

BOROUGH OF PALM BEACH
ZONING BOARD OF ADJUSTMENT
Monday, June 17, 2024
7:00 P.M.

| | | |
|----|---------------------------------|---------------------------|
| 1 | Case No. 21-14 | TRANSCRIPT OF PROCEEDINGS |
| 2 | Grand Bellview LLC | |
| 3 | 254 Grand Avenue | |
| 4 | Block: 202; Lot: 4 | |
| 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 | 480 East Edsall Boulevard | |
| 16 | Block: 420; Lot: 16 | |
| 17 | Case No. 24-01 | |
| 18 | 129, 139 & 141 Bergen Boulevard | |
| 19 | Block: 716; Lots: 20-22 | |

B O R D E R
BOROUGH OF PALM BEACH ZONING BOARD OF ADJUSTMENT
MEMBERS BEING PRESENT:

- 1 JOSEPH FERGUSON, CHAIRMAN
- 2 PAUL ALBANESE, VICE CHAIRMAN (ABSENT)
- 3 ELEFTERIOS ELEFTERIOU, MEMBER
- 4 DAVID TERRANOVA, MEMBER
- 5 JOHN GRALA, MEMBER
- 6 STEVEN BROGNA, MEMBER
- 7 BRIAN KIM, MEMBER
- 8 SEUNGHYE YOON, ALTERNATE MEMBER 1
- 9 CHARLIE CHUNG, ALTERNATE MEMBER 2
- 10 LESHER YIM, ALTERNATE MEMBER 3 (ABSENT)

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

INDEX

| 1 | WITNESS | SWORN | TESTIMONY |
|----|---------------------------------|-------|-----------|
| 3 | Case No. 21-14 | | |
| 4 | Grand Bellview LLC | | |
| 5 | 254 Grand Avenue | | 8 |
| 6 | Block 202, Lot 4 | | |
| 7 | Case No. 23-15 | | |
| 8 | DRC Development Corp | | |
| 9 | 35, 37 & 39 Columbia Avenue | | |
| 10 | Block 617, Lots 21-23 | | 9 |
| 11 | Case No. 23-17 | | |
| 12 | Young Jo & Kwangmi Jin | | |
| 13 | 72 Brinkerhoff Terrace | | 10, 15 |
| 14 | Block 201, Lot 9 | | |
| 15 | Case No. 24-02 | | |
| 16 | Hillcrest Builders LLC | | |
| 17 | 480 East Edsall Boulevard | | 12, 15 |
| 18 | Block 420, Lot 16 | | |
| 19 | Case No. 24-01 | | |
| 20 | 129, 139 & 141 Bergen Boulevard | | 13 |
| 21 | Block 716, Lots 20-22 | | |

E X H I B I T S

| No. | Description | Ident/Evid |
|-----|----------------|------------|
| 17 | | |
| 18 | (None marked.) | |
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LAURA A. CARUCCI, C.S.R., R.P.R., L.L.C.
201-641-1812

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

2

3 DIANE TESTA, ESQUIRE

4 Counsel for the Board of Adjustment

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

8 REBEKAH KIM, Board Secretary

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

05:58PM 1 CHAIRMAN FERGUSON: All right. I'd

06:58PM 2 like to call the meeting to order.

06:58PM 3 In accordance with the Open Public

06:58PM 4 Meetings Act, notice of this meeting has been posted

05:58PM 5 on the borough bulletin board, notice has been

05:58PM 6 provided to at least two official newspapers and

05:58PM 7 filed with the borough clerk's office.

06:58PM 8 Roll call.

06:58PM 9 MS. REBEKAH KIM: Mr. Ferguson?

05:58PM 10 CHAIRMAN FERGUSON: Yes.

05:58PM 11 MS. REBEKAH KIM: Mr. Albanese?

05:58PM 12 (No Response.)

06:58PM 13 MS. REBEKAH KIM: Mr. Brogna?

05:58PM 14 MR. BROGNA: Yes.

05:58PM 15 MS. REBEKAH KIM: Mr. Elefteriou?

05:58PM 16 MR. ELEFTERIOU: Yes.

06:58PM 17 MS. REBEKAH KIM: Mr. Grala?

06:58PM 18 MR. GRALA: Yes.

05:58PM 19 MS. REBEKAH KIM: Mr. Kim?

05:58PM 20 MR. KIM: Yes.

06:58PM 21 MS. REBEKAH KIM: Mr. Terranova?

06:58PM 22 MR. TERRANOVA: Yes.

05:58PM 23 MS. REBEKAH KIM: Mr. Chung?

05:58PM 24 MR. CHUNG: Yes.

06:58PM 25 MS. REBEKAH KIM: Mrs. Yoon?

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

5

06 58PM 1 MS. YOON: Yes.
 06 58PM 2 CHAIRMAN FERGUSON: Okay. Just a
 06 58PM 3 comment, all the three cases that we're supposed to
 06 58PM 4 hear tonight have asked for adjournments.
 06 58PM 5 I believe at the last meeting they had
 06 58PM 6 139, 141, 129 Bergen Boulevard, we weren't going to
 06 58PM 7 grant any more adjournments; is that true?
 06 58PM 8 MS. TESTA: That's correct.
 06 58PM 9 Also I reached out because we don't
 06 58PM 10 have any plans, correct, Rebekah?
 06 58PM 11 MS. REBEKAH KIM: No plans, no.
 06 58PM 12 MS. TESTA: There were no plans
 06 58PM 13 delivered on that application. I asked where the
 06 58PM 14 plans were and I received no response.
 06 58PM 15 CHAIRMAN FERGUSON: Okay. So let's
 06 58PM 16 take -- well, let's have a flag salute first, this
 06 58PM 17 way -- John you want to lead us?
 06 58PM 18 (Whereupon, all rise for a recitation
 06 58PM 19 of the Pledge of Allegiance led by Board
 06 58PM 20 Member Mr. Grala.)
 06 58PM 21 CHAIRMAN FERGUSON: Okay. So we got a
 06 58PM 22 couple bills here and some -- okay.
 07 00PM 23 So the first bill is for Diane Testa
 07 00PM 24 and she would like to have \$2,877.50, I hope.
 07 00PM 25 MS. TESTA: Yeah.
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201-641-1812

7

07 01PM 1 MR. CHUNG: Yes.
 07 01PM 2 MS. REBEKAH KIM: Mrs. Yoon?
 07 01PM 3 MS. YOON: Yes.
 07 01PM 4 CHAIRMAN FERGUSON: Okay.
 07 01PM 5 We all had a copy of last meeting's
 07 01PM 6 minutes.
 07 01PM 7 Are there any corrections on for the
 07 01PM 8 minutes at all?
 07 01PM 9 (No Response.)
 07 01PM 10 CHAIRMAN FERGUSON: Okay.
 07 01PM 11 Hearing no objections and no mistakes,
 07 01PM 12 I'll make a motion to accept the minutes as
 07 01PM 13 submitted.
 07 01PM 14 Can I get a second?
 07 01PM 15 MR. GRALA: I'll second.
 07 01PM 16 MS. REBEKAH KIM: Mr. Ferguson?
 07 01PM 17 CHAIRMAN FERGUSON: Yes.
 07 01PM 18 MS. REBEKAH KIM: Mr. Brogna?
 07 01PM 19 MR. BROGNA: Yes.
 07 01PM 20 MS. REBEKAH KIM: Mr. Elefteriou?
 07 01PM 21 MR. ELEFTERIOU: Yes.
 07 01PM 22 MS. REBEKAH KIM: Mr. Grala?
 07 01PM 23 MR. GRALA: Yes.
 07 01PM 24 MS. REBEKAH KIM: Mr. Kim?
 07 01PM 25 MR. KIM: Yes.
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201-641-1812

6

07 00PM 1 CHAIRMAN FERGUSON: Okay. So those --
 07 00PM 2 and I also have one for our court stenographer for
 07 00PM 3 \$1,260.50.
 07 00PM 4 And then we have one additional one
 07 00PM 5 which would be for Simoff Engineering, who's Hal who
 07 00PM 6 gives us our parking, thank Jesus, is 2,240.
 07 00PM 7 So can I get a motion to pay the bills?
 07 00PM 8 MR. GRALA: I'll make a motion.
 07 00PM 9 CHAIRMAN FERGUSON: Second?
 07 00PM 10 MR. ELEFTERIOU: I'll second.
 07 00PM 11 CHAIRMAN FERGUSON: Okay.
 07 01PM 12 Roll call.
 07 01PM 13 MS. REBEKAH KIM: Mr. Ferguson?
 07 01PM 14 CHAIRMAN FERGUSON: Yes.
 07 01PM 15 MS. REBEKAH KIM: Mr. Brogna?
 07 01PM 16 MR. BROGNA: Yes.
 07 01PM 17 MS. REBEKAH KIM: Mr. Elefteriou?
 07 01PM 18 MR. ELEFTERIOU: Yes.
 07 01PM 19 MS. REBEKAH KIM: Mr. Grala?
 07 01PM 20 MR. GRALA: Yes.
 07 01PM 21 MS. REBEKAH KIM: Mr. Kim?
 07 01PM 22 MR. KIM: Yes.
 07 01PM 23 MS. REBEKAH KIM: Mr. Terranova?
 07 01PM 24 MR. TERRANOVA: Yes.
 07 01PM 25 MS. REBEKAH KIM: Mr. Chung?
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201-641-1812

8

07 01PM 1 MS. REBEKAH KIM: Mr. Terranova?
 07 01PM 2 MR. TERRANOVA: Yes.
 07 01PM 3 MS. REBEKAH KIM: Mr. Chung?
 07 01PM 4 MR. CHUNG: Yes.
 07 01PM 5 MS. REBEKAH KIM: Mrs. Yoon?
 07 01PM 6 MS. YOON: Okay.
 07 01PM 7 CHAIRMAN FERGUSON: Okay.
 07 01PM 8 Now we took care of that, now the next
 07 01PM 9 one is Case No. 21-14, Grand Bellview LLC, 254 Grand
 07 02PM 10 Avenue, and that's a memorialization.
 07 02PM 11 MS. TESTA: That's for the extension of
 07 02PM 12 one year of the approval that was granted back in
 07 02PM 13 2022, I believe.
 07 02PM 14 CHAIRMAN FERGUSON: Right.
 07 02PM 15 So I'll make a motion to grant the
 07 02PM 16 memorialization.
 07 02PM 17 Can I get a second?
 07 02PM 18 MR. ELEFTERIOU: I second.
 07 02PM 19 CHAIRMAN FERGUSON: Okay.
 07 02PM 20 Roll call?
 07 02PM 21 MS. REBEKAH KIM: Mr. Ferguson?
 07 02PM 22 CHAIRMAN FERGUSON: Yes.
 07 02PM 23 MS. REBEKAH KIM: Mr. Brogna?
 07 02PM 24 MR. BROGNA: Yes.
 07 02PM 25 MS. REBEKAH KIM: Mr. Elefteriou?
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201-641-1812

9

07 02PM **1** MR. ELEFTERIOU: Yes.
 07 02PM **2** MS. REBEKAH KIM: Mr. Grala?
 07 02PM **3** MR. GRALA: Yes.
 07 02PM **4** MS. REBEKAH KIM: Mr. Kim?
 07 02PM **5** MR. KIM: Yes.
 07 02PM **6** MS. REBEKAH KIM: Mr. Terranova?
 07 02PM **7** MR. TERRANOVA: Abstain.
 07 02PM **8** MS. REBEKAH KIM: Mr. Chung?
 07 02PM **9** MR. CHUNG: Yes.
 07 02PM **10** MS. REBEKAH KIM: Mrs. Yoon?
 07 02PM **11** MS. YOON: Yes.
 07 02PM **12** CHAIRMAN FERGUSON: Okay.
 07 02PM **13** Next is Case No. 23-15 DRC Development,
 07 02PM **14** and that's at 35, 37, 39 Columbia, that's the
 07 02PM **15** memorialization.
 07 02PM **16** As you all know, we denied it at the
 07 02PM **17** last meeting.
 07 02PM **18** So I'll make a motion to approve the
 07 02PM **19** memorialization.
 07 03PM **20** Can I get a second?
 07 03PM **21** MR. GRALA: I'll second.
 07 03PM **22** CHAIRMAN FERGUSON: Okay.
 07 03PM **23** Roll call?
 07 03PM **24** MS. REBEKAH KIM: Mr. Ferguson?
 07 03PM **25** CHAIRMAN FERGUSON: Yes.
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201-641-1812

11

07 03PM **1** the date here for you, July 15th.
 07 03PM **2** CHAIRMAN FERGUSON: All right. So I
 07 03PM **3** will grant the request and make a motion to grant the
 07 04PM **4** continuation to next meeting.
 07 04PM **5** MS. TESTA: No further notice.
 07 04PM **6** CHAIRMAN FERGUSON: No further notice.
 07 04PM **7** Roll call?
 07 04PM **8** MS. TESTA: Second?
 07 04PM **9** MR. ELEFTERIOU: I second.
 07 04PM **10** MS. REBEKAH KIM: Mr. Ferguson?
 07 04PM **11** CHAIRMAN FERGUSON: Yes.
 07 04PM **12** MS. REBEKAH KIM: Mr. Brogna?
 07 04PM **13** MR. BROGNA: Yes.
 07 04PM **14** MS. REBEKAH KIM: Mr. Elefteriou?
 07 04PM **15** MR. ELEFTERIOU: Yes.
 07 04PM **16** MS. REBEKAH KIM: Mr. Grala?
 07 04PM **17** MR. GRALA: Yes.
 07 04PM **18** MS. REBEKAH KIM: Mr. Kim?
 07 04PM **19** MR. KIM: Yes.
 07 04PM **20** MS. REBEKAH KIM: Mr. Terranova?
 07 04PM **21** MR. TERRANOVA: Yes.
 07 04PM **22** MS. REBEKAH KIM: Mr. Chung?
 07 04PM **23** MR. CHUNG: Yes.
 07 04PM **24** MS. REBEKAH KIM: Mrs. Yoon?
 07 04PM **25** MS. YOON: Yes.
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201-641-1812

10

07 03PM **1** MS. REBEKAH KIM: Mr. Brogna?
 07 03PM **2** MR. BROGNA: Yes.
 07 03PM **3** MS. REBEKAH KIM: Mr. Elefteriou?
 07 03PM **4** MR. ELEFTERIOU: Yes.
 07 03PM **5** MS. REBEKAH KIM: Mr. Grala?
 07 03PM **6** MR. GRALA: Yes.
 07 03PM **7** MS. REBEKAH KIM: Mr. Kim?
 07 03PM **8** MR. KIM: Yes.
 07 03PM **9** MS. REBEKAH KIM: Mr. Terranova?
 07 03PM **10** MR. TERRANOVA: Yes.
 07 03PM **11** MS. REBEKAH KIM: Mr. Chung?
 07 03PM **12** MR. CHUNG: Yes.
 07 03PM **13** MS. REBEKAH KIM: Mrs. Yoon?
 07 03PM **14** MS. YOON: Yes.
 07 03PM **15** CHAIRMAN FERGUSON: Okay.
 07 03PM **16** Now we're going into the cases for
 07 03PM **17** tonight, Case No. 23-17, which would be Young Jo and
 07 03PM **18** Kwangmi Jin, 72 Brinkerhoff, and he is -- asked
 07 03PM **19** for --
 07 03PM **20** MS. TESTA: Right.
 07 03PM **21** The attorney contacted me today and
 07 03PM **22** asked for a postponement as his expert is on vacation
 07 03PM **23** and he just found out that he was not available.
 07 03PM **24** So he's asking it to be carried at no
 07 03PM **25** further notice to the July meeting, let me just grab
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201-641-1812

12

07 04PM **1** CHAIRMAN FERGUSON: Okay.
 07 04PM **2** Next one is Case No. 24-02 Hillcrest
 07 04PM **3** Builders LLC, that's at 450 East Edsall Boulevard.
 07 04PM **4** He's also -- go ahead.
 07 04PM **5** MS. TESTA: Right.
 07 04PM **6** This attorney also contacted me.
 07 04PM **7** There's opposing counsel on this matter and the
 07 04PM **8** opposing counsel is in the midst of getting his
 07 04PM **9** experts together. They were not available tonight
 07 04PM **10** and he's reviewing the plans.
 07 04PM **11** So he requested a postponement and the
 07 04PM **12** applicant's attorney consented to it and is
 07 05PM **13** requesting that this matter also be carried to the
 07 05PM **14** July 15th meeting at no further notice and the
 07 05PM **15** applicant waives any time constraints.
 07 05PM **16** CHAIRMAN FERGUSON: Okay.
 07 05PM **17** So I'll make that motion.
 07 05PM **18** Can I get at second?
 07 05PM **19** MR. GRALA: I'll second.
 07 05PM **20** CHAIRMAN FERGUSON: Roll call?
 07 05PM **21** MS. REBEKAH KIM: Mr. Ferguson?
 07 05PM **22** CHAIRMAN FERGUSON: Yes.
 07 05PM **23** MS. REBEKAH KIM: Mr. Brogna?
 07 05PM **24** MR. BROGNA: Yes.
 07 05PM **25** MS. REBEKAH KIM: Mr. Elefteriou?
LAURA A. CARUCCI, C.S.R., R.P.R., L.L.C.
201-641-1812

13

07 05PM 1 MR. ELEFTERIOU: Yes.

07 05PM 2 MS. REBEKAH KIM: Mr. Grala?

07 05PM 3 MR. GRALA: Yes.

07 05PM 4 MS. REBEKAH KIM: Mr. Kim?

07 05PM 5 MR. KIM: Yes.

07 05PM 6 MS. REBEKAH KIM: Mr. Terranova?

07 05PM 7 MR. TERRANOVA: Yes.

07 05PM 8 MS. REBEKAH KIM: Mr. Chung?

07 05PM 9 MR. CHUNG: Yes.

07 05PM 10 MS. REBEKAH KIM: Mrs. Yoon?

07 05PM 11 MS. YOON: Yes.

07 05PM 12 CHAIRMAN FERGUSON: Okay.

07 05PM 13 And last, but certainly not least, is

07 05PM 14 Case No. 24-01 which is 129, 139 and 141 Bergen

07 05PM 15 Boulevard.

07 05PM 16 Now, this particular application has

07 05PM 17 been before us many months and he doesn't even give

07 05PM 18 the plans in.

07 05PM 19 I mean, he --

07 05PM 20 MS. TESTA: Right.

07 05PM 21 And I did reach out to the attorney

07 05PM 22 asking the status of the plans and didn't hear

07 05PM 23 anything back.

07 05PM 24 In the past I have heard from him

07 05PM 25 asking for the postponement, but when I asked where

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201-641-1812

15

07 06PM 1 MR. GRALA: Yes.

07 06PM 2 MS. REBEKAH KIM: Mr. Kim?

07 06PM 3 MR. KIM: Yes.

07 06PM 4 MS. REBEKAH KIM: Mr. Terranova?

07 06PM 5 MR. TERRANOVA: Yes.

07 05PM 6 MS. REBEKAH KIM: Mr. Chung?

07 05PM 7 MR. CHUNG: Yes.

07 05PM 8 MS. REBEKAH KIM: Mrs. Yoon?

07 06PM 9 MS. YOON: Yes.

07 06PM 10 MS. TESTA: Okay.

07 06PM 11 So Case No. 23-17, 72 Brinkerhoff

07 06PM 12 Terrace and Case No. 24-02, 450 East Edsall Boulevard

07 06PM 13 at the request of both applicants are being carried

07 06PM 14 to the July 15th, 2024, meeting at 7:00 p.m. here in

07 06PM 15 the counsel chambers.

07 06PM 16 No further notice will be required of

07 06PM 17 the applicant and both applicants have waived their

07 06PM 18 time constraints.

07 06PM 19 CHAIRMAN FERGUSON: Okay.

07 07PM 20 So just a comment that I would like to

07 07PM 21 make to the board, I'm getting very distressed about

07 07PM 22 all these cases that are looking for dismissal.

07 07PM 23 MS. TESTA: Adjournments.

07 07PM 24 CHAIRMAN FERGUSON: Adjournments, yeah,

07 07PM 25 so I would like to talk about it.

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201-641-1812

14

07 06PM 1 the plans were since they weren't in our package, I

07 06PM 2 didn't hear anything further and he has not been in

07 06PM 3 contact with me.

07 06PM 4 CHAIRMAN FERGUSON: Okay.

07 06PM 5 So my view of this is let him refile

07 06PM 6 and --

07 06PM 7 MS. TESTA: Right.

07 06PM 8 You could do a dismissal without

07 06PM 9 prejudice and he'd have the right to bring the case

07 06PM 10 back.

07 06PM 11 CHAIRMAN FERGUSON: Okay. All right.

07 06PM 12 I'll make that motion, dismissal

07 06PM 13 without prejudice.

07 06PM 14 Roll call?

07 06PM 15 MS. TESTA: A second?

07 06PM 16 MR. ELEFTERIOU: I second.

07 06PM 17 CHAIRMAN FERGUSON: Oh, I'm sorry.

07 06PM 18 Roll call?

07 06PM 19 MS. REBEKAH KIM: Mr. Ferguson?

07 06PM 20 CHAIRMAN FERGUSON: Yes.

07 06PM 21 MS. REBEKAH KIM: Mr. Brogna?

07 06PM 22 MR. BROGNA: Yes.

07 06PM 23 MS. REBEKAH KIM: Mr. Elefteriou?

07 06PM 24 MR. ELEFTERIOU: Yes.

07 06PM 25 MS. REBEKAH KIM: Mr. Grala?

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201-641-1812

15

07 07PM 1 How many requests for continuance is a

07 07PM 2 reasonable amount, Diane?

07 07PM 3 Because we have to stop this. Like

07 07PM 4 tonight, there's nobody here.

07 07PM 5 MS. TESTA: Right.

07 07PM 6 I know, and we have cases that are

07 07PM 7 pending, which are --

07 07PM 8 CHAIRMAN FERGUSON: That we can't get

07 07PM 9 in.

07 07PM 10 MS. TESTA: Right, and --

07 07PM 11 CHAIRMAN FERGUSON: So, you know, I'm

07 07PM 12 not -- so --

07 07PM 13 MS. TESTA: I think one definitely is

07 07PM 14 acceptable, perhaps two, depending on the complexity

07 07PM 15 of the case and the reason.

07 07PM 16 CHAIRMAN FERGUSON: Right.

07 07PM 17 MS. TESTA: But I would say no more

07 08PM 18 than that.

07 08PM 19 CHAIRMAN FERGUSON: Okay. So --

07 08PM 20 MS. TESTA: They could take a voluntary

07 08PM 21 dismissal and just bring the case back when they're

07 08PM 22 ready to proceed, but it's not fair to the other

07 08PM 23 applicants who are waiting to have their case heard

07 08PM 24 and this is --

07 08PM 25 CHAIRMAN FERGUSON: Okay.

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201-641-1812

17

07 08PM 1 So what we're going to do then is that
 07 08PM 2 two -- we're going to grant two continuations.
 07 08PM 3 MS. TESTA: And no further --
 07 08PM 4 CHAIRMAN FERGUSON: And if not, they're
 07 08PM 5 out of luck.
 07 08PM 6 MS. TESTA: Okay.
 07 08PM 7 CHAIRMAN FERGUSON: No matter who it
 07 08PM 8 is, that's the rule.
 07 08PM 9 So I'll make that motion.
 07 08PM 10 Can I get a --
 07 08PM 11 MR. GRALA: I'll second that.
 07 08PM 12 CHAIRMAN FERGUSON: Okay. Let's get a,
 07 08PM 13 you know, a vote.
 07 08PM 14 MS. REBEKAH KIM: Mr. Ferguson?
 07 08PM 15 CHAIRMAN FERGUSON: Yes.
 07 08PM 16 MS. REBEKAH KIM: Mr. Brogna?
 07 08PM 17 MR. BROGNA: Yes.
 07 08PM 18 MS. REBEKAH KIM: Mr. Elefteriou?
 07 08PM 19 MR. ELEFTERIOU: Yes.
 07 08PM 20 MS. REBEKAH KIM: Mr. Grala?
 07 08PM 21 MR. GRALA: Yes.
 07 08PM 22 MS. REBEKAH KIM: Mr. Kim?
 07 08PM 23 MR. KIM: Yes.
 07 08PM 24 MS. REBEKAH KIM: Mr. Terranova?
 07 08PM 25 MR. TERRANOVA: Yes.

