

BOROUGH OF PALISADES PARK
ZONING BOARD OF ADJUSTMENT
MONDAY, MAY 20, 2024
7:08 p.m.

1	Case No. 20-11) TRANSCRIPT OF) PROCEEDING
2	Dong Nam NJ, LLC	
3	550 Bergen Boulevard	
4	Block: 416; Lot: 3	
5	Case No. 23-15	
6	DRC Development Corp.	
7	35, 37 & 39 Columbia Avenue	
8	Block: 617; Lots: 21-23	
9	Case No. 23-17	
10	Young Jo & Kwangmi Jin	
11	72 Brinkerhoff Terrace	
12	Block: 201; Lot: 9	
13	Case No. 24-02	
14	Hillcrest Builders LLC	
15	450 East Edsall Boulevard	
16	Block: 420; Lots: 16	
17	Case No. 21-14	
18	Grand Bellview LLC	
19	254 Grand Avenue	
20	Block: 202; Lot: 4	
21	Case No. 24-01	
22	129, 139 & 141 Bergen Boulevard	
23	Block: 716, Lots: 20-22	

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

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

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

I N D E X

1	WITNESS	SWORN	TESTIMONY
3	Case No. 20-11		
4	Dong Nam NJ, LLC		
5	550 Bergen Boulevard		
6	Block: 416; Lot: 3		10
7	Case No. 23-17		
8	Young Jo & Kwangmi Jin		
9	72 Brinkerhoff Terrace		
10	Block: 201; Lot: 9		11
11	Case No. 24-02		
12	Hillcrest Builders LLC		
13	450 East Edsall Boulevard		
14	Block: 420; Lot: 16		12
15	Case No. 21-14		
16	Grand Bellview LLC		
17	254 Grand Avenue		
18	Block: 202; Lot: 4		8
19	Case No. 24-01		
20	129, 139 & 141 Bergen Boulevard		
21	Block 716, Lots 20-22		15
22	Case No. 23-15		
23	DRC Development Corp.		
24	35, 37 & 39 Columbia Avenue		
25	Block: 617; Lots 21-23		17
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32	LOUIS LUGLIO, P.E.	42	
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35	Mr. Grala		56
36	Chairman Ferguson		60
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A P P E A R A N C E S:

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Counsel for the Board of Adjustment

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Counsel for the Applicants
Grand Bellview LLC

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

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

REBEKAH KIM, BOARD SECRETARY

STEVEN COLLAZUOL, P.E., BOARD ENGINEER

HAL SIMOFF, P.E., BOARD TRAFFIC ENGINEER

MICHAEL KAUKER, P.P., AICP, BOARD PLANNER

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07:08PM 1 CHAIRMAN FERGUSON: Open public meeting
 07:08PM 2 notice.
 07:08PM 3 In accordance with the Open Public
 07:08PM 4 Meetings Act, notice of this meeting has been posted
 07:08PM 5 on the borough bulletin board. Notice has been
 07:08PM 6 provided to at least two of the official newspapers
 07:08PM 7 and filed with the Clerk's Office.
 07:09PM 8 Okay. So I read the open meetings
 07:09PM 9 statement, you can conduct the roll recall.
 07:09PM 10 MS. REBEKAH KIM: Mr. Ferguson?
 07:09PM 11 CHAIRMAN FERGUSON: I'm here.
 07:09PM 12 MS. REBEKAH KIM: Mr. Albanese?
 07:09PM 13 (No Response.)
 07:09PM 14 MS. REBEKAH KIM: Mr. Brogna?
 07:09PM 15 MR. BROGNA: Here.
 07:09PM 16 MS. REBEKAH KIM: Mr. Elefteriou?
 07:09PM 17 MR. ELEFTERIOU: Here.
 07:09PM 18 MS. REBEKAH KIM: Mr. Grala?
 07:09PM 19 MR. LGRALA: Here.
 07:09PM 20 MS. REBEKAH KIM: Mr. Kim?
 07:09PM 21 MR. KIM: Here.
 07:09PM 22 MS. REBEKAH KIM: Mr. Terranova?
 07:09PM 23 MR. TERRANOVA: Here.
 07:09PM 24 MS. REBEKAH KIM: Mr. Chung?
 07:09PM 25 MR. CHUNG: Here.

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07:10PM 1 MS. REBEKAH KIM: Mrs. Yoon?
 07:10PM 2 MS. YOON: Yes.
 07:10PM 3 CHAIRMAN FERGUSON: Okay. Next, the
 07:10PM 4 board all received the minutes of the previous
 07:10PM 5 meeting. It's fascinating reading.
 07:10PM 6 Can I get a motion to accept the
 07:10PM 7 minutes as submitted?
 07:10PM 8 MR. GRALA: I'll make a motion.
 07:10PM 9 MR. ELEFTERIOU: Second.
 07:10PM 10 MS. REBEKAH KIM: Mr. Ferguson?
 07:10PM 11 CHAIRMAN FERGUSON: Yes.
 07:10PM 12 MS. REBEKAH KIM: Mr. Brogna?
 07:10PM 13 MR. BROGNA: Yes.
 07:10PM 14 MS. REBEKAH KIM: Mr. Elefteriou?
 07:10PM 15 MR. ELEFTERIOU: Yes.
 07:10PM 16 MS. REBEKAH KIM: Mr. Grala?
 07:10PM 17 MR. GRALA: Yes.
 07:10PM 18 MS. REBEKAH KIM: Mr. Kim?
 07:10PM 19 MR. KIM: Yes.
 07:10PM 20 MS. REBEKAH KIM: Mr. Terranova?
 07:10PM 21 MR. TERRANOVA: Yes.
 07:10PM 22 MS. REBEKAH KIM: Mr. Chung?
 07:10PM 23 MR. CHUNG: Yes.
 07:10PM 24 MS. REBEKAH KIM: Ms. Yoon?
 07:10PM 25 MS. YOON: Yes.

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07:09PM 1 MS. REBEKAH KIM: Mrs. Yoon?
 07:09PM 2 MS. YOON: Here.
 07:09PM 3 CHAIRMAN FERGUSON: Okay.
 07:09PM 4 So first order of business is taking
 07:09PM 5 care of some of the bills.
 07:09PM 6 We have only one bill tonight for
 07:09PM 7 \$618.75 for our borough attorney -- for our board
 07:09PM 8 attorney, rather.
 07:09PM 9 So I'll make a motion to pay that bill.
 07:10PM 10 MR. BROGNA: I'll second it.
 07:10PM 11 CHAIRMAN FERGUSON: Roll call.
 07:10PM 12 MS. REBEKAH KIM: Mr. Ferguson?
 07:10PM 13 CHAIRMAN FERGUSON: Yes.
 07:10PM 14 MS. REBEKAH KIM: Mr. Brogna?
 07:10PM 15 MR. BROGNA: Yes.
 07:10PM 16 MS. REBEKAH KIM: Mr. Elefteriou?
 07:10PM 17 MR. ELEFTERIOU: Yes.
 07:10PM 18 MS. REBEKAH KIM: Mr. Grala?
 07:10PM 19 MR. GRALA: Yes.
 07:10PM 20 MS. REBEKAH HIM: Mr. Kim?
 07:10PM 21 MR. KIM: Yes.
 07:10PM 22 MS. REBEKAH KIM: Mr. Terranova?
 07:10PM 23 MR. TERRANOVA: Yes.
 07:10PM 24 MS. REBEKAH KIM: Mr. Chung?
 07:10PM 25 MR. CHUNG: Yes.

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07:10PM 1 CHAIRMAN FERGUSON: Okay.
 07:10PM 2 First order of business tonight is
 07:10PM 3 Case No. 21-14, Grand Bellview, LLC, 254 Grand
 07:11PM 4 Avenue, and he's looking for an extension of a
 07:11PM 5 resolution that was passed, I guess last year.
 07:11PM 6 Counselor, good to see you.
 07:11PM 7 MR. LEE: Good to see you all.
 07:11PM 8 Good evening, Mr. Chairperson and
 07:11PM 9 Members of the Board.
 07:11PM 10 Representing the applicant, I'm Daniel
 07:11PM 11 Lee from the Law Office of Daniel Lee.
 07:11PM 12 Approximately two years ago, this board
 07:11PM 13 was kind enough to accept the application and approve
 07:11PM 14 this application at this location, 254 Grand Avenue
 07:11PM 15 for the construction of a duplex.
 07:11PM 16 And it's been about two years for
 07:11PM 17 various reasons, including some personal reasons that
 07:11PM 18 affect the families of the owner, the construction
 07:11PM 19 has not begun yet.
 07:11PM 20 So we're at this point here tonight to
 07:11PM 21 request a one-year extension on the resolution.
 07:11PM 22 CHAIRMAN FERGUSON: Okay. So you said
 07:11PM 23 two years prior?
 07:11PM 24 MR. LEE: Approximately two years.
 07:12PM 25 CHAIRMAN FERGUSON: Okay.

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07:12PM 1 Well, the only question I got is real
07:12PM 2 simple: What seems to be the hold up?
07:12PM 3 MR. LEE: Well, it's personal issues.
07:12PM 4 They had some family issues, including a couple of
07:12PM 5 deaths in the family.
07:12PM 6 CHAIRMAN FERGUSON: All right. So I
07:12PM 7 will make a motion to approve the extension.
07:12PM 8 MR. GRALA: I'll second.
07:12PM 9 CHAIRMAN FERGUSON: Roll call.
07:12PM 10 MS. REBEKAH KIM: Mr. Ferguson?
07:12PM 11 CHAIRMAN FERGUSON: Yes.
07:12PM 12 MS. REBEKAH KIM: Mr. Brogna?
07:12PM 13 MR. BROGNA: Yes.
07:12PM 14 MS. REBEKAH KIM: Mr. Elefteriou?
07:12PM 15 MR. ELEFTERIOU: Yes.
07:12PM 16 MS. REBEKAH KIM: Mr. Grala?
07:12PM 17 MR. GRALA: Yes.
07:12PM 18 MS. REBEKAH KIM: Mr. Kim?
07:12PM 19 MR. KIM: Yes.
07:12PM 20 MS. REBEKAH KIM: Mr. Terranova?
07:12PM 21 MR. TERRANOVA: Abstain.
07:12PM 22 MS. REBEKAH KIM: Mr. Chung?
07:12PM 23 MR. CHUNG: Yes.
07:12PM 24 MS. REBEKAH KIM: Ms. Yoon?
07:12PM 25 MS. YOON: Yes.

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07:12PM 1 CHAIRMAN FERGUSON: Okay.
07:12PM 2 Thank you very much.
07:12PM 3 MR. LEE: Thank you, everybody.
07:12PM 4 CHAIRMAN FERGUSON: No problem.
07:12PM 5 Okay. What's the next one?
07:12PM 6 MS. TESTA: The resolution.
07:12PM 7 CHAIRMAN FERGUSON: Okay. We have
07:12PM 8 Case No. 20-11, Dong Nam, NJ, LLC, 550 Bergen
07:12PM 9 Boulevard, that's a memorialization.
07:12PM 10 MS. TESTA: This was also an extension
07:13PM 11 of a prior approval.
07:13PM 12 This is their last extension.
07:13PM 13 CHAIRMAN FERGUSON: So this is what we
07:13PM 14 heard last month and I'll make a motion that we
07:13PM 15 accept the memorialization.
07:13PM 16 Can I get a second?
07:13PM 17 MR. GRALA: I'll second.
07:13PM 18 MS. REBEKAH KIM: Mr. Ferguson?
07:13PM 19 CHAIRMAN FERGUSON: Yes.
07:13PM 20 MS. REBEKAH KIM: Mr. Brogna?
07:13PM 21 MR. BROGNA: Yes.
07:13PM 22 MS. REBEKAH KIM: Mr. Elefteriou?
07:13PM 23 MR. ELEFTERIOU: Yes.
07:13PM 24 MS. REBEKAH KIM: Mr. Grala?
07:13PM 25 MR. GRALA: Yes.

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07:13PM 1 MS. REBEKAH KIM: Mr. Kim?
07:13PM 2 MR. KIM: Yes.
07:13PM 3 MS. REBEKAH KIM: Mr. Terranova?
07:13PM 4 MR. TERRANOVA: No.
07:13PM 5 MS. REBEKAH KIM: Mr. Chung?
07:13PM 6 MR. CHUNG: Yes.
07:13PM 7 MS. REBEKAH KIM: Ms. Yoon?
07:13PM 8 MS. YOON: Yes.
07:13PM 9 CHAIRMAN FERGUSON: Okay.
07:13PM 10 The next one is Case No. 23-17, Young
07:13PM 11 Jo and Kwangmi Kim, 72 Brinkerhoff Terrace.
07:13PM 12 And he's looking for an adjournment to
07:13PM 13 next month, correct?
07:13PM 14 MS. TESTA: Yes.
07:13PM 15 The attorney requested that it be
07:13PM 16 carried to the June meeting.
07:13PM 17 CHAIRMAN FERGUSON: Okay. I don't have
07:13PM 18 a problem giving him the adjournment, but please
07:14PM 19 notify him that next month is when we're going to go
07:14PM 20 forward with it.
07:14PM 21 MS. TESTA: Okay. Yes, and they'll be
07:14PM 22 no further notice?
07:14PM 23 CHAIRMAN FERGUSON: No further notice.
07:14PM 24 All right. So I'll make a motion we
07:14PM 25 grant the -- the -- we grant the adjournment.

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07:14PM 1 MS. TESTA: Yeah, at the applicant's
07:14PM 2 request to the June 17th, 2024 meeting.
07:14PM 3 CHAIRMAN FERGUSON: Yeah.
07:14PM 4 Is the mikes on? They're on.
07:14PM 5 Okay. Roll call.
07:14PM 6 MR. KIM: I'll second that.
07:14PM 7 MS. TESTA: Okay. Mr. Kim second it.
07:14PM 8 MS. REBEKAH KIM: Mr. Ferguson?
07:14PM 9 CHAIRMAN FERGUSON: Yes.
07:14PM 10 MS. REBEKAH KIM: Mr. Brogna?
07:14PM 11 MR. BROGNA: Yes.
07:14PM 12 MS. REBEKAH KIM: Mr. Elefteriou?
07:14PM 13 MR. ELEFTERIOU: Yes.
07:14PM 14 MS. REBEKAH KIM: Mr. Grala?
07:14PM 15 MR. GRALA: Yes.
07:14PM 16 MS. REBEKAH KIM: Mr. Kim?
07:14PM 17 MR. KIM: Yes.
07:14PM 18 MS. REBEKAH KIM: Mr. Terranova?
07:14PM 19 MR. TERRANOVA: Yes.
07:14PM 20 MS. REBEKAH KIM: Mr. Chung?
07:14PM 21 MR. CHUNG: Yes.
07:14PM 22 MS. REBEKAH KIM: Ms. Yoon?
07:14PM 23 MS. YOON: Yes.
07:15PM 24 CHAIRMAN FERGUSON: Okay. The next one
07:15PM 25 is 24-02, which is Hillcrest Builders, LLC.

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07:15PM 1 And counsel has asked for -- you want
 07:15PM 2 to say a few?
 07:15PM 3 MR. SOKOLICH: Chairman, good evening.
 07:15PM 4 Mark Sokolich on behalf of the applicant Hillcrest
 07:15PM 5 Builders relating to premises known as 450 East
 07:15PM 6 Edsall here in Palisades Park.
 07:15PM 7 This is a new application. It hasn't
 07:15PM 8 commenced yet before the board. We just recently
 07:15PM 9 noticed it.
 07:15PM 10 We provided counsel with our affidavit
 07:15PM 11 of service and proof of publication. That said, we
 07:15PM 12 were contacted by two attorneys, one of which,
 07:15PM 13 Douglas Bern represents the adjacent property owners.
 07:15PM 14 He was only engaged on Friday. He asked that we ask
 07:15PM 15 the board to carry it so he'd be given an opportunity
 07:15PM 16 to review.
 07:15PM 17 I, open-door policy, sent him the
 07:15PM 18 entire file via PDF, but he does need some time to
 07:16PM 19 review it.
 07:16PM 20 So I told him that I would ask and
 07:16PM 21 preliminarily we did; hence, he's not here this
 07:16PM 22 evening.
 07:16PM 23 CHAIRMAN FERGUSON: No problem.
 07:16PM 24 MS. TESTA: And you have no objection
 07:16PM 25 to his request for postponement?

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07:16PM 1 MR. KIM: Yes.
 07:16PM 2 MS. REBEKAH KIM: Mr. Terranova?
 07:16PM 3 MR. TERRANOVA: Yes.
 07:16PM 4 MS. REBEKAH KIM: Mr. Chung?
 07:16PM 5 MR. CHUNG: Yes.
 07:16PM 6 MS. REBEKAH KIM: Mrs. Yoon?
 07:16PM 7 MS. YOON: Yes.
 07:16PM 8 MS. TESTA: Okay. So Case No. 24-02,
 07:16PM 9 Hillcrest Builders, LLC, 450 East Edsall Boulevard,
 07:17PM 10 at the request of the applicant is being carried to
 07:17PM 11 the June 17th, 2024 meeting at 7:00 p.m. here in the
 07:17PM 12 council chambers.
 07:17PM 13 There will be no further notice
 07:17PM 14 provided to the public. Notice has already been
 07:17PM 15 provided.
 07:17PM 16 MR. SOKOLICH: Thank you, Diane.
 07:17PM 17 MS. TESTA: You're welcome.
 07:17PM 18 And also for the public here,
 07:17PM 19 Case No. 23-17, Young Jo and Kwangmi Jin,
 07:17PM 20 72 Brinkerhoff Terrace, Block 201, Lot 9, at the
 07:17PM 21 request of the applicant, it will be carried to the
 07:17PM 22 June 17th, 2024, meeting at 7:00 p.m.
 07:17PM 23 No further notice will be provided by
 07:17PM 24 the applicant.
 07:17PM 25 CHAIRMAN FERGUSON: Okay. And last,

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07:16PM 1 MR. SOKOLICH: I have no objection.
 07:16PM 2 Counsel to counsel, as you know, Diane,
 07:16PM 3 I would never -- you know, it's always up to the
 07:16PM 4 client. But, no, we don't have any objection.
 07:16PM 5 And we unconditionally waive the time
 07:16PM 6 period. We ask, though, that the date be announced
 07:16PM 7 because this is probably the largest notice I've ever
 07:16PM 8 had to do.
 07:16PM 9 CHAIRMAN FERGUSON: Okay. Okay. So
 07:16PM 10 I'm going to grant the --
 07:16PM 11 MS. TESTA: You'll --
 07:16PM 12 CHAIRMAN FERGUSON: I'll make a motion
 07:16PM 13 to grant the adjournment to next meeting, which is
 07:16PM 14 June 17th.
 07:16PM 15 MR. GRALA: I'll second.
 07:16PM 16 CHAIRMAN FERGUSON: Okay. Roll call.
 07:16PM 17 MS. REBEKAH KIM: Mr. Ferguson?
 07:16PM 18 CHAIRMAN FERGUSON: Yes.
 07:16PM 19 MS. REBEKAH KIM: Mr. Brogna?
 07:16PM 20 Mr. BROGNA: Yes.
 07:16PM 21 MS. REBEKAH KIM: Mr. Elefteriou?
 07:16PM 22 MR. ELEFTERIOU: Yes.
 07:16PM 23 MS. REBEKAH KIM: Mr. Grala?
 07:16PM 24 MR. GRALA: Yes.
 07:16PM 25 MS. REBEKAH KIM: Mr. Kim?

