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BOROUGH OF PALISADES PARK
ZONING BOARD OF ADJUSTMENT
MONDAY, March 18, 2024
7:01 p.m.

Case No. 23-16)
52 W. Harwood Terrace) TRANSCRIPT OF
Block: 610; Lot: 10) PROCEEDINGS
Case No. 23-06)
Chris Kim)
19 W. Homestead Avenue)
Block: 601; Lot: 23.01)
Case No. 23-15)
DRC Development Corp)
35, 37 & 39 Columbia Avenue)
Block: 617; Lots: 21-23)

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

JOSEPH FERGUSON, CHAIRMAN
PAUL ALBANESE, VICE CHAIRMAN (ABSENT)
ELEFTERIOS ELEFTERIOU, MEMBER (ABSENT)
DAVID TERRANOVA, MEMBER
JOHN GRALA, MEMBER
SEONGHYE YOON, MEMBER
BRIAN KIM, MEMBER
STEVEN BROGNA, ALTERNATE MEMBER 1
CHARLIE CHUNG, ALTERNATE MEMBER 2
ESTHER KIM, ALTERNATE MEMBER 3 (ABSENT)

LAURA A. CARUCCI, C.S.R., R.P.R., L.L.C.
CERTIFIED COURT REPORTERS
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I N D E X

<u>WITNESS</u>	<u>SWORN</u>	<u>TESTIMONY</u>
DRC Development Corp 35, 37 & 39 Columbia Avenue Block: 617; Lots: 21-23		5, 11
Questions from the Public Melanie Comas 83 West Harwood Terrace		6
Case No. 23-16 52 W. Harwood Terrace Block: 610; Lot: 10		11
Case No. 23-06 Chris Kim 19 W. Homestead Avenue Block: 601; Lot: 23.01		12
STEVEN KOESTNER, PE, LS Direct Examination by Mr. Giblin Questions from the Board/Professionals Chairman Ferguson Mr. Simoff Mr. Collazuol	14	15 19, 25 22 26
HOJOON CHUNG, RA Direct Examination by Mr. Giblin Questions from the Board/Professionals Chairman Ferguson Mr. Collazuol Mr. Kauker Ms. Testa Questions from the Public Melanie Comas 83 West Harwood Terrace	28	28 32, 35 33 34 36 36
DAVID SPATZ, PP, AICP Direct Examination by Mr. Giblin Questions from the Board/Professionals Chairman Ferguson Mr. Kauker Questions from the Public Mayor Kim	39	39 40 44 48

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

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

5
6 GIBLIN & GANNAIO
7 BY: BRIAN GIBLIN, JR., ESQUIRE
8 2 Forest Avenue
9 #200
10 Oradell, New Jersey 07649
11 (201) 262-9500
12 Counsel for the Applicant Chris Kim

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24
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A L S O P R E S E N T:

REBEKAH KIM, Board Secretary
STEVEN COLLAZUOL, P.E., Board Engineer
MICHAEL KAUKER, P.P., AICP, Board Planner
HAL SIMOFF, P.E., Board Traffic Engineer

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I N D E X (Continuing)

<u>PUBLIC COMMENT</u>	<u>SWORN</u>	<u>TESTIMONY</u>
LORETTA MARTTINI 435 East Brinkerhoff Avenue		52

E X H I B I T S

<u>No.</u>	<u>Description</u>	<u>Ident/Evid</u>
(None marked.)		

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07:01PM 1 CHAIRMAN FERGUSON: Okay. Before we
 07:01PM 2 get started, I just want to make an announcement.
 07:01PM 3 As you know, we all are mostly here for
 07:02PM 4 the case on -- so we are all supposed to have an
 07:02PM 5 application tonight about Columbia Avenue.
 07:02PM 6 Unfortunately, he submitted new plans
 07:02PM 7 to the board. The board got the plans last Friday.
 07:02PM 8 The law in the State of New Jersey is
 07:02PM 9 that the -- all the plans has to be in ten days
 07:02PM 10 before the meeting because we want to give the public
 07:02PM 11 a chance to look at the plans.
 07:02PM 12 So, therefore, we are not going to hear
 07:02PM 13 that case tonight.
 07:02PM 14 I apologize because I know you guys all
 07:02PM 15 came to hear the case, but unfortunately, he did not
 07:03PM 16 put the plans in in a timely manner. And, therefore,
 07:03PM 17 we are not going to hear Columbia tonight.
 07:03PM 18 So if there's any -- you're all welcome
 07:03PM 19 to stay if you want, but we are not going to hear
 07:03PM 20 Columbia tonight, we're going to hear it next -- and
 07:03PM 21 what is the --
 07:03PM 22 MS. TESTA: April 15th.
 07:03PM 23 CHAIRMAN FERGUSON: April 15th is the
 07:03PM 24 next meeting.
 07:03PM 25 Any questions?

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07:04PM 1 same -- say the same thing.
 07:04PM 2 MS. TESTA: But the applicant is not
 07:04PM 3 here, he's the one who needs to hear it.
 07:04PM 4 We cannot hear any comments unless the
 07:04PM 5 applicant is here and he's not here and the case is
 07:04PM 6 not being heard this evening.
 07:04PM 7 MS. COMAS: Well, how will we know if
 07:04PM 8 the next meeting won't be postponed?
 07:04PM 9 CHAIRMAN FERGUSON: Well, obviously
 07:04PM 10 we're going to send a letter demanding that he appear
 07:04PM 11 next --
 07:04PM 12 MS. TESTA: Right.
 07:04PM 13 And he was set to appear, but the
 07:04PM 14 problem was the plans were not submitted in a timely
 07:05PM 15 fashion, so the board could not hear -- the expert
 07:05PM 16 needs an opportunity to review it, the board members
 07:05PM 17 and the public has the right to review it prior to
 07:05PM 18 the meeting.
 07:05PM 19 MS. COMAS: Well, all I could say is
 07:05PM 20 that --
 07:05PM 21 CHAIRMAN FERGUSON: I don't -- I don't
 07:05PM 22 think it's fair myself, but, you know --
 07:05PM 23 MS. COMAS: No, but -- all right. I'll
 07:05PM 24 just say the last thing. This --
 07:05PM 25 CHAIRMAN FERGUSON: We're not going to

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07:03PM 1 Yes.
 07:03PM 2 MS. COMAS: Melanie Comas, 83 West
 07:03PM 3 Harwood Terrace.
 07:03PM 4 Even though we're not, you know, going
 07:03PM 5 to hear everything, you know, about these new plans,
 07:03PM 6 but I still think that we're here, we should -- we're
 07:03PM 7 going to express the same thing tonight as we will
 07:03PM 8 next week, because I don't think anything could be
 07:03PM 9 changed on those plans that would allow some
 07:04PM 10 monstrosity like this to be built.
 07:04PM 11 MS. TESTA: Okay. We can't hear
 07:04PM 12 anything on the application tonight. The applicant's
 07:04PM 13 attorney has requested because he didn't have enough
 07:04PM 14 time to get the plans in, that the case be carried to
 07:04PM 15 the April 15th.
 07:04PM 16 So the board cannot hear any comments
 07:04PM 17 regarding this application. The only thing the board
 07:04PM 18 can do at this point is vote to postpone it to the
 07:04PM 19 April 15th meeting, but we can't hear comments from
 07:04PM 20 the public because the applicant is not present.
 07:04PM 21 MS. COMAS: Well, the point is we all
 07:04PM 22 came here --
 07:04PM 23 MS. TESTA: I understand.
 07:04PM 24 CHAIRMAN FERGUSON: We understand.
 07:04PM 25 MS. COMAS: We're going to have the

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07:05PM 1 hear comments about that case tonight. I don't
 07:05PM 2 know -- I know it's unfair. I know people are upset.
 07:05PM 3 The board is upset because we would
 07:05PM 4 like to get this thing going, but he's not here. We
 07:05PM 5 can't hear comments, period.
 07:05PM 6 All right. Let's call the meeting to
 07:05PM 7 order.
 07:05PM 8 MS. REBEKAH KIM: Mr. Ferguson?
 07:05PM 9 CHAIRMAN FERGUSON: Here.
 07:05PM 10 MS. REBEKAH KIM: Mr. Albanese?
 07:05PM 11 (No Response.)
 07:05PM 12 MS. REBEKAH KIM: Mr. Brogna?
 07:05PM 13 MR. BROGNA: Here.
 07:05PM 14 MS. REBEKAH KIM: Mr. Elefteriou?
 07:05PM 15 (No Response.)
 07:05PM 16 MS. REBEKAH KIM: Mr. Grala?
 07:05PM 17 MR. GRALA: Here.
 07:05PM 18 MS. REBEKAH KIM: Mr. Kim?
 07:05PM 19 MR. KIM: Here.
 07:05PM 20 MS. REBEKAH KIM: Mr. Terranova?
 07:05PM 21 MR. TERRANOVA: Here.
 07:05PM 22 MS. REBEKAH KIM: Mr. Chung?
 07:05PM 23 MR. CHUNG: Here.
 07:06PM 24 MS. REBEKAH KIM: Mrs. Kim?
 07:06PM 25 (No Response.)

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07:06PM 1 MS. REBEKAH KIM: Mrs. Yoon?

07:06PM 2 MS. YOON: Here.