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201-641-1812

19

CERTIFICATE

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 2
 3
 4 I, LAURA A. CARUCCI, C.C.R., R.P.R., a Remote
 5 Online Notary Public, Notary ID. #1810618, Certified
 6 Court Reporter of the State of New Jersey, and a
 7 Registered Professional Reporter, hereby certify that
 8 the foregoing is a verbatim record of the testimony
 9 provided under oath before any court, referee, board,
 10 commission or other body created by statute of the
 11 State of New Jersey.
 12 I am not related to the parties
 13 involved in this action; I have no financial
 14 interest, nor am I related to an agent of or employed
 15 by anyone with a financial interest in the outcome of
 16 this action.
 17 This transcript complies with
 18 regulation 13:43-5.9 of the New Jersey Administrative
 19 Code.
 20
 21
 22
 23
 24
 25

LAURA A. CARUCCI, C.C.R., R.P.R.
 License #XIO2050, and RON Notary
 Public Notary ID. #1810618, Notary
 Expiration Date May 27, 2028

17 Dated: _____
 18
 19
 20
 21
 22
 23
 24
 25

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201-641-1812

18

07 08PM 1 MS. REBEKAH KIM: Mr. Chung?
 07 08PM 2 MR. CHUNG: Yes.
 07 08PM 3 MS. REBEKAH KIM: Mrs. Yoon?
 07 08PM 4 MS. YOON: Yes.
 07 08PM 5 CHAIRMAN FERGUSON: Okay.
 07 08PM 6 So unless there's -- anybody in the
 07 08PM 7 audience who would like to say anything?
 07 08PM 8 AUDIENCE MEMBER: Not at this point.
 07 08PM 9 MAYOR KIM: I think it was a great
 07 08PM 10 idea, Mr. Chairman, to limit the extension of the
 07 08PM 11 cases.
 07 08PM 12 I appreciate that.
 07 08PM 13 CHAIRMAN FERGUSON: Okay. So we are
 07 08PM 14 going to make a motion to adjourn.
 07 08PM 15 Second?
 07 08PM 16 MR. ELEFTERIOU: I second.
 07 08PM 17 CHAIRMAN FERGUSON: All in favor?
 18 (Whereupon, all present members respond
 19 in the affirmative.)
 20 (Whereupon, this meeting is concluded.
 21 Time noted: 7:10 p.m.)
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LAURA A. CARUCCI, C.S.R., R.P.R., L.L.C.
201-641-1812

19

| | | | | |
|---|---|---|---|--|
| # | 4 | <p>application [2] - 5:13, 13:16</p> <p>appreciate [1] - 18:12</p> <p>approval [1] - 8:12</p> <p>approve [1] - 9:18</p> <p>attorney [4] - 10:21, 12:6, 12:12, 13:21</p> <p>audience [1] - 18:7</p> <p>AUDIENCE [1] - 18:8</p> <p>available [2] - 10:23, 12:9</p> <p>Avenue [5] - 1:4, 1:6, 3:4, 3:6, 8:10</p> | <p>CARUCCI [2] - 19:3, 19:14</p> <p>case [5] - 1:3, 14:9, 16:15, 16:21, 16:23</p> <p>Case [16] - 1:5, 1:7, 1:9, 1:11, 3:3, 3:5, 3:8, 3:10, 3:13, 8:9, 9:13, 10:17, 12:2, 13:14, 15:11, 15:12</p> <p>cases [5] - 5:3, 10:16, 15:22, 16:6, 18:11</p> <p>certainly [1] - 13:13</p> <p>Certified [1] - 19:4</p> <p>certify [1] - 19:5</p> <p>Chairman [1] - 18:10</p> <p>CHAIRMAN [48] - 1:15, 1:16, 4:1, 4:10, 5:2, 5:15, 5:21, 6:1, 6:9, 6:11, 6:14, 7:4, 7:10, 7:17, 8:7, 8:14, 8:19, 8:22, 9:12, 9:22, 9:25, 10:15, 11:2, 11:6, 11:11, 12:1, 12:16, 12:20, 12:22, 13:12, 14:4, 14:11, 14:17, 14:20, 15:19, 15:24, 16:8, 16:11, 16:16, 16:19, 16:25, 17:4, 17:7, 17:12, 17:15, 18:5, 18:13, 18:17</p> <p>chambers [1] - 15:15</p> <p>CHARLIE [1] - 1:23</p> <p>Chung [9] - 4:23, 6:25, 8:3, 9:8, 10:11, 11:22, 13:8, 15:6, 18:1</p> <p>CHUNG [10] - 1:23, 4:24, 7:1, 8:4, 9:9, 10:12, 11:23, 13:9, 15:7, 18:2</p> <p>clerk's [1] - 4:7</p> <p>Code [1] - 19:11</p> <p>Columbia [3] - 1:6, 3:6, 9:14</p> <p>comment [2] - 5:3, 15:20</p> <p>commission [1] - 19:6</p> <p>complexity [1] - 16:14</p> <p>complies [1] - 19:10</p> <p>concluded [1] - 18:20</p> <p>consented [1] - 12:12</p> <p>constraints [2] - 12:15, 15:18</p> <p>contact [1] - 14:3</p> <p>contacted [2] - 10:21, 12:6</p> <p>continuance [1] - 16:1</p> <p>continuation [1] - 11:4</p> | <p>continuations [1] - 17:2</p> <p>copy [1] - 7:5</p> <p>Corp [2] - 1:6, 3:6</p> <p>correct [2] - 5:8, 5:10</p> <p>corrections [1] - 7:7</p> <p>Counsel [1] - 2:3</p> <p>counsel [3] - 12:7, 12:8, 15:15</p> <p>couple [1] - 5:22</p> <p>Court [1] - 19:4</p> <p>court [2] - 6:2, 19:6</p> <p>created [1] - 19:6</p> |
| #1810618 [2] - 19:4, 19:15 #X102050 [1] - 19:15 | <p>4 [2] - 1:5, 3:4</p> <p>420 [2] - 1:11, 3:12</p> <p>450 [4] - 1:10, 3:11, 12:3, 15:12</p> | B | | D |
| \$ | 6 | BEING [1] - 1:14 | | date [1] - 11:1 |
| \$1,260.50 [1] - 6:3 \$2,877.50 [1] - 5:24 | 617 [2] - 1:7, 3:7 | Bellview [3] - 1:4, 3:3, 8:9 | | Date [1] - 19:16 |
| 1 | 7 | Bergen [4] - 1:12, 3:13, 5:6, 13:14 | | Dated [1] - 19:17 |
| <p>1 [1] - 1:22</p> <p>10 [1] - 3:9</p> <p>12 [1] - 3:12</p> <p>129 [4] - 1:12, 3:13, 5:6, 13:14</p> <p>13 [1] - 3:14</p> <p>139 [4] - 1:12, 3:13, 5:6, 13:14</p> <p>13:43-5.9 [1] - 19:10</p> <p>141 [4] - 1:12, 3:13, 5:6, 13:14</p> <p>15 [2] - 3:9, 3:12</p> <p>15th [3] - 11:1, 12:14, 15:14</p> <p>16 [2] - 1:11, 3:12</p> <p>17 [1] - 1:2</p> | <p>716 [2] - 1:12, 3:14</p> <p>72 [4] - 1:8, 3:9, 10:18, 15:11</p> <p>7:00 [2] - 1:2, 15:14</p> <p>7:10 [1] - 18:21</p> | bill [1] - 5:23 | | DAVID [1] - 1:18 |
| 2 | 8 | bills [2] - 5:22, 6:7 | | definitely [1] - 16:13 |
| <p>2 [1] - 1:23</p> <p>2,240 [1] - 6:6</p> <p>20-22 [2] - 1:12, 3:14</p> <p>201 [2] - 1:9, 3:9</p> <p>202 [2] - 1:5, 3:4</p> <p>2022 [1] - 8:13</p> <p>2024 [2] - 1:2, 15:14</p> <p>2028 [1] - 19:16</p> <p>21-14 [3] - 1:3, 3:3, 8:9</p> <p>21-23 [2] - 1:7, 3:7</p> <p>23-15 [3] - 1:5, 3:5, 9:13</p> <p>23-17 [4] - 1:7, 3:8, 10:17, 15:11</p> <p>24-01 [3] - 1:11, 3:13, 13:14</p> <p>24-02 [4] - 1:9, 3:10, 12:2, 15:12</p> <p>254 [3] - 1:4, 3:4, 8:9</p> <p>27 [1] - 19:16</p> | 8 [1] - 3:4 | Block [10] - 1:5, 1:7, 1:9, 1:11, 1:12, 3:4, 3:7, 3:9, 3:12, 3:14 | | delivered [1] - 5:13 |
| 3 | 9 | Board [3] - 2:3, 2:8, 5:19 | | denied [1] - 9:16 |
| <p>3 [1] - 1:24</p> <p>35 [3] - 1:6, 3:6, 9:14</p> <p>37 [3] - 1:6, 3:6, 9:14</p> <p>39 [3] - 1:6, 3:6, 9:14</p> | A | BOARD [2] - 1:1, 1:14 | | Description [1] - 3:17 |
| | ABSENT [2] - 1:16, 1:24 | board [3] - 4:5, 15:21, 19:6 | | Development [3] - 1:6, 3:6, 9:13 |
| | abstain [1] - 9:7 | body [1] - 19:6 | | Diane [2] - 5:23, 16:2 |
| | accept [1] - 7:12 | BOROUGH [2] - 1:1, 1:14 | | DIANE [1] - 2:2 |
| | acceptable [1] - 16:14 | borough [2] - 4:5, 4:7 | | dismissal [4] - 14:8, 14:12, 15:22, 16:21 |
| | accordance [1] - 4:3 | Boulevard [8] - 1:10, 1:12, 3:11, 3:13, 5:6, 12:13, 13:15, 15:12 | | dressed [1] - 15:21 |
| | Act [1] - 4:4 | BRIAN [1] - 1:21 | | E |
| | action [2] - 19:8, 19:9 | bring [2] - 14:9, 16:21 | | East [4] - 1:10, 3:11, 12:3, 15:12 |
| | additional [1] - 6:4 | Brinkerhoff [4] - 1:8, 3:9, 10:18, 15:11 | | Edsall [4] - 1:10, 3:11, 12:3, 15:12 |
| | adjourn [1] - 18:14 | BROGNA [10] - 1:20, 4:14, 6:16, 7:19, 8:24, 10:2, 11:13, 12:24, 14:22, 17:17 | | ELEFTERIOS [1] - 1:17 |
| | adjournments [4] - 5:4, 5:7, 15:23, 15:24 | Broгна [9] - 4:13, 6:15, 7:18, 8:23, 10:1, 11:12, 12:23, 14:21, 17:16 | | Elefteriou [9] - 4:15, 6:17, 7:20, 8:25, 10:3, 11:14, 12:25, 14:23, 17:18 |
| | Adjustment [1] - 2:3 | Builders [3] - 1:10, 3:11, 12:3 | | ELEFTERIOU [15] - 1:17, 4:16, 6:10, 6:18, 7:21, 8:18, 9:1, 10:4, 11:9, 11:15, 13:1, 14:16, 14:24, 17:19, 18:16 |
| | ADJUSTMENT [2] - 1:1, 1:14 | bulletin [1] - 4:5 | | employed [1] - 19:6 |
| | Administrative [1] - 19:10 | C | | Engineering [1] - 6:5 |
| | agent [1] - 19:8 | C.C.R [2] - 19:3, 19:14 | | ESQUIRE [1] - 2:2 |
| | ahead [1] - 12:4 | care [1] - 8:8 | | ESTHER [1] - 1:24 |
| | Albanese [1] - 4:11 | carried [3] - 10:24, 12:13, 15:13 | | expert [1] - 10:22 |
| | ALBANESE [1] - 1:16 | | | experts [1] - 12:9 |
| | Allegiance [1] - 5:19 | | | Expiration [1] - 19:16 |
| | ALTERNATE [3] - 1:22, 1:23, 1:24 | | | extension [2] - 8:11, |
| | amount [1] - 16:2 | | | |
| | applicant [2] - 12:15, 15:17 | | | |
| | applicant's [1] - 12:12 | | | |
| | applicants [3] - 15:13, 15:17, 16:23 | | | |

Laura A. Carucci, C.S.R., R.P.R., L.L.C.

201-641-1812

| | | | | |
|--|--|---|---|---|
| 18:10 | hereby [1] - 19:5 Hillcrest [3] - 1:10, 3:11, 12:2 hope [1] - 5:24 | 11:18, 13:4, 15:2, 17:22 Kwangmi [3] - 1:8, 3:8, 10:18 | 9:3, 9:5, 9:7, 9:9, 9:21, 10:2, 10:4, 10:6, 10:8, 10:10, 10:12, 11:9, 11:13, 11:15, 11:17, 11:19, 11:21, 11:23, 12:19, 12:24, 13:1, 13:3, 13:5, 13:7, 13:9, 14:16, 14:22, 14:24, 15:1, 15:3, 15:5, 15:7, 17:11, 17:17, 17:19, 17:21, 17:23, 17:25, 18:2, 18:16 MS [103] - 4:9, 4:11, 4:13, 4:15, 4:17, 4:19, 4:21, 4:23, 4:25, 5:1, 5:8, 5:11, 5:12, 5:25, 6:13, 6:15, 6:17, 6:19, 6:21, 6:23, 6:25, 7:2, 7:3, 7:16, 7:18, 7:20, 7:22, 7:24, 8:1, 8:3, 8:5, 8:6, 8:11, 8:21, 8:23, 8:25, 9:2, 9:4, 9:6, 9:8, 9:10, 9:11, 9:24, 10:1, 10:3, 10:5, 10:7, 10:9, 10:11, 10:13, 10:14, 10:20, 11:5, 11:8, 11:10, 11:12, 11:14, 11:16, 11:18, 11:20, 11:22, 11:24, 11:25, 12:5, 12:21, 12:23, 12:25, 13:2, 13:4, 13:6, 13:8, 13:10, 13:11, 13:20, 14:7, 14:15, 14:19, 14:21, 14:23, 14:25, 15:2, 15:4, 15:6, 15:8, 15:9, 15:10, 15:23, 16:5, 16:10, 16:13, 16:17, 16:20, 17:3, 17:6, 17:14, 17:16, 17:18, 17:20, 17:22, 17:24, 18:1, 18:3, 18:4 | 10:25, 11:5, 11:6, 12:14, 15:16 |
| F | I | L | O | O |
| fair [1] - 16:22 favor [1] - 18:17 Ferguson [9] - 4:9, 6:13, 7:16, 8:21, 9:24, 11:10, 12:21, 14:19, 17:14 FERGUSON [47] - 1:15, 4:1, 4:10, 5:2, 5:15, 5:21, 6:1, 6:9, 6:11, 6:14, 7:4, 7:10, 7:17, 8:7, 8:14, 8:19, 8:22, 9:12, 9:22, 9:25, 10:15, 11:2, 11:6, 11:11, 12:1, 12:16, 12:20, 12:22, 13:12, 14:4, 14:11, 14:17, 14:20, 15:19, 15:24, 16:8, 16:11, 16:16, 16:19, 16:25, 17:4, 17:7, 17:12, 17:15, 18:5, 18:13, 18:17 filed [1] - 4:7 financial [2] - 19:8, 19:9 first [2] - 5:16, 5:23 flag [1] - 5:16 foregoing [1] - 19:5 | ID [2] - 19:4, 19:15 idea [1] - 18:10 Ident/Evid [1] - 3:17 interest [2] - 19:8, 19:9 Involved [1] - 19:8 | last [4] - 5:5, 7:5, 9:17, 13:13 LAURA [2] - 19:3, 19:14 lead [1] - 5:17 least [2] - 4:6, 13:13 led [1] - 5:19 License [1] - 19:15 limit [1] - 18:10 LLC [6] - 1:4, 1:10, 3:3, 3:11, 8:9, 12:3 looking [1] - 15:22 luck [1] - 17:5 | oath [1] - 19:6 objections [1] - 7:11 OF [5] - 1:1, 1:1, 1:4, 1:14 office [1] - 4:7 official [1] - 4:6 one [7] - 6:2, 6:4, 8:9, 8:12, 12:2, 16:13 Online [1] - 19:4 Open [1] - 4:3 opposing [2] - 12:7, 12:8 order [1] - 4:2 outcome [1] - 19:9 | oath [1] - 19:6 objections [1] - 7:11 OF [5] - 1:1, 1:1, 1:4, 1:14 office [1] - 4:7 official [1] - 4:6 one [7] - 6:2, 6:4, 8:9, 8:12, 12:2, 16:13 Online [1] - 19:4 Open [1] - 4:3 opposing [2] - 12:7, 12:8 order [1] - 4:2 outcome [1] - 19:9 |
| G | J | M | P | P |
| grab [1] - 10:25 Grala [10] - 4:17, 5:20, 6:19, 7:22, 9:2, 10:5, 11:16, 13:2, 14:25, 17:20 GRALA [15] - 1:19, 4:18, 6:8, 6:20, 7:15, 7:23, 9:3, 9:21, 10:6, 11:17, 12:19, 13:3, 15:1, 17:11, 17:21 Grand [6] - 1:4, 1:4, 3:3, 3:4, 8:9 grant [5] - 5:7, 8:15, 11:3, 17:2 granted [1] - 8:12 great [1] - 18:9 | Jersey [3] - 19:4, 19:7, 19:10 Jesus [1] - 6:6 Jin [3] - 1:8, 3:8, 10:18 Jo [3] - 1:8, 3:8, 10:17 John [1] - 5:17 JOHN [1] - 1:19 JOSEPH [1] - 1:15 July [4] - 10:25, 11:1, 12:14, 15:14 June [1] - 1:2 | marked [1] - 3:18 matter [3] - 12:7, 12:13, 17:7 MAYOR [1] - 18:9 mean [1] - 13:19 meeting [9] - 4:2, 4:4, 5:5, 9:17, 10:25, 11:4, 12:14, 15:14, 18:20 meeting's [1] - 7:5 Meetings [1] - 4:4 Member [1] - 5:20 MEMBER [9] - 1:17, 1:18, 1:19, 1:20, 1:21, 1:22, 1:23, 1:24, 18:8 members [1] - 18:18 memorialization [4] - 8:10, 8:16, 9:15, 9:19 midst [1] - 12:8 minutes [3] - 7:6, 7:8, 7:12 mistakes [1] - 7:11 Monday [1] - 1:2 months [1] - 13:17 motion [10] - 6:7, 6:8, 7:12, 8:15, 9:18, 11:3, 12:17, 14:12, 17:9, 18:14 MR [64] - 4:14, 4:16, 4:18, 4:20, 4:22, 4:24, 6:8, 6:10, 6:16, 6:18, 6:20, 6:22, 6:24, 7:1, 7:15, 7:19, 7:21, 7:23, 7:25, 8:2, 8:4, 8:18, 8:24, 9:1, | p.m [3] - 1:2, 15:14, 18:21 package [1] - 14:1 PALISADES [2] - 1:1, 1:14 PARK [2] - 1:1, 1:14 parking [1] - 6:6 particular [1] - 13:16 parties [1] - 19:7 past [1] - 13:24 PAUL [1] - 1:16 pay [1] - 6:7 pending [1] - 16:7 perhaps [1] - 16:14 plans [6] - 5:10, 5:11, 5:12, 5:14, 12:10, 13:18, 13:22, 14:1 Pledge [1] - 5:19 point [1] - 18:8 posted [1] - 4:4 postponement [3] - 10:22, 12:11, 13:25 prejudice [2] - 14:9, 14:13 PRESENT [1] - 1:14 present [1] - 18:18 proceed [1] - 16:22 PROCEEDINGS [1] - 1:4 Professional [1] - 19:5 provided [2] - 4:6, 19:6 Public [3] - 4:3, 19:4, 19:15 | p.m [3] - 1:2, 15:14, 18:21 package [1] - 14:1 PALISADES [2] - 1:1, 1:14 PARK [2] - 1:1, 1:14 parking [1] - 6:6 particular [1] - 13:16 parties [1] - 19:7 past [1] - 13:24 PAUL [1] - 1:16 pay [1] - 6:7 pending [1] - 16:7 perhaps [1] - 16:14 plans [6] - 5:10, 5:11, 5:12, 5:14, 12:10, 13:18, 13:22, 14:1 Pledge [1] - 5:19 point [1] - 18:8 posted [1] - 4:4 postponement [3] - 10:22, 12:11, 13:25 prejudice [2] - 14:9, 14:13 PRESENT [1] - 1:14 present [1] - 18:18 proceed [1] - 16:22 PROCEEDINGS [1] - 1:4 Professional [1] - 19:5 provided [2] - 4:6, 19:6 Public [3] - 4:3, 19:4, 19:15 |
| H | K | N | N | N |
| Hal [1] - 6:5 hear [3] - 5:4, 13:22, 14:2 heard [2] - 13:24, 16:23 hearing [1] - 7:11 | KIM [87] - 1:21, 1:24, 2:8, 4:9, 4:11, 4:13, 4:15, 4:17, 4:19, 4:20, 4:21, 4:23, 4:25, 5:11, 6:13, 6:15, 6:17, 6:19, 6:21, 6:22, 6:23, 6:25, 7:2, 7:16, 7:18, 7:20, 7:22, 7:24, 7:25, 8:1, 8:3, 8:5, 8:21, 8:23, 8:25, 9:2, 9:4, 9:5, 9:6, 9:8, 9:10, 9:24, 10:1, 10:3, 10:5, 10:7, 10:8, 10:9, 10:11, 10:13, 11:10, 11:12, 11:14, 11:16, 11:18, 11:19, 11:20, 11:22, 11:24, 12:21, 12:23, 12:25, 13:2, 13:4, 13:5, 13:6, 13:8, 13:10, 14:19, 14:21, 14:23, 14:25, 15:2, 15:3, 15:4, 15:6, 15:8, 17:14, 17:16, 17:18, 17:20, 17:22, 17:23, 17:24, 18:1, 18:3, 18:9 Kim [9] - 4:19, 6:21, 7:24, 9:4, 10:7, | New [3] - 19:4, 19:7, 19:10 newspapers [1] - 4:6 next [4] - 8:8, 9:13, 11:4, 12:2 nobody [1] - 16:4 None [1] - 3:18 Notary [5] - 19:4, 19:15, 19:15 noted [1] - 18:21 notice [7] - 4:4, 4:5, | New [3] - 19:4, 19:7, 19:10 newspapers [1] - 4:6 next [4] - 8:8, 9:13, 11:4, 12:2 nobody [1] - 16:4 None [1] - 3:18 Notary [5] - 19:4, 19:15, 19:15 noted [1] - 18:21 notice [7] - 4:4, 4:5, | New [3] - 19:4, 19:7, 19:10 newspapers [1] - 4:6 next [4] - 8:8, 9:13, 11:4, 12:2 nobody [1] - 16:4 None [1] - 3:18 Notary [5] - 19:4, 19:15, 19:15 noted [1] - 18:21 notice [7] - 4:4, 4:5, |

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

201-641-1812

07/05/2024 09:50:45 AM

| | | |
|--|---|--|
| R | rule [1] - 17:8 | 17:2 |
| R.P.R [2] - 19:3, 19:14 reach [1] - 13:21 reached [1] - 5:9 ready [1] - 16:22 reason [1] - 16:15 reasonable [1] - 16:2 Rebekah [1] - 5:10 REBEKAH [75] - 2:8, 4:9, 4:11, 4:13, 4:15, 4:17, 4:19, 4:21, 4:23, 4:25, 5:11, 6:13, 6:15, 6:17, 6:19, 6:21, 6:23, 6:25, 7:2, 7:16, 7:18, 7:20, 7:22, 7:24, 8:1, 8:3, 8:5, 8:21, 8:23, 8:25, 9:2, 9:4, 9:6, 9:8, 9:10, 9:24, 10:1, 10:3, 10:5, 10:7, 10:9, 10:11, 10:13, 11:10, 11:12, 11:14, 11:16, 11:18, 11:20, 11:22, 11:24, 12:21, 12:23, 12:25, 13:2, 13:4, 13:6, 13:8, 13:10, 14:19, 14:21, 14:23, 14:25, 15:2, 15:4, 15:6, 15:8, 17:14, 17:16, 17:18, 17:20, 17:22, 17:24, 18:1, 18:3 received [1] - 5:14 recitation [1] - 5:18 record [1] - 19:5 referee [1] - 19:6 refile [1] - 14:5 Registered [1] - 19:5 regulation [1] - 19:10 related [2] - 19:7, 19:8 Remote [1] - 19:3 Reporter [2] - 19:4, 19:5 request [2] - 11:3, 15:13 requested [1] - 12:11 requesting [1] - 12:13 requests [1] - 16:1 required [1] - 15:16 respond [1] - 18:18 Response [2] - 4:12, 7:9 response [1] - 5:14 reviewing [1] - 12:10 rise [1] - 5:18 roll [8] - 4:8, 6:12, 8:20, 9:23, 11:7, 12:20, 14:14, 14:18 RON [1] - 19:15 | S | U |
| | salute [1] - 5:16 second [17] - 6:9, 6:10, 7:14, 7:15, 8:17, 8:18, 9:20, 9:21, 11:8, 11:9, 12:18, 12:19, 14:15, 14:16, 17:11, 18:15, 18:16 Secretary [1] - 2:8 SEONGHYE [1] - 1:22 Simoff [1] - 6:5 sorry [1] - 14:17 State [2] - 19:4, 19:7 status [1] - 13:22 statute [1] - 19:6 stenographer [1] - 6:2 STEVEN [1] - 1:20 stop [1] - 16:3 submitted [1] - 7:13 supposed [1] - 5:3 SWORN [1] - 3:2 | under [1] - 19:6 unless [1] - 18:6 |
| | T | V |
| | Terrace [3] - 1:8, 3:9, 15:12 TERRANOVA [10] - 1:18, 4:22, 6:24, 8:2, 9:7, 10:10, 11:21, 13:7, 15:5, 17:25 Terranova [9] - 4:21, 6:23, 8:1, 9:6, 10:9, 11:20, 13:6, 15:4, 17:24 TESTA [21] - 2:2, 5:8, 5:12, 5:25, 8:11, 10:20, 11:5, 11:8, 12:5, 13:20, 14:7, 14:15, 15:10, 15:23, 16:5, 16:10, 16:13, 16:17, 16:20, 17:3, 17:6 Testa [1] - 5:23 testimony [1] - 19:5 TESTIMONY [1] - 3:2 THERE [1] - 1:14 three [1] - 5:3 today [1] - 10:21 together [1] - 12:9 tonight [4] - 5:4, 10:17, 12:9, 16:4 took [1] - 8:8 TRANSCRIPT [1] - 1:4 transcript [1] - 19:10 true [1] - 5:7 two [4] - 4:6, 16:14, | vacation [1] - 10:22 verbatim [1] - 19:5 VICE [1] - 1:16 view [1] - 14:5 voluntary [1] - 16:20 vote [1] - 17:13 |
| | U | W |
| | | waiting [1] - 16:23 waived [1] - 15:17 waives [1] - 12:15 WITNESS [1] - 3:2 |
| | Y | Z |
| | | year [1] - 8:12 Yoon [9] - 4:25, 7:2, 8:5, 9:10, 10:13, 11:24, 13:10, 15:8, 18:3 YOON [10] - 1:22, 5:1, 7:3, 8:6, 9:11, 10:14, 11:25, 13:11, 15:9, 18:4 Young [3] - 1:8, 3:8, 10:17 |
| | | ZONING [1] - 1:1 |

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

201-641-1812

BOROUGH OF PALISADES PARK
ZONING BOARD OF ADJUSTMENT
MONDAY, SEPTEMBER 16, 2024
7:01 p.m.

| | | |
|----|----------------------------|-----------------------------|
| 1 | Case No. 24-09 | TRANSCRIPT OF PROCEEDING |
| 2 | J.M. Murry, LLC | |
| 3 | 1 West Columbia Ave | |
| 4 | Block: 617, Lot: 20 | |
| 5 | Case No. 24-02 | |
| 6 | Hillcrest Builders LLC | |
| 7 | 450 East Edsall Boulevard | |
| 8 | Block: 420; Lot: 16 | |
| 9 | Case No. 24-07 | |
| 10 | Donald Oh | |
| 11 | 252 3rd Street | |
| 12 | Block: 311; Lot: 2 | |
| 13 | Case No. 24-10 | |
| 14 | PBS Developers Corp. | |
| 15 | 521 Orchard Avenue | |
| 16 | Block 213, Lot 6 | |
| 17 | Case No. 24-12 | |
| 18 | 122 E. Edsall LLC | |
| 19 | 122 E. Edsall Avenue | |
| 20 | Block 615, Lot 6 | |
| 21 | Case No. 24-11 | |
| 22 | Ahn | |
| 23 | 324 E. Palisades Boulevard | |
| 24 | Block 414, Lot 10 | |

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

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

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

I N D E X

| 1 | WITNESS | SWORN | TESTIMONY |
|----|--|-------|-----------|
| 3 | Case No. 24-09 | | |
| 4 | J.M. Murry, LLC | | |
| 5 | 1 West Columbia Ave | | |
| 6 | Block: 617, Lot: 20 | | 11 |
| 7 | Case No. 24-02 | | |
| 8 | Hillcrest Builders LLC | | |
| 9 | 450 East Edsall Boulevard | | |
| 10 | Block: 420; Lot: 16 | | 12, 155 |
| 11 | Case No. 24-07 | | |
| 12 | Donald Oh | | |
| 13 | 252 3rd Street | | |
| 14 | Block 311, Lot 2 | | 13 |
| 15 | Harry Tuvel, PE | 14 | |
| 16 | Direct Examination by Mr. Hubschman | | 15 |
| 17 | Board/Professional Questions | | |
| 18 | Chairman Ferguson | | 18 |
| 19 | Mr. Collazuol | 21 | |
| 20 | Public Question/Comment | | 18 |
| 21 | Frances Pedulla | | 22 |
| 22 | 260 3rd Street | | |
| 23 | Giuseppe Pedulla | | 23 |
| 24 | 260 3rd Street | | |
| 25 | SALVATORE LaFERLITA, RA | 26 | |
| 26 | Voir Dire Examination by Mr. Hubschman | | 26 |
| 27 | Direct Examination by Mr. Hubschman | | 28 |
| 28 | Board/Professional Questions | | |
| 29 | Chairman Ferguson | | 27, 29 |
| 30 | Mr. Collazuol | 39 | |
| 31 | Public Question/Comment | | 27, 45 |
| 32 | Frances Pedulla | | 27, 45 |
| 33 | 260 3rd Street | | |
| 34 | Anieska Garcia | | 34 |
| 35 | 252 3rd Street | | |
| 36 | Peter Longo | | 40 |
| 37 | 60 East Central Boulevard | | |

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

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STEVE COLLAZUOL, P.E., BOARD ENGINEER

MICHAEL KAUKER, P.P., BOARD PLANNER

HAL SIMOFF, BOARD TRAFFIC ENGINEER (ABSENT)

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

I N D E X (continued)

| 1 | WITNESS | SWORN | TESTIMONY |
|----|---------------------------------|--------|-----------|
| 3 | Case No. 24-10 | | |
| 4 | PBS Developers Corp. | | |
| 5 | 521 Orchard Avenue | | |
| 6 | Block 213, Lot 6 | | 46 |
| 7 | Joseph Donato | 47 | |
| 8 | Direct Examination by Mr. Macri | | 48 |
| 9 | Board/Professional Questions | | |
| 10 | Chairman Ferguson | | 54 |
| 11 | Mr. Collazuol | 55, 62 | |
| 12 | Mr. Kauker | 67 | |
| 13 | Public Question/Comment | | 56, 68 |
| 14 | Linda Concepcion | | 56, 68 |
| 15 | 527 Orchard Avenue | | |
| 16 | Augustine Kang | | 61 |
| 17 | 120 East Edsall Avenue | | |
| 18 | Joshua Hwang | | 65 |
| 19 | David Spatz, PP | 70 | |
| 20 | Direct Examination by Mr. Macri | | 70 |
| 21 | Board/Professional Questions | | |
| 22 | Mr. Kauker | 74 | |
| 23 | Case No. 24-12 | | |
| 24 | 122 E. Edsall LLC | | |
| 25 | 122 E. Edsall Avenue | | |
| 26 | Block 615, Lot 6 | | 75 |
| 27 | Vassilios Cocoros, RA | 76 | |
| 28 | Direct Examination by Mr. Macri | | 77 |
| 29 | Board/Professional Questions | | |
| 30 | Mr. Collazuol | 82 | |
| 31 | Public Question/Comment | | 82 |
| 32 | Justin Kang | | 82 |
| 33 | 120 East Edsall | | |
| 34 | Audrey Delloso | | 95 |
| 35 | 124 East Edsall Avenue | | |
| 36 | Chong Kim | | 100 |
| 37 | 120 E. Edsall Avenue, Unit B | | |
| 38 | Joshua Hwang | | 102 |
| 39 | David Spatz, PP | 114 | |
| 40 | Board/Professional Questions | | 118 |
| 41 | Mr. Kauker | | |

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

5

1 I N D E X (continued)

2 WITNESS SWORN TESTIMONY

3 **Case No. 24-11**

4 **Ahn**

4 **324 E. Palisades Boulevard**

4 **Block 414, Lot 10** 122

5 THOMAS SKRABLE, PE 125

6 Direct Examination by Mr. Alampi 126

6 Board/Professional Questions

7 Mr. Collazuol 132

8 SEAN KIM, RA 135

8 Voir Dire Examination by Mr. Alampi 136

9 Direct Examination by Mr. Alampi 136

9 Board/Professional Questions

10 Chairman Ferguson 144, 152

10 Mr. Collazuol 145

11 DAVID SPATZ, PP 146

12 Direct Examination by Mr. Alampi 147

12 Board/Professional Questions

13 Chairman Ferguson

14

15

16

17

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19

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

7

07:01PM 1 CHAIRMAN FERGUSON: In accordance

07:01PM 2 with the Open Public Meeting Act, notice of this

07:01PM 3 meeting has been posted on the borough bulletin

07:01PM 4 board. Notice has been provided to at least two of

07:01PM 5 the official Borough newspapers and also filed in the

07:01PM 6 clerk's office.

