on the ramp off of 46 East. This is essentially very

08:30PM 15 close to and adjacent to the ramp off of 46 West.

08:30PM 16 It's the intentions of the applicant to

08:30PM 17 present the testimony, once again, of the team of

08:31PM 18 Cocoros by way of architecture and Spatz by way of

08:31PM 19 planning and supplement that with any other testimony

08:31PM 20 that the board would require.

08:31PM 21 I want to point out for the record that

08:31PM 22 the principal of the applicant is present, who is a

08:31PM 23 reputable and experienced builder who is also

08:31PM 24 available to respond to any questions or inquiries

08:31PM 25 that you may have.

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08:31PM **1** That is basically it.

08:31PM **2** By way of background, the property lies

08:31PM **3** within your AA zoning district and we seek approval

08:31PM **4** of variances from this zoning board because there are

08:31PM **5** some D variances that are being sought, not the least

08:31PM **6** of which are use, because a multifamily dwelling is

08:31PM **7** being sought.

08:31PM **8** With that, Chairman, I try to keep my

08:31PM **9** opening remarks brief so we could get right into the

08:31PM **10** testimony.

08:31PM **11** CHAIRMAN FERGUSON: Good.

08:31PM **12** MR. SOKOLICH: And I know that you are

08:31PM **13** elated with that.

08:31PM **14** CHAIRMAN FERGUSON: I'm happy. So just

08:31PM **15** I got some questions and a comment or two.

08:31PM **16** MR. SOKOLICH: Yes, sir.

08:31PM **17** CHAIRMAN FERGUSON: I noticed here that

08:32PM **18** on your list of people that you had to testify,

08:32PM **19** you're listing --

08:32PM **20** MR. SOKOLICH: The service list.

08:32PM **21** CHAIRMAN FERGUSON: -- Spatz and

08:32PM **22** Cocoros, correct?

08:32PM **23** MR. SOKOLICH: Yes.

08:32PM **24** CHAIRMAN FERGUSON: Are you going to

08:32PM **25** put on a parking engineer?

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08:32PM **1** MR. SOKOLICH: If the board is so

08:32PM **2** inclined, we shall present that testimony as well,

08:32PM **3** Chairman.

08:32PM **4** CHAIRMAN FERGUSON: Well, you know, I

08:32PM **5** mean, it's --

08:32PM **6** MR. SOKOLICH: When you say parking,

08:32PM **7** traffic, parking, emergency vehicle accessibility,

08:32PM **8** impact on adjacent intersections, yes, it would be

08:32PM **9** appropriate for this application.

08:32PM **10** CHAIRMAN FERGUSON: I think it would be

08:32PM **11** appropriate to have that testimony.

08:32PM **12** MR. SOKOLICH: And I neglected to point

08:32PM **13** that out in my initial arguments, but we will have

08:32PM **14** traffic testimony also.

08:32PM **15** CHAIRMAN FERGUSON: Okay. Good.

08:32PM **16** And Mr. Spatz -- I'm sorry -- Hal is

08:32PM **17** our traffic engineer. I don't know when you're going

08:32PM **18** to get it done, if you can get it done --

08:32PM **19** MR. SOKOLICH: We are going to engage

08:33PM **20** Mr. Luglio, who will be in touch with you promptly.

08:33PM **21** And we just want to make sure that we -- actually he

08:33PM **22** has been engaged, because we didn't have the -- we

08:33PM **23** didn't think we'd get to him tonight, that's why we

08:33PM **24** --

08:33PM **25** CHAIRMAN FERGUSON: No, we weren't

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08:33PM **1** going to get to him tonight.

08:33PM **2** MR. SOKOLICH: Okay.

08:33PM **3** CHAIRMAN FERGUSON: So that's the first

08:33PM **4** one.

08:33PM **5** The second one is I am aware that the

08:33PM **6** town is involved with some lawsuits, one -- at the

08:33PM **7** present moment, one, and that's the housing element

08:33PM **8** that currently the town hasn't been keeping up with.

08:33PM **9** Is this application going to be

08:33PM **10** affordable housing?

08:33PM **11** MR. SOKOLICH: Chairman, thank you for

08:33PM **12** raising that rather pertinent and delicate issue.

08:33PM **13** Yes, there is, I believe, ongoing

08:33PM **14** litigation regarding the obligation of this community

08:34PM **15** to provide affordable housing and fulfill a statutory

08:34PM **16** and constitutional mandate.

08:34PM **17** There is a -- the number of units that

08:34PM **18** are proposed in conjunction with this application is

08:34PM **19** not something that's just randomly selected, there's

08:34PM **20** a bit of a science to it. And the reason why 50,

08:34PM **21** because this is a number of units that will afford

08:34PM **22** the developer the ability to devote 15 percent of the

08:34PM **23** units that are before you for consideration to

08:34PM **24** moderate-, low-income families and go a long way in

08:34PM **25** helping for you and the community to satisfy its

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08:34PM **1** affordable housing obligation.

08:34PM **2** So with these 50 units, I answer your

08:34PM **3** question affirmative, it's the intention to devote

08:34PM **4** 15 percent of those units to affordable housing. I

08:34PM **5** would only ask the board to also consider that if --

08:34PM **6** and I'm not saying it will -- but if and when that

08:34PM **7** density number begins to decrease, so too does the

08:35PM **8** ability of this particular developer have to devote

08:35PM **9** those units in perpetuity to affordable housing.

08:35PM **10** I know it's an economic condition that

08:35PM **11** the board isn't necessarily obligated to consider,

08:35PM **12** but it's reality on our end.

08:35PM **13** So the 50 units, yes, would incorporate

08:35PM **14** an affordable housing component of 15 percent, which

08:35PM **15** equates to eight units, which is considerable,

08:35PM **16** Chairman.

08:35PM **17** But if that number comes down

08:35PM **18** dramatically, it becomes more and more difficult for

08:35PM **19** this developer to provide those units.

08:35PM **20** CHAIRMAN FERGUSON: Right.

08:35PM **21** So when you have an affordable

08:35PM **22** housing --

08:35PM **23** MR. SOKOLICH: Yes, sir.

08:35PM **24** CHAIRMAN FERGUSON: -- and you give it

08:35PM **25** to, you know, the board gives it to you, right, isn't

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08:35PM **1** that a 20-year deal?

08:35PM **2** MR. SOKOLICH: Sure.

08:35PM **3** It's -- I believe the deed restriction

08:35PM **4** is 20 years, if I'm not mistaken. Sometimes it's

08:35PM **5** longer.

08:35PM **6** Generally speaking, the borough will

08:36PM **7** engage an administrator to handle that and collect

08:36PM **8** the rents and vet the buyers, because you want to

08:36PM **9** make sure whoever is buying and/or renting qualifies,

08:36PM **10** right.

08:36PM **11** CHAIRMAN FERGUSON: Right, right.

08:36PM **12** MR. SOKOLICH: So there's usually a

08:36PM **13** third party that's engaged. I could speak to Fort

08:36PM **14** Lee, we engage the services of a company that that's

08:36PM **15** all they do.

08:36PM **16** But yes, it is deed restricted for a

08:36PM **17** minimum of 20 years so that anybody that does a

08:36PM **18** search of that property in the case of a sale, for

08:36PM **19** example, if these are sales, then somebody does a

08:36PM **20** title search, they're going to see that deed

08:36PM **21** restriction and they're going to know that if they

08:36PM **22** don't qualify, if there's not low and moderate income

08:36PM **23** households, they're not going to qualify, and that

08:36PM **24** will go on.

08:36PM **25** And then there will be also limitations

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08:37PM **1** to go seven stories. So I just don't -- but --

08:37PM **2** MR. SOKOLICH: You think it's ambitious

08:37PM **3** for the property?

08:37PM **4** CHAIRMAN FERGUSON: Very ambitious.

08:37PM **5** MR. SOKOLICH: Okay.

08:37PM **6** CHAIRMAN FERGUSON: But really the

08:37PM **7** thing that maybe you can help me understand --

08:37PM **8** MR. SOKOLICH: Please.

08:37PM **9** CHAIRMAN FERGUSON: -- is a number of

08:37PM **10** years ago, the town changed the zoning down there. I

08:38PM **11** don't -- my understanding, and don't go by me, that

08:38PM **12** you're right, it's a one- and two-family zone now,

08:38PM **13** but there's -- they can build two units of parking

08:38PM **14** and three units above, you know.

08:38PM **15** MR. SOKOLICH: Are you talking about

08:38PM **16** because of the builder's remedy lawsuit that was

08:38PM **17** filed?

