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BOROUGH OF PALISADES PARK
ZONING BOARD OF ADJUSTMENT
MONDAY, APRIL 15, 2024
7:01 p.m.

Case No. 23-06)
Chris Kim)
19 W. Homestead Avenue)
Block: 601, Lot: 23.01)
Case No. 20-11)
Dong Nam NJ, LLC)
550 Bergen Boulevard)
Block: 416; Lot: 3)
Case No. 23-17)
Young Jo & Kwangmi Jin)
72 Brinkerhoff Terrace)
Block: 201; Lot: 9)
Case No. 23-15)
DRC Development Corp)
35, 37 & 39 Columbia Avenue)
Block 617, Lots 21-23)

TRANSCRIPT OF
PROCEEDING

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
DAVID TERRANOVA, MEMBER
JOHN GRALA, MEMBER
STEVEN BROGNA, MEMBER
BRIAN KIM, MEMBER
CHARLIE CHUNG, ALTERNATE MEMBER 1
SEONG HYE YOON, ALTERNATE MEMBER 3

LAURA A. CARUCCI, C.S.R., R.P.R., L.L.C.
CERTIFIED COURT REPORTERS
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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 CARMINE ALAMPI, ESQUIRE
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9 Counsel for Applicant, Dong Nam NJ, LLC, and Young Jo
& Kwangmi Jin

9 MARK SOKOLICH, ESQUIRE
10 1223 Anderson Avenue
11 Fort Lee, New Jersey 07024
12 (201) 224-4000
13 Counsel for Applicant, DRC Development Corp

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

15 REBEKAH KIM, BOARD SECRETARY

16 STEVE COLLAZUOL, P.E., BOARD ENGINEER

17 MICHAEL KAUKER, P.P., BOARD PLANNER

18 HAL SIMOFF, BOARD TRAFFIC ENGINEER

19

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21

22

23

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25

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1 CHAIRMAN FERGUSON: I'd like to call
 2 the meeting to order.
 3 In accordance with the Open Public
 4 Meeting Act, notice of this meeting has been posted
 5 on the borough bulletin board. Notice has also been
 6 provided to at least two of the official Borough
 7 newspapers and filed with the Clerk's office.
 8 Okay. We'll take a roll call and then
 9 we'll do --
 10 MS. TESTA: Pledge of Allegiance.
 11 CHAIRMAN FERGUSON: Okay. We're going
 12 to stand for the Pledge of Allegiance.
 13 (Whereupon, all rise for a recitation
 14 of the Pledge of Allegiance.)
 15 CHAIRMAN FERGUSON: All right. Roll
 16 call.
 17 MS. R. KIM: Mr. Ferguson?
 18 CHAIRMAN FERGUSON: I'm here.
 19 MS. R. KIM: Mr. Albanese?
 20 (No Response.)
 21 MS. R. KIM: Mr. Brogna?
 22 MR. BROGNA: Here.
 23 MS. R. KIM: Mr. Elefteriou?
 24 MR. ELEFTERIOU: Here.
 25 MS. R. KIM: Mr. Grala?

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1 MR. GRALA: Yes.
 2 MS. R. KIM: Mr. Kim?
 3 MR. KIM: Yes.
 4 MS. R. KIM: Mr. Terranova?
 5 MR. TERRANOVA: Yes.
 6 MS. R. KIM: Mr. Chung?
 7 MR. CHUNG: Yes.
 8 MS. R. KIM: Mrs. Yoon?
 9 MS. YOON: Yes.
 10 CHAIRMAN FERGUSON: Okay. Next we're
 11 going to pay a few bills and they are \$1320.00 for
 12 the Borough Attorney and \$312.00 for The Record,
 13 \$312.82 for The Record. Can I get a motion?
 14 MR. BROGNA: I'll make a motion.
 15 MR. GRALA: I'll second.
 16 CHAIRMAN FERGUSON: Okay. Roll call.
 17 MS. R. KIM: Mr. Ferguson?
 18 CHAIRMAN FERGUSON: Yes.
 19 MS. R. KIM: Mr. Brogna?
 20 MR. BROGNA: Yes.
 21 MS. R. KIM: Mr. Elefteriou?
 22 MR. ELEFTERIOU: Yes.
 23 MS. R. KIM: Mr. Grala?
 24 MR. GRALA: Yes.
 25 MS. R. KIM: Mr. Kim?

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1 MR. GRALA: Here.
 2 MS. R. KIM: Mr. Kim?
 3 MR. KIM: Here.
 4 MS. R. KIM: Mr. Terranova?
 5 MR. TERRANOVA: Here.
 6 MS. R. KIM: Mr. Chung?
 7 MR. CHUNG: Here.
 8 MS. R. KIM: Mrs. Yoon?
 9 MS. YOON: Here.
 10 CHAIRMAN FERGUSON: Okay.
 11 First off, we all received a copy of
 12 the minutes or had an opportunity to review the
 13 minutes, can I get a motion to accept the minutes as
 14 submitted.
 15 MR. GRALA: I'll make a motion.
 16 CHAIRMAN FERGUSON: Can I get a second?
 17 MR. BROGNA: Second.
 18 CHAIRMAN FERGUSON: Roll call.
 19 MS. R. KIM: Mr. Ferguson?
 20 CHAIRMAN FERGUSON: Yes.
 21 MS. R. KIM: Mr. Brogna?
 22 MR. BROGNA: Yes.
 23 MS. R. KIM: Mr. Elefteriou?
 24 MR. ELEFTERIOU: I recuse myself.
 25 MS. R. KIM: Mr. Grala?

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1 MR. KIM: Yes.
 2 MS. R. KIM: Mr. Terranova?
 3 MR. TERRANOVA: Yes.
 4 MS. R. KIM: Mr. Chung?
 5 MR. CHUNG: Yes.
 6 MS. R. KIM: Mrs. Yoon?
 7 MS. YOON: Yes.
 8 CHAIRMAN FERGUSON: Okay. First case
 9 tonight is a memorialization, Case No. 23-06, Chris
 10 Kim, 19 West Homestead.
 11 I'll make a motion that we memorialize
 12 it.
 13 Can I get a second?
 14 MR. BROGNA: Second.
 15 CHAIRMAN FERGUSON: Okay. This was for
 16 a denial, so...
 17 MS. TESTA: Right.
 18 This was the application for a
 19 three-family in a two-family zone.
 20 CHAIRMAN FERGUSON: Right.
 21 Roll call.
 22 MS. R. KIM: Mr. Ferguson?
 23 CHAIRMAN FERGUSON: Yes.
 24 MS. R. KIM: Mr. Brogna?
 25 MR. BROGNA: Yes.

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1 MS. R. KIM: Mr. Elefteriou?
 2 MR. ELEFTERIOU: I recused myself.
 3 MS. R. KIM: Mr. Grala?
 4 MR. GRALA: Yes.
 5 MS. R. KIM: Mr. Kim?
 6 MR. KIM: Yes.
 7 MS. R. KIM: Mr. Terranova?
 8 MR. TERRANOVA: Yes.
 9 MS. R. KIM: Mr. Chung?
 10 MR. CHUNG: Yes.
 11 MS. R. KIM: Mrs. Yoon?
 12 MS. YOON: Yes.
 13 CHAIRMAN FERGUSON: Okay.
 14 So tonight I'm going to move it around
 15 a little bit, because we are going to move to 20-11,
 16 which is Dong Nam, LLC, 550 Bergen Boulevard, and
 17 this an extension of the approval that has been
 18 already been approved by the board.
 19 Counsel, do you want to put your
 20 appearance?
 21 MR. ALAMPI: Yes, Chairman. Thank you.
 22 It's Carmine Alampi. We're here for an
 23 extension once again.
 24 We have had the approval. It's been
 25 extended. And we just can't seem to get on the
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1 agenda of the governing body to deal with the
 2 improvements to openings that lead into the building.
 3 I've been trying for a year to get on
 4 the agenda.
 5 So before our approvals expire, I'm
 6 here tonight to get, yet again, a one-year extension.
 7 The statute does provide for it.
 8 CHAIRMAN FERGUSON: Okay. So you're
 9 looking for a one-year extension then?
 10 MR. ALAMPI: Yes.
 11 CHAIRMAN FERGUSON: This will be your
 12 second?
 13 MR. ALAMPI: This is actually our third
 14 extension. This has been two years I can't get going
 15 on the Council.
 16 CHAIRMAN FERGUSON: So aren't you --
 17 MR. ALAMPI: You're allowed three.
 18 CHAIRMAN FERGUSON: Yeah, I know, but
 19 what happens at the fourth one?
 20 MR. ALAMPI: Well, we may have
 21 litigation. I don't want to go that route.
 22 Not against the board, but --
 23 CHAIRMAN FERGUSON: No, against --
 24 MR. ALAMPI: -- against the governing
 25 body.
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1 CHAIRMAN FERGUSON: No, I understand.
 2 MR. ALAMPI: So we're not able to get
 3 onto the agenda and make a presentation. Although
 4 Mr. Collazuol already reviewed the plans on behalf of
 5 the governing body, we paid the \$5,000.00 escrow fee,
 6 he's reviewed the -- our engineer's work, has no
 7 issues with it, but still it's up to the governing
 8 body.
 9 CHAIRMAN FERGUSON: Yeah.
 10 Is there a --
 11 MS. TESTA: I guess if you don't get --
 12 you don't get before the board -- I mean, before the
 13 governing body in a month or two, we can write
 14 something.
 15 MR. ALAMPI: We'll deal with the
 16 extension, but Diane, I would appreciate it if you
 17 would -- maybe you want to correspond with the
 18 governing body.
 19 I've corresponded. You might say that
 20 the applicant's returned here, their approvals are
 21 still viable, but the governing body should address
 22 this.
 23 MS. TESTA: Yes, I can do that.
 24 CHAIRMAN FERGUSON: Okay. So I'll make
 25 a motion to approve the extension of the approval for
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1 one year.
 2 MR. ELEFTERIOU: I'll second.
 3 CHAIRMAN FERGUSON: Okay. Roll call.
 4 MS. R. KIM: Mr. Ferguson?
 5 CHAIRMAN FERGUSON: Yes.
 6 MS. R. KIM: Mr. Brogna?
 7 MR. BROGNA: Yes.
 8 MS. R. KIM: Mr. Elefteriou?
 9 MR. ELEFTERIOU: Yes.
 10 MS. R. KIM: Mr. Grala?
 11 MR. GRALA: Yes.
 12 MS. R. KIM: Mr. Kim?
 13 MR. KIM: Yes.
 14 MS. R. KIM: Mr. Terranova?
 15 MR. TERRANOVA: Yes.
 16 MS. R. KIM: Mr. Chung?
 17 MR. CHUNG: Yes.
 18 MS. R. KIM: Mrs. Yoon?
 19 MS. YOON: Yes.
 20 CHAIRMAN FERGUSON: Okay. So then you
 21 also have a case on, 72 Brinkerhoff Terrace.
 22 MR. ALAMPI: I'll tell you, Chairman,
 23 that we did deliver the plans some time ago. They
 24 were on file. Mr. Collazuol's office deemed the
 25 application complete.
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1 CHAIRMAN FERGUSON: Right.
 2 MR. ALAMPI: But it's my understanding
 3 that we were requested by the Borough to bring the
 4 plans down.
 5 We hand-delivered them only last week.
 6 Was there some confusion? Is there belief that the
 7 plans have not been on file?
 8 CHAIRMAN FERGUSON: There's a belief
 9 that the plans haven't been on file until last week,
 10 last week we got it.
 11 MR. ALAMPI: Right.
 12 So I don't know if they were misplaced
 13 originally.
 14 However, I did receive a letter review
 15 from Mr. Collazuol on Friday. And there are so many
 16 items that he wants to address that I'd have to
 17 revise the plans anyway.
 18 CHAIRMAN FERGUSON: Oh, do you?
 19 Okay.
 20 MR. ALAMPI: So it's my suggestion,
 21 let's preserve our notices so we don't have to
 22 re-notice and publish.
 23 I will return at the next meeting. You
 24 have the plans now for the --
 25 CHAIRMAN FERGUSON: We have the plans,
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1 right.
 2 MR. ALAMPI: And then we'll probably
 3 make some revisions because Mr. Collazuol is looking
 4 for some drainage designs and some other studies.
 5 Although it's not a massive rebuild, he's certainly
 6 correct as the engineer to know if there's going to
 7 be any water runoff or things of that nature.
 8 CHAIRMAN FERGUSON: So I'll make a
 9 motion that we continue this until the next meeting.
 10 MS. TESTA: Which is May 20th.
 11 CHAIRMAN FERGUSON: Which is no further
 12 notice is required.
 13 I would appreciate it if it could
 14 arrive next week so we can start moving --
 15 MR. ALAMPI: I will.
 16 CHAIRMAN FERGUSON: All right. I'll
 17 make a motion.
 18 Can I get a second?
 19 MR. GRALA: I'll second.
 20 CHAIRMAN FERGUSON: Roll call.
 21 MS. R. KIM: Mr. Ferguson?
 22 CHAIRMAN FERGUSON: Yes.
 23 MS. R. KIM: Mr. Brogna?
 24 MR. BROGNA: Yes.
 25 MS. R. KIM: Mr. Elefteriou?
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1 MR. ELEFTERIOU: Yes.
 2 MS. R. KIM: Mr. Grala?
 3 MR. GRALA: Yes.
 4 MS. R. KIM: Mr. Kim?
 5 MR. KIM: Yes.
 6 MS. R. KIM: Mr. Terranova?
 7 MR. TERRANOVA: Yes.
 8 MS. R. KIM: Mr. Chung?
 9 MR. CHUNG: Yes.
 10 MS. R. KIM: Mrs. Yoon?
 11 MS. YOON: Yes.
 12 CHAIRMAN FERGUSON: Okay. Thank you.
 13 MS. TESTA: So that's --
 14 CHAIRMAN FERGUSON: See you next month.
 15 MS. TESTA: And, Carmine, your client
 16 waives any time constraints?
 17 MR. ALAMPI: We'll waive.
 18 MS. TESTA: Okay.
 19 MR. ALAMPI: We actually filed this
 20 application back in December.
 21 MS. TESTA: Case No. 23-17, Young Jo
 22 and Kwangmi Jin, 72 Brinkerhoff Terrace, Block 201,
 23 Lot 9 is being carried to May 20th, 2024 at 7 p.m.
 24 And the applicant waives the time
 25 constraints and there will be no further notice.
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1 This is the notice if anybody is here
 2 for that.
 3 MR. ALAMPI: Thank you, Diane.
 4 MS. TESTA: You're welcome.
 5 CHAIRMAN FERGUSON: Okay. And the next
 6 case is the one that I'm sure everybody's here for,
 7 23-15.
 8 Counsel, you're up.
 9 MR. SOKOLICH: Chairman, good evening.
 10 Mark Sokolich on behalf of the Applicant DRC
 11 Development Corp., relating to premises known as 35,
 12 37 and 39 West Columbia Avenue.
 13 Chairman, may I do a bit of
 14 housekeeping before we get into the application?
 15 We have an application that we filed.
 16 I just want to make the request forth, it's West
 17 Edsall Boulevard [sic]. We've been deemed complete
 18 by Mr. Collazuol.
 19 We are in receipt of his memo. I don't
 20 need a date, but I presume that's in the works.
 21 CHAIRMAN FERGUSON: Absolutely.
 22 MS. TESTA: What's the address?
 23 CHAIRMAN FERGUSON: 450 West Edsall.
 24 MR. SOKOLICH: 450 West Edsall.
 25 MS. TESTA: Right.
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1 MR. COLLAZUOL: I think it's east.
 2 MR. SOKOLICH: East Edsall.
 3 MS. TESTA: Right.
 4 That was the one we were going to put
 5 on for today, but there might have been some
 6 confusion.
 7 MR. SOKOLICH: Again, I don't want -- I
 8 know the board is very busy, I just wanted to make
 9 sure that it was, for lack of a better term, on your
 10 radar.
 11 CHAIRMAN FERGUSON: Oh, it's on my
 12 radar.
 13 Just so we can -- just a comment from
 14 me, is that as you're well aware, I'm sure, you have
 15 that next application.
 16 MR. SOKOLICH: Yes, sir.
 17 CHAIRMAN FERGUSON: That we're backing
 18 up, you know.
 19 MR. SOKOLICH: Oh, no, I get it.
 20 Believe me I do.
 21 CHAIRMAN FERGUSON: So anything that
 22 you could do to move this along.
 23 MR. SOKOLICH: I got it and I shall.
 24 CHAIRMAN FERGUSON: All right.
 25 MR. SOKOLICH: I just, you know, I
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1 abdicate my responsibility if I don't at least make
 2 the pitch for the date, but I'll try to move it on as
 3 quickly as I can.
 4 Thank you, Chairman, and I'm sorry that
 5 I had to even ask.
 6 As I indicate, this relates to the
 7 Applicant DRC Development Corp. DRC Development
 8 Corp. is the record owner of two of the three lots,
 9 the middle lot, the company is under contract for.
 10 In your file you have written owner
 11 consent allowing this applicant to proceed.
 12 By way of background this is an
 13 application to merge all three lots and upon those
 14 lots construct a multifamily residential dwelling.
 15 As we've indicated from the onset of
 16 the application, the developer is more than willing
 17 to provide a substantial amount of affordable
 18 housing. The application has gone through several
 19 iterations having heard from comments of the board
 20 and also comments from the public.
 21 With that said, we appear before you
 22 this evening to accomplish the following: To present
 23 the testimony of Mr. Cocoros expeditiously, and you
 24 know I can be expeditious --
 25 CHAIRMAN FERGUSON: Oh, I know.
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1 MR. SOKOLICH: -- when I have to,
 2 Chairman.
 3 CHAIRMAN FERGUSON: I agree.
 4 MR. SOKOLICH: Expeditiously, just to
 5 go through the changes.
 6 As soon as we're done with Mr. Cocoros,
 7 we can then start with Mr. Luglio's traffic testimony
 8 and conclude with Mr. Spatz's planning testimony.
 9 I think I can get it done relatively
 10 quickly.
 11 Unless the Chair, Counsel Or Any Board
 12 Member has any questions of I, we would ask does
 13 Mr. Cocoros have to be sworn in or is he --
 14 MS. TESTA: I'll swear him in.
 15 MR. SOKOLICH: Thank you.
 16 MS. TESTA: Do you swear the testimony
 17 you will provide in this application will be the
 18 truth, the whole truth and nothing but the truth?
 19 MR. COCOROS: I do.
 20 **VASSILIOS COCOROS, AIA**
 21 467 Sylvan Avenue, Englewood Cliffs, New Jersey
 22 07632, having been duly sworn, testifies as
 23 follows:
 24 MS. TESTA: Please state your name for
 25 the record.
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1 THE WITNESS: Sure.
 2 Vassilios, V-A-S-S-I-L-I-O-S, Cocoros,
 3 C-O-C-O-R-O-S, 467 Sylvan Avenue, Englewood Cliffs,
 4 New Jersey 07632.
 5 CHAIRMAN FERGUSON: And, of course,
 6 Mr. Cocoros has been here more than me.
 7 MR. SOKOLICH: Thank you.
 8 CHAIRMAN FERGUSON: So we'll accept
 9 him.
 10 MR. SOKOLICH: And just for the record,
 11 I never understood the under oath, you don't have to
 12 do it again.
 13 I think you got to do it every time.
 14 MS. TESTA: Right, yeah.
 15 **DIRECT EXAMINATION**
 16 **BY MR. SOKOLICH:**
 17 **Q.** So, Mr. Cocoros, just some background
 18 questions. You are the licensed architect for DRC
 19 Development, Corp?
 20 **A. Yes.**
 21 **Q.** And you, in fact, prepared the
 22 architectural drawings in connection with this
 23 multifamily development?
 24 **A. Yes.**
 25 **Q.** And at the last hearing we spoke about
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1 the scope of your engagement, what your
2 responsibilities were, so we don't have the belabor
3 that.