07:02PM 7 To begin with, I just make a -- as you

07:02PM 8 can see we have another secretary here and her name

07:02PM 9 is Chelsi Iguina.

07:02PM 10 MS. IGUINA: Iguina.

07:02PM 11 CHAIRMAN FERGUSON: So I'll make a

07:02PM 12 motion that we -- that she be appointed as a

07:02PM 13 secretary.

07:02PM 14 MR. GRALA: I'll second.

07:02PM 15 CHAIRMAN FERGUSON: Roll call.

07:02PM 16 MS. IGUINA: Mr. Ferguson?

07:02PM 17 CHAIRMAN FERGUSON: Yes.

07:02PM 18 MS. IGUINA: Mr. Albanese?

07:02PM 19 (No Response.)

07:02PM 20 MS. IGUINA: Mr. Brogna?

07:02PM 21 MR. BROGNA: Yes.

07:03PM 22 MS. IGUINA: Mr. Elefteriou?

07:03PM 23 MR. ELEFTERIOU: Yes.

07:03PM 24 MS. IGUINA: Mr. Grala?

07:03PM 25 MR. GRALA: Yes.

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

6

1 I N D E X (continuing)

2 EXHIBITS

3 No. Description Ident/Evid

4 **Case No. 24-10**

4 **PBS Developers Corp.**

5 **521 Orchard Avenue**

5 **Block 213, Lot 6**

6 A-1 Photo exhibit 70

7 **Case No. 24-12**

8 **122 E. Edsall LLC**

8 **122 E. Edsall Avenue**

9 **Block 615, Lot 6**

10 A-1 Photo exhibit 114

11 **Case No. 24-11**

11 **Ahn**

12 **324 E. Palisades Boulevard**

12 **Block 414, Lot 10**

13 A-1 Photo exhibit 146

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

8

07:03PM 1 MS. IGUINA: Mr. Kim?

07:03PM 2 (No Response.)

07:03PM 3 MS. IGUINA: Mr. Terranova?

07:03PM 4 (No Response.)

07:03PM 5 MS. IGUINA: Mr. Chung?

07:03PM 6 Mr. Chung: Yes.

07:03PM 7 MS. IGUINA: Ms. Yoon?

07:03PM 8 (No Response.)

07:03PM 9 CHAIRMAN FERGUSON: That's it? Okay.

07:03PM 10 Now I'll make a motion for attendance.

07:03PM 11 We need a roll call.

07:02PM 12 MS. IGUINA: Mr. Ferguson?

07:02PM 13 CHAIRMAN FERGUSON: Yes, here.

07:02PM 14 MS. IGUINA: Mr. Albanese?

07:02PM 15 (No Response.)

07:02PM 16 MS. IGUINA: Mr. Brogna?

07:02PM 17 MR. BROGNA: Here.

07:03PM 18 MS. IGUINA: Mr. Elefteriou?

07:03PM 19 MR. ELEFTERIOU: Here.

07:03PM 20 MS. IGUINA: Mr. Grala?

07:03PM 21 MR. GRALA: Here.

07:03PM 22 MS. IGUINA: Mr. Kim?

07:03PM 23 (No Response.)

07:03PM 24 MS. IGUINA: Mr. Terranova?

07:03PM 25 (No Response.)

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

07:03PM **1** MS. IGUINA: Mr. Chung?
 07:03PM **2** Mr. Chung: Here.
 07:03PM **3** MS. IGUINA: Ms. Yoon?
 07:03PM **4** (No Response.)
 07:03PM **5** CHAIRMAN FERGUSON: Okay. So first we
 07:03PM **6** all had a -- got the minutes of the meeting. Is
 07:03PM **7** there any corrections to the minutes?
 07:03PM **8** (No Response.)
 07:03PM **9** CHAIRMAN FERGUSON: Okay. I'll make a
 07:03PM **10** motion to accept the minutes of the previous meeting.
 07:03PM **11** Can I get a second?
 07:04PM **12** MR. ELEFTERIOU: Second.
 07:04PM **13** MR. GRALA: I'll second.
 07:04PM **14** CHAIRMAN FERGUSON: Okay.
 07:04PM **15** Roll call?
 07:02PM **16** MS. IGUINA: Mr. Ferguson?
 07:02PM **17** CHAIRMAN FERGUSON: Yes.
 07:02PM **18** MS. IGUINA: Mr. Brogna?
 07:02PM **19** MR. BROGNA: Yes.
 07:03PM **20** MS. IGUINA: Mr. Elefteriou?
 07:03PM **21** MR. ELEFTERIOU: Yes.
 07:03PM **22** MS. IGUINA: Mr. Grala?
 07:03PM **23** MR. GRALA: Yes.
 07:03PM **24** MS. IGUINA: Mr. Kim?
 07:03PM **25** (No Response.)

Laura A. Carucci, C.S.R., R.P.R., L.L.C.
201-641-1812

07:03PM **1** MS. IGUINA: Mr. Chung?
 07:05PM **2** Mr. Chung: Yes.
 07:05PM **3** CHAIRMAN FERGUSON: Okay. Thank you.
 07:05PM **4** Next we had -- anything else?
 07:05PM **5** MS. DECARLO: Memorialization.
 07:05PM **6** CHAIRMAN FERGUSON: Oh,
 07:05PM **7** memorialization, right.
 07:05PM **8** Last meeting we heard J.M. Murry, LLC,
 07:05PM **9** and that was, I think, 1 West Columbia. We approved
 07:05PM **10** it.
 07:05PM **11** Can I get a -- I'll make a motion to
 07:05PM **12** approve the memorialization.
 07:05PM **13** Can I get a second?
 07:05PM **14** MR. ELEFTERIOU: Second.
 07:05PM **15** CHAIRMAN FERGUSON: Okay.
 07:05PM **16** Roll call?
 07:02PM **17** MS. IGUINA: Mr. Ferguson?
 07:02PM **18** CHAIRMAN FERGUSON: Yes.
 07:02PM **19** MS. IGUINA: Mr. Brogna?
 07:02PM **20** MR. BROGNA: Yes.
 07:03PM **21** MS. IGUINA: Mr. Elefteriou?
 07:03PM **22** MR. ELEFTERIOU: Yes.
 07:03PM **23** MS. IGUINA: Mr. Grala?
 07:03PM **24** MR. GRALA: Yes.
 07:03PM **25** MS. IGUINA: Mr. Terranova?

Laura A. Carucci, C.S.R., R.P.R., L.L.C.
201-641-1812

07:03PM **1** MS. IGUINA: Mr. Terranova?
 07:03PM **2** MR. TERRANOVA: Here.
 07:03PM **3** MS. IGUINA: Mr. Chung?
 07:03PM **4** Mr. Chung: Yes.
 07:03PM **5** MS. IGUINA: Ms. Yoon?
 07:03PM **6** (No Response.)
 07:04PM **7** MS. IGUINA: Not here.
 07:04PM **8** CHAIRMAN FERGUSON: Okay. Next we're
 07:04PM **9** going -- next we have some bills to pay from our
 07:04PM **10** board attorney.
 07:04PM **11** The total of the bills is \$5,170.00.
 07:04PM **12** I'll make a motion to pay the bills.
 07:04PM **13** Can I get a second?
 07:04PM **14** MR. BROGNA: Second.
 07:04PM **15** CHAIRMAN FERGUSON: Roll call?
 07:02PM **16** MS. IGUINA: Mr. Ferguson?
 07:02PM **17** CHAIRMAN FERGUSON: Yes.
 07:02PM **18** MS. IGUINA: Mr. Brogna?
 07:02PM **19** MR. BROGNA: Yes.
 07:03PM **20** MS. IGUINA: Mr. Elefteriou?
 07:03PM **21** MR. ELEFTERIOU: Yes.
 07:03PM **22** MS. IGUINA: Mr. Grala?
 07:03PM **23** MR. GRALA: Yes.
 07:03PM **24** MS. IGUINA: Mr. Terranova?
 07:03PM **25** MR. TERRANOVA: Yes.

Laura A. Carucci, C.S.R., R.P.R., L.L.C.
201-641-1812

07:03PM **1** MR. TERRANOVA: Yes.
 07:03PM **2** MS. IGUINA: Mr. Chung?
 07:05PM **3** Mr. Chung: Yes.
 07:05PM **4** CHAIRMAN FERGUSON: Okay. Next we have
 07:06PM **5** only one postponement tonight. He sent a letter in.
 07:06PM **6** This would be 450 East Edsall Boulevard. And he's
 07:06PM **7** redoing his plans.
 07:06PM **8** So he's asking for an adjournment,
 07:06PM **9** which we're going to grant. So I'll make that motion
 07:06PM **10** that we -- is it an adjournment or a continuation.
 07:06PM **11** MS. DECARLO: To carry it to
 07:06PM **12** October 21st.
 07:06PM **13** CHAIRMAN FERGUSON: Right, carry it to
 07:06PM **14** October 21st.
 07:06PM **15** Can I get a second?
 07:06PM **16** MR. GRALA: I'll second.
 07:06PM **17** CHAIRMAN FERGUSON: Roll call?
 07:02PM **18** MS. IGUINA: Mr. Ferguson?
 07:02PM **19** CHAIRMAN FERGUSON: Yes.
 07:02PM **20** MS. IGUINA: Mr. Brogna?
 07:02PM **21** MR. BROGNA: Yes.
 07:03PM **22** MS. IGUINA: Mr. Elefteriou?
 07:03PM **23** MR. ELEFTERIOU: Yes.
 07:03PM **24** MS. IGUINA: Mr. Grala?
 07:03PM **25** MR. GRALA: Yes.

Laura A. Carucci, C.S.R., R.P.R., L.L.C.
201-641-1812

13

07:03PM **1** MS. IGUINA: Mr. Terranova?
 07:03PM **2** MR. TERRANOVA: Yes.
 07:03PM **3** MS. IGUINA: Mr. Chung?
 07:06PM **4** Mr. Chung: Yes.
 07:06PM **5** CHAIRMAN FERGUSON: Okay. Thank you.
 07:06PM **6** So I guess we're ready to have our
 07:06PM **7** first case of the night.
 07:07PM **8** And the first case is Case 24-07,
 07:07PM **9** Donald Oh, 252 3rd Street.
 07:07PM **10** MR. HUBSCHMAN: Good evening,
 07:07PM **11** Mr. Chairman, Members of the Board. Richard
 07:07PM **12** Hubschman appearing on behalf of the applicant.
 07:07PM **13** This is the application of 252 3rd
 07:07PM **14** Street to renovate and expand an existing one-family
 07:07PM **15** into a two-family.
 07:07PM **16** CHAIRMAN FERGUSON: Right.
 07:07PM **17** MR. HUBSCHMAN: I have two witnesses
 07:07PM **18** tonight. I will be very brief. I've supplied the
 07:07PM **19** notices to Diane. I assume the notices of
 07:07PM **20** publication are in order.
 07:07PM **21** MS. DECARLO: Yes, they've been
 07:07PM **22** reviewed and are acceptable. The board has
 07:07PM **23** jurisdiction to hear the matter this evening.
 07:07PM **24** CHAIRMAN FERGUSON: Okay.
 07:07PM **25** MR. HUBSCHMAN: Proceed?

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

14

07:07PM **1** CHAIRMAN FERGUSON: Proceed.
 07:08PM **2** MR. HUBSCHMAN: We'll call Harry Tuvel.
 07:08PM **3** CHAIRMAN FERGUSON: Harry, long time no
 07:08PM **4** see.
 07:08PM **5** How you been?
 07:08PM **6** MR. TUVEL: Good to see you all.
 07:08PM **7** CHAIRMAN FERGUSON: Do you want to get
 07:08PM **8** sworn in?
 07:08PM **9** MR. TUVEL: Sure.
 07:08PM **10** MS. DECARLO: Do you swear or affirm
 07:08PM **11** that the testimony you will provide with regard to
 07:08PM **12** this application is the truth, the whole truth and
 07:08PM **13** nothing but the truth?
 07:08PM **14** MR. TUVEL: I do.
 07:08PM **15** H A R R Y T U V E L, PE
 07:08PM **16** 144 Jewell Street, Garfield, New Jersey 07026,
 07:08PM **17** having been duly sworn, testifies as follows:
 07:08PM **18** MS. DECARLO: Will you please state
 07:08PM **19** your name, spelling it and your address for the
 07:08PM **20** record.
 07:08PM **21** MR. TUVEL: Sure.
 07:08PM **22** Harry Tuvel, T-U-V-E-L.
 07:08PM **23** I'm appearing tonight for GB, GB
 07:08PM **24** Engineering, which is located at 144 Jewell Street in
 07:08PM **25** Garfield, New Jersey.

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

15

07:08PM **1** MS. DECARLO: Thank you.
 07:08PM **2** CHAIRMAN FERGUSON: Okay.
 07:08PM **3** DIRECT EXAMINATION
 07:08PM **4** BY MR. HUBSCHMAN:
 07:08PM **5** Q. Okay. Mr. Tuvel, would you describe
 07:08PM **6** the existing conditions, please?
 07:08PM **7** A. Yes.
 07:08PM **8** We have an existing two-story-frame
 07:08PM **9** dwelling at 252, 252 3rd Street in Pal Park in the
 07:08PM **10** AA Zone.
 07:08PM **11** This is an existing one-family home.
 07:08PM **12** The parking is on the westerly side of 3rd Street,
 07:08PM **13** which is roughly a north/south Street.
 07:09PM **14** The proposal is to remove an existing
 07:09PM **15** nonconforming garage structure, which basically abuts
 07:09PM **16** the southerly property line and to construct a
 07:09PM **17** two-story addition to the rear of the building.
 07:09PM **18** There are a couple of -- there are
 07:09PM **19** existing nonconformities, as well as two variances,
 07:09PM **20** but in both cases of the variances, they are reduced
 07:09PM **21** from the previous.
 07:09PM **22** So variances remain, but they are
 07:09PM **23** basically reduced from the existing, from the
 07:09PM **24** existing conditions.
 07:09PM **25** Q. Now, the lot size, Harry, is what?

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

16

07:09PM **1** A. The lot size is existing nonconforming
 07:09PM **2** at 3,625 square feet.
 07:09PM **3** Q. Because of the lot size, there's a
 07:09PM **4** number of other existing nonconformities for the
 07:10PM **5** existing structure.
 07:10PM **6** Is that correct?
 07:10PM **7** A. That's correct, including, of course,
 07:10PM **8** the lot width.
 07:10PM **9** Q. Okay. Now, can you describe the
 07:10PM **10** surrounding uses?
 07:10PM **11** A. This is a AA Zone and the surrounding
 07:10PM **12** uses include one -- it's a one- and two-family zone
 07:10PM **13** and that's exactly what's in the area, one- and
 07:10PM **14** two-family homes.
 07:10PM **15** Q. And is that a mixture of newer and
 07:10PM **16** older two-family homes?
 07:10PM **17** A. Yes, it is.
 07:10PM **18** This is actually, I think, right smack
 07:10PM **19** -- this is an older home that's going to be
 07:10PM **20** rehabilitated and it's right in the middle of, I
 07:10PM **21** think, two newer homes.
 07:10PM **22** Q. Now, the building to the south of --
 07:10PM **23** immediately to the south, can you describe that,
 07:10PM **24** please? The apartment building, there's an apartment
 07:10PM **25** there?

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

07:10PM **1** **A. There is an apartment building.**
 07:10PM **2** **Q.** Immediately to the south, it looks like
 07:10PM **3** it's about four stories in rough shape.
 07:10PM **4** There's some photographs that I've
 07:10PM **5** circulated for you to take a look at. This
 07:10PM **6** application is to rehabilitate this property here and
 07:11PM **7** it is immediately adjacent to that four-story
 07:11PM **8** building.
 07:11PM **9** So the photographs will show it?
 07:11PM **10** **A. Yes.**
 07:11PM **11** **I think a big part of this application**
 07:11PM **12** **is the removal of that existing nonconforming --**
 07:11PM **13** **totally nonconforming garage structure on the**
 07:11PM **14** **southern side of the property.**
 07:11PM **15** **There will be a new two-car garage**
 07:11PM **16** **constructed in the frontage of the property.**
 07:11PM **17** **Q.** Now, of the existing nonconformities,
 07:11PM **18** only the front yard is going to be increased and the
 07:11PM **19** side yard is going to be increased by 3 feet.
 07:11PM **20** Is that correct?
 07:11PM **21** **A. That's correct.**
 07:11PM **22** **Q.** Okay. All of the other nonconformities
 07:11PM **23** will either be lessened or would remain, correct?
 07:11PM **24** **A. That's correct.**
 07:11PM **25** MR. HUBSCHMAN: Okay. So as to the
LAURA A. CARUCCI, C.S.R., R.P.R., L.L.C.
201-641-1812

07:12PM **1** elevations.
 07:12PM **2** CHAIRMAN FERGUSON: Okay. Is -- and
 07:12PM **3** the architect is going to talk about parking?
 07:12PM **4** MR. HUBSCHMAN: Yes, sir.
 07:12PM **5** CHAIRMAN FERGUSON: So you're telling
 07:12PM **6** me that there's nothing going on top of the existing
 07:12PM **7** building? Because my --
 07:12PM **8** THE WITNESS: The addition -- it's just
 07:12PM **9** the rear, there's a rear two-story addition.
 07:12PM **10** CHAIRMAN FERGUSON: And nothing on top.
 07:12PM **11** THE WITNESS: Nothing on top of the
 07:12PM **12** existing.
 07:12PM **13** CHAIRMAN FERGUSON: How deep is the
 07:13PM **14** depth of it?
 07:13PM **15** THE WITNESS: I'm sorry?
 07:13PM **16** CHAIRMAN FERGUSON: How deep is the
 07:13PM **17** depth of it?
 07:13PM **18** In other words, how far does it go
 07:13PM **19** back, 100 feet.
 07:13PM **20** THE WITNESS: The lot depth is 100 feet
 07:13PM **21** and the rear yard will decrease from 50.8 feet to
 07:13PM **22** 31.6 feet and, but the rear yard requirement is
 07:13PM **23** 25 feet.
 07:13PM **24** So we still are within -- we still are
 07:13PM **25** conforming to the rear yard requirement.
LAURA A. CARUCCI, C.S.R., R.P.R., L.L.C.
201-641-1812

07:11PM **1** design of the house and I just received or saw from
 07:11PM **2** Mr. Collazuol, Hal Simoff's letter about the parking.
 07:11PM **3** So I hadn't seen that before, I didn't
 07:12PM **4** know, but I have the architect here and he can
 07:12PM **5** address the parking and design of the garage and
 07:12PM **6** parking spaces.
 07:12PM **7** CHAIRMAN FERGUSON: Sure.
 07:12PM **8** MR. HUBSCHMAN: So unless there's
 07:12PM **9** anything further of Harry?
 07:12PM **10** CHAIRMAN FERGUSON: Yeah, I have a
 07:12PM **11** couple.
 07:12PM **12** Harry, are they going to put -- when
 07:12PM **13** you said in the back, are they going to put it in the
 07:12PM **14** back of the building or are they going to put it on
 07:12PM **15** top of the building, the existing building?
 07:12PM **16** THE WITNESS: Put what?
 07:12PM **17** There's a two-story addition to be
 07:12PM **18** constructed in the rear that the architect will go
 07:12PM **19** over.
 07:12PM **20** CHAIRMAN FERGUSON: So you're going to
 07:12PM **21** use the backyard, is that what you're telling me.
 07:12PM **22** THE WITNESS: That's right.
 07:12PM **23** However, the rear yard still remains
 07:12PM **24** conforming.
 07:12PM **25** MR. HUBSCHMAN: The architect has
LAURA A. CARUCCI, C.S.R., R.P.R., L.L.C.
201-641-1812

07:13PM **1** CHAIRMAN FERGUSON: So you're saying
 07:13PM **2** that it's 100 foot in depth, is that what you're
 07:13PM **3** telling me?
 07:13PM **4** THE WITNESS: Yes.
 07:13PM **5** CHAIRMAN FERGUSON: But I wish you
 07:13PM **6** could explain to me how you get that, because if you
 07:13PM **7** got 25 -- you have an existing house, right?
 07:13PM **8** THE WITNESS: Yes.
 07:13PM **9** CHAIRMAN FERGUSON: You have an
 07:13PM **10** existing house?
 07:13PM **11** THE WITNESS: Yeah.
 07:13PM **12** CHAIRMAN FERGUSON: You got a front
 07:13PM **13** yard, right?
 07:13PM **14** THE WITNESS: Yes.
 07:13PM **15** CHAIRMAN FERGUSON: An existing house
 07:13PM **16** and now you want to put an addition on the back of
 07:13PM **17** the house.
 07:13PM **18** THE WITNESS: Correct.
 07:13PM **19** CHAIRMAN FERGUSON: Right?
 07:13PM **20** How do you get -- how do you get all
 07:14PM **21** that done in 100 feet?
 07:14PM **22** THE WITNESS: Well, because the
 07:14PM **23** existing -- the existing addition is --
 07:14PM **24** MR. HUBSCHMAN: Well, the proposed
 07:14PM **25** addition is going to be over the existing footprint.
LAURA A. CARUCCI, C.S.R., R.P.R., L.L.C.
201-641-1812

07:14PM 1 THE WITNESS: It's essentially over the
 07:14PM 2 existing footprint. It does jut out just a little
 07:14PM 3 bit, but the new addition is only about -- I'm sorry,
 07:14PM 4 19 feet, 19 feet more to the rear.
 07:14PM 5 MR. HUBSCHMAN: I think this -- these
 07:14PM 6 questions may be best posed to the architect.
 07:14PM 7 CHAIRMAN FERGUSON: Okay, no problem.
 07:14PM 8 So is he going to talk about the
 07:14PM 9 parking, too?
 07:14PM 10 MR. HUBSCHMAN: Yes.
 07:14PM 11 CHAIRMAN FERGUSON: Good. Anybody --
 07:14PM 12 any of my experts have anything to say?
 07:14PM 13 MR. COLLAZUOL: No -- I should say yes,
 07:14PM 14 Chairman. We have a report dated August 13th.
 07:14PM 15 There's a couple of points in there
 07:14PM 16 about drainage, if they could address them. I think
 07:15PM 17 they're minor in nature and there's some other
 07:15PM 18 utility information that should be prepared if the
 07:15PM 19 board approves this prior to the issuance of a
 07:15PM 20 building permit if it happens.
 07:15PM 21 CHAIRMAN FERGUSON: Say it again, I'm
 07:15PM 22 sorry.
 07:15PM 23 MR. COLLAZUOL: Well, they don't show
 07:15PM 24 the sanitary sewer out in the road and the connection
 07:15PM 25 with to the utilities with that.

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

07:15PM 1 So if it did get approved, they'd have
 07:15PM 2 to add some of those items to the plans before they
 07:15PM 3 get a building permit.
 07:15PM 4 CHAIRMAN FERGUSON: Okay.
 07:15PM 5 MR. HUBSCHMAN: We would accept that as
 07:15PM 6 a condition.
 07:15PM 7 CHAIRMAN FERGUSON: All right. Any
 07:15PM 8 board members have anything?
 07:15PM 9 (No Response.)
 07:15PM 10 CHAIRMAN FERGUSON: Okay.
 07:15PM 11 Anybody in the audience have anything?
 07:15PM 12 Yes, dear.
 07:15PM 13 Name and address, please.
 07:15PM 14 MS. PEDULLA: Frances Pedulla, 260 3rd
 07:15PM 15 Street.
 07:15PM 16 CHAIRMAN FERGUSON: Okay.
 07:15PM 17 THE COURT REPORTER: Please spell your
 07:15PM 18 last name for the record.
 07:15PM 19 MS. PEDULLA: P-E-D-U-L-L-A.
 07:15PM 20 THE COURT REPORTER: Thank you.
 07:15PM 21 MS. PEDULLA: On 3rd Street there's
 07:15PM 22 very limited parking as it is.
 07:15PM 23 Now, if they put in the two driveways,
 07:15PM 24 they eliminate one parking space, and we all know
 07:15PM 25 that two-family houses can have illegal three-family

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

07:15PM 1 houses.
 07:15PM 2 So that's an additional cost you'd have
 07:16PM 3 to worry about. And when the house was built, I'm
 07:16PM 4 sure they didn't have the same rules they have now.
 07:16PM 5 So if they extend back, do they go by
 07:16PM 6 the border where they go extend to the house that
 07:16PM 7 exists now or are they getting a variance to come
 07:16PM 8 even further out?
 07:16PM 9 THE WITNESS: They're not getting a
 07:16PM 10 variance.
 07:16PM 11 MS. PEDULLA: So it's going to be even
 07:16PM 12 with their house.
 07:16PM 13 THE WITNESS: One side is -- the side
 07:16PM 14 yard -- as I said in the beginning, none of the
 07:16PM 15 variances are exacerbated.
 07:16PM 16 If anything, they're lessened.
 07:16PM 17 MS. PEDULLA: Okay.
 07:16PM 18 But right now according to the -- the
 07:16PM 19 laws, whatever, is the house that exists right now to
 07:16PM 20 the border of the -- bother line of the property.
 07:16PM 21 THE WITNESS: No, no, only that -- only
 07:16PM 22 that garage structure that we're removing goes right
 07:16PM 23 to the property line.
 07:16PM 24 MR. PEDULLA: But it's going to become
 07:16PM 25 a two-family house.

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

07:16PM 1 THE WITNESS: That's correct.
 07:16PM 2 MR. PEDULLA: And 25-by-100.
 07:17PM 3 MS. PEDULLA: And you're eliminating --
 07:17PM 4 THE WITNESS: It's 35 by -- -
 07:17PM 5 MS. PEDULLA: -- a parking space from
 07:17PM 6 the street.
 07:17PM 7 THE COURT REPORTER: I'm sorry, one at
 07:17PM 8 a time.
 07:17PM 9 I can't have three people at once
 07:17PM 10 speaking.
 07:17PM 11 THE WITNESS: There will be a curb cut
 07:17PM 12 for two cars.
 07:17PM 13 MS. PEDULLA: And lost a parking space
 07:17PM 14 that is needed and a two-family house becomes a
 07:17PM 15 three-family house in town.
 07:17PM 16 THE WITNESS: Well, that's not legal.
 07:17PM 17 MS. PEDULLA: Yeah.
 07:17PM 18 MR. PEDULLA: That's not legal, but
 07:17PM 19 nothing happens.
 07:17PM 20 And that block used to be a residential
 07:17PM 21 area.
 07:17PM 22 Now it's all business related, a lot of
 07:17PM 23 trucks.
 07:17PM 24 MS. DECARLO: Sir, we need you to state
 07:17PM 25 your name and address.