07:06PM 3 CHAIRMAN FERGUSON: Okay. In

07:06PM 4 accordance with the Open Public Meeting Act, notice

07:06PM 5 of this meeting has been posted on the bulletin

07:06PM 6 board. Notice has been provided to at least two of

07:06PM 7 the borough newspapers and filed with the borough

07:06PM 8 clerk's office.

07:06PM 9 Okay. Steve, you want to lead us in

07:06PM 10 the flag salute?

07:06PM 11 MR. BROGNA: Yup.

07:06PM 12 (Whereupon, all rise for a recitation

07:06PM 13 of the Pledge of Allegiance as led by

07:06PM 14 Mr. Brogna.)

07:06PM 15 CHAIRMAN FERGUSON: Okay. First we're

07:06PM 16 going to pay some bills.

07:06PM 17 Kauker and Kauker professional planners

07:06PM 18 submitted \$770.00.

07:06PM 19 And also the board lawyer has submitted

07:07PM 20 \$1,072.00.

07:07PM 21 I make a motion we pay the bills.

07:07PM 22 MR. BROGNA: I'll second the motion.

07:07PM 23 CHAIRMAN FERGUSON: Okay. Roll call?

07:07PM 24 MS. REBEKAH KIM: Mr. Ferguson?

07:07PM 25 CHAIRMAN FERGUSON: Yes.

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

07:07PM 2 MR. BROGNA: Yes.

07:07PM 3 MS. REBEKAH KIM: Mr. Grala?

07:07PM 4 MR. GRALA: Yes.

07:07PM 5 MS. REBEKAH KIM: Mr. Kim?

07:07PM 6 MR. KIM: Yes.

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

07:07PM 8 MR. TERRANOVA: Yes.

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

07:07PM 10 MR. CHUNG: Yes.

07:07PM 11 MS. REBEKAH KIM: Mrs. Yoon?

07:07PM 12 MS. YOON: Yes.

07:07PM 13 CHAIRMAN FERGUSON: Okay. Now I think

07:07PM 14 we have a memorialization.

07:07PM 15 MS. TESTA: Right.

07:07PM 16 CHAIRMAN FERGUSON: And the

07:07PM 17 memorialization is 52 West Harwood Terrace. We heard

07:07PM 18 it last night -- last week, we voted in favor of it,

07:07PM 19 and now we're doing a memorialization.

07:07PM 20 And I'll make a motion that we make the

07:07PM 21 memorialization.

07:07PM 22 Second?

07:07PM 23 MR. GRALA: I'll second.

07:07PM 24 MS. REBEKAH KIM: Mr. Ferguson?

07:07PM 25 CHAIRMAN FERGUSON: Yes.

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

07:07PM 2 MR. BROGNA: Abstain.

07:07PM 3 MS. REBEKAH KIM: Mr. Grala?

07:07PM 4 MR. GRALA: Yes.

07:07PM 5 MS. REBEKAH KIM: Mr. Kim?

07:07PM 6 MR. KIM: Yes.

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

07:07PM 8 MR. TERRANOVA: Yes.

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

07:07PM 10 MR. CHUNG: Yes.

07:08PM 11 MS. REBEKAH KIM: Mrs. Yoon?

07:08PM 12 MS. YOON: Yes.

07:08PM 13 CHAIRMAN FERGUSON: Okay. So the case

07:08PM 14 that we're not going to hear tonight is DRC

07:08PM 15 Development Corp, 35, 37, 39 Columbia Avenue.

07:08PM 16 And as we stated before, he did not put

07:08PM 17 his plans in in a timely manner and, therefore, he's

07:08PM 18 asking for an adjournment.

07:08PM 19 Again, I apologize. It's not that the

07:08PM 20 board doesn't want to hear it. It's that we can't

07:08PM 21 hear it when he's not here and he didn't put the

07:08PM 22 plans in in time.

07:08PM 23 So I'll make that motion we grant the

07:08PM 24 adjournment.

07:08PM 25 No further notice.

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07:08PM 1 MR. GRALA: I'll second.

07:08PM 2 CHAIRMAN FERGUSON: Okay. Roll call.

07:08PM 3 MS. REBEKAH KIM: Mr. Ferguson?

07:08PM 4 CHAIRMAN FERGUSON: Yes.

07:08PM 5 MS. REBEKAH KIM: Mr. Brogna?

07:08PM 6 MR. BROGNA: Yes.

07:08PM 7 MS. REBEKAH KIM: Mr. Grala?

07:08PM 8 MR. GRALA: Yes.

07:08PM 9 MS. REBEKAH KIM: Mr. Kim?

07:08PM 10 MR. KIM: Yes.

07:08PM 11 MS. REBEKAH KIM: Mr. Terranova?

07:08PM 12 MR. TERRANOVA: Yes.

07:08PM 13 MS. REBEKAH KIM: Mr. Chung?

07:08PM 14 MR. CHUNG: Yes.

07:09PM 15 MS. REBEKAH KIM: Mrs. Yoon?

07:09PM 16 MS. YOON: Yes.

07:09PM 17 CHAIRMAN FERGUSON: Okay. So that's

07:09PM 18 Case No. 23-15, DRC Development Corp., at the request

07:09PM 19 of the applicant is being carried to the April 15th,

07:09PM 20 2024 meeting at 7:00 p.m.

07:09PM 21 There will be no further notice by the

07:09PM 22 applicant.

07:09PM 23 Okay. All right.

07:09PM 24 So next one is what we're going to hear

07:09PM 25 tonight is going to be Chris Kim, Case No. 23-06,

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07:09PM 1 19 West Homestead Avenue.

07:09PM 2 How you doing, my friend? You want to

07:09PM 3 be put an appearance in?

07:09PM 4 MR. GIBLIN: Yes.

07:09PM 5 Good evening, Mr. Chairman, Members of

07:09PM 6 the Board, my name is Brian Giblin, Jr., here on

07:09PM 7 behalf of the applicant Chris Kim with respect to

07:09PM 8 19 West Homestead.

07:09PM 9 CHAIRMAN FERGUSON: Okay. And how many

07:09PM 10 witnesses?

07:09PM 11 MR. GIBLIN: We have three witnesses.

07:09PM 12 CHAIRMAN FERGUSON: How many?

07:09PM 13 MR. GIBLIN: Three.

07:09PM 14 CHAIRMAN FERGUSON: Three, okay.

07:09PM 15 MR. GIBLIN: Three professional

07:09PM 16 witnesses.

07:09PM 17 CHAIRMAN FERGUSON: Okay.

07:09PM 18 MS. TESTA: Your proof of mailing.

07:09PM 19 MR. GIBLIN: I'm sorry?

07:10PM 20 MS. TESTA: Your proof of mailing.

07:10PM 21 MR. GIBLIN: Yes.

07:10PM 22 So if the board will recall, we were

07:10PM 23 actually in front of the board a few months ago with

07:10PM 24 an application that has since been amended.

07:10PM 25 After some discussions with the board

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07:11PM 1 record, please.

07:11PM 2 MR. KOESTNER: Certainly.

07:11PM 3 Steven L. Koestner, S-T-E-V-E-N,

07:11PM 4 K-O-E-S-T-N-E-R, 61 Hudson Street, Hackensack, New

07:11PM 5 Jersey.

07:11PM 6 CHAIRMAN FERGUSON: And he's been here

07:11PM 7 many times, so we're going to accept him as a

07:11PM 8 professional in the field.

07:11PM 9 MR. GIBLIN: Thank you, Mr. Chairman.

07:11PM 10 MR. KOESTNER: Thank you, Chairman.

07:11PM 11 DIRECT EXAMINATION

07:11PM 12 BY MR. GIBLIN:

07:11PM 13 Q. Mr. Koestner, do you recall appearing

07:11PM 14 before this board some time ago with a four-unit

07:11PM 15 application?

07:11PM 16 A. **I have, yes.**

07:11PM 17 Q. And have you since -- have you since

07:12PM 18 amended those plans to reflect a three-unit

07:12PM 19 application?

07:12PM 20 A. **Yes, I have.**

07:12PM 21 Q. And would you kindly go through the

07:12PM 22 updated and amended plans and what is different from

07:12PM 23 the prior, four-unit application to this current

07:12PM 24 unit -- three-unit as it stands?

07:12PM 25 A. **Certainly.**

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07:10PM 1 attorney, we agreed that renoting everyone within a

07:10PM 2 200-foot list would be necessary.

07:10PM 3 CHAIRMAN FERGUSON: Correct.

07:10PM 4 MR. GIBLIN: So I'm handing you the

07:10PM 5 certified receipts and an affidavit of publication.

07:10PM 6 CHAIRMAN FERGUSON: Okay.

07:10PM 7 MR. GIBLIN: And this is 19 West

07:10PM 8 Homestead.

07:10PM 9 We were previously before the board for

07:10PM 10 a four-unit complex on this site, an oversized lot on

07:10PM 11 19 West Homestead that is currently -- that is

07:10PM 12 currently being rented as a three-family use.

07:10PM 13 So I will start with calling our first

07:10PM 14 witness, the engineer, Mr. Steven Koestner.

07:10PM 15 CHAIRMAN FERGUSON: Okay.

07:11PM 16 MS. TESTA: Please raise your right

07:11PM 17 hand.

07:11PM 18 Do you swear the testimony you will

07:11PM 19 give in this application will be the truth, the whole

07:11PM 20 truth, and nothing but the truth, so help you God?

07:11PM 21 MR. KOESTNER: I do.

07:11PM 22 STEVEN L. KOESTNER, P.E., L.S.