4 But since last we were here, you've
5 made some substantial changes to the plans, did you
6 not?

7 **A. Yes.**
8 MR. SOKOLICH: So I'm going to mark --
9 Diane.

10 MS. TESTA: Oh, gosh.

11 MR. SOKOLICH: Should I just go to
12 A-10.

13 MS. TESTA: Yes.
14 (Whereupon, Elevations are marked as
15 Exhibit A-10 for identification.)

16 BY MR. SOKOLICH:

17 **Q.** So I'm going to start this evening at
18 A-10, I will date it April 15 and A-10, we're going
19 to identify as elevations.

20 These were last revised March 12 of
21 2024.

22 So A-10 and the pages that follow that
23 we'll mark, are those the plans that depict the
24 revision since your original submission?

25 **A. Yes.**
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1 **Q.** So you've completely eliminated a floor
2 and just doing quick math, the original request, I
3 believe, or the last request was for 50 units.

4 **A. Correct.**

5 **Q.** So I believe it's ten units per floor.

6 By eliminating the floor entirely,
7 we've reduced the site by not only 10-feet-8-inches
8 in height, but the density, the total units of ten
9 units?

10 **A. Yes.**

11 **Q.** And are you aware -- and if you're not,
12 that's okay, but are you aware as to what the makeup
13 of these units are?

14 **A. We have them set up where they are --**
15 **we have them set up where we have 40 units: Four**
16 **studios; 16 one-bedroom; and 20 two-bedroom.**

17 **So, basically, half of those units are**
18 **one-bedroom or less, which is basically a studio,**
19 **which could be used for, you know, somebody starting**
20 **out, younger person, older person.**

21 **We have the one-bedrooms, same thing,**
22 **basically somebody starting out or somebody single**
23 **and then we have the two-bedroom units.**

24 **Also, in addition to the unit count, we**
25 **do have a substantial portion of the building**
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1 **Q.** Okay. And in the interest of being
2 expedient as we assured the board, can you go through
3 the material changes, Billy, indicate what was
4 requested and now what is being requested under A-10.

5 **A. Sure.**
6 **Previously it was a seven-story**
7 **building measured to the -- at the highest point.**
8 **It's basically six stories on the east portion and**
9 **seven stories on the west portion, as previously**
10 **submitted.**

11 **Now we've taken a whole floor off the**
12 **building, which reduced the height by**
13 **10-feet-8-inches. We're proposing a height now of**
14 **62-feet-5-inches. By doing the 10-foot-8 reduction**
15 **in height and the removal of a whole floor, we**
16 **basically reduced the dwelling unit count by**
17 **20 percent.**

18 **We previously had 50 units proposed,**
19 **now we're down to 40 units proposed.**

20 **In addition, what that did is it**
21 **basically reduced the parking -- we're still going**
22 **for a parking variance, we have a traffic consultant**
23 **here and just to give you an idea, we reduced the**
24 **required parking requirement by 19 spaces by taking**
25 **out that -- that full floor and those five units.**

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1 **proposed to be affordable housing, which we have a**
2 **deed restriction on the property so they would have**
3 **to stay that way in perpetuity.**

4 **Q.** So the application is for 40 units, a
5 substantial portion of which will be devoted to
6 affordable housing and the balance of those units
7 would be devoted to comply referred to as market-rate
8 units?

9 **A. Correct.**

10 **Q.** But a substantial portion devoted to
11 affordable?

12 **A. Yes.**

13 **Q.** Okay. What other changes, Billy, were
14 made? And if there were none, there are none. Was
15 it just simply the elimination of a floor?

16 **A. The elimination of the floor, the**
17 **actual parking stayed the same. The site plan is**
18 **basically the same. The only thing the engineer**
19 **would have to change is the height and the stories on**
20 **his plan.**

21 **Other than that, all the proposed**
22 **improvements as far as the drainage are to be the**
23 **same.**

24 **Q.** Okay. And you acknowledge receipt of
25 the memoranda from the municipality on various

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1 comments on the application, correct?
 2 A. Yes.
 3 Q. As a matter of fact, we received one as
 4 early as today or yesterday from Mr. Collazuol's
 5 office, wasn't a lot on there other than to indicate
 6 that the applicant is going to be required, number
 7 one, to present a revised site plan through you and
 8 the applicant.

9 Can we commit to the revised site plan
 10 will be filed?

11 A. Yes.

12 Q. Number one.

13 Number two, the reduction, says
 14 Mr. Collazuol, and we agree, results in a decreased
 15 number of parking spaces and you've provided --

16 A. **A decrease in requirement of parking
 17 space requirement.**

18 Q. Decrease in the requirement, I
 19 apologize.

20 And it there was also inquiry as to
 21 ingress and egress, which Mr. Luglio will handle in
 22 the next -- who's our next witness.

23 So other than the elimination of a
 24 floor, is there anything else that you would like to
 25 add?

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1 whatever action this board elects to take, that site
 2 plan will be filed.

3 CHAIRMAN FERGUSON: So I just have a
 4 quick one.

5 I didn't hear the number of affordable
 6 housing. You say there's substantial.

7 Is there a number?

8 MR. SOKOLICH: That required by law.

9 So whatever that --

10 CHAIRMAN FERGUSON: What is the number?

11 MR. SOKOLICH: I don't know what --

12 CHAIRMAN FERGUSON: Is it 10, 15?

13 MR. SOKOLICH: I don't know if we know
 14 the number.

15 Respectfully, I don't know if Palisades
 16 Park knows the number, but whatever number is
 17 required by law, this applicant is willing to
 18 provide.

19 CHAIRMAN FERGUSON: Well, doesn't the
 20 law say a certain percentage.

21 MR. SOKOLICH: Here in Palisades Park?

22 CHAIRMAN FERGUSON: Or anywhere.

23 MR. SOKOLICH: I don't know if there's

24 a -- well, it may vary, but I can assure you that

25 whatever is required by law.

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1 The ingress and egress is still exactly
 2 the way it was when last you testified?

3 A. Yes.

4 **So I mean, basically there's two
 5 changes. There's the reduction in the height as far
 6 as a building envelope and building volume.**

7 **In addition, the other substantial
 8 change is the affordable housing component, which has
 9 been added to this project.**

10 Q. Not really a change, it's just a
 11 reconfirmation that a substantial portion would be
 12 devoted to affordable housing.

13 A. Correct.

14 Q. And the variances, we went through at
 15 the last hearing, but we'll go through in more detail
 16 with Mr. Spatz.

17 A. **Is the same except the height variance,
 18 the proposed height was reduced.**

19 Q. By 10-feet-8-inches?

20 A. **One story and 10-feet-8-inches.**

21 Q. Thank you, Bill.

22 A. **You're welcome.**

23 MR. SOKOLICH: Mr. Chairman, I offer
 24 Mr. Cocoros, but I do want to just indicate that we
 25 understand a revised site plan will be required and

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1 So if that's a 20-percent set aside,
 2 then, in fact, a 20-percent set aside will be
 3 provided.

4 If that's 15 percent, then 15 percent
 5 will be provided, but whatever is required by law,
 6 this applicant will provide.

7 CHAIRMAN FERGUSON: So, basically, what
 8 you're saying is that right now you don't have the
 9 exact number of how many affordable houses you have?

10 MR. SOKOLICH: No, I'm not saying that.

11 We're saying whatever it is to be compliant with law.

12 Our plans indicate a 20-percent set
 13 aside, which are eight affordable housing units that
 14 Mr. Cocoros just pointed out to me.

15 I just don't want to be pigeonholed,
 16 Chairman, because if I indicate a number and that's
 17 in derogation to whatever the law is here in
 18 Palisades Park, I don't want to prejudice the
 19 applicant.

20 So could be 20 percent, could be lower.

21 Whatever it is, to comply with law, this applicant is

22 willing to do it.