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

1 CHAIRMAN FERGUSON: Name and address.
 2 MR. PEDULLA: Giuseppe Pedulla, 260 3rd
 3 Street.
 4 CHAIRMAN FERGUSON: Okay.
 5 MR. PEDULLA: Palisades Park.
 6 CHAIRMAN FERGUSON: Okay. So you are
 7 next door; is that it?
 8 MR. PEDULLA: Yeah.
 9 CHAIRMAN FERGUSON: Okay.
 07:17PM 10 MR. PEDULLA: And I'll tell you, they
 07:17PM 11 don't even take care of this house. It's been a mess
 07:17PM 12 all the time.
 07:17PM 13 They don't cut -- they don't cut the
 07:17PM 14 grass. They don't do nothing for the house.
 07:18PM 15 MS. PEDULLA: And they block our
 07:18PM 16 driveway all the time, the tenants.
 07:18PM 17 CHAIRMAN FERGUSON: Okay.
 07:18PM 18 Anything else?
 07:18PM 19 (No Response.)
 07:18PM 20 CHAIRMAN FERGUSON: Do you have
 07:18PM 21 anything to rebut that?
 07:18PM 22 MR. HUBSCHMAN: I'm going to call the
 07:18PM 23 architect next and have him sworn in if you don't
 24 mind.
 25 CHAIRMAN FERGUSON: Okay.
LAURA A. CARUCCI, C.S.R., R.P.R., L.L.C.
201-641-1812

07:19PM 1 **York and New Jersey for over 30 years.**
 07:19PM 2 **I graduated from The City College of**
 07:19PM 3 **New York in 1982.**
 07:19PM 4 **Q.** And your work history?
 07:19PM 5 **A.** **I've been doing residential and**
 07:19PM 6 **commercial work for over 40 years.**
 07:19PM 7 CHAIRMAN FERGUSON: How many years?
 07:19PM 8 THE WITNESS: Over 40.
 07:19PM 9 CHAIRMAN FERGUSON: Over 40?
 07:19PM 10 Well, in that case, we'll accept him as
 07:19PM 11 an expert.
 07:19PM 12 MR. HUBSCHMAN: Thank you,
 07:19PM 13 Mr. Chairman.
 07:19PM 14 THE WITNESS: Just to answer the last
 07:19PM 15 question, we are taking away an entire garage, which
 07:19PM 16 had a driveway.
 07:19PM 17 MS. PEDULLA: Have you seen it?
 07:19PM 18 THE WITNESS: Yeah, I've been there.
 07:19PM 19 MS. PEDULLA: You can barely fit a car
 07:19PM 20 in there right now.
 07:19PM 21 THE WITNESS: I know, but we're taking
 07:19PM 22 that completely away.
 07:19PM 23 MS. PEDULLA: Okay.
 07:19PM 24 THE WITNESS: So we're not taking
 07:19PM 25 really any parking spots from the street, because
LAURA A. CARUCCI, C.S.R., R.P.R., L.L.C.
201-641-1812

1 MS. DECARLO: Do you swear or affirm
 2 the testimony you will provide with regard to this
 3 application is the truth, the whole truth and nothing
 07:18PM 4 but the truth?
 07:18PM 5 MR. LaFERLITA: I do.
 07:18PM 6 **S A L V A T O R E L a F E R L I T A, R.A.**
 07:18PM 7 **115 University Drive, Lincroft, New Jersey 07738,**
 07:18PM 8 **having been duly sworn, testifies as follows:**
 07:18PM 9 **MS. DECARLO: Please state your name,**
 07:18PM 10 **spelling it and provide your address for the board.**
 07:18PM 11 **MR. LaFERLITA: Salvatore,**
 07:18PM 12 **S-A-L-V-A-T-O-R-E, L-a "F" as in Frank -E-R-L-I-T-A,**
 07:18PM 13 **115 University Drive, Lincroft, New Jersey.**
 07:18PM 14 **CHAIRMAN FERGUSON: Okay.**
 07:18PM 15 **Have you testified here before?**
 07:18PM 16 **THE WITNESS: Not in this township.**
 07:18PM 17 **CHAIRMAN FERGUSON: Not in the**
 07:18PM 18 **township. Okay?**
 07:18PM 19 **Do you want to...**
 07:18PM 20 **VOIR DIRE EXAMINATION**
 07:18PM 21 **BY MR. HUBSCHMAN:**
 07:18PM 22 **Q.** Can you please state your education and
 07:19PM 23 licenses and work experience, please?
 07:19PM 24 **A.** **Okay.**
 07:19PM 25 **I'm a registered architect in both New**
LAURA A. CARUCCI, C.S.R., R.P.R., L.L.C.
201-641-1812

07:19PM 1 it's already a two --
 07:19PM 2 MS. PEDULLA: And those stairs are
 07:19PM 3 going to stay there.
 07:19PM 4 THE WITNESS: Those stairs are going to
 07:19PM 5 move to the left.
 07:19PM 6 MS. PEDULLA: And where are you going
 07:19PM 7 to put the other garage.
 07:19PM 8 THE WITNESS: So we're going to go
 07:19PM 9 right underneath where the stairs are and these
 07:19PM 10 stairs are going to the left, so we'll have a two-car
 07:20PM 11 garage.
 07:20PM 12 MS. PEDULLA: And you're going to have
 07:20PM 13 to eliminate that parking space.
 07:20PM 14 THE WITNESS: We're going to eliminate
 07:20PM 15 the one where the --
 07:20PM 16 MS. PEDULLA: On the street, which we
 07:20PM 17 badly need, seriously.
 07:20PM 18 THE WITNESS: But it's a two for two.
 07:20PM 19 MS. PEDULLA: No, it's not.
 07:20PM 20 One car fits in front of that house.
 07:20PM 21 **DIRECT EXAMINATION**
 07:20PM 22 **BY MR. HUBSCHMAN:**
 07:20PM 23 **Q.** So, Sal, can you please describe the --
 07:20PM 24 what we're proposing to do to the existing structure?
 07:20PM 25 **A.** **So, basically, it's an existing**
LAURA A. CARUCCI, C.S.R., R.P.R., L.L.C.
201-641-1812

07:20PM **1** one-family house.
 07:20PM **2** We are going over the existing
 07:20PM **3** structure just to the side, to answer your question
 07:20PM **4** before, just to the side following the footprint of
 07:20PM **5** the foundation and the major addition is completely
 07:20PM **6** towards the rear.
 07:20PM **7** The other question was it's basically a
 07:20PM **8** 19-foot addition on the rear of this existing
 07:20PM **9** two-story one-family house. So what we're proposing
 07:20PM **10** is instead of the -- again, the one-family
 07:21PM **11** three-bedroom home we're proposing a two-family
 07:21PM **12** three-bedroom apartment on the first floor, a
 07:21PM **13** three-bedroom apartment on the second floor.
 07:21PM **14** CHAIRMAN FERGUSON: So maybe you can
 07:21PM **15** answer my question.
 07:21PM **16** You have a house there now that's deep,
 07:21PM **17** right, 100-foot deep?
 07:21PM **18** THE WITNESS: Not the house, the lot.
 07:21PM **19** CHAIRMAN FERGUSON: The lot, 100,
 07:21PM **20** right?
 07:21PM **21** THE WITNESS: Yes.
 07:21PM **22** CHAIRMAN FERGUSON: The house is -- how
 07:21PM **23** long is house now.
 07:21PM **24** THE WITNESS: The existing house is
 07:21PM **25** about 25 feet.

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

07:21PM **1** The existing house is not deep at all.
 07:21PM **2** This was the -- this is the existing footprint.
 07:21PM **3** CHAIRMAN FERGUSON: Yeah, I know, I was
 07:21PM **4** there.
 07:21PM **5** MR. HUBSCHMAN: This is an elevation
 07:21PM **6** from above of a picture that I submitted.
 07:21PM **7** CHAIRMAN FERGUSON: Okay.
 07:21PM **8** So, yeah, the house that's that was
 07:21PM **9** 25 feet, you're going to add 19 feet.
 07:21PM **10** THE WITNESS: Uh-huh.
 07:21PM **11** CHAIRMAN FERGUSON: Right?
 07:21PM **12** So that would be, what, 40 --
 07:21PM **13** THE WITNESS: 44, give or take.
 07:21PM **14** CHAIRMAN FERGUSON: Your front, you
 07:21PM **15** need 25 feet in the front.
 07:21PM **16** THE WITNESS: Well, the existing house
 07:22PM **17** right now is only 12.
 07:22PM **18** CHAIRMAN FERGUSON: Okay. So you don't
 07:22PM **19** have -- you don't have it in the front.
 07:22PM **20** THE WITNESS: No.
 07:22PM **21** CHAIRMAN FERGUSON: No. And then the
 07:22PM **22** 25 feet in the back you have?
 07:22PM **23** THE WITNESS: We have 31 feet right now
 07:22PM **24** to the -- from the rear property line to the
 07:22PM **25** addition, 31 feet.

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

07:22PM **1** CHAIRMAN FERGUSON: Okay.
 07:22PM **2** So when you're putting this parking in,
 07:22PM **3** right, you're going to use the front yard for
 07:22PM **4** parking.
 07:22PM **5** THE WITNESS: Yes.
 07:22PM **6** CHAIRMAN FERGUSON: Yes?
 07:22PM **7** THE WITNESS: The front is going to
 07:22PM **8** become all driveway.
 07:22PM **9** CHAIRMAN FERGUSON: The front is going
 07:22PM **10** to be all driveway?
 07:22PM **11** FEMALE AUDIENCE MEMBER: Thank you.
 07:22PM **12** CHAIRMAN FERGUSON: You're welcome
 07:22PM **13** Because you weren't here at the last
 07:22PM **14** meeting, but we had a previous application and --
 07:22PM **15** with the same type of proposal, and the board did not
 07:22PM **16** grant it, because the board feels that they want lawn
 07:22PM **17** in front of the house. They don't want to turn
 07:23PM **18** parking -- front lawns into parking lots.
 07:23PM **19** So unless there's a way to -- you know,
 07:23PM **20** are you going -- you're going to build a garage in
 07:23PM **21** the front?
 07:23PM **22** THE WITNESS: We're going to be parking
 07:23PM **23** underneath the existing house.
 07:23PM **24** MR. HUBSCHMAN: Garage underneath.
 07:23PM **25** THE WITNESS: We're going to be

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

07:23PM **1** excavating below the existing basement about 2 feet.
 07:23PM **2** MR. HUBSCHMAN: And we're prepared --
 07:23PM **3** THE WITNESS: We can get two cars in
 07:23PM **4** what was once the basement.
 07:23PM **5** CHAIRMAN FERGUSON: So you're telling
 07:23PM **6** me that you're going to have parking in the front
 07:23PM **7** where there's a little bit of grass now, intersecting
 07:23PM **8** this there, right?
 07:23PM **9** THE WITNESS: Not really, but, yeah, I
 07:23PM **10** understand --
 07:23PM **11** MR. HUBSCHMAN: There's a driveway in
 07:23PM **12** the front existing.
 07:23PM **13** CHAIRMAN FERGUSON: Yeah, from that
 07:23PM **14** garage that you were going to remove, correct?
 07:23PM **15** THE WITNESS: And in front of the
 07:23PM **16** house.
 07:23PM **17** MR. HUBSCHMAN: Also in front of the
 07:23PM **18** house there's a --
 07:23PM **19** THE WITNESS: It's a carport.
 07:23PM **20** It's a carport right now.
 07:23PM **21** MR. HUBSCHMAN: Odd looking space.
 07:23PM **22** THE WITNESS: Fit a small car. This is
 07:23PM **23** the existing house, here's a photo.
 07:24PM **24** MR. HUBSCHMAN: So we have parking here
 07:24PM **25** and then parking in front of the garage.

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

07:24PM 1 So we're just going to move this over
 07:24PM 2 and it will actually open up another spot once we
 07:24PM 3 move it over, but it's going to be two cars wide in
 07:24PM 4 front of the house leading to the garage.
 07:24PM 5 CHAIRMAN FERGUSON: But you don't have
 07:24PM 6 that now, right?
 07:24PM 7 MR. HUBSCHMAN: We do not have that
 07:24PM 8 now.
 07:24PM 9 CHAIRMAN FERGUSON: So right now how
 07:24PM 10 many -- yes, dear?
 07:24PM 11 MS. PEDULLA: If you park a car right
 07:24PM 12 now in front of the garage, you block the sidewalk.
 07:24PM 13 MR. HUBSCHMAN: We're going to correct
 07:24PM 14 that.
 07:24PM 15 CHAIRMAN FERGUSON: We're going to
 07:24PM 16 correct it.
 07:24PM 17 Wait, let me finish and then you can --
 07:24PM 18 I'll be glad to kick it over to you.
 07:24PM 19 So right now you have a garage. In the
 07:24PM 20 garage that's a driveway that leads out, correct?
 07:24PM 21 THE WITNESS: That's correct.
 07:24PM 22 CHAIRMAN FERGUSON: Right.
 07:24PM 23 THE WITNESS: Yes, sir.
 07:24PM 24 CHAIRMAN FERGUSON: Okay. This picture
 07:24PM 25 that you're showing now is a picture of the current

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

07:24PM 1 house.
 07:24PM 2 THE WITNESS: Yes.
 07:24PM 3 CHAIRMAN FERGUSON: Okay. So right now
 07:24PM 4 you have no grass area between the house and the
 07:25PM 5 curb?
 07:25PM 6 MR. HUBSCHMAN: I can't say that. I
 07:25PM 7 don't know.
 07:25PM 8 THE WITNESS: I don't believe there is.
 07:25PM 9 MS. PEDULLA: There's stones.
 07:25PM 10 CHAIRMAN FERGUSON: Just stones, right.
 07:25PM 11 THE WITNESS: Pavers. Pavers?
 07:25PM 12 MS. PEDULLA: No, just stones.
 07:25PM 13 CHAIRMAN FERGUSON: Just stones.
 07:25PM 14 Yes, dear, you want to give your name
 15 and address.
 16 MS. GARCIA: Yes.
 17 Anieska Garcia, 252 3rd Street.
 18 THE COURT REPORTER: Please spell your
 19 first name.
 20 MS. GARCIA: Sure.
 21 A-N-I-E-S-K-A.
 22 THE COURT REPORTER: Thank you.
 23 MS. GARCIA: You're welcome.
 24 I just want to echo the sediments of my
 25 neighbors. It is a very congested street, very

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

1 congested. We're competing with the apartment
 2 building that has already been referenced. There's
 3 creative license been used describing the front of
 4 that property as having a front lawn.
 07:25PM 5 It's a very narrow strip of terribly
 07:25PM 6 maintained grass. To describe that as a front lawn
 07:25PM 7 is a quite creative use of the term and the residents
 07:25PM 8 of that street already have to burden our police
 07:25PM 9 department calling constantly with our driveways
 07:25PM 10 being blocked.
 07:25PM 11 They are very narrow driveways to begin
 07:25PM 12 with, because it's a congested area. It's like a
 07:26PM 13 very congested street between Central and Brinkerhoff
 07:26PM 14 and to just overburden the existing residents, I
 07:26PM 15 would really urge the board to reconsider.
 07:26PM 16 CHAIRMAN FERGUSON: Now, one other
 07:26PM 17 question as long as you're here, the height of the
 07:26PM 18 building.
 07:26PM 19 Are you adding anything to the existing
 07:26PM 20 building at all other than out?
 07:26PM 21 I'm talking about up now.
 07:26PM 22 THE WITNESS: Yeah, we are going --
 07:26PM 23 we're going -- the second floor is coming forward to
 07:26PM 24 meet the original front of the house.

07:26PM 25 MR. HUBSCHMAN: The addition will be no
LAURA A. CARUCCI, C.S.R., R.P.R., L.L.C.
201-641-1812

07:26PM 1 higher than the existing height.
 07:26PM 2 CHAIRMAN FERGUSON: The addition will
 07:26PM 3 be no --
 07:26PM 4 MR. HUBSCHMAN: No higher than the
 07:26PM 5 existing height. It's 24.83 now. It will not be
 07:26PM 6 higher than 24.83.
 07:26PM 7 CHAIRMAN FERGUSON: Okay.
 07:26PM 8 BY MR. HUBSCHMAN:
 07:26PM 9 Q. Now, I've spoken to Hal about the
 07:26PM 10 parking and the garage and Mr. -- a little letter
 07:26PM 11 from your traffic -- from Hal Simoff.
 07:26PM 12 We're prepared to push the garage into
 07:26PM 13 the house, because it's basically just basement now,
 07:26PM 14 to allow for a deep enough garage and push it even
 07:27PM 15 further to allow so that we will not be blocking the
 07:27PM 16 sidewalk if anybody is parked in front of the garage.
 07:27PM 17 So we're willing to accept that as a
 07:27PM 18 condition.
 07:27PM 19 So we will have two spaces inside the
 07:27PM 20 garage with at least 18 feet and we'll have at least
 07:27PM 21 18 feet more behind that once the garage door is shut
 07:27PM 22 and we will not block the sidewalk.
 07:27PM 23 So we're prepared to lose whatever
 07:27PM 24 basement space that we take up by moving in, which
 07:27PM 25 will probably be somewhere in the area of 8 or

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

07:27PM 1 10 feet, right?

07:27PM 2 A. We'll be projecting into the house

07:27PM 3 another 4 feet.

07:27PM 4 Q. Four feet?

07:27PM 5 A. Which would allow 18 feet from this

07:27PM 6 garage door to --

07:27PM 7 Q. Plus we have to get the --

07:27PM 8 A. -- to the property line.

07:27PM 9 Q. Plus we have to get the cars off the

07:27PM 10 sidewalk, so that will have to come in even further.

07:27PM 11 Both of which we discussed with the

07:27PM 12 applicant and he's willing to consider that.

07:27PM 13 The proposed basement, as we come

07:27PM 14 through, this is just basement space.

07:27PM 15 It's not something that we intended to

07:27PM 16 use for anything other than storage. We're prepared

07:27PM 17 to move the garage in.

07:27PM 18 It's unfortunate this is a -- you know,

07:27PM 19 an undersized lot, because it's only 37-feet wide.

07:27PM 20 CHAIRMAN FERGUSON: Right.

07:28PM 21 MR. HUBSCHMAN: So we have a lot of

07:28PM 22 restrictions.

07:28PM 23 It is, you know, in need of repair.

07:28PM 24 CHAIRMAN FERGUSON: All right. Well,

07:28PM 25 it definitely needs repair, there's no doubt about

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

07:29PM 1 Steve, what do you -- do you think that's doable or

07:29PM 2 --

07:29PM 3 MR. COLLAZUOL: It's going to be quite

07:29PM 4 a bit of work. I won't speak --

07:29PM 5 (Inaudible Audience Discussion.)

07:29PM 6 THE COURT REPORTER: I'm sorry, I can't

07:29PM 7 hear.

07:29PM 8 CHAIRMAN FERGUSON: Listen, listen,

07:29PM 9 look at me. I know I'm handsome.

07:29PM 10 MR. COLLAZUOL: If you're asking me can

07:29PM 11 they adjust the plan so that they can get the proper

07:29PM 12 depth in the garage for the two cars, yes, it's all

07:29PM 13 construction.

07:29PM 14 There is what appears to be a beam and

07:29PM 15 two lally columns right now on the existing plan.

07:29PM 16 They're going to have to do some

07:29PM 17 structural work inside the house to provide for the

07:29PM 18 proper length for the two cars in the garage and for

07:29PM 19 the two cars out in front of the house to get it to

07:29PM 20 get the cars so they're not in the right of way.

07:29PM 21 MR. HUBSCHMAN: Well, they're not

07:29PM 22 blocking the sidewalk.

07:29PM 23 MR. COLLAZUOL: No, it's beyond the

07:29PM 24 sidewalk. It's 10 feet from the curb. So it would

07:29PM 25 be an additional 3 feet.

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

07:28PM 1 that.

07:28PM 2 But I'll tell you the truth, I would --

07:28PM 3 I know the residents in the area are here.

07:28PM 4 They don't seem to be in favor of it

07:28PM 5 and sometimes the board listens carefully to what

07:28PM 6 areas on the block have to say. So --

07:28PM 7 MS. PEDULLA: I have another question.

07:28PM 8 CHAIRMAN FERGUSON: No, that's a

07:28PM 9 comment.

07:28PM 10 Go ahead.

07:28PM 11 MS. PEDULLA: Are they going to extend

07:28PM 12 the basement as well?

07:28PM 13 MR. HUBSCHMAN: No, it's going to be

07:28PM 14 within the existing proposed --

07:28PM 15 MS. PEDULLA: Because right now it's

07:28PM 16 rented out.

07:28PM 17 THE WITNESS: The basement is going to

07:28PM 18 be the garage.

07:28PM 19 MS. PEDULLA: Okay.

07:28PM 20 So you're not going to dig and make

07:28PM 21 another basement underneath the new --

07:28PM 22 THE WITNESS: No.

07:28PM 23 We're going to dig it deep enough to

07:28PM 24 get the headroom for the garage door.

07:28PM 25 CHAIRMAN FERGUSON: I'll tell you,

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

07:29PM 1 So if they are willing to accommodate

07:30PM 2 that, all vehicles would be off the road and 18 feet

07:30PM 3 in length, but like your point, Joe, and the other is

07:30PM 4 that on the right on the site plan they show this

07:30PM 5 section of the driveway to be removed and it appears

07:30PM 6 that they're going to put grass there and they're

07:30PM 7 showing some plantings on the left and there's only

07:30PM 8 one entrance to the house and that's on the left-hand

07:30PM 9 side.

07:30PM 10 So that's the answer I think to your

07:30PM 11 question.

07:30PM 12 CHAIRMAN FERGUSON: So there's only one

07:30PM 13 entrance to the house, is that --

07:30PM 14 MR. COLLAZUOL: It looks like on the

07:30PM 15 left-hand side.

07:30PM 16 THE WITNESS: One stairway and when you

07:30PM 17 get to the top, two separate doors. Once you get to

07:30PM 18 one door, there will be a second door. It's a foyer.

07:30PM 19 You're entering a foyer, a common area.

07:30PM 20 CHAIRMAN FERGUSON: Yes, name and

07:30PM 21 address.

07:30PM 22 MR. LONGO: Peter Longo, 60 East

07:30PM 23 Central Boulevard.

07:30PM 24 I live around the block and I'm quite

07:30PM 25 familiar with this house, because a family member

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

07:30PM 1 lived there in the '60s and '70s.
 07:30PM 2 So I know the size of the house, I know
 07:31PM 3 -- when I heard -- at first I heard it was a
 07:31PM 4 three-family, it's a two-family, but I'm really
 07:31PM 5 concerned, okay, for two reasons.
 07:31PM 6 The parking is horrendous and I don't
 07:31PM 7 care, you know, what they say about they can have two
 07:31PM 8 -- they'll have four cars parking on the property.
 07:31PM 9 You're going to have a three-bedroom house. Probably
 07:31PM 10 you're going to have -- like if you go by most
 07:31PM 11 people, the husband and wife has a car, if there are
 07:31PM 12 kids, which there probably will be, they'll have a
 07:31PM 13 car.
 07:31PM 14 So it's going to go beyond the four
 07:31PM 15 cars and that believe it or not impacts on me,
 07:31PM 16 because I live around the block. I've been having a
 07:31PM 17 problem. There are three commercial vehicles that
 07:31PM 18 park on our block all the way around the block and
 07:31PM 19 they block my driveway -- they don't block my
 07:31PM 20 driveway, they block the view as I'm trying to get
 07:31PM 21 out. And it's going to be worse.
 07:31PM 22 I live on a -- I have 100-by-100 for
 07:32PM 23 those who don't know. I can fit three cars -- no two
 07:32PM 24 cars in the front, four cars on the side street and I
 07:32PM 25 still have a problem.

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

07:33PM 1 They also can't consider impact on the
 07:33PM 2 sewer systems, right? That's -- the board can't
 07:33PM 3 consider that.
 07:33PM 4 I don't think it's right, but that's
 07:33PM 5 the law.
 07:33PM 6 MR. LONGO: Well, I'm just saying how I
 07:33PM 7 feel.
 07:33PM 8 CHAIRMAN FERGUSON: Yeah, yeah, yeah,
 07:33PM 9 but still --
 07:33PM 10 MR. LONGO: And as I said, I felt that
 07:33PM 11 way with the multi-dwelling that shouldn't have been
 07:33PM 12 put up on Central and Bergen Boulevard and it's going
 07:33PM 13 to cause a problem.
 07:33PM 14 Our schools are already crowded. I
 07:33PM 15 mean, that we have a preschool that two classes have
 07:33PM 16 to go to Lindbergh, two have to be rented from a
 07:33PM 17 private preschool.
 07:33PM 18 We don't have room in this town.
 07:33PM 19 CHAIRMAN FERGUSON: I understand, but
 07:33PM 20 you're not supposed to bring it up.
 07:33PM 21 MR. LONGO: Well, I am.
 07:33PM 22 CHAIRMAN FERGUSON: You can, but I'm
 07:33PM 23 telling you, you're not supposed to. You don't take
 07:33PM 24 a hint.
 07:33PM 25 MR. LONGO: I'm a resident.

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

07:32PM 1 I don't have a problem personally,
 07:32PM 2 because I have a two-car garage. There are only four
 07:32PM 3 people living in my house.
 07:32PM 4 So I can -- I don't need to go out in
 07:32PM 5 the street unless I have company, then I -- but the
 07:32PM 6 point is it does impact and it's unbelievable,
 07:32PM 7 because I walk there all the time and I see it and
 07:32PM 8 that concerns me.
 07:32PM 9 The other thing that concerns me is
 07:32PM 10 what's happening not only with this particular house,
 07:32PM 11 but it's happening all through Pal Park and I was on
 07:32PM 12 -- I was at a meeting during the pandemic with the
 07:32PM 13 house on Bergen Boulevard and on Central Boulevard
 07:32PM 14 and no one listened to me when I said what about the
 07:32PM 15 impact on the school. There will be kids going to
 07:32PM 16 the school.
 07:32PM 17 MR. HUBSCHMAN: Objection.
 07:32PM 18 CHAIRMAN FERGUSON: You can't -- the
 07:33PM 19 board can't entertain --
 07:33PM 20 MR. LONGO: The three bedrooms will
 07:33PM 21 have a kid.
 07:33PM 22 CHAIRMAN FERGUSON: Listen, I
 07:33PM 23 understand.
 07:33PM 24 I'm telling you though that the board
 07:33PM 25 can't consider that, right? That's number one.

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

07:33PM 1 I don't know the rules, but I'm saying
 07:34PM 2 that it's getting ridiculous.
 07:34PM 3 CHAIRMAN FERGUSON: Okay.
 07:34PM 4 MR. LONGO: We have to put an end to
 07:34PM 5 this overdevelopment.
 07:34PM 6 CHAIRMAN FERGUSON: Right.
 07:34PM 7 MR. LONGO: That's my point.
 07:34PM 8 CHAIRMAN FERGUSON: There's no problem.
 07:34PM 9 Any other person have any questions?
 07:34PM 10 (No Response.)
 07:34PM 11 CHAIRMAN FERGUSON: Well, I'm going to
 07:34PM 12 make a motion to deny it, because I feel like there
 07:34PM 13 seems to be a lot of opposition from the residents.
 07:34PM 14 And I'm just going to make a motion to deny the
 07:34PM 15 application.
 07:34PM 16 Can I get a second?
 07:34PM 17 MR. GRALA: I'll second.
 07:34PM 18 CHAIRMAN FERGUSON: Roll call vote?
 07:02PM 19 MS. IGUINA: Mr. Ferguson?
 07:02PM 20 CHAIRMAN FERGUSON: Yes, for denial.
 07:02PM 21 MS. IGUINA: Mr. Brogna?
 07:02PM 22 MR. BROGNA: Yes, for denial.
 07:03PM 23 MS. IGUINA: Mr. Elefteriou?
 07:03PM 24 MR. ELEFTERIOU: Yes, for denial.
 07:03PM 25 MS. IGUINA: Mr. Grala?

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

07:03PM **1** MR. GRALA: Yes, for denial.
 07:03PM **2** MS. IGUINA: Mr. Terranova?
 07:03PM **3** MR. TERRANOVA: Yes, for denial.
 07:03PM **4** MS. IGUINA: Mr. Chung?
 07:34PM **5** Mr. Chung: Yes, for denial.
 07:34PM **6** CHAIRMAN FERGUSON: Okay.
 07:34PM **7** The vote was 6/0 in favor of denial.
 07:34PM **8** MR. HUBSCHMAN: Thank you,
 07:34PM **9** Mr. Chairman, Members of the Board.
 07:34PM **10** CHAIRMAN FERGUSON: Okay.
 07:34PM **11** No problem.
 07:34PM **12** MS. PEDULLA: Can I say something?
 07:34PM **13** CHAIRMAN FERGUSON: Yes, you can.
 07:35PM **14** MS. PEDULLA: With all these buildings
 07:35PM **15** that are going up higher and higher, a friend of mine
 07:35PM **16** had one of those houses built next door.
 07:35PM **17** Before she would go into the bedroom
 07:35PM **18** and she didn't need a light during the day. Now she
 07:35PM **19** needs a light, because with the these houses so high,
 07:35PM **20** you're taking away people's sunlight and air.
 07:35PM **21** CHAIRMAN FERGUSON: Right, I
 07:35PM **22** understand.
 07:35PM **23** MS. PEDULLA: And it's major. We've
 07:35PM **24** been here for 50 years.
 07:35PM **25** CHAIRMAN FERGUSON: How many years?