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07:17PM 1 but certainly not least, is Case No. 24-01, which is
 07:17PM 2 129, 139 & 141 Bergen Boulevard, and he's looking for
 07:17PM 3 an adjournment to next meeting.
 07:17PM 4 So I make a motion to grant the
 07:17PM 5 adjournment to the next meeting.
 07:18PM 6 MR. BROGNA: I'll second it.
 07:18PM 7 CHAIRMAN FERGUSON: And same as always,
 07:18PM 8 Diane, tell him next meeting is the meeting we're
 07:18PM 9 going to go with.
 07:18PM 10 Can I get a second?
 07:18PM 11 MR. ELEFTERIOU: Second.
 07:18PM 12 CHAIRMAN FERGUSON: Roll call.
 07:18PM 13 MS. REBEKAH KIM: Mr. Ferguson?
 07:18PM 14 CHAIRMAN FERGUSON: Yes.
 07:18PM 15 MS. REBEKAH KIM: Mr. Brogna?
 07:18PM 16 MR. BROGNA: Yes.
 07:18PM 17 MS. REBEKAH KIM: Mr. Elefteriou?
 07:18PM 18 MR. ELEFTERIOU: Yes.
 07:18PM 19 MS. REBEKAH KIM: Mr. Grala?
 07:18PM 20 MR. GRALA: Yes.
 07:18PM 21 MS. REBEKAH KIM: Mr. Kim?
 07:18PM 22 MR. KIM: Yes.
 07:18PM 23 MS. REBEKAH KIM: Mr. Terranova?
 07:18PM 24 MR. TERRANOVA: Yes.
 07:18PM 25 MS. REBEKAH KIM: Mr. Chung?

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07:18PM 1 MR. CHUNG: Yes.

07:18PM 2 MS. REBEKAH KIM: Mrs. Yoon?

07:18PM 3 MS. YOON: Yes.

07:18PM 4 MS. REBEKAH KIM: Can I ask you --

07:18PM 5 MS. TESTA: Okay.

07:18PM 6 So Case No. 24-01, 129, 139 and

07:18PM 7 121 Bergen Boulevard, Block 716, Lots 20 though 22,

07:18PM 8 as requested, the applicant has been adjourned to the

07:18PM 9 June 17th, 2024, meeting at 7:00 p.m.

07:18PM 10 No further notice will be provided to

07:18PM 11 the -- by the applicant to the public.

07:18PM 12 MS. REBEKAH KIM: Can I ask who second,

07:18PM 13 Mr. Brogna or Mr. Elefteriou?

07:18PM 14 MS. TESTA: Okay. Mr. Brogna.

07:18PM 15 MS. REBEKAH KIM: Mr. Brogna, okay.

07:18PM 16 CHAIRMAN FERGUSON: Okay. Which now

07:18PM 17 brings us to the main event of the evening is

07:19PM 18 Case No. 23-15, DRC Development, and they're

07:19PM 19 developing 35, 37, 39 Columbia Avenue.

07:19PM 20 Counsel?

07:19PM 21 MR. SOKOLICH: Chairman, good evening.

07:19PM 22 Mark Sokolich on behalf of the applicant.

07:19PM 23 MS. TESTA: Yeah, if you could please

07:19PM 24 put down your signs.

07:19PM 25 This is a public meeting and we don't

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07:20PM 1 development on traffic.

07:21PM 2 And then, finally, we presented the

07:21PM 3 testimony of David Spatz, licensed planner known to

07:21PM 4 this board, a reputable planner who reviewed in a

07:21PM 5 detailed manner each and every variance that's being

07:21PM 6 sought and provided what we believe to be the review

07:21PM 7 and statutory bases to grant the variances by this

07:21PM 8 board.

07:21PM 9 So I make that review for the benefit

07:21PM 10 of the board, because this is not an applicant that

07:21PM 11 has not taken the application seriously.

07:21PM 12 Along the way, we've asked that the

07:21PM 13 application be carried to incorporate revisions that

07:21PM 14 we heard from either the public or members of the

07:21PM 15 board.

07:21PM 16 For this evening's purposes, we intend

07:21PM 17 to present the testimony of each witness, Chairman,

07:21PM 18 but for only two or three minutes or four minutes,

07:21PM 19 just to review the revisions and get through it.

07:21PM 20 I do have a suggestion with regard to

07:21PM 21 protocol, which is completely within your discretion.

07:21PM 22 We'd love to be able to streamline our presentation

07:21PM 23 Mr. Cocoros, Mr. Luglio, Mr. Spatz, 30 minutes tops,

07:22PM 24 and then keep them present for the public.

07:22PM 25 Is that possible?

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07:19PM 1 need to have signs up.

07:19PM 2 MR. SOKOLICH: Okay. Chairman, for the

07:19PM 3 record -- go ahead.

07:19PM 4 The application is a continued hearing

07:19PM 5 for DRC Development regarding the request to approve

07:19PM 6 a 40-unit multifamily residential building and on

07:20PM 7 premises, as the Chairman indicates, 35-37 and

07:20PM 8 39 West Columbia Avenue. Those are three residential

07:20PM 9 lots, which are adjacent to one another upon which

07:20PM 10 this development is proposed.

07:20PM 11 Just by way of a brief summary, this

07:20PM 12 application has now spanned at least three public

07:20PM 13 hearings. We have had the opportunity to present in

07:20PM 14 detail the testimony of the licensed architect,

07:20PM 15 Mr. Cocoros.

07:20PM 16 After Mr. Cocoros, or at one point

07:20PM 17 after Mr. Cocoros, we presented the site plan

07:20PM 18 testimony of our professional engineer, Steve

07:20PM 19 Koestner of Koestner and Associates.

07:20PM 20 And Mr. Koester provided his site plan

07:20PM 21 testimony, we engaged a traffic engineer Louis

07:20PM 22 Luglio, who's also present this evening, who has

07:20PM 23 prepared a traffic impact report which will be

07:20PM 24 distributed momentarily, and he provided testimony

07:20PM 25 regarding the impact or lack thereof of this

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07:22PM 1 CHAIRMAN FERGUSON: Oh, it's very

07:22PM 2 possible.

07:22PM 3 MR. SOKOLICH: Okay. So that's what we

07:22PM 4 shall do then. We'll conclude their direct and then

07:22PM 5 they'll remain for any questions of the public.

07:22PM 6 CHAIRMAN FERGUSON: Okay. So let me

07:22PM 7 just say a few choice words about the applicant.

07:22PM 8 MR. SOKOLICH: Yes, sir.

07:22PM 9 CHAIRMAN FERGUSON: So at the last

07:22PM 10 meeting, there was a discussion between me and you

07:22PM 11 about your experts contacting the board's experts to

07:22PM 12 try to come to a meeting of the minds on some of the

07:22PM 13 issues that we raised.

07:22PM 14 I'm told that none of your experts

07:22PM 15 contacted any of my experts and I don't understand

07:22PM 16 why. I mean, I gave you the opportunity --

07:23PM 17 MR. SOKOLICH: Those experts are here.

07:23PM 18 CHAIRMAN FERGUSON: I gave you the

07:23PM 19 opportunity to contact our experts. I don't know why

07:23PM 20 you didn't. We agreed you could do it.

07:23PM 21 Why all your experts didn't do it is

07:23PM 22 beyond my comprehension.

07:23PM 23 Now, after saying that, and I just want

07:23PM 24 to say this to the public, I don't want to go into

07:23PM 25 too much detail with it, but apparently, your clients

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07:23PM 1 have elected to bring a suit against the Borough of
 07:23PM 2 Palisades Park and the planning board.
 07:23PM 3 Now, of course they have the right, I'm
 07:23PM 4 not saying they don't have the right.
 07:23PM 5 MR. SOKOLICH: They do.
 07:23PM 6 CHAIRMAN FERGUSON: They can do
 07:23PM 7 whatever they want to do.
 07:23PM 8 But in the text of that lawsuit, I find
 07:23PM 9 that some of the comments about this board, I don't
 07:24PM 10 agree with.
 07:24PM 11 Everybody has their own opinion, they
 07:24PM 12 can say whatever they want to say, but I really don't
 07:24PM 13 think it was necessary to take shots at us.
 07:24PM 14 MR. SOKOLICH: Chairman, let me just
 07:24PM 15 intervene. I don't represent them. I don't
 07:24PM 16 litigate, nor have I even read the complaint, I just
 07:24PM 17 want to be clear about that. I've reviewed the
 07:24PM 18 causes of action, but not the -- go ahead, I
 07:24PM 19 apologize.
 07:24PM 20 CHAIRMAN FERGUSON: So to me, on the
 07:24PM 21 one hand, you want to bring a suit, you want to file
 07:24PM 22 and get this thing going, and then later on, you
 07:24PM 23 know, you want to, you know, ask for an adjournment.
 07:24PM 24 I don't know where we're going. I
 07:24PM 25 mean, I want to get this thing done, preferably
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07:24PM 1 tonight, right? I would, you know, get this one
 07:25PM 2 done. We've been with it for, you know, five months
 07:25PM 3 or so.
 07:25PM 4 And truthfully, I'm not a lawyer and I
 07:25PM 5 just don't know what's your position. Is your
 07:25PM 6 position that your applicant filed a lawsuit and
 07:25PM 7 that's what you're going with? Or is your position
 07:25PM 8 on you want to continue on this one, this
 07:25PM 9 application?
 07:25PM 10 MR. SOKOLICH: May I respond?
 07:25PM 11 CHAIRMAN FERGUSON: Yeah, absolutely.
 07:25PM 12 MR. SOKOLICH: So, Chairman, this
 07:25PM 13 applicant has every right to pursue a dual course for
 07:25PM 14 purposes of developing its property.
 07:25PM 15 CHAIRMAN FERGUSON: I agree.
 07:25PM 16 MR. SOKOLICH: I was engaged to file a
 07:25PM 17 land use application before the development board in
 07:25PM 18 Palisades Park that maintains jurisdiction over the
 07:25PM 19 relief that it seeks, in this case, that would be the
 07:25PM 20 zoning board.
 07:25PM 21 CHAIRMAN FERGUSON: Right.
 07:25PM 22 MR. SOKOLICH: They have engaged other
 07:25PM 23 counsel for purposes of filing the litigation matter
 07:26PM 24 that you just alluded to --
 07:26PM 25 CHAIRMAN FERGUSON: Right.
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07:26PM 1 MR. SOKOLICH: -- that I'm not too
 07:26PM 2 familiar with.
 07:26PM 3 When I said I didn't read the
 07:26PM 4 complaint, of course I read the complaint, I
 07:26PM 5 understand the courses of action. You'd have to take
 07:26PM 6 that up with them in that matter.
 07:26PM 7 But this applicant, while you may --
 07:26PM 8 you might infer that it's confusing as to what this
 07:26PM 9 applicant wants. This applicant wants to develop its
 07:26PM 10 property, whether that be by court order as a result
 07:26PM 11 of the City's inability or refusal to comply with
 07:26PM 12 affordable housing, or as a result of an approval
 07:26PM 13 from this board because I've managed to meet the
 07:26PM 14 statutory standard.
 07:26PM 15 CHAIRMAN FERGUSON: Right.
 07:26PM 16 MR. SOKOLICH: It doesn't really
 07:26PM 17 matter, but he's -- they are pursuing both of those
 07:26PM 18 courses of action.
 07:26PM 19 Once this is done hearing, you won't
 07:26PM 20 probably see me anymore, it will be taken over by
 07:26PM 21 other counsel for the appeal, if there is one, but
 07:26PM 22 it's entitled to go down both of those -- both of
 07:26PM 23 those tracks.
 07:26PM 24 CHAIRMAN FERGUSON: Oh, I agree.
 07:26PM 25 But it's just hard to try to figure out
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07:26PM 1 what you -- you know, what your applicants want to
 07:26PM 2 do.
 07:27PM 3 Do they want to speed through it? Do
 07:27PM 4 they want to file a suit? I mean, to me, it's very
 07:27PM 5 confusing.
 07:27PM 6 MR. SOKOLICH: Well, I got it. And I
 07:27PM 7 think, though, that, to be perfectly fair, I believe
 07:27PM 8 that there was some time constraints that were
 07:27PM 9 considered as far as the timing of the complaint,
 07:27PM 10 when to file it, when not to file it.
 07:27PM 11 I'm not really privy to the exact
 07:27PM 12 filing date and why, but I know that there were what
 07:27PM 13 were perceived to be deadlines, hence the filing.
 07:27PM 14 CHAIRMAN FERGUSON: Right, which was --
 07:27PM 15 and I'm just going to end it and then we're going to
 07:27PM 16 continue.
 07:27PM 17 MR. SOKOLICH: Yes, sir.
 07:27PM 18 CHAIRMAN FERGUSON: They filed the next
 07:27PM 19 day, the very next day. The 15th was the meeting.
 07:27PM 20 You know, you represented that your experts were
 07:27PM 21 going to contact ours and go over it, and then I get
 07:27PM 22 notice that they filed a suit on -- you know.
 07:27PM 23 So to me, it's confusing, but it's easy
 07:28PM 24 to confuse me.
 07:28PM 25 So I'll kick it over to you and let's
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07:28PM 1 get this thing done tonight, Counsel.

07:28PM 2 MR. SOKOLICH: Thank you, Chairman.

07:28PM 3 And I apologize if we've caused any confusion. I'm

07:28PM 4 only working on confusing you on the zoning

07:28PM 5 application. The other stuff, we're going to let

07:28PM 6 other people confuse you with.

07:28PM 7 CHAIRMAN FERGUSON: Okay.

07:28PM 8 MR. SOKOLICH: But you know my

07:28PM 9 sentiment for this board and this body and I hope you

07:28PM 10 know that.

07:28PM 11 CHAIRMAN FERGUSON: Yup.

07:28PM 12 MR. SOKOLICH: So as I was saying, it's

07:28PM 13 the hopes that we present each of our witnesses this

07:28PM 14 evening. They're all present, as we've always

07:28PM 15 committed to the board.

07:28PM 16 My recollection was that we were going

07:28PM 17 to engage in a meeting with the fire marshal.

07:28PM 18 In fact, that was done. Mr. Cocoros is

07:28PM 19 going to address that. We're going to pass out

07:28PM 20 correspondence to that effect also. That was done.

07:28PM 21 With regard to, however, I believe we

07:28PM 22 were also referring to traffic with Mr. Simoff and

07:28PM 23 Mr. Luglio. Mr. Luglio will explain that when he

07:29PM 24 gets up here. We're going to be distributing that

07:29PM 25 traffic report.

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07:29PM 1 CHAIRMAN FERGUSON: Okay.

07:29PM 2 MR. SOKOLICH: So without any further

07:29PM 3 ado, we'd like to speak to Bill.

07:29PM 4 CHAIRMAN FERGUSON: Yeah, sure.

07:29PM 5 MS. TESTA: Do you swear that the

07:29PM 6 testimony you will give in this application will be

07:29PM 7 the truth, the whole truth and nothing but the truth?

07:29PM 8 MR. COCOROS: I do.

07:29PM 9 VASSILIOS COCOROS, AIA

07:29PM 10 467 Sylvan Avenue, Englewood Cliffs, New Jersey,

07:29PM 11 having been duly sworn, testifies as follows:

07:29PM 12 MS. TESTA: Please state your name for

07:29PM 13 the record and address.

07:29PM 14 MR. COCOROS: Sure.

07:29PM 15 Vassilios V-A-S-S-I-L-I-O-S, Cocoros,

07:29PM 16 C-O-C-O-R-O-S, 467 Sylvan Avenue, Englewood Cliffs,

07:29PM 17 New Jersey.

07:29PM 18 CHAIRMAN FERGUSON: Okay.

07:29PM 19 MR. SOKOLICH: Thank you, Chairman.

07:29PM 20 CHAIRMAN FERGUSON: We accept

07:29PM 21 Mr. Cocoros as an expert.

07:29PM 22 He's been here many times.

07:29PM 23 DIRECT EXAMINATION

07:29PM 24 BY MR. SOKOLICH:

07:29PM 25 Q. So, Bill, you heard my brief opening

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07:29PM 1 remarks. We're going to streamline the testimony

07:29PM 2 tonight, but for the benefit of the public, the

07:29PM 3 board, and the applicant's lawyer, can you give us a

07:29PM 4 quick summary as to where we are and the most

07:29PM 5 material relief that's being sought?

07:29PM 6 A. Sure.

07:29PM 7 The previous testimony was regarding

07:29PM 8 the revisions to the main plan, which is basically

07:29PM 9 taking a floor off which reduced the height by

07:29PM 10 10-feet-8-inches.

07:30PM 11 In addition, it turned it from a

07:30PM 12 high-rise type of construction to a mid-rise

07:30PM 13 construction. That was one of the concerns with the

07:30PM 14 fire department that we went over.

07:30PM 15 In addition, you know, basically the

07:30PM 16 footprint has stayed the same, we just basically

07:30PM 17 cleaned that up.

07:30PM 18 And then the engineer is here tonight

07:30PM 19 to go over his update of my plan, which basically

07:30PM 20 shows the stories. And in accommodation to the fire

07:30PM 21 department, we're going to be showing the striping in

07:30PM 22 front of the building to provide access in case of an

07:30PM 23 emergency.

07:30PM 24 Q. We're going to get to that, but

07:30PM 25 just the cellular terms, we're still at 40 units,

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07:30PM 1 correct?

07:30PM 2 A. Correct.

07:30PM 3 Q. All right. And I know that the number

07:30PM 4 of floors were reduced and you explained that the

07:30PM 5 last time you were here, from what to what, Bill?

07:30PM 6 A. It was basically a six- and seven-story

07:30PM 7 structure on the east side of the building as you're

07:30PM 8 looking at west, the right-hand side. It was a

07:30PM 9 six-story building, now it's a five-story structure.

07:30PM 10 And then on the west side, which is

07:31PM 11 closer to Grand Avenue, it was a seven-story

07:31PM 12 structure, now it's a six-story structure.

07:31PM 13 Q. Thank you.

07:31PM 14 And I didn't mean to cut you off, but

07:31PM 15 we're going to go through your meeting with the fire

07:31PM 16 marshal as soon as you're done with this testimony?

07:31PM 17 So we've provided the architectural

07:31PM 18 testimony with the lowering of the building. Now, as

07:31PM 19 the Chair alluded to, you did seek out the fire

07:31PM 20 marshal here in Palisades Park, correct?

07:31PM 21 A. Yes.

07:31PM 22 Q. His name?

07:31PM 23 A. Well, I spoke to Mr. Valente. The

07:31PM 24 actual fire official is Mr. Chiurazzi.

07:31PM 25 Q. Okay.