23 CHAIRMAN FERGUSON: Okay.

24 MR. SOKOLICH: But we do anticipate it
 25 would be something like 20 percent.

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1 CHAIRMAN FERGUSON: Okay.
 2 So now, I'll ask this one, because it's
 3 obvious that I'm a layperson, is there a -- is there
 4 a law on the books, either state or local that you're
 5 allowed to pay a certain amount of money in lieu of
 6 affordable housing.
 7 MR. SOKOLICH: I don't believe that
 8 option is available and it's not available here in
 9 Palisades Park.
 10 CHAIRMAN FERGUSON: So in other words,
 11 you can't go to the building department and say after
 12 you either get denied or approved. I was always
 13 under the impression that you had -- the applicant
 14 has an opportunity --
 15 MR. SOKOLICH: We do not.
 16 There is no opportunity to either farm
 17 these out to another community or cut a check to an
 18 affordable housing trust fund and then be excused
 19 from building them on-site.
 20 That's not, I don't believe, allowed,
 21 but it's also not the intension of the applicant.
 22 The applicant intends on building these affordable
 23 housing units on-site.
 24 CHAIRMAN FERGUSON: Understood. Okay.
 25 I guess basically everything is you
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1 took one --
 2 MR. SOKOLICH: And, Chairman, may I
 3 also point out, there are regulations now that are on
 4 the books that these aren't, you know, units that are
 5 going to be tucked away in the corner next to the
 6 parking lot and they're all studios.
 7 CHAIRMAN FERGUSON: Right.
 8 MR. SOKOLICH: They have to become part
 9 of the basic the fabric of the building and sharing
 10 the same ratio of one and two and studio ratios that
 11 there are to the balance of the building. That's
 12 been a change, which is important to note.
 13 CHAIRMAN FERGUSON: So just so I
 14 understand it, if you have a certain percentage of
 15 the house is two-family, that percentage will carry
 16 on.
 17 MR. SOKOLICH: Correct, correct.
 18 And in some cases it's even more
 19 stringent than the ratio that's here.
 20 CHAIRMAN FERGUSON: Okay. No problem.
 21 So any board members have anything?
 22 (No Response.)
 23 CHAIRMAN FERGUSON: Okay. Now we're
 24 going to go to our experts.
 25 Steve, you got anything?
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1 MR. COLLAZUOL: I did submit a brief
 2 memo today. Mr. Sokolich was very concise on what I
 3 put in it.
 4 CHAIRMAN FERGUSON: Okay. He's good
 5 like that.
 6 MR. COLLAZUOL: Yes.
 7 There was a civil engineering set of
 8 plans done by Mr. Koestner. We just ask that those
 9 be updated in accordance with the architect's plans.
 10 And I think the board would like to
 11 know two things: One, how many spaces are required
 12 based on the 40 units. They show how many they're
 13 going to place, which is the 58 spaces, and two --
 14 THE WITNESS: Steve, we have 76 based
 15 on four studios, 16 one-bedrooms, which are 1.8 --
 16 1.8. We have it set up where it's 76 -- and two
 17 bedrooms at 20 times 2. We have 76 spaces required
 18 and we're proposing 58.
 19 MR. COLLAZUOL: I would just suggest
 20 that that be on the plans so it's clear.
 21 THE WITNESS: Okay.
 22 MR. COLLAZUOL: And, Chairman, they do
 23 indicate that eight dwelling units would be reserved
 24 for affordable housing. It is written on the plans.
 25 Otherwise, our comments from our
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1 previous report dated January 19th remain.
 2 CHAIRMAN FERGUSON: Okay. Any other --
 3 you're going to wait for the parking?
 4 Okay, so now we're going to turn it
 5 over to the audience. I say this every meeting and I
 6 want to make it clear.
 7 Right now if you have any questions
 8 about this person's testimony, this person's
 9 testimony, you can raise your hand and we're going
 10 ask questions and he can answer. This is not the
 11 right time to make comments. Comments come at the
 12 end of the -- after everybody testifies, then
 13 everybody can say whatever they want, which you can
 14 talk about the sun, the road, anything you want to
 15 talk about and we're going to let you do it, but
 16 right now today you're only to ask questions about
 17 this person's testimony.
 18 Now, anybody have any questions for his
 19 testimony at all?
 20 (No Response.)
 21 CHAIRMAN FERGUSON: Anyone at all?
 22 Yes, name and address.
 23 MS. COMAS: Melanie Comas, 83 West
 24 Harwood Terrace.
 25 THE COURT REPORTER: I'm sorry, say it
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1 slow. Your last name.
 2 MS. COMAS: C-O-M-A-S.
 3 THE COURT REPORTER: And your address,
 4 please.
 5 MS. COMAS: 83 West Harwood Terrace.
 6 THE COURT REPORTER: Thank you.
 7 MS. COMAS: My question is for the
 8 architect. What made you choose this property to put
 9 this tremendous --
 10 MR. SOKOLICH: I'm going to object.
 11 Ms. Comas, I apologize, because this is
 12 absolutely out of the scope of -- and I don't object
 13 to public, but --
 14 MS. TESTA: Yeah, that's not a proper
 15 question.
 16 MS. COMAS: Why is it improper? They
 17 want this building to --
 18 MS. TESTA: He's the architect.
 19 So you need to ask him a question
 20 regarding the plans. If you have a question on the
 21 plans.
 22 MS. COMAS: Why did you make this
 23 building so high in this area? Why this tremendous
 24 project in this --
 25 THE WITNESS: In my opinion based on
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1 the location being next to the highway and based on
 2 the need for multifamily housing, that's the building
 3 proposed.
 4 MS. COMAS: I've passed -- I've gone
 5 down West --
 6 MR. SOKOLICH: We're going to be here
 7 all night if we're going to --
 8 MS. COMAS: -- Columbia and there's no
 9 room there, okay, there is no room.
 10 MR. SOKOLICH: Understood.
 11 But this is questions, ma'am. So he's
 12 responded to your question.
 13 At the end you'll be able to --
 14 MS. COMAS: Okay, fine.
 15 CHAIRMAN FERGUSON: Anybody else?
 16 (No Response.)
 17 CHAIRMAN FERGUSON: No.
 18 MR. SOKOLICH: Thank you, Chairman.
 19 We call Mr. Luglio.
 20 CHAIRMAN FERGUSON: Thank you.
 21 MS. TESTA: Do you swear the testimony
 22 you will give in this application will be the truth,
 23 the whole truth and nothing but the truth.
 24 MR. LUGLIO: Yes, I do.
 25
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1 LOUIS LUGLIO, PE
 2 30 Montgomery Street, Jersey City, New Jersey
 3 07302, having been duly sworn, testifies as
 4 follows:
 5 MS. TESTA: Please state your name for
 6 the record.
 7 MR. LUGLIO: It's Louis, L-O-U-I-S,
 8 Luglio, it's L-U-G-L-I-O.
 9 CHAIRMAN FERGUSON: And you're
 10 testifying --
 11 MR. LUGLIO: Traffic, parking.
 12 CHAIRMAN FERGUSON: Traffic and
 13 parking.
 14 MR. LUGLIO: Yes.
 15 CHAIRMAN FERGUSON: Okay. So take it
 16 away.
 17 MR. SOKOLICH: Thank you.
 18 VOIR DIRE EXAMINATION
 19 BY MR. SOKOLICH:
 20 Q. Now, Mr. Luglio, you are -- your chosen
 21 profession first of all?
 22 A. **Transportation planning, traffic and**
 23 **parking.**
 24 Q. Have you appeared before this board and
 25 other zoning boards, planning boards in the State of
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1 New Jersey an have provided expertise testimony in
 2 the area you just defined?
 3 A. **Yes, I have.**
 4 CHAIRMAN FERGUSON: Okay. So we're
 5 going to accept him as an expert.
 6 MR. SOKOLICH: Thank you, Chairman.
 7 DIRECT EXAMINATION
 8 BY MR. SOKOLICH:
 9 Q. So, Mr. Luglio, as I do with all -- I'm
 10 going to go with Lou tonight.
 11 A. **That's good with me.**
 12 Q. Lou, as I do with all of our witnesses,
 13 it's the first time you're testifying.
 14 In your own words, could you just, for
 15 the record and board and public, the scope of your
 16 engagement?
 17 A. **Sure.**
 18 **I was brought on to look at the overall**
 19 **plan, but mainly from a trip generation standpoint,**
 20 **how many new vehicles would be coming to and from the**
 21 **site during the peak hours.**
 22 **The second is site access and**
 23 **circulation, how vehicles would get in and out of the**
 24 **site and how they circulate on the site.**
 25 **And, lastly, parking, the number of**
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1 parking spaces that would be required and the space
2 dimensions laid out on the plan.

3 Q. And I presume that during the course
4 of, we'll call that bundle of expertise is your
5 traffic assessment, right?

6 A. That's right.

7 Q. And I trust that in preparation to
8 provide that assessment and reach the conclusions you
9 did, you conducted a physical inspection of the
10 property?

11 A. Yes, I have.

12 Q. And you familiarized yourself with all
13 the points of ingress and egress that are proposed on
14 the plan?

15 A. Yes.

16 Q. And you've also familiarized yourself
17 with all the intersections in the area and the
18 thoroughfares that bound the property?

19 A. Yes.

20 Q. And you've also taken into
21 consideration the existence and proximity to the site
22 of things like mass transportation?

23 A. That's correct.

24 Q. And I presume that all of that review
25 had an impact on the assessment you're about to

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1 traffic. If we were to compare this to retail or
2 office or even something larger in terms of number of
3 residential units, this is a very low trip
4 generation.

5 Parking -- I'm sorry, a traffic study
6 looking at individual intersections is not required
7 for this, because the number of new vehicle trips is
8 so low, it's under 50.

9 Even under 100 would not require any
10 additional study of intersections.

11 So from a trip generation standpoint,
12 the board has the numbers of trips that would come in
13 and out. The one thing that I just advise the board
14 is that when we talk about 15 total trips in the a.m.
15 peak hour, obviously there are people that are coming
16 and going before the peak hour starts and after the
17 peak hour.

18 So that just gives you an idea of the
19 peak time, that peak 60 minute period in the morning
20 between 6 a.m. and 10 a.m., that is the maximum
21 number during any one 60-minute period. That's trip
22 generation.

23 The second part is to look at the
24 access points to and from the site and so as pointed
25 out on A-10, the site has two access points.

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1 provide?

2 A. Yes.

3 Q. So with regard to trip generation, I
4 leave it to you, sir.

5 A. Sure.

6 So from a trip generation standpoint,
7 we rely on the Institute of Transportation Engineers,
8 ITE Manual, which is basically a collection of
9 studies over the years for similar type of land uses
10 and there's a whole bunch of land uses that are part
11 of the ITE.

12 So based on 40 units that we have, we
13 would have 15 vehicle trips in the a.m. peak hour, 16
14 vehicle trips in the p.m. peak hour and 16 vehicle
15 trips on a Saturday during the peak hour on a
16 Saturday. Excuse me.

17 Just to further break that down, in the
18 a.m. peak hour we would have three in and twelve out.

19 The p.m. peak hour, ten in, six out and
20 on Saturday would be eight in and eight out.

21 So from a trip generation standpoint,
22 we did not take any credit for the existing
23 residential that's on the site. These, we assume,
24 are all brand new trips coming to and from.

25 This is a very low generator of
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1 One, I guess, to the east that provides
2 access to one level of parking that contains 26
3 parking spaces. I think I'm going to flip this. The
4 whole set is in here, right.

5 MR. SOKOLICH: I apologize before you
6 start to testify to it, I'm going to pre-mark as
7 A-11, initial it and date it today.

8 It is entitled "Lower Level Floor Plan"
9 with a last revised date of March 12, 2024.

10 (Whereupon, Lower Level Floor Plan,
11 Last Revised March 12, 2024 is marked as
12 Exhibit A-11 for identification.)

13 THE WITNESS: So on this plan you can
14 see that there is access.

15 Okay. So on A-11, this is the lower
16 level floor plan.

17 And so the further, I guess, east
18 driveway that I'm going to on A-11 provides access to
19 this level of parking that's 26 parking spaces and so
20 I'll just tell the board that there's another level
21 of parking that the other access point along West
22 Columbia has access to and so there are two levels of
23 parking, each one provides for 26 parking spaces and
24 they do not connect. They're on separate levels with
25 separate access points.