07:11PM 23 61 Hudson Street, Hackensack, New Jersey, having

07:11PM 24 been duly sworn, testifies as follows:

07:11PM 25 MS. TESTA: State your name for the

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07:12PM 1 **Yeah, the plans have been amended. A**

07:12PM 2 **new site plan dated February 14th, 2024. Previously**

07:12PM 3 **we had four units front to back on this site known as**

07:12PM 4 **20 -- Lot 23, Block 601.**

07:12PM 5 **The architect and I have amended the**

07:12PM 6 **plan to show three units front to back.**

07:12PM 7 **The driveway aisle has been widened.**

07:12PM 8 **A fence has been added along the**

07:12PM 9 **westerly property line to provide a buffer along that**

07:12PM 10 **line.**

07:12PM 11 **We've also added an additional parking**

07:12PM 12 **space in the rear of the property, the rear of**

07:12PM 13 **Unit C, so called. And in front of Unit A, we have**

07:13PM 14 **an ADA handicap parking space as well which we've**

07:13PM 15 **added.**

07:13PM 16 **We have a lawn area remaining behind**

07:13PM 17 **the building and a lawn area in the front as well of**

07:13PM 18 **the site.**

07:13PM 19 Q. And could you talk about -- there was

07:13PM 20 some concern in a prior application or, sorry, the

07:13PM 21 prior set of plans.

07:13PM 22 With respect to the turning -- the

07:13PM 23 turning point radius of the cars, could you just

07:13PM 24 quickly review how cars are going to enter and exit

07:13PM 25 the property and the garages themselves?

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07:13PM 1 A. Yeah.

07:13PM 2 As I said, we did widen this drive

07:13PM 3 aisle and also provided these turning radius for a

07:13PM 4 typical vehicle entering the parking lot.

07:13PM 5 This turning radius is for the ADA

07:13PM 6 handicap parking space and other turning radius that

07:13PM 7 shows entry into the garage.

07:13PM 8 Q. So, previously, a variance was

07:13PM 9 requested for parking.

07:13PM 10 Under this current design, there is no

07:13PM 11 parking variance that's being requested; is that

07:14PM 12 correct?

07:14PM 13 A. I believe that's correct.

07:14PM 14 Q. All right.

07:14PM 15 A. We had six spaces proposed in parking,

07:14PM 16 six spaces are proposed with the, I believe with the

07:14PM 17 parking of the town. By RSIS, there's eight spaces

07:14PM 18 required.

07:14PM 19 Q. So there was also a concern with

07:14PM 20 respect to cars entering and exiting the driveway,

07:14PM 21 which I understand has been widened to allow for an

07:14PM 22 easier turning point radius for the cars.

07:14PM 23 A. Yes.

07:14PM 24 Q. But some of the light pollution that

07:14PM 25 was going to possibly impact the adjacent property

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07:16PM 1 We have 16 CULTEC recharger chambers,

07:16PM 2 the Model 280. They are designed in such a manner to

07:16PM 3 handle the increase in runoff generated not only from

07:16PM 4 the roof area, but also from the parking lot as well.

07:16PM 5 And there is a trench drain at the

07:16PM 6 entrance to the site to capture any water that would

07:16PM 7 be running down the driveway towards the street, West

07:16PM 8 Homestead Avenue.

07:16PM 9 Q. And were you able -- could you just

07:16PM 10 quickly discuss the snow removal on the site, how you

07:16PM 11 see snow being removed from the premises as you

07:16PM 12 currently see it?

07:16PM 13 A. What we've done is now there's

07:16PM 14 additional spaces here. We still have an area in the

07:16PM 15 rear we could put accumulated snow, plow snow that

07:16PM 16 in, as well as an area in the front for any excess

07:16PM 17 snow that couldn't be plowed from the site.

07:17PM 18 MR. GIBLIN: I have nothing further for

07:17PM 19 this witness, Koestner, Mr. Chairman.

07:17PM 20 CHAIRMAN FERGUSON: Well, I do

07:17PM 21 appreciate the changes that you made, I do.

07:17PM 22 Are you -- I don't know what three

07:17PM 23 witnesses -- who made this box, Steve?

07:17PM 24 MR. GIBLIN: I don't know what you're

07:17PM 25 referring to, Mr. Chairman.

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07:14PM 1 owner to the left and also in the back, could you

07:14PM 2 describe if that was addressed in any way?

07:14PM 3 A. Yes, that's on Sheet 2.

07:15PM 4 In the landscaping plan, Sheet 2, also

07:15PM 5 dated the 14th of February, and we have one, two,

07:15PM 6 three, four -- five lights along the side of the

07:15PM 7 building, one additional light in the rear and one in

07:15PM 8 the front. And those lights show that 1 footcandle

07:15PM 9 line is inside of the boundary line, so there would

07:15PM 10 not be any spillover of light greater than

07:15PM 11 1 footcandle on the adjoining properties.

07:15PM 12 Q. And in addition, was there a fence

07:15PM 13 added on the property line too, a vinyl fence?

07:15PM 14 A. Yes, there was, yeah.

07:15PM 15 We have a 6-foot fence along that

07:15PM 16 westerly property line, it could be a vinyl-type

07:15PM 17 fence, solid type fence.

07:15PM 18 Q. All right. And then just real briefly

07:15PM 19 last thing, would you just quickly review the

07:15PM 20 drainage on the site and whether or not it's

07:15PM 21 adequate?

07:15PM 22 A. Okay. I'll go back to Sheet 1. Let's

07:15PM 23 see here.

07:15PM 24 We have a series of chambers front to

07:16PM 25 back that would be located beneath the driveway.

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07:17PM 1 CHAIRMAN FERGUSON: Right here

07:17PM 2 (indicating).

07:17PM 3 THE WITNESS: That's us.

07:17PM 4 CHAIRMAN FERGUSON: That's us, good.

07:17PM 5 Maybe you could just answer me one

07:17PM 6 question.

07:17PM 7 Up in the box you have required,

07:17PM 8 existing, proposed and status. The problem is

07:17PM 9 proposed you have "duplex."

07:17PM 10 MR. GIBLIN: Yeah, that's incorrect.

07:17PM 11 It should -- under proposed, that's just a

07:17PM 12 typographical -- that should say "triplex."

07:17PM 13 And we do need a -- it's a

07:17PM 14 nonconforming use, but we still need a use variance

07:17PM 15 for the three units.

07:17PM 16 CHAIRMAN FERGUSON: Right.

07:17PM 17 And so you want three units, so this is

07:17PM 18 incorrect, right.

07:17PM 19 MR. GIBLIN: This is incorrect,

07:17PM 20 correct.

07:18PM 21 So in the table under proposed it

07:18PM 22 should state that it's a triplex.

07:18PM 23 And instead of the status that it

07:18PM 24 conforms, it should be we are seeking a use variance.

07:18PM 25 CHAIRMAN FERGUSON: Okay. So it

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07:18PM 1 doesn't -- so you're adding another variance or --

07:18PM 2 MR. GIBLIN: It was in the application

07:18PM 3 and in the notice; however, it just appears on the --

07:18PM 4 CHAIRMAN FERGUSON: Okay. It's in the

07:18PM 5 notice?

07:18PM 6 MR. GIBLIN: Yes.

07:18PM 7 MS. TESTA: It is in the notice, yeah.

07:18PM 8 They specifically mentioned use variance, so they

07:18PM 9 meet the qualifications.

07:18PM 10 CHAIRMAN FERGUSON: Okay. So the only

07:18PM 11 thing I have to say is that, you know, I've been on

07:18PM 12 the board a lot of years and I've been Chairman for

07:18PM 13 four.

07:18PM 14 And one thing that this board doesn't

07:18PM 15 do, and I hope it will continue, is it's a one- and

07:18PM 16 two-family zone, we don't like putting three families

07:18PM 17 in a two-family zone. It's not the way Palisades

07:19PM 18 Park was built. Two families, two-family zone, two

07:19PM 19 families.

07:19PM 20 Now, I know that you have a driveway

07:19PM 21 that runs down -- existing there's a driveway with a

07:19PM 22 garage in the back. I assume you're taking that

07:19PM 23 garage down?

07:19PM 24 MR. GIBLIN: That's correct.

07:19PM 25 CHAIRMAN FERGUSON: Okay. So -- but

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07:19PM 1 I'm still uneasy and I want to hear from my parking

07:19PM 2 expert who will tell me if this meets the required

07:19PM 3 radius of the -- of the turn.

07:19PM 4 So you're on.

07:19PM 5 MR. SIMOFF: Okay.

07:19PM 6 I have a couple of issues to discuss.

07:19PM 7 Number one, I did a plotting of that parking space in

07:19PM 8 the back, the outside parking space, and the way it's

07:20PM 9 designed, you can't get in and you can't get out.

07:20PM 10 THE WITNESS: Well, we could add a

07:20PM 11 turnaround in the back here (indicating). We do have

07:20PM 12 space for a turnaround in the rear.

07:20PM 13 MR. SIMOFF: But when a car is 18-feet

07:20PM 14 long, there's only -- there's not enough room to get

07:20PM 15 back out, that's what I'm --

07:20PM 16 And then the other question I have is

07:20PM 17 the -- because of the width of the driveway, the --

07:20PM 18 when the car that you show plotting makes the right

07:20PM 19 turn in the garage, it kind of blocks and clips the

07:20PM 20 car that's in the garage because the architectural

07:20PM 21 plans show smaller -- show compact cars and the

07:20PM 22 plotting that Mr. Koestner has is for a full size

07:21PM 23 car.