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07:31PM 1 And when you met with him, you had the
 07:31PM 2 letter, the comment letter that he had presented to
 07:31PM 3 the board at hand, correct?
 07:31PM 4 A. Yeah, it was a phone conversation.
 07:31PM 5 Q. When you reviewed that letter with
 07:31PM 6 them -- when you reviewed that letter with them, what
 07:31PM 7 conclusions did you reach? I think you memorialized
 07:31PM 8 it in a letter, correct?
 07:31PM 9 A. Yes.
 07:31PM 10 MR. SOKOLICH: I'm going to mark it for
 07:31PM 11 the benefit of the board. I think I'm up to --
 07:31PM 12 should I just go to A-30 because this is the third or
 07:32PM 13 you tell me?
 07:32PM 14 MS. TESTA: Yeah, go with A-30.
 07:32PM 15 (Whereupon, Letter Dated May 9th, 2024
 07:32PM 16 is marked as Exhibit A-30 for identification.)
 07:32PM 17 BY MR. SOKOLICH:
 07:32PM 18 Q. So, Bill, I'm distributing a letter
 07:32PM 19 that you proposed to the Fire Prevention Bureau dated
 07:32PM 20 May 9, 2024. We've marked it for identification
 07:32PM 21 purposes as A-30.
 07:32PM 22 Is that the letter?
 07:32PM 23 A. Yes.
 07:32PM 24 Q. So if you don't mind, in summary
 07:32PM 25 fashion, Bill, could you please indicate what the
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07:33PM 1 THE COURT REPORTER: Just slow down a
 07:33PM 2 little bit, Mr. Cocoros.
 07:33PM 3 BY MR. SOKOLICH:
 07:33PM 4 Q. Yeah, Bill, slow it down.
 07:33PM 5 A. Oh, sorry.
 07:33PM 6 Q. So you were on Item 2 of your letter.
 07:33PM 7 Go ahead.
 07:33PM 8 A. Item 2, which is basically we would
 07:33PM 9 like to understand the proposed locations for
 07:33PM 10 standpipes and fire department connections and so the
 07:34PM 11 department SOGs for the new facilities can be
 07:34PM 12 accurately developed.
 07:34PM 13 My response to that was location of
 07:34PM 14 standpipes and connection shall be installed in
 07:34PM 15 accordance that we proposed.
 07:34PM 16 However, we will -- we and the design
 07:34PM 17 professionals will coordinate with their department
 07:34PM 18 in regards to your requirements, preferences and
 07:34PM 19 concerns.
 07:34PM 20 So, you know, we would involve them in
 07:34PM 21 the design process of the fire protection systems,
 07:34PM 22 including fire alarms and the fire sprinkler system.
 07:34PM 23 Number 3?
 07:34PM 24 Q. Now, Number 3 of the correspondence
 07:34PM 25 that you're referring to was a suggestion that the
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07:32PM 1 letter indicates and what resolution you reached with
 07:32PM 2 the fire marshal?
 07:32PM 3 A. Sure.
 07:32PM 4 There was eight items on this letter,
 07:32PM 5 Number 1 being provide supplemental details relating
 07:32PM 6 to each access point of the parking areas, all
 07:32PM 7 vertical clearances to better understand how future
 07:32PM 8 apartment entry is expected to be accomplished.
 07:32PM 9 My response to that was there are two
 07:33PM 10 driveways that provide access to each parking level.
 07:33PM 11 The openings to the parking level shall have a
 07:33PM 12 clearance of 8-feet high. A typical garage is 9-feet
 07:33PM 13 high so you get in a pickup truck, you know, it's not
 07:33PM 14 made for commercial vehicles, it's basically going to
 07:33PM 15 be for the tenants and any sort of maintenance
 07:33PM 16 vehicles that might be going in and out of there for
 07:33PM 17 cleanup purposes -- and the actual if you were --
 07:33PM 18 will be the same clearance of 8 feet. And then we'll
 07:33PM 19 have a 10-foot ceiling area above that, which is
 07:33PM 20 typical for a mid-rise type of building, which is
 07:33PM 21 basically in accordance with code.
 07:33PM 22 Number 2, to that end, we would like to
 07:33PM 23 have a set of proposed locations for standpipes and
 07:33PM 24 fire department connections, so fire department SOGs
 07:33PM 25 for new facilities can be accurately developed.
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07:34PM 1 department requested a review of subsequent design
 07:34PM 2 drawings for the development, so as to better
 07:34PM 3 understand the mechanical systems being proposed.
 07:34PM 4 Your response to that and your
 07:34PM 5 correspondence was?
 07:34PM 6 A. Sure.
 07:34PM 7 All design drawings shall be submitted
 07:35PM 8 to the Building Department for review and approval.
 07:35PM 9 In addition, we'll submit the same plan
 07:35PM 10 to your office for review and comment.
 07:35PM 11 Q. The fire department also requested --
 07:35PM 12 the Fire Prevention Bureau, excuse me, also requested
 07:35PM 13 to provide any identified weight restrictions
 07:35PM 14 associated with the parking areas and vehicular
 07:35PM 15 ramps.
 07:35PM 16 Your response to Number 4?
 07:35PM 17 A. The parking area shall be limited to
 07:35PM 18 vehicle for tenants only. And structural slabs will
 07:35PM 19 be designed and engineered in accordance with the
 07:35PM 20 building code and accepted engineering practice,
 07:35PM 21 which is I think 150 pounds per square foot.
 07:35PM 22 In addition, we'll put signs for, you
 07:35PM 23 know, maximum weight within the parking structure. I
 07:35PM 24 think the biggest vehicle would probably be a pickup
 07:35PM 25 truck or a van for maintenance purposes within that
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07:35PM **1 space.**

07:35PM **2 Q.** Number 5 of the Fire Prevention

07:35PM **3 Bureau's correspondence asked to identify and augment**

07:35PM **4 where appropriate water supply at the building**

07:35PM **5 frontage currently or intended to be available for**

07:35PM **6 suppression purposes and to help mitigate the ongoing**

07:35PM **7 mass influx of electric vehicles which require**

07:35PM **8 additional volumes of water for extinguishing**

07:35PM **9 purposes.**

07:36PM **10** Your response to the Fire Prevention

07:36PM **11 Bureau's Item 5 is?**

07:36PM **12 A. We will design the fire suppression**

07:36PM **13 system to take into account electrical vehicles. I**

07:36PM **14 guess it will probably be increased heads over the**

07:36PM **15 charging stations, whatever recommendation the actual**

07:36PM **16 Fire Prevention Bureau would submit to us.**

07:36PM **17 Q.** In Number 6, the Fire Prevention Bureau

07:36PM **18 questioned what fail/safe and associated enforcement**

07:36PM **19 procedures can be implemented to limit on-street**

07:36PM **20 parking immediately in front of the proposed**

07:36PM **21 structure.**

07:36PM **22** And your response to that concern in

07:36PM **23 Item 6 is?**

07:36PM **24 A. Sure.**

07:36PM **25 We're proposing no parking striping**

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07:37PM **1** And then finally Number 8, the issue

07:37PM **2 raised by Fire Prevention was the height was reduced**

07:37PM **3 by one story, 10-feet-8-inches in feet.**

07:37PM **4** The building is now five stories on the

07:37PM **5 left and six stories to the east.**

07:37PM **6** I don't know that to be actually a

07:37PM **7 request for anything, but do you want to elaborate on**

07:37PM **8 Number 8?**

07:37PM **9 A. Yes, it was a matter of, as far as code**

07:37PM **10 purposes, switching it from a high-rise building to a**

07:37PM **11 mid-rise building.**

07:37PM **12 Q.** Understood.

07:37PM **13 A. Which has a whole different set of**

07:37PM **14 requirements.**

07:37PM **15 Q.** And in fact -- in fact, the volumes and

07:38PM **16 regulations applicable to mid-rise versus high-rise**

07:38PM **17 and so forth are entirely different, correct?**

07:38PM **18 A. Correct.**

07:38PM **19 Q.** Now, you submitted this response, did

07:38PM **20 you not, to the Fire Prevention?**

07:38PM **21 A. Yes.**

07:38PM **22 Q.** And have you heard any response that

07:38PM **23 they had objected to or requested any more**

07:38PM **24 information as to any of your responses?**

07:38PM **25 A. No.**

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07:36PM **1 along the entire front of the property, which is**

07:36PM **2 going to be shown on Steve's drawings and the**

07:36PM **3 engineering project.**

07:36PM **4 Q.** When you say Steve, Steve Koestner,

07:36PM **5 correct?**

07:36PM **6 A. Steve Koestner.**

07:36PM **7 Q.** Number 7, consideration should be given

07:36PM **8 to the creation of a street-side designated fire**

07:36PM **9 lane, perhaps between the access points to the**

07:37PM **10 parking area to ensure unobstructed access to the**

07:37PM **11 department when necessary.**

07:37PM **12** And your Number 6?

07:37PM **13 A. Number 6 or Number 7?**

07:37PM **14 Q.** Number 7, I'm sorry.

07:37PM **15 A. Seven kind of relates to Number 6, so**

07:37PM **16 no parking striping in front of the property will**

07:37PM **17 provide unobstructed access to the front of the**

07:37PM **18 property in the event of an emergency.**

07:37PM **19 Q.** And that fire lane is now disclosed on

07:37PM **20 Mr. Koestner's site plan, correct?**

07:37PM **21 A. Yeah, well, actually it's the**

07:37PM **22 no-parking striping.**

07:37PM **23 Q.** Understood.

07:37PM **24** But he's on deck and he'll provide

07:37PM **25 testimony?**

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07:38PM **1** Like I said, I sent over to Mr. Valente

07:38PM **2 and actually his boss too Mr. Chiurazzi.**

07:38PM **3 Q.** And I want to be clear, I'm not

07:38PM **4 suggesting that because they didn't call you, that**

07:38PM **5 means they 100 percent endorsed us, but I think we**

07:38PM **6 can reach the conclusion that if we didn't hear from**

07:38PM **7 them, nothing is objectionable that's in your**

07:38PM **8 correspondence?**

07:38PM **9 A. Yes, it's basically, you know, we'll**

07:38PM **10 comply with the code, but we're also going to put**

07:38PM **11 them -- have them involved as far as the design**

07:38PM **12 process to mitigate any concerns that they have.**

07:38PM **13 Q.** And last question on behalf of the

07:38PM **14 applicant, we now acknowledge that Fire Prevention**

07:38PM **15 has expressed an interest and provided detailed**

07:38PM **16 comments on the development, correct?**

07:38PM **17 A. Correct.**

07:38PM **18 Q.** And we will keep them, number one,

07:38PM **19 apprised during the course of development were this**

07:38PM **20 board to act favorably on the application?**

07:39PM **21 A. Yes, it's going to be basically two**

07:39PM **22 levels of fire protection, the subcode official and**

07:39PM **23 the Fire Prevention Bureau.**

07:39PM **24 Q.** Great.

07:39PM **25** And we are willing to avail ourselves

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07:39PM **1** and comply with any conditions that are imposed
 07:39PM **2** upon us either by way of resolution or during the
 07:39PM **3** course of construction?
 07:39PM **4** **A. Correct.**
 07:39PM **5** **MR. SOKOLICH:** Chairman, I have nothing
 07:39PM **6** further for Mr. Cocoros. May I -- oh, excuse me, the
 07:39PM **7** board may.
 07:39PM **8** **CHAIRMAN FERGUSON:** I appreciate you
 07:39PM **9** contacting the fire department.
 07:39PM **10** To leave something like that
 07:39PM **11** open-ended, I think the board wasn't in favor of it,
 07:39PM **12** but now that we have heard from the fire department
 07:39PM **13** and everything seems to be okay with them, okay.
 07:39PM **14** Thank you very much.
 07:39PM **15** And any board members have anything
 07:39PM **16** about the fire department?
 07:39PM **17** (No Response.)
 07:39PM **18** **CHAIRMAN FERGUSON:** Any experts,
 07:39PM **19** anything?
 07:39PM **20** (No Response.)
 07:39PM **21** **CHAIRMAN FERGUSON:** No.
 07:39PM **22** Residents?
 07:40PM **23** **MS. TESTA:** No.
 07:40PM **24** **CHAIRMAN FERGUSON:** Oh, sorry.
 07:40PM **25** **MS. TESTA:** They just want to go
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07:40PM **1** through all the experts and then --
 07:40PM **2** **CHAIRMAN FERGUSON:** Oh, okay. We'll go
 07:40PM **3** through all of them.
 07:40PM **4** **MR. SOKOLICH:** Great. Thank you.
 07:40PM **5** **CHAIRMAN FERGUSON:** Okay.
 07:40PM **6** **MR. SOKOLICH:** Mr. Koestner, come on
 07:40PM **7** up.
 07:40PM **8** **MS. TESTA:** Please raise your right
 07:40PM **9** hand.
 07:40PM **10** Do you swear the testimony you will
 07:40PM **11** provide with regards to this application will be the
 07:40PM **12** truth, the whole truth and nothing but the truth?
 07:40PM **13** **MR. KOESTNER:** I do.
 07:40PM **14** **STEVEN KOESTNER, LS, P.E.,**
 07:40PM **15** 61 Hudson Street, Hackensack, New Jersey, having
 07:40PM **16** been duly sworn, testifies as follows:
 07:40PM **17** **MS. TESTA:** Please state your name and
 07:40PM **18** business address.
 07:40PM **19** **MR. KOESTNER:** Steven Koestner, that's
 07:40PM **20** S-T-E-V-E-N, K-O-E-S-T-N-E-R, 61 Hudson Street,
 07:40PM **21** Hackensack, New Jersey.
 07:40PM **22** **MS. TESTA:** Thank you.
 07:40PM **23** **MR. SOKOLICH:** Thank you,
 07:40PM **24** Mr. Koestner.
 07:40PM **25**
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1 DIRECT EXAMINATION
2 BY MR. SOKOLICH:
 07:40PM **3** **Q.** Steve, get me to the plan or the page
 07:40PM **4** that best describes the changes that you're going to
 07:41PM **5** talk about.
 07:41PM **6** And that's your plan which is entitled
 07:41PM **7** "Site Grading Plan, Lower Level," last revised --
 07:41PM **8** where are we?
 07:41PM **9** **A. 4/25/2024.**
 07:41PM **10** **Q.** Great.
 07:41PM **11** **MR. SOKOLICH:** And, Diane, with your
 07:41PM **12** permission, I'm going to mark it as A-31.
 07:41PM **13** **MS. TESTA:** Yes.
 07:41PM **14** **MR. SOKOLICH:** And I'm going to date it
 07:41PM **15** today.
 07:41PM **16** (Whereupon, Site Grading Plan, Lower
 07:41PM **17** Level, Last Revised 4/25/2024 is marked as
 07:41PM **18** Exhibit A-31 for identification.)
 07:41PM **19** BY MR. SOKOLICH:
 07:41PM **20** **Q.** Now, Steve, just by way of brief
 07:41PM **21** review, because we're going to streamline all of our
 07:41PM **22** experts and then we'll hear from the public, you are
 07:41PM **23** the site plan engineer?
 07:41PM **24** **A. I am.**
 07:41PM **25** **Q.** And you've provided robust testimony on
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07:41PM **1** this application in prior hearings, have you not?
 07:41PM **2** **A. Somewhat.**
 07:41PM **3** **So, yes.**
 07:41PM **4** **Q.** Well, you have confidence in the
 07:41PM **5** testimony; yes?
 07:41PM **6** **A. Yes.**
 07:41PM **7** **Q.** Excellent.
 07:41PM **8** And you're familiar with the changes
 07:41PM **9** that were made by Mr. Cocoros in his architectural
 07:41PM **10** drawings?
 07:41PM **11** **A. I am.**
 07:41PM **12** **Q.** I don't think we had time to get to you
 07:41PM **13** for whatever the reason at the last meeting, so we've
 07:41PM **14** asked you to return this evening to go through a
 07:41PM **15** quick summary from an engineering standpoint and then
 07:41PM **16** if you could just talk about the material changes
 07:42PM **17** that were made to the plans.
 07:42PM **18** **A. Certainly.**
 07:42PM **19** **It's well known the site being on the**
 07:42PM **20** **northerly side of West Columbia Avenue, 516 feet east**
 07:42PM **21** **of Grand Avenue on the ramp going down to Route 46**
 07:42PM **22** **West.**
 07:42PM **23** **The site being 200 feet in width, a**
 07:42PM **24** **hundred feet in depth along the westerly side and**
 07:42PM **25** **49.57 feet along the easterly side.**
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07:42PM **1** The changes made are pretty
 07:42PM **2** straightforward. As Mr. Cocoros has stated, one
 07:42PM **3** story was taken off of the top of the structure,
 07:42PM **4** reduced by over 10 feet in height.
 07:42PM **5** That reduced, of course, the number of
 07:42PM **6** parking spaces that are required.
 07:42PM **7** And secondarily, we also added the fire
 07:42PM **8** lane here along the frontage of the building so as to
 07:42PM **9** provide greater access for the fire department in
 07:42PM **10** case of a fire in the building.
 07:42PM **11** So those are the basic changes. The
 07:42PM **12** height has changed significantly. The units now are
 07:43PM **13** 40 units.
 07:43PM **14** At one time, there were many more.
 07:43PM **15** It's been reduced by approximately 20 percent.
 07:43PM **16** The parking, number of spaces required
 07:43PM **17** has gone down to 76. And we are providing the same
 07:43PM **18** amount of parking with this layout, 58 parking spaces
 07:43PM **19** in total on both parking decks.
 07:43PM **20** Q. Any other material changes were made?
 07:43PM **21** You've reduced the reduction in floor?
 07:43PM **22** A. Yes.
 07:43PM **23** Q. You've reviewed the parking in the
 07:43PM **24** front?
 07:43PM **25** A. Correct.

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07:44PM **1** DIRECT EXAMINATION
 07:44PM **2** BY MR. SOKOLICH:
 07:44PM **3** Q. Lou, just as I do with all the
 07:44PM **4** witnesses, the scope of your engagement was in
 07:44PM **5** connection with this application?
 07:44PM **6** A. Basically to look at the existing
 07:44PM **7** traffic conditions in the frontage -- along the
 07:44PM **8** frontage of the site, provide trip generation
 07:44PM **9** estimates, number of new vehicles coming to and from
 07:44PM **10** the site, access to and from circulation on-site and
 07:44PM **11** off-site, and the safety concerns as a result of
 07:44PM **12** that, and parking.
 07:44PM **13** And so I guess we have to mark this,
 07:44PM **14** but I'll wait for Mark to come back.
 07:44PM **15** Q. And, Lou, I'm going to -- when last
 07:45PM **16** here, I think the board had requested that we
 07:45PM **17** memorialize our traffic findings, our analysis into a
 07:45PM **18** report that can be reviewed by the board's experts,
 07:45PM **19** excuse me, Mr. Simoff.
 07:45PM **20** Did you do that?
 07:45PM **21** A. I did not.
 07:45PM **22** Q. No, I asked you if you did a report.
 07:45PM **23** A. Yes, I did.
 07:45PM **24** MR. SOKOLICH: And I'm going to mark as
 07:45PM **25** A-32, Diane, with your permission.