08:38PM **18** CHAIRMAN FERGUSON: No, no, no, I'm

08:38PM **19** talking about a number of years the town, not the

08:38PM **20** board, the town changed the zoning down there,

08:38PM **21** different areas, that's my understanding.

08:38PM **22** And I -- I understand it to be two

08:38PM **23** levels of parking and three levels of apartments.

08:39PM **24** Now, that's my understanding. I could

08:39PM **25** be wrong, but I think that's --

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08:36PM **1** on resale, how much they could resell it for because

08:36PM **2** again, they want to keep that unit affordable. If

08:36PM **3** it's rental, it's a tenant-by-tenant basis. Each

08:36PM **4** tenant, as they come in, are vetted, make sure they

08:36PM **5** qualify.

08:36PM **6** CHAIRMAN FERGUSON: I'm going to depend

08:36PM **7** on my planner.

08:36PM **8** MR. SOKOLICH: Yes, sir.

08:37PM **9** CHAIRMAN FERGUSON: To explain that to

08:37PM **10** me because it's -- for a layman, it's --

08:37PM **11** MR. SOKOLICH: It's a little tricky,

08:37PM **12** absolutely. And it's, you know, a delicate issue,

08:37PM **13** but I just underscore that at -- the application in

08:37PM **14** its present iteration of 50 units, there is the

08:37PM **15** proposal by the developer to provide 15 percent of

08:37PM **16** affordable units.

08:37PM **17** CHAIRMAN FERGUSON: Right.

08:37PM **18** Well, just I understand you've got to

08:37PM **19** put your case on.

08:37PM **20** MR. SOKOLICH: Understood, Chairman.

08:37PM **21** CHAIRMAN FERGUSON: But my personal

08:37PM **22** observation, right, it's too high.

08:37PM **23** MR. SOKOLICH: Too high height? Too

08:37PM **24** high density?

08:37PM **25** CHAIRMAN FERGUSON: Too high. You want

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08:39PM **1** MR. SOKOLICH: Well, we -- look, this

08:39PM **2** is not a one-night application, I think we know that.

08:39PM **3** CHAIRMAN FERGUSON: Absolutely, yes.

08:39PM **4** MR. SOKOLICH: So during this

08:39PM **5** intervening hearing, we'll certainly do our digging.

08:39PM **6** We understand it to be in the AA zone. If we're

08:39PM **7** mistaken, then we're mistaken.

08:39PM **8** What you just articulated is a lot

08:39PM **9** closer to what we're proposing and we would hope that

08:39PM **10** it would be in that type of a zone.

08:39PM **11** But right now, Bill, correct me if I'm

08:39PM **12** wrong, and David left, but we're proceeding under the

08:39PM **13** understanding we're in the AA zone?

08:39PM **14** MR. COCOROS: Yeah, that's what shows

08:39PM **15** up on the tax records and shows up on the zoning map.

08:39PM **16** MR. SOKOLICH: Yeah, and also on the

08:39PM **17** property record part, so --

08:39PM **18** MR. COCOROS: I know on Grand Avenue

08:39PM **19** there is a --

08:39PM **20** MR. SOKOLICH: There are some pockets

08:39PM **21** of what you describe, I don't know if it includes

08:39PM **22** this, though.

08:39PM **23** MR. KAUKER: There's -- the ordinance

08:39PM **24** was changed a few years ago to permit multiple

08:39PM **25** families in the AA district, I don't know if that's

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08:39PM 1 what you're referring to, but that is only on Grand
 08:39PM 2 and Broad, I believe.
 08:39PM 3 CHAIRMAN FERGUSON: Yeah, well, I think
 08:40PM 4 his application is part of it, but I could be wrong,
 08:40PM 5 I'm just --
 08:40PM 6 MR. KAUKER: Okay. We'll look. Yeah,
 08:40PM 7 I know it's specified in the ordinance, but we'll
 08:40PM 8 take a look.
 08:40PM 9 MR. SOKOLICH: We'll dig in. I'll dig
 08:40PM 10 in.
 08:40PM 11 CHAIRMAN FERGUSON: Please. And then
 08:40PM 12 the last --
 08:40PM 13 MR. SOKOLICH: Yes, sir.
 08:40PM 14 CHAIRMAN FERGUSON: -- is again, I'm
 08:40PM 15 not sure, but it seems to me that a couple weeks ago,
 08:40PM 16 the governor made some comments about affordable
 08:40PM 17 housing. I thought I read in the paper that he is
 08:40PM 18 trying to take it out of the court where you go
 08:40PM 19 before a judge and say --
 08:40PM 20 MR. SOKOLICH: Might be a special
 08:40PM 21 master.
 08:40PM 22 CHAIRMAN FERGUSON: Right, and then
 08:40PM 23 he's gonna -- now, I don't know if I'm right on that.
 08:40PM 24 I thought I read it in The Record, I could be wrong,
 08:40PM 25 but I thought on his --

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08:41PM 1 affordable housing in New Jersey, I don't think we've
 08:41PM 2 had a governor in the last 30 years that deemed it to
 08:41PM 3 be more important to provide it than Governor Murphy.
 08:41PM 4 And I think what you've read about was somehow,
 08:41PM 5 someway streamlining it, because what happens is a
 08:41PM 6 lot of this affordable housing litigation simply gets
 08:41PM 7 stuck for four, five, eight years and nothing ever
 08:42PM 8 gets built.
 08:42PM 9 CHAIRMAN FERGUSON: Right.
 08:42PM 10 MR. SOKOLICH: He was proposing that
 08:42PM 11 there be a more streamlined mechanism so things can
 08:42PM 12 get done very quickly.
 08:42PM 13 CHAIRMAN FERGUSON: Right. Right.
 08:42PM 14 Right.
 08:42PM 15 MR. SOKOLICH: You know, Governor
 08:42PM 16 Christie was talking about abolishing COAH, and this
 08:42PM 17 governor is taking the complete opposite -- and I
 08:42PM 18 agree with him, because everybody should have the
 08:42PM 19 opportunity to stay here.
 08:42PM 20 CHAIRMAN FERGUSON: Right. Okay.
 08:42PM 21 MR. SOKOLICH: We do it in Fort Lee
 08:42PM 22 and, you know, it's not easy. It's not easy,
 08:42PM 23 especially in densely populated communities such as
 08:42PM 24 the ones we're dealing with.
 08:42PM 25 CHAIRMAN FERGUSON: Right. Okay.

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08:40PM 1 MR. SOKOLICH: Chairman, what happens
 08:40PM 2 is when an application comes before a board in a
 08:40PM 3 community that's required to provide affordable
 08:41PM 4 housing, and please correct me when I -- someone
 08:41PM 5 thinks I deviated, if there isn't adequate affordable
 08:41PM 6 housing or if the ordinances don't allow for
 08:41PM 7 affordable or multifamily to allow for affordable
 08:41PM 8 housing, if the applicant's denied or he's
 08:41PM 9 anticipated to be denied, he can always file what's
 08:41PM 10 called a builder's remedy.
 08:41PM 11 CHAIRMAN FERGUSON: Right.
 08:41PM 12 MR. SOKOLICH: Which is, okay, now I
 08:41PM 13 want 600 units and I'm going to provide 150
 08:41PM 14 affordable.
 08:41PM 15 CHAIRMAN FERGUSON: Right.
 08:41PM 16 MR. SOKOLICH: And that's happened. We
 08:41PM 17 read about it in Englewood Cliffs, we've read about
 08:41PM 18 it in this litigation here to that effect also.
 08:41PM 19 CHAIRMAN FERGUSON: Right.
 08:41PM 20 MR. SOKOLICH: We're not suggesting
 08:41PM 21 that.
 08:41PM 22 Alls we're suggesting is we went right
 08:41PM 23 to that density number so that perhaps we can be of
 08:41PM 24 service to the community.
 08:41PM 25 And as far as the prioritizing