07:21PM 24 So if you have two full-size cars in

07:21PM 25 the garage. The garage has to be a little bit wider.

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07:21PM 1 Now, I guess if you take that out of

07:21PM 2 the first floor, you might be able to get to it, but

07:21PM 3 the ordinance requires -- or the RSIS requires seven

07:21PM 4 parking spaces and you have eight, so you have to

07:21PM 5 take one -- the parking space in the back just

07:21PM 6 doesn't work.

07:21PM 7 THE WITNESS: I think we could add a

07:21PM 8 turnaround area there and I'll speak to the architect

07:21PM 9 about the garage because -- we could make the garage

07:21PM 10 wider to accommodate a turning --

07:21PM 11 MR. SIMOFF: Yeah, because the turning

07:21PM 12 template that you have takes up more than half the

07:21PM 13 garage.

07:21PM 14 THE WITNESS: So if we widen the

07:21PM 15 garage, I think we could enhance that turning and

07:21PM 16 maneuverability area.

07:21PM 17 MR. SIMOFF: But the parking space

07:22PM 18 outside in the back doesn't work.

07:22PM 19 THE WITNESS: So we have two, four,

07:22PM 20 six -- seven. And there's seven required by RSIS?

07:22PM 21 MR. SIMOFF: Yeah, it comes to 7.2,

07:22PM 22 which you can round down.

07:22PM 23 THE WITNESS: We could possibly

07:22PM 24 eliminate the spot.

07:22PM 25 MR. GIBLIN: So eliminate the spot in

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07:22PM 1 the back of the rear yard and it will still comply

07:22PM 2 with the parking and would give you additional room,

07:22PM 3 so to speak, in the garage spots themselves; is that

07:22PM 4 correct if we -- I'm sorry, Mr. Chairman, let me --

07:22PM 5 CHAIRMAN FERGUSON: No, that's okay.

07:22PM 6 MR. GIBLIN: Mr. Koestner, if the

07:22PM 7 applicant were to widen the size of the garages

07:22PM 8 themselves insomuch that it would eat up some of that

07:22PM 9 eighth parking space, I'll call it, towards the back

07:22PM 10 of the lot, is that a possibility to ease the current

07:22PM 11 turning-point radius, should there be two, full-size

07:22PM 12 cars?

07:22PM 13 THE WITNESS: That's a possibility or

07:22PM 14 an interior widening of the garage as well.

07:23PM 15 MR. GIBLIN: Or interior widening.

07:23PM 16 MR. SIMOFF: I was thinking about

07:23PM 17 interior.

07:23PM 18 MR. GIBLIN: Interior widening?

07:23PM 19 MR. SIMOFF: You could take it out of

07:23PM 20 the door, the entrance door.

07:23PM 21 But then the other thing is in my past

07:23PM 22 memo, we asked about how you get -- how you pick up

07:23PM 23 the trash and you have service vehicles, how do they

07:23PM 24 access the site?

07:23PM 25 MR. GIBLIN: So I couldn't hear you.

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07:23PM 1 Could you say that one more time?
 07:23PM 2 MR. SIMOFF: Trash.
 07:23PM 3 MR. GIBLIN: Trash.
 07:23PM 4 MR. SIMOFF: And service vehicle
 07:23PM 5 deliveries.
 07:23PM 6 MR. GIBLIN: Yeah, sure.
 07:23PM 7 THE WITNESS: I've been informed the
 07:23PM 8 trash would be carted to the street on collection
 07:23PM 9 day.
 07:23PM 10 CHAIRMAN FERGUSON: Who is going to
 07:23PM 11 cart it?
 07:23PM 12 THE WITNESS: The tenants or the owners
 07:23PM 13 of whatever this is.
 07:23PM 14 CHAIRMAN FERGUSON: So you're going to
 07:23PM 15 have the tenants from these three areas bring it to
 07:23PM 16 the curb and take it back?
 07:23PM 17 THE WITNESS: Yes, correct.
 07:23PM 18 CHAIRMAN FERGUSON: All right. Just a
 07:23PM 19 comment because I'm handicapped. You got the
 07:23PM 20 handicapped spot up in front, but if there's a
 07:24PM 21 handicapped person in Number 3, that's a long walk
 07:24PM 22 from the front to the back if you're handicapped.
 07:24PM 23 So I don't think you can, you know,
 07:24PM 24 it's just you have a handicap there, which is good,
 07:24PM 25 but I don't know how a handicapped person is going to

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07:25PM 1 MR. COLLAZUOL: I would defer to
 07:25PM 2 Mr. Kauker, but I believe a variance is required for
 07:25PM 3 building height as 25 is required and it's showing
 07:25PM 4 27.95.
 07:25PM 5 So I'll let him speak to that a little
 07:25PM 6 later on, because your planner probably will talk
 07:25PM 7 about that as well.
 07:25PM 8 THE WITNESS: We're showing 27.95 feet
 07:25PM 9 for the building height.
 07:25PM 10 MR. COLLAZUOL: Yeah, I think the
 07:25PM 11 requirement is 25, not 28, because this is a
 07:26PM 12 non-duplex.
 07:26PM 13 That's all I have for right now,
 07:26PM 14 Chairman.
 07:26PM 15 CHAIRMAN FERGUSON: Okay. Okay.
 07:26PM 16 Any other -- oh, before we go, is there
 07:26PM 17 anybody in the audience who would like to question
 07:26PM 18 this individual about testimony that he gave?
 07:26PM 19 (No Response.)
 07:26PM 20 CHAIRMAN FERGUSON: No.
 07:26PM 21 Okay. Call your next witness.
 07:26PM 22 MR. GIBLIN: Thank you.
 07:26PM 23 I'm going to call Hojoon, please, the
 07:26PM 24 applicant's architect.
 07:26PM 25 MS. TESTA: Okay. Please raise your

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07:24PM 1 get to the third building is my observation.
 07:24PM 2 THE WITNESS: Again, if you put it in
 07:24PM 3 the back, you have the same issue with the front.
 07:24PM 4 CHAIRMAN FERGUSON: Yeah, no, I get it,
 07:24PM 5 but I'm just pointing it out.
 07:24PM 6 THE WITNESS: Appreciate it.
 07:24PM 7 CHAIRMAN FERGUSON: Yeah.
 07:24PM 8 Any other board members have anything?
 07:24PM 9 (No Response.)
 07:24PM 10 CHAIRMAN FERGUSON: No?
 07:24PM 11 Okay. Steve, you have anything?
 07:24PM 12 MR. COLLAZUOL: Yeah, Mr. Chairman, we
 07:24PM 13 just received the plans on Friday, couldn't really
 07:24PM 14 look through them thoroughly, as I didn't have time.
 07:24PM 15 Some of our comments have been
 07:24PM 16 addressed from what I've seen in the brief period of
 07:25PM 17 time, but one of the main comments is that entrance
 07:25PM 18 driveway revised the apron and the sidewalk area up
 07:25PM 19 to about the right-of-way line.
 07:26PM 20 But from the right-of-way line in, it
 07:25PM 21 looks like you've got a steep incline to get to 103.
 07:25PM 22 So I think you have to have revisit that as one of
 07:25PM 23 the grading aspects of the driveway.
 07:25PM 24 THE WITNESS: The grading of the
 07:25PM 25 driveway from the entrance to the front?

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07:26PM 1 right hand.
 07:26PM 2 Do you swear the testimony you will
 07:26PM 3 provide in this application will be the truth, the
 07:26PM 4 whole truth and nothing but the truth?
 07:26PM 5 MR. HOJOON CHUNG: Yes, I do.
 07:26PM 6 H O J O O N C H U N G, RA
 07:50PM 7 21 Grand Avenue, 604B in Palisades Park, New
 07:50PM 8 Jersey, having been duly sworn, testifies as
 07:50PM 9 follows:
 07:50PM 10 MS. TESTA: Please state your name for
 07:50PM 11 the record.
 07:26PM 12 MR. HOJOON CHUNG: My name is Hojoon
 07:26PM 13 Chung. H-O-J-O-O-N, last name is C-H-U-N-G.
 07:27PM 14 CHAIRMAN FERGUSON: Okay. And he's
 07:27PM 15 been here before, so I'll accept him as an expert.
 07:27PM 16 MR. GIBLIN: Thank you, Mr. Chairman.
 07:27PM 17 DIRECT EXAMINATION
 07:27PM 18 BY MR. GIBLIN:
 07:27PM 19 Q. So you, likewise, were also here as
 07:27PM 20 part of the original application that was submitted
 07:27PM 21 to the board.
 07:27PM 22 Is that correct?
 07:27PM 23 A. Yes.
 07:27PM 24 Q. And is it -- you have now redesigned
 07:27PM 25 the application to a three-unit complex.

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07:27PM **1** Is that correct?

07:27PM **2** **A. Yes.**

07:27PM **3** **Q.** And could you tell the board, go into

07:27PM **4** the changes that occurred from the prior application

07:27PM **5** to now this amended application?

07:27PM **6** **A. Okay.**

07:27PM **7** **So as is shown on the plan, we changed**

07:27PM **8** **it from four units to three-unit residential. And as**

07:27PM **9** **shown in the area calculation, Unit A and C are**

07:27PM **10** **exactly the same size as shown on here.**

07:27PM **11** **Ground floor is 1418, first floor is**

07:27PM **12** **1529, and second floor is also 1529. And the rooftop**

07:28PM **13** **is 284, so 4700 --**

07:28PM **14** THE COURT REPORTER: Just one second.