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07:43PM **1** Q. Any other material changes to the site
 07:43PM **2** plan that you would like to point out to either the
 07:43PM **3** board and/or the public?
 07:43PM **4** A. None.
 07:43PM **5** Q. Okay.
 07:43PM **6** MR. SOKOLICH: Chairman, I have no
 07:43PM **7** further questions of Mr. Koestner.
 07:43PM **8** CHAIRMAN FERGUSON: Okay. Next?
 07:43PM **9** MR. SOKOLICH: We ask Mr. Luglio to
 07:43PM **10** please come forward.
 07:43PM **11** MS. TESTA: Do you swear that the
 07:43PM **12** testimony you will provide in this application will
 07:43PM **13** be the truth, the whole truth and nothing but the
 07:43PM **14** truth?
 07:43PM **15** MR. LUGLIO: Yes, I do.
 07:43PM **16** LOUIS LUGLIO, P.E.
 07:44PM **17** 160 Hillcrest Avenue, Leonia, New Jersey, having
 07:44PM **18** been duly sworn, testifies as follows:
 07:43PM **19** MS. TESTA: Please state your name and
 07:44PM **20** your business address.
 07:44PM **21** MR. LUGLIO: It's Louis Luglio, it's
 07:44PM **22** L-U-G-L-I-O. 160 Hillcrest Avenue, Leonia, New
 07:44PM **23** Jersey.
 07:44PM **24** MS. TESTA: Thank you.
 07:44PM **25**

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07:45PM **1** MS. TESTA: Yes.
 07:45PM **2** MR. SOKOLICH: A letter report dated
 07:45PM **3** May 7, 2024.
 07:45PM **4** (Whereupon, Letter Report of Louis
 07:45PM **5** Luglio Dated May 7, 2024 is marked as Exhibit
 07:45PM **6** A-32 for identification.)
 07:45PM **7** BY MR. SOKOLICH:
 07:45PM **8** Q. And I believe, Lou, this is -- and
 07:45PM **9** there's some exhibits that signed by you?
 07:45PM **10** A. That's right.
 07:45PM **11** Q. Thank you, sir.
 07:45PM **12** We've just distributed that for the
 07:45PM **13** record to the board.
 07:45PM **14** Is there anything in this report that's
 07:45PM **15** materially different than the testimony you provided
 07:45PM **16** when last you were before this board?
 07:45PM **17** A. No, there's nothing here that's
 07:45PM **18** different. The purpose of the report was basically
 07:46PM **19** to put forth in writing my testimony, the
 07:46PM **20** calculations.
 07:46PM **21** I think the main point was some of the
 07:46PM **22** additional parking information from the Institute of
 07:46PM **23** Transportation Engineers, I provided this.
 07:46PM **24** And, basically, that was it, that was
 07:46PM **25** the extent.

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07:46PM **1** I also provided a figure. One
 07:46PM **2** discussion point that we were having was whether or
 07:46PM **3** not this requires an NJ DOT access permit.
 07:46PM **4** It is my belief and continued my belief
 07:46PM **5** that it does not along the frontage of both of the
 07:46PM **6** driveways for the proposed project. And that --
 07:46PM **7** Q. Go ahead, I'm sorry.
 07:46PM **8** A. And Figure 1 that's attached to the
 07:46PM **9** report identifies the site again. It's on top of an
 07:47PM **10** aerial. And it shows one level of the parking with
 07:47PM **11** the driveways, proposed driveways.
 07:47PM **12** And then the start in blue of where
 07:47PM **13** U.S. 46 jurisdiction begins.
 07:47PM **14** And so it basically begins on that ramp
 07:47PM **15** or that lane that the driver has to go onto Route 46.
 07:47PM **16** Prior to that, there's an opportunity
 07:47PM **17** to not go onto Route 46, not to go onto the state
 07:47PM **18** highway and to stay on West Columbia, which is, you
 07:47PM **19** know, a local roadway.
 07:47PM **20** So that is the extent of the changes or
 07:47PM **21** what is in the report. There's really nothing
 07:47PM **22** different than the testimony that I have.
 07:47PM **23** Q. Thank you, Lou.
 07:47PM **24** MR. SOKOLICH: Chairman, I have no
 07:47PM **25** other questions.

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07:47PM **1** CHAIRMAN FERGUSON: We'll wait until we
 07:47PM **2** all go and then --
 07:47PM **3** MR. SOKOLICH: Understood, understood,
 07:47PM **4** that's great.
 07:47PM **5** Thank you.
 07:48PM **6** We have one final witness. We have
 07:48PM **7** Mr. Spatz.
 07:48PM **8** MS. TESTA: Please raise your right
 07:48PM **9** hand.
 07:48PM **10** Do you swear the testimony you'll
 07:48PM **11** provide in this application will be the truth, the
 07:48PM **12** whole truth and nothing but the truth.
 07:48PM **13** MR. SPATZ: Yes, I do.
 07:48PM **14** D A V I D S P A T Z, P.P., ACIP
 07:48PM **15** 60 Friend Terrace, Harrington Park, New Jersey,
 07:48PM **16** having been duly sworn, testifies as follows:
 07:48PM **17** MS. TESTA: State your name, business
 07:48PM **18** address, please.
 07:48PM **19** MR. SPATZ: David Spatz, S-P-A-T-Z.
 07:48PM **20** My business address is 60 Friend
 07:48PM **21** Terrace in Harrington Park, New Jersey.
 07:48PM **22** DIRECT EXAMINATION
 07:48PM **23** BY MR. SOKOLICH:
 07:48PM **24** Q. Good evening, David. As we did with
 07:48PM **25** the prior witnesses, just for the benefit of the

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07:48PM **1** record, the scope of your engagement, your purpose
 07:48PM **2** being involved in this application was?
 07:48PM **3** A. Certainly.
 07:48PM **4** Initially it was to review the site
 07:48PM **5** plan, to visit the property, review the zoning
 07:48PM **6** ordinance and master plan, and then provide planning
 07:48PM **7** testimony in support of the variances.
 07:48PM **8** I did that at the prior meeting and
 07:48PM **9** then for this evening, it was to review the changes,
 07:48PM **10** see how they affected the variances, and then provide
 07:48PM **11** a bit of testimony on that as well.
 07:48PM **12** Q. Something you've done a few times in
 07:48PM **13** the past, I trust?
 07:48PM **14** A. A couple of times here, yes.
 07:48PM **15** Q. Now, you're familiar with the material
 07:48PM **16** changes that were made from the last time we've been
 07:49PM **17** before this board?
 07:49PM **18** A. Yes.
 07:49PM **19** Q. It was the reduction in stories, the
 07:49PM **20** fire lane or the no-parking arrangements that were
 07:49PM **21** made.
 07:49PM **22** Is any -- are any of the planning
 07:49PM **23** conclusions and expert testimony you provided, is any
 07:49PM **24** of that altered in any way as a result of these
 07:49PM **25** changes?

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07:49PM **1** A. Well, the changes that were made
 07:49PM **2** affected three of the variances that we were seeking.
 07:49PM **3** Q. Yes, sir.
 07:49PM **4** A. Two of them being D variances. We
 07:49PM **5** still need the use variance. The height which we
 07:49PM **6** needed a variance for has been reduced, one floor was
 07:49PM **7** taken off and approximately 10 feet. That variance
 07:49PM **8** was reduced.
 07:49PM **9** And then lot area per unit, the
 07:49PM **10** variances had been reduced because by reducing the
 07:49PM **11** number of units from 50 down to 40, the lot area per
 07:49PM **12** unit increases. We still need a variance, but that
 07:49PM **13** is there.
 07:49PM **14** And then in terms of parking, by
 07:49PM **15** reducing the number of units, we've reduced the
 07:49PM **16** parking requirement, so we only provide the same
 07:50PM **17** number of spaces.
 07:50PM **18** We are, of course, closer to what the
 07:50PM **19** ordinance and the Residential Site Improvement
 07:50PM **20** Standards requires in terms of the D variances.
 07:50PM **21** We have provided testimony in the
 07:50PM **22** public benefits supporting them, special reasons to
 07:50PM **23** support them.
 07:50PM **24** Particularly of importance, I think, is
 07:50PM **25** the provision is affordable housing, sizable

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07:50PM 1 affordable housing requirement. And our proposal
07:50PM 2 will go a ways towards reducing that obligation. And
07:50PM 3 so I think that is certainly the public benefit from
07:50PM 4 what we're proposing.

07:50PM 5 In terms of the bulk variances, those
07:50PM 6 all remain because the building footprint has not
07:50PM 7 changed, so the setbacks have not changed.

07:50PM 8 But on balance, I think that the
07:50PM 9 benefits that we talked about at the last meeting and
07:50PM 10 the minimal negative impacts from the last meeting,
07:50PM 11 those have been improved by the reduction of the
07:50PM 12 building height and particularly the reduction in the
07:50PM 13 number of units.

07:50PM 14 Q. Now, there's also another very, very
07:51PM 15 critically important dimension with this property and
07:51PM 16 this application, and that would be the obligation of
07:51PM 17 a municipality to provide affordable housing.

07:51PM 18 Can you offer some testimony as to what
07:51PM 19 you know as to where we are from the borough
07:51PM 20 standpoint and what's being proposed by way of
07:51PM 21 affordable housing by this applicant?

07:51PM 22 A. Certainly.
07:51PM 23 I mentioned that, but the municipality
07:51PM 24 has an affordable housing obligation of somewhere
07:51PM 25 north of 100 units.

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07:52PM 1 New Jersey; is it not?

07:52PM 2 A. The courts and the legislature have
07:52PM 3 mandated that all municipalities have to provide
07:52PM 4 their fair share of affordable housing.

07:52PM 5 Q. Is it appropriate to consider an
07:52PM 6 application that will provide a 20 percent set-aside?

07:52PM 7 Is it appropriate to consider that
07:52PM 8 set-aside when considering the positive and the
07:52PM 9 negative criteria? In other words, is that one of
07:52PM 10 the considerations that can fairly be considered
07:52PM 11 reaching your conclusion?

07:52PM 12 A. Yes, the provision of affordable
07:52PM 13 housing is certainly a public benefit. The courts
07:52PM 14 have held that affordable housing is a beneficial
07:52PM 15 use. That does not make the entire project
07:53PM 16 inherently beneficial, but at least the affordable
07:53PM 17 units' component of this are inherently beneficial as
07:53PM 18 according to the State legislature.

07:53PM 19 Q. Thank you, David.
07:53PM 20 Is there anything else that you would
07:53PM 21 like to add?

07:53PM 22 A. Nope, I think that sums it up.
07:53PM 23 MR. SOKOLICH: Chairman, I am done with
07:53PM 24 Mr. Spatz.

07:53PM 25 CHAIRMAN FERGUSON: Okay.
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07:51PM 1 We've agreed to provide 20 percent of
07:51PM 2 our units as affordable housing, that would be eight
07:51PM 3 units.

07:51PM 4 So it's -- it obviously doesn't wipe
07:51PM 5 out the obligation, but certainly goes towards
07:51PM 6 reducing that obligation. And that, I think, is one
07:51PM 7 of the primary public benefits of what we're
07:51PM 8 proposing.

07:51PM 9 Q. And just to reiterate, the applicant
07:51PM 10 has already committed on the record that whatever the
07:51PM 11 number of units are that are approved, 40 are being
07:51PM 12 sought, 20 percent would be set aside for affordable
07:52PM 13 housing, however they're classified. They're
07:52PM 14 classified, low, moderate, what have you, but they
07:52PM 15 would be designated and restricted by deed
07:52PM 16 restriction?

07:52PM 17 A. That's correct, yes.
07:52PM 18 We -- the 20 percent, 20 percent of the
07:52PM 19 40, would be eight units, but obviously if the number
07:52PM 20 of units is reduced further, that would reduce the
07:52PM 21 amount of affordable housing being able to be
07:52PM 22 provided, but we are at least going towards reducing
07:52PM 23 the borough's obligation.

07:52PM 24 Q. And affordable housing is a
07:52PM 25 constitutional mandate, as I recall, in the state of
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07:53PM 1 MR. SOKOLICH: So, Chair, just for the
07:53PM 2 record, if I may?

07:53PM 3 CHAIRMAN FERGUSON: Sure, go ahead.
07:53PM 4 MR. SOKOLICH: We've gone through the
07:53PM 5 brief testimony of our four experts: Bill, Lou,
07:53PM 6 Steve and David.

07:53PM 7 They've each provided a quick synopsis
07:53PM 8 as to their purpose, some of the changes, and
07:53PM 9 confirmed that their opinions remain the same.

07:53PM 10 And they will remain in attendance
07:53PM 11 throughout the balance of the meeting to respond to
07:53PM 12 any board or public questions.

07:53PM 13 CHAIRMAN FERGUSON: Okay. So how do
07:53PM 14 you want to handle this, Counsel?

07:53PM 15 Do you want to open it up to a -- you
07:53PM 16 know, the parking aspect first, get that out of the
07:53PM 17 way, or do you want to --

07:53PM 18 MR. SOKOLICH: Chairman, however you --
07:53PM 19 whatever your preference.

07:54PM 20 CHAIRMAN FERGUSON: Yeah, I think we
07:54PM 21 should do --

07:54PM 22 MS. TESTA: Well, our board experts?

07:54PM 23 CHAIRMAN FERGUSON: Oh, yeah, yeah,
07:54PM 24 yeah.

07:54PM 25 Okay. So what I'm going to do then --
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07:54PM 1 MR. SOKOLICH: Yes, sir.
 07:54PM 2 CHAIRMAN FERGUSON: I think I want to
 07:54PM 3 do it individually. And first I'm going to take
 07:54PM 4 parking.
 07:54PM 5 And, Hal, do you have any comments
 07:54PM 6 about what you heard or what you heard?
 07:54PM 7 MR. SIMOFF: Yeah, I received the
 07:54PM 8 report about 4 o'clock this afternoon, so -- and I
 07:54PM 9 haven't had a chance to digest it all, so, but I did
 07:54PM 10 review the transcript from the last meeting.
 07:54PM 11 The -- there are a number of ways to
 07:54PM 12 evaluate parking requirements.
 07:54PM 13 There's RSIS, which is the State
 07:54PM 14 requirement. There's the Institute of Transportation
 07:54PM 15 Engineers which has multiple categories for parking.
 07:54PM 16 One is next to a train station, which
 07:55PM 17 is not the case. And another is in an urban area.
 07:55PM 18 And the other -- the last one is -- and there's also
 07:55PM 19 one within a multiuse development because you get a
 07:55PM 20 cross use of the parking between commercial, like an
 07:55PM 21 office building and residential because they don't
 07:55PM 22 peak at the same time.
 07:55PM 23 But the critical or the critical
 07:55PM 24 multiplier would be the 85th percentile parking
 07:55PM 25 requirement, which based on the ITE was 59 spaces as

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07:57PM 1 you get on, one driveway has access to Route 46 and
 07:57PM 2 the western driveway, you have to go -- all that
 07:57PM 3 traffic has to go down to Broad.
 07:57PM 4 CHAIRMAN FERGUSON: Go down to Grand?
 07:57PM 5 MR. SIMOFF: Grand, I'm sorry, up from
 07:57PM 6 Broad is to the east.
 07:57PM 7 And as we all know, Broad at the
 07:57PM 8 intersection of 46 and Grand is gridlock.
 07:58PM 9 So at least half the traffic, because
 07:58PM 10 one level can't get onto Route 46, it has to go down
 07:58PM 11 to Columbia, to Grand.
 07:58PM 12 And the upper level, if you're
 07:58PM 13 talking -- not all that traffic is going to go onto
 07:58PM 14 Route 46. There's traffic that wants to go north,
 07:58PM 15 has to go down to Grand. Traffic that wants to go
 07:58PM 16 south has to go down to Grand.
 07:58PM 17 And so the increase in density and the
 07:58PM 18 increase in the number of units is something that
 07:58PM 19 this board should consider when evaluating when
 07:58PM 20 two-thirds or three-quarters of the traffic has to go
 07:58PM 21 down to Grand Avenue.
 07:58PM 22 And the other question I have on
 07:58PM 23 parking is the RSIS requires .5 parking spaces per
 07:58PM 24 unit for a visitor parking.
 07:59PM 25 And the way this is proposed with

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07:55PM 1 Mr. Luglio calculated.
 07:55PM 2 The RSIS, which is the mandate from --
 07:55PM 3 that you have to discuss as part, and we've put those
 07:56PM 4 requirements on other projects within the borough.
 07:56PM 5 CHAIRMAN FERGUSON: Yeah, as what the
 07:56PM 6 board agrees with.
 07:56PM 7 MR. SIMOFF: Right. So that
 07:56PM 8 requirement is 76.
 07:56PM 9 The other issue is there's two parking
 07:56PM 10 spaces that are very difficult to get into. They're
 07:56PM 11 parallel parking spaces. There's an access door to
 07:56PM 12 the garage that blocks or affects the circulation.
 07:56PM 13 So there's one parking space on each
 07:56PM 14 level that is -- I call it difficult or impossible.
 07:56PM 15 So the reality is that it's not 58,
 07:56PM 16 it's 56. It is short of the ITE number for the
 07:56PM 17 85th percentile and it's short from RSIS.
 07:56PM 18 RSIS is a requirement of 76 spaces with
 07:57PM 19 a credit for electric vehicles, it's down to about
 07:57PM 20 70.
 07:57PM 21 But, in any event, the 56 provided is
 07:57PM 22 short of those numbers.
 07:57PM 23 The other concern that I had is the
 07:57PM 24 access. This is a novel location because Columbia
 07:57PM 25 road -- Columbia Avenue is one way westbound. And

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07:59PM 1 access for just the apartments in the garage -- what
 07:59PM 2 happens to that parking need?
 07:59PM 3 And, I mean, observations that I've
 07:59PM 4 made and you'll hear from the neighbors, there's no
 07:59PM 5 parking available on the street to the west.
 07:59PM 6 And so those are the things that the
 07:59PM 7 board has to evaluate in their deliberations because
 07:59PM 8 no application is just one profession.
 07:59PM 9 It's the engineering, it's the
 07:59PM 10 planning, and it's the traffic.
 07:59PM 11 (Applause.)
 07:59PM 12 CHAIRMAN FERGUSON: Right.
 07:59PM 13 Thank you.
 08:00PM 14 MR. SOKOLICH: Chairman?
 08:00PM 15 CHAIRMAN FERGUSON: Okay. Let's
 08:00PM 16 just -- I appreciate the applause. I'm sure Hal does
 08:00PM 17 too, but let's keep it down to a low roll.
 08:00PM 18 Okay. Any board members have any
 08:00PM 19 questions for the parking?
 08:00PM 20 MR. GRALA: I agree with him. The --
 08:00PM 21 that western driveway is going to be terrible.
 08:00PM 22 They're all going to head up to try to
 08:00PM 23 get onto 46. Once they start going down towards
 08:00PM 24 Grand --
 08:00PM 25 CHAIRMAN FERGUSON: It's over.

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08:00PM **1** MR. GRALA: That won't last.

08:00PM **2** CHAIRMAN FERGUSON: Okay. Any board

08:00PM **3** members have anything?

08:00PM **4** (No Response.)

08:00PM **5** CHAIRMAN FERGUSON: Okay.

08:00PM **6** MR. SOKOLICH: Chairman, may I -- a

08:00PM **7** quick rebuttal from Mr. Luglio, one minute?

08:00PM **8** CHAIRMAN FERGUSON: Absolutely.

08:00PM **9** Take it away.

08:00PM **10** MR. SOKOLICH: Thank you.

08:00PM **11** I don't know if rebuttal was the right

08:00PM **12** word, but you know what I mean.

08:00PM **13** CHAIRMAN FERGUSON: Redirect, yeah.

08:00PM **14** CONTINUED DIRECT EXAMINATION

08:00PM **15** BY MR. SOKOLICH:

08:00PM **16** Q. Lou, you were present during

08:00PM **17** Mr. Simoff's observation.