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1 So coming in and out of the eastern --
 2 sorry, the western access point, you would have
 3 access to 26 parking spaces. We have two ADA spaces
 4 that are located there as well.
 5 All the parking spaces are 9-by-18 with
 6 24, at least 24, some is a little bit higher than 24
 7 aisle widths to circulate in and out of that one
 8 level.
 9 If I can go to the next page.
 10 BY MR. SOKOLICH:
 11 Q. Stay on that page for a second, Lou.
 12 Are you aware of any waivers that are being sought on
 13 this page? The cartway width meets RSIS standards,
 14 things of that nature?
 15 A. **That's correct, yes.**
 16 MR. SOKOLICH: And that was A-11 on the
 17 lower level. I'm going to flip you now to the next
 18 page in Billy's set, it's A-4, this is entitled
 19 "Ground Floor Plan" and with the Chair's permission,
 20 I'm going to mark it as A-12.
 21 This has a last revised date of
 22 March 12, 2024.
 23
 24 (Whereupon, Ground Floor Plan, Last
 25 Revised March 12, 2024 is marked as Exhibit
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1 A-12 for identification.)
 2 BY MR. SOKOLICH:
 3 Q. Go ahead.
 4 A. **So on A-12, this ground floor plan, as**
 5 **I alluded to before, the driveway is located towards**
 6 **the east portion of the site.**
 7 **It's, I guess, a skinny or a tighter**
 8 **portion of the site, itself, but there's access that**
 9 **is available for 26 parking spaces.**
 10 **Again, it is the only access point for**
 11 **this level of parking and access coming in and out, I**
 12 **know the board had concerns about the access point**
 13 **with respect to the location of the service road and**
 14 **that gore area, right?**
 15 **So coming in and out of this or, I**
 16 **should say, coming out of the ground floor plan,**
 17 **there's about 100 feet between the driveway exit and**
 18 **where the striping of the gore starts.**
 19 **It's probably about 200 feet for the**
 20 **actual physical gore. So vehicles that are coming**
 21 **out of the site would be able to get onto 46 going in**
 22 **the westbound direction. We would also have**
 23 **obviously vehicles coming in from West Columbia.**
 24 **Switching back, again, to A-11,**
 25 **vehicles that are coming out of the other driveway on**
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1 **A-11.**
 2 Q. When you say "other driveway," you're
 3 talking about the -- on the lower left-hand corner of
 4 the page?
 5 A. **That's right, on A-11, the lower level**
 6 **floor plan, that driveway, proposed driveway is**
 7 **further to the west.**
 8 **Coming out of that driveway, you would**
 9 **not be able to get onto 46 going in the westbound**
 10 **direction.**
 11 **So that's the difference, that's the**
 12 **only difference in terms of the driveways. The**
 13 **driveways allow for vehicles to turn into the site**
 14 **and out of the site.**
 15 **Again, from an access -- from a parking**
 16 **standpoint on each one of these levels, we have**
 17 **9-by-18 parking stall dimensions. On both levels**
 18 **there are two ADA spaces. So there's four ADA spaces**
 19 **in total.**
 20 **And a portion -- and I'll get to this**
 21 **at the end, but a portion of the parking spaces would**
 22 **be assigned to units and then a portion of them would**
 23 **be open for visitor and residential use as well.**
 24 Q. So at least each unit, excuse me, of
 25 the 40 proposed would get a parking space and then
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1 the additional spaces would either be assigned for
 2 visitor or assigned for extra spaces for the larger
 3 apartments?
 4 A. **That is correct.**
 5 Q. And with regard to trip generation, you
 6 said 9-feet-by-18.
 7 Do you have an opinion as to whether or
 8 not that suffices for multifamily residential use?
 9 A. **Yes, from an RSIS standpoint, the**
 10 **dimensions of the parking stall meets that criteria**
 11 **and industry standards.**
 12 Q. And the two ADA spaces that exist on
 13 the ground and the lower level, that meets the
 14 standards that are required to be met as well,
 15 correct?
 16 A. **That is correct.**
 17 Q. And, Lou, did we -- are you going to
 18 talk about EV credits or you didn't get there yet?
 19 A. **We didn't get there yet.**
 20 Q. Say no more.
 21 A. **So the last part is parking and, again,**
 22 **we're providing for -- and I just want to be clear**
 23 **here. We're providing for 52 striped parking spaces,**
 24 **right, we have 26 and 26. It all depends on how you**
 25 **take the six-space EV credit.**
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1 The architect took it and added that to
 2 the 52 to come up with 58. You can also take it and
 3 subtract it from what is required, the 76 that's
 4 required.
 5 In either event, it's the same. If you
 6 take it from one or you add it on to the other.
 7 We're still looking at, in my opinion, 52 parking
 8 spaces that are on the site, 76 parking spaces are
 9 required, minus the six for EV credit.
 10 So we have 70 parking spaces that are
 11 required. And we are providing 52 parking spaces.
 12 We have a delta or a variance of 18 parking spaces.
 13 The last part of parking is the
 14 Institute of Transportation Engineers also has data
 15 sets for parking that's required and when we look at
 16 a multifamily for 40 units, 54 parking spaces would
 17 be required based on ITE and that number would drop
 18 down to 26 parking spaces if we are in close
 19 proximity to public transportation, which we are.
 20 When we look at the demographic data and how many
 21 people actually own vehicles and how many people take
 22 public transportation, there's certainly a
 23 significant number that would have access to public
 24 transportation as well.
 25 So when I look at this from a traffic
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1 and parking standpoint, it's a low generator of
 2 traffic volume. So no additional analysis is
 3 concerned.
 4 From an access standpoint, we have two
 5 different driveways to 26 parking spaces on each
 6 level. Coming out of the easterly driveway on that
 7 lower level, we would be able to have access to get
 8 onto Route 46 unless the NJ DOT changes that striping
 9 so that it wouldn't be allowed, but from our
 10 standpoint, we should be able to allow for that.
 11 And, lastly, from a parking standpoint,
 12 having a variance of 18 spaces and providing for 52
 13 physical spaces on the site, giving the mix of
 14 studios, which are 20, 20 studio and one-bedrooms and
 15 then another 20 of two-bedroom, I feel that this
 16 project would have no significant impact in terms of
 17 traffic or access going to and from the site and it
 18 would be able to operate successfully with the
 19 parking that is provided.
 20 Q. So I got a couple, a few follow-ups.
 21 You spoke about circulation or you're going to get
 22 there?
 23 A. I did speak about it.
 24 Q. So, Number 1, with regard to trip
 25 generation, interestingly you didn't take the credit
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1 for the three existing residences that are there?
 2 A. That's right, I did not.
 3 Q. And I'm no expert, but those homes with
 4 multiple bedrooms in them can amass a comparatively
 5 speaking, a relatively large number of trip
 6 generations that you didn't use or subtract from your
 7 totals that you reached the conclusion that this is a
 8 low generator?
 9 A. That's right.
 10 I was conservative in not assuming any
 11 credit from the existing residences.
 12 Q. So if we assumed the credit, this would
 13 even be lower than the low generator that you're
 14 testifying to?
 15 A. Yes.
 16 Q. Number one.
 17 Number two, you know, do you not, that
 18 this applicant is providing a substantial amount of
 19 affordable housing?
 20 A. Yes.
 21 Q. That's required by law.
 22 Does any of that change the opinions
 23 you provided to this board?
 24 A. It really doesn't change anything.
 25 As far as affordable housing, some of
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1 the data suggests that there's a lower auto ownership
 2 level associated with that type of unit, but at this
 3 point, we didn't consider that either in terms of
 4 reducing the number of parking spaces either provided
 5 or required.
 6 Q. So we used the worst case scenario in
 7 the ITE?
 8 A. We were conservative, yes.
 9 Q. And you indicated that ITE for this
 10 type of development, this density that we're
 11 proposing, recommends a minimum of 54.
 12 But when in close proximity to mass
 13 transportation, there's a need of 26.
 14 I don't know if I articulated that
 15 exactly correct, but those numbers are accurate?
 16 A. That's right.
 17 Q. So, essentially, the applicant is
 18 striping, other than two, the number of parking
 19 spaces that ITE says we need and we're providing more
 20 than double the parking in light of the proximity to
 21 mass transportation that ITE says we need?
 22 A. That's right.
 23 Based on 26 required for a site that's
 24 a multifamily site that's near public transportation
 25 at 26, we're providing double at 52.
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1 Q. And, Lou, I always ask you this over
 2 the years and it's just always something that's
 3 important, because inevitably there's an emergency
 4 service responder on all of these boards and as well
 5 they should be, is there any impediment that's
 6 created by this design that wouldn't allow emergency
 7 service vehicles to handle an emergency at the site?
 8 Now, they don't go in the building, but is there
 9 anything that you see that could be adjusted?

10 A. No.
 11 As far as fire, that would -- fire
 12 trucks would stage alongside the roadway, not go
 13 underneath the building.
 14 From an ambulance access -- just want
 15 to check the clearance to go under, but that should
 16 have enough clearance.

17 MR. COCOROS: Yeah, I think we have
 18 10 foot, it's actually little bit more, it's about
 19 10-foot-6.

20 A. So an ambulance would be able to go on
 21 either level of the garage, either garage level,
 22 itself, and, again, from a fire truck they would
 23 actually position themselves along the roadway.

24 BY MR. SOKOLICH:

25 Q. Lou, you spoke to circulation, you
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1 spoke about ADA, you spoke about parking required,
 2 low generation volume.

3 And by the way, I don't know if it's
 4 necessary, but the mass transportation is located on
 5 the next block up, correct?

6 A. Yes.

7 Q. Which I don't know if you'd estimate
 8 maybe a couple hundred feet max is the walk?

9 A. A few blocks, yup.

10 Q. Is there anything else that you'd like
 11 to add?

12 A. No.

13 MR. SOKOLICH: Thank you. Chairman, I
 14 offer Mr. Luglio.

15 CHAIRMAN FERGUSON: Okay. So before I
 16 turn it over to our parking expert, I just have a
 17 couple of questions.

18 What's the width of the entrances and
 19 exit? Let's do the one on the easterly side.

20 THE WITNESS: The one on the lower
 21 level floor plan, which is A-11, is -- the width is
 22 20 feet.

23 CHAIRMAN FERGUSON: Twenty feet?

24 THE WITNESS: At the curb cut, the
 25 driveway itself, the driveway opening is 24 feet and
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1 then as you get inside the garage, it narrows down to
 2 20 feet and then opens up again to 27 feet as far as
 3 the drive aisle is concerned.

4 CHAIRMAN FERGUSON: Okay. And how
 5 about the other one?

6 THE WITNESS: The other one is 24 feet
 7 for the driveway as you come in and the same looks
 8 like we have 25 feet, 24 feet for a drive aisle as
 9 you come in on that side, on the ground floor plan.

10 CHAIRMAN FERGUSON: So those driveways
 11 that are 24 feet at the end, there seems to be a
 12 bottleneck, you know, it's 24 feet, then it goes to
 13 20 feet and then it opens back up again, correct?

14 THE WITNESS: For the other level, for
 15 that, I guess, upper level -- I'm sorry, the lower
 16 level, that is correct.

17 For the upper level, it's 24 feet.

18 However -- we're going to confirm that.

19 CHAIRMAN FERGUSON: All right. Good.

20 MR. COCOROS: Down at the lower level

21 --

22 MR. SOKOLICH: Billy, what page are you
 23 looking at, I'm sorry, A-11.

24 THE WITNESS: A-11.

25 MR. COCOROS: A-11, which is the
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1 exhibit number, Sheet A-3 which is the lower level
 2 floor plan.

3 We have a 24-foot-wide driveway, a
 4 20-foot-wide garage door, which is more than enough
 5 for two cars to get in and out and then we have the
 6 drive aisle itself just passed the electrical room
 7 corner is basically 27 feet.

8 So we have -- we basically have 24 foot
 9 clear for about 5 feet or 6 feet into the building
 10 and then it widens out to 27 feet.

11 So, you know, we tried to make these as
 12 comfortable as possible.

13 MR. SOKOLICH: I'm sorry, Billy, what's
 14 the Residential Site Improvement Standards? I
 15 believe 24 minimum.

16 MR. COCOROS: Yeah, 24 minimum.

17 You know, and then the rest of the
 18 building is basically 24-foot-4-inches,
 19 24-foot-2-inches, 23 feet, you know, and that's
 20 basically measured to a striped line where the
 21 handicap spaces are just to make sure, you know,
 22 that's demarcated so nobody drives around that, so if
 23 we did it -- if we brought it up to the column line
 24 which aligns with the edge of -- the back edge of the
 25 handicap space, we'd have 27 feet.

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1 MR. SOKOLICH: But, Billy, the doors
2 that are proposed are standard size.
3 MR. COCOROS: Yes.
4 MR. SOKOLICH: These aren't custom
5 doors that need to be -- this is standard.
6 MR. COCOROS: Correct.
7 I mean, you can even get away with an
8 18-foot door if we wanted to.
9 MR. SOKOLICH: Understood.
10 CHAIRMAN FERGUSON: Okay. So the next
11 one --
12 THE WITNESS: You can leave it.
13 MR. COCOROS: And the same thing up on
14 top, you know, it's basically 24 foot, you have a
15 full turning area onto the second floor.
16 CHAIRMAN FERGUSON: I'm sure my experts
17 --
18 MR. SOKOLICH: Billy, by the way, I
19 neglected to ask you this question. A-10, A-11, A-12
20 all prepared by you.
21 MR. COCOROS: Yes.
22 MR. SOKOLICH: And in fact, your
23 personally aware that these plans with these last
24 revised dates were submitted to this board in advance
25 of this hearing.

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1 MR. COCOROS: Yes, they were.
2 MR. SOKOLICH: Well in advance of the
3 10-day rule.
4 MR. COCOROS: Yes.
5 MR. SOKOLICH: Thank you.
6 Sorry, Chairman.
7 CHAIRMAN FERGUSON: Okay. So now, the
8 next question is the easterly entrance and exit will
9 come out and you're saying that you can get on 46
10 from that entrance, correct.
11 THE WITNESS: Yes, yes.
12 CHAIRMAN FERGUSON: And if --
13 THE WITNESS: On A-12, if you were to
14 exit this easterly driveway, you would have enough
15 room to get onto 46 going in the westbound direction.
16 CHAIRMAN FERGUSON: Right.
17 But you would have to actually cross a
18 lane of traffic coming down from Broad Avenue.
19 THE WITNESS: So the way it's striped,
20 it really is just one lane of traffic as you're
21 coming here.
22 But, yes, if you consider that you
23 would have to go over one lane, yes. When you come
24 out of this driveway making this right turn, you
25 basically would have to go over one lane to get on to

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1 46.
2 CHAIRMAN FERGUSON: And the other
3 entrance, that's the west --
4 MR. SOKOLICH: The ground floor level.
5 Excuse me, the lower level, which is A-11.
6 A-3 in Billy's packet.
7 THE WITNESS: Here the driveway,
8 itself, coming out is beyond where the gore and the
9 striping is. So you can only make a right turn and
10 not get onto 46.
11 CHAIRMAN FERGUSON: And you would go
12 down, I would assume, down Columbia to Grand Avenue?
13 THE WITNESS: Yes.
14 CHAIRMAN FERGUSON: Now, there's two
15 lanes of traffic down on Grand Avenue.
16 So if you get down there and you wanted
17 to make -- to get on 46, you would have to go past
18 two -- past one lane of traffic coming this way and
19 then you would have to merge into --
20 MR. SOKOLICH: To make the left down
21 there.
22 CHAIRMAN FERGUSON: To make the right
23 -- I'm sorry, the left.
24 MR. SOKOLICH: And then the right.
25 CHAIRMAN FERGUSON: And then right.

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1 THE WITNESS: That's right.
2 CHAIRMAN FERGUSON: You know, I don't
3 know, I'm sure you've been down there.
4 THE WITNESS: Uh-huh.
5 CHAIRMAN FERGUSON: But I got to tell
6 you, there's a lot of traffic down there and I'm not
7 so sure that it's going to be so easy for you to make
8 a left-hand turn onto Grand Avenue to go up on 46.
9 Now, we had a -- scratch that.
10 So just for the record, you have how
11 many parking spaces?
12 THE WITNESS: We have 52 parking spaces
13 that are striped.
14 CHAIRMAN FERGUSON: Okay. Fifty-two.
15 And how many is required?
16 THE WITNESS: Seventy-six are required
17 by RSIS standards minus the six for EV credit. So 70
18 is the parking required.
19 CHAIRMAN FERGUSON: Okay. Now, I heard
20 some testimony from you about fire, right? I'm sure
21 your counselor knows that I submitted to the fire
22 department a copy of the plans and they have
23 responded with eight questions that they have.
24 Now, are you going to put -- I guess
25 this is a question for you.