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08:42PM 1 We're ready for you.
 08:42PM 2 MR. SOKOLICH: Thank you.
 08:42PM 3 MS. TESTA: Can you please raise your
 08:42PM 4 right hand?
 08:42PM 5 Do you swear the testimony you will
 08:42PM 6 provide in this application will be the truth, the
 08:42PM 7 whole truth, and nothing but the truth?
 08:42PM 8 MR. COCOROS: I do.
 08:42PM 9 V A S S I L I O S C O C O R O S, RA
 07:40PM 10 467 Sylvan Avenue, Englewood Cliffs, New Jersey,
 07:40PM 11 having been duly sworn, testifies as follows:
 07:40PM 12 MS. TESTA: Please state your name for
 07:40PM 13 the record.
 08:42PM 14 MR. COCOROS: Sure. Vassilios,
 08:42PM 15 V-A-S-S-I-L-I-O-S; Cocoros, C-O-C-O-R-O-S.
 08:42PM 16 DIRECT EXAMINATION
 08:42PM 17 BY MR. SOKOLICH:
 08:42PM 18 Q. Bill, how are you?
 08:42PM 19 A. Good.
 08:42PM 20 Q. For the benefit of the record, you've
 08:42PM 21 been sworn in, you're qualified as an expert in the
 08:42PM 22 field of architecture. If you would just describe
 08:42PM 23 what the scope of your engagement is.
 08:42PM 24 A. Sure.
 08:42PM 25 It's to design three properties, to

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08:43PM **1 design a multifamily, mid-rise building on the**

08:43PM **2 property itself.**

08:43PM **3 Q. Okay. And, in fact, did you conduct a**

08:43PM **4 physical inspection of all three of these properties?**

08:43PM **5 A. Yes.**

08:43PM **6 Q. And did you have an opportunity to also**

08:43PM **7 review not only the site plan, but the zoning**

08:43PM **8 ordinances here in Palisades Park?**

08:43PM **9 A. Correct.**

08:43PM **10 Q. Were you present during the dialogue I**

08:43PM **11 had with the Chairman in our opening comments?**

08:43PM **12 A. Yes, I was.**

08:43PM **13 Q. Do you agree with them?**

08:43PM **14 A. Yes.**

08:43PM **15 Q. As far as the density number and**

08:43PM **16 providing affordables?**

08:43PM **17 A. Yes.**

08:43PM **18 Q. Let's get some housekeeping done.**

08:43PM **19 MR. SOKOLICH: If you would permit me,**

08:43PM **20 I'd like to mark, Diane, with your permission and the**

08:43PM **21 Chair as A-1.**

08:43PM **22 BY MR. SOKOLICH:**

08:43PM **23 Q. Your plans that are entitled**

08:43PM **24 "Elevations," last revised October 23, 2023, correct?**

08:43PM **25 A. Yes.**

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08:44PM **1 Q. Okay. Referring first to A-1, Bill,**

08:44PM **2 lower right-hand corner, if you'd please describe the**

08:44PM **3 layout, the streets and just generally about the**

08:44PM **4 property.**

08:44PM **5 A. Sure.**

08:44PM **6 You can see the property is located on**

08:44PM **7 the -- just north of the Route 46 onramp, it's**

08:44PM **8 considered West Columbia Avenue.**

08:44PM **9 Three properties, the first property**

08:44PM **10 going from east to west, which is basically from**

08:44PM **11 right to left, is I think it's 30-35 West Columbia,**

08:44PM **12 that's a 100-foot-wide-by-49.57-foot-deep on the**

08:45PM **13 right-hand side and 82.98 feet on the left-hand side.**

08:45PM **14 Middle unit is I think 37 West**

08:45PM **15 Columbia, it's basically 50-foot wide. It's**

08:45PM **16 99.04-foot deep on the left-hand side and 83.98-foot**

08:45PM **17 deep on the right-hand side.**

08:45PM **18 Last property is the 39 West Columbia**

08:45PM **19 and that consists of a 50-foot-wide-by-100-foot on**

08:45PM **20 the left side.**

08:45PM **21 And then since there's a curb on the**

08:45PM **22 front, we have 99.04-foot deep on the right-hand**

08:45PM **23 side.**

08:45PM **24 The total lot area for all these**

08:45PM **25 buildings is 16,208.58 square feet. The property is**

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08:43PM **1 MS. TESTA: Yes.**

08:43PM **2 (Whereupon, Elevations Last Revised**

08:43PM **3 October 23, 2023, are marked as Exhibit A-1**

08:43PM **4 for identification.)**

08:43PM **5 MR. SOKOLICH: And I'm going to mark as**

08:43PM **6 A-2 -- we're not going to mark them all, just what**

08:43PM **7 I'm going to talk about this evening.**

08:43PM **8 I'm going to mark as A-2, again, your**

08:43PM **9 plans entitled "Elevations," last revised October 23,**

08:43PM **10 2023 and your Sheet is 2 of 8.**

08:43PM **11 (Whereupon, Elevations Last Revised**

08:43PM **12 October 23, 2023, Sheet 2 of 8 is marked as**

08:43PM **13 Exhibit A-2 for identification.)**

08:44PM **14 MR. SOKOLICH: And then, finally, for**

08:44PM **15 tonight's purposes, I'm going to mark as A-3 your**

08:44PM **16 plans which are entitled "Lower Level Floor Plan,"**

08:44PM **17 again Last Revised October 23, 2023.**

08:44PM **18 (Whereupon, Lower Level Floor Plan,**

08:44PM **19 Last Revised October 23, 2023 is marked as**

08:44PM **20 Exhibit A-3 for identification.)**

08:44PM **21 BY MR. SOKOLICH:**

08:44PM **22 Q. All of these plans that I've marked and**

08:44PM **23 any additional plans that we've marked were prepared**

08:44PM **24 by you or under your direct supervision?**

08:44PM **25 A. Yes.**

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08:45PM **1 irregular and that's based on the, I guess, the**