08:00PM **18** Very quickly, the applicant's position?

08:01PM **19** A. So from our position, again, one of the

08:01PM **20** driveways definitely has access to get onto Route 46.

08:01PM **21** The other, from a legal standpoint, does not, right?

08:01PM **22** And the striping and other measures

08:01PM **23** could be employed so that would prevent people coming

08:01PM **24** out of the garage driveway to the west from gaining

08:01PM **25** access to Route 46.

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08:03PM **1** space in those parking areas.

08:03PM **2** And the last part, those two parking

08:03PM **3** spaces that Mr. Simoff talks about are difficult

08:03PM **4** parking spaces to get into. They would be assigned

08:03PM **5** to a person that would do it on a daily basis and so

08:03PM **6** I'm not that concerned about two parking spaces to

08:03PM **7** get into.

08:03PM **8** If it were ten parking spaces, I'd

08:03PM **9** probably have a different opinion, but I do agree

08:03PM **10** that they're difficult parking spaces to get into.

08:03PM **11** Q. And contractually, the parking can be

08:03PM **12** controlled by limiting tenants, correct?

08:03PM **13** A. Yes.

08:03PM **14** Q. And your opinion as to the -- as to

08:04PM **15** parking, you took into account the ability to access

08:04PM **16** mass transportation; did you not?

08:04PM **17** A. Right.

08:04PM **18** And so on A-32, the report, we take

08:04PM **19** that into consideration with respect to some of the

08:04PM **20** parking numbers from the ITE. There's no reduction

08:04PM **21** that could be applied based on RSIS standards, the

08:04PM **22** standards are what they are.

08:04PM **23** And so we look at a combination of

08:04PM **24** different things to settle in on what the proper

08:04PM **25** parking requirement or number of parking spaces

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08:01PM **1** As far as the parking is concerned,

08:01PM **2** just so that all the numbers are correct, RSIS

08:01PM **3** requires 76 parking spaces.

08:01PM **4** With an EV credit of six parking

08:01PM **5** spaces, that 76 requirement now is 70. Okay? We're

08:01PM **6** providing 52 parking spaces.

08:01PM **7** So that is the delta between the two.

08:02PM **8** We have a parking variance of 18 spaces.

08:02PM **9** The last part is that we have -- the

08:02PM **10** parking requirement for RSIS for visitors, it's built

08:02PM **11** into the parking ratio, it's true that a half a

08:02PM **12** parking -- a half a space per unit should be for

08:02PM **13** visitor parking, but it's all combined into all the

08:02PM **14** parking that's provided on the site, it's built into

08:02PM **15** that 76 parking requirement.

08:02PM **16** What we are proposing is that we would

08:02PM **17** have each unit have a parking space, so that's 40

08:02PM **18** parking spaces, and then the balance would be open

08:02PM **19** for visitor and residential parking.

08:02PM **20** From a visitor standpoint, a visitor

08:02PM **21** coming to the site certainly would have to have a way

08:03PM **22** to gain access, whether it be a key card or a number

08:03PM **23** that you put in a pad, some type of system that would

08:03PM **24** be in place so that a visitor could gain access to

08:03PM **25** those parking areas, assuming that there's empty

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08:04PM **1** necessary for this type of development, the number of

08:04PM **2** units, number of bedrooms and the size.

08:04PM **3** And also its proximity to get on New

08:04PM **4** Jersey Transit, which is not that far away.

08:04PM **5** Q. I think it was also very telling that

08:04PM **6** according to empirical data and Census information, I

08:04PM **7** believe it was almost 20 percent of folks that rent

08:05PM **8** in that particular area of Palisades Park do not own

08:05PM **9** a vehicle?

08:05PM **10** A. That's correct.

08:05PM **11** Q. And over a quarter, over 25 percent

08:05PM **12** take mass transportation?

08:05PM **13** A. That's correct.

08:05PM **14** MR. SOKOLICH: I have no further

08:05PM **15** questions, Lou.

08:05PM **16** Thank you very much.

08:05PM **17** CHAIRMAN FERGUSON: I have a question.

08:05PM **18** If I am going to visit, just so I can

08:05PM **19** understand this, I want to visit somebody in the

08:05PM **20** building. I don't live there, but I want to visit a

08:05PM **21** friend or whatever.

08:05PM **22** So I pull up now and the gate won't

08:05PM **23** open because I don't have the key card.

08:05PM **24** How are you going to address that? In

08:05PM **25** other words, I don't understand how visitors enter

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08:05PM 1 the building if they don't have, you know, the card
 08:05PM 2 to get in. I mean, it seems to be a flaw in the
 08:05PM 3 design.
 08:06PM 4 MR. LUGLIO: So there could be three
 08:06PM 5 possibilities based on other projects. One is that
 08:06PM 6 one of the two parking levels do not have any kind of
 08:06PM 7 controlled access.
 08:06PM 8 So you can gain access, it's assigned
 08:06PM 9 to certain people, and then a number of them, I think
 08:06PM 10 we had 12 or so, would be open for residents and for
 08:06PM 11 visitors.
 08:06PM 12 The second is that you could have a
 08:06PM 13 system where there's a call button or, you know, a
 08:06PM 14 keypad where the visitor then could have a code or
 08:06PM 15 call the person that they're visiting and they could
 08:06PM 16 actually open up the gate remotely from their unit.
 08:06PM 17 And I guess I put the two together at
 08:06PM 18 the end there. So you can either have a call button
 08:06PM 19 where you call the person that you're visiting or
 08:06PM 20 that person could have a key code that you could
 08:06PM 21 erase later, right, so that the visitor doesn't have
 08:06PM 22 it all the time.
 08:06PM 23 There are ways that we could do it.
 08:06PM 24 There's really no, you know, foolproof plan to do
 08:07PM 25 that if you're going to have them gated.

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08:08PM 1 So now we're going to bring it up to
 08:08PM 2 the planning, which is our expert.
 08:08PM 3 And, Mr. Kauker, you want to take it
 08:08PM 4 away and ask any questions you have.
 08:08PM 5 MR. KAUKER: Yeah, just a couple
 08:08PM 6 follow-up questions with respect to Mr. Spatz's
 08:08PM 7 testimony this evening as it related to his testimony
 08:08PM 8 at the last meeting.
 08:08PM 9 But I was wondering, first of all, if
 08:08PM 10 you could provide a summary as to the special
 08:08PM 11 reasons, I know tonight you indicated that the
 08:08PM 12 affordable housing that's being proposed is one of
 08:09PM 13 the special reasons for public benefit, but could you
 08:09PM 14 just summarize quickly the other special reasons?
 08:09PM 15 MR. SPATZ: Sure.
 08:09PM 16 You indicated that the special reasons
 08:09PM 17 were satisfied by meeting a number of purposes of
 08:09PM 18 zoning as stated in the Municipal Land Use Law and I
 08:09PM 19 believe that it met a number of them.
 08:09PM 20 Purpose A is promoting public health,
 08:09PM 21 safety, morals and general welfare, the providing of
 08:09PM 22 housing, in addition to affordable housing certainly
 08:09PM 23 meets that standard.
 08:09PM 24 Purpose G is providing an appropriate
 08:09PM 25 location for a variety of uses. I provided testimony

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08:07PM 1 CHAIRMAN FERGUSON: Okay. Thank you.
 08:07PM 2 So now as you -- people that have been
 08:07PM 3 coming to all these meetings, I promised that
 08:07PM 4 everybody at the end is going to get an opportunity
 08:07PM 5 not only to ask questions, but also any comments that
 08:07PM 6 they would like to make, and I intend on doing that.
 08:07PM 7 So what I want to do is I want to run
 08:07PM 8 through our experts and see if they have any
 08:07PM 9 additional comments, then I could -- I would open up
 08:07PM 10 to the residents with their comments or questions,
 08:07PM 11 feel free to ask any of his experts any questions.
 08:07PM 12 And then depending where we are, you know, we might
 08:07PM 13 take a vote tonight.
 08:07PM 14 So next is going to be Steve, who is
 08:08PM 15 our engineer. And do you have any comments?
 08:08PM 16 MR. COLLAZUOL: We have nothing further
 08:08PM 17 based on tonight's testimony and submission of
 08:08PM 18 documents. The conditions that were stated in our
 08:08PM 19 report stands and so we have nothing further at this
 08:08PM 20 time.
 08:08PM 21 CHAIRMAN FERGUSON: Okay. Any board
 08:08PM 22 members have any questions that they want to take --
 08:08PM 23 ask?
 08:08PM 24 (No Response.)
 08:08PM 25 CHAIRMAN FERGUSON: No? Okay.

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08:09PM 1 and the other experts did as well that this site
 08:09PM 2 would be appropriate for a little bit higher density
 08:09PM 3 of development given its proximity to the highway,
 08:09PM 4 the fact that there are high apartment buildings and
 08:09PM 5 similar height on the direct opposite side of the
 08:09PM 6 highway.
 08:09PM 7 The fact that this mass transit
 08:09PM 8 certainly meets that standard.
 08:09PM 9 And then Purpose I, which is promoting
 08:09PM 10 a desirable visual environment, I believe it does by
 08:10PM 11 removing a couple of structures that are older and
 08:10PM 12 only fair condition, replacing them with a building
 08:10PM 13 that is modern, meets all of the building codes, I
 08:10PM 14 think is consistent with the development in the area,
 08:10PM 15 particularly its location. Drainage improvements
 08:10PM 16 being provided on-site, I think that standard is met
 08:10PM 17 as well.
 08:10PM 18 I also felt that it met the particular
 08:10PM 19 site suitability test of the court and that you are
 08:10PM 20 particularly well-suited, that we were large enough
 08:10PM 21 to support multifamily development, as well as
 08:10PM 22 provide a sufficient amount of parking.
 08:10PM 23 The replacement of the building in poor
 08:10PM 24 condition with a new development that I think is
 08:10PM 25 consistent with the development in the area,

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08:10PM 1 particularly directly on the opposite side of the
 08:10PM 2 highway.
 08:10PM 3 Your zoning ordinance permits mid-rise
 08:10PM 4 multifamily development in the zone in which we're
 08:10PM 5 located, not within the location that we are, so we
 08:11PM 6 do need that variance.
 08:11PM 7 However, the borough anticipated
 08:11PM 8 multifamily development within the AA zone.
 08:11PM 9 There is multifamily development
 08:11PM 10 allowed on East Columbia Avenue from Broad Avenue to
 08:11PM 11 Roff. And that's actually only approximately
 08:11PM 12 300 feet to the east on our property.
 08:11PM 13 So not that far from our site, the
 08:11PM 14 borough permits multifamily development in the AA
 08:11PM 15 zone.
 08:11PM 16 I'd indicated that the property and the
 08:11PM 17 building were oriented towards Route 46, rather than
 08:11PM 18 to the lower density development residences on West
 08:11PM 19 Columbia Avenue.
 08:11PM 20 Putting high-rise apartments on major
 08:11PM 21 thoroughfares, particularly a highway like Route 46
 08:11PM 22 is an appropriate development in an urban area.
 08:11PM 23 And I felt that there was supporting
 08:11PM 24 reasons for both the height and density variances
 08:11PM 25 that we were seeking.

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08:13PM 1 developments in the AA zone.
 08:13PM 2 MR. KAUKER: Okay.
 08:13PM 3 In terms of the appropriateness of the
 08:13PM 4 site, you spoke about that briefly, but the proposed
 08:13PM 5 density here is about 17 units greater.
 08:13PM 6 So even in my experience, that's kind
 08:13PM 7 of large even from a development that's proposing
 08:13PM 8 affordable housing.
 08:13PM 9 You know, the density if you calculated
 08:13PM 10 the permitted density based upon 5,000-square-foot
 08:13PM 11 lot area and the fact that a two-family home would be
 08:13PM 12 permitted on that lot, you have, you know, a density
 08:13PM 13 basically of about 17 units on this site.
 08:13PM 14 So that's, you know, a rather large
 08:13PM 15 increase, I think.
 08:13PM 16 MR. SPATZ: Yes. Yeah. Absolutely,
 08:13PM 17 yes.
 08:13PM 18 Your ordinance treats that in terms of
 08:13PM 19 lot area per unit and we are significantly below it.
 08:13PM 20 But, again, I think that its location,
 08:13PM 21 particularly on -- with access almost directly onto
 08:13PM 22 Route 46 means traffic and the impact from it is not
 08:14PM 23 going into the lower density residential areas, but
 08:14PM 24 either onto Grand or on Broad if you did the U-turn
 08:14PM 25 around on Grand or getting directly onto the highway.

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08:12PM 1 MR. KAUKER: I appreciate that summary.
 08:12PM 2 And just a couple other questions.
 08:12PM 3 So in a couple of other things that you
 08:12PM 4 mentioned there, you talked about the borough
 08:12PM 5 anticipated multiple family zoning in the AA zone.
 08:12PM 6 MR. SPATZ: Yes.
 08:12PM 7 MR. KAUKER: And then you referenced
 08:12PM 8 the fact that it, I guess at one point in time was
 08:12PM 9 permitted certain areas in the AA?
 08:12PM 10 MR. SPATZ: In certain areas, not in
 08:12PM 11 the area which we're particularly located, I
 08:12PM 12 acknowledge that, but relatively nearby,
 08:12PM 13 approximately 300 feet within the AA zone on West
 08:12PM 14 Columbia from it's --
 08:12PM 15 MR. KAUKER: So that basically can
 08:12PM 16 speak to the fact that this area was specifically
 08:12PM 17 excluded from that requirement, meaning the intent of
 08:12PM 18 the governing body at that time was to not have
 08:12PM 19 multiple family homes in this specific area.
 08:12PM 20 MR. SPATZ: That's why we're seeking a
 08:12PM 21 use variance. I recognize that it's not a permitted
 08:12PM 22 use in our particular location, so we're seeking the
 08:12PM 23 use variance. I think the site is appropriate
 08:12PM 24 because it meets a lot of the same standards and
 08:13PM 25 qualifications and qualities as the other multifamily

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08:14PM 1 And the fact that there are
 08:14PM 2 similar-type developments directly on the opposite
 08:14PM 3 side of 46, I think that, you know, that indicates
 08:14PM 4 that in this particular location, it's not
 08:14PM 5 inappropriate to have a high-rise development.
 08:14PM 6 I think the density is supported by,
 08:14PM 7 you know, a sufficient amount of parking as testimony
 08:14PM 8 was previously provided. I think the site
 08:14PM 9 improvements go towards that as well.
 08:14PM 10 I think it's a well-suited site for
 08:14PM 11 what we're doing. We definitely do need variances
 08:14PM 12 and I acknowledge those.
 08:14PM 13 MR. KAUKER: Yeah, we can talk about
 08:14PM 14 the height later. I want you to do the D-1 criteria
 08:14PM 15 first.
 08:14PM 16 MR. SPATZ: Sure.
 08:14PM 17 MR. KAUKER: But I believe in your
 08:14PM 18 testimony you talked about the -- I guess you talked
 08:14PM 19 about the need for affordable housing and also the
 08:14PM 20 need for multiple family housing?
 08:15PM 21 MR. SPATZ: That's a need for
 08:15PM 22 affordable housing, typically that is provided in
 08:15PM 23 multiple dwelling housing.
 08:15PM 24 MR. KAUKER: Okay.
 08:15PM 25 Are you aware of the percentage of

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08:15PM 1 multiple family housing that exists in the borough
 08:15PM 2 today.
 08:15PM 3 MR. SPATZ: I have not done that math.
 08:15PM 4 I just know that there's a sizable need for
 08:15PM 5 affordable housing, an obligation placed on the
 08:15PM 6 courts and legislature.
 08:15PM 7 And that this while it certainly
 08:15PM 8 doesn't meet that obligation, goes a way towards
 08:15PM 9 supporting that by providing affordable housing.
 08:15PM 10 Reducing the number of units obviously
 08:15PM 11 reduces the amount of affordable housing, but I think
 08:15PM 12 what we're providing does help that.
 08:15PM 13 MR. KAUKER: And keeping in mind when
 08:15PM 14 trying to provide affordable housing, you want to try
 08:15PM 15 to identify the most appropriate sites for affordable
 08:15PM 16 housing as well, correct, when you're preparing
 08:15PM 17 housing?
 08:15PM 18 MR. SPATZ: Yeah, that's correct.
 08:15PM 19 I think this is an appropriate site in
 08:15PM 20 that it's directly on a highway, there's a
 08:15PM 21 significant amount of mass transit in the area,
 08:15PM 22 there's shopping very close by, which provides both
 08:15PM 23 services for the residents, provides job
 08:16PM 24 opportunities for the residents.
 08:16PM 25 The mass transit in the area allows

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08:17PM 1 -- I'm sorry, not Route 46, but West Columbia Avenue,
 08:17PM 2 because that's the one-way road, as Mr. Simoff
 08:17PM 3 mentioned as well, going into Grand Avenue, which is
 08:17PM 4 a very busy road.
 08:17PM 5 MR. SPATZ: We provided testimony
 08:17PM 6 regarding traffic flow and traffic directions.
 08:17PM 7 Again, I think because there is a
 08:17PM 8 sizable amount of mass transit in the area, I think
 08:17PM 9 that's what makes the site appropriate for that then.
 08:17PM 10 Yes, if it was just simply something
 08:17PM 11 that would have vehicular access and egress from the
 08:17PM 12 property, that would be one thing, but there are mass
 08:17PM 13 transit opportunities and I think that's appropriate.
 08:17PM 14 MR. KAUKER: Okay. And then just in
 08:17PM 15 terms of one thing I wanted to point out, in terms of
 08:17PM 16 the location on 46 from a zoning standpoint, it's not
 08:17PM 17 that unique, it's pretty much the majority of
 08:18PM 18 Palisades Park that is located on 46 or adjacent to
 08:18PM 19 46 is located in the AA district, so there's a
 08:18PM 20 significant amount of that land that's zoned AA.
 08:18PM 21 Now, just moving on, you talked
 08:18PM 22 about -- hold on one second. Let me just make sure I
 08:18PM 23 have nothing else with respect to the D-1 variance.
 08:18PM 24 Okay. So in terms of the height of the
 08:18PM 25 building, you mentioned that this building is

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08:16PM 1 residents of the affordable units as well as the
 08:16PM 2 market rate units to get to work, get to other
 08:16PM 3 services that they need.
 08:16PM 4 So I think it is an appropriate
 08:16PM 5 location for the affordable housing.
 08:16PM 6 MR. KAUKER: Okay. And then I'm going
 08:16PM 7 to address that in a little bit more detail when we
 08:16PM 8 get to the negative criteria, Mr. Chairman, as well.
 08:16PM 9 CHAIRMAN FERGUSON: Sure.
 08:16PM 10 MR. KAUKER: In terms of the
 08:16PM 11 appropriateness of the site at issue as well.
 08:16PM 12 In fact, I mean, in this location,
 08:16PM 13 couldn't it actually not be a good thing that it's
 08:16PM 14 located near 46?
 08:16PM 15 It's somewhat unique, because you're
 08:16PM 16 actually technically not located on 46 itself, it's
 08:16PM 17 near an onramp and that's where the frontage is
 08:16PM 18 located and then there's a wall between 46 and that
 08:16PM 19 onramp as well.
 08:16PM 20 As Mr. Simoff testified to, most of the
 08:16PM 21 traffic is probably going to go down West Columbia
 08:17PM 22 Avenue, which is completely one and two-family homes.
 08:17PM 23 So, you know, unless you're going to 46 and going
 08:17PM 24 somewhere else, it appears all the local traffic I
 08:17PM 25 think is probably going to head down Route 46. And

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08:18PM 1 consistent with buildings that are located across on
 08:18PM 2 the other side of 46.
 08:18PM 3 Is that correct?
 08:18PM 4 MR. SPATZ: Correct, yes.
 08:18PM 5 MR. KAUKER: Okay. So just for the
 08:18PM 6 Board's guidance, what he's referring to there is the
 08:18PM 7 Spring Lake Heights verse Grasso case. And what that
 08:18PM 8 says is that the board can grant a variance if they
 08:18PM 9 find that the height of this building is similar to
 08:18PM 10 other buildings within the neighborhood.
 08:18PM 11 So "neighborhood" is a key term in that
 08:18PM 12 review of the height variance. In my opinion, a
 08:19PM 13 neighborhood could -- and if you look at the
 08:19PM 14 definition of a neighborhood, it talks about, you
 08:19PM 15 know, the characteristics of a physical area and it
 08:19PM 16 may be separated -- it can be categorized a number of
 08:19PM 17 ways.
 08:19PM 18 But one of the ways that it's
 08:19PM 19 differentiated is between physical barriers.
 08:19PM 20 I would consider Route 46, obviously
 08:19PM 21 it's a highway, to be a physical barrier between, you
 08:19PM 22 know, the north side and the south side. So, you
 08:19PM 23 know, when you're assessing the height of the
 08:19PM 24 building, I think you would more appropriately look
 08:19PM 25 at the height of buildings in the area on that side

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08:19PM 1 of Route 46.