07:28PM **15** You're competing with the audience, so could you just

16 speak a little bit louder?

17 And rooftop is 284, so 47 --

18 THE WITNESS:

19 Four-thousand-seven-hundred-fifty-eight square foot

20 floor.

07:28PM **21** And in the middle ground floor is 1416

07:28PM **22** and first floor is 1475.

07:28PM **23** Second floor is 1475 and rooftop is

07:28PM **24** 284.

07:28PM **25** So total became 4650 square foot.

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07:28PM **1** So as shown on this ground floor there

07:28PM **2** are two-car garage. We have 20-feet wide garage

07:28PM **3** inside, but if we need, we can extend the size for

07:29PM **4** the better parking circulation.

07:29PM **5** And as you going in, there is a stair

07:29PM **6** going up and then on the backside, there would be

07:29PM **7** powder room without the shower. And there would be a

07:29PM **8** parlor with a wet bar and entertainment room and

07:29PM **9** access to the rear sides of the house.

07:29PM **10** And first floor, as you coming up to

07:29PM **11** the first floor, essentially inside you have kitchen

07:29PM **12** and living room or dining area in the one space and

07:29PM **13** then there will be one powder room, one bathroom and

07:29PM **14** then a guest bedroom, a smaller bedroom area.

07:29PM **15** And as you're going up to the second

07:29PM **16** floor, there will be three bedrooms with a three

07:29PM **17** bedrooms space.

07:29PM **18** And as you coming up to the last floor,

07:30PM **19** which is rooftop unit, you're going to have a bump

07:30PM **20** out with a stair coming up. And then each door

07:30PM **21** you're going to have a minimum of --

07:30PM **22** THE COURT REPORTER: I'm sorry, you're

07:30PM **23** going to have a minimum?

07:30PM **24** CHAIRMAN FERGUSON: You're going to

07:30PM **25** have to speak up, my friend.

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07:30PM **1** THE WITNESS: Minimum intensity of the

07:30PM **2** light of the wall and there will be patio space and

07:30PM **3** then HVAC unit on the rear side.

07:30PM **4** So the last -- the elevation, this

07:30PM **5** Number 2 is the front entrance area. So you see the

07:30PM **6** garage doors, the entry, entrance doors and then two

07:30PM **7** floors above are the rooftop units.

07:30PM **8** And pretty much that's it for the

07:30PM **9** changes.

07:31PM **10** BY MR. GIBLIN:

07:31PM **11** **Q.** Okay. And can you address the height?

07:31PM **12** Where -- how tall is the building?

07:31PM **13** **A. Based on the average grade, you came up**

07:31PM **14** **27-feet-11-and-a-half inches.**

07:31PM **15** **Q.** Okay. And does that comply with the --

07:31PM **16** does that comply -- are we seeking a variance

07:31PM **17** for height?

07:31PM **18** **A. Yes.**

07:31PM **19** **Q.** Can you also -- there was a concern

07:31PM **20** raised, I just want to confirm there are no full

07:31PM **21** bathrooms on the bottom floor.

07:31PM **22** Is that correct?

07:31PM **23** **A. That's correct.**

07:31PM **24** **Q.** And there was also a previous concern

07:31PM **25** raised about the number of bedroom units. How many

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07:31PM **1** bedrooms are in each unit?

07:31PM **2** **A. Now we have four units -- four**

07:31PM **3** **bedrooms.**

07:31PM **4** **Q.** Four bedrooms in each unit.

07:31PM **5** MR. GIBLIN: Thank you.

07:31PM **6** That's all I have, Mr. Chairman.

07:31PM **7** CHAIRMAN FERGUSON: Okay.

07:31PM **8** So I'm sorry, I couldn't hear, what was

07:31PM **9** the height of the building? The height of the

07:31PM **10** building?

07:31PM **11** THE WITNESS: Yes,

07:32PM **12** 27-feet-11-and-a-half inches.

07:32PM **13** CHAIRMAN FERGUSON: Okay. So --

07:32PM **14** THE WITNESS: Less than 28 feet.

07:32PM **15** CHAIRMAN FERGUSON: Right, less than

07:32PM **16** 28. Let me -- behind the garages --

07:32PM **17** THE WITNESS: Yes.

07:32PM **18** CHAIRMAN FERGUSON: -- you have space,

07:32PM **19** I assume? I can't hear.

07:32PM **20** THE WITNESS: Yes.

07:32PM **21** CHAIRMAN FERGUSON: Now, you have a

07:32PM **22** powder room, I assume?

07:32PM **23** THE WITNESS: Yes.

07:32PM **24** CHAIRMAN FERGUSON: No bathtubs, no

07:32PM **25** showers?

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07:32PM 1 THE WITNESS: No bath, no shower.
 07:32PM 2 CHAIRMAN FERGUSON: If I was coming in
 07:32PM 3 into Unit C, right, how would I get to the second
 07:32PM 4 floor?
 07:32PM 5 THE WITNESS: From the entrance door as
 07:32PM 6 you're coming in, there is a stair going up on the
 07:32PM 7 left side.
 07:32PM 8 CHAIRMAN FERGUSON: Right. Unit C,
 07:32PM 9 same thing?
 07:32PM 10 THE WITNESS: Same thing.
 07:32PM 11 CHAIRMAN FERGUSON: Right.
 07:32PM 12 So the doors are all on the garage --
 07:32PM 13 THE WITNESS: Yes.
 07:32PM 14 CHAIRMAN FERGUSON: -- right?
 07:32PM 15 THE WITNESS: Yes.
 07:33PM 16 CHAIRMAN FERGUSON: All right.
 07:33PM 17 Any board members have anything?
 07:33PM 18 (No Response.)
 07:33PM 19 CHAIRMAN FERGUSON: Any experts have
 07:33PM 20 anything?
 07:33PM 21 MR. COLLAZUOL: We're just considering
 07:33PM 22 the bulkhead that they show on the roof, it appears
 07:33PM 23 there's access to the roof from the bulkhead and it's
 07:33PM 24 another 8-and-a-half foot in height, and I'm just
 07:33PM 25 checking to see if it's included, which it appears --

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07:33PM 1 I'm assuming that would be the 36.5-foot height from
 07:33PM 2 average grade, these are variance intensity
 07:33PM 3 conditions.
 07:33PM 4 THE WITNESS: Yes, if we include the
 07:33PM 5 top of the bulkhead then yes, it would be more than
 07:33PM 6 28 feet.
 07:33PM 7 MR. GIBLIN: I'm sorry, say that again.
 07:33PM 8 THE WITNESS: If we include the top of
 07:33PM 9 the bulkhead, it would be than 28 feet.
 07:33PM 10 MR. GIBLIN: So he's saying if it is
 07:33PM 11 above -- if we include the bulkhead, it will be above
 07:33PM 12 28 feet.
 07:33PM 13 MR. COLLAZUOL: Right.
 07:33PM 14 MR. KAUKER: The requirement in this
 07:33PM 15 zone is 25 feet, though, as compared to the -- it's a
 07:34PM 16 non-duplex, the one- and two-family, so you're
 07:34PM 17 required at least six variances, in any event.
 07:34PM 18 MR. GIBLIN: Because of the height?
 07:34PM 19 MR. KAUKER: Yeah, you're more than
 07:34PM 20 2-and-a-half, but I don't know if there's an
 07:34PM 21 exclusion for a bulkhead.
 07:34PM 22 Maybe if he could provide a little bit
 07:34PM 23 more detail on what the bulkhead -- it appears that
 07:34PM 24 they're lodged in there as well, but again --
 07:34PM 25 THE WITNESS: Yes, these are one-story

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07:34PM 1 units and then just open space with a stairs.
 07:34PM 2 CHAIRMAN FERGUSON: When you say a
 07:34PM 3 bulkhead, can a person -- can you put a person up in
 07:34PM 4 the bulkhead?
 07:34PM 5 THE WITNESS: Yeah, height is 7-feet
 07:34PM 6 high.
 07:34PM 7 CHAIRMAN FERGUSON: Right.
 07:34PM 8 So could you make another floor out of
 07:34PM 9 that bulkhead.
 07:34PM 10 THE WITNESS: More than 7 feet?
 07:34PM 11 CHAIRMAN FERGUSON: Well, small, but
 07:34PM 12 you could -- if you could find a small person, you
 07:34PM 13 could put him up there?
 07:35PM 14 MR. GIBLIN: How big is the area that's
 07:35PM 15 enclosed with the bulkhead?
 07:35PM 16 THE WITNESS: Yes, 9-feet-8-by-15-feet.
 07:35PM 17 MR. GIBLIN: Okay.
 07:35PM 18 And what's going to go in there?
 07:35PM 19 THE WITNESS: Technically, it's
 07:35PM 20 nothing, just the storage space and probably keep the
 07:35PM 21 tables for the outside.
 07:35PM 22 MR. GIBLIN: Okay.
 07:35PM 23 CHAIRMAN FERGUSON: Okay. But my
 07:35PM 24 counselor has pointed out that it's 10 feet, not
 07:35PM 25 8 feet.