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1 MR. SOKOLICH: Were they circulated?
 2 MS. TESTA: I sent it to you April 1st.
 3 MR. SOKOLICH: You did.
 4 CHAIRMAN FERGUSON: Yeah. So the
 5 question now is: Are you going to address those
 6 eight comments from the fire department?
 7 MR. SOKOLICH: We shall.
 8 CHAIRMAN FERGUSON: So am I hearing you
 9 right that you're going to put another expert on next
 10 to talk about those eight or --
 11 MR. SOKOLICH: Well, we can -- we can
 12 recall Mr. Luglio or we can see if a different expert
 13 is required, but I'm sure that Mr. Luglio will be
 14 able to respond to those questions.
 15 CHAIRMAN FERGUSON: Okay. Any board
 16 members have anything? Yes.
 17 MR. TERRANOVA: The last meeting that
 18 we spoke about this, there was security that was
 19 going to -- like a garage that was going to open,
 20 they were going to have key access.
 21 How long would it take for that door to
 22 go up and down?
 23 THE WITNESS: The garage doors would be
 24 quick open from the a fab standpoint. It wouldn't
 25 take more than a few seconds for them to go up.

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1 specifically. From an architectural standpoint, are
 2 we having garage doors? It's not a gate. It's
 3 locked, right, it's closed?
 4 MR. COCOROS: It either might be like a
 5 steel roll up gate or like an actual ---
 6 THE WITNESS: It most likely, and I'll
 7 just put this out, that it's not going to be just an
 8 arm, because we want to be able to secure the
 9 building and the parking.
 10 So it will be a gate that goes up or a
 11 door that goes up.
 12 MR. TERRANOVA: And is there going to
 13 be some sort of signs at the bottom to let these
 14 people know that if they're at the westerly exit,
 15 that they can't go across the striped line to get to
 16 46?
 17 THE WITNESS: So we can post signs that
 18 say right turn only or no access to Route 46.
 19 We can certainly do that for the
 20 westerly driveway and we can certainly do that.
 21 However, I mean, you really can't do that from a --
 22 just a physical standpoint to go over that
 23 cross-hatched area.
 24 MR. TERRANOVA: You can, because
 25 there's no barrier there.

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1 Coming down is probably about the same, but it's
 2 probably -- it's quicker to go up then it is to come
 3 down.
 4 MR. TERRANOVA: Because from the corner
 5 to getting into this easterly parking lot, the
 6 traffic is going to have to leave to -- you might
 7 have a line of cars waiting to get in, no.
 8 THE WITNESS: This area is wider and
 9 theoretically it's two lanes of traffic.
 10 So as a vehicle on A-11 going to that
 11 lower level making the right turn in, you're going to
 12 hit the key fab, you know, before you actually get to
 13 the driveway and start to pull in.
 14 So by the time you actually slow down
 15 to make that turn to come in, the garage door should
 16 be open or just about open at that point.
 17 MR. TERRANOVA: So you're talking less
 18 than 15 seconds for the whole thing to go up and down
 19 and then the next car would be able to go in.
 20 THE WITNESS: That's right and we're
 21 not talking about a regular garage door. You know,
 22 we're talking about a quick action garage.
 23 MR. TERRANOVA: Like a gate open, not a
 24 door.

THE WITNESS: I don't know
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1 THE WITNESS: You can.
 2 In that area it's just striping and
 3 then the physical barrier, which is about 200 feet,
 4 another 200 feet beyond the striping.
 5 MR. TERRANOVA: So if someone really
 6 wanted to, they can drive across it?
 7 THE WITNESS: That is true.
 8 MR. TERRANOVA: I know they're not
 9 supposed to, but I'm just saying they could if they
 10 wanted to.
 11 THE WITNESS: Yup.
 12 MR. TERRANOVA: Thank you.
 13 CHAIRMAN FERGUSON: Counsel?
 14 MR. SOKOLICH: Thank you, Chairman.
 15 BY MR. SOKOLICH:
 16 Q. Lou, actually, we thought we -- I was
 17 hopeful we covered it during the course of your
 18 testimony and I think you did. It's the question
 19 that I circulated with you a few days ago, but number
 20 one, so we can place it on the record, there was a
 21 request for supplemental testimony regarding each
 22 access point of the parking areas, which you
 23 provided, as well as the vertical clearances which
 24 you provided and the inquiry was made to better
 25 understand how future fire department entry is

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1 expected to be accomplished.

2 **A. Yeah, and I think we covered the access**

3 **to and from each driveway.**

4 **The clearance is at least 10 feet so**

5 **that an ambulance can get in, fire truck access would**

6 **be staged alongside the roadway.**

7 MR. SOKOLICH: There's inquiry made by

8 the fire department to better understand the proposed

9 location for standpipes and fire department

10 connections, which may better be responded to by

11 Mr. Cocoros.

12 MR. COCOROS: Yes.

13 MR. SOKOLICH: So, Billy, you're still

14 under oath.

15 May I Chairman?

16 Billy?

17 MR. COCOROS: Sure.

18 I mean, that's something subject to, we

19 usually submit a set of plans that's done by the fire

20 protection engineer, which would indicate either

21 standpipes within the fire staircases, like a wide

22 connection with the light at the street, you know,

23 maybe on -- it would be on two levels where they

24 could attach their pumpers to and then we can do that

25 and, you know, basically this stuff can be addressed

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1 if it's approved by the fire -- the professional's

2 drawing. I was going through the letter and one of

3 the comments was the height of the building. I think

4 it's 75 feet. I think that has been changed where

5 now the highest point of the building is 67 feet to

6 the main roof on the westerly portion as you're

7 looking at it looking north.

8 So there's a couple items on there that

9 are basically -- that can be addressed in regards to

10 leaving like some areas by the access points with a

11 striped area so there's no parking so that can create

12 a de facto fire lane.

13 In addition, we have some other items

14 as far as like clearances and heights and, you know,

15 that can be addressed with either additional

16 elevations at the doors, an additional elevation

17 showing the interior clearances for any emergency --

18 like I said, either a small truck or an ambulance

19 getting inside.

20 MR. SOKOLICH: But Bill, any -- I think

21 it's important to represent to the board and just

22 confirm this. Any action the board elects to take

23 this evening, preferably a favorable opinion, a

24 condition of that favorable determination would be

25 subject to making sure that the Palisades Park Police

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1 Department answers and plans are approved by them as

2 well for safety purposes.

3 MR. COCOROS: Yes.

4 MR. SOKOLICH: And while you're there,

5 excuse me, I just wanted to make sure that we covered

6 this. A request has been made that all future

7 revisions of the plans, in fact, would be presented

8 to them as well so that they have an idea as to where

9 the mechanicals and other equipment are so that they

10 can establish their own plan on fighting emergencies

11 --

12 MR. COCOROS: Yes.

13 Like I said, these plans have sort of a

14 general scope as far as from a zoning point of view.

15 If it's approved, we would -- we would agree to

16 submitting a full MEP plans so we have them on the

17 record, you know, PDF or an actual hardcopy.

18 MR. SOKOLICH: The fire department

19 inquired and I will -- I don't know if you know at

20 this early stage, weight capacities for the parking

21 decks and the ramps, do we know that as of yet.

22 MR. COCOROS: Yeah, it's usually -- you

23 know, the parking deck, itself, usually 200 pounds is

24 the minimum or basically design standard and then the

25 apartments above, I think, are 50 square feet, like

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1 live load and certain amount of dead load.

2 So, you know, when we do the building

3 permit plans, we do have a chart on the front that

4 depicts all of those factors on the plans themselves

5 in addition to the codes being used.

6 MR. SOKOLICH: So this will probably

7 fall into that general category of we're going to

8 submit plans for the fire department to approve and

9 comment on?

10 MR. COCOROS: Correct.

11 MR. SOKOLICH: Right.

12 But the next inquiry is to identify

13 where the water supply at the -- at building frontage

14 is currently or intended to be for suppression

15 purposes and to help mitigate the ongoing mass influx

16 of electrical vehicles, which requires additional

17 volumes of water for extinguishment purposes.

18 I don't know if you know where those

19 sources are, but I think we can represent to the

20 board that, number one, there will be sources and,

21 number two, it will be subject to the review and

22 approval of the Palisades Park Fire Department?

23 MR. COCOROS: Yes.

24 And actually there's two water lines.

25 There's one on the upper part, which is the eastern

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1 portion and there's another one down towards the
 2 bottom on the western portion.
 3 So I guess that will be a function of
 4 the sprinkler design where we come into the building,
 5 we have a wide connection there. I don't know if
 6 they -- you know, usually it's one point where all
 7 the pump -- all the equipment for the actual
 8 sprinkler system is and then that would be fed from
 9 that point there. If they want any additional --
 10 additional, you know, locations that they can tie
 11 into on the interior of the building, maybe we can do
 12 something at the extreme ends of that portion on both
 13 floors.

14 MR. SOKOLICH: The fire department
 15 inquires us to what fall safe -- fail safe, excuse
 16 me, steps can be taken with regard to enforcement
 17 procedures to limit the on-street parking directly in
 18 front of the building in response to an emergency to
 19 make sure that they can be accessed. I don't know if
 20 they can be striped or designated.

21 MR. COCOROS: Yeah, I guess we do -- we
 22 can do like a parking area, you know, yellow stipe it
 23 and just put up a couple signs, no parking, and you
 24 know, keep a ceratin clearance, you know, as per the
 25 fire department's requirements on either side of the

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1 driveway.
 2 MR. SOKOLICH: And consideration should
 3 be given to the creation of a street side designated
 4 fire line, perhaps, between the access points to
 5 ensure unobstructed access for department apparatus.
 6 Is that what you just indicated.

7 MR. COCOROS: Yes.
 8 MR. SOKOLICH: And I believe we have
 9 one -- the western exposure of the building needs
 10 75 feet above the lowest level of fire department
 11 vehicle access.

12 And, therefore, must comply with the
 13 requirements of International Building Code
 14 pertaining to high-rise structures. Are you familiar
 15 with that?

16 MR. COCOROS: Yeah, we can comply with
 17 that, but like I said, that was based on the previous
 18 plan. You know, since that point, the building --

19 MR. SOKOLICH: I agree.
 20 MR. COCOROS: -- is basically at the
 21 lowest point, which drops off from the driveway by
 22 another 2-and-a-half feet. We have
 23 67-feet-10-inches.

24 So it's basically 10 feet, about
 25 10 feet less than what the original plan was before.

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1 MR. SOKOLICH: In fairness to the fire
 2 department, I believe they were reviewing your
 3 original submission.

4 MR. COCOROS: Correct.
 5 MR. SOKOLICH: Chairman, that, we
 6 believe, addresses each of those eight issues.

7 CHAIRMAN FERGUSON: So here's my
 8 problem and you guys are -- you know, answered those
 9 questions, but as a layperson, I don't know if those
 10 answers are good with the fire department.

11 In other words, if I would have known,
 12 you know, I would have had the fire department here
 13 tonight and they could have answered.

14 So I'm wondering is there a way that
 15 you guys can send a letter or whatever you want to do
 16 to the fire department and let them comment.

17 MR. SOKOLICH: Sure.
 18 CHAIRMAN FERGUSON: This way --
 19 MR. SOKOLICH: Absolutely, not a

20 problem.
 21 CHAIRMAN FERGUSON: -- if they have a
 22 problem --

23 MR. SOKOLICH: Absolutely, not a
 24 problem.

25 MR. COCOROS: The best way would be
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1 like, you know --
 2 MR. SOKOLICH: Engage --
 3 MR. COCOROS: -- engage them in the
 4 beginning, say, look, you know, this is our
 5 preliminary plan, you know, we understand the
 6 concerns. You know, they can be worked out, you
 7 know, but we would like to have you in the planning
 8 process as far as if this approved, they could be
 9 part of the planning process for the --

10 CHAIRMAN FERGUSON: Well, isn't --
 11 Diane, isn't this the project?

12 MR. SOKOLICH: Well, this is, but like
 13 any plan, Chairman, when you get into the intricacies
 14 of the plan, a lot of times that's why there are
 15 conditions the resolution to deal with, for example,
 16 if the fire department needs a tweak for fire safety
 17 purposes, if another agency needs an amended -- if
 18 there isn't enough landscaping, but go to our
 19 landscaping expert who will make sure that you put
 20 enough, that's a condition. You know, signage.
 21 There's a 100 different conditions, one of which is
 22 fire safety.

23 So a lot of times we don't go to the
 24 great lengths to include everything for fire safety,
 25 but I think during this intervening period, because

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1 that seems to be the direction I might be going in
 2 here, I'll confer and attempt the engage convene a
 3 meeting with them and then we'll respond in writing.
 4 CHAIRMAN FERGUSON: From those eight
 5 questions.
 6 MR. SOKOLICH: Yes, yes, yes, of
 7 course.
 8 CHAIRMAN FERGUSON: Okay. Okay.
 9 So any board members have anything.
 10 You're on, lots of luck.
 11 MR. SIMOFF: Well, the board in the
 12 past has used the RSIS as the standard for parking.
 13 CHAIRMAN FERGUSON: Okay.
 14 MR. SIMOFF: I haven't seen
 15 Mr. Luglio's treatise where you take the reduction.
 16 MR. LUGLIO: The reduction in EV?
 17 MR. SIMOFF: No, the reduction in
 18 parking. You say that --
 19 MR. LUGLIO: Twenty-six?
 20 MR. SIMOFF: Twenty-six.
 21 MR. LUGLIO: I can provide that to you
 22 for sure from the ITE parking generation manual.
 23 MR. SIMOFF: Okay. Because I haven't
 24 -- what I have seen is -- well, so I'd like to see
 25 how it goes from 70 something -- 76 requirement down

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1 to 26.
 2 CHAIRMAN FERGUSON: Okay.
 3 You will by the next meeting.
 4 MR. LUGLIO: Definitely.
 5 Between now and then we can definitely
 6 supply that.
 7 MR. SOKOLICH: I'm so sorry, I missed
 8 that.
 9 MR. LUGLIO: So that's ITE parking
 10 generation to get to the 26 for an area that's near
 11 public transportation.
 12 MR. SIMOFF: The other thing is the
 13 RSIS requires 0.5 spaces per unit for visitors and so
 14 how would visitors be able to negotiate the gates?
 15 MR. LUGLIO: So we have -- we have 52
 16 parking spaces, 40 of which would be assigned to each
 17 one of the units regardless of the number of bedrooms
 18 rooms and so that leaves us with, I think, 12 parking
 19 spaces that would be shared between visitor and
 20 people that are in the building that are residents
 21 and so if someone is -- if someone is coming to the
 22 building and needs to gain access, they could call
 23 the person that they're visiting and from a phone app
 24 standpoint, they could open that gate.
 25 Otherwise we would have to come up with

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1 a different plan depending on, you know, what the
 2 software and the gate access is going to be like.
 3 MR. SIMOFF: Because if they pass the
 4 driveway on Columbia, there's no -- it's very
 5 difficult to get back.
 6 MR. LUGLIO: Yup.
 7 MR. SIMOFF: And my concern is that
 8 once they go down Columbia to Grand, they're in
 9 trouble.
 10 CHAIRMAN FERGUSON: Absolutely.
 11 MR. LUGLIO: And they may not come back
 12 to visit you.
 13 MR. SIMOFF: You're going to lose the
 14 visitor.
 15 MR. LUGLIO: That's right.
 16 MR. SIMOFF: And then you don't have
 17 any traffic counts?
 18 MR. LUGLIO: No. Based on the low
 19 number of trip generation, we did not do that.
 20 MR. SIMOFF: Because the signal timing
 21 at Columbia and Broad is kind of very difficult.
 22 It's multiple cycles and there's many -- traffic
 23 backs up if you're coming west. If you're coming
 24 eastbound on 46 and you want to get off to come to
 25 this site, you got to wait a long time.