08:45PM **2 original survey which takes into account the onramp**

08:45PM **3 for Route 46; however, the portion that fronts the**

08:45PM **4 building is basically that area is really just**

08:46PM **5 dedicated to people who are going to be heading down**

08:46PM **6 towards Grand Avenue onto West Columbia.**

08:46PM **7 That traffic that goes onto 46**

08:46PM **8 westbound is basically just basically hugging the**

08:46PM **9 south -- southerly line of West Columbia Avenue.**

08:46PM **10 Q. All right. Let's before we get into**

08:46PM **11 the gory details of the building, itself, I want to**

08:46PM **12 make sure that this board has a clear picture as to**

08:46PM **13 what we're proposing.**

08:46PM **14 In the lower right-hand corner of A-1,**

08:46PM **15 you have what I'll refer to as your architectural**

08:46PM **16 layout, correct?**

08:46PM **17 A. Yeah, it's actually, you can see it on**

08:46PM **18 the lower level plan, it's there.**

08:46PM **19 Q. So why don't we actually -- and your**

08:46PM **20 lower level plan we've already premarked as A-3,**

08:46PM **21 correct?**

08:46PM **22 A. Yes.**

08:46PM **23 MR. SOKOLICH: So, Chairman, Board, if**

08:46PM **24 you don't mind, I'm going to jump to A-3, which is**

08:46PM **25 Sheet 3 of the packet you received.**

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08:46PM 1 BY MR. SOKOLICH:
 08:46PM 2 Q. So, Bill, A-3 so we don't have to
 08:46PM 3 squint our eyes, could you just -- let's start with
 08:46PM 4 ingress and egress.
 08:46PM 5 A. Sure.
 08:46PM 6 Q. How do people get in and out of this
 08:46PM 7 site?
 08:46PM 8 A. As you mentioned before, it's a
 08:47PM 9 seven-story structure. The property drop-off from
 08:47PM 10 the east to west is about 11 feet from the highest
 08:47PM 11 point to the lowest point. So that affords us two
 08:47PM 12 levels of parking.
 08:47PM 13 Since we're at the lower level, we have
 08:47PM 14 a driveway which is 20 feet -- we have -- I'm sorry
 08:47PM 15 -- a 24-foot-wide driveway with a 20-foot garage door
 08:47PM 16 that brings you to the lower level parking area.
 08:47PM 17 In addition, we have a staircase from
 08:47PM 18 the sidewalk level of West Columbia that brings you
 08:47PM 19 down to a walkway that brings you down to a lower
 08:47PM 20 level lobby area, which has access to elevators and
 08:47PM 21 access to the parking area.
 08:47PM 22 The parking area in this case here is
 08:47PM 23 26 parking spaces. We have basically an L-shaped
 08:47PM 24 drive aisle where you're coming in at the ground
 08:47PM 25 level at the portion of West Columbia, which is on
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08:47PM 1 the left side portion of the property.
 08:47PM 2 You go in, there's basically five
 08:47PM 3 parking spaces. At the front corner, we have a rec
 08:47PM 4 room and also along the property there, we have gas
 08:47PM 5 meters and we also have a backup generator for the
 08:48PM 6 emergency lighting and elevator for the building.
 08:48PM 7 Q. Now, this is the lowest level?
 08:48PM 8 A. Yes.
 08:48PM 9 Q. Okay. Go ahead. And the entrance,
 08:48PM 10 ingress and egress off of --
 08:48PM 11 A. This is West Columbia.
 08:48PM 12 Q. West Columbia is in and out. The
 08:48PM 13 ingress and egress on -- is also in and out, correct?
 08:48PM 14 A. Yeah, that's for the upper level, which
 08:48PM 15 is on the east portion of the property.
 08:48PM 16 Q. Understood.
 08:48PM 17 And that we'll get to in a second?
 08:48PM 18 And a total of how many parking spaces
 08:48PM 19 are on this lower level?
 08:48PM 20 A. We have 26 parking spaces. As you're
 08:48PM 21 going into the building, you have basically five
 08:48PM 22 along the -- along the --
 08:48PM 23 Q. Entry point?
 08:48PM 24 A. The entry point. And then we have --
 08:48PM 25 we have 19 feet along the back portion of the
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08:48PM 1 building. And then at the front here, we also have
 08:48PM 2 17 parking spaces and we have two handicap parking
 08:48PM 3 spaces with 8 feet for each car and an 8-foot van
 08:48PM 4 accessible portion in the middle. Then we also have
 08:48PM 5 a trash room.
 08:48PM 6 Q. The total spaces are 26, correct?
 08:48PM 7 A. Correct, yes.
 08:48PM 8 Q. Okay. Just we're rushing and I want to
 08:49PM 9 make sure everybody understands where we are.
 08:49PM 10 On this ground floor in addition to
 08:49PM 11 ingress and egress, in addition to the parking
 08:49PM 12 spaces, what else is there? For example, trash room,
 08:49PM 13 that type of thing.
 08:49PM 14 A. Basically there's the public portion
 08:49PM 15 which is basically a walkway and steps down to a
 08:49PM 16 walkway that brings you to the lower level lobby, to
 08:49PM 17 the vestibule where the two elevators are and the
 08:49PM 18 door to get to the parking area.
 08:49PM 19 In addition to the spaces, the rest of
 08:49PM 20 the space is basically either fire staircases or
 08:49PM 21 utility rooms/trash room.
 08:49PM 22 So basically you have the front right
 08:49PM 23 -- front left corner of the building you have a
 08:49PM 24 utility room, in the middle we have a fire sprinkler
 08:49PM 25 room and meter room, which is basically in front of
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08:49PM 1 the elevators, then behind the vestibule we have
 08:49PM 2 another utility room, a trash room, which basically
 08:49PM 3 accommodates two trash chutes and three dumpsters.
 08:49PM 4 Q. Understood.
 08:49PM 5 A. And those could be pulled out into the
 08:49PM 6 drive area and brought out to any waiting trucks
 08:49PM 7 along west -- west --
 08:49PM 8 Q. And while we're on the topic of
 08:50PM 9 garbage, is it public or private pickup?
 08:50PM 10 A. I think, I guess, that's private.
 08:50PM 11 Q. It would be, yes.
 08:50PM 12 And can someone walking to this
 08:50PM 13 building enter this lower level parking lot if they
 08:50PM 14 wanted to?
 08:50PM 15 A. No, there would be a -- we have a
 08:50PM 16 roll-up door in front here.
 08:50PM 17 Q. Okay.
 08:50PM 18 A. And then we also have a locked door
 08:50PM 19 with a vestibule at the entrance from -- to the lower
 08:50PM 20 level from West Columbia sidewalk.
 08:50PM 21 Q. So 26 parking spaces along with the
 08:50PM 22 trash room, there's the lower lobby, sprinkler
 08:50PM 23 facility, utility room. What is the floor above this
 08:50PM 24 one?
 08:50PM 25 A. It's another parking area which is
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08:50PM **1** accessed from the right side of the building.

08:50PM **2** Q. I'm going to turn you to that, if you

08:50PM **3** don't mind.

08:50PM **4** MR. SOKOLICH: For the Board's benefit,

08:50PM **5** it's the next page. I'm going to mark it, Chairman,

08:50PM **6** with your permission, A-4.

08:50PM **7** (Whereupon, Building Plan, Sheet 4 of

08:50PM **8** 8, Last Revised October 23, 2023 is marked as

08:50PM **9** Exhibit A-4 for identification.)

08:50PM **10** BY MR. SOKOLICH:

08:50PM **11** Q. The building plan is also known as A-4

08:50PM **12** and Sheet 4 of 8. Bill -- and last revised, I'm

08:50PM **13** sorry, October 23, 2023. You prepared this plan?

08:51PM **14** A. Yes.

08:51PM **15** Q. So we just did the lowest level of this

08:51PM **16** building, we've now gone up the ramp and we're on the

08:51PM **17** second level of parking?

08:51PM **18** A. Correct.

08:51PM **19** Q. All right. If you could describe,

08:51PM **20** Bill, how one gets in and out of that level?

08:51PM **21** A. This basically is similar from down

08:51PM **22** below; however, you enter from a driveway on the

08:51PM **23** easternmost portion of the property where you come in

08:51PM **24** and you're basically coming opposite L-shaped parking

08:51PM **25** spaces.

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08:52PM **1** spaces?

08:52PM **2** A. Correct, two of them are handicap

08:52PM **3** spaces.

08:52PM **4** In addition, we have -- we're getting

08:52PM **5** credit for five more spaces, you know, calculation

08:52PM **6** because we are also going to be providing charging

08:52PM **7** stations at the building.

08:52PM **8** Q. Excellent.

08:52PM **9** And they're disclosed on your site

08:52PM **10** plan?

08:52PM **11** A. Yes.

08:52PM **12** Q. Okay. So we have the lowest level

08:52PM **13** which provides 26 parking spaces. We then go up a

08:52PM **14** ramp and we come to another 26 parking spaces?

08:52PM **15** A. Correct.

08:52PM **16** Q. Now, that lower level can be accessed

08:52PM **17** off of West Columbia, correct?

08:52PM **18** A. Yes, on the left-hand side.

08:52PM **19** Q. On the left-hand side. And this area,

08:52PM **20** can this be -- and this can be accessed off of the

08:53PM **21** other crosswalk?

08:53PM **22** A. Well, it's still West Columbia, but

08:53PM **23** it's on the higher portion of West Columbia.

08:53PM **24** Q. Correct, correct. I am now going to

08:53PM **25** turn you, Bill -- go ahead.

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08:51PM **1** So on this one here, we also have 25

08:51PM **2** parking spaces. We have the main entry lobby, which

08:51PM **3** is accessed via a ramp and a platform with the front,

08:51PM **4** which is accessed off the eastern -- the eastern

08:51PM **5** portion of the sidewalk where you can come in and go

08:51PM **6** into the main building lobby, which is on the second

08:51PM **7** floor where we have a wedding room, two elevators.

08:51PM **8** We have a mail package room vestibule and then we

08:51PM **9** also have a -- we're calling it basically a bike room

08:51PM **10** where we have the shaft for the trash room that goes

08:51PM **11** all the way down to the lower level below us.

08:51PM **12** Q. And this is the main lobby level?

08:52PM **13** A. Yes.

08:52PM **14** Q. Right? So there was kind of a sub

08:52PM **15** level -- a sub lobby on the lower level?

08:52PM **16** A. Correct.

08:52PM **17** Q. But this is also -- now, can one walk

08:52PM **18** on the sidewalk and get into this lobby?

08:52PM **19** A. Yes, we have a ramp along this portion.

08:52PM **20** I think we might be able to even put a staircase up

08:52PM **21** to it, so, you know, people want to use the stairs,

08:52PM **22** they'll be a staircase. And for handicap accessible

08:52PM **23** purposes, we have a ramp that brings you up from the

08:52PM **24** sidewalk level.

08:52PM **25** Q. And here too there are 26 parking

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08:53PM **1** A. On this plan here, you can see there's

08:53PM **2** a crosshatch.

08:53PM **3** Q. Yes.

08:53PM **4** A. That's the footprint of the building

08:53PM **5** above.

08:53PM **6** So basically on the front, it aligns

08:53PM **7** with the footprint of the building. On the sides it

08:53PM **8** aligns -- it comes in a little bit from the -- to

08:53PM **9** reach that 5 feet to the parking deck and then we

08:53PM **10** have another 5 feet to the actual building line,

08:53PM **11** which is 10 feet.