08:19PM 2 So the question would be are there any

08:19PM 3 buildings in the neighborhood on the north side of 46

08:19PM 4 that are that tall?

08:19PM 5 MR. SPATZ: There are none that I can

08:19PM 6 recall that are that tall, although there are a

08:19PM 7 number of commercial buildings on Broad just a little

08:19PM 8 bit to the east of us that are three stories.

08:19PM 9 They're commercial buildings, so even in two stories,

08:20PM 10 they're similar in height to us.

08:20PM 11 In my testimony at the last meeting, I

08:20PM 12 acknowledged that we were significantly taller than

08:20PM 13 what is permitted within the zone as well as to the

08:20PM 14 properties behind us to the north of us in the lower

08:20PM 15 density residential areas.

08:20PM 16 But again, I think that on a major

08:20PM 17 roadway or on a highway, having an increased height

08:20PM 18 is not inappropriate.

08:20PM 19 A higher building allows us to provide

08:20PM 20 parking. Again, the number of units allows the

08:20PM 21 providing of affordable housing. You could consider

08:20PM 22 the multifamily on the opposite side of the highway

08:20PM 23 not part of this neighborhood, but they are in direct

08:20PM 24 sight lines of our development as well as the other

08:20PM 25 development on the street on West Columbia that, you

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08:20PM 1 know.

08:20PM 2 So they see those apartments all the

08:20PM 3 time. It's not as if they were down further on

08:20PM 4 Grand, further towards the -- further towards the

08:21PM 5 west or even on the opposite side of Broad and

08:21PM 6 further towards the east, they're in direct sight

08:21PM 7 line of all of the properties in this neighborhood.

08:21PM 8 So I think that I would consider that

08:21PM 9 part of the neighborhood.

08:21PM 10 MR. KAUKER: But the immediate

08:21PM 11 neighborhood and more importantly, the properties and

08:21PM 12 the dwellings that this property is located

08:21PM 13 immediately adjacent to are two and three-story

08:21PM 14 buildings, correct?

08:21PM 15 MR. SPATZ: Correct, yes.

08:21PM 16 I indicated that at the last meeting,

08:21PM 17 but I had a little broader view of the neighborhood

08:21PM 18 then discussing this evening.

08:21PM 19 MR. KAUKER: And those would be the

08:21PM 20 properties that would be most impacted by this

08:21PM 21 specific development.

08:21PM 22 MR. SPATZ: Correct.

08:21PM 23 MR. KAUKER: So when you take a look at

08:21PM 24 the height of the buildings, the limited setbacks,

08:21PM 25 you really need to take a look at those adjacent

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08:21PM 1 properties, first because they're going to be most

08:21PM 2 impacted. It's going to have an impact on light, air

08:21PM 3 and open space, which is also the purpose of zoning.

08:21PM 4 That leads into the negative criteria.

08:21PM 5 So with respect to the negative criteria, I don't

08:22PM 6 really have any questions for Mr. Spatz, but just

08:22PM 7 want to provide the board with some guidance.

08:22PM 8 As Mr. Spatz mentioned, ultimately you

08:22PM 9 need to weigh the positive criteria, which are the

08:22PM 10 benefits of the application, with the negative

08:22PM 11 criteria.

08:22PM 12 So when you look at the negative

08:22PM 13 criteria, and as I just mentioned, you want to keep

08:22PM 14 in mind that this property is bounded by two -- or

08:22PM 15 one and two-family homes for the most part, right,

08:22PM 16 and two- to three-story buildings.

08:22PM 17 You want to keep in mind what the

08:22PM 18 proposal is on this property in terms of the five- to

08:22PM 19 six-story building depending upon the vantage point

08:22PM 20 and where you're viewing it from.

08:22PM 21 And also the limited setbacks that are

08:22PM 22 provided as well and the impact that that would have

08:22PM 23 on the adjoining properties.

08:22PM 24 You know, for those reasons itself, I

08:22PM 25 think that what's being proposed would be out of

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08:22PM 1 character with the rest of the neighborhood itself.

08:23PM 2 Then just one other thing that I just

08:23PM 3 did want to point out with respect to the negative

08:23PM 4 criteria, another aspect to look at as well is

08:23PM 5 traffic. So I talked about that a little bit briefly

08:23PM 6 before, Mr. Simoff talked about that as well. And in

08:23PM 7 terms of where this site is located, where it has

08:23PM 8 access to on West Columbia and the onramp to

08:23PM 9 Route 46, you know, that's something I think that the

08:23PM 10 board needs to take into consideration. And also as

08:23PM 11 we have mentioned before, where it ultimately travels

08:23PM 12 to, which is Grand Avenue, if it's basically local

08:23PM 13 traffic again.

08:23PM 14 So, you know, for those reasons, I

08:23PM 15 think that, you know, when the board has to weigh the

08:23PM 16 positive and negative criteria, again, just taking a

08:23PM 17 step back and looking at it from a practical

08:23PM 18 standpoint, a layman's standpoint, you're looking at

08:23PM 19 basically a five- to six-story building, as I said

08:23PM 20 before, that's immediately adjacent to one-family

08:23PM 21 homes and two-family homes that are two- and

08:23PM 22 three-story buildings.

08:23PM 23 So I have nothing else for Mr. Spatz,

08:24PM 24 but happy to answer any questions.

08:24PM 25 CHAIRMAN FERGUSON: Counsel.

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08:24PM 1 MR. SOKOLICH: Chairman, if I may, may
 08:24PM 2 we have a copy of Mr. Kauker's report? Because I
 08:24PM 3 believe that was the Chair's edict when last we were
 08:24PM 4 here, that --
 08:24PM 5 CHAIRMAN FERGUSON: I said your experts
 08:24PM 6 should contact our experts and --
 08:24PM 7 MR. SOKOLICH: We were advised that a
 08:24PM 8 report was being submitted and once we have that, we
 08:24PM 9 were going to provide a supplemental report. It's
 08:24PM 10 okay, but can we have a copy of that report?
 08:24PM 11 MR. KAUKER: You don't have April 12th?
 08:24PM 12 MR. SOKOLICH: I don't.
 08:24PM 13 Do you, David?
 08:24PM 14 MR. SPATZ: No, I don't.
 08:24PM 15 MR. SOKOLICH: That's fine.
 08:24PM 16 If you don't mind if you give me a
 08:24PM 17 copy, that's fine.
 08:24PM 18 Thank you, Mike.
 08:24PM 19 MR. KAUKER: Yup.
 08:24PM 20 CONTINUED DIRECT EXAMINATION
 08:24PM 21 BY MR. SOKOLICH:
 08:24PM 22 Q. But in fairness, though, David, are you
 08:24PM 23 aware if Pal Park actually provides a lot of areas in
 08:24PM 24 this town to provide multifamily housing?
 08:24PM 25 A. **No, it's not in a great number of**
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08:25PM 1 THE COURT REPORTER: Yes.
 08:25PM 2 CHAIRMAN FERGUSON: Okay.
 08:25PM 3 So let's take a five-minute break.
 08:25PM 4 We're going to take a five-minute break. And then
 08:25PM 5 when we come back, I'm going to open it up to the
 08:25PM 6 residents and they can ask their questions and come
 08:25PM 7 back. Okay. Five minutes.
 08:25PM 8 (Whereupon, a brief recess is held at
 08:25PM 9 8:26 p.m. to 8:33 p.m.)
 08:33PM 10 CHAIRMAN FERGUSON: Okay. All right.
 08:33PM 11 You want to take attendance?
 08:33PM 12 MS. REBEKAH KIM: Mr. Ferguson?
 08:33PM 13 CHAIRMAN FERGUSON: I'm here.
 08:33PM 14 MS. REBEKAH KIM: Mr. Brogna?
 08:33PM 15 MR. BROGNA: Here.
 08:33PM 16 MS. REBEKAH KIM: Mr. Elefteriou?
 08:33PM 17 MR. ELEFTERIOU: Here.
 08:33PM 18 MS. REBEKAH KIM: Mr. Grala?
 08:33PM 19 MR. GRALA: Here.
 08:33PM 20 MS. REBEKAH KIM: Mr. Kim?
 08:33PM 21 MR. KIM: Here.
 08:33PM 22 MS. REBEKAH KIM: Mr. Terranova?
 08:33PM 23 MR. TERRANOVA: Here.
 08:33PM 24 MS. REBEKAH KIM: Mr. Chung?
 08:33PM 25 MR. CHUNG: Here.
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08:24PM 1 **areas. There are a few areas, many of them are**
 08:24PM 2 **approved through the use variance process.**
 08:24PM 3 Q. Understood.
 08:24PM 4 Are you aware if any of those areas
 08:25PM 5 specifically in the ordinance allow for affordable or
 08:25PM 6 impose the requirement for affordable housing?
 08:25PM 7 A. **I'm not aware of anything in the**
 08:25PM 8 **ordinance that requires affordable housing as part of**
 08:25PM 9 **the development process.**
 08:25PM 10 Q. The point is made that 300 feet away,
 08:25PM 11 multifamily is permitted, but on this particular
 08:25PM 12 site, it's not?
 08:25PM 13 A. **Correct.**
 08:25PM 14 Q. The argument is made that that was
 08:25PM 15 arguably intentional by the governing body to exclude
 08:25PM 16 this property, correct? Could it not also be argued
 08:25PM 17 that it was intentionally omitted to avoid providing
 08:25PM 18 affordable housing?
 08:25PM 19 A. **It's possible.**
 08:25PM 20 **I'm not sure what went into the**
 08:25PM 21 **decision, but --**
 08:25PM 22 Q. My point exactly.
 08:25PM 23 MR. SOKOLICH: Thank you, Chairman.
 08:25PM 24 CHAIRMAN FERGUSON: Okay. So, Court
 08:25PM 25 Reporter, you want a break?
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08:33PM 1 MS. REBEKAH KIM: Mrs. Yoon?
 08:33PM 2 MS. YOON: Here.
 08:33PM 3 CHAIRMAN FERGUSON: Okay. So as --
 08:33PM 4 well, we've got to wait for the attorney.
 08:34PM 5 Okay. So we're going to open it up now
 08:34PM 6 to the people in the audience. You can ask a
 08:34PM 7 question if you want, you can make a comment, you can
 08:34PM 8 talk about anything you want to talk about, but it's
 08:34PM 9 three minutes.
 08:34PM 10 The other thing is we're not going to
 08:34PM 11 continue to hear the same objection over and over and
 08:34PM 12 over.
 08:34PM 13 So once it gets to be too the same,
 08:34PM 14 then we're going to have to cut it off because we
 08:34PM 15 don't want to be here till 1 o'clock in the morning.
 08:34PM 16 So with that I'm going open it up to
 08:34PM 17 the people in the audience, name and address.
 08:34PM 18 THE COURT REPORTER: When you give your
 08:34PM 19 name, just spell it for me, please.
 08:35PM 20 MS. PAPOTER: Neris Papoter, N-E-R-I-S,
 08:35PM 21 P-A-P-O-T-E-R.
 08:35PM 22 I'm resident of this town for 24 years
 08:35PM 23 and it's been a totally different town that I move
 08:35PM 24 here.
 08:35PM 25 Unfortunately, the construction here
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08:35PM 1 went out of hand. And for that reason, we having a
 08:35PM 2 big problem.
 08:35PM 3 And I'm not an architect, I don't have
 08:35PM 4 no experience density or nothing, all that. I'm a
 08:35PM 5 mother of my daughter who go to school in this town
 08:35PM 6 and I go very active in the school board meetings.
 08:35PM 7 CHAIRMAN FERGUSON: Okay.
 08:35PM 8 MS. PAPOTER: And the big problem that
 08:35PM 9 we have here is parking space, that's number one.
 08:35PM 10 CHAIRMAN FERGUSON: Right.
 08:35PM 11 MS. PAPOTER: So by constructing this,
 08:35PM 12 it's going to be a big problem for our town, that we
 08:35PM 13 are out of hand in that.
 08:35PM 14 And the second and the most important
 08:36PM 15 one that I know that are few member here have a
 08:36PM 16 student in school and live in town. And I don't know
 08:36PM 17 if some of these people here been going or are here
 08:36PM 18 about the problem that we run into in this town. And
 08:36PM 19 the bigger problem that we run into in this town is
 08:36PM 20 the school, it's the school.
 08:36PM 21 MS. TESTA: If I could stop you.
 08:36PM 22 Excuse me.
 08:36PM 23 The board cannot take into
 08:36PM 24 consideration any impact that it has on services such
 08:36PM 25 as schools.

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08:36PM 1 MS. PAPOTER: -- another thing that I
 08:37PM 2 really feel I have, though, I live here, we don't
 08:37PM 3 have a sidewalk, unfortunately, because of the way of
 08:37PM 4 the construction is going on. Okay?
 08:37PM 5 CHAIRMAN FERGUSON: Okay.
 08:37PM 6 MS. PAPOTER: And another thing that I
 08:37PM 7 have, and I always want to come to this meeting,
 08:37PM 8 because the time is a little bit late.
 08:37PM 9 I have a question. Isn't it a little
 08:37PM 10 contradiction that a person who is control -- have a
 08:37PM 11 bigger company construction here as part of the board
 08:37PM 12 member here, Mr. Eleferiou. Isn't that a conflict
 08:37PM 13 of interest?
 08:37PM 14 MS. TESTA: No, there's no conflict of
 08:37PM 15 interest.
 08:37PM 16 MS. PAPOTER: Okay.
 08:37PM 17 MS. TESTA: All the board members
 08:37PM 18 volunteer their time. They're appointed by the Mayor
 08:37PM 19 and Counsel and they bring various expertise to the
 08:37PM 20 board.
 08:37PM 21 MS. PAPOTER: And what are we doing
 08:37PM 22 when it's going to be one of his projects?
 08:37PM 23 MS. TESTA: Then he's recused.
 08:37PM 24 MS. PAPOTER: He's recused?
 08:37PM 25 CHAIRMAN FERGUSON: Yeah, he doesn't --

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08:36PM 1 So if you could please -- we can't
 08:36PM 2 accept that testimony.
 08:36PM 3 MS. PAPOTER: Okay. Well, the big
 08:36PM 4 problem here is overcrowding.
 08:36PM 5 MS. TESTA: Right. Again, we cannot
 08:36PM 6 discuss the school, that --
 08:36PM 7 MS. PAPOTER: Okay. We're not gonna
 08:36PM 8 discuss that.
 08:36PM 9 MR. SOKOLICH: I just want to interpose
 08:36PM 10 an objection for the record.
 08:36PM 11 MS. TESTA: Yes, so noted.
 08:36PM 12 MS. PAPOTER: I want to ask
 08:36PM 13 Mr. Sokolich, have you think about --
 08:36PM 14 MR. SOKOLICH: I'm not really an
 08:36PM 15 expert.
 08:36PM 16 MS. PAPOTER: -- moving all of these
 08:36PM 17 projects that you feel that are so good to Fort Lee?
 08:36PM 18 MR. SOKOLICH: Oh, we've got our share
 08:36PM 19 of them.
 08:36PM 20 MS. PAPOTER: Because it's only in this
 08:36PM 21 town making all this --
 08:36PM 22 MR. SOKOLICH: We have our share of
 08:36PM 23 them and have the foresight to --
 08:36PM 24 MS. PAPOTER: -- project --
 08:36PM 25 MR. SOKOLICH: Okay.

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08:37PM 1 MS. TESTA: He has nothing to do with
 08:37PM 2 it, yes.
 08:37PM 3 MS. PAPOTER: I really feel that, you
 08:37PM 4 know, it's -- it should not be.
 08:37PM 5 MS. TESTA: Again -- right.
 08:37PM 6 Again, these board members volunteer
 08:37PM 7 their time, they put in many hours of work for the
 08:37PM 8 town.
 08:37PM 9 MS. PAPOTER: Well, in my name as a
 08:37PM 10 resident, a supporter, as a taxpayer in this town,
 08:37PM 11 this is a big no.
 08:37PM 12 CHAIRMAN FERGUSON: Okay.
 08:37PM 13 MS. PAPOTER: Thank you.
 08:37PM 14 CHAIRMAN FERGUSON: Thank you.
 08:38PM 15 Anybody else?
 08:38PM 16 Yes, name and address.
 08:38PM 17 MS. COMAS: Melanie Comas, 83 West
 08:38PM 18 Harwood Terrace, corner of Grand Avenue.
 08:38PM 19 Okay. I just complimented the man
 08:38PM 20 sitting at the end there, I don't know his name, but
 08:38PM 21 he was right on when he was talking about the
 08:38PM 22 problems.
 08:38PM 23 One thing we have in common,
 08:38PM 24 Mr. Ferguson, is the fact that we have lived here for
 08:38PM 25 ages. Okay? Me from 1956, a long time ago, and

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08:38PM 1 we're still here.

08:38PM 2 CHAIRMAN FERGUSON: Right.

08:38PM 3 MS. COMAS: And we see the -- how

08:38PM 4 everything -- everything was one and two families, it

08:38PM 5 was a nice town.

08:38PM 6 Now it's overbuilt. It's like a

08:38PM 7 concrete jungle. It's ridiculous. Okay.

08:38PM 8 Now, West Columbia Avenue is a one way

08:38PM 9 down to Grand Avenue. To the left and right, each

08:38PM 10 street, West Harriet and then West Ruby also are two

08:39PM 11 streets that go down to Grand Avenue, and that's all

08:39PM 12 in that one little spot where 46 is there with the

08:39PM 13 ramp to get on 46 west. Then they come off, you

08:39PM 14 know, the other ramp off 46 and then Harriet, you

08:39PM 15 can't make a left.