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1 CHAIRMAN FERGUSON: Yeah, absolutely.
 2 MR. SIMOFF: So the board should take
 3 that into consideration, the location and the -- and
 4 then the other point is there's no parking allowed in
 5 front of this site and most of the parking spaces
 6 going to the west on Columbia are taken up by
 7 resident parking. There's a resident permit
 8 situation and most of the driveways are two car
 9 widths and they've taken away most of the curbing for
 10 parking on Columbia.
 11 So I think that the board should be --
 12 the board should be comfortable with approximately a
 13 30 percent reduction in the RSIS requirements.
 14 CHAIRMAN FERGUSON: So you're saying
 15 they're taking away from residential parking?
 16 MR. SIMOFF: Correct.
 17 And, you know, as I said, the board is
 18 -- the board has in the past looked at RSIS as a
 19 standard and being 18 to 20 spaces short on the RSIS
 20 is something the board has to contemplate.
 21 You know, not -- having heard this
 22 presentation for first time, not having any report or
 23 anything to review, I'd like the opportunity based on
 24 my notes and based on -- do you have a report, Lou?
 25 MR. LUGLIO: I do not.

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1 MR. SIMOFF: Okay. I'd like to --
 2 well, we're not going to finish tonight anyway.
 3 CHAIRMAN FERGUSON: No.
 4 MR. SIMOFF: But the only thing so far
 5 that I agree with Lou is the trip generation numbers,
 6 because I --
 7 MR. LUGLIO: At least we agree on
 8 something.
 9 CHAIRMAN FERGUSON: So the parking
 10 space, are you okay with the width?
 11 MR. SIMOFF: The size is okay. There's
 12 one parking space on each level that's kind of hairy
 13 to get into. That's technical terms.
 14 MR. LUGLIO: Yes.
 15 MR. SIMOFF: It parallels.
 16 MR. LUGLIO: On A-11 it's basically
 17 almost right here in the center.
 18 MR. SIMOFF: And the other question I
 19 have is: What about service vehicles? What about
 20 the trash or Amazon, FedEx, mail delivery?
 21 MR. COCOROS: Well, we do have a trash
 22 room. You know, we'd wheel out the dumpster, we have
 23 a trash chute, a double trash chute for the building
 24 or it might be single since we took out the amount of
 25 units. We have a utility room. This is the lower
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1 level and then above we have an electrical room,
 2 utility room for sprinkler room, miscellaneous
 3 utility room, another miscellaneous utility room, a
 4 fourth one on the ground floor and then up above --
 5 MR. SOKOLICH: Just refer to the page.
 6 We're on A-12, I believe.
 7 MR. LUGLIO: A-12 now. That was A-11.
 8 MR. COCOROS: If you look at the main
 9 lobby, which is the main lobby of the ground floor
 10 plan, which is above the lower level parking, we have
 11 the same thing, we have a small bike, we have a bike
 12 room, which kind of has the portion of it taken up by
 13 the shafts for the trash chute, which goes down
 14 below. We have the vestibule, main lobby or the
 15 waiting area with windows and then there's also a
 16 mail package room that can be used by Amazon or the
 17 post office, but it has an outside door where it's
 18 like a vestibule.
 19 MR. SIMOFF: Well, is the lock -- you
 20 know, it's not clear, but is the -- so they have to
 21 wheel the trash through the lobby.
 22 MR. COCOROS: No, the trash itself on
 23 the ground level has to be wheeled to be parking area
 24 down to the lower driveway.
 25 MR. SIMOFF: And then it has to be
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1 wheeled out to the street.
 2 MR. COCOROS: Yeah, there's going to be
 3 no parking in that portion anyways.
 4 MR. SOKOLICH: That's management and
 5 the superintendent's responsibility.
 6 MR. COCOROS: That's why we're doing
 7 another building on Grand Avenue.
 8 It's basically a trash area. They just
 9 wheel it out, you know, the truck scoops it up. And
 10 then as far as, like I said, Amazon or mail, on the
 11 second floor we have a lobby area and we have a
 12 secondary vestibule type portion that has a door from
 13 the outside for Amazon people or the mailman or mail
 14 person and then you have a door from the inside of
 15 the lobby to get to that point for the tenants in the
 16 building.
 17 MR. SIMOFF: Well, again, that's
 18 something the board should take a look at.
 19 CHAIRMAN FERGUSON: Right.
 20 MR. SOKOLICH: But, Hal, you do agree
 21 this is a low trip generator under ITE standards,
 22 correct?
 23 MR. SIMOFF: Correct, but the existing
 24 -- the existing use and the permitted use, the board
 25 should consider the difference in the existing use or
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1 the permit use --
 2 MR. SOKOLICH: Understood.
 3 MR. SIMOFF: -- and as proposed.
 4 CHAIRMAN FERGUSON: Right.
 5 MR. SIMOFF: Three single-family homes
 6 generate less than three trips during the peak hour.
 7 CHAIRMAN FERGUSON: Correct.
 8 MR. SOKOLICH: Two-family.
 9 MR. SIMOFF: Well, I'm saying presently
 10 they are single-family --
 11 MR. SOKOLICH: Two of them are
 12 two-family, one of them is one-family.
 13 MR. SIMOFF: Okay. So --
 14 MR. SOKOLICH: But be that as it may.
 15 I understand the point, I'm sorry.
 16 MR. SIMOFF: So part of the
 17 deliberation of the board is to evaluate the
 18 difference between what's proposed and what's
 19 permitted.
 20 CHAIRMAN FERGUSON: Right.
 21 Is that -- does that conclude your
 22 assessment?
 23 MR. SIMOFF: So far.
 24 CHAIRMAN FERGUSON: So that's the next
 25 question, obviously I would like to move this along.
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1 Is -- are you going to confer with our expert about
 2 all those concerns?
 3 MR. LUGLIO: Yes, and if I need -- if I
 4 need to prepare a letter that summarizes my testimony
 5 and with backup documentation with respect to the
 6 parking, then I can certainly do that.
 7 MR. SIMOFF: If you can do that next
 8 week or so.
 9 MR. LUGLIO: Yeah, sure.
 10 CHAIRMAN FERGUSON: Okay.
 11 MR. SIMOFF: You know where to find me.
 12 MR. LUGLIO: I do.
 13 CHAIRMAN FERGUSON: All right.
 14 So now, you need a break, dear.
 15 THE COURT REPORTER: Sure, yes.
 16 CHAIRMAN FERGUSON: Yes.
 17 THE COURT REPORTER: Yes.
 18 CHAIRMAN FERGUSON: Okay. So what
 19 we're going to do, we're going to -- well, let's talk
 20 about the -- get rid of the audience first.
 21 Does anybody have any questions about
 22 this person's testimony?
 23 The gentleman, name and address,
 24 please?
 25 MR. CHO: Michael Cho, 33A West Ruby
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1 Avenue.
 2 THE COURT REPORTER: Please spell your
 3 last name.
 4 MR. CHO: Cho, C-H-O.
 5 THE COURT REPORTER: Thank you.
 6 MR. CHO: So talking about public
 7 transportation, have you calculated the car average
 8 wait time and traffic to go onto Grand and Columbia.
 9 MR. LUGLIO: No.
 10 Again, from the low trip generation,
 11 additional studies of other intersections are not
 12 required.
 13 MR. CHO: Okay. I just feel like -- so
 14 I take public transportation every day and I think
 15 it's pretty relevant to figure out how much time --
 16 because right now I take -- like I take the bus, 166T
 17 into the city every day and it takes a while to get
 18 it to turn.
 19 So I think it's relevant to consider
 20 studying that and as well as how long it takes right
 21 now at the traffic light and along with how much it
 22 would be impacted by building this building, right?
 23 Because if -- I mean, I'm just saying an opinion, but
 24 like one of the reasons why I live in Pal Park is
 25 because the 166T and I think a lot of people agree
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1 with me, because there's a lot of people that take
 2 the bus.
 3 So I think just a thing that you should
 4 study, just how long it takes currently, as well as
 5 if this building is built, how long it will be -- how
 6 much more it would be impacted.
 7 MR. LUGLIO: Okay.
 8 MR. CHO: And then according with what
 9 this gentleman has said, the traffic on Columbia and
 10 Grand, I think that should also be studied as well,
 11 because I live on Ruby and making a left turn on Ruby
 12 is also pretty much impossible.
 13 So having a left on Columbia is going
 14 to be even crazier and there's no traffic light
 15 anywhere on that place and the road kind of curves a
 16 little bit there, it's a little hard to see.
 17 So I think it's going to be -- like I
 18 don't know what laws are in terms of creating a
 19 traffic signal, right, if there's a certain number of
 20 cars that pass by, does it have to have a traffic
 21 signal or not, but I think that might be something to
 22 study, because --
 23 CHAIRMAN FERGUSON: Well, that would
 24 come from the Mayor and Council, I believe.
 25 MR. SOKOLICH: Yes, it would.
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1 MR. SIMOFF: No, I can state
 2 emphatically that --
 3 MR. SOKOLICH: I believe that's a state
 4 requirement.
 5 MR. SIMOFF: Columbia and Grand don't
 6 meet the standard for a traffic signal.
 7 CHAIRMAN FERGUSON: It doesn't meet --
 8 MR. SIMOFF: No.
 9 There's not enough traffic on Columbia.
 10 You have to have a certain amount on the main road
 11 and a certain amount on the side road. You know,
 12 Grand, they probably meet, because there's other
 13 traffic lights along Grand, but when you get traffic
 14 coming out of Columbia --
 15 MR. LUGLIO: And it's the proximity to
 16 other signals along Grand, that would be the other
 17 criteria.
 18 CHAIRMAN FERGUSON: Okay.
 19 Anybody else?
 20 Yes, name and address.
 21 MS. COMAS: Okay.
 22 Melanie Comas, 83 West Harwood Terrace,
 23 corner of Grand Avenue.
 24 I live like three blocks from this.
 25 What I'm looking at is that you don't
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1 have enough off-street parking for this building.
 2 So when I go down West Columbia, I see
 3 cars -- with the houses there, cars parked on the
 4 street and those cars are taking up all the street
 5 parking. So where are these other people who don't
 6 have the parking access to your building going to
 7 park.
 8 MR. SOKOLICH: Got it.
 9 MS. COMAS: They're going to be parked
 10 --
 11 MR. SOKOLICH: Well, hold on, you asked
 12 a question.
 13 MS. COMAS: Yeah, okay.
 14 Where are they going to be parked.
 15 MR. SOKOLICH: You can't answer your
 16 own question, Melanie. He's going to answer it. So
 17 bear with us one second.
 18 MR. LUGLIO: So it's true, we have --
 19 we're looking for a variance on the number of parking
 20 spaces. We're providing one parking space per unit
 21 and 12 parking spaces that would be open for either
 22 visitor or other people that are residents of the
 23 building.
 24 MR. SOKOLICH: And stated differently,
 25 we believe we have more than ample parking under the
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1 --
 2 MS. COMAS: I don't believe it. I
 3 don't believe it, because you don't have --
 4 CHAIRMAN FERGUSON: No opinions.
 5 MS. COMAS: You don't have enough to
 6 accommodate your building.
 7 The other thing I was going to say was,
 8 do you realize that West Columbia is a one-way street
 9 going down to Grand Avenue?
 10 MR. SOKOLICH: We understand that.
 11 MS. COMAS: I know all about Grand
 12 Avenue, because I live on Grand Avenue. Okay? West
 13 Harwood and Grand. I see hundreds of cars going
 14 south, okay, parked there, practically parked because
 15 of the congestion and that little spot --
 16 MR. SOKOLICH: Understood.
 17 And I let you go as far as I could
 18 without a question, but Chairman --
 19 CHAIRMAN FERGUSON: Yeah, I know.
 20 MR. SOKOLICH: -- is there a question or
 21 --
 22 MS. COMAS: My question is: What the
 23 heck, how -- you're only with this building, you can
 24 --
 25 MR. SOKOLICH: Melanie, I don't want to
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1 disappoint you, but we believe, the applicant
 2 believes that we're providing ample spots for the
 3 number of units that are being provided based on the
 4 proximity to mass transportation and a whole slew of
 5 other things that Mr. Luglio --
 6 MS. COMAS: Well, I think you're wrong.
 7 MR. SOKOLICH: Understood, but I got
 8 it.
 9 It's questions.
 10 MS. COMAS: The question is: How could
 11 you -- you can only make a right going down Columbia
 12 Avenue, okay, you can't make a left to get onto Grand
 13 Avenue, because you can't go up, you have to just go
 14 down.
 15 So when you go down there, there's the
 16 bridge, the overpass, you cannot cross over to make
 17 -- to cross over --
 18 MR. SOKOLICH: We have a contrary
 19 opinion of that, Melanie.
 20 CHAIRMAN FERGUSON: Listen, listen,
 21 listen to me.
 22 MS. COMAS: But you know what they're
 23 going to do --
 24 MR. SOKOLICH: There's no question.
 25 It's got to be a question.
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1 CHAIRMAN FERGUSON: Are you going to --
 2 MS. COMAS: The question is: How could
 3 you allow this.
 4 CHAIRMAN FERGUSON: Listen, what did I
 5 say before we opened it up? If you have comments,
 6 you got to wait until the end or after all the
 7 testimony is in, that's when you can make comments,
 8 you know, about traffic flow and all that good stuff.
 9 Right now it's him.
 10 MS. COMAS: Okay. But I'm ready to
 11 make comments.
 12 MR. SOKOLICH: We're not at that point
 13 --
 14 MS. COMAS: Well, let's get to that
 15 point.
 16 CHAIRMAN FERGUSON: Okay. So --
 17 MS. COMAS: Let's get to that point.
 18 CHAIRMAN FERGUSON: I'll let you know.
 19 Okay. Anybody else?
 20 (No Response.)
 21 MR. SOKOLICH: Five minutes.
 22 CHAIRMAN FERGUSON: Okay. We're going
 23 to take a five-minute break and then we'll be back in
 24 five minutes.
 25 MR. SOKOLICH: Thank you, Chairman.
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1 (Whereupon, a brief recess is held.)
 2 CHAIRMAN FERGUSON: Okay. We're back.
 3 Okay. Can we take a roll call for
 4 attendance?
 5 MS. R. KIM: Mr. Ferguson?
 6 CHAIRMAN FERGUSON: Here.
 7 MS. R. KIM: Mr. Brogna?
 8 MR. BROGNA: Here.
 9 MS. R. KIM: Mr. Elefteriou?
 10 MR. ELEFTERIOU: Here.
 11 MS. R. KIM: Mr. Grala?
 12 MR. GRALA: Here.
 13 MS. R. KIM: Mr. Kim?
 14 MR. KIM: Here.
 15 MS. R. KIM: Mr. Terranova?
 16 MR. TERRANOVA: Here.
 17 MS. R. KIM: Mr. Chung?
 18 MR. CHUNG: Here.
 19 MS. R. KIM: Mrs. Yoon?
 20 MS. YOON: Here.
 21 CHAIRMAN FERGUSON: Okay. So you have
 22 one more witness for tonight?
 23 MR. SOKOLICH: We do, Chairman.
 24 CHAIRMAN FERGUSON: Do we have any
 25 witnesses after.