08:53PM **12** I know if we do apply to the -- if the

08:53PM **13** zoning -- the multifamily applies here, we're

08:53PM **14** basically inline with those setback requirements on

08:53PM **15** the side yard.

08:53PM **16** Q. All right. Now, I brought you back to

08:53PM **17** A-1. Now we know the layout of the building; the

08:53PM **18** first floor, the second floor, how to get in it, how

08:53PM **19** to get out of it, what's on each level, that's

08:53PM **20** important.

08:53PM **21** Now I'd like to just in summary

08:53PM **22** fashion, indicate to the board what our setbacks are.

08:53PM **23** How far is this building from the property line? How

08:53PM **24** far is the parking area from the property line? If

08:54PM **25** you can.

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08:54PM 1 A. Sure.

08:54PM 2 If you go on the -- let's say we're

08:54PM 3 starting at the front, we're basically following --

08:54PM 4 Q. Well, point it, if you could, here.

08:54PM 5 Yeah, sorry.

08:54PM 6 A. If you go in the front, we basically

08:54PM 7 have -- it's a variation because of the irregular

08:54PM 8 shape of the lot.

08:54PM 9 We basically have it set up where it's

08:54PM 10 about a 6-foot average setback; however, on the

08:54PM 11 portion all the way to the left, we have a setback of

08:54PM 12 10 feet to the electrical room and then we have about

08:54PM 13 13 feet to the actual garage door, which is on the --

08:54PM 14 you can see you have on the A-1 sheet on the

08:54PM 15 left-hand side, you see the parking deck above it.

08:54PM 16 You also can see the garage on the right-hand side.

08:54PM 17 And then the building itself is set

08:54PM 18 back, sets in another 5 feet, so we have 10 feet to

08:54PM 19 the building.

08:54PM 20 Q. So 5 feet to the first parking space,

08:54PM 21 10 feet to the building, itself?

08:54PM 22 A. Correct.

08:54PM 23 Q. Okay.

08:54PM 24 A. And same thing on the right-hand side,

08:54PM 25 we have basically 5 feet to the closest point where

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08:55PM 1 applications, any recommendations that are made by

08:56PM 2 the borough -- excuse me -- by the Board's engineer

08:56PM 3 Mr. Collazuol will be complied with to the fullest

08:56PM 4 extent, correct?

08:56PM 5 A. Correct.

08:56PM 6 Q. And the applicant has no objection to

08:56PM 7 that being a condition of any action by this board?

08:56PM 8 A. Not at all.

08:56PM 9 Q. Okay. So we know your setbacks, we

08:58PM 10 know the points of ingress and egress, we know what

08:58PM 11 the first two levels do, it parks cars and provides

08:58PM 12 some of the other requirements that building needs,

08:58PM 13 whether it's a trash room, sub lobby, main lobby,

08:58PM 14 utilities.

08:58PM 15 Let's talk about the building a little

08:58PM 16 bit. If you could just describe what the thought

08:58PM 17 process is with the façade that you proposed?

08:58PM 18 A. So, basically, we have five stories

08:58PM 19 above the parking levels. We're going to try to

08:58PM 20 break up the façade with bay windows. And also since

08:58PM 21 we have that curb in the front, we also break it up

08:58PM 22 where we have basically 2-foot jogs in the building,

08:58PM 23 so it's not one big, long wall, it kind of has a

08:58PM 24 little bit of variation to it.

Additionally, that is we basically did
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08:54PM 1 the parking --

08:54PM 2 Q. And you're here on the site plan?

08:54PM 3 A. Yes, and that's only a one-story

08:54PM 4 portion of the building where we have 5 feet then we

08:54PM 5 have 10 feet to the main building, which is above us

08:55PM 6 on that portion.

08:55PM 7 So basically on the right-hand side,

08:55PM 8 it's 5 feet to the first floor portion where the

08:55PM 9 entry and the parking area is. And then the building

08:55PM 10 itself sets back another 5 feet to align with the

08:55PM 11 10-foot side yard set back.

08:55PM 12 Q. And to what I'm referring to is the

08:55PM 13 rear?

08:55PM 14 A. To the rear we have a setup where we

08:55PM 15 have 5 feet to the parking deck and then we have

08:55PM 16 8 feet to the building. So basically the building is

08:55PM 17 13 feet off of the back property line and 5 feet to

08:55PM 18 the parking deck.

08:55PM 19 And the parking deck exit, if you look

08:55PM 20 at it from the street level is basically submerged

08:55PM 21 completely on the right-hand side and then it

08:55PM 22 basically goes down to level on the left-hand side.

08:55PM 23 Q. Now, I know we'll get into this during

08:55PM 24 the course of other testimony and yours, but as far

08:55PM 25 as utilities, same question I asked you on the other

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08:56PM 1 the first three stories. So we have brick and then

08:56PM 2 it goes up to, like, a belt line, which will probably

08:56PM 3 be, like, a water table.

08:56PM 4 And above that, it will be either

08:56PM 5 stucco or a panelized system above it so it kind of

08:56PM 6 breaks up the overall thing.

08:56PM 7 So we basically have the base, which is

08:57PM 8 the parking level, then we have five stories above

08:57PM 9 it. However, we have three stories broken up with

08:57PM 10 the brick and then above the two stories will be

08:57PM 11 either a stucco or a panelized system that we kind of

08:57PM 12 did on Grand Avenue, which is basically it's a little

08:57PM 13 more expensive, but it has a nice look to it, and

08:57PM 14 then we have bay windows, which will be either a

08:57PM 15 contrasting panel or stucco, which kind of breaks up

08:57PM 16 the façade also.

08:57PM 17 We basically have a sawtooth design in

08:57PM 18 the front with bay windows and then you also have the

08:57PM 19 water table that breaks up the third floor, the third

08:57PM 20 level of the apartments with the second -- the top

08:57PM 21 two levels in the apartments.

08:57PM 22 And that's basically going to be

08:57PM 23 similar on all three sides; however, in the back, I

08:57PM 24 think you have -- we don't have the bay windows;

08:57PM 25 however, we do have a couple of decks that are

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08:57PM **1** recessed within the building, itself.

08:57PM **2** Q. So we're going to get to that in a

08:57PM **3** second.

08:57PM **4** I'm going to turn you, if I may, Bill,

08:57PM **5** and we're going to go back to the variances, but on

08:57PM **6** A-2 you have other elevations that I just want to

08:57PM **7** point out to the board.

08:58PM **8** Now, is there a consistency of façade

08:58PM **9** on all sides?

08:58PM **10** A. Yes, you can see here we have basically

08:58PM **11** the brick.

08:58PM **12** Q. And for the record, you're on A-2?

08:58PM **13** A. Yes, A-2. If you go to the left

08:58PM **14** elevation, that's the highest point of the building

08:58PM **15** because of the drop-off along West Columbia, the two

08:58PM **16** levels of parking, five levels above that, and

08:58PM **17** basically broke it up into three and two as far as

08:58PM **18** the façade material.

08:58PM **19** And then if you look at the right

08:58PM **20** elevation, which is on the high side, which is the

08:58PM **21** east portion of the property, we have basically you

08:58PM **22** see one level of parking that's at the grade level,

08:58PM **23** and then you could also see the front entry door,

08:58PM **24** which is facing east.

08:58PM **25** And then same thing, we have basically

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08:59PM **1** yard where we have the emergency door that goes out

08:59PM **2** to a walkway at the rear of the property. And then

08:59PM **3** we're probably going to do something along -- a

08:59PM **4** different brick or a different façade along the

08:59PM **5** parking deck to kind of break it up to where it comes

08:59PM **6** like parking, the first three floors of apartments,

08:59PM **7** and the last two floors of apartments as far as

08:59PM **8** overall façade variation.

08:59PM **9** Q. So the building consists of a total of

08:59PM **10** seven stories, two of which the first two are devoted

08:59PM **11** exclusively to parking and other needs of the

08:59PM **12** building?

08:59PM **13** A. Correct.

08:59PM **14** Q. And the next five stories are devoted

08:59PM **15** to residential apartments, correct?

08:59PM **16** A. Yes.

08:59PM **17** MR. SOKOLICH: Chairman, I'm at that

08:59PM **18** point where we're about to get into the gory detail

08:59PM **19** of the floor plans.

08:59PM **20** CHAIRMAN FERGUSON: Yeah.

08:59PM **21** Well, I'd just assume stop now because

09:00PM **22** to be honest with you, the board received their plans

09:00PM **23** late and I don't think we had -- the board had an

09:00PM **24** opportunity to review the plans as good as we think

09:00PM **25** we should review them. So I would just assume stop

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08:58PM **1** set it up where we have three stories of

08:58PM **2** apartments -- we have five stories of apartments;

08:58PM **3** however, we break it up into three and two as far as

08:58PM **4** façade variation.