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

201-641-1812

07:35PM **1** MS. PEDULLA: Fifty years we've been
 07:35PM **2** here.
 07:35PM **3** CHAIRMAN FERGUSON: I've been here 54.
 07:35PM **4** MS. PEDULLA: I believe it. I know
 07:35PM **5** you.
 07:35PM **6** CHAIRMAN FERGUSON: Okay.
 07:35PM **7** What's the next one?
 07:35PM **8** MS. PEDULLA: Thank you for listening.
 07:35PM **9** CHAIRMAN FERGUSON: The next case is
 07:37PM **10** PBS Developers Corp, 521 Orchard Avenue.
 07:37PM **11** Are you going to represent him, my
 07:37PM **12** friend?
 07:37PM **13** MR. MACRI: I am.
 07:37PM **14** MS. DECARLO: Let the record reflect
 07:37PM **15** that Board Member Mr. Elefteriou, a member of the PBS
 07:37PM **16** Developers, has recused himself and stepped down from
 07:37PM **17** the dais.
 07:37PM **18** CHAIRMAN FERGUSON: Okay.
 07:37PM **19** MR. MACRI: Good evening, Mr. Chairman,
 07:37PM **20** Members of the Board.
 07:37PM **21** For the record, my name is Marc Macri.
 07:37PM **22** I represent PBS Developers Corp., who are the owners
 07:37PM **23** of property located at 521 Orchard Avenue here in the
 07:37PM **24** borough.
 07:37PM **25** We're here this evening seeking the

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

201-641-1812

1 board's approval to allow us to construct a
2 two-family dwelling on the property.
 07:37PM **3** I have with me this evening two
 07:37PM **4** witnesses. We are have Mr. Joseph Donato, our
 07:37PM **5** architect, and Mr. David Spatz, our professional
 07:37PM **6** planner.
 07:37PM **7** If you allow, I'll have our first
 07:37PM **8** witness, Mr. Donato, sworn in.
 07:37PM **9** MS. DECARLO: The proof of mailing and
 07:37PM **10** proof of publication supplied by the applicant's
 07:37PM **11** attorney has been reviewed and is acceptable.
 07:37PM **12** The board has jurisdiction to hear the
 07:37PM **13** application.
 07:38PM **14** MR. MACRI: Thank you.
 07:38PM **15** MS. DECARLO: Do you swear or affirm
 07:38PM **16** that the testimony you'll be giving with regard to
 07:38PM **17** this application this evening is the truth, the whole
 07:38PM **18** truth, and nothing but the truth?
 07:38PM **19** MR. DONATO: I do.
 07:38PM **20** J O S E P H D O N A T O , R A
 07:38PM **21** 14 Route 4 West, River Edge, New Jersey, having
 07:38PM **22** been duly sworn, testifies as follows:
 07:38PM **23** MS. DECARLO: And please state your
 07:38PM **24** name, spelling it and your address for the record.
 07:38PM **25** MR. DONATO: Sure.

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

201-641-1812

07:38PM **1** It's Joseph Donato, D-O-N-A-T-O,
 07:38PM **2** located at 14 Route 4 West, River Edge, New Jersey.
 07:38PM **3** MS. DECARLO: Thank you.
 07:38PM **4** MR. MACRI: Mr. Chairman, you will
 07:38PM **5** accept him as a professional -- as an expert, excuse
 07:38PM **6** me.
 07:38PM **7** CHAIRMAN FERGUSON: Yes, absolutely,
 07:38PM **8** he's been here many times.
 07:38PM **9** MR. DONATO: Almost over 20 years I've
 07:38PM **10** been coming here.
 07:38PM **11** Thank you.
 07:38PM **12** CHAIRMAN FERGUSON: Okay.
 07:38PM **13** DIRECT EXAMINATION
 07:38PM **14** BY MR. MACRI:
 07:38PM **15** Q. Give the board the dimensions of the
 07:38PM **16** current property and then our proposal.
 07:38PM **17** A. Sure.
 07:38PM **18** So the plans I have on the easel are
 07:38PM **19** the plans that were submitted to the board for
 07:38PM **20** tonight's meeting and Sheet A-1 is the -- I show the
 07:38PM **21** existing conditions of the survey all the way to the
 07:38PM **22** upper right-hand corner.
 07:38PM **23** The existing lot is 70-foot wide,
 07:38PM **24** 100-foot deep. There's a two-story structure
 07:38PM **25** nonconforming to the side yard, which is 5.4 feet and

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

201-641-1812

07:39PM **1** it's also 17 feet from the front of the house to the
 07:39PM **2** property, also nonconforming.
 07:39PM **3** The property slopes in different
 07:39PM **4** directions. As I'm facing the property on Orchard
 07:39PM **5** from the -- from left to right it raises up 2 feet
 07:39PM **6** and from front to back it goes down 5 feet and those
 07:39PM **7** are the existing conditions of the property and, of
 07:39PM **8** course, with this application we're looking to remove
 07:39PM **9** the nonconforming structure.

07:39PM **10** Q. Okay. Thank you.
 07:39PM **11** Please describe our proposed project?

07:39PM **12** A. Sure.
 07:39PM **13** So with this application we're
 07:39PM **14** proposing to design a two -- a three-story duplex
 07:39PM **15** side-by-side two-family.
 07:40PM **16** So we'll be -- the proposed setbacks
 07:40PM **17** will be 25 feet from the front where currently the
 07:40PM **18** building is 17.3.

07:40PM **19** We're proposing to be 6 feet on each
 07:40PM **20** side of the structure where currently the existing is
 07:40PM **21** 5.4, we're proposing 6.

07:40PM **22** The opposite side is an open space at
 07:40PM **23** 32 feet, but we're proposing 6, which is typical for
 07:40PM **24** a duplex, but the side yards are a variance that
 07:40PM **25** we're going to request for tonight, but I'll go

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

07:41PM **1** typical when you're driving down the streets in the
 07:41PM **2** town.

07:41PM **3** On the ground floor, which is basement
 07:41PM **4** level, we'll have a two-car garage per side. So we
 07:41PM **5** have two interior, two exterior parking per unit.
 07:42PM **6** We'll have a boiler room, a set of stairs that go up
 07:42PM **7** to the top floor. We have a half bath, an office and
 07:42PM **8** an open area for the owner of that unit.

07:42PM **9** The set of stairs then go to the top to
 07:42PM **10** the second floor. The second floor will have a
 07:42PM **11** living room, dining room, a kitchen, a half bath.

07:42PM **12** Again, which is typical for a duplex.
 07:42PM **13** Both set of stairs then go to the third floor.

07:42PM **14** The third floor will have three
 07:42PM **15** bedrooms, three baths and a laundry room.
 07:42PM **16** Again, typical of a duplex.

07:42PM **17** I'll just touch on the variances that
 07:42PM **18** we're asking for tonight. So the requirements for a
 07:42PM **19** two-family structure in this zone, which is the
 07:42PM **20** AA Zone of 50 -- 5,000-square-foot lot is required
 07:42PM **21** and 50-by-100 is required as far as width and depth.
 07:42PM **22** We have 7,000 square feet. It's 70-foot wide. We
 07:43PM **23** meet that criteria as far as width and it's 100-foot
 07:43PM **24** deep. So we meet the width, the depth and the lot
 07:43PM **25** area.

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

07:40PM **1** through those.

07:40PM **2** And then we'll have a 25-foot rear
 07:40PM **3** yard, which is an item that meets the criteria for
 07:40PM **4** the setback.

07:40PM **5** Our proposal, because of the grading,
 07:40PM **6** we're trying to eliminate retaining walls and kind of
 07:40PM **7** leave the property just the natural feel and but,
 07:40PM **8** however, because it goes down 5 feet from front to
 07:41PM **9** back and 2 feet side to side, even if we brought this
 07:41PM **10** building down, we would be here for a height
 07:41PM **11** variance.

07:41PM **12** So we're looking to leave the property
 07:41PM **13** natural, no retaining walls, leave the grading so it
 07:41PM **14** has no effect to the neighbors and that's the driving
 07:41PM **15** force to our height variance and I'll go through the
 07:41PM **16** numbers.

07:41PM **17** I'll go through Sheet -- Sheet A-2 is
 07:41PM **18** just the soil erosion plan that's part of this
 07:41PM **19** application.

07:41PM **20** If it gets approved, we have to apply
 07:41PM **21** to the Bergen County Soil Conservation.

07:41PM **22** So Sheet A-3 is our floor plans. So,
 07:41PM **23** again, it's a duplex.

07:41PM **24** The duplex will be 58-foot wide by
 07:41PM **25** 50-foot deep. It's a side-by-side duplex, which is

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

07:43PM **1** Front yard requirement is 25 feet. We
 07:43PM **2** do meet that. Again, the existing structure is 17.3.

07:43PM **3** So by proposing this structure,
 07:43PM **4** 25 feet, it's gives more air and light to the front
 07:43PM **5** of the Orchard Avenue streetscape.

07:43PM **6** Side yards, so when you have a lot
 07:43PM **7** that's larger than 50 feet, the side yards get larger
 07:43PM **8** and they get larger by -- so what happens is anything
 07:43PM **9** over 50 feet, which in this case is 20 feet, that
 07:43PM **10** gets divided into three and that means each side yard
 07:43PM **11** should be 12.66 and we're proposing 6, because that's
 07:43PM **12** a -- typically, when you're driving down the street,
 07:43PM **13** even in this case, you see a lot of duplexes that are
 07:44PM **14** 6 feet from the property.

07:44PM **15** So we're just trying to follow the
 07:44PM **16** streetscape of the side yard setbacks. So those --
 07:44PM **17** the first variance that we're requesting tonight is
 07:44PM **18** the side yard for the left side and the right side.

07:44PM **19** The rear yard requirement in the zone
 07:44PM **20** is 25 feet. We do meet that rear yard setback. And
 07:44PM **21** then the second variance that we're asking for
 07:44PM **22** tonight is the height. We're permitted to be
 07:44PM **23** two-and-a-half stories, 28 feet.

07:44PM **24** What we're asking for is this to become
 07:44PM **25** a three-story, because, again, three stories,

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

07:44PM 1 **33.59 feet and the reason is we don't want to sink**
 07:44PM 2 **it.**
 07:44PM 3 **Even if we did sink it to meet the**
 07:44PM 4 **height, it would -- we wouldn't meet the height,**
 07:44PM 5 **because the grading just drops off 5 feet towards the**
 07:44PM 6 **back.**
 07:44PM 7 **So rather than building -- artificially**
 07:44PM 8 **building up the property with retaining walls and**
 07:44PM 9 **affecting the neighbors, we kind of wanted to leave**
 07:45PM 10 **it natural.**
 07:45PM 11 **So that's where our second variance**
 07:45PM 12 **comes into play, which is the height.**
 07:45PM 13 **And then we're also asking for a**
 07:45PM 14 **building coverage where 40 percent is required with**
 07:45PM 15 **the proposed duplex that we're asking for, we do meet**
 07:45PM 16 **the front yard and side -- rear yard. We're asking**
 07:45PM 17 **for a coverage of 41.43.**
 07:45PM 18 **So 1.43 percent over the 40 feet.**
 07:45PM 19 **And then the last item is the parking**
 07:45PM 20 **where four cars per stall are required per side, two**
 07:45PM 21 **inside, two outside.**
 07:45PM 22 **We are -- we do have the total of**
 07:45PM 23 **8 feet that is required. So, basically, we're asking**
 07:45PM 24 **for a side yard variance, a height and the building**
 07:45PM 25 **coverage for the proposed duplex.**

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

201-641-1812

07:45PM 1 CHAIRMAN FERGUSON: Does that complete
 07:45PM 2 -- now, are you going to go through the actual --
 07:45PM 3 what's on every floor or is that somebody else?
 07:46PM 4 THE WITNESS: I believe I did.
 07:46PM 5 I touched on every -- the basement,
 07:46PM 6 first floor and second floor, but I can go through
 07:46PM 7 it.
 07:46PM 8 So Sheet A-3 are the floor plans.
 07:46PM 9 So I have the first floor, which is the
 07:46PM 10 lower level. I have per unit. I'm going to explain
 07:46PM 11 per side. I have a two-car garage, inside a set of
 07:46PM 12 stairs that go up to the second floor. I have a half
 07:46PM 13 bath, toilet and sink. I have a boiler room, an
 07:46PM 14 office and an open area. That's the first floor.
 07:46PM 15 The second floor, which is the living
 07:46PM 16 area, the set of stairs from the garage area come up
 07:46PM 17 to the second floor.
 07:46PM 18 I have a living room, dining room,
 07:46PM 19 kitchen and a half bath. And then those stairs that
 07:46PM 20 come from the basement to the second floor now go to
 07:46PM 21 the third floor.
 07:46PM 22 I have three bedrooms proposed and
 07:46PM 23 three bathrooms and a laundry room. So that's per
 07:46PM 24 side.
 07:46PM 25 CHAIRMAN FERGUSON: Per side?

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

201-641-1812

07:47PM 1 THE WITNESS: Yes.
 07:47PM 2 CHAIRMAN FERGUSON: So is there
 07:47PM 3 anything we can do -- I understand that the front, it
 07:47PM 4 slopes down, I get that, but is there anything we can
 07:47PM 5 do with the height though? I mean --
 07:47PM 6 THE WITNESS: So right now from the
 07:47PM 7 curb to the garage I have about an 7-, 8-inch pitch
 07:47PM 8 up.
 07:47PM 9 CHAIRMAN FERGUSON: Right, okay.
 07:47PM 10 Say no more. I get it.
 07:47PM 11 THE WITNESS: And trying to leave it
 07:47PM 12 natural so no water problems.
 07:47PM 13 CHAIRMAN FERGUSON: If you drop it,
 07:47PM 14 then it would be going back into the house.
 07:47PM 15 THE WITNESS: Correct.
 07:47PM 16 CHAIRMAN FERGUSON: Steve, do you have
 07:47PM 17 anything?
 07:47PM 18 MR. COLLAZUOL: Yes.
 07:47PM 19 We did a report dated September 10th.
 07:47PM 20 The only comments that are pertinent really are the
 07:47PM 21 stormwater management, it looks like it's
 07:47PM 22 preliminary, that's partial and it needs to be
 07:47PM 23 completed prior -- if the board were to approve this,
 07:47PM 24 prior to the issuance of a building permit for the
 07:48PM 25 details that are needed for the stormwater management

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

201-641-1812

07:48PM 1 system.
 07:48PM 2 THE WITNESS: If approved, yeah.
 07:48PM 3 Right now we're proposing there's two
 07:48PM 4 seepage pits, but we can provide any -- if approved,
 07:48PM 5 any comments that Mr. Collazuol would want.
 07:48PM 6 CHAIRMAN FERGUSON: That's it, Steve?
 07:48PM 7 MR. COLLAZUOL: Yes.
 07:48PM 8 CHAIRMAN FERGUSON: Any boards have
 07:48PM 9 anything at all?
 07:48PM 10 (No Response.)
 07:48PM 11 CHAIRMAN FERGUSON: Okay. Do you want
 07:48PM 12 to put your next witness on?
 07:48PM 13 MR. MACRI: Yes.
 07:48PM 14 MS. CONCEPCION: Our questions?
 07:48PM 15 CHAIRMAN FERGUSON: I'm sorry, you're
 07:48PM 16 right.
 07:48PM 17 Your name and address there.
 07:48PM 18 MS. CONCEPCION: My name is Linda
 07:48PM 19 Concepcion.
 07:48PM 20 And I live next door to the property at
 07:48PM 21 527 Orchard Avenue. And we have a retaining wall
 07:48PM 22 that I want to, you know, do reenforce it by going to
 07:48PM 23 the exact boundary line.
 07:48PM 24 CHAIRMAN FERGUSON: What is it now?
 07:48PM 25 I'm sorry.

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

201-641-1812

1 MS. CONCEPCION: I live at 527 Orchard.
 2 CHAIRMAN FERGUSON: I got that.
 3 What --
 4 MS. CONCEPCION: Right next to the
 5 property.
 6 CHAIRMAN FERGUSON: Good.
 7 Now, what you looking for?
 8 MS. CONCEPCION: I'm looking to get --
 07:48PM 9 you know, the boundary is actually I need some -- you
 07:48PM 10 know, I want to build the retaining more on the
 07:49PM 11 boundary line, because at the time they have a fence
 07:49PM 12 that we asked the owner that we were going to put a
 07:49PM 13 nice retaining wall.
 07:49PM 14 They did not cooperate.
 07:49PM 15 CHAIRMAN FERGUSON: He didn't
 07:49PM 16 cooperate.
 07:49PM 17 MS. CONCEPCION: Didn't cooperate, the
 07:49PM 18 old owner.
 07:49PM 19 MR. MACRI: The prior owner.
 07:49PM 20 THE WITNESS: I believe it's your
 07:49PM 21 retaining wall.
 07:49PM 22 MS. CONCEPCION: Huh.
 07:49PM 23 THE WITNESS: Is it your property? Is
 07:49PM 24 it your wall?
 07:49PM 25 MS. CONCEPCION: The retaining wall is

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

07:49PM 1 ours and we need to reinforce that.
 07:49PM 2 That's why I want to take the other
 07:49PM 3 part of my property to put a reenforcement.
 07:49PM 4 THE WITNESS: And that's why we weren't
 07:49PM 5 proposing any retaining walls, because we wanted to
 07:49PM 6 leave it natural, but it's her wall, her property.
 07:49PM 7 MS. CONCEPCION: Because it's like
 07:49PM 8 there is something wrong with the retaining wall. I
 07:49PM 9 want to have it fixed and I want to put everything
 07:49PM 10 straight.
 07:49PM 11 CHAIRMAN FERGUSON: Let me just
 07:49PM 12 understand.
 07:49PM 13 You have a retaining wall, right?
 07:49PM 14 MS. CONCEPCION: What?
 07:49PM 15 CHAIRMAN FERGUSON: You have a wall?
 07:49PM 16 MS. CONCEPCION: Yes.
 07:49PM 17 CHAIRMAN FERGUSON: It's your wall,
 07:49PM 18 right?
 07:49PM 19 MS. CONCEPCION: Yes.
 07:49PM 20 CHAIRMAN FERGUSON: Okay. Now, is
 07:49PM 21 there anything wrong with your wall? Does it need
 07:49PM 22 fixing or anything?
 07:50PM 23 MS. CONCEPCION: Okay. The retaining
 07:50PM 24 wall at the time we were building it, the old owner
 07:50PM 25 doesn't want us to -- you know, because they had a

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

07:50PM 1 fence that they don't want us to do anything on that
 07:50PM 2 side and we want to put a nice retaining wall. They
 07:50PM 3 never cooperated, the old owner.
 07:50PM 4 CHAIRMAN FERGUSON: So what -- what
 07:50PM 5 exactly are you looking for, another wall?
 07:50PM 6 MS. CONCEPCION: I want to put, you
 07:50PM 7 know, like a reinforcement or another retaining wall
 07:50PM 8 to the exact boundary line.
 07:50PM 9 THE WITNESS: Can I show you?
 07:50PM 10 CHAIRMAN FERGUSON: Yeah.
 07:50PM 11 MR. MACRI: Mr. Chairman?
 07:50PM 12 CHAIRMAN FERGUSON: So what you're
 07:50PM 13 doing is you want to put -- you want them to put a
 07:50PM 14 wall next to your wall?
 07:50PM 15 MS. CONCEPCION: Yes.
 07:50PM 16 CHAIRMAN FERGUSON: On their property?
 07:50PM 17 MS. CONCEPCION: Yes, because we had --
 07:50PM 18 you know, at the time there was an old fence that the
 07:51PM 19 old neighbor doesn't want to cooperate.
 07:51PM 20 So I told them we want to put a nice
 07:51PM 21 wall, but the old owner were not cooperating at all.
 07:51PM 22 He said -- he was screaming at us because we are
 07:51PM 23 Asian.
 07:51PM 24 MR. MACRI: Mr. Chairman?
 07:51PM 25 MS. CONCEPCION: So we cannot put

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

07:51PM 1 anything at the time.
 07:51PM 2 Now that they are going to build, we
 07:51PM 3 want to take our right property.
 07:51PM 4 MR. MACRI: We have no intention --
 07:51PM 5 CHAIRMAN FERGUSON: Go ahead.
 07:51PM 6 MR. MACRI: We have no intension of
 07:51PM 7 putting up a new wall, but she wants permission to
 07:51PM 8 come on our property to fix her wall.
 07:51PM 9 MS. CONCEPCION: Yeah, we want --
 07:51PM 10 CHAIRMAN FERGUSON: So are you looking
 07:51PM 11 for a whole new wall or are you looking for --
 07:51PM 12 MS. CONCEPCION: Yes.
 07:51PM 13 CHAIRMAN FERGUSON: Yes?
 07:51PM 14 MS. CONCEPCION: Yes.
 07:51PM 15 CHAIRMAN FERGUSON: So you're going to
 07:51PM 16 remove -- you want that wall removed.
 07:51PM 17 MS. CONCEPCION: No we have a retaining
 07:51PM 18 wall when we built the house. The house was built in
 07:52PM 19 2000 and, you know, since there is space that belongs
 07:52PM 20 to us, I want to put another wall to reenforce our
 07:52PM 21 retaining wall, because right now there's something
 07:52PM 22 wrong in the retaining wall.
 07:52PM 23 CHAIRMAN FERGUSON: So your retaining
 07:52PM 24 wall is tilting, is that it?
 07:52PM 25 MS. CONCEPCION: Yeah, we want to put a

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

07:52PM 1 complete retaining wall.
 07:52PM 2 So -- yes, I want to do that.
 07:52PM 3 MR. MACRI: Mr. Chairman, if she's
 07:52PM 4 looking for permission to go on our property to
 07:52PM 5 reinforce her retaining wall, we'll gladly give it to
 07:52PM 6 her.
 07:52PM 7 CHAIRMAN FERGUSON: Are you --
 07:52PM 8 MR. A. KANG: Correct me if I'm wrong,
 07:52PM 9 I think what she's saying --
 07:52PM 10 MS. DECARLO: Can you please state your
 07:52PM 11 name and address for the record, please?
 07:52PM 12 CHAIRMAN FERGUSON: Name and address.
 07:52PM 13 MR. A. KANG: 120 East Edsall Avenue in
 07:52PM 14 Palisades Park. Augustine Kang.
 07:52PM 15 MR. MACRI: What's your name?
 07:52PM 16 MR. A. KANG: Augustine Kang.
 07:52PM 17 MS. DECARLO: Thank you.
 07:52PM 18 MR. A. KANG: So correct me if I'm
 07:52PM 19 wrong, I think what she's saying is previously she
 07:52PM 20 built her retaining wall completely on her property,
 07:53PM 21 not on the property line, but on her property.
 07:53PM 22 She asked the previous owner to build
 07:53PM 23 on the property line, but they reused. That's why
 07:53PM 24 they built it all on theirs and now I think she's
 07:53PM 25 asking to build a new wall on the property line.
 LAURA A. CARUCCI, C.S.R., R.P.R., L.L.C.
 201-641-1812

07:54PM 1 MR. COLLAZUOL: Mr. Donato, how high is
 07:54PM 2 that wall?
 07:54PM 3 On the drawing I've got, pretty small,
 07:54PM 4 it looks like it's a 5-foot wall.
 07:54PM 5 THE WITNESS: As it goes back, it goes
 07:54PM 6 to 5 foot.
 07:54PM 7 MR. COLLAZUOL: So I don't know how you
 07:54PM 8 want to approach this, but I'm not clear on what this
 07:54PM 9 lady is asking for, but if she wants to do something
 07:54PM 10 on her property, that's her business.
 07:54PM 11 It's not the applicant's duty to build
 07:54PM 12 a wall on their property and that wall is clear of
 07:54PM 13 this property.
 07:54PM 14 So this applicant is not -- I guess, I
 07:54PM 15 would say, this applicant is not obligated to build
 07:54PM 16 another wall if he's not altering the grade.
 07:54PM 17 If he was changing the grade and
 07:54PM 18 lowering the grade, that would be a different story.
 07:55PM 19 MS. CONCEPCION: I want to put the
 07:55PM 20 wall, another wall on my exact property.
 07:55PM 21 MR. COLLAZUOL: Then may I say, then
 07:55PM 22 you need to take that wall down and build another
 07:55PM 23 wall on your property.
 07:55PM 24 MS. CONCEPCION: No, because at that
 07:55PM 25 time we wanted -- you know, the old owner, that we
 LAURA A. CARUCCI, C.S.R., R.P.R., L.L.C.
 201-641-1812

07:53PM 1 THE WITNESS: But does she want to
 07:53PM 2 build it.
 07:53PM 3 MS. CONCEPCION: Yeah, that's what I
 07:53PM 4 want.
 07:53PM 5 MALE AUDIENCE MEMBER: I think she
 07:53PM 6 wants you to do it.
 07:53PM 7 THE WITNESS: That's what I thought.
 07:53PM 8 MALE AUDIENCE MEMBER: Nice try.
 07:53PM 9 THE WITNESS: She wants us to build a
 07:53PM 10 wall.
 07:53PM 11 Just for, I guess, for the record, her
 07:53PM 12 -- she has about 7-and-a-half, 8 inches to build
 07:53PM 13 another wall.
 07:53PM 14 It's not on her property line. It's
 07:53PM 15 actually on her property.
 07:53PM 16 Her wall is off the property line by,
 07:53PM 17 according to the survey, about 8 inches.
 07:54PM 18 CHAIRMAN FERGUSON: So you're saying
 07:54PM 19 that the existing wall she built, right, is on whose
 07:54PM 20 property?
 07:54PM 21 THE WITNESS: Her property by 8 inches.
 07:54PM 22 CHAIRMAN FERGUSON: By 8 inches.
 07:54PM 23 THE WITNESS: Seven-and-a-half,
 07:54PM 24 8 inches.
 07:54PM 25 CHAIRMAN FERGUSON: Go ahead, Steve.
 LAURA A. CARUCCI, C.S.R., R.P.R., L.L.C.
 201-641-1812

07:55PM 1 would put a nice, you know, wall and --
 07:55PM 2 MR. COLLAZUOL: I don't think this
 3 applicant would be objecting to you building a new
 4 wall on your property at your expense.
 5 MR. MACRI: Is that what you want to
 6 do.
 7 (Inaudible Audience Discussion.)
 8 THE COURT REPORTER: I can't hear all
 9 this.
 10 MR. MACRI: So you just want our
 11 permission to come on our property to build your
 12 wall.
 13 (Inaudible Audience Discussion.)
 14 THE COURT REPORTER: I'm sorry, Miss,
 07:55PM 15 can you please come up, I can't hear this.
 07:55PM 16 CHAIRMAN FERGUSON: Listen.
 07:55PM 17 (Whereupon, Chairman strikes gavel.)
 07:55PM 18 CHAIRMAN FERGUSON: We got to make sure
 07:55PM 19 she's getting everything down.
 07:55PM 20 MR. MACRI: She wants permission to go
 07:55PM 21 on our property to build her wall and she may even
 07:55PM 22 hire my client to building the wall is what I'm
 07:55PM 23 understanding.
 07:56PM 24 MS. CONCEPCION: My retaining wall
 07:56PM 25 needs reinforcement and that's the reason why I want
 LAURA A. CARUCCI, C.S.R., R.P.R., L.L.C.
 201-641-1812

07:56PM 1 to put another wall to reinforce that retaining wall.
 07:56PM 2 CHAIRMAN FERGUSON: So your wall is
 07:56PM 3 falling, is that it?
 07:56PM 4 MS. CONCEPCION: No, there is -- it's
 07:56PM 5 like some regular.
 07:56PM 6 If I put another wall to the boundary
 07:56PM 7 line, that will help the retaining wall to get
 07:56PM 8 stronger.
 07:56PM 9 CHAIRMAN FERGUSON: Okay. Yes, my
 07:56PM 10 friend, your name?
 07:56PM 11 MR. HWANG: My name is Joshua Hwang.
 07:56PM 12 And I think what's the main issue of
 07:56PM 13 this nice lady over here is pretty much -- I thing
 07:56PM 14 what I'm understanding is they're having a dispute on
 07:56PM 15 a boundary of what the boundary wall is, because what
 07:56PM 16 it sounds like, she built her wall initially back in
 07:56PM 17 2000 on her property, but I think there was like some
 07:56PM 18 dispute that happened between the previous owner.
 07:56PM 19 Now she just needs to know what -- she
 07:56PM 20 wants to set up a new boundary wall, but like she
 07:56PM 21 doesn't really -- not sure about where is the
 07:56PM 22 property boundary line is.
 07:57PM 23 So I'm thinking that if you guys, the
 07:57PM 24 applicants establish a new boundary, that will be the
 07:57PM 25 new boundary.