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1 the record.
 2 MR. SPATZ: David Spatz, S-P-A-T-Z. My
 3 business address is 60 Friend Terrace, Harrington
 4 Park, New Jersey.
 5 CHAIRMAN FERGUSON: Okay. And he's
 6 been here many time also, so we'll accept him as an
 7 expert.
 8 MR. SPATZ: Thank you.
 9 MR. SOKOLICH: Thank you, Chairman.
 10 Thank you, Counsel.
 11 DIRECT EXAMINATION
 12 BY MR. SOKOLICH:
 13 Q. So, Dave, as I ask all witnesses when
 14 they first start, the scope of your engagement?
 15 A. **Certainly.**
 16 **I was asked to review the plans, visit**
 17 **the property, review the master plan, the zoning**
 18 **ordinance and other documents and then provide**
 19 **testimony for this evening.**
 20 Q. And were you present during the course
 21 of the testimony this evening of Mr. Cocoros and
 22 Mr. Luglio?
 23 A. **I was, yes.**
 24 Q. And you were present, were you not, at
 25 the prior hearing concerning this application?

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1 MR. SOKOLICH: We do not.
 2 If we complete Mr. Spatz tonight, which
 3 I see no reason why we cannot, the remaining
 4 witnesses are supplemental testimony, myself and
 5 Mr. Cocoros with regard to our findings with the fire
 6 department and our response, and then Mr. Luglio, his
 7 conferring with Mr. Simoff and coming up with a
 8 report also.
 9 CHAIRMAN FERGUSON: Right.
 10 MR. SOKOLICH: So that said, with your
 11 permission.
 12 CHAIRMAN FERGUSON: Take it away.
 13 MR. SOKOLICH: Thank you.
 14 We would ask Mr. Spatz to, please, be
 15 sworn in.
 16 MS. TESTA: Please raise your right
 17 hand.
 18 Do you swear the testimony you will
 19 give in this application will be the truth, the whole
 20 truth and nothing but the truth?
 21 MR. SPATZ: Yes, I do.

22 D A V I D S P A T Z, PP, AICP
 23 60 Friend Terrace, Harrington Park, New Jersey,
 24 having been duly sworn, testifies as follows:
 25 MS. TESTA: Please state your name for

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1 A. **I was, yes.**
 2 Q. And, in fact, you did prepare your
 3 planning assessment?
 4 A. **I did.**
 5 Q. And there are certain considerations
 6 with regard to this application, not necessarily
 7 common to all, you're aware that this has now been
 8 reduced to a 50-unit development?
 9 A. **Forty down from 50.**
 10 Q. Forty, excuse me, 40 from 50?
 11 A. **Right.**
 12 Q. Number two, do you not acknowledge that
 13 this developer is willing to provide a 20-percent
 14 set-aside for affordable housing?
 15 A. **That's correct, I'm aware of that.**
 16 Q. And I just wanted you to acknowledge
 17 that at the outset.
 18 A. **Certainly.**
 19 MR. SOKOLICH: So I also want to
 20 identify the photographs that we submitted. I
 21 submitted to the board a series of four photographs
 22 that, Diane, I believe we're up to A-14.
 23 MS. TESTA: Yes.
 24 MR. SOKOLICH: So I'm going to mark it
 25 as A-14.

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1 (Whereupon, Four Photographs are marked
 2 as Exhibit A-14 for identification.)
 3 BY MR. SOKOLICH:
 4 Q. David, before you start your testimony,
 5 if you could just identify going clockwise and
 6 then --
 7 A. Sure, certainly, okay.
 8 Q. Oh, I'm so sorry.
 9 A. The top two photographs are of the
 10 three buildings on the property.
 11 The top left is of the westernmost
 12 building and then adjacent to that is the
 13 three-family home.
 14 Then the top right is looking towards
 15 the east and those are the other two homes. There's
 16 two two-families and a single-family on the property.
 17 The bottom behind us are primarily one-
 18 and two-family homes.
 19 The bottom left-hand photograph is
 20 looking further to the east up towards Broad and
 21 where you have commercial and some multi-unit as
 22 well.
 23 And then the bottom right shows the
 24 frontage of our property on Columbia, the 46 just
 25 beyond that and the ramp to 46 is just to the west of
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1 our property. The opposite side of 46 are
 2 multifamily buildings, an older multifamily building
 3 and then a newer unit that you can see in the
 4 photographs.
 5 So located in the AA zone, which does
 6 not permit the multifamily, so we're here for a use
 7 variance. The property itself exceeds the lot area
 8 and lot width requirements of the zone.
 9 In addition to the use variance, there
 10 are two additional D variances for building height.
 11 The reduced building is still six
 12 stories and 62.42 feet where two-and-a-half stories
 13 and 25 feet are allowed within the zone and then we
 14 also need a D variance from minimal lot area per
 15 unit, which is density. We're at 405.2 square feet
 16 where 2500 because it's a two-family -- one- and
 17 two-family zone is required and then there are
 18 several C variances for building coverage, front yard
 19 setback, rear yard, side yard. And then the parking
 20 variance, which has been described already.
 21 So looking particularly at our use
 22 variance, I think the subject site is particularly
 23 well-suited for what we're proposing. The site is
 24 large enough to support the proposed multifamily
 25 development and provide a sufficient amount of
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1 parking and there was testimony to that.
 2 The existing building -- buildings on
 3 the property are in poor condition. The project is
 4 going to provide for a development that is consistent
 5 with the development in the immediate vicinity,
 6 particularly those directly across the highway where
 7 we're oriented towards the highway and there are
 8 other multifamily within the AA zone and I think
 9 we're, therefore, consistent with the overall, the
 10 general development pattern.
 11 One of the ways to justify the special
 12 reasons for the use variance is looking to the
 13 Municipal Land Use Law and the purposes of zoning
 14 which are also contained in your zoning ordinance and
 15 I believe that we are consistent.
 16 (Audience Outburst.)
 17 CHAIRMAN FERGUSON: Hello, please,
 18 we're trying to take some testimony.
 19 MR. SOKOLICH: Thank you, Chairman.
 20 CHAIRMAN FERGUSON: If you want to
 21 talk, you can take it outside and you can come back
 22 in, but please.
 23 Go ahead.
 24 THE WITNESS: Thank you.
 25 So looking at the purposes of zoning
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1 from the Municipal Land Use Law, we meet a number of
 2 those purposes. Purpose A, which is promoting public
 3 health, safety, morals and general welfare, provision
 4 of housing meets that standard, particularly the
 5 provision of affordable housing. The affordable
 6 housing component is inherently beneficial.
 7 I'm not suggesting that the entire
 8 project meets that standard, but the affordable units
 9 would meet the standard for inherently beneficial
 10 uses.
 11 We also meet Purpose G, which is the
 12 provision of sufficient space and appropriate
 13 locations for a variety of uses and I believe we meet
 14 that standard. The neighborhood is a mixed
 15 neighborhood. Our side is more of the lower density,
 16 although we have three units, there are some
 17 multifamilies, but I think particularly our
 18 orientation is towards 46 and we look at the two
 19 other multifamily buildings on the other side of
 20 that.
 21 And then we also meet Purpose I, which
 22 is promoting a desirable, visual environment in
 23 removing structures that are in poor condition and
 24 they're being replaced with a modern safe building
 25 that satisfies the topography of the site.
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1 There is a slope going towards the east
 2 on our property and then a bit towards the rear and
 3 also addresses the development of the surrounding
 4 sites. We meet all building codes as well.
 5 Your zoning ordinance does permit
 6 mid-rise multifamily development in the AA zone in
 7 certain locations within the Borough. We are not
 8 included in that, but multifamily development is
 9 allowed on East Columbia Avenue from Broad to Roff,
 10 which is about 300 feet to the east.
 11 So we are not that, we're separated by
 12 Broad from that side, but also we're not that far out
 13 of character with that.
 14 In terms of the building, it's being
 15 oriented towards Route 46 rather than the lower
 16 density residences further along on West Columbia. I
 17 think this is an appropriate design along a highway.
 18 The state master plan suggests that highway
 19 development can be at a greater height and greater
 20 density than might be allowed more in land and other
 21 versions.
 22 So we do have the heavily traveled
 23 highway and I think it is an appropriate location for
 24 the multifamily development.
 25 In terms of the height variance,
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1 specifically what we need to look at is whether we
 2 are consistent with the neighborhood. While we are
 3 taller than the properties to the rear or to the
 4 north of us, I believe we are consistent with the
 5 higher multifamilies and other buildings on Broad,
 6 but particularly the high-rise directly opposite of
 7 us on the other side.
 8 In terms of the height, I think we are
 9 consistent with that.
 10 And in terms of the density, what we
 11 need to look at is whether the property can support
 12 the increased units. We've modified the plans to
 13 reduce the building height, reduce the number of
 14 units to try to bring it more in line with what the
 15 ordinance permits.
 16 Testimony was provided by Mr. Luglio
 17 that there's sufficient amount of parking being
 18 provided on the site. There's really no impact on
 19 adjacent traffic in terms of trip generation. There
 20 is access directly to the highway and mass transit
 21 opportunities.
 22 So I think the property can support it.
 23 There was testimony at the previous meeting that
 24 drainage improvements are also being provided on the
 25 site, which will, I think, help allow us to meet that
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1 standard. So I think the D variances can be
 2 supported.
 3 When we look at the bulk variances,
 4 while we do not meet the front yard setback
 5 requirements of the zone, the majority of the
 6 building really has its frontage on Route 46 as
 7 opposed to West Columbia. We do conform to the front
 8 yard setback requirement for multifamily buildings
 9 elsewhere in the AA zone and the setbacks, I think,
 10 are similar to what exists on the site currently, as
 11 well as consistent with the development on West
 12 Columbia Avenue and I think the photographs indicate
 13 what is on our site now, as well as the other
 14 development further to the west on Columbia.
 15 In terms of the side yards, the
 16 individual side yards meet the standard for the AA
 17 zone. Your ordinance requires combined side yards
 18 that are actually greater than just twice the size,
 19 you can't just add them up and get it, it's even
 20 greater. We don't meet that standard, but the side
 21 yards themselves meet the additional standard. There
 22 will be additional landscaping, walls and fencing,
 23 which will help buffer our property from the adjacent
 24 properties and I think that mitigates some of the
 25 increased building coverage. Testimony previously
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1 indicated that drainage improvements are being
 2 provided on the site, which again, I think what's
 3 reducing the impacts on off-site properties from our
 4 development.
 5 In terms of parking, Mr. Luglio
 6 provided, I think, sufficient testimony to indicate
 7 that a sufficient amount of parking was provided on
 8 our property, that there's a limited amount of impact
 9 off-site from traffic being generated. We're
 10 providing one space for each unit and then there are
 11 18 other spaces, which can be used for visitors or if
 12 certain units have more than one -- more than one car
 13 and need an additional space, so I think on-site
 14 there's sufficient amount of parking provided to
 15 satisfy what we're proposing.
 16 So I think the positive criteria exists
 17 for the C variances.
 18 So lastly, we'll look at the negative
 19 criteria and I don't think there's anything that
 20 rises to the level of being substantially negative.
 21 We're in character, I believe, with the surrounding
 22 residential land uses, primarily those directly
 23 across the street, as I keep mentioning, where there
 24 are newer multifamily buildings that have the same
 25 qualities in terms of lot size, frontage on the
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1 highway, they're at a higher elevation as shown on
2 the photograph in the lower right-hand corner.
3 So in terms of height, we are
4 consistent with their height as well.

5 In terms of the setbacks, we are
6 similar in certain cases to what exists on the
7 property. Side yards are consistent. Rear yard is a
8 conforming setback. The streetscape is maintained by
9 our front yard set.

10 On Route 46, again, the state master
11 plan indicates that development that fronts on
12 highways can support a higher building, as well as
13 increased density and I think we meet that standard.

14 Lastly, in terms of parking and the
15 impact from that, there's very limited traffic being
16 generated from our site, a similar amount of parking
17 being provided on-site. There's no parking permitted
18 currently in front of this property. So we're not
19 losing any on-site parking. There are driveways for
20 all of those buildings. We only have two driveways.

21 So on balance, I think the positive
22 criteria is met. It far outweighs what might be
23 considered negative and I believe it would be
24 appropriate to grant the variances that we're
25 seeking.