08:39PM 16 The only thing you could do, you know,

08:39PM 17 with Columbia and Ruby, because you'd have to wait

08:39PM 18 forever to cross over the northern lane, is to come

08:39PM 19 up the other street. So two streets from Ruby to

08:39PM 20 West Harwood.

08:39PM 21 I see hundreds and hundreds of cars

08:39PM 22 just, you know, bumper to bumper going south, going

08:39PM 23 to that overpass. Okay?

08:39PM 24 CHAIRMAN FERGUSON: Right.

08:39PM 25 MS. COMAS: And I see them that they

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08:41PM 1 because at one time, the town wanted to redevelop all

08:41PM 2 that, take the soap factory, put in apartments, all

08:41PM 3 that. This thing is not good.

08:41PM 4 So not only that, but this is a

08:41PM 5 quality-of-life issue. The project to me is a slap

08:41PM 6 in the face to the residents of West Columbia Avenue

08:41PM 7 and to the people of Palisades Park, because anything

08:41PM 8 like this could be constructed anywhere in town. And

08:41PM 9 some of it has been. Look what they did to

08:41PM 10 Caragonti's (phonetic) property. The project takes

08:41PM 11 away the expected peaceful existence of the residents

08:41PM 12 on West Columbia Avenue and it doesn't belong here.

08:41PM 13 Besides this problem, there's a

08:41PM 14 horrible --

08:41PM 15 CHAIRMAN FERGUSON: Listen, you want to

08:41PM 16 sum up? Your three minutes are up.

08:41PM 17 MS. COMAS: Yeah, I'm just another half

08:41PM 18 a minute.

08:41PM 19 CHAIRMAN FERGUSON: Okay.

08:41PM 20 MS. COMAS: The horrible congestion on

08:42PM 21 Grand Avenue now teeming with too many cars and heavy

08:42PM 22 trucking.

08:42PM 23 Also we need speed limit signs coming

08:42PM 24 into Pal Park from Ridgefield and Leonia. There's

08:42PM 25 one that says 35 miles per hour almost in Leonia and

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08:39PM 1 get annoyed that they're waiting so long, so they

08:39PM 2 scoop up West Harwood Terrace and they probably scoop

08:40PM 3 up the town, you know, the street next to it. And

08:40PM 4 that's dangerous.

08:40PM 5 CHAIRMAN FERGUSON: Right.

08:40PM 6 MS. COMAS: Because they want to get

08:40PM 7 across the northern lane, but they do, boom, boom,

08:40PM 8 that's all they do.

08:40PM 9 Okay. And even me crossing the street,

08:40PM 10 I have to watch out. This is to me it's like the

08:40PM 11 Titanic meets the Bermuda Triangle, hundreds of cars

08:40PM 12 on Grand Avenue at that one light. Okay?

08:40PM 13 The other thing is a 40-unit apartment

08:40PM 14 building only adds to the traffic problem. It's not

08:40PM 15 an asset to the area. The building does not conform

08:40PM 16 to the area in any way that I could see. They've

08:40PM 17 squeezed into a very small space.

08:40PM 18 West Columbia has one and two-family

08:40PM 19 homes, so we don't need this monstrosity there. Not

08:40PM 20 that I live so close to it, but I'm affected also

08:40PM 21 because they can put anything anywhere in town if

08:40PM 22 this is accepted.

08:40PM 23 The only place that, you know,

08:41PM 24 construction like this might be viable is across

08:41PM 25 Grand Avenue where the soap factory was and all that,

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08:42PM 1 I've been -- I'm going to tell you ten years going to

08:42PM 2 the Mayor and Council to get that done, I call the

08:42PM 3 state, it's supposed to be very easy, it was never

08:42PM 4 done.

08:42PM 5 So at 5 o'clock in the morning all

08:42PM 6 these heavy trucks come down 50 miles per hour, we've

08:42PM 7 got all kinds of --

08:42PM 8 MR. SOKOLICH: Chairman, I have to

08:42PM 9 object because this is way off base.

08:42PM 10 CHAIRMAN FERGUSON: Okay.

08:42PM 11 MS. COMAS: No. No, it isn't, because

08:42PM 12 I live there.

08:42PM 13 CHAIRMAN FERGUSON: That's enough.

08:42PM 14 Listen --

08:42PM 15 MS. COMAS: Okay. The last comment --

08:42PM 16 CHAIRMAN FERGUSON: You had your last

08:42PM 17 comments two comments ago.

08:42PM 18 MS. COMAS: Okay. The state -- all

08:42PM 19 right. I'm finished, but the last thing, the state

08:42PM 20 should get involved with this, that whole big mess.

08:42PM 21 We need the state.

08:43PM 22 CHAIRMAN FERGUSON: Who else would like

08:43PM 23 -- yes, my friend, name and address.

08:43PM 24 MR. BEERLE: Ernst Beerle, 329 East

08:43PM 25 Columbia.

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08:43PM 1 The -- I've been here for many, many
 08:43PM 2 years. And if you remember, coming off of Route 46
 08:43PM 3 eastbound on the right-hand side, yes, there's a big,
 08:43PM 4 call it apartment building, that is four- or
 08:43PM 5 five-stories high.
 08:43PM 6 CHAIRMAN FERGUSON: Right.
 08:43PM 7 MR. BEERLE: Does anybody remember what
 08:43PM 8 used to be there?
 08:43PM 9 Like a junkyard, just about. Garages.
 08:43PM 10 It was really, really dilapidated. That was the
 08:43PM 11 perfect place to put something like that, it didn't
 08:43PM 12 affect any private homes.
 08:43PM 13 This affects all private homes all
 08:43PM 14 around here for many, many blocks. It just makes no
 08:43PM 15 sense at all. Forget the traffic and -- for me,
 08:43PM 16 forget the traffic, but it is an issue. But it's
 08:44PM 17 just no good. It's no good.
 08:44PM 18 My vote if I can do a hundred votes, I
 08:44PM 19 would vote a hundred times. It's no good. I don't
 08:44PM 20 know why this was even considered, I'm sorry for
 08:44PM 21 saying it, but I don't even understand why it's even
 08:44PM 22 considered.
 08:44PM 23 We're spending lots and lots of money
 08:44PM 24 for this. Everybody's spending lots of money for
 08:44PM 25 this. It should never have been considered. Shame

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08:45PM 1 But he, you know, he has an absolute
 08:45PM 2 right to come in and put this up. And if the board
 08:45PM 3 cut him off, like, at the first meeting and said
 08:45PM 4 listen, this is not going to fly, we're not going to
 08:45PM 5 do it, the next day he's going to be in court saying
 08:45PM 6 that you didn't hear my application.
 08:45PM 7 MR. BEERLE: Well, it's happening now
 08:45PM 8 anyway.
 08:45PM 9 CHAIRMAN FERGUSON: But -- no, they're
 08:45PM 10 in court, from my understanding, because it's
 08:45PM 11 what's --
 08:45PM 12 MR. SOKOLICH: It has nothing to do
 08:45PM 13 with --
 08:45PM 14 MS. TESTA: It has nothing to do with
 08:45PM 15 this application, so no need to comment.
 08:45PM 16 MR. SOKOLICH: Yeah.
 08:45PM 17 CHAIRMAN FERGUSON: Okay. No problem.
 08:45PM 18 So that's the reason why we're here.
 08:46PM 19 I'm sure the board would love not to, you know, hear
 08:46PM 20 these cases, but what are we going to do?
 08:46PM 21 So next.
 08:46PM 22 Thank you for your comments, I
 08:46PM 23 appreciate it.
 08:46PM 24 MR. BEERLE: That's no good.
 08:46PM 25 CHAIRMAN FERGUSON: Okay. Well, that's

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08:44PM 1 on the person that is trying to do this, my personal
 08:44PM 2 opinion.
 08:44PM 3 CHAIRMAN FERGUSON: Right.
 08:44PM 4 So just so you're clear, I might have
 08:44PM 5 said this already.
 08:44PM 6 MR. BEERLE: Yeah.
 08:44PM 7 CHAIRMAN FERGUSON: If a person puts
 08:44PM 8 the application in, the board has to --
 08:44PM 9 MR. BEERLE: I understand that.
 08:44PM 10 But it's five months already or more.
 08:44PM 11 CHAIRMAN FERGUSON: Yeah, but --
 08:44PM 12 MR. BEERLE: And the decision was oh --
 08:44PM 13 it's -- okay. What else can we do? What else can we
 08:44PM 14 do? What else can we do?
 08:44PM 15 Bring it down to 10 units. Bring it
 08:44PM 16 down to 12 units.
 08:45PM 17 MS. COMAS: Or put three houses there.
 08:45PM 18 MR. BEERLE: Yeah, three houses.
 08:45PM 19 You've got three houses there, each house has the
 08:45PM 20 apartment and the owner.
 08:45PM 21 CHAIRMAN FERGUSON: Right, but an
 08:45PM 22 applicant comes in, obviously this is a lot more
 08:45PM 23 intense than the usual, you know, two-family thing.
 08:45PM 24 They want to take it down and put another one up,
 08:45PM 25 right?

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08:46PM 1 the law, what's new.
 08:46PM 2 Anybody else that wants to say
 08:46PM 3 anything?
 08:46PM 4 Name and address, my friend.
 08:46PM 5 MR. CHO: Michael Cho, 33 West Ruby
 08:46PM 6 Avenue.
 08:46PM 7 THE COURT REPORTER: C-H-O?
 08:46PM 8 MR. CHO: C-H-O, yeah.
 08:46PM 9 Yeah, I think we've been talking about
 08:46PM 10 a lot of things already.
 08:46PM 11 So the only thing I want to add, which
 08:46PM 12 I mentioned last time, is I mentioned mass transit a
 08:46PM 13 bunch of times.
 08:46PM 14 CHAIRMAN FERGUSON: Right.
 08:46PM 15 MR. CHO: But if you take mass transit,
 08:46PM 16 and I take it every single day to work, you take the
 08:46PM 17 166-T or the 166 if you're taking local and that is
 08:46PM 18 affected directly -- it goes on the right turn, it
 08:46PM 19 goes onto 46.
 08:46PM 20 And so this apartment would directly
 08:46PM 21 affect the traffic that goes that way and will affect
 08:46PM 22 mass transit.
 08:46PM 23 So it seems kind of ridiculous to me to
 08:46PM 24 say that, to keep on saying mass transit is -- it's,
 08:46PM 25 like, all about mass transit when actually, they're

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08:47PM 1 actually hurting mass transit because even right now,
 08:47PM 2 it already takes, I don't know, several minutes to
 08:47PM 3 get from the last stop on 166 onto the actual highway
 08:47PM 4 because of how much traffic there is on a rush hour
 08:47PM 5 time.
 08:47PM 6 And if there's even more traffic
 08:47PM 7 because there's apartments, that is being crazy.
 08:47PM 8 One of the reasons -- the reason why
 08:47PM 9 I'm bringing this up is one of the reasons why I
 08:47PM 10 ended up living in Palisades Park is because of the
 08:47PM 11 mass transit and how I could take this to the city
 08:47PM 12 and work in the city.
 08:47PM 13 But every minute that it effects my
 08:47PM 14 commute, it ends up me wanting to live here less.
 08:47PM 15 And I'm sure I'm not the only person.
 08:47PM 16 And so the fact that you're even, like,
 08:47PM 17 the building here would cause mass transit to become
 08:47PM 18 delayed, I think you should take that into
 08:47PM 19 consideration.
 08:47PM 20 CHAIRMAN FERGUSON: Okay.
 08:47PM 21 MR. CHO: That's it.
 08:47PM 22 CHAIRMAN FERGUSON: Anybody else?
 08:47PM 23 Yes, my friend name and address.
 08:47PM 24 MR. SHIN: My name is Charlie Shin
 08:47PM 25 living in 214 10th Street.

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08:49PM 1 MR. SOKOLICH: Okay. I don't mean to
 08:49PM 2 object, but he's not allowed to -- okay.
 08:49PM 3 MS. TESTA: Right.
 08:49PM 4 I was going to say, you can make
 08:49PM 5 comments -- excuse me, sir -- you can make comments
 08:49PM 6 as to what your opinion is, but you cannot represent
 08:49PM 7 other --
 08:49PM 8 MR. SHIN: Because I have the same
 08:49PM 9 opinion with them. Okay? That's what I'm saying.
 08:49PM 10 MS. TESTA: Please, convey your
 08:49PM 11 comments to your opinion, not to other people.
 08:49PM 12 MR. SHIN: So I'm just saying, okay,
 08:49PM 13 we'll remember what you board members decide today.
 08:49PM 14 Okay?
 08:49PM 15 CHAIRMAN FERGUSON: Okay.
 08:49PM 16 MR. SHIN: Thank you.
 08:49PM 17 CHAIRMAN FERGUSON: Thank you.
 08:49PM 18 Anybody else? Anybody else have
 08:49PM 19 anything to say? Anybody?
 08:49PM 20 Okay. Seeing -- oh, yes, my friend, go
 08:49PM 21 ahead, name and address.
 08:49PM 22 MR. DALL CHO: My name is Dall Cho,
 08:50PM 23 D-A-L-L, C-H-O.
 08:50PM 24 MS. TESTA: Your address, please.
 08:50PM 25 MR. DALL CHO: 32 East Ruby Avenue.

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08:47PM 1 CHAIRMAN FERGUSON: Okay.
 08:47PM 2 THE COURT REPORTER: Can you just spell
 08:47PM 3 your last name?
 08:48PM 4 MR. SHIN: Yeah, S-H-I-N.
 08:48PM 5 THE COURT REPORTER: Thank you.
 08:48PM 6 MR. SHIN: I'm doing some kind of
 08:48PM 7 campaign right now. And for the last two weeks, I
 08:48PM 8 met more than 3,000 residence here in Palisades Park
 08:48PM 9 and all of them -- most of them, like 90 percent of
 08:48PM 10 them ask me to go to board meeting and say what they
 08:48PM 11 want.
 08:48PM 12 So I'd like to just convey what the
 08:48PM 13 town people wants for all the voting board members.
 08:48PM 14 Okay.
 08:48PM 15 They don't want, okay, this apartment.
 08:49PM 16 Okay? They all point out the problems, but all the
 08:48PM 17 people, okay, they lived -- some people they live
 08:48PM 18 50 years, some guys lived like 40 years. I lived
 08:48PM 19 30 years. And they want the Palisades Park higher
 08:48PM 20 than Pittsburgh. Okay?
 08:48PM 21 Small street cannot accommodate, like,
 08:49PM 22 40-unit apartment. Okay? It will be a disaster. So
 08:49PM 23 I told them the board members will make very wise
 08:49PM 24 decision, okay, hearing all the town people wants.
 08:49PM 25 Okay?

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08:50PM 1 I appreciate your professional opinion.
 08:50PM 2 There's one thing I want to address and that's air
 08:50PM 3 quality.
 08:50PM 4 Once we were all babies and you know
 08:50PM 5 why we cry. But you know also why the babies cry;
 08:50PM 6 it's related to fresh air.
 08:50PM 7 Now, the traffic flow, but airflow.
 08:50PM 8 Imagine you wake up early morning, open the window,
 08:51PM 9 want fresh air. But this, what, 200 feet, 60 feet
 08:51PM 10 rectangle is right there.
 08:51PM 11 Without air, we cannot live 10 minutes.
 08:51PM 12 We can survive 10 days without any other food.
 08:51PM 13 There's a law not written in the universe, in the
 08:51PM 14 earth, we have to make air quality.
 08:51PM 15 CHAIRMAN FERGUSON: Right.
 08:51PM 16 MR. DALL CHO: I want to say just that,
 08:51PM 17 remember air quality.
 08:51PM 18 CHAIRMAN FERGUSON: Okay.
 08:51PM 19 MR. DALL CHO: For these people and for
 08:51PM 20 you.
 08:51PM 21 CHAIRMAN FERGUSON: Thank you.
 08:51PM 22 Okay. Anybody else?
 08:52PM 23 MR. BEERLE: Can I speak again?
 08:52PM 24 CHAIRMAN FERGUSON: Very briefly you
 08:52PM 25 can say a word.