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

07:58PM 1 THE WITNESS: She'd have to take that
 07:58PM 2 down one, because --
 07:58PM 3 CHAIRMAN FERGUSON: Oh, you have to
 07:58PM 4 take that one down.
 07:58PM 5 THE WITNESS: So here's the property
 07:58PM 6 line, here's the wall.
 07:58PM 7 It's about 7-and-a-half to 8 inches.
 07:58PM 8 You can't just build a wall, because then you'd be on
 07:58PM 9 -- she'd have to take this off and move it.
 07:58PM 10 MR. KAUKER: If the wall is going to be
 07:58PM 11 built on her property, it's really not a part of this
 07:58PM 12 application. The board shouldn't consider it.
 07:58PM 13 You can hear the application as is and
 07:58PM 14 they can discuss it afterwards, because if it's on
 07:58PM 15 her property, it's not a part of the application
 07:58PM 16 that's before the board, if I understand correctly
 07:58PM 17 what she's asking for.
 07:58PM 18 CHAIRMAN FERGUSON: Yeah, to tell you
 07:58PM 19 the truth I'm -- so you -- so you're willing
 07:58PM 20 obviously to go and stake out the -- you're not
 07:58PM 21 willing to put a second -- you're telling me you
 07:58PM 22 can't.
 07:58PM 23 THE WITNESS: We're not proposing any
 07:58PM 24 retaining walls, no.
 07:58PM 25 CHAIRMAN FERGUSON: No retaining walls,

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

07:57PM 1 That's what I'm understanding.
 07:57PM 2 MR. COLLAZUOL: May I?
 07:57PM 3 CHAIRMAN FERGUSON: Yes.
 07:57PM 4 MR. COLLAZUOL: I think if they want to
 07:57PM 5 have the property surveyed and staked out so they
 07:57PM 6 know where the property line is, that's their.
 07:57PM 7 They have that opportunity to do that.
 07:57PM 8 There's nothing I think here about somebody not
 07:57PM 9 knowing where the property line is, Joe, and the
 07:57PM 10 survey is very clear where the property line is, but
 07:57PM 11 it needs to be staked out so they can see where the
 07:57PM 12 property line -- if they want to move the wall to the
 07:57PM 13 property line, they can.
 07:57PM 14 CHAIRMAN FERGUSON: Yeah.
 07:57PM 15 So after all that, I'm trying to get --
 07:57PM 16 she has an existing wall, right?
 07:57PM 17 The wall at some point is a little --
 07:57PM 18 right? She now wants to put a second wall on --
 07:57PM 19 THE WITNESS: On the property line.
 07:57PM 20 CHAIRMAN FERGUSON: On the property
 07:57PM 21 line. No.
 07:57PM 22 MR. COLLAZUOL: You can't, because
 07:57PM 23 there's only 0.6 feet there.
 07:58PM 24 She can't build another wall in front
 07:58PM 25 of --

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

07:58PM 1 okay.
 07:59PM 2 Anybody else?
 07:59PM 3 (NO RESPONSE.) Yes?
 07:59PM 4 (No Response.)
 07:59PM 5 CHAIRMAN FERGUSON: Any board members?
 07:59PM 6 (No Response.)
 07:59PM 7 CHAIRMAN FERGUSON: Well, I'm sorry
 07:59PM 8 that we can't help you, but apparently the wall --
 07:59PM 9 yes.
 07:59PM 10 MS. CONCEPCION: Can I put the new
 07:59PM 11 retaining wall on mine, because like to reinforce?
 07:59PM 12 Because right now there's something wrong with the
 07:59PM 13 regular retaining wall.
 07:59PM 14 So if I put a complete wall to the
 07:59PM 15 exact boundary line, that will help the retaining
 07:59PM 16 wall, because our house is higher, much higher than
 07:59PM 17 the -- about maybe 4 feet higher than the next door
 07:59PM 18 that's going to be built.
 07:59PM 19 MR. COLLAZUOL: Ma'am, that would
 07:59PM 20 require a building permit that would have to go to
 07:59PM 21 the building department to get a permit.
 07:59PM 22 Most likely, you would have to remove
 07:59PM 23 the existing wall to build another wall to the
 08:00PM 24 property and that would be a set of plans to the
 08:00PM 25 building department as a repair and replacement.

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

08:00PM 1 CHAIRMAN FERGUSON: Right.
 08:00PM 2 MR. COLLAZUOL: And that's not part of
 08:00PM 3 this board's jurisdiction.
 08:00PM 4 CHAIRMAN FERGUSON: Right.
 08:00PM 5 Do you have anything to add?
 08:00PM 6 MR. MACRI: My client is going to speak
 08:00PM 7 the her after the meeting.
 8 CHAIRMAN FERGUSON: What is it?
 9 MR. MACRI: My client will speak to her
 10 after the meeting to see if we can help her a little
 11 bit.
 12 CHAIRMAN FERGUSON: Okay. All right.
 08:00PM 13 So the owner of the property, the one that's going to
 08:00PM 14 be built, he's going to talk to you after the meeting
 08:00PM 15 to see if there's anything he can do for you. All
 08:00PM 16 right.
 08:00PM 17 MS. CONCEPCION: Okay.
 08:00PM 18 CHAIRMAN FERGUSON: Maybe to fix the
 08:00PM 19 wall, maybe -- you know.
 08:00PM 20 Okay. Anybody else?
 08:00PM 21 (No Response.)
 08:00PM 22 CHAIRMAN FERGUSON: Any other comments
 08:00PM 23 at all?
 08:00PM 24 (No Response.)
 08:00PM 25 CHAIRMAN FERGUSON: Okay. Then --
LAURA A. CARUCCI, C.S.R., R.P.R., L.L.C.
201-641-1812

1 Exhibit A-1 for identification.)
 2 THE WITNESS: The top left-hand
 3 photograph is of the subject property.
 08:01PM 4 The top right-hand photograph is
 08:01PM 5 looking to the right of our site, a series of newer
 08:01PM 6 and older two-family homes.
 08:01PM 7 You can actually see in the photograph
 08:01PM 8 the retaining wall that we have been discussing.
 08:01PM 9 The bottom left-hand photograph is
 08:01PM 10 looking to the left of our property, that's a new
 08:01PM 11 two-family home.
 08:01PM 12 And then the bottom right is directly
 08:01PM 13 across the street, which is a single-family and an
 08:01PM 14 older two-family home.
 08:02PM 15 So the surrounding neighborhood is
 08:02PM 16 primarily developed with two-family homes. Many of
 08:02PM 17 them newer ones. We are in the AA Zone, which
 08:02PM 18 permits two families and as was described, the lot
 08:02PM 19 conforms to the lot area width and depth requirements
 08:02PM 20 of the zone.
 08:02PM 21 There is one D variances we're seeking
 08:02PM 22 and that is for maximum building height and then
 08:02PM 23 there are two C variances for side yards and maximum
 08:02PM 24 building coverage.
 08:02PM 25 So looking first at our D variances, I
LAURA A. CARUCCI, C.S.R., R.P.R., L.L.C.
201-641-1812

08:00PM 1 MR. MACRI: Mr. Chairman, our next
 08:00PM 2 witness will be Mr. David Spatz, professional
 08:00PM 3 planner.
 4 MS. DECARLO: Do you swear or affirm
 5 that the testimony you will provide with regard to
 6 this application is the truth, the whole truth and
 7 nothing but the truth?
 8 MR. SPATZ: Yes, I do.
 9 D A V I D S P A T Z, P P
 10 60 Friend Terrace, Harrington Park, New Jersey,
 11 having been duly sworn, testifies as follows:
 12 MS. DECARLO: Please state your name,
 13 spelling it and address for the record.
 14 MR. SPATZ: David Spatz, S-P-A-T-Z.
 15 My business address is 60 Friend
 16 Terrace in Harrington Park, New Jersey.
 08:01PM 17 MS. DECARLO: Thank you.
 08:01PM 18 CHAIRMAN FERGUSON: Okay. He's been
 08:01PM 19 here many times, probably more times than me.
 08:01PM 20 Take it away.
 08:01PM 21 MR. MACRI: So I just handed out a
 22 photo exhibit.
 23 Can we mark it A-1?
 24 CHAIRMAN FERGUSON: Sure.
 25 (Whereupon, Photo Exhibit is marked as
LAURA A. CARUCCI, C.S.R., R.P.R., L.L.C.
201-641-1812

08:02PM 1 think the site is particularly well-suited for what
 08:02PM 2 we're proposing.
 08:02PM 3 It's located in a zone that permits two
 08:02PM 4 families in a neighborhood that contains a number of
 08:02PM 5 two families including the adjacent properties on
 08:02PM 6 either side of us. It certainly fits in with that.
 08:02PM 7 In order to support the D variances, we
 08:02PM 8 looked at the Municipal Land Use Law and whether we
 08:02PM 9 meet the purposes of zoning and we meet a number of
 08:02PM 10 them.
 08:02PM 11 Purpose A, which is promoting public
 08:02PM 12 health, safety, morals and general welfare.
 08:02PM 13 Providing housing in a residential zone does that.
 08:03PM 14 Purpose G is provision in appropriate
 08:03PM 15 locations for a variety of uses.
 08:03PM 16 Again, we're in a zone that permits two
 08:03PM 17 families and that is what we are seeking. So we are
 08:03PM 18 consistent with the neighborhood.
 08:03PM 19 And then we also meet Purpose I, which
 08:03PM 20 is promoting a desirable, visual environment. The
 08:03PM 21 existing dwelling is in fair condition, but we're
 08:03PM 22 replacing it with a newer building that fits in with
 08:03PM 23 the neighborhood and that meets all building codes.
 08:03PM 24 In terms of the height, to support the
 08:03PM 25 height, we need to look at to whether it is
LAURA A. CARUCCI, C.S.R., R.P.R., L.L.C.
201-641-1812

08 03PM 1 consistent with the neighborhood and I believe it
 08 03PM 2 certainly is.
 08 03PM 3 The photographs demonstrate that the
 08 03PM 4 newer two-family homes on either side of us are of
 08 03PM 5 three stories in height as well, similar in height.
 08 03PM 6 Mr. Donato discussed the topographical issues with
 08 03PM 7 the property and that by reducing the height of
 08 03PM 8 building would have a negative effect on drainage on
 08 03PM 9 the site and so we think that the height is
 08 03PM 10 justified.
 08 03PM 11 Looking at the bulk variances, there
 08 04PM 12 are two of them. In the AA Zone, when you have a lot
 08 04PM 13 that is wider than 50 feet, that increases the
 08 04PM 14 required side yard.
 08 04PM 15 In this case each side yard would need
 08 04PM 16 to be a little over 12 feet based on the width of the
 08 04PM 17 property.
 08 04PM 18 But, again, as Mr. Donato described, we
 08 04PM 19 are at a 6-foot setback, which is typical for duplex
 08 04PM 20 apartments.
 08 04PM 21 As the photograph demonstrates
 08 04PM 22 certainly on the left-hand side of our property, the
 08 04PM 23 existing attached garage is actually closer to the
 08 04PM 24 side yard than what we're proposing.
 08 04PM 25 So we are improving the conditions on

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

08 05PM 1 parking is provided on the site and that reduces the
 08 05PM 2 impacts on the neighborhood as well.
 08 05PM 3 So on balance, the positive criteria is
 08 05PM 4 met and I think it far outweighs what might be
 08 05PM 5 considered negative and I believe it would be
 08 05PM 6 appropriate to grant the variances.
 08 05PM 7 MR. MACRI: Thank you, Dave.
 08 05PM 8 CHAIRMAN FERGUSON: All right.
 08 05PM 9 Any comments?
 08 05PM 10 MR. KAUKER: Yeah, just one question,
 08 05PM 11 the height of the proposed structure, again, is it
 08 05PM 12 consistent with the height of other buildings in the
 08 05PM 13 neighborhood?
 08 06PM 14 It looks like there's a new building to
 08 06PM 15 the left.
 08 06PM 16 THE WITNESS: Yeah, it is consistent
 08 06PM 17 with the buildings on either side of us and it is
 08 06PM 18 partially caused by the topographical conditions on
 08 06PM 19 the site as well, but in terms of height it is
 08 06PM 20 consistent with those properties, which have similar
 08 06PM 21 grading as we do.
 08 06PM 22 MR. KAUKER: That's it, I have no other
 08 06PM 23 questions.
 08 06PM 24 CHAIRMAN FERGUSON: Okay. Any board
 08 06PM 25 members have anything?

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

08 04PM 1 the site in order to provide driveways and garages
 08 04PM 2 that will support two vehicles.
 08 04PM 3 The building is a little but wider,
 08 04PM 4 but, again, we do provide a 6-foot setback.
 08 04PM 5 In terms of the coverage, we are a
 08 04PM 6 little over one percent over what is permitted, but
 08 04PM 7 as was described earlier, drainage improvements will
 08 04PM 8 be made, which mitigates against a slightly larger
 08 04PM 9 building.
 08 04PM 10 So I think the positive criteria is
 08 04PM 11 supported.
 08 05PM 12 Looking at the negative criteria, I
 08 05PM 13 don't believe anything is substantially negative.
 08 05PM 14 We're permitted, we're in character with the
 08 05PM 15 surrounding uses, particularly the properties on
 08 05PM 16 either side of us.
 08 05PM 17 The setbacks also were consistent with
 08 05PM 18 the neighborhood and improvement over the existing
 08 05PM 19 conditions.
 08 05PM 20 So the proposal will not impact the
 08 05PM 21 light, air and open space for those adjacent
 08 05PM 22 properties.
 08 05PM 23 There will be some additional
 08 05PM 24 landscaping provided to buffer those adjacent
 08 05PM 25 properties and then lastly, a conforming amount of

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

08 06PM 1 (No Response.)
 08 06PM 2 CHAIRMAN FERGUSON: Anybody in the
 08 06PM 3 audience have anything?
 08 06PM 4 (No Response.)
 08 06PM 5 CHAIRMAN FERGUSON: No questions?
 08 06PM 6 (No Response.)
 08 06PM 7 CHAIRMAN FERGUSON: Great.
 08 06PM 8 Do you want to sum up, Counsel?
 08 06PM 9 MR. MACRI: Yes.
 08 06PM 10 Mr. Chairman, relaying upon the
 08 06PM 11 testimony of our witnesses, presumably David Spatz
 08 06PM 12 who provided the board with sufficient reasons to
 08 06PM 13 grant the variances which we seek, if this
 08 06PM 14 application is approved, we will prepare a stormwater
 08 06PM 15 management for submission to the board engineer for
 08 06PM 16 his approval prior to the issuance of any permits.
 08 06PM 17 CHAIRMAN FERGUSON: Okay.
 08 06PM 18 MR. MACRI: I'm asking the board to
 08 06PM 19 vote favorably upon this application.
 08 06PM 20 CHAIRMAN FERGUSON: Okay.
 08 06PM 21 That's it?
 08 06PM 22 MR. MACRI: That's it.
 08 06PM 23 CHAIRMAN FERGUSON: Okay.
 08 06PM 24 So I'll make a motion to accept the
 08 06PM 25 application as submitted.

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

08 06PM **1** However, we're going to ask the owner
 08 07PM **2** of that property to confer with the lady next door if
 08 07PM **3** we can straighten out her property, right?
 08 07PM **4** MR. MACRI: Yes.
 08 07PM **5** CHAIRMAN FERGUSON: Okay. I'll make
 08 07PM **6** that motion.
 08 07PM **7** Can I get a second?
 08 07PM **8** MR. GRALA: I'll second.
 08 07PM **9** MR. CHUNG: Second.
 08 07PM **10** CHAIRMAN FERGUSON: Okay. Let's not
 08 07PM **11** argue.
 08 07PM **12** Roll call.
 07 02PM **13** MS. IGUINA: Mr. Ferguson?
 07 02PM **14** CHAIRMAN FERGUSON: Yes.
 07 02PM **15** MS. IGUINA: Mr. Brogna?
 07 02PM **16** MR. BROGNA: Yes.
 07 02PM **17** MS. IGUINA: Mr. Grala?
 07 03PM **18** MR. GRALA: Yes.
 07 03PM **19** MS. IGUINA: Mr. Terranova?
 07 03PM **20** MR. TERRANOVA: Yes.
 07 03PM **21** MS. IGUINA: Mr. Chung?
 07 03PM **22** Mr. Chung: Yes.
 08 07PM **23** MR. MACRI: Thank you very much.
 08 07PM **24** CHAIRMAN FERGUSON: You want to take a
25 break, dear?

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

1 MR. TERRANOVA: Here.
2 MS. IGUINA: Mr. Chung?
 08 15PM **3** Mr. Chung: Here.
 08 15PM **4** CHAIRMAN FERGUSON: Okay, Counselor.
 08 15PM **5** MR. MACRI: Mr. Chairman, for the
 08 15PM **6** record, my name is Marc Macri.
 08 15PM **7** I represent 122 E. Edsall LLC, who is
 08 16PM **8** the owner of 122 East Edsall Avenue here in the
 08 16PM **9** Borough. We're here seeking the board's approval to
 08 16PM **10** construct a two-family dwelling on the property.
 08 16PM **11** I have two witnesses with me this
 08 16PM **12** evening. I have Mr. Vassilios Cocoros, our architect
 08 16PM **13** and David Spatz, our professional planner.
 08 16PM **14** I'd like to begin by having our
 08 16PM **15** architect sworn in.
 08 16PM **16** MS. DECARLO: The proof of mailing and
 08 16PM **17** proof of publication has been reviewed and is
 08 16PM **18** acceptable and the board has jurisdiction to hear
 08 16PM **19** this application.
 08 16PM **20** MR. MACRI: Thank you.
 08 16PM **21** MS. DECARLO: Do you swear or affirm
 08 16PM **22** that the testimony that you will provide to this
 08 16PM **23** application this evening is the truth, the whole
 08 16PM **24** truth and nothing but the truth?
25 MR. VASSILIOS: I do.

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

1 THE COURT REPORTER: Sure.
2 CHAIRMAN FERGUSON: Yes.
3 THE COURT REPORTER: Yes.
4 CHAIRMAN FERGUSON: All right. We're
5 going to take a five-minute break.
6 THE COURT REPORTER: Thank you.
 08 15PM **7** (Whereupon, a brief recess is held.)
 08 15PM **8** CHAIRMAN FERGUSON: Okay. Five minutes
 08 15PM **9** is up and here we go.
 08 15PM **10** The next one on the agenda is East
 08 15PM **11** Edsall Boulevard; is that correct?
 08 15PM **12** MS. DECARLO: 122.
 08 15PM **13** CHAIRMAN FERGUSON: 122 East Edsall
 08 15PM **14** Boulevard.
 08 15PM **15** First we're going to have a roll call
 08 15PM **16** for attendance.
 07 02PM **17** MS. IGUINA: Mr. Ferguson?
 07 02PM **18** CHAIRMAN FERGUSON: Here.
 07 02PM **19** MS. IGUINA: Mr. Brogna?
 07 02PM **20** MR. BROGNA: Yes.
 07 03PM **21** MS. IGUINA: Mr. Elefteriou?
 07 03PM **22** MR. ELEFTERIOU: Here.
23 MS. IGUINA: Mr. Grala?
24 MR. GRALA: Here.
25 MS. IGUINA: Mr. Terranova?

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

1 VASSILIOS COCOROS, RA
2 467 Sylvan Avenue, Englewood Cliffs, New Jersey
3 07632, having been duly sworn, testifies as
4 follows:
5 MS. DECARLO: Please state your name,
6 spelling it and address for the record.
7 MR. VASSILIOS: Sure.
8 Vassilios, V-A-S-S-I-L-I-O-S, Cocoros,
9 C-O-C-O-R-O-S, 467 Sylvan Avenue, Englewood Cliffs,
10 New Jersey 07632.
 08 16PM **11** MS. DECARLO: Thank you.
 08 16PM **12** CHAIRMAN FERGUSON: Okay. He's been
 08 17PM **13** here as much as I've been, so I guess we'll accept
 08 17PM **14** him as an expert.
15 MR. MACRI: Thank you, Chairman.
16 DIRECT EXAMINATION
17 BY MR. MACRI:
18 Q. Mr. Cocoros, can you please describe
19 our proposed project?
20 A. Sure.
21 The lot, itself, is an existing lot.
22 It's nonconforming.
 08 17PM **23** It's 40-feet-wide-by-100-feet-deep.
 08 17PM **24** It's located on the south side of Edsall Avenue and
 08 17PM **25** the -- off of Roff Avenue.

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

08:17PM 1 It's basically, let me see, I think it
 08:17PM 2 was 100 feet from Roff Avenue, which is to the west
 08:17PM 3 of us.
 08:17PM 4 So it's, basically -- the existing
 08:17PM 5 property, itself, right now there's a dwelling that's
 08:17PM 6 on the property, a little bit older with a detached
 08:17PM 7 garage in the back and a shed.
 08:17PM 8 We're proposing to knock down the
 08:17PM 9 existing improvements on the property and construct a
 08:17PM 10 new six-over-six two-family dwelling that is three
 08:17PM 11 stories tall.
 08:17PM 12 The property, itself, does drop off in
 08:17PM 13 the back where we have about a foot-and-a-half, maybe
 08:16PM 14 2-foot difference from front to back.
 08:18PM 15 At the front we're at 112.55 and then
 08:18PM 16 it goes up as you're heading towards Roff Avenue to
 08:18PM 17 115.
 08:18PM 18 So there's a 3-foot cross pitch on the
 08:18PM 19 property itself, which lends us to sticking into the
 08:18PM 20 ground a little bit more on the right-hand side and
 08:18PM 21 in the back it goes down to 110 from the 115 or 116
 08:18PM 22 at the sidewalk and then on the left rear we're at
 08:18PM 23 111.8.
 08:18PM 24 So it's basically -- it's a good
 08:18PM 25 one-foot drop on the left side and the right side
LAURA A. CARUCCI, C.S.R., R.P.R., L.L.C.
201-641-1812

08:19PM 1 avoid it inundating the street.
 08:19PM 2 So we have two, sort of, methods here
 08:20PM 3 where we have a positive pitch so the water does not
 08:20PM 4 go down into the garage and driveway.
 08:20PM 5 However, since it's pitching away from
 08:20PM 6 the house, we do have a trench drain to catch that
 08:20PM 7 runoff.
 08:20PM 8 In addition, the property, itself, we
 08:20PM 9 have a footprint of 1,815 -- 1,815 square feet, which
 08:20PM 10 is a building coverage of 45.38 percent, which is a
 08:20PM 11 variance. We're about 5 percent over on the
 08:20PM 12 coverage.
 08:20PM 13 In addition to the trench drain in the
 08:20PM 14 front, we have roof liters at all corners of the
 08:20PM 15 building and wherever else we need them that tie into
 08:20PM 16 a stormwater system at the rear, which is set up with
 08:20PM 17 six 280 CULTEC chambers that will accommodate the
 08:20PM 18 roof leaders and the trench drain.
 08:20PM 19 As far as the drainage, that would be
 08:20PM 20 reviewed by the board's engineer and then if this is
 08:20PM 21 approved, we would have a perc test to make sure that
 08:20PM 22 it works back there and if not, we would have to come
 08:20PM 23 up with an alternative solution for the stormwater
 08:21PM 24 management.
 08:21PM 25 The setup on the plan, as I said, it is
LAURA A. CARUCCI, C.S.R., R.P.R., L.L.C.
201-641-1812

08:18PM 1 it's about a -- almost 5-foot drop, 5, 6 feet and
 08:18PM 2 that's because of the topography, we're basically on
 08:18PM 3 the hill portion. The front is more pronounced where
 08:18PM 4 we have the greater cross pitch.
 08:18PM 5 The dwelling, itself, we're proposing
 08:18PM 6 three-level construction, three stories, 56 -- I'm
 08:19PM 7 sorry, 33-feet wide with 3-and-a-half-foot side yard
 08:19PM 8 setbacks and then we have the building proposed at
 08:19PM 9 56-feet deep where we have a 25-foot rear yard and a
 08:19PM 10 20-foot front yard. I'm sorry, we have a -- the rear
 08:19PM 11 yard is 24 feet, so we are requesting a variance for
 08:19PM 12 the rear yard.
 08:19PM 13 No, I'm sorry, 25 feet, so we comply
 08:19PM 14 with the setback. I'm sorry about that.
 08:19PM 15 At the front we're 20 feet from the
 08:19PM 16 setback. We have the staircase on the right-hand
 08:19PM 17 side being the best location for the staircase to
 08:19PM 18 minimize the amount of stairs, because the grade is
 08:19PM 19 higher there and then the driveway is a little bit
 08:19PM 20 lower than the staircase at the sidewalk. We still
 08:19PM 21 have a positive pitch where from the garage door out
 08:19PM 22 to the street it goes to the sidewalk.
 08:19PM 23 However, we do have a trench drain
 08:19PM 24 which is always recommended by the board's engineer
 08:19PM 25 to catch any runoff coming from the driveway and to
LAURA A. CARUCCI, C.S.R., R.P.R., L.L.C.
201-641-1812

08:21PM 1 three levels, basically two apartments stacked on top
 08:21PM 2 of each other. The basement being occupied by the
 08:21PM 3 primary unit on the first floor.
 08:21PM 4 Starting from left to right we have the
 08:21PM 5 basement floor plan with a two-car garage. That
 08:21PM 6 two-car garage is shared, one side is for the first
 08:21PM 7 floor, one side is for the second floor. We also
 08:21PM 8 have a trash area, staircase up to the first floor.
 08:21PM 9 At the back we have a typical
 08:21PM 10 recreation room with a den and home office, powder
 08:21PM 11 room, no shower, coat closet.
 08:21PM 12 The second -- you know, the first main
 08:21PM 13 living level on the second floor is basically the
 08:21PM 14 same layout. It's a stacked unit. We have a
 08:21PM 15 three-bedroom configuration.
 08:21PM 16 On the left side of the proposed
 08:21PM 17 dwelling we have the bedroom side and then on the
 08:21PM 18 right side we have the living side, we have living
 08:21PM 19 room, dining room, kitchen, eating area in the back
 08:21PM 20 and then on the left side we have bedroom, hall
 08:21PM 21 bathroom, master or primary suite in the rear with
 08:21PM 22 its on-suite, walk-in closet and a secondary closet.
 08:21PM 23 In addition to that, we have a
 08:22PM 24 side-by-side laundry, access off the hallway and then
 08:22PM 25 we have the setup for the pantry and the kitchen,
LAURA A. CARUCCI, C.S.R., R.P.R., L.L.C.
201-641-1812

08:22PM 1 island and the eating area behind it and also we have
08:22PM 2 a deck that is 8-feet-by-11-feet and that's on both
08:22PM 3 floors, which is typical for a six-over-six
08:22PM 4 configuration.

08:22PM 5 CHAIRMAN FERGUSON: That's it.

08:22PM 6 MR. MACRI: That's it.

08:22PM 7 THE WITNESS: Yes.

08:22PM 8 CHAIRMAN FERGUSON: So as I look at it,
08:22PM 9 I don't have any questions.

08:22PM 10 Any board members have anything?
08:22PM 11 (No Response.)

08:22PM 12 CHAIRMAN FERGUSON: Steve?

08:22PM 13 MR. COLLAZUOL: We have a report dated
08:22PM 14 September 10th and I believe Mr. Cocoros has
08:22PM 15 addressed most of the comments in that.

08:22PM 16 There's a couple of small points,
08:22PM 17 again, should the board approve this, that would need
08:22PM 18 to be addressed before the issuance of a building
08:22PM 19 permit.

08:22PM 20 CHAIRMAN FERGUSON: Okay. Any members
08:23PM 21 of the audience?

08:23PM 22 Yes.

08:23PM 23 MR. J. KANG: My name is Justin Kang,
08:23PM 24 Justin Kang.

08:23PM 25 I feel a little weird, I'm usually up
LAURA A. CARUCCI, C.S.R., R.P.R., L.L.C.

201-641-1812

08:24PM 1 achieve it and put retaining walls and brought the
08:24PM 2 height down a couple of feet.

08:24PM 3 So it's like, you know, we tried to be

08:24PM 4 honest with the application to avoid any impact on
08:24PM 5 the properties, because I know the drainage goes from
08:24PM 6 your backyard heads, I guess that would be east, down
08:24PM 7 the hill.