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1 THE WITNESS: I count eight, but --

2 CHAIRMAN FERGUSON: Okay.

3 THE WITNESS: Yes, there's nine,
4 because the ninth is the preexisting lot depth.

5 CHAIRMAN FERGUSON: Right.

6 THE WITNESS: Which would be there for
7 any development of the property, but, yes, that's the
8 ninth.

9 CHAIRMAN FERGUSON: Okay. So one of
10 those is a D-6 variance, correct.

11 THE WITNESS: Yes.

12 CHAIRMAN FERGUSON: Okay. And in a D-6
13 variance, there's positive and negative.

14 THE WITNESS: Correct.

15 CHAIRMAN FERGUSON: Right.

16 THE WITNESS: Right.

17 CHAIRMAN FERGUSON: And your testimony
18 is that the positive outweighs the negative.

19 THE WITNESS: I believe so, yes.

20 CHAIRMAN FERGUSON: Okay.

21 So I don't agree with you by the way,
22 but I'm just curious on this building, why is it so
23 beneficial that it outweighs the negative? Because
24 to me, there's no -- it's all negative.

25 THE WITNESS: I believe the provision

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1 MR. SOKOLICH: Thank you, David. I
2 have no further questions, Mr. Chairman.

3 CHAIRMAN FERGUSON: Okay.

4 BY MR. SOKOLICH:

5 Q. David, you --

6 MR. SOKOLICH: I'm sorry, Chairman.

7 CHAIRMAN FERGUSON: That's okay.

8 BY MR. SOKOLICH:

9 Q. You do acknowledge the 20-percent
10 set-aside, and the balance of market rate?

11 A. Yes.

12 Q. Was that included in --

13 A. **Yeah, I mentioned that earlier. Yes,**
14 **there are 20 percent of what we're proposing would be**
15 **eight units. The rest are market rate.**

16 **Those eight affordable units, I would**
17 **consider as an inherently beneficial portion of our**
18 **development.**

19 MR. SOKOLICH: Thank you, David.

20 Sorry, Mr. Chairman.

21 CHAIRMAN FERGUSON: Okay, no problem.

22 So just the first question is: How
23 many variances total, not go through all them, but
24 how many variances are you looking? I count nine. I
25 don't know if --

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1 of the housing, particularly the affordable housing
2 that provides absolutely a public benefit, that
3 affordable housing that we're providing. The units
4 are predominately studios and one-bedrooms, which I
5 think is needed. A lot of the development are of
6 larger unit buildings.

7 So I think smaller units, something
8 with mass transit, directly on the highway access, I
9 think those are positive benefits from what we're
10 proposing.

11 CHAIRMAN FERGUSON: Okay. So the
12 traffic engineer -- maybe I misheard him, but I got
13 the impression that there isn't enough parking.

14 THE WITNESS: Our traffic engineer or
15 yours.

16 CHAIRMAN FERGUSON: What?

17 THE WITNESS: I believe that there is
18 sufficient parking. I think that was the testimony
19 that while we don't meet the RSIS standard --

20 CHAIRMAN FERGUSON: Which you don't
21 need.

22 THE WITNESS: Which we don't need and
23 we need a variance certainly, but that the Institute
24 of Transportation Engineers based on our location and
25 the types of units has a much lower parking demand

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1 even though we don't -- it doesn't change the need
2 for a variance, I think the demand is actually less
3 given what we're proposing and what we're located and
4 where we're located.
5 CHAIRMAN FERGUSON: I don't want to go
6 through the numbers, but you're short, you know, 13,
7 20 spaces, right.
8 THE WITNESS: I think it's 18 according
9 to the Residential Site Improvement Standards.
10 CHAIRMAN FERGUSON: Right.
11 So you're short 18, because the problem
12 is that you're already taking the parking in the area
13 up because you're eliminating the curbs where now you
14 can park and in addition, you're not showing that
15 there's enough parking, you know, in the whole area.
16 So what you're saying is that the
17 residents, you got a building going up, there's going
18 to be parking in the building, my opinion it's not
19 enough, but people that are in that block are not
20 going to have a place to park.
21 THE WITNESS: I -- in terms of the
22 parking required currently, there are three driveways
23 currently on the property, one of them being a
24 doublewide driveway. We're only having two
25 driveways.
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1 So I think if parking were permitted,
2 we're actually, I think, on the street picking up
3 maybe a space and, again, if you just do the numbers
4 based on RSIS, we are short on parking, testimony was
5 provided this evening that based on other types of
6 standards, accepted standards, that there is
7 sufficient amount of parking, but that's my opinion
8 versus the board, I understand that.
9 CHAIRMAN FERGUSON: Now, of course I
10 noticed that you kept on talking about the other side
11 of 46.
12 THE WITNESS: Yes.
13 CHAIRMAN FERGUSON: Is there any
14 high-rises on the applicant's side?
15 THE WITNESS: No, no, and I acknowledge
16 it.
17 CHAIRMAN FERGUSON: I know you said it.
18 THE WITNESS: Correct.
19 CHAIRMAN FERGUSON: But I'm just trying
20 to get to that in that area on your side of Route 46
21 there's no high-rises, everything is on the other
22 side, correct.
23 THE WITNESS: Correct. Yes, in the
24 immediate vicinity, absolutely.
25 CHAIRMAN FERGUSON: Now, you said
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1 something about East Columbia, which is --
2 THE WITNESS: The other side.
3 CHAIRMAN FERGUSON: Yes, on the other
4 side and you said it correctly that it is part of
5 this zone that they have.
6 MR. SOKOLICH: Overlay.
7 CHAIRMAN FERGUSON: Overlay.
8 THE WITNESS: Yes, that area on the
9 other side of Broad does permit on East Columbia,
10 does permit multifamily buildings.
11 CHAIRMAN FERGUSON: Where you're
12 building --
13 THE WITNESS: Correct, it does not. We
14 are not in that overlay zone. We need the use
15 variance. We're about 300 feet from that property,
16 but we absolutely need a use variance.
17 CHAIRMAN FERGUSON: Okay. Any board
18 members have anything?
19 (No Response.)
20 CHAIRMAN FERGUSON: Okay.
21 Mr. --
22 MR. KAUKER: Kauker.
23 CHAIRMAN FERGUSON: -- Kauker?
24 MR. KAUKER: I listened to David's
25 testimony. It was very comprehensive, very thorough.
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1 I have about five or six categories of
2 concerns that I would like to put into writing in
3 terms of questions as with our traffic expert's
4 procedure, give those questions to the board and
5 David so that we're all prepared to address the
6 concerns that I have at the next meeting.
7 My concerns deal with the depth and
8 breath of David's testimony with regard to particular
9 suitability. The character of the existing
10 neighborhood concerns me. The hardship that is
11 brought to bear as a product of this application is
12 another area of concern. The density is another area
13 of concern that I'd like to review in the context of
14 David's testimony and submit appropriate questions.
15 With the board's pleasure, that's the way I would
16 like to proceed.
17 CHAIRMAN FERGUSON: Yeah, that's fine.
18 THE WITNESS: That's fine.
19 I'll absolutely respond and we can talk
20 and provide additional testimony.
21 CHAIRMAN FERGUSON: Can we get it done
22 for the next meeting?
23 THE WITNESS: Excuse me?
24 CHAIRMAN FERGUSON: Can we get it done
25 by next --
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1 THE WITNESS: Oh, yes, I -- my side,
 2 yes, absolutely.
 3 MR. SOKOLICH: We intend to, Chairman.
 4 THE WITNESS: Yeah, absolutely.
 5 CHAIRMAN FERGUSON: Because I would
 6 love to wrap this up.
 7 MR. SOKOLICH: Yeah.
 8 We're done with all full witnesses,
 9 Chairman.
 10 Now it's just isolated responses to
 11 various issues.
 12 CHAIRMAN FERGUSON: Right.
 13 So you're going to submit to him.
 14 MR. KAUKER: Yes, and the board, copy
 15 of the memo.
 16 CHAIRMAN FERGUSON: And you're going to
 17 be --
 18 THE WITNESS: We'll prepare a response
 19 and then testify to that.
 20 CHAIRMAN FERGUSON: And then you'll
 21 present it at the next meeting.
 22 THE WITNESS: Absolutely.
 23 CHAIRMAN FERGUSON: Counsel, just so
 24 I'm clear, I asked you for \$5,000.00 somewhere down
 25 the line.

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1 name and address.
 2 MR. IM: Yes, 34 West Ruby Avenue, I'm
 3 residing in that address.
 4 THE COURT REPORTER: Your name, please.
 5 MS. TESTA: Your name, sir.
 6 MR. IM: Im, last name is Im, I-M.
 7 THE COURT REPORTER: And your first
 8 name.
 9 MR. IM: H-O-S-O-O-N.
 10 THE COURT REPORTER: Thank you.
 11 MR. IM: Yes, we explained our opinion
 12 last several times.
 13 CHAIRMAN FERGUSON: Correct.
 14 MR. IM: Last January and February.
 15 CHAIRMAN FERGUSON: Right.
 16 MR. IM: And at hearing was your public
 17 came and take into account of our resident voice
 18 reflecting them into your final decision of this
 19 construction. We are opposing against this
 20 construction.
 21 CHAIRMAN FERGUSON: Right.
 22 Is there a question?
 23 MR. IM: No, this is not a matter of
 24 the parking space. It's a matter of traffic
 25 congestion.

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1 Did you give that \$5,000.00?
 2 MR. SOKOLICH: Chairman, I thought it
 3 was \$4,000.00 and it was paid.
 4 Yeah, and it was paid.
 5 CHAIRMAN FERGUSON: So \$4,000.00 was
 6 paid.
 7 MR. SOKOLICH: Yes. I don't know where
 8 I got four.
 9 CHAIRMAN FERGUSON: All right,
 10 whatever, but you did pay.
 11 MR. SOKOLICH: Yes, oh, absolutely.
 12 CHAIRMAN FERGUSON: Okay.
 13 MR. SOKOLICH: And I will double check
 14 that tomorrow, Chairman, but I'm 99 percent sure.
 15 CHAIRMAN FERGUSON: All right. So now
 16 we're going to open it up to the public.
 17 MR. SOKOLICH: Questions.
 18 CHAIRMAN FERGUSON: For this
 19 individual, this -- questions that he said that you
 20 have any questions for.
 21 Anybody have anything?
 22 (No Response.)
 23 CHAIRMAN FERGUSON: Okay. So here's
 24 the deal.
 25 Next -- yes, I'm sorry, go ahead. Your

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1 CHAIRMAN FERGUSON: Right. Okay.
 2 So let me explain this to you one more
 3 time. Tonight we are only asking questions that he
 4 said.
 5 At the next meeting, right, everybody
 6 in the audience can make comments. Anything you want
 7 to talk about when the testimony is over, everybody
 8 here can make a comment, whatever you want to talk
 9 about.
 10 You can ask questions. You can make
 11 comments. You can talk about the sky, the sun,
 12 whatever you want to talk about, but that's next
 13 meeting, not now.
 14 So I'd hate to bring you back next
 15 meeting, but if you all want to have a comment,
 16 that's the area that we're going to permit you to
 17 make comments, right?
 18 I understand what you're saying, next
 19 meeting. Okay?
 20 Now, what is the date of the next
 21 meeting?
 22 MS. TESTA: May 20th.
 23 CHAIRMAN FERGUSON: May 20th is the
 24 next meeting.
 25 I expect if everything goes right,

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1 which these things never seem to go, that we're
 2 probably going to take a vote next meeting, I hope,
 3 but I can't guarantee it, but I think next meeting
 4 everybody is going to get the answer for or against,
 5 whatever the board decides. Okay?
 6 Appreciate it.
 7 Yes?
 8 MS. COMAS: Just before you said that
 9 we can make comments.
 10 CHAIRMAN FERGUSON: No, at the next
 11 meeting.
 12 MS. COMAS: No, now?
 13 Before you just said --
 14 CHAIRMAN FERGUSON: No, no, no, no, no.
 15 Today you have to ask questions to the person that --
 16 MR. SOKOLICH: Chairman --
 17 MS. TESTA: When the applicant has
 18 completed all of the testimony, then it will be open
 19 for comments, but we're not at that stage yet. That
 20 will take place at the next meeting and that's why
 21 you can only ask questions of the applicant's experts
 22 that testified this evening. It's a procedural --
 23 yeah.
 24 CHAIRMAN FERGUSON: Next meeting you
 25 can --

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1 (Whereupon, all present members respond
 2 in the affirmative.)
 3 MS. TESTA: Opposed?
 4 (No Response.)
 5 (Whereupon, this meeting is concluded.
 6 Time noted: 8:55 p.m.)

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1 MS. COMAS: All right.
 2 MR. SOKOLICH: Chairman, would the
 3 Board and Chairman consider authorizing counsel to
 4 pre-prepare a resolution for the next meeting if the
 5 board is inclined.
 6 And if it's no, it's no, I'm just
 7 asking.
 8 MS. TESTA: Me to prepare a resolution.
 9 CHAIRMAN FERGUSON: No.
 10 MR. SOKOLICH: Say no more. I was
 11 asked to ask the question.
 12 Goodnight, everyone. May 20th, without
 13 the necessity of re-notice.
 14 MS. TESTA: Correct, yes.
 15 This matter is being carried and you
 16 waive any time constraints?
 17 MR. SOKOLICH: We do.
 18 MS. TESTA: So just so the public
 19 knows, 23-15 --
 20 MR. SOKOLICH: You lost your audience,
 21 Diane.
 22 CHAIRMAN FERGUSON: Can I get a motion
 23 to adjourn?
 24 MR. ELEFTERIOU: Motion.
 25 CHAIRMAN FERGUSON: All in favor?

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1 CERTIFICATE
 2
 3 I, LAURA A. CARUCCI, C.C.R., R.P.R., a Notary
 4 Public of the State of New Jersey, Notary ID.
 5 #50094914, Certified Court Reporter of the State of
 6 New Jersey, and a Registered Professional Reporter,
 7 hereby certify that the foregoing is a verbatim
 8 record of the testimony provided under oath before
 9 any court, referee, board, commission or other body
 10 created by statute of the State of New Jersey.
 11 I am not related to the parties
 12 involved in this action; I have no financial
 13 interest, nor am I related to an agent of or employed
 14 by anyone with a financial interest in the outcome of
 15 this action.
 16 This transcript complies with
 17 regulation 13:43-5.9 of the New Jersey Administrative
 18 Code.
 19
 20
 21
 22
 23
 24
 25

 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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