08:58PM **5** Q. And then finally your front elevation?

08:58PM **6** A. Oh, the rear?

08:58PM **7** Q. Rear, excuse me.

08:58PM **8** A. No, I'm sorry.

08:58PM **9** Q. That is the front.

08:58PM **10** A. That should be the rear. Sorry.

08:58PM **11** Q. The rear.

08:58PM **12** A. So basically the same configuration.

08:58PM **13** You could see here it comes out to one story of

08:58PM **14** ground floor parking on the front -- I'm sorry -- the

08:58PM **15** rear right of the building.

08:59PM **16** And then as you go down towards the

08:59PM **17** west, you have two stories of parking and we have

08:59PM **18** five stories of apartments.

08:59PM **19** Same thing where we have first three

08:59PM **20** floors are done in brick, we have a water table or a

08:59PM **21** design element that breaks it up, and then the top

08:59PM **22** two floors above that will be stucco or panelized

08:59PM **23** system.

08:59PM **24** In addition, we'll have a different

08:59PM **25** material for the stair tower, which is in the rear

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09:00PM **1** now.

09:00PM **2** The only thing that I would ask,

09:00PM **3** though, I notice --

09:00PM **4** MR. SOKOLICH: The density?

09:00PM **5** CHAIRMAN FERGUSON: What?

09:00PM **6** MR. SOKOLICH: The density?

09:00PM **7** CHAIRMAN FERGUSON: Yeah. But the

09:00PM **8** people that are in the back, I hate to see people

09:00PM **9** come and not have an opportunity to ask their

09:00PM **10** questions.

09:00PM **11** MR. SOKOLICH: Understood.

09:00PM **12** CHAIRMAN FERGUSON: So I think the

09:00PM **13** board is going to pass, the experts are going to

09:00PM **14** pass, and I think we're just going to open it up --

09:00PM **15** can I do this?

09:00PM **16** MS. TESTA: Yeah.

09:00PM **17** CHAIRMAN FERGUSON: We're just going to

09:00PM **18** go right to the people in the audience if they have

09:01PM **19** any questions about this man's testimony so far,

09:01PM **20** right?

09:01PM **21** MS. TESTA: Right, we're going to limit

09:01PM **22** it just to the testimony tonight.

09:01PM **23** CHAIRMAN FERGUSON: Just for the

09:01PM **24** testimony tonight, that's all we're talking about.

09:01PM **25** So is there anybody in the audience

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09:01PM 1 that would like to have --

09:01PM 2 MS. COMAS: I do have some questions.

09:01PM 3 MS. TESTA: Can you state your name,

09:01PM 4 please, for the record and your address?

09:01PM 5 MS. COMAS: I'm Melanie Comas.

09:01PM 6 MS. TESTA: Your address, please.

09:01PM 7 MS. COMAS: Oh, 83 West Harwood

09:01PM 8 Terrace.

09:01PM 9 I live on the corner of West Harwood

09:01PM 10 and Grand, but I can't seem to picture where this

09:01PM 11 building will be. Columbia Avenue? West Columbia

09:01PM 12 Avenue.

09:01PM 13 MR. SOKOLICH: Come on up, Melanie, if

09:01PM 14 you don't mind, if I can call you Melanie.

09:01PM 15 MS. COMAS: Yes.

09:01PM 16 MR. SOKOLICH: This is a copy of the --

09:01PM 17 Chairman, I'm sorry.

09:01PM 18 CHAIRMAN FERGUSON: That's okay.

09:01PM 19 MR. SOKOLICH: This is a copy of the

09:01PM 20 aerial. This is West Columbia. This is going onto

09:01PM 21 46 over here. So when you're coming off of, what is

09:01PM 22 this Grand? Broad, rather, you would make that right

09:02PM 23 right by the -- where's The Soap Factory here, Bill?

09:02PM 24 THE WITNESS: Down here.

09:02PM 25 MR. SOKOLICH: The Soap Factory is over

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09:03PM 1 you get to the building, you go back down that road.

09:03PM 2 MS. COMAS: But then that's a two way.

09:03PM 3 MR. SOKOLICH: No, no, we're only going

09:03PM 4 --

09:03PM 5 THE WITNESS: You can't make a left.

09:03PM 6 MR. SOKOLICH: You can't make a left

09:03PM 7 out of the building.

09:03PM 8 MS. COMAS: Well, so all these people

09:03PM 9 who are going to live here, they have to go in

09:03PM 10 circles all the time to get back to where they are if

09:03PM 11 they live, like, down --

09:03PM 12 MR. SOKOLICH: I think --

09:03PM 13 CHAIRMAN FERGUSON: I think what we

09:03PM 14 should -- he's going to put a parking guy on, you

09:03PM 15 know, down the road and I think we should wait for

09:03PM 16 the parking guy to come down and explain all the

09:03PM 17 terms.

09:03PM 18 MS. COMAS: Okay. Because if it's a

09:03PM 19 one way, you know what I mean? I mean, it's...

09:03PM 20 CHAIRMAN FERGUSON: I understand your

09:03PM 21 concern, believe me.

09:03PM 22 MS. COMAS: You'd have to go all the

09:03PM 23 way up to Grand to Broad --

09:03PM 24 CHAIRMAN FERGUSON: We had one right

09:03PM 25 across the street.

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09:02PM 1 here. I'm dating myself.

09:02PM 2 MS. TESTA: I was going to say you're

09:02PM 3 down on Grand.

09:02PM 4 MR. SOKOLICH: Soap factory is over

09:02PM 5 here and that's the building. So Broad is here.

09:02PM 6 MS. COMAS: Okay. So that -- so

09:02PM 7 where's the ramp to get onto 46?

09:02PM 8 MR. SOKOLICH: Right here.

09:02PM 9 This right here.

09:02PM 10 MS. COMAS: And that's Grand here?

09:02PM 11 MR. SOKOLICH: Grand Avenue is over

09:02PM 12 here.

09:02PM 13 THE WITNESS: Grand is over here. This

09:02PM 14 is Broad Avenue.

09:02PM 15 MR. SOKOLICH: I'm going to give you a

09:02PM 16 copy of the plans so you have them, you can study

09:02PM 17 them.

09:02PM 18 MS. COMAS: I don't know, because to

09:02PM 19 me, doesn't West Columbia, isn't that a one-way

09:02PM 20 street?

09:02PM 21 THE WITNESS: Yeah.

09:02PM 22 MR. SOKOLICH: It is.

09:03PM 23 MS. COMAS: So that's what I was

09:03PM 24 confused about. If it's a one way street --

09:03PM 25 MR. SOKOLICH: You come up that road,

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09:03PM 1 MS. COMAS: I don't know. But I mean,

09:04PM 2 I can't just say it, because to me, it seems very

09:04PM 3 big, you know, enormous.

09:04PM 4 CHAIRMAN FERGUSON: It is big. It is

09:04PM 5 enormous.

09:04PM 6 MS. COMAS: And it seems, like,

09:04PM 7 squeezed in. And then with that one-way street.

09:04PM 8 CHAIRMAN FERGUSON: Okay.

09:04PM 9 MS. COMAS: So it's between Broad and

09:04PM 10 Grand?

09:04PM 11 CHAIRMAN FERGUSON: Yes.

09:04PM 12 MS. COMAS: To me, there's no space.

09:04PM 13 CHAIRMAN FERGUSON: Yeah, there's a

09:04PM 14 street down below. When you're coming down, you can

09:04PM 15 get onto Route 46 or you can go a little straight and

09:04PM 16 go down to Grand Avenue.

09:04PM 17 MR. SOKOLICH: Correct.

09:04PM 18 MS. COMAS: Okay. But, again, to me

09:04PM 19 it's, like, you know, tremendous.

09:04PM 20 CHAIRMAN FERGUSON: Okay. Anybody else

09:04PM 21 that would like to say anything?

09:04PM 22 (No Response.)

09:04PM 23 CHAIRMAN FERGUSON: Anybody?

09:04PM 24 MR. CHO: Michael Cho, 33 West Ruby

09:04PM 25 Avenue.