08:24PM 8 So if we put a retaining wall, it would
08:24PM 9 block the drainage.

08:24PM 10 MR. J. KANG: Understood.

08:24PM 11 Yeah, then the requirement is 25 and
08:24PM 12 the you're trying to put 32.75.

08:24PM 13 THE WITNESS: Yes, and that's a
08:24PM 14 function of the topography.

08:24PM 15 MR. J. KANG: Do you know what's the
08:24PM 16 height of my roof.

08:24PM 17 THE WITNESS: I'm not sure.

08:24PM 18 Do you have a three-story or two-story
08:24PM 19 building?

08:24PM 20 MR. J. KANG: Well, I have a duplex
08:25PM 21 built in only year 2000 and I measured it. It's
08:25PM 22 about 28 from bottom of my garage to the top of the
08:25PM 23 roof.

08:25PM 24 So your roof pitch, how high is that?

08:25PM 25 THE WITNESS: The roof pitch is
LAURA A. CARUCCI, C.S.R., R.P.R., L.L.C.

201-641-1812

08:23PM 1 there.

08:23PM 2 Justin Kang, 120 East Edsall.

08:23PM 3 This subject property is east and the
08:23PM 4 south of my house.

08:23PM 5 CHAIRMAN FERGUSON: East and south.

08:23PM 6 MR. J. KANG: Yes, sir.

08:23PM 7 It's like right half and half, east and
08:23PM 8 south.

08:23PM 9 THE WITNESS: To the left of us or to
08:23PM 10 the left of you.

08:23PM 11 MR. J. KANG: Right.

08:23PM 12 Well, it's -- right, my house is right
08:23PM 13 here, yes, and I have a few comments, because this
08:23PM 14 house is east and south of my house, when the sun
08:23PM 15 comes up and the sun goes to the south, the thing is
08:24PM 16 what's the height of the building.

08:24PM 17 THE WITNESS: The height, which is
08:24PM 18 measured from the average grade and we didn't raise
08:24PM 19 the grade, we kept the existing grade. We basically
08:24PM 20 have 32 feet -- 32 feet --

08:24PM 21 CHAIRMAN FERGUSON: 0.7.

08:24PM 22 THE WITNESS: -- 9 inches.

08:24PM 23 So now, you know, that's a function --
08:24PM 24 like I said, if you look at the back, the back drops
08:24PM 25 off, you know, quite a bit. You know, we could

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

201-641-1812

08:25PM 1 4-on-12.

08:25PM 2 MR. J. KANG: The front side is 33.10
08:25PM 3 and the back side is 36.10, right?

08:25PM 4 THE WITNESS: Yeah, that's to the roof
08:25PM 5 peak, itself.

08:25PM 6 MR. J. KANG: Yes.

08:25PM 7 THE WITNESS: Actually the height it --
08:25PM 8 MR. J. KANG: Mine is not even 30.

08:25PM 9 So your house is going to be about
08:25PM 10 5 feet, 6 feet over my house including the --

08:25PM 11 THE WITNESS: No, the way -- I mean,
08:25PM 12 it's not going to be that much, because, you know, we
08:25PM 13 have basically a 3-foot cross pitch on the street.

08:25PM 14 So your house is, you know, probably
08:25PM 15 3 feet above our house if you take -- you know, if we
08:25PM 16 take similar grades. You know, so it's like --

08:25PM 17 MR. J. KANG: Well, not according to my
08:25PM 18 calculation. Your house is going to be taller than
08:26PM 19 mine and, number two, what's the front yard? You
08:26PM 20 want 5 feet pop out, right.

08:26PM 21 THE WITNESS: We have 20 feet setback.

08:26PM 22 MR. J. KANG: Well, the required is 25
08:26PM 23 and the existing house, actually the house line is 25
08:26PM 24 and they have a porch, just a little porch, a little
08:26PM 25 pop out, but you're going to push the huge whole

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

201-641-1812

08 26PM 1 house 5 feet front, which is the east of my side.
 08 26PM 2 It's going to block my sun, when the
 08 26PM 3 sun comes up because it's east, the front of my house
 08 26PM 4 and it's taller and how about the back compared to
 08 26PM 5 the existing house, you're going to -- you're going
 08 26PM 6 to build a house all the way to the limit, plus you
 08 26PM 7 have two levels of deck, 8-foot extension, 8-by-11,
 08 26PM 8 correct?
 08 26PM 9 THE WITNESS: Yes.
 08 26PM 10 MR. J. KANG: Yes.
 08 26PM 11 So one level is high there, the other
 08 26PM 12 one is all the way up there.
 08 26PM 13 So it's going to block front and back
 08 27PM 14 of my house east and south. So how much sunlight I'm
 08 27PM 15 going to get.
 08 27PM 16 THE WITNESS: I didn't do a solar
 08 27PM 17 study, so I won't even know, I'm sorry.
 08 27PM 18 MR. J. KANG: Well, mostly I'm going to
 08 27PM 19 stay in the dark and probably I have to turn on the
 08 27PM 20 lights most of the time even the daytime.
 08 27PM 21 THE WITNESS: You know, we do have the
 08 27PM 22 benefit, you know, we have a pretty large side yard,
 08 27PM 23 so it's like somewhat set back.
 08 27PM 24 MR. J. KANG: Yes, that is my side yard
 08 27PM 25 and when I moved here years ago, only the reason I

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

08 28PM 1 board member, you know that. How many --
 08 28PM 2 THE WITNESS: Like I said --
 08 29PM 3 MR. J. KANG: Just build as other
 08 29PM 4 building, other builders, that's all I'm asking. I
 08 29PM 5 want to be reasonable. I'll be reasonable.
 08 29PM 6 THE WITNESS: This is your typical -- I
 08 29PM 7 don't want to say typical, but it's your basic
 08 29PM 8 40-by-100, you know, we usually do 3-and-a-half-foot
 08 29PM 9 setbacks.
 08 29PM 10 MR. J. KANG: Billy, you remember this,
 08 29PM 11 you just gave me three weeks ago to the planning
 08 29PM 12 board exactly same 40-by-100, exactly same plan, you
 08 29PM 13 devised this, you knock it down to 27.42 height.
 08 29PM 14 THE WITNESS: Yeah, we actually did it
 08 29PM 15 with a flat roof. You know, that's something we can
 08 29PM 16 consider. Yeah, if we do a flat roof, we can
 08 29PM 17 basically eliminate about 5 feet of roof structure,
 08 29PM 18 because right now it's 6-foot-4, but, you know, then
 08 29PM 19 you have your typical, let's say, 12 inches, about
 08 29PM 20 5 feet, 4 inches.
 08 29PM 21 So if we do get -- if we get a
 08 29PM 22 reduction of about, let's say, 4-and-a-half feet, if
 08 29PM 23 we do a flat roof, I need a little bit of room for
 08 30PM 24 the ducts, because we have to take up the space on
 08 30PM 25 that and as far as the overall elevation, I was

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

08 27PM 1 bought this house was because that's the only house I
 08 27PM 2 could find with decent side yard in Palisades Park.
 08 27PM 3 I used to live on a two-acre lot, so I'm not
 08 27PM 4 expecting that here, but that's -- this is the only
 08 27PM 5 house I could find decent side yard, so I don't have
 08 27PM 6 to shake my hand with my neighbors.
 08 27PM 7 So I have enough side yard, but you are
 08 28PM 8 going to -- combined side yard should be 14 feet,
 08 28PM 9 that's the code.
 08 28PM 10 THE WITNESS: Yes.
 08 28PM 11 MR. J. KANG: Well, I'm with the
 08 28PM 12 planning board for nine-and-a-half years, so I do
 08 28PM 13 know the numbers. You know I know, we know that.
 08 28PM 14 THE WITNESS: I'm not doubting you.
 08 28PM 15 MR. J. KANG: But now you're proposing
 08 28PM 16 3-and-a-half -- 3-and-a-half inch, cut it down to
 08 28PM 17 half.
 08 28PM 18 So you're going to get close to me, pop
 08 28PM 19 out 5 feet out and extend the back, plus the deck and
 08 28PM 20 put high building. I'm going to sit in the dark all
 08 28PM 21 day long.
 08 28PM 22 THE WITNESS: I mean, you're still
 08 28PM 23 going to get --
 08 28PM 24 MR. J. KANG: All I'm asking is -- I'm
 08 28PM 25 not -- I like a new house. I'm a builder friendly

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

08 30PM 1 looking to see if I can drop it down lower, but I
 08 30PM 2 basically have it where it's 4 inches lower than the
 08 30PM 3 sidewalk on the right-hand side and then it's about
 08 30PM 4 maybe, if I bring it down, let's say, 4 feet, that's
 08 30PM 5 a 2-foot reduction in the height.
 08 30PM 6 So 2 foot reduction, because it's
 08 30PM 7 basically a midpoint.
 08 30PM 8 MR. J. KANG: So what's the new height
 08 30PM 9 you propose.
 08 30PM 10 THE WITNESS: That would be, let's say,
 08 30PM 11 30 feet, maybe 30 feet, 6 inches, 30.5 feet.
 08 30PM 12 MR. J. KANG: Well, the other one you
 08 30PM 13 came with 27-and-change.
 08 30PM 14 THE WITNESS: But he -- that one was
 08 30PM 15 easier because the grade in the back was up higher.
 08 30PM 16 You know, I can reduce the height if I put retaining
 08 30PM 17 walls up, but, you know, basically the building --
 08 30PM 18 you know, right now I'm looking --
 08 30PM 19 MR. J. KANG: How about, why don't you
 08 30PM 20 put an 8-foot ceiling on the first floor instead of
 08 31PM 21 10.
 08 31PM 22 THE WITNESS: I have 9 foot on the
 08 31PM 23 first floor.
 08 31PM 24 MR. J. KANG: Nine foot, okay, but make
 08 31PM 25 it 8 and then another one foot you can reduce.

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

08:31PM 1 THE WITNESS: I mean, if I was going to
 08:31PM 2 reduce it, I would reduce the ceiling height on the
 08:31PM 3 second floor.
 08:31PM 4 The first floor I would like to keep
 08:31PM 5 9 feet.
 08:31PM 6 MR. J. KANG: Well, one or the other.
 08:31PM 7 THE WITNESS: Yeah, we do that.
 08:31PM 8 MR. J. KANG: And how about the front?
 08:31PM 9 I want to line up with everybody. I don't want
 08:31PM 10 something that pops out, especially -- may I
 08:31PM 11 approach.
 08:31PM 12 CHAIRMAN FERGUSON: Sure.
 08:31PM 13 MR. J. KANG: This is the view from my
 08:31PM 14 side and you're going to have a staircase here.
 08:31PM 15 THE WITNESS: Yes.
 08:31PM 16 MR. J. KANG: Okay. Five feet whole
 08:31PM 17 building pop out, then they're going to build high --
 08:31PM 18 put staircase here. How much sunlight I'm going to
 08:31PM 19 get? Nothing.
 08:31PM 20 THE WITNESS: Like I said --
 08:31PM 21 MR. J. KANG: All I'm asking is just to
 08:31PM 22 line up, just line up with the other house and just
 08:31PM 23 follow the rules. That's all I'm asking. That's
 08:31PM 24 all.
 08:32PM 25 Is it too much? Come on. Yeah, and,
LAURA A. CARUCCI, C.S.R., R.P.R., L.L.C.
201-641-1812

08:32PM 1 well, okay, keep the staircase, yeah, with this
 08:32PM 2 you're going to put the stair all the way to the --
 08:32PM 3 THE WITNESS: No, the staircase,
 08:32PM 4 itself, is 5-feet-10-inches, so you have the platform
 08:32PM 5 which lines up with the side of the house and then we
 08:32PM 6 have 5-foot-10 to the staircase. The staircase is
 08:32PM 7 basically center on the platform.
 08:32PM 8 MR. J. KANG: The grade is hard. The
 08:32PM 9 grade is hard, yeah. That I don't mind, that I don't
 08:32PM 10 mind, but with the shape of the land and everything,
 08:32PM 11 the staircase has to be on my side, I understand
 08:32PM 12 that.
 08:32PM 13 I'm being reasonable, you know, but
 08:32PM 14 just line up the house.
 08:32PM 15 Don't pop out 5 feet front.
 08:32PM 16 CHAIRMAN FERGUSON: Well, if he lines
 08:32PM 17 up the house, isn't it going to cut the rear yard up.
 08:32PM 18 MR. J. KANG: Not the -- the rear side
 08:32PM 19 they already pushed all the way to the max, plus
 08:33PM 20 they're going to put the two levels anyway and if
 08:33PM 21 they push to the backyard, I think their deck is
 08:33PM 22 going to go over the property line maybe.
 08:33PM 23 THE WITNESS: I mean, could you live
 08:33PM 24 with if we take off 2 feet off the building where we
 08:33PM 25 go 53 feet. You know, where we have a 22-foot front
LAURA A. CARUCCI, C.S.R., R.P.R., L.L.C.
201-641-1812

08:33PM 1 yard setback and then, you know, 53-foot building,
 08:33PM 2 you know, we'll basically be, you know, compliant?
 3 (Whereupon, off-the-record discussion
 4 is held between witness and applicant's
 5 attorney.)
 6 THE COURT REPORTER: This is off the
 7 record. I can't hear you.
 8 THE WITNESS: I'm sorry. You know, I
 9 think like, you know, there's a couple of options.
 10 We can move it back and increase the
 11 rear yard -- increase the rear yard setback, which
 12 would be a variance or, you know, we can, you know,
 13 maybe balance the two of them, you know, because
 14 right now with the backyard -- the back of the house
 15 line up with your house, the back of your house. You
 16 know, so it's like --
 17 MR. J. KANG: Well, and I have the
 18 smallest deck in the whole town. Did you know that?
 19 Yours is 8 feet out, mine barely 3 feet.
 20 I don't mind. That's the way they
 21 built it 20 years ago, before me.
 22 I don't mind, but, you know, also I
 23 have -- I detach my solar panel, if -- well, you
 24 already agreed to below 30, but if you build with
 25 your original plan, I'm not going to get sunlight at
LAURA A. CARUCCI, C.S.R., R.P.R., L.L.C.
201-641-1812

08:34PM 1 all.
 08:34PM 2 THE WITNESS: The sun basically goes
 08:34PM 3 from, let's say, from left to right. In the winter
 08:34PM 4 --
 08:34PM 5 MR. J. KANG: Well, the sun comes from
 08:34PM 6 here (indicating).
 08:34PM 7 THE WITNESS: Yeah, this is the east
 08:34PM 8 over here (indicating).
 08:34PM 9 MR. J. KANG: Yeah, yeah, so my house
 08:34PM 10 is here (indicating).
 08:34PM 11 So the sun comes up here and then goes
 08:34PM 12 all the way down here.
 08:34PM 13 So with this, I'm probably going to get
 08:34PM 14 sunlight about 2:00, 3:00 in the afternoon and the
 08:34PM 15 thing is, it's nothing to do with you, but --
 08:34PM 16 MR. MACRI: How about this, we'll move
 08:34PM 17 the house back 3 feet.
 08:34PM 18 CHAIRMAN FERGUSON: Yeah, can you move
 08:34PM 19 --
 08:34PM 20 MR. MACRI: And we'll go for a rear
 08:34PM 21 yard variance for the 22 feet, instead of 25.
 08:34PM 22 CHAIRMAN FERGUSON: Yeah, that's what I
 08:34PM 23 say.
 08:34PM 24 MR. MACRI: We'll give him more
 08:35PM 25 sunlight up front.
LAURA A. CARUCCI, C.S.R., R.P.R., L.L.C.
201-641-1812

08:35PM **1** CHAIRMAN FERGUSON: Right.
 08:35PM **2** Push it back, he's going to push it
 08:35PM **3** back 3 feet.
 08:35PM **4** MR. J. KANG: Also, we have other
 08:35PM **5** neighbors there. So we have to listen to their
 08:35PM **6** opinion as well. They all came here. When they
 08:35PM **7** received the certified mail, yeah, everybody decided
 08:35PM **8** to come here tonight.
 08:35PM **9** So my opinion, 5 feet back just to line
 08:35PM **10** up. That is my opinion.
 08:35PM **11** CHAIRMAN FERGUSON: Right.
 08:35PM **12** MR. J. KANG: And just to keep the
 08:35PM **13** property within the code and requirement as much as
 08:35PM **14** possible.
 08:35PM **15** I know it's 40-by-100, so it's
 08:35PM **16** naturally born with some limitation, that I know, but
 08:35PM **17** still we have to keep the line and I always scratch
 08:35PM **18** my head, when I approve -- when the planning board
 08:35PM **19** approved 3 and-a-half-foot side yard -- I was a
 08:35PM **20** volunteer EMT for many years. I used to drive an
 08:36PM **21** ambulance.
 08:36PM **22** CHAIRMAN FERGUSON: Me too.
 08:36PM **23** MR. J. KANG: -- and bring the
 08:36PM **24** stretcher.
 08:36PM **25** How are you going to go in and out with
LAURA A. CARUCCI, C.S.R., R.P.R., L.L.C.
201-641-1812

08:36PM **1** 3-and-a-half.
 08:36PM **2** THE WITNESS: Well, basically you have
 08:36PM **3** a 3-foot walkway and then we have the fence 3 inches
 08:36PM **4** off the property line.
 08:36PM **5** So the post is on our property line
 08:36PM **6** completely and we still have the minimum, you know,
 08:36PM **7** the requirement of 3 feet, but to the fence would
 08:36PM **8** probably be 3-foot-1, maybe 3-foot-2.
 08:36PM **9** MR. J. KANG: Yeah, but the medical --
 08:36PM **10** when a medical emergency happen, a stretcher cannot
 08:36PM **11** go in.
 08:36PM **12** THE WITNESS: Basically from the
 08:36PM **13** sidewalk and then goes -- you know, I don't know how
 08:36PM **14** wide a stretcher is, 24 inches, you know, 30 inches,
 08:36PM **15** but --
 08:36PM **16** MR. J. KANG: The length.
 08:36PM **17** CHAIRMAN FERGUSON: Okay. Let's not
 08:36PM **18** debate stretchers.
 08:36PM **19** Anybody else?
 08:36PM **20** Yes, name.
 08:36PM **21** MS. DELLOSA: Audrey Dellosa, 124 East
 08:36PM **22** Edsall Avenue.
 08:36PM **23** THE COURT REPORTER: I'm sorry, spell
 08:36PM **24** your last name for the record.
 08:36PM **25** MS. DELLOSA: D-E-L-L-O-S-A.
LAURA A. CARUCCI, C.S.R., R.P.R., L.L.C.
201-641-1812

1 THE COURT REPORTER: Thank you.
 08:36PM **2** MS. DELLOSA: Okay. I'm on the other
 08:36PM **3** side and the thing -- one of the things that bothers
 08:36PM **4** me is the same thing that Mr. Park has, is about the
 08:37PM **5** height, because when this house goes up, it's going
 08:37PM **6** to be a brick wall almost blocking my one-bedroom and
 08:37PM **7** the master bedroom.
 08:37PM **8** So there will be no light at all. It
 08:37PM **9** will be dark. And did you just say you're going to
 08:37PM **10** push the house back again, you're not going to --
 08:37PM **11** THE WITNESS: Well, we haven't decided
 08:37PM **12** the -- I guess --
 08:37PM **13** MS. DELLOSA: Because in that case, if
 08:37PM **14** it's up further, then there's goes my living room
 08:37PM **15** too, that's a problem.
 08:37PM **16** Also, with the 3-and-a-half feet from
 08:37PM **17** my property, I want to know how they're going to be
 08:37PM **18** able to -- because even when that existing house had
 08:37PM **19** to get work done on the roof and everything, they
 08:37PM **20** could hardly do it, because otherwise they would have
 08:37PM **21** to come on my property.
 08:37PM **22** How is it going to be done?
 08:37PM **23** THE WITNESS: I mean, you know, usually
 08:37PM **24** they set up the jacks on the side of the house and
 08:37PM **25** basically we're going to have to come from the front
LAURA A. CARUCCI, C.S.R., R.P.R., L.L.C.
201-641-1812

08:37PM **1** to the back, so do one side at a time.
 08:37PM **2** MS. DELLOSA: No, I understand that,
 08:37PM **3** but I mean, the width, how are they getting all their
 08:37PM **4** equipment in there.
 08:37PM **5** THE WITNESS: Well, the -- you know,
 08:37PM **6** basically the foundation gets done first.
 08:37PM **7** Any bricks would be loaded in the front
 08:37PM **8** and wheel the barrel back to the back of the
 08:38PM **9** property.
 08:38PM **10** MS. DELLOSA: It won't go into my
 08:38PM **11** property at all.
 08:38PM **12** THE WITNESS: No, it shouldn't.
 08:38PM **13** MS. DELLOSA: Damage my fence.
 08:38PM **14** THE WITNESS: No, usually the scaffolds
 08:38PM **15** are about 30-inches wide.
 08:38PM **16** You know, they screw -- you know, they
 08:38PM **17** have little brackets that screw into the side of the
 08:38PM **18** house when they do it. They just have to make sure
 08:38PM **19** that they don't go onto your property. I'm not sure
 08:38PM **20** if -- is there a fence there now.
 08:38PM **21** MS. DELLOSA: Yes.
 08:38PM **22** THE WITNESS: So that fence --
 08:38PM **23** MS. DELLOSA: From the back of my house
 08:38PM **24** to the back of the yard.
 08:38PM **25** MR. MACRI: They won't come on your
LAURA A. CARUCCI, C.S.R., R.P.R., L.L.C.
201-641-1812

08:38PM 1 property.
 08:38PM 2 MS. DELLOSA: Excuse me.
 08:38PM 3 MR. MACRI: They're not going to have
 08:38PM 4 access to your property.
 08:38PM 5 THE WITNESS: Yeah, so your driveway is
 08:38PM 6 right on the line, so I guess it would be --
 08:38PM 7 MS. DELLOSA: My driveway, if you look
 08:38PM 8 at my house, my driveway is on the left.
 08:38PM 9 THE WITNESS: Yeah, it's right here.
 08:38PM 10 Yeah, your asphalt is basically on the line and the
 08:38PM 11 existing fence is maybe 3 inches off of the -- off of
 08:38PM 12 the actual -- into our property.
 08:38PM 13 So that can stay on that, you know,
 08:38PM 14 it's like -- you know, if the individual during
 08:38PM 15 construction, they don't go over, you know, pretty
 08:39PM 16 decent builder, I don't think -- they should do the
 08:39PM 17 right thing.
 08:39PM 18 MS. DELLOSA: Okay. But I have two
 08:39PM 19 other things. The other thing was, you were talking
 08:39PM 20 about the water runoff.
 08:39PM 21 THE WITNESS: Yeah.
 08:39PM 22 MS. DELLOSA: So is that going to
 08:39PM 23 affect my house at all.
 08:39PM 24 THE WITNESS: No, it shouldn't. You
 08:39PM 25 know, it's like, what we could do is, you know, build

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

201-641-1812

08:39PM 1 a small retaining wall so we'd still maintain, you
 08:39PM 2 know, we're not going to back it up into the neighbor
 08:39PM 3 to the right of us, we can build a small retaining
 08:39PM 4 wall to kind of catch it and sometimes we do inlets
 08:39PM 5 in that back portion to catch any rain that's coming
 08:39PM 6 down.
 08:39PM 7 So let's say this corner of the
 08:39PM 8 building here, you know, we can maybe fill up the
 08:39PM 9 backyard a little bit, you know, just to kind of like
 08:39PM 10 keep this relatively flat --
 08:39PM 11 MS. DELLOSA: Uh-huh.
 08:39PM 12 THE WITNESS: -- still have enough
 08:39PM 13 water to pitch this way and then we can catch it with
 08:39PM 14 a field drain (indicating).
 08:39PM 15 So, you know, so intercept it, you
 08:39PM 16 know, and basically it slows down, because right now
 08:39PM 17 all the water comes down the hill towards you.
 08:39PM 18 MS. DELLOSA: I know.
 08:39PM 19 THE WITNESS: So, you know, if we put a
 08:39PM 20 small, maybe two course retaining wall, which is not
 08:39PM 21 structural, we can maybe alleviate some of the roof
 08:39PM 22 drain, you know, the roof runoff, the rain runoff
 08:39PM 23 from the neighbors.
 08:39PM 24 Our neighbor also has a retaining wall
 08:39PM 25 that's about 2-feet higher than us.

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

201-641-1812

08:39PM 1 MS. DELLOSA: Now, are there any decks
 08:39PM 2 on my side.
 08:40PM 3 THE WITNESS: No.
 08:40PM 4 MS. DELLOSA: Okay. And you're
 08:40PM 5 thinking about lowering the height.
 08:40PM 6 THE WITNESS: Yeah, it would be a flat
 08:40PM 7 roof. It's actually a 4-foot reduction in the
 08:40PM 8 overall height, but the way to measure it, it's
 08:40PM 9 basically to the midpoint would be 2-foot reduction.
 08:40PM 10 MS. DELLOSA: So this shouldn't
 08:40PM 11 interfere with my backyard at all as far as sunlight?
 08:40PM 12 Because I'm going to redo the whole backyard.
 08:40PM 13 THE WITNESS: No, because the sun comes
 08:40PM 14 this way here. So it's like, you know, you're
 08:40PM 15 basically this part, you know, the south is on this
 08:40PM 16 side.
 08:40PM 17 So your sun comes up this way and your
 08:40PM 18 property is here (indicating).
 08:40PM 19 MS. DELLOSA: Okay.
 08:40PM 20 Thank you.
 08:40PM 21 MR. MACRI: Thank you.
 08:40PM 22 CHAIRMAN FERGUSON: Okay. Any -- yes,
 08:40PM 23 my friend.
 08:40PM 24 Name and address.
 08:40PM 25 MR. C. KIM: My name is Chong Ho Kim

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

201-641-1812

08:40PM 1 (phonetic).
 08:40PM 2 My address is 120 E. Edsall Avenue,
 08:40PM 3 Unit B, same address.
 08:41PM 4 MR. A. KANG: So I came with him. I
 08:41PM 5 live in 120A with my father Justin and I'm just here
 08:41PM 6 to translate for him.
 08:41PM 7 CHAIRMAN FERGUSON: Oh, okay.
 08:41PM 8 MR. A. KANG: His Korean is not good,
 08:41PM 9 so...
 08:41PM 10 CHAIRMAN FERGUSON: All right, no
 08:41PM 11 problem.
 08:41PM 12 MR. A. KANG: So a few years ago there
 08:41PM 13 was a new duplex that was built right next to his
 08:41PM 14 unit and it was really tall and really close to his
 08:41PM 15 side of the house on the left side and now he's heard
 08:41PM 16 that on the other side of his house there's another
 08:41PM 17 builder that's trying to build another large house
 08:42PM 18 that is also going to be much too large and just
 08:42PM 19 block the sun.
 08:42PM 20 So he's asking to follow the building
 08:42PM 21 codes here for this new house.
 08:42PM 22 And he's asking the board, please, not
 08:42PM 23 override the rules and the codes and create hardships
 08:42PM 24 for all the neighbors.
 08:42PM 25 And he doesn't want a house on both

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

201-641-1812

08 42PM 1 sides of his home to block out, like, the sky and all
 08 42PM 2 the sunlight.
 08 42PM 3 And that's it.
 08 43PM 4 CHAIRMAN FERGUSON: All right. But
 08 43PM 5 tell him that it's going to be 3-and-a-half feet,
 08 43PM 6 no?
 08 43PM 7 THE WITNESS: We're basically -- we're
 08 43PM 8 bringing the highest point of the roof down 4 feet,
 08 43PM 9 but, you know, when you measure to the midpoint, it
 08 43PM 10 actually might --
 08 43PM 11 CHAIRMAN FERGUSON: The four corners.
 08 43PM 12 THE WITNESS: Yeah, so it's like --
 08 43PM 13 again, because it's a flat roof, it might even be a
 08 43PM 14 4-foot reduction in the height itself, I just have to
 08 43PM 15 confirm that.
 08 43PM 16 CHAIRMAN FERGUSON: Yeah, but he's not
 08 43PM 17 talking about the height. He's talking about the
 08 43PM 18 side, right?
 08 43PM 19 He's talking about the side.
 08 43PM 20 MR. MACRI: Right, but we're on the
 08 43PM 21 opposite side of his house.
 08 43PM 22 THE WITNESS: Also, you know --
 08 43PM 23 MR. MACRI: He owns the right side of
 08 43PM 24 the duplex next to us.
 08 43PM 25 THE WITNESS: Also, they're lucky

Laura A. Carucci, C.S.R., R.P.R., L.L.C.
201-641-1812

08 43PM 1 enough to have a 75-foot-wide lot, which gives
 08 43PM 2 increased side yard setback. You know, if it was a
 08 43PM 3 regular duplex, 50-by-100, your neighbor will be
 08 43PM 4 basically 6 feet off of you.
 08 43PM 5 CHAIRMAN FERGUSON: Yeah.
 08 43PM 6 Well, his house, your building your
 08 44PM 7 house, your application next to him.
 08 44PM 8 MR. MACRI: He owns the right side of
 08 44PM 9 the duplex. We're building next to the left side of
 08 44PM 10 the duplex.
 08 44PM 11 THE WITNESS: Mr. Kang's side. It's A
 08 44PM 12 and B. Mr. Kang is A and the previous person --
 08 44PM 13 MR. J. KANG: I'm A and he's B and the
 08 44PM 14 new house is going to be on my side. He's on the
 08 44PM 15 other side, but there's another new house recently
 08 44PM 16 built and his house is like kind of buried and now
 08 44PM 17 the other side --
 08 44PM 18 THE WITNESS: A lot of it is because of
 08 44PM 19 the terrain. There's about a 3-foot --
 08 44PM 20 MR. J. KANG: Well, the grade, yeah,
 08 44PM 21 but he doesn't want to be buried. He doesn't want to
 08 44PM 22 be a sandwich in the middle of the two tall
 08 44PM 23 buildings. That's what he's saying.
 08 44PM 24 CHAIRMAN FERGUSON: So you're reducing
 08 44PM 25 the height 4 feet.