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07:35PM 1 THE WITNESS: Okay. The height?
 07:35PM 2 MS. TESTA: No, the size.
 07:35PM 3 CHAIRMAN FERGUSON: The size.
 07:35PM 4 MS. TESTA: The size of the bulkhead,
 07:35PM 5 the roof, itself, is 10-by-13.8. And then the height
 07:35PM 6 is how much?
 07:35PM 7 THE WITNESS: Seven feet.
 07:35PM 8 MR. GIBLIN: Seven-feet high.
 07:35PM 9 MS. TESTA: Okay.
 07:35PM 10 CHAIRMAN FERGUSON: All right. Yes.
 07:35PM 11 MR. COLLAZUOL: Just to -- on Sheet A2
 07:35PM 12 it's showing 18-and-a-half feet length and 9-foot-9
 07:35PM 13 in width.
 07:35PM 14 And on A3, it's showing 8-and-a-half
 07:35PM 15 feet in height.
 07:35PM 16 CHAIRMAN FERGUSON: Okay. All right.
 07:36PM 17 Anybody else?
 07:36PM 18 (No Response.)
 07:36PM 19 CHAIRMAN FERGUSON: Anybody in the
 07:36PM 20 audience have anything?
 07:36PM 21 Yes, dear, name and address.
 07:36PM 22 MS. COMAS: Melanie Comas, 83 West
 07:36PM 23 Harwood Terrace.
 07:36PM 24 I couldn't hear anything. There's no
 07:36PM 25 microphone.

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07:36PM 1 So what is this project and where is
07:36PM 2 it?
07:36PM 3 MR. GIBLIN: It's at 19 West Homestead,
07:36PM 4 that's the street address.
07:36PM 5 MS. COMAS: Nineteen?
07:36PM 6 The other one, was it previous to this,
07:36PM 7 the other one.
07:36PM 8 MR. GIBLIN: I'm not sure what the
07:36PM 9 other one that you're referring --
07:36PM 10 MS. COMAS: The one that's standing up
07:36PM 11 against the wall, is that the --
07:36PM 12 MR. GIBLIN: Yes, same application.
07:36PM 13 MS. COMAS: The same one?
07:36PM 14 MR. GIBLIN: Correct.
07:36PM 15 MS. COMAS: All right, so that's a --
07:36PM 16 MR. GIBLIN: Three.
07:36PM 17 MS. COMAS: -- three-unit townhouse?
07:36PM 18 MR. GIBLIN: Townhouse, three
07:36PM 19 townhomes.
07:36PM 20 MS. COMAS: Okay. Thank you.
07:36PM 21 I couldn't hear. I thought it was
07:36PM 22 another --
07:36PM 23 CHAIRMAN FERGUSON: I see the Mayor
07:36PM 24 lurking in the back, maybe you could --
07:36PM 25 MAYOR KIM: I'm a public right now,

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07:36PM 1 sir.
07:36PM 2 CHAIRMAN FERGUSON: Okay.
07:36PM 3 MAYOR KIM: I'm a taxpayer.
07:36PM 4 CHAIRMAN FERGUSON: Okay, no problem.
07:36PM 5 So when you get back to being the official mayor --
07:36PM 6 MAYOR KIM: Yes, sir.
07:37PM 7 CHAIRMAN FERGUSON: -- if you could
07:37PM 8 arrange for a microphone down over here.
07:37PM 9 MAYOR KIM: We just noticed in our
07:37PM 10 workshop that the microphone is missing over there.
07:37PM 11 A couple of microphones are missing, I already talked
07:37PM 12 to the city manager to replace them.
07:37PM 13 CHAIRMAN FERGUSON: So you will do
07:37PM 14 that?
07:37PM 15 MAYOR KIM: If you want a mike over
07:37PM 16 there in front --
07:37PM 17 CHAIRMAN FERGUSON: Yeah, over here.
07:37PM 18 MAYOR KIM: -- you got it. We'll work
07:37PM 19 on that.
07:37PM 20 CHAIRMAN FERGUSON: I appreciate that.
07:37PM 21 MAYOR KIM: Thank you.
07:37PM 22 Yeah, but that mike has disappeared, so
07:37PM 23 we're going find out where that went. We don't have
07:37PM 24 security cameras right now, so.
07:37PM 25 CHAIRMAN FERGUSON: Okay. Next

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07:37PM 1 witness.
07:37PM 2 MR. GIBLIN: Mr. David Spatz, who's a
07:37PM 3 professional planner.
07:37PM 4 MS. TESTA: Please raise your right
07:37PM 5 hand.
07:37PM 6 Do you swear the testimony you will
07:37PM 7 give in this application will be the truth, the whole
07:37PM 8 truth, and nothing but the truth?
07:37PM 9 MR. SPATZ: Yes, I do.
07:37PM 10 D A V I D S P A T Z, PP, AICP
07:37PM 11 60 Friend Terrace, Harrington Park, New Jersey,
07:37PM 12 having been duly sworn, testifies as follows:
07:37PM 13 MS. TESTA: State your name for the
07:37PM 14 record, please.
07:37PM 15 MR. SPATZ: David Spatz, S-P-A-T-Z. My
07:37PM 16 business address is 60 Friend Terrace in Harrington
07:37PM 17 Park.
07:37PM 18 CHAIRMAN FERGUSON: Mr. Spatz has been
07:38PM 19 here many times, more times than me probably, so we
07:38PM 20 accept him as an expert.
07:38PM 21 MR. SPATZ: Thank you.
07:38PM 22 MR. GIBLIN: Thank you, Mr. Chairman.
07:38PM 23 DIRECT EXAMINATION
07:38PM 24 BY MR. GIBLIN:
07:38PM 25 Q. Mr. Spatz, you were involved and gave

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07:38PM 1 or issued a report with respect to the previous
07:38PM 2 application when it was a four-unit application.
07:38PM 3 Is that correct?
07:38PM 4 A. Yes, I provided testimony at the
07:38PM 5 previous hearing on these four units.
07:38PM 6 I provided a photo exhibit at that time
07:38PM 7 and the testimony in support of the variances that we
07:38PM 8 were seeking.
07:38PM 9 Q. Can you now discuss if there have been
07:38PM 10 any changes to your conclusions, given that the size
07:38PM 11 of the project and the number of units has been
07:38PM 12 reduced?
07:38PM 13 A. Certainly.
07:38PM 14 You know, as we know, we took one unit
07:38PM 15 off, reduced the size of the building, so now I have
07:38PM 16 three units.
07:38PM 17 As I noted the last meeting, the
07:38PM 18 property currently contains three units, so there's
07:38PM 19 no increase in the number of units on the property.
07:38PM 20 The density is not increasing.
07:38PM 21 We do have an oversized lot. We're
07:38PM 22 nearly 10,000 square foot in size were 5,000 is
07:38PM 23 required.
07:38PM 24 So our lot area per unit where your
07:38PM 25 ordinance would require 2500 square feet per unit,

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07:39PM 1 we're at 3200-square-feet per unit.

07:39PM 2 So the three units certainly fits on

07:39PM 3 the property. There's no increase in density. And

07:39PM 4 in terms of the lot area per unit, we are more than

07:39PM 5 conforming, equal to the other properties around us.

07:39PM 6 I'll note that just a little bit down

07:39PM 7 the block to the west of us there is an eight-unit

07:39PM 8 building on a little bit bigger site, their lot area

07:39PM 9 per unit is about 1500 square feet.

07:39PM 10 So we're more than twice the lot area

07:39PM 11 per unit or half the density of that development.

07:39PM 12 So I think that certainly we can

07:39PM 13 support the use variance, the neighborhood contains a

07:39PM 14 number of two families, there's that eight-unit that

07:39PM 15 I indicated. Just to the east of our property we're

07:39PM 16 into the commercial zone.

07:39PM 17 Directly behind us is a five-story,

07:39PM 18 multifamily building that fronts on Henry.

07:39PM 19 There are other multifamily buildings

07:39PM 20 directly behind us on the southern side of Henry

07:40PM 21 Street.

07:40PM 22 So in terms of the use, it certainly, I

07:40PM 23 think, fits in with the neighborhood and certainly

07:40PM 24 the property can support that.

07:40PM 25 The other D variance that was discussed

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07:40PM 1 this evening is in terms of height and that's because

07:40PM 2 your duplex ordinance only allows 25 feet in height

07:40PM 3 and we are slightly above that, although it doesn't

07:40PM 4 become a D variance.

07:40PM 5 Again, I think the height is consistent

07:40PM 6 with the neighborhood. Directly behind us is a

07:40PM 7 five-story building, so we're significantly smaller

07:40PM 8 than that.

07:40PM 9 The other older buildings are similar

07:40PM 10 in height to us. All of the new two-family buildings

07:40PM 11 that have been developed, particularly those that are

07:40PM 12 directly across the street all exceed 30 feet in

07:40PM 13 height.

07:40PM 14 In terms of the height, we are

07:40PM 15 consistent with the neighborhood even though we do

07:40PM 16 need that variance.

07:40PM 17 In terms of the C variances, we've

07:40PM 18 eliminated the front yard variance by reducing the

07:41PM 19 building size by getting rid of one unit, so we now

07:41PM 20 have a conforming front yard that provides a

07:41PM 21 consistent streetscape.

07:41PM 22 The rear yard although we need a

07:41PM 23 variance, has been increased. Prior to this, we were

07:41PM 24 a 12-foot rear yard. We now have a 16-foot rear

07:41PM 25 yard. So that has increased the separation, that

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07:41PM 1 separation is from the rear yard of the multifamily

07:41PM 2 building directly behind us.