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1 THE COURT REPORTER: How do I spell
 2 your last name?
 3 MR. CHO: Cho, C-H-O.
 4 THE COURT REPORTER: Cho. Thank you.
 5 MR. CHO: 33 West Ruby Avenue.
 09:04PM 6 A bunch of questions. Can you clarify
 09:04PM 7 the parking is how many total?
 09:04PM 8 THE WITNESS: It's 52 plus five spaces
 09:04PM 9 for credit for --
 09:05PM 10 MR. CHO: And how many units are there
 09:05PM 11 total?
 09:05PM 12 THE WITNESS: Fifty.
 09:05PM 13 MR. CHO: Fifty, so you're saying that
 09:05PM 14 every person has one, maybe 1.15 cars?
 09:05PM 15 So if everyone has two cars, what do
 09:05PM 16 you do with the extra cars.
 09:05PM 17 THE WITNESS: Well, they would know
 09:05PM 18 going -- if they're going to rent the place, they'd
 09:05PM 19 know that there's one parking space available.
 09:05PM 20 MR. CHO: So are you assuming that
 09:05PM 21 they'll all park on the street there?
 09:05PM 22 THE WITNESS: No, no, it would
 09:05PM 23 basically be within the building.
 09:05PM 24 MR. CHO: So what about the overflow of
 09:05PM 25 parking; is there any accommodation for that?

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09:06PM 1 be one of those issues, density is going to be looked
 09:06PM 2 at also.
 09:06PM 3 I'm not making any promises, but I
 09:06PM 4 think you're going to be looking at something
 09:06PM 5 different at the next meeting.
 09:06PM 6 MR. CHO: The next one is you stated
 09:06PM 7 that there's going to be eight affordable apartments.
 09:06PM 8 THE WITNESS: Fifteen percent --
 09:06PM 9 MR. SOKOLICH: Yes.
 09:06PM 10 THE WITNESS: -- at this time.
 09:06PM 11 MR. CHO: So do you know how big -- do
 09:06PM 12 you have an idea of how big those apartments are
 09:06PM 13 going to be?
 09:06PM 14 MR. SOKOLICH: Well, typically the
 09:06PM 15 units are required to be a sampling of the mix of
 09:06PM 16 units that are in the building.
 09:06PM 17 So for example -- because without that
 09:06PM 18 law, everybody would be getting a studio in the back
 09:06PM 19 by the garbage, it's not the way it's supposed to be.
 09:06PM 20 So there's a ratio of X percent of ones
 09:06PM 21 then that's going to apply to the -- if 25 percent of
 09:06PM 22 the building is ones, then 25 percent of the
 09:07PM 23 affordable will be ones.
 09:07PM 24 If 40 percent are twos, 40 percent of
 09:07PM 25 the affordable will be twos. Those aren't the

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09:05PM 1 THE WITNESS: I mean, you know, we're
 09:05PM 2 going for the parking variance, you know, because the
 09:05PM 3 people renting the place will know they have one
 09:05PM 4 dedicated space, they'll be a couple of open spaces
 09:05PM 5 for charging stations that will be alternating and
 09:05PM 6 then, you know, it's, like, a space -- because we
 09:05PM 7 have basically half of the proposed units are two
 09:05PM 8 bedrooms, the other half are basically one bedrooms
 09:05PM 9 and studios.
 09:05PM 10 MR. CHO: I mean, because I live in the
 09:05PM 11 area right now, just to say, I live in the area right
 09:05PM 12 now and there's literally no parking on the streets
 09:05PM 13 already, so this will just make it a mess.
 09:05PM 14 Plus with the street, like the lady
 09:05PM 15 spoke, there's a streetlight right there, right, for
 09:06PM 16 merging on and there's always traffic there. I mean,
 09:06PM 17 you guys must know, right? We're all waiting to make
 09:06PM 18 a right turn or a left turn. This will only add to
 09:06PM 19 the traffic there.
 09:06PM 20 MR. SOKOLICH: Michael, if I could call
 09:06PM 21 you, Michael, I'm sorry.
 09:06PM 22 MR. CHO: Yes.
 09:06PM 23 MR. SOKOLICH: We're going to be
 09:06PM 24 looking at a few things in this intervening period
 09:06PM 25 between now and the next meeting, parking is going to

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09:07PM 1 ratios, I'm just using it as an example.
 09:07PM 2 MR. CHO: So do you know -- I'm just
 09:07PM 3 curious, like, you're talking about affordable
 09:07PM 4 housing --
 09:07PM 5 MR. SOKOLICH: Right.
 09:07PM 6 MR. CHO: -- do you know how much that
 09:07PM 7 translates to number of people, right? Does that
 09:07PM 8 translate to eight people? Does that translate to
 09:07PM 9 ten people? Just to get an idea of how much -- when
 09:07PM 10 you're actually talking about eight units, how many
 09:07PM 11 people that actually --
 09:07PM 12 MR. SOKOLICH: I don't -- I don't know
 09:07PM 13 if we could actually put a figure on that without
 09:07PM 14 knowing exactly what the bedroom count is because
 09:07PM 15 those haven't been selected yet, but it's a great
 09:07PM 16 question and we'll look into it in the intervening
 09:07PM 17 period.
 09:07PM 18 MR. CHO: Sorry. I'm --
 09:07PM 19 CHAIRMAN FERGUSON: That's okay.
 09:07PM 20 MR. SOKOLICH: No, it's a great
 09:07PM 21 question.
 09:07PM 22 MR. CHO: So a couple other questions.
 09:07PM 23 One is so, like, I work in New York City, but I know
 09:07PM 24 there's a lot of, like, accommodations for parks,
 09:07PM 25 actual parks for sunlight or that kind of stuff. So

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09:07PM 1 this is my neighbor and he lives right behind.
 09:08PM 2 MR. IM: 34 Ruby Avenue.
 09:08PM 3 CHAIRMAN FERGUSON: Okay.
 09:08PM 4 THE COURT REPORTER: Can you just
 09:08PM 5 identify yourself, please, sir?
 09:08PM 6 MS. TESTA: Your name, please?
 09:08PM 7 MR. IM: High-rise apartment --
 09:08PM 8 MR. SOKOLICH: Name, name.
 09:08PM 9 MS. TESTA: Name, name.
 09:08PM 10 MR. IM: Im, I-M.
 09:08PM 11 MR. SOKOLICH: Last name or that is the
 09:08PM 12 last name?
 09:08PM 13 MR. IM: H-O, S-O-O-N.
 09:08PM 14 MR. SOKOLICH: H-O, S-O-O-N.
 09:08PM 15 Thank you, Mr. Im.
 09:08PM 16 CHAIRMAN FERGUSON: Okay.
 09:08PM 17 MR. IM: H-O, S-O-O-N.
 09:08PM 18 MR. SOKOLICH: I got it. At 34 West
 09:08PM 19 Ruby?
 09:08PM 20 MR. IM: Yes.
 09:08PM 21 MR. SOKOLICH: Thank you. Thank you.
 09:08PM 22 MR. IM: Yeah, in that area that kind
 09:08PM 23 of high-rise apartment building will prevent sunlight
 09:08PM 24 into the area. Yeah, we cannot look at the blue sky,
 09:08PM 25 yeah, from our neighborhood.

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09:09PM 1 (No Response.)
 09:09PM 2 CHAIRMAN FERGUSON: So, Mr. --
 09:09PM 3 Counsel --
 09:09PM 4 MR. SOKOLICH: Mr. Chairman, I think --
 09:09PM 5 CHAIRMAN FERGUSON: You want to have
 09:09PM 6 Mr. Cocoros available next meeting?
 09:09PM 7 MR. SOKOLICH: Oh, absolutely.
 09:09PM 8 So I think we've heard the sentiment of
 09:09PM 9 the board through the Chair with various members,
 09:09PM 10 we've heard the clear sentiment of the public, and I
 09:10PM 11 think we have to sharpen our pencils and maybe look
 09:10PM 12 at a few of the things that we're proposing, whether
 09:10PM 13 it's unit count, whether it's setback, whether --
 09:10PM 14 what have you.
 09:10PM 15 CHAIRMAN FERGUSON: Right.
 09:10PM 16 MR. SOKOLICH: Bearing in mind that
 09:10PM 17 that may impact our ability to provide what we
 09:10PM 18 committed to providing, but everything -- a lot of
 09:10PM 19 things happen in 30 days, Chairman, give us that
 09:10PM 20 opportunity.
 09:10PM 21 CHAIRMAN FERGUSON: Oh, yeah, no
 09:10PM 22 problem. Okay.
 09:10PM 23 MS. TESTA: So then I would need a
 09:10PM 24 motion then to carry this case to February 26th,
 09:10PM 25 2024, at 7:00 p.m., no further notice --