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08:52PM 1 But just so we're all clear, we don't
 08:52PM 2 usually grant second opinions, but in this one case,
 08:52PM 3 we're going to do it and then if you spoke, you're
 08:52PM 4 done.
 08:52PM 5 MR. BEERLE: Thank you.
 08:52PM 6 Ernst Beerle, 329 East Columbia.
 08:52PM 7 The people that are trying to build
 08:52PM 8 this thing, I think, are doing a snow job and
 08:52PM 9 promoting affordable housing, trying to campaign --
 08:52PM 10 they're using that as a campaign to promote this
 08:52PM 11 project, I think. Please take that into
 08:52PM 12 consideration.
 08:52PM 13 Yes, I fully agree with low-income
 08:52PM 14 housing, but I don't think that's a safe place for
 08:52PM 15 kids to be even.
 08:52PM 16 CHAIRMAN FERGUSON: Right.
 08:52PM 17 MR. BEERLE: It's got so much traffic.
 08:52PM 18 Thank you.
 08:52PM 19 CHAIRMAN FERGUSON: Right, I agree.
 08:53PM 20 Okay. Anybody else?
 08:53PM 21 Yes, this person in the back, go ahead.
 08:53PM 22 Name and address, my friend.
 08:53PM 23 MR. PETER SHIN: My name is Peter Shin.
 08:53PM 24 I live at 800 12th Street, Unit 609.
 08:53PM 25 I have a question to everybody. Okay?
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08:54PM 1 expert evidence in order to present their case.
 08:54PM 2 MR. PETER SHIN: So all the time you
 08:54PM 3 guys offer public meeting like this on any kind of
 08:54PM 4 project?
 08:54PM 5 MS. TESTA: Sure if it comes before the
 08:54PM 6 board, if the board has the jurisdiction to hear it.
 08:54PM 7 MR. PETER SHIN: No, I think this is
 08:54PM 8 too much here you guys spend, you know, time. A
 08:54PM 9 waste of time. For a small job, okay.
 08:54PM 10 But this kind of very, very unusual.
 08:54PM 11 So you are relying -- you are the
 08:54PM 12 professional people. You should cut it after this
 08:54PM 13 kind of project, definitely no. All right?
 08:54PM 14 You make an amendment. The public
 08:54PM 15 people is very confused. All right? Please.
 08:54PM 16 CHAIRMAN FERGUSON: Okay.
 08:54PM 17 MR. PETER SHIN: Okay.
 08:55PM 18 CHAIRMAN FERGUSON: Okay. Anybody
 08:55PM 19 else?
 08:55PM 20 Anybody else have any comments at all?
 08:55PM 21 Okay.
 08:55PM 22 MR. SOKOLICH: Chairman, before you
 08:55PM 23 deliberate, may I have a moment to --
 08:55PM 24 CHAIRMAN FERGUSON: Let me just close.
 08:55PM 25 I want to make -- I want to close the
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08:53PM 1 I heard this is a very unusual project. I don't know
 08:53PM 2 your -- I don't know what's the board regulation, you
 08:53PM 3 should cut it off before a public meeting.
 08:53PM 4 I don't know what's the reason you
 08:53PM 5 guys have a public meeting.
 08:53PM 6 MS. TESTA: No, sir.
 08:53PM 7 Excuse me, sir.
 08:53PM 8 As the Chairman has stated earlier, an
 08:53PM 9 applicant has the right to bring an application
 08:53PM 10 before this board and the board has a duty to hear
 08:53PM 11 the application and hear the experts and make a
 08:53PM 12 determination based on all the facts that are
 08:53PM 13 presented to it.
 08:53PM 14 CHAIRMAN FERGUSON: Okay?
 08:53PM 15 MR. PETER SHIN: That's the reason you
 08:54PM 16 guys open the public meeting?
 08:54PM 17 MS. TESTA: It's the law.
 08:54PM 18 CHAIRMAN FERGUSON: That's the law.
 08:54PM 19 It's the law.
 08:54PM 20 MS. TESTA: Of course.
 08:54PM 21 And the meetings are all public.
 08:54PM 22 MR. PETER SHIN: Okay. You can't cut
 08:54PM 23 it off on your level, this kind of unusual project?
 08:54PM 24 MS. TESTA: No, because the applicant
 08:54PM 25 has the right to present testimony and evidence, and
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08:55PM 1 public, participation of the public.
 08:55PM 2 So we're good on that, right, Diane?
 08:55PM 3 MS. TESTA: Right, make a motion,
 08:55PM 4 second.
 08:55PM 5 CHAIRMAN FERGUSON: I make a motion we
 08:55PM 6 close it.
 08:55PM 7 MR. GRALA: I'll second.
 08:55PM 8 CHAIRMAN FERGUSON: Roll call.
 08:55PM 9 MS. REBEKAH KIM: Mr. Ferguson?
 08:55PM 10 CHAIRMAN FERGUSON: Yes.
 08:55PM 11 MS. REBEKAH KIM: Mr. Brogna?
 08:55PM 12 MR. BROGNA: Yes.
 08:55PM 13 MS. REBEKAH KIM: Mr. Elefteriou?
 08:55PM 14 MR. ELEFTERIOU: Yes.
 08:55PM 15 MS. REBEKAH KIM: Mr. Grala?
 08:55PM 16 MR. GRALA: Yes.
 08:55PM 17 MS. REBEKAH KIM: Mr. Kim?
 08:55PM 18 MR. KIM: Yes.
 08:55PM 19 MS. REBEKAH KIM: Mr. Terranova?
 08:55PM 20 MR. TERRANOVA: Yes.
 08:55PM 21 MS. REBEKAH KIM: Mr. Chung?
 08:55PM 22 MR. CHUNG: Yes.
 08:55PM 23 MS. REBEKAH KIM: Mrs. Yoon?
 08:55PM 24 MS. YOON: Yes.
 08:55PM 25 CHAIRMAN FERGUSON: Okay. Counselor,
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08:55PM 1 you have an opportunity now to answer anything you
 08:55PM 2 want to answer.
 08:55PM 3 And in addition, if you could give us
 08:55PM 4 your closing statement.
 08:55PM 5 MR. SOKOLICH: Certainly, Chairman.
 08:56PM 6 If you don't mind, I'm going to stay
 08:56PM 7 sat.
 08:56PM 8 CHAIRMAN FERGUSON: Absolutely.
 08:56PM 9 MR. SOKOLICH: If that's acceptable.
 08:56PM 10 CHAIRMAN FERGUSON: Absolutely.
 08:56PM 11 MR. SOKOLICH: I turned 60 this past
 08:56PM 12 July, so I'm a little tired now.
 08:56PM 13 But look, I don't only handle popular
 08:56PM 14 applications, right? I'm an advocate. My job is to
 08:56PM 15 present the best application for my client.
 08:56PM 16 CHAIRMAN FERGUSON: Right.
 08:56PM 17 MR. SOKOLICH: Not all of them are
 08:56PM 18 popular. Some of them are embraced by neighborhoods,
 08:56PM 19 others aren't.
 08:56PM 20 But this particular application is the
 08:56PM 21 ultimate example of an applicant that appears before
 08:56PM 22 the board in good faith as it invested tens of
 08:56PM 23 thousands of dollars in the area's most qualified and
 08:56PM 24 respected experts from architect to engineer to
 08:56PM 25 planning to traffic and has presented what it

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08:58PM 1 we do believe that the parking we're providing at 52,
 08:58PM 2 which is more than one spot per unit, with ample
 08:58PM 3 spaces for what we believe to be visitors, to be
 08:58PM 4 ample based on this location and its proximity to
 08:58PM 5 mass transportation.
 08:58PM 6 Again, might not be a popular position,
 08:58PM 7 but it is reality.
 08:58PM 8 CHAIRMAN FERGUSON: Right.
 08:58PM 9 MR. SOKOLICH: And that's where we are.
 08:58PM 10 It might not be popular to compare our side of 46 to
 08:58PM 11 the other side to a similarly situated piece of
 08:58PM 12 property, but frankly, the R-2 zone permits within
 08:58PM 13 only a couple 300 feet away, multifamily residential
 08:58PM 14 development.
 08:58PM 15 Now, one might argue that it was
 08:58PM 16 specifically excluded, multifamily development. One
 08:58PM 17 may also argue that that would be the perfect place
 08:58PM 18 for affordable housing, and that's what we proposed
 08:58PM 19 to this board.
 08:58PM 20 Our planner also had we believe to be
 08:58PM 21 very ample and robust planning testimony. He
 08:58PM 22 provided the board with the positive and negative
 08:58PM 23 criteria testimony that's required by law.
 08:58PM 24 We do believe that we satisfy and
 08:58PM 25 provide special reasons for the granting of this

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08:56PM 1 believes to be a viable development based in sound
 08:56PM 2 planning.
 08:56PM 3 At no time during the process this did
 08:57PM 4 this applicant duck an issue or not respond. You may
 08:57PM 5 not have liked the response, it might not have been
 08:57PM 6 good enough for the public.
 08:57PM 7 Frankly, some of them might look at it
 08:57PM 8 as, I think I heard snow job, but this is an
 08:57PM 9 applicant that's willing to provide a multifamily and
 08:57PM 10 a 20-percent satisfied; that simply cannot be
 08:57PM 11 ignored. And we ask the board to consider it and we
 08:57PM 12 know that you will, we know that you will. I'm not
 08:57PM 13 suggesting that you won't.
 08:57PM 14 There was an issue with regard to fire.
 08:57PM 15 We immediately dispatched one of our experts, engaged
 08:57PM 16 in telephone conference calls. We adjust the
 08:57PM 17 parking, we make no-parking zones. We deal with
 08:57PM 18 standpipes. We deal with some of the other
 08:57PM 19 suppression comments that were made by fire; another
 08:57PM 20 example of not turning a tin ear to the concern.
 08:57PM 21 You heard from our traffic expert that
 08:57PM 22 spoke to you about what we believe to be the ITE
 08:57PM 23 demands here.
 08:57PM 24 Now, they might not be figure -- number
 08:57PM 25 for number consistent with what Mr. Simoff says, but

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08:59PM 1 application, which include an appropriate use of
 08:59PM 2 lands in a manner that will promote what we believe
 08:59PM 3 to be public health, safety, morals and general
 08:59PM 4 welfare, provision for sufficient space in
 08:59PM 5 appropriate locations. And we also believe it to be
 08:59PM 6 an improvement and the promotion of a desirable
 08:59PM 7 visual environment.
 08:59PM 8 The subject site we also believe to be
 08:59PM 9 particularly suited, its proximity to mass
 08:59PM 10 transportation, its proximity to Route 46.
 08:59PM 11 We believe that combined all three
 08:59PM 12 lots, the property is large enough to satisfy and
 08:59PM 13 handle this type of a development. We also believe
 08:59PM 14 -- excuse me -- that it is a sound argument to raise
 08:59PM 15 that multifamily is permitted only 300 feet away.
 08:59PM 16 And, in fact, there are sites very
 08:59PM 17 similar to the one now before this board that has
 08:59PM 18 essentially what it is that this applicant is looking
 08:59PM 19 to have approved.
 08:59PM 20 Its orientation towards Route 46, we
 09:00PM 21 believe to be also very positive. We've heard the
 09:00PM 22 case Grasso versus the Borough of Spring Lake
 09:00PM 23 Heights, which is the gold star case on how to get
 09:00PM 24 height variances and what needs to be shown.
 09:00PM 25 We do believe and we acknowledge that

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09:00PM 1 our building is significantly taller than the
 09:00PM 2 buildings adjacent to it, but we do believe that it
 09:00PM 3 is compelling that there is a similarly situated
 09:00PM 4 building directly across.
 09:00PM 5 And the way our building is situated,
 09:00PM 6 we believe that we've minimized the impact as best we
 09:00PM 7 can -- as best we can -- by situating the building
 09:00PM 8 where we have it proposed.
 09:00PM 9 There's also other site improvements
 09:00PM 10 that the board should consider. There's no
 09:00PM 11 stormwater management there. The drainage is poor.
 09:00PM 12 This applicant is willing to invest hundreds of
 09:00PM 13 thousands of dollars in new systems so that this
 09:00PM 14 could be a state-of-the-art building that one day, in
 09:00PM 15 fact, would be embraced.
 09:00PM 16 I will also tell you that this project
 09:00PM 17 has received quite a bit of negative attention.
 09:00PM 18 We're in a political season, that is the reality.
 09:01PM 19 When you go on social media, you would -- it's
 09:01PM 20 incomprehensible what we're reading about with this
 09:01PM 21 particular development and the untruths that are out
 09:01PM 22 there.
 09:01PM 23 But that's something that I'm hoping
 09:01PM 24 that the board can filter through and not consider,
 09:01PM 25 because many of the things that you're hearing about
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09:02PM 1 won't vote.
 09:02PM 2 How about Elefti? He's good.
 09:02PM 3 MS. TESTA: Um-hmm.
 09:02PM 4 CHAIRMAN FERGUSON: Charley is an
 09:02PM 5 alternate, correct?
 09:02PM 6 MS. TESTA: He's the first alternate.
 09:02PM 7 CHAIRMAN FERGUSON: He's the first
 09:02PM 8 alternate. Mr. Grala, yes. You're yes.
 09:02PM 9 This gentleman here is yes.
 09:02PM 10 MS. TESTA: Mr. Kim's been here. I
 09:02PM 11 believe all members have been here for all of the
 09:02PM 12 meetings and at least read the transcript if you were
 09:02PM 13 absent, correct?
 09:02PM 14 But I believe everybody has been here.
 09:02PM 15 CHAIRMAN FERGUSON: Okay. So the only
 09:02PM 16 one that's not going to vote would be Ms. Yoon,
 09:02PM 17 sorry.
 09:02PM 18 Okay. So the board had listened to the
 09:02PM 19 applicant's experts, the board experts and residents
 09:02PM 20 that live in the immediate area and other people that
 09:03PM 21 live in Palisades Park.
 09:03PM 22 The application was originally for
 09:03PM 23 50 units, they were reduced to 40 units, four floors
 09:03PM 24 of units over two floors of parking.
 09:03PM 25 I still feel that this is too much
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09:01PM 1 with this application are simply not true.
 09:01PM 2 So for all the reasons that have been
 09:01PM 3 stated by the team of experts that we've assembled,
 09:01PM 4 for all the reasons that I summarized this evening,
 09:01PM 5 we would respectfully request that the board act
 09:01PM 6 favorably on the application and keep in mind that
 09:01PM 7 this applicant is willing to help this community
 09:01PM 8 satisfy its constitutional mandate to provide
 09:01PM 9 affordable housing with a 20-percent set aside.
 09:01PM 10 Thank you.
 09:01PM 11 CHAIRMAN FERGUSON: So I just want to
 09:01PM 12 be clear now, this is a seven-member board. Who are
 09:01PM 13 the seven members that are -- Mr. Terranova, yes;
 09:02PM 14 Ms. Yoon; yes.
 09:02PM 15 MS. TESTA: No, Ms. Yoon is the second
 09:02PM 16 alternate.
 09:02PM 17 CHAIRMAN FERGUSON: Oh, she's the
 09:02PM 18 second alternate.
 09:02PM 19 I'm sorry.
 09:02PM 20 MS. TESTA: I think we have eight
 09:02PM 21 members here this evening, so Ms. Yoon will not vote.
 09:02PM 22 CHAIRMAN FERGUSON: Okay. So -- you
 09:02PM 23 said what?
 09:02PM 24 MS. TESTA: Ms. Yoon would not vote.
 09:02PM 25 CHAIRMAN FERGUSON: Okay. Ms. Yoon
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09:03PM 1 density for the area. This is a one and two-family
 09:03PM 2 zone. The applicant argues that the lot is
 09:03PM 3 oversized, but he has taken three lots that are not
 09:03PM 4 all conforming and is looking to join them together
 09:03PM 5 for a lot size of 16,200.58 square feet.
 09:03PM 6 This application would require at least
 09:03PM 7 the following variances: A D -- a use variance for
 09:03PM 8 the number of units. While the applicant reduced it
 09:03PM 9 to 40 units, the property is zoned for one- and
 09:04PM 10 two-family residential. And they -- D-6 height
 09:04PM 11 variance, 25 feet is permitted, the applicant is
 09:04PM 12 seeking 62.42 feet.
 09:04PM 13 The building would be a six-story
 09:04PM 14 building. There are no buildings in the area that
 09:04PM 15 come close to that height.
 09:04PM 16 Next, the subject property is a
 09:04PM 17 three-family home to the rear of the property and it
 09:04PM 18 is one- and two-family homes. The five density,
 09:04PM 19 density is proposed in much too great for this site.
 09:04PM 20 A C variance follows. The lot area per
 09:04PM 21 unit, 2,000 -- 2500 square feet is required; the
 09:04PM 22 applicant proposes 324.17 square feet per unit. The
 09:05PM 23 building coverage is 40 percent is required; the
 09:05PM 24 applicant proposes 76.55.
 09:05PM 25 The front yard, 25 feet is required and
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09:05PM 1 the applicant is proposing 3.67 feet. The rear yard
 09:05PM 2 is 25 feet required and the applicant is proposing
 09:05PM 3 13.00.
 09:05PM 4 Seventy parking spaces are required and
 09:05PM 5 the applicant proposes 52. Besides having the
 09:05PM 6 sufficient spaces for the residents of the building,
 09:05PM 7 he is not providing any visitor spaces.
 09:05PM 8 We are all familiar with this location.
 09:05PM 9 There is very limited on-street parking. Basically
 09:06PM 10 across the street from the property is a ramp to go
 09:06PM 11 onto Route 46 west. There is no parking on that side
 09:06PM 12 of the road. While the applicant experts testify
 09:06PM 13 that people don't have -- do not have all cars, the
 09:06PM 14 reality is that they can depend on mass transit.
 09:06PM 15 I disagree with most people don't have
 09:06PM 16 a car. Even if they travel into the city, they still
 09:06PM 17 have to have at least one to travel around New Jersey
 09:06PM 18 for shopping, visiting and family.
 09:06PM 19 I am also concerned with the safety of
 09:06PM 20 the people pulling in and out of the garage. This
 09:06PM 21 area is heavily trafficked and it is the ramp to
 09:06PM 22 Route 46, which leads to the turnpike; Route 80,
 09:06PM 23 which leads to most of the state highways.
 09:06PM 24 What is the benefit Palisades Park will
 09:07PM 25 receive from this application? People who live on
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09:07PM 1 West Ruby who have a large building in their
 09:07PM 2 backyards only 5 feet away.
 09:07PM 3 I see no positive benefit. I see
 09:07PM 4 addition traffic issues with the parking areas
 09:07PM 5 overcrowding the site.
 09:07PM 6 The property is surrounded by homes
 09:07PM 7 that are one-, and two-, three-stories high and one
 09:07PM 8 and two homes to the north and west.
 09:07PM 9 The zoning ordinance states that is the
 09:07PM 10 intent of one- and two-family districts is to
 09:07PM 11 preserve the present one and two-family residential
 09:07PM 12 character of the borough.
 09:07PM 13 It is specifically not the intent to
 09:07PM 14 provide additional multifamily.
 09:07PM 15 I think this project would be a huge
 09:07PM 16 detriment to the neighborhood and Palisades Park. I
 09:07PM 17 don't feel that the applicant has met the burden of
 09:08PM 18 showing that there will not be a substantial
 09:08PM 19 detriment to the public good, is not consistent with
 09:08PM 20 the surrounding neighborhood. The building will
 09:08PM 21 neglect light, air -- light and open spaces for those
 09:08PM 22 homes in the areas.
 09:08PM 23 So I'm going to make a motion to deny
 09:08PM 24 the application.
 09:08PM 25 Can I get a second?
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09:08PM 1 MR. GRALA: I'll second.
 09:08PM 2 CHAIRMAN FERGUSON: Let's take a vote.
 09:08PM 3 MS. REBEKAH KIM: Mr. Ferguson?
 09:08PM 4 CHAIRMAN FERGUSON: Yes for the denial.
 09:08PM 5 MS. REBEKAH KIM: Mr. Brogna?
 09:08PM 6 MR. BROGNA: Yes for the denial.
 09:08PM 7 MS. REBEKAH KIM: Mr. Elefteriou?
 09:08PM 8 MR. ELEFTERIOU: Yes for denial.
 09:08PM 9 MS. REBEKAH KIM: Mr. Grala?
 09:08PM 10 MR. GRALA: Yes for denial.
 09:08PM 11 MS. REBEKAH KIM: Mr. Kim?
 09:08PM 12 MR. KIM: Yes for the denial.
 09:08PM 13 MS. REBEKAH KIM: Mr. Terranova?
 09:08PM 14 MR. TERRANOVA: Yes for denial.
 09:08PM 15 MS. REBEKAH KIM: Mr. Chung?
 09:08PM 16 MR. CHUNG: Yes for denial.
 09:08PM 17 CHAIRMAN FERGUSON: Okay. Thank you.
 09:08PM 18 All right. Hey, hey.
 09:09PM 19 MR. SOKOLICH: Chairman, thank you for
 09:09PM 20 the board's consideration.
 09:09PM 21 CHAIRMAN FERGUSON: Okay. Thank you.
 09:09PM 22 Can I get a motion to adjourn?
 09:09PM 23 MR. ELEFTERIOU: I motion.
 09:09PM 24 MR. GRALA: I second.
 09:09PM 25 CHAIRMAN FERGUSON: All right.
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09:09PM 1 (Whereupon, this meeting is adjourned.)
 09:09PM 2 Time noted: 9:10 p.m.)
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LAURA A. CARUCCI, C.S.R., R.P.R., L.L.C.
201-641-1812


CERTIFICATE

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I, LAURA A. CARUCCI, C.C.R., R.P.R., a Notary Public of the State of New Jersey, Notary ID. #50094914, Certified Court Reporter of the State of New Jersey, and a Registered Professional Reporter, hereby certify that the foregoing is a verbatim record of the testimony provided under oath before any court, referee, board, commission or other body created by statute of the State of New Jersey.

I am not related to the parties involved in this action; I have no financial interest, nor am I related to an agent of or employed by anyone with a financial interest in the outcome of this action.

This transcript complies with regulation 13:43-5.9 of the New Jersey Administrative Code.



LAURA A. CARUCCI, C.C.R., R.P.R.
License #XI02050, and Notary Public
of New Jersey #50094914, Notary
Expiration Date December 3, 2026

Dated: 6/0/24

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