07:41PM 3 In terms of the side yard, in order to

07:41PM 4 get a wider driveway to help improve access to the

07:41PM 5 garages, we're a little bit closer to the property to

07:41PM 6 the east than we were before, but we still need a

07:41PM 7 variance for that.

07:41PM 8 And then the last C variance is for lot

07:41PM 9 coverage, 40 percent is permitted. Our prior

07:41PM 10 application was at 60 percent. We are now at

07:41PM 11 45.96 percent, so we do need -- still need a

07:41PM 12 variance, but we are significantly less coverage than

07:41PM 13 what was originally provided and I think that the

07:42PM 14 C variances can be justified as well.

07:42PM 15 In terms of the negative criteria, I

07:42PM 16 don't think what we're proposing is substantially

07:42PM 17 negative, it certainly is a significant improvement

07:42PM 18 over the prior submission. The density is now

07:42PM 19 similar to what is on the property, significantly

07:42PM 20 less density than what is permitted within the zone.

07:42PM 21 The setbacks are only slightly off what is permitted.

07:42PM 22 The front is conforming, the rear yard is improved

07:42PM 23 over the prior submission.

07:42PM 24 So on balance, I think that the changes

07:42PM 25 that were made to the application make it a superior

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07:42PM 1 application to what was previously submitted. I

07:42PM 2 think the positive criteria is met and far outweighs

07:42PM 3 anything that could be considered negative and I

07:42PM 4 believe both the D and C variances can be approved.

07:42PM 5 CHAIRMAN FERGUSON: Okay.

07:42PM 6 Just so I'm sure you know, all

07:43PM 7 applications stand on its own.

07:43PM 8 So in other words, what's down the

07:43PM 9 street, across the street, like, this is the one

07:43PM 10 we're --

07:43PM 11 THE WITNESS: Correct.

07:43PM 12 I'm not suggesting that you need to

07:43PM 13 approve this because there are other ones, but just

07:43PM 14 that we are consistent with the neighborhood.

07:43PM 15 CHAIRMAN FERGUSON: Okay.

07:43PM 16 THE WITNESS: And in terms of density,

07:43PM 17 we are consistent with the neighborhood, but, yes,

07:43PM 18 there's no -- they're all looked at on their own

07:43PM 19 merits based on the particular piece of property,

07:43PM 20 absolutely.

07:43PM 21 CHAIRMAN FERGUSON: I appreciate that.

07:43PM 22 Any board members have anything?

07:43PM 23 (No Response.)

07:43PM 24 CHAIRMAN FERGUSON: Mr. Kauker?

07:43PM 25 MR. KAUKER: Yeah, a couple questions.

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07:43PM 1 It looks like Mr. Spatz had gone over all the
 07:43PM 2 required variances.
 07:43PM 3 I do concur with the C variances that
 07:43PM 4 are required. The D-1 use variance is required as
 07:43PM 5 well. The D-6 height obviously is required.
 07:43PM 6 I do check the ordinance and confirmed
 07:43PM 7 there is no exclusion for those -- I believe they
 07:43PM 8 call them bulkheads, but I don't know if they're
 07:43PM 9 really bulkheads or not, so those would be included
 07:43PM 10 in the height requirement.
 07:43PM 11 CHAIRMAN FERGUSON: Correct.
 07:43PM 12 MR. KAUKER: Okay. So it's another
 07:43PM 13 8 feet, so what does that make it 8-and-a-half feet
 07:43PM 14 above the 27.97, so about 35 feet or something like
 07:44PM 15 that.
 07:44PM 16 So Steve just confirmed that it's 36.5.
 07:44PM 17 And I don't know the amount of area
 07:44PM 18 that those occupy on the top of the building, but it
 07:44PM 19 seems it might not be half, but it might be close to
 07:44PM 20 it in terms of the percentage.
 07:44PM 21 The one question I had -- I actually
 07:44PM 22 had two questions, but with respect to the length of
 07:44PM 23 the building, I believe it's 99 feet in length from
 07:44PM 24 the front to the back; is that correct?
 07:44PM 25 MR. GIBLIN: Correct.

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07:44PM 1 THE WITNESS: I'll have to double check
 07:44PM 2 that. Yes.
 07:44PM 3 MR. KAUKER: Okay. So in your opinion,
 07:44PM 4 is that consistent with the other buildings in the
 07:44PM 5 neighborhood in terms of length? Because most of the
 07:44PM 6 street I think is comprised of primarily one- and
 07:44PM 7 two-family homes.
 07:44PM 8 THE WITNESS: Correct, it's -- it is
 07:44PM 9 deeper than the two-family homes, the one- and
 07:44PM 10 two-family homes, it's consistent with the size of
 07:44PM 11 the eight-unit multifamily building that's to the
 07:44PM 12 rear of us, certainly consistent with the commercial
 07:45PM 13 building because of the -- the property is deeper
 07:45PM 14 rather than wider, so it made sense to put the three
 07:45PM 15 units in -- vertical to the street than what we have.
 07:45PM 16 So the building, itself, is wider in
 07:45PM 17 terms of going deep into the property. In terms of
 07:45PM 18 the three units if it were turned on its side, it
 07:45PM 19 would be the same. So it's not the number of units
 07:45PM 20 that creates that.
 07:45PM 21 And we do have a conforming front yard.
 07:45PM 22 We thought it was important to have a consistent
 07:45PM 23 streetscape on West Homestead.
 07:45PM 24 MR. KAUKER: So in terms of the impact,
 07:45PM 25 and I think I've talked about this before with the

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07:45PM 1 board, obviously the length of the building you need
 07:45PM 2 to take that into consideration in terms of its
 07:45PM 3 impact on the adjoining property, given the fact that
 07:45PM 4 it's only 3-and-a-half feet and it is 99 feet, as
 07:45PM 5 compared to, let's say, a two-family home, that might
 07:45PM 6 be a lot less.
 07:45PM 7 CHAIRMAN FERGUSON: Correct.
 07:45PM 8 MR. KAUKER: Then you talked about the
 07:45PM 9 other -- I think you mentioned before that there were
 07:46PM 10 other three-family homes on the street?
 07:46PM 11 THE WITNESS: There are.
 07:46PM 12 It's primarily two families. Several
 07:46PM 13 lots to the west of us, there is on a very similar
 07:46PM 14 design with the building turned vertical to the
 07:46PM 15 street, there's an eight-unit building on a
 07:46PM 16 12,000-square-foot site and that is greater density
 07:46PM 17 than what we have, but the block is primarily two
 07:46PM 18 families. The newer ones are two family, some of the
 07:46PM 19 older ones are still single families, yes.
 07:46PM 20 MR. KAUKER: Okay. And that's on West
 07:46PM 21 Homestead?
 07:46PM 22 THE WITNESS: It is on West Homestead
 07:46PM 23 it's about five lots to the west is a multifamily
 07:46PM 24 building.
 07:46PM 25 MR. KAUKER: Okay.

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07:46PM 1 THE WITNESS: It's, like, a slightly
 07:46PM 2 over a 12,000-square-foot lot. It might be just
 07:46PM 3 outside of the 200-foot radius, yes, that's possible.
 07:46PM 4 MR. KAUKER: Okay. All right. I have
 07:46PM 5 no other questions.
 07:46PM 6 CHAIRMAN FERGUSON: Okay. Anybody in
 07:46PM 7 the audience have any questions?
 07:46PM 8 Yes, Mayor.
 07:46PM 9 MAYOR KIM: I think you guys made a
 07:46PM 10 very good judgment about the access with the
 07:47PM 11 handicaps and the trash can.
 07:47PM 12 I really appreciate you guys diligently
 07:47PM 13 and carefully working on this development. So I
 07:47PM 14 appreciate your service.
 07:47PM 15 Thank you.
 07:47PM 16 CHAIRMAN FERGUSON: Okay. You want to
 07:47PM 17 sum up, my friend?
 07:47PM 18 MR. GIBLIN: Sure.
 07:47PM 19 So thank you all very much. I think
 07:47PM 20 that the applicant has demonstrated that he certainly
 07:47PM 21 has heard all of the concerns that have previously
 07:47PM 22 been raised by the board and the current application
 07:47PM 23 is a much less intense use than that which was
 07:47PM 24 previously submitted.
 07:47PM 25 And, Mr. Chairman, as you said, each

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07:47PM **1** application is to be kind of judged on their own
 07:47PM **2** merits. And I think what makes this one
 07:47PM **3** distinguishable besides what the planner Mr. Spatz
 07:47PM **4** said is that, and I could have the owner testify to
 07:47PM **5** this, there's actually three families living there
 07:47PM **6** now and as of 2007, there have been three meters
 07:47PM **7** installed by PSE&G.
 07:47PM **8** So it seemed like the intent as of
 07:47PM **9** 2007, was for this to be a three family, which is how
 07:48PM **10** it currently exists.
 07:48PM **11** And given the size of the lot, it's an
 07:48PM **12** oversized lot compared to those around it, which
 07:48PM **13** makes it susceptible to and what we would hope is the
 07:48PM **14** board allowing or approving both the use variance and
 07:48PM **15** the two C variances for the lot coverage and the rear
 07:48PM **16** yard setback.
 07:48PM **17** CHAIRMAN FERGUSON: Okay.
 07:48PM **18** Does anybody have -- out here have any
 07:48PM **19** questions about anything about this application?
 07:48PM **20** (No Response.)
 07:48PM **21** CHAIRMAN FERGUSON: No?
 07:48PM **22** Okay. So I'm going to make a motion
 07:48PM **23** that we deny the application as submitted.
 07:48PM **24** Can I get a second?
 07:48PM **25** MR. BROGNA: Second.