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09:08PM 1 CHAIRMAN FERGUSON: Right.
 09:08PM 2 MR. IM: Yeah, that why I very opposing
 09:08PM 3 this variance.
 09:09PM 4 CHAIRMAN FERGUSON: Right. I
 09:09PM 5 understand.
 09:09PM 6 Anybody else? Yes.
 09:09PM 7 MR. CHO: Just a question, are you guys
 09:09PM 8 going -- are you planning on making any more
 09:09PM 9 accommodations in terms of, like, parks or, like,
 09:09PM 10 green space or, like, sunlight or anything like that?
 09:09PM 11 Is that in the plans?
 09:09PM 12 MR. SOKOLICH: Other than amenities or
 09:09PM 13 accommodations that are provided within the building
 09:09PM 14 no, there's no off-site creation of parks.
 09:09PM 15 MR. CHO: Okay.
 09:09PM 16 So even, like, the variance in the
 09:09PM 17 back, they'll be no, like there's no park, there's
 09:09PM 18 nothing to, like, for the neighborhood.
 09:09PM 19 MR. SOKOLICH: There is not.
 09:09PM 20 MR. CHO: Okay.
 09:09PM 21 CHAIRMAN FERGUSON: All right. Anybody
 09:09PM 22 else?
 09:09PM 23 (No Response.)
 09:09PM 24 CHAIRMAN FERGUSON: Anybody else want to
 09:09PM 25 say anything?

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09:10PM 1 CHAIRMAN FERGUSON: You have one
 09:10PM 2 question?
 09:10PM 3 MR. LEE: I mean, we've been sitting
 09:10PM 4 here for two hours and I can't personally -- oh, my
 09:10PM 5 name is Jung Lee.
 09:10PM 6 I'm at 12 West Ruby Avenue.
 09:10PM 7 I really can't see what you guys can do
 09:10PM 8 to change it. You were saying -- it's too dense.
 09:10PM 9 Fifty units, seven stories. I mean, the traffic is
 09:10PM 10 ridiculous, you can't turn onto Grand Avenue. I
 09:10PM 11 don't care what configuration you guys make with the
 09:11PM 12 traffic, there's no way to fix that.
 09:11PM 13 MR. SOKOLICH: I understand.
 09:11PM 14 I'm their advocate, but we're going
 09:11PM 15 still try.
 09:11PM 16 MR. LEE: But to come back again with
 09:11PM 17 my father who's 81, sit here for two hours to hear
 09:11PM 18 that when you can't change anything.
 09:11PM 19 MR. SOKOLICH: I got it.
 09:11PM 20 This is not to sound disrespectful, but
 09:11PM 21 this is a process. We might back a couple -- three
 09:11PM 22 more times --
 09:11PM 23 MR. LEE: Then we'll be here three more
 09:11PM 24 times, but I can't see this getting passed.
 09:11PM 25 CHAIRMAN FERGUSON: Okay.

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09:11PM **1** MR. SOKOLICH: Thank you.

09:11PM **2** MR. DALL CHO: I have one question.

09:11PM **3** THE COURT REPORTER: Just state your

09:11PM **4** name, please, sir.

09:11PM **5** MR. DALL CHO: Dall, D-A-L-L, last name

09:11PM **6** Cho, C-H-O, like -- 33 -- 32 East Ruby Avenue.

09:11PM **7** Now, how many people receive the

09:11PM **8** letter? We did not receive a letter.

09:12PM **9** MR. SOKOLICH: What's your address,

09:12PM **10** sir?

09:12PM **11** MR. DALL CHO: 32.

09:12PM **12** MR. SOKOLICH: 32?

09:12PM **13** MR. DALL CHO: 32 East Ruby.

09:12PM **14** MR. SOKOLICH: No, East Ruby is not on

09:12PM **15** my mailing list.

09:12PM **16** MR. DALL CHO: So how many letters did

09:12PM **17** you send?

09:12PM **18** MR. SOKOLICH: Everybody within

09:12PM **19** 200 feet of the property, which is required by law.

09:12PM **20** And I could show -- yes, I can show you the map.

09:12PM **21** These are the property owners that were served.

09:12PM **22** What happens is we ask for a list,

09:12PM **23** everybody within 200 feet, these are the properties

09:12PM **24** in question, they create the map and then they

09:12PM **25** actually give us a list, which is provided by the tax

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09:12PM **1** assessor.

09:12PM **2** MR. DALL CHO: Okay. That's good.

09:12PM **3** That's for 73-feet high?

09:12PM **4** MR. SOKOLICH: Correct.

09:12PM **5** MR. DALL CHO: What if someone wants a

09:13PM **6** hundred feet high?

09:13PM **7** MR. SOKOLICH: The same 200 feet.

09:13PM **8** MR. DALL CHO: That's the law?

09:13PM **9** MR. SOKOLICH: It is. The circle --

09:13PM **10** the area of people to serve doesn't change based on

09:13PM **11** the relief that you're seeking.

09:13PM **12** MR. DALL CHO: Okay.

09:13PM **13** MR. CHO: I think my dad is saying that

09:13PM **14** it's a little ridiculous that someone who lives,

09:13PM **15** like, three or four blocks where the sunlight is

09:13PM **16** blocked because of this ginormous structure doesn't

09:13PM **17** get the same letter, right?

09:13PM **18** MR. SOKOLICH: I got it.

09:13PM **19** MR. CHO: And everyone is affected by

09:13PM **20** this ginormous building, so.

09:13PM **21** CHAIRMAN FERGUSON: Yeah, we get it.

09:13PM **22** MS. TESTA: Right, but there is also --

09:13PM **23** CHAIRMAN FERGUSON: Okay. Thank you,

09:13PM **24** Counselor.

09:13PM **25** MR. SOKOLICH: Chairman, thank you.

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09:13PM **1** CHAIRMAN FERGUSON: He's going to be

09:13PM **2** available next meeting and --

09:13PM **3** MR. SOKOLICH: It's the 26th without

09:13PM **4** renote, correct, Diane?

09:13PM **5** MS. TESTA: Correct. And your client

09:13PM **6** waives any time constraints?

09:13PM **7** MR. SOKOLICH: We do. We affirmatively

09:13PM **8** waive.

09:13PM **9** Thank you again.

09:13PM **10** CHAIRMAN FERGUSON: I'll make that

09:13PM **11** motion.

09:13PM **12** VICE CHAIRMAN ALBANESE: I make a

09:13PM **13** motion we adjourn.

09:13PM **14** MR. ELEFTERIOU: I second.

09:13PM **15** MS. TESTA: Roll call.

09:13PM **16** MS. REBEKAH KIM: Mr. Ferguson?

09:13PM **17** CHAIRMAN FERGUSON: Yes.

09:13PM **18** MS. REBEKAH KIM: Mr. Albanese?

09:13PM **19** VICE CHAIRMAN ALBANESE: Yes.

09:13PM **20** MS. REBEKAH KIM: Mr. Brogna?

09:13PM **21** MR. BROGNA: Yes.

09:13PM **22** MS. REBEKAH KIM: Mr. Elefteriou?

09:13PM **23** MR. ELEFTERIOU: Yes.

09:13PM **24** MS. REBEKAH KIM: Mr. Grala?

09:13PM **25** MR. GRALA: Yes.

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09:14PM **1** MS. REBEKAH KIM: Mr. Kim?

09:14PM **2** MR. BRIAN KIM: Yes.

09:14PM **3** MS. REBEKAH KIM: Mr. Terranova?

09:14PM **4** MR. TERRANOVA: Yes.

09:14PM **5** MS. REBEKAH KIM: Mr. Chung?

09:14PM **6** MR. CHUNG: Yes.

09:14PM **7** MS. REBEKAH KIM: Mrs. Yoon?

09:14PM **8** MS. YOON: Yes.

09:14PM **9** (Whereupon, this meet is concluded.)

09:14PM **10** Time noted 9:15 p.m.)

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CERTIFICATE

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I, LAURA A. CARUCCI, C.C.R., R.P.R., a Notary Public of the State of New Jersey, Notary ID. #50094914, Certified Court Reporter of the State of New Jersey, and a Registered Professional Reporter, hereby certify that the foregoing is a verbatim record of the testimony provided under oath before any court, referee, board, commission or other body created by statute of the State of New Jersey.

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

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

LAURA A. CARUCCI, C.C.R., R.P.R.
License #X102050, and Notary Public
of New Jersey #50094914, Notary
Expiration Date December 3, 2026

Dated: _____

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