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07:49PM **1** CHAIRMAN FERGUSON: Yes.
 07:49PM **2** MS. REBEKAH KIM: Mr. Brogna?
 07:49PM **3** MR. BROGNA: Abstain.
 07:49PM **4** MS. REBEKAH KIM: Mr. Grala?
 07:49PM **5** MR. GRALA: Yes.
 07:49PM **6** MS. REBEKAH KIM: Mr. Kim?
 07:49PM **7** MR. KIM: Yes.
 07:49PM **8** MS. REBEKAH KIM: Mr. Terranova?
 07:49PM **9** MR. TERRANOVA: Yes.
 07:49PM **10** MS. REBEKAH KIM: Mr. Chung?
 07:49PM **11** MR. CHUNG: Yes.
 07:49PM **12** MS. REBEKAH KIM: Mrs. Yoon?
 07:49PM **13** MS. YOON: Yes.
 07:49PM **14** CHAIRMAN FERGUSON: Okay. I'll
 07:49PM **15** entertain a motion to adjourn.
 07:49PM **16** MS. MARTTINI: No, I want to talk yet,
 07:49PM **17** not about that.
 07:49PM **18** CHAIRMAN FERGUSON: No? What do you
 07:49PM **19** want to talk about?
 07:49PM **20** MS. MARTTINI: They told me to come
 07:49PM **21** here. I want to talk about my house up on Bergen
 07:50PM **22** Boulevard.
 07:50PM **23** MS. TESTA: No.
 07:50PM **24** CHAIRMAN FERGUSON: No.
 07:50PM **25** MS. MARTTINI: What?

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07:48PM **1** CHAIRMAN FERGUSON: Roll call?
 07:48PM **2** MS. REBEKAH KIM: Mr. Ferguson?
 07:48PM **3** CHAIRMAN FERGUSON: Yes for the denial.
 07:48PM **4** MS. REBEKAH KIM: Mr. Brogna?
 07:48PM **5** MR. BROGNA: Yes.
 07:48PM **6** MS. REBEKAH KIM: Mr. Grala?
 07:48PM **7** MR. GRALA: Yes.
 07:48PM **8** MS. REBEKAH KIM: Mr. Kim?
 07:48PM **9** MR. KIM: Yes.
 07:48PM **10** MS. REBEKAH KIM: Mr. Terranova?
 07:48PM **11** MR. TERRANOVA: Yes.
 07:48PM **12** MS. REBEKAH KIM: Mr. Chung?
 07:48PM **13** MR. CHUNG: Yes.
 07:49PM **14** MS. REBEKAH KIM: Mrs. Yoon?
 07:49PM **15** MS. YOON: Yes.
 07:49PM **16** CHAIRMAN FERGUSON: Okay.
 07:49PM **17** Thank you.
 07:49PM **18** One thing that we didn't do, though,
 07:49PM **19** tonight, gang, is we didn't move -- we didn't approve
 07:49PM **20** the minutes of the previous meeting, so if we could
 07:49PM **21** get a motion to do that.
 07:49PM **22** MR. GRALA: I'll make a motion.
 07:49PM **23** MR. KIM: Second.
 07:49PM **24** CHAIRMAN FERGUSON: Roll call?
 07:49PM **25** MS. REBEKAH KIM: Mr. Ferguson?

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07:50PM **1** CHAIRMAN FERGUSON: No.
 07:50PM **2** MS. MARTTINI: I can't say anything?
 07:50PM **3** CHAIRMAN FERGUSON: No.
 07:50PM **4** MS. MARTTINI: Why?
 07:50PM **5** MS. TESTA: Because that's not on the
 07:50PM **6** agenda. This board is not here -- that's not on the
 07:50PM **7** agenda.
 07:50PM **8** MS. MARTTINI: The Mayor and Council
 07:50PM **9** told me, they told me to come here if I have any
 07:50PM **10** complaints. I have complaints and I --
 07:50PM **11** MS. TESTA: Right.
 07:50PM **12** But, again, this is not a board that
 07:50PM **13** would listen -- that hears complaints.
 07:50PM **14** We hear applications, so --
 07:50PM **15** MS. MARTTINI: But that's not what he
 07:50PM **16** told me.
 07:50PM **17** Didn't you tell me to come here? Now
 07:50PM **18** they don't want to answer no questions.
 07:50PM **19** MAYOR KIM: You could always ask. This
 07:50PM **20** is the venue.
 07:50PM **21** MS. MARTTINI: What?
 07:50PM **22** MAYOR KIM: The samaritan here,
 07:50PM **23** taxpayer, was complaining at the Mayor and Council
 07:50PM **24** meeting at the wrong venue.
 07:50PM **25** I had directed her to talk at the

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07:50PM 1 zoning board, it is a past case that's passed. She's
 07:50PM 2 talking about the Bergen Boulevard.
 07:50PM 3 MS. TESTA: Right, but this board
 07:50PM 4 doesn't have jurisdiction. Once it's been approved
 07:50PM 5 unless there's an issue, then the building department
 07:50PM 6 would get involved and send it back to us if they're
 07:50PM 7 making any changes, but --
 07:51PM 8 MS. MARTTINI: There's issues.
 07:51PM 9 MAYOR KIM: Right, absolutely,
 07:51PM 10 absolutely. I think she was in the wrong venue. I
 07:51PM 11 told her to come to the right venue. This is the
 07:51PM 12 right venue and it is -- it's been approved and she
 07:51PM 13 could always ask hey, how did you approve that or
 07:51PM 14 whatever.
 07:51PM 15 MS. TESTA: No, because again, that
 07:51PM 16 might have been a different board and it really --
 07:51PM 17 this board is not -- once a case --
 07:51PM 18 MAYOR KIM: Wait, I thought it was
 07:51PM 19 approved by the zoning board.
 07:51PM 20 MS. MARTTINI: It was approved here.
 07:51PM 21 MS. TESTA: It was approved, I don't
 07:51PM 22 know how many years ago, it's different members.
 07:51PM 23 MS. MARTTINI: Two years.
 07:51PM 24 MAYOR KIM: That's fine. She's here
 07:51PM 25 not to argue, but ask questions. It's up to the
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07:52PM 1 rectify it, absolutely, but I think she's here --
 07:52PM 2 MS. TESTA: Correct, and the building
 07:52PM 3 department could stop it and the applicant would then
 07:52PM 4 have to come back and notice everybody if they're
 07:52PM 5 making changes.
 07:52PM 6 MAYOR KIM: Absolutely, but I don't
 07:52PM 7 think she's here for the changes. If I could speak
 07:52PM 8 on her behalf, when she came to us, how could you let
 07:52PM 9 such a big building apartment come in at a one-family
 07:52PM 10 unit? How was --
 07:52PM 11 MS. TESTA: Again, it's putting this
 07:52PM 12 board, you know --
 07:52PM 13 MAYOR KIM: So I said you're in the
 07:52PM 14 wrong venue, please go to the zoning board, that's
 07:52PM 15 all I could do, that's all.
 16 MS. TESTA: Okay.
 17 THE COURT REPORTER: Ma'am, can I have
 18 your name, please?
 19 MS. MARTTINI: Loretta Martini.
 20 THE COURT REPORTER: Martini like the
 21 drink?
 07:52PM 22 MS. MARTTINI: M-A-R-T-T-I-N-I.
 07:52PM 23 THE COURT REPORTER: Thank you.
 07:52PM 24 CHAIRMAN FERGUSON: Okay. I make a
 07:52PM 25 motion to adjourn.
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07:51PM 1 board --
 07:51PM 2 MS. TESTA: But again, we don't have
 07:51PM 3 that information because a lot of board members may
 07:51PM 4 not have been here.
 07:51PM 5 MS. MARTTINI: You have to go check now
 07:51PM 6 what they're doing. It's not up yet.
 07:51PM 7 MS. TESTA: But that's something --
 07:51PM 8 once the construction takes, the building department
 07:51PM 9 needs to step in.
 07:51PM 10 And if they're not complying with what
 07:51PM 11 was in the resolution, then the building department
 07:51PM 12 needs to stop the project and if necessary, then the
 07:51PM 13 application would have to come back here before the
 07:51PM 14 board if they want to make any changes.
 07:51PM 15 MAYOR KIM: I think -- I think the --
 07:51PM 16 MS. TESTA: But it's the building
 07:51PM 17 department that has to --
 07:51PM 18 MAYOR KIM: Understood.
 07:51PM 19 MS. TESTA: -- that basically does the
 07:51PM 20 inspections to make sure that the terms in the
 07:51PM 21 resolution are carried out.
 07:51PM 22 MAYOR KIM: That is the proper
 07:52PM 23 procedure.
 07:52PM 24 During construction if there's an
 07:52PM 25 issue, the building department should come and
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07:52PM 1 MR. BROGNA: I second.
 07:52PM 2 CHAIRMAN FERGUSON: All in favor?
 07:52PM 3 (Whereupon, all present members respond
 07:52PM 4 in the affirmative.)
 07:52PM 5 (Whereupon, this meeting is concluded.
 07:52PM 6 Time noted: 7:53 p.m.)
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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: 4/01/24

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