Laura A. Carucci, C.S.R., R.P.R., L.L.C.
201-641-1812

08 44PM 1 THE WITNESS: Yes, we're basically
 08 44PM 2 bringing the peak down 4 feet.
 08 44PM 3 CHAIRMAN FERGUSON: Okay.
 08 45PM 4 Do you want to tell him that?
 08 45PM 5 THE WITNESS: We can do 8 foot. If we
 08 45PM 6 do 8 foot, it's going to be even more.
 08 45PM 7 MR. J. KANG: Also, they want to say
 08 45PM 8 something.
 08 45PM 9 CHAIRMAN FERGUSON: Well, let's finish
 08 45PM 10 with him first. Is he done?
 08 45PM 11 You're happy now, 4 feet.
 08 45PM 12 MR. J. KANG: He's happy with the
 08 45PM 13 4 feet.
 08 45PM 14 MS. DELLOSA: I have one other
 08 45PM 15 question.
 08 45PM 16 How many cars fit on the new property?
 08 45PM 17 THE WITNESS: It's four cars, two in
 08 45PM 18 the driveway, two in the garage.
 08 45PM 19 MS. DELLOSA: And that takes away the
 20 parking spots in the front then, right.
 21 THE WITNESS: It takes away one parking
 22 space, but, you know --
 23 MS. DELLOSA: Oh, it's only one parking
 24 space.
 25 THE WITNESS: Yeah, because the

Laura A. Carucci, C.S.R., R.P.R., L.L.C.
201-641-1812

1 driveway itself -- typical street parking space is
 08 45PM 2 like 9-by-20. We have a dropped curb of
 08 45PM 3 22-feet-6-inches.
 08 45PM 4 MS. DELLOSA: Because the problem, as
 08 45PM 5 you probably know and you heard from somebody else
 08 45PM 6 before is, I have a one-car driveway and there's two
 08 46PM 7 cars in my family and it's like -- like yesterday
 08 46PM 8 when my daughter came home, she had to park all the
 9 way two blocks away.
 10 THE WITNESS: You know, the only
 11 benefit of having the driveway on that side there is
 12 nobody could park close to the edge of your driveway
 13 and then between -- we have 14 feet from the proposed
 08 46PM 14 driveway going to the right, which is going west and
 08 46PM 15 then the house next to us has about a 12-foot side
 08 46PM 16 yard setback.
 08 46PM 17 We're still going to be able to fit a
 08 46PM 18 parking space in front of the house, which is really
 08 46PM 19 -- we're going to lose a space on this portion and
 08 46PM 20 then there was also a driveway for the existing house
 08 46PM 21 detached garage in the back there.
 08 46PM 22 So, you know, it's basically a loss of
 08 46PM 23 parking space, but we're getting, you know, compliant
 08 46PM 24 parking for the proposed development.
 08 46PM 25 MS. DELLOSA: Okay. So the only thing

Laura A. Carucci, C.S.R., R.P.R., L.L.C.
201-641-1812

08:46PM **1** that still worries me is that it's built 3-and-a-half
 08:46PM **2** feet away from my house.
 08:46PM **3** THE WITNESS: Understood.
 08:46PM **4** BY MR. MACRI:
 08:46PM **5** Q. So overall reduction of 4 feet?
 08:46PM **6** A. Yes.
 08:46PM **7** Q. Okay. And then we're going to set it
 08:46PM **8** back 3 feet?
 08:47PM **9** A. So we're going to take 3 feet off the
 08:47PM **10** building.
 08:47PM **11** Q. Push the whole house back.
 08:47PM **12** (Inaudible Audience Discussion.)
 08:47PM **13** THE COURT REPORTER: I'm sorry, I can't
 08:47PM **14** hear you, Mr. Kang.
 08:47PM **15** CHAIRMAN FERGUSON: One at a time.
 08:47PM **16** MR. J. KANG: Is there any way to give
 08:47PM **17** a little more space instead of 3-and-a-half, like a
 08:47PM **18** four or like the other house.
 08:47PM **19** THE WITNESS: So it would be 4 feet and
 08:47PM **20** 4 feet.
 08:47PM **21** MS. DELLOSA: Okay.
 08:47PM **22** MR. MACRI: We'll reduce the overall
 08:47PM **23** height by 4 feet and the side yard will be 4 feet.
 08:47PM **24** MS. DELLOSA: Any little bit helps.
 08:47PM **25** But see, I don't want to be walking out

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

201-641-1812

08:48PM **1** all pulling -- we're like 7 feet of elevation for the
 08:48PM **2** front and back and the reason why it's concerning is
 08:48PM **3** what I imagine is like someone moved their property a
 08:48PM **4** few feet back and it blocked the sunlight on the
 08:48PM **5** back, the backyard.
 08:48PM **6** So I don't want like people start to
 08:49PM **7** like change the front and back and it's disrupting
 08:49PM **8** other people's sunlight, especially when my mom likes
 08:49PM **9** gardening a lot.
 08:49PM **10** CHAIRMAN FERGUSON: Okay. You got a
 08:49PM **11** problem with your neighbor's --
 08:49PM **12** THE WITNESS: You're across the street,
 08:49PM **13** right?
 08:49PM **14** MR. HWANG: Yeah, across the street.
 08:49PM **15** It might escalate where it could concern other
 08:49PM **16** builders to disregard other people's front and back
 08:49PM **17** yards in terms of sunlight.
 08:49PM **18** THE WITNESS: Now, all the other lots
 08:49PM **19** on this block is basically to the -- like I said, to
 08:49PM **20** the east of us, there's nonconforming lots.
 08:49PM **21** There's no chance of getting any more
 08:49PM **22** property.
 08:49PM **23** The same thing with the property next
 08:49PM **24** to us, but everything else across the street is
 08:49PM **25** basically 50-by-100, 75-by-100. So anything on your

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

201-641-1812

08:47PM **1** and doing -- walking on my side yard and hitting into
 08:47PM **2** his building.
 08:47PM **3** THE WITNESS: Yeah, the only benefit,
 08:47PM **4** at least your living room is a little further away
 08:47PM **5** too, you have the garage is -- on your right-hand
 08:47PM **6** side, right.
 08:47PM **7** MS. DELLOSA: My garage, if I'm looking
 08:47PM **8** at my house, is on my left-hand side.
 08:47PM **9** THE WITNESS: On the left-hand side.
 08:47PM **10** MS. DELLOSA: My living room is right
 08:47PM **11** in their house.
 08:47PM **12** CHAIRMAN FERGUSON: All right. So
 08:48PM **13** you're going to make it 4 foot on each side?
 08:48PM **14** THE WITNESS: Yeah.
 08:48PM **15** CHAIRMAN FERGUSON: Now, anybody else
 08:48PM **16** want to say anything?
 08:48PM **17** Name and address.
 08:48PM **18** MR. HWANG: My name is Joshua Hwang,
 08:48PM **19** H-W-A-N-G, and my address is 121 East Edsall Avenue.
 08:48PM **20** And I guess we addressed about the
 08:48PM **21** height issue, but I'm more concerned about the front
 08:48PM **22** and the back, has like a uniform guidelines for the
 08:48PM **23** property and the reason I'm concerned about that is
 08:48PM **24** because my mom likes to do gardening in the back --
 08:48PM **25** in the front yard and our adjacent houses, they're

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

201-641-1812

08:49PM **1** side of the street will be --
 08:49PM **2** MR. HWANG: Yeah, I'm --
 08:49PM **3** THE WITNESS: -- compliant.
 08:49PM **4** MR. HWANG: I'm aware that it's not --
 08:49PM **5** this is not really going to affect me as much as it's
 08:49PM **6** going to affect my colleagues here, but what I'm
 08:49PM **7** asking for is like a uniform, I guess, standards of
 08:49PM **8** what other neighbors or my other neighbors are
 08:50PM **9** applying with their front and backyard, because it
 08:50PM **10** will be -- I don't want --
 08:50PM **11** THE WITNESS: I mean, that's why this
 08:50PM **12** board is here. Each lot is separate. You know, here
 08:50PM **13** we haven't presented a hardship, but we basically
 08:50PM **14** have a nonconforming lot. You know, we're increasing
 08:50PM **15** the side yard setback. You know, it used to be
 08:50PM **16** 3-feet-1, 3-feet-2-inches. Now, you know, we got it
 08:50PM **17** down to 4 feet.
 08:50PM **18** MR. HWANG: Yeah. All right.
 08:50PM **19** That will be all.
 08:50PM **20** MR. MACRI: Thank you.
 08:50PM **21** CHAIRMAN FERGUSON: All right. So from
 08:50PM **22** what I'm hearing, there's only one thing left to
 08:50PM **23** decide and this gentlemen here that's on the planning
 08:50PM **24** board he's asking for 3 feet back, you'll agree to a
 08:50PM **25** 3-foot or 5-foot?

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

201-641-1812

08:50PM **1** THE WITNESS: So we're sliding the
 08:50PM **2** building back 3 feet.
 08:50PM **3** MR. J. KANG: Three feet more front, so
 08:50PM **4** still 2 feet pops out.
 08:50PM **5** THE WITNESS: We're going to have a
 08:50PM **6** rear yard setback of 22 feet instead of 25 feet.
 08:50PM **7** MR. J. KANG: Is there any way you can
 08:51PM **8** just leave just 25. The mom just told me, his mom
 08:51PM **9** just told me that they're sick and tired of the cars
 08:51PM **10** when they pull out, just to keep coming through their
 08:51PM **11** driveway, because they're exactly opposite side, that
 08:51PM **12** was ruining their gardens.
 08:51PM **13** (Inaudible Audience Discussion.)
 08:51PM **14** MR. J. KANG: We have the cars go all
 08:51PM **15** the way -- go in then they have 2, 3 feet more space
 08:51PM **16** to make a turn.
 08:51PM **17** Right now it's the street is narrow,
 08:51PM **18** that's why when they enter and out, they -- well,
 08:51PM **19** believe me, a lot of times my cars, I park on my
 08:51PM **20** driveway is hit by somebody's illegal U-turn or
 08:51PM **21** whatever. It happened several times.
 08:52PM **22** CHAIRMAN FERGUSON: All right.
 08:52PM **23** MR. MACRI: Mr. Chairman, we'll move
 08:52PM **24** the whole house back 5 feet and seek the rear yard
 08:52PM **25** variance of 5 feet.

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

08:52PM **1** CHAIRMAN FERGUSON: Okay. All right?
 08:52PM **2** Everybody happy?
 08:52PM **3** MR. MACRI: Thank you, Mr. Chairman.
 08:52PM **4** CHAIRMAN FERGUSON: Okay.
 08:52PM **5** MR. MACRI: I don't have any further
 08:52PM **6** questions of our architect.
 08:52PM **7** CHAIRMAN FERGUSON: Anybody have any
 08:52PM **8** questions?
 08:52PM **9** (No Response.)
 08:52PM **10** CHAIRMAN FERGUSON: We're all finished?
 08:52PM **11** Good.
 08:53PM **12** MR. MACRI: All right. Thank you.
 08:53PM **13** CHAIRMAN FERGUSON: He was sworn in
 08:53PM **14** before, right.
 08:53PM **15** MS. DECARLO: Yes.
 08:53PM **16** D A V I D S P A T Z, PP
 08:53PM **17** 60 Friend Terrace, Harrington Park, New Jersey,
 08:53PM **18** having been duly sworn previously, continues to
 08:53PM **19** testify as follows:
 08:53PM **20** MR. MACRI: Thank you. I'm going to
 08:53PM **21** hand out a photo exhibit and mark it A-1.
 08:53PM **22** CHAIRMAN FERGUSON: Okay.
 08:53PM **23** (Whereupon, Photo Exhibit is marked as
 08:53PM **24** Exhibit A-1 for identification.)
 08:53PM **25** MR. SPATZ: Okay.

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

08:53PM **1** Looking at the top left-hand photograph
 08:53PM **2** is of the subject property.
 08:53PM **3** It's a small one-family home with a
 08:53PM **4** detached garage in the rear.
 08:53PM **5** The top right-hand photograph is
 08:53PM **6** looking to the right of our property. That is the
 08:53PM **7** two-family home that the two gentlemen have spoken
 08:53PM **8** about and then there's a newer two-family home just
 08:53PM **9** beyond, which is, I think, the taller one that the
 08:53PM **10** other gentleman was talking about.
 08:53PM **11** The bottom left-hand photograph is to
 08:53PM **12** the left of our property and that's a single-family
 08:53PM **13** home that the young woman was speaking about it and
 08:53PM **14** then there's a two-family home, an older two-family
 08:53PM **15** directly across the street.
 08:53PM **16** So we're in the AA Zone which permits
 08:53PM **17** two-family dwellings.
 08:53PM **18** As was described, the lot is
 08:53PM **19** undersized, does not conform to the lot area and
 08:53PM **20** width requirements.
 08:53PM **21** We have two D variances for building
 08:53PM **22** height. We've reduced the building height by 4 feet,
 08:54PM **23** but it's still considered a D variances and then lot
 08:54PM **24** area per unit, which is treated as density, because
 08:54PM **25** we have an undersized property.

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

08:54PM **1** We've eliminated the front yard
 08:54PM **2** setback, but added a rear setback and then the side
 08:54PM **3** yards are still a variance, but they've been
 08:54PM **4** increased from 3-and-a-half to 4 feet.
 08:54PM **5** So we're only 1 foot short and then the
 08:54PM **6** lot building coverage is also slightly over.
 08:54PM **7** Looking at our two D variances, I think
 08:54PM **8** the site is particularly well-suited for what we're
 08:54PM **9** proposing. It is in a zone that permits two-family
 08:54PM **10** homes. There's a significant number of newer
 08:54PM **11** two-family homes in the area. The building has been
 08:54PM **12** designed as a six-over-six to acknowledge the
 08:54PM **13** narrower piece of property.
 08:54PM **14** So I think that the site can handle it.
 08:54PM **15** Looking at the purposes of zoning, we
 08:54PM **16** meet Purpose A, which is promoting public health,
 08:54PM **17** safety, morals and general welfare providing a
 08:54PM **18** two-family home in a zone that permits it.
 08:54PM **19** Purpose G is appropriate locations for
 08:54PM **20** a variety of uses. Again, it's a two-family zone and
 08:54PM **21** that's what we're proposing.
 08:54PM **22** And then lastly, Purpose I, which is
 08:54PM **23** promoting a desirable visual environment. We're
 08:54PM **24** replacing an older home with something newer that
 08:54PM **25** meets all building codes. It's been modified by the

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

1 discussion this evening and I think certainly fits in
2 with the neighborhood.

3 In terms of building height, I think we
4 are consistent with the neighborhood. The
5 photographs, I think, demonstrate that. Our building
6 has been reduced as was described earlier. So it
7 certainly fits in with the neighborhood.

8 In terms of the density, we do have an
9 undersized lot. The zone does permit the
10 two-families and the building has been designed to
11 acknowledge the narrowness of the property.

08 56PM 12 So I think we are consistent with the
13 neighborhood.

14 Looking at our bulk variances, the lot
15 is undersized. The photographs demonstrate the
16 properties on either side of us are fully developed,
17 so we can't enlarge our site anyway.

08 56PM 18 In terms of the setbacks, the front
08 56PM 19 yard setback has now been made conforming. The rear
08 56PM 20 yard is slightly smaller than what is permitted
08 56PM 21 within the zone, but, again, that is to get the
08 56PM 22 consistent front yard, which by the discussion this
08 56PM 23 evening, clearly has a public benefit to support the
08 56PM 24 neighborhood to have all the buildings line up. So I
08 56PM 25 think that is certainly a benefit.

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

08 57PM 1 So I think on balance, the positive
08 57PM 2 criteria outweighs anything negative and I think it
08 57PM 3 would be appropriate to grant the variances.

08 57PM 4 MR. MACRI: Thank you, Mr. Spatz.

08 57PM 5 CHAIRMAN FERGUSON: All right.

08 57PM 6 Mr. Kauker, do you have anything?

08 57PM 7 MR. KAUKER: Just briefly, so in your

08 57PM 8 opinion, the modifications that were made to the
08 57PM 9 proposed building will be consistent with the -- or
08 57PM 10 the building itself will be consistent with the
08 57PM 11 character of the other new buildings in the area?

08 57PM 12 THE WITNESS: Yes, the heights, I
08 57PM 13 think, are actually now lower than the building,
08 58PM 14 certainly that newer building two doors away from us.

08 58PM 15 The front yard setbacks now will all
08 58PM 16 line up, providing consistent streetscape.

08 58PM 17 So I think we are certainly consistent
08 58PM 18 with the development in the neighborhood.

08 58PM 19 MR. KAUKER: So follow that pattern of
08 58PM 20 decreased height because of the topography moving
08 58PM 21 down the street, right.

08 58PM 22 THE WITNESS: That's correct.

08 58PM 23 So now we'll be reducing those impacts
08 58PM 24 on the adjacent properties.

08 58PM 25 MR. KAUKER: I have nothing else.

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

08 56PM 1 In terms of the side yards, we're
08 56PM 2 slightly narrower, but they've been increased over
08 56PM 3 what is proposed and the narrowness is caused by the
08 56PM 4 fact that we're 10-foot narrower in terms of the
08 56PM 5 width of the property.

08 56PM 6 In terms of the coverage, we do exceed
08 56PM 7 the building coverage. The lot is undersized.

08 56PM 8 Drainage improvements that were
08 56PM 9 described by Mr. Cocoros will be mitigated the larger
08 56PM 10 size of the building and I think it can be supported,
08 56PM 11 so I think the positive criteria exists for the
08 56PM 12 C variance as well.

08 56PM 13 In terms of negative criteria, I don't
08 56PM 14 think anything is substantially negative. We're a
08 57PM 15 permitted use, consistent with the neighborhood. The
08 57PM 16 setbacks have been adjusted this evening to better
08 57PM 17 fit in with the neighborhood.

08 57PM 18 The height has been reduced again to
08 57PM 19 better fit in with the neighborhood. So I think
08 57PM 20 light, air and open space is protected within this
08 57PM 21 area and we do have a conforming amount of parking on
08 57PM 22 our site, which reduces the impact on the streets.
08 57PM 23 One street space will be lost, but there is a
08 57PM 24 driveway that currently exists. So there will be
08 57PM 25 other spaces available.

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

08 58PM 1 CHAIRMAN FERGUSON: Okay. Do you want
08 58PM 2 to sum up, Counselor?

08 58PM 3 MR. MACRI: The public.

08 58PM 4 CHAIRMAN FERGUSON: Can't hear you.

08 58PM 5 MS. DECARLO: Members of the public?

08 58PM 6 CHAIRMAN FERGUSON: Anybody in the
08 58PM 7 public have anything to say?

08 58PM 8 (No Response.)

08 58PM 9 CHAIRMAN FERGUSON: No? Okay.

08 58PM 10 MR. MACRI: Thank you, Mr. Chairman.
08 58PM 11 I just want to go over the details.

08 58PM 12 So the overall height is going to be
08 58PM 13 reduced by 4 feet, the overall height and the side
08 58PM 14 yards are going to be increased to 4 feet and the
08 58PM 15 building is going to be set back 5 feet.

08 58PM 16 So we don't need a front yard setback
08 58PM 17 -- I mean, variance, we need a rear yard setback
08 58PM 18 variance.

08 58PM 19 CHAIRMAN FERGUSON: Right.

08 58PM 20 MR. MACRI: And based on Mr. Spatz's
08 58PM 21 testimony, the board does have sufficient reasons to
08 58PM 22 vote favorably upon this application.

08 58PM 23 I'm going to ask that you do vote
08 58PM 24 favorably upon this application.

08 58PM 25 CHAIRMAN FERGUSON: Okay. So I'll make

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

08:59PM 1 a motion we approve the application with those
 08:59PM 2 changes.
 08:59PM 3 Also, any suggestions that Steve has,
 08:59PM 4 you also --
 08:59PM 5 MR. MACRI: Absolutely.
 08:59PM 6 CHAIRMAN FERGUSON: Yeah, absolutely,
 08:59PM 7 right?
 08:59PM 8 MR. MACRI: Yup.
 08:59PM 9 CHAIRMAN FERGUSON: So I'll make that
 08:59PM 10 motion.
 08:59PM 11 Can I get a second?
 08:59PM 12 MR. ELEFTERIOU: Second.
 08:59PM 13 CHAIRMAN FERGUSON: Roll call.
 07:02PM 14 MS. IGUINA: Mr. Ferguson?
 07:02PM 15 CHAIRMAN FERGUSON: Yes.
 07:02PM 16 MS. IGUINA: Mr. Brogna?
 07:02PM 17 MR. BROGNA: Yes.
 07:02PM 18 MS. IGUINA: Mr. Elefteriou?
 07:02PM 19 MR. ELEFTERIOU: Yes.
 07:02PM 20 MS. IGUINA: Mr. Grala?
 07:03PM 21 MR. GRALA: Yes.
 07:03PM 22 MS. IGUINA: Mr. Terranova?
 07:03PM 23 MR. TERRANOVA: Yes.
 07:03PM 24 MS. IGUINA: Mr. Chung?
 08:59PM 25 Mr. Chung: Yes.

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

09:01PM 1 Carmine Alampi.
 09:01PM 2 I'm representing Mr. An. I apologize
 09:01PM 3 to Mr. Ahn and to the board, because we keep spelling
 09:01PM 4 his name as A-H-N. The correct spelling is A-N.
 5 CHAIRMAN FERGUSON: Oh. The same as
 6 the other applicant.
 7 MR. ALAMPI: Yeah.
 8 CHAIRMAN FERGUSON: Yeah.
 9 MR. ALAMPI: And Mr. An, Junghyun An is
 10 sitting right here.
 11 Good looking young guy, so he owns this
 12 property, he's not a speculator or developer. It's
 13 in the -- oh, by the way, we did provide notice of
 14 publication of this in order to give the board
 15 jurisdiction of the application.
 16 MS. DECARLO: Proof of mailing and
 17 proof of publication was reviewed acceptable and the
 18 board has jurisdiction to hear the application.
 19 MR. ALAMPI: Thank you.
 20 And as I said, Mr. An is the owner of
 21 the property. He intends to live here and this is a
 22 request for a two-family home in the AA zoning
 23 district that does allow for a two-family home.
 24 It's a 50-by-100 lot, full-size lot.
 25 We are asking for a side yard variance on either

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

08:59PM 1 MR. MACRI: Thank you very much.
 2 CHAIRMAN FERGUSON: You're going or
 3 staying.
 4 MR. J. KANG: I'm leaving.
 5 CHAIRMAN FERGUSON: Are you the
 6 Chairman, by the way?
 09:00PM 7 MR. J. KANG: No.
 09:00PM 8 CHAIRMAN FERGUSON: Vice Chairman?
 9 MR. J. KANG: No. I try not to take
 10 any position.
 11 CHAIRMAN FERGUSON: Oh, okay. That's a
 12 good one.
 13 Good advice.
 09:01PM 14 Okay. So I'm going to call right now
 09:01PM 15 324 E. Palisades Boulevard.
 09:01PM 16 MR. ALAMPI: Okay, Chairman.
 09:01PM 17 CHAIRMAN FERGUSON: All right. What do
 09:01PM 18 I always say at every meeting?
 09:01PM 19 MR. ALAMPI: I'm sorry.
 09:01PM 20 CHAIRMAN FERGUSON: Every meeting what
 09:01PM 21 do I say?
 09:01PM 22 MR. ALAMPI: Move it fast.
 09:01PM 23 CHAIRMAN FERGUSON: Go faster.
 09:01PM 24 MR. ALAMPI: Thank you, Chairman.
 09:01PM 25 Again, for the record, my name is

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

09:02PM 1 side. We're providing 5 foot side yard when 6 is
 09:02PM 2 required.
 09:02PM 3 The other variance relief is, of
 09:02PM 4 course, the height of the building, the overall
 09:02PM 5 height as measured under your ordinance calculations
 09:02PM 6 is 35 feet. We know that it exceeds the height
 09:02PM 7 limitation.
 09:03PM 8 You'll hear brief testimony from the
 09:03PM 9 engineer and the architect about the topography of
 09:03PM 10 the site and the property runs on a diagonal. It's
 09:03PM 11 on a tilt and it also has a rear yard that's
 09:03PM 12 descending, so on a tilt. When you take into
 09:03PM 13 consideration the topography going from one side of
 09:03PM 14 the property to the other from front to back, you'll
 09:03PM 15 see how it triggers a good portion of the height
 09:03PM 16 variance. I'm not saying to you that the entire
 09:03PM 17 differential in the height is the topography, but
 09:03PM 18 it's a major contributing cause.
 09:03PM 19 With that, we also had a surveyor
 09:03PM 20 review with our site engineer who's about to testify
 09:03PM 21 regarding the alignment of the properties on either
 09:03PM 22 side of us and we tried to match and maintain a
 09:03PM 23 streetscape that was consistent with the other homes,
 09:04PM 24 although no variance is triggered.
 09:04PM 25 And, again, as I said, it's a

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

09:04PM 1 duplex-style home, three bedrooms in each unit.
 09:04PM 2 Interestingly enough, Mr. An has
 09:04PM 3 requested that on the side he intends to occupy, that
 09:04PM 4 his two-car garage also have a tandem parking lot.
 09:04PM 5 He understands the difficulty people have.
 09:04PM 6 So he's going to have on his side a
 09:04PM 7 garage space, one behind the other, plus
 09:04PM 8 side-by-side. You'll see it on the plan. That tells
 09:04PM 9 you that we're not trying to create a height and
 09:04PM 10 three levels on this building in order to create an
 09:04PM 11 illegal apartment.
 09:04PM 12 This will guarantee that at least on
 09:04PM 13 that side that's a three-car garage. Of course he's
 09:04PM 14 got parking on the driveway.
 09:04PM 15 And then the other unit will have the
 09:04PM 16 traditional two-car garage and parking in their
 09:04PM 17 driveway. There's no parking variance involved.
 09:05PM 18 We're not taking away any parking. We're providing
 09:05PM 19 the right amount of parking.
 09:05PM 20 With that, I'm going to call
 09:05PM 21 Mr. Skrable, our site engineer. We also then have
 09:05PM 22 the architect, Sean Kim, and of course Mr. Spatz is
 09:05PM 23 here for us as well on the planning testimony.
 09:05PM 24 CHAIRMAN FERGUSON: Okay. Do you want
 25 to swear him in?

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

1 MS. DECARLO: Do you swear or affirm
 2 that the testimony you will provide with regard to
 3 this application is the truth, the whole truth and
 4 nothing but the truth?
 5 MR. SKRABLE: I do.
 6 T H O M A S S K R A B L E, P E
 7 65 Ramapo Valley Road, Mahwah, New Jersey, having
 8 been duly sworn, testifies as follows:
 9 MS. DECARLO: Can you please state your
 10 name, spelling it and provide your address for the
 11 record?
 12 MR. SKRABLE: Tom Skrable, "S" as in
 13 Sam -K-R-A-B as in Boy -L-E.
 14 Business address is 65 Ramapo Valley
 15 Road in Mahwah.
 16 MS. DECARLO: Thank you.
 17 CHAIRMAN FERGUSON: Okay. He's been
 18 here before.
 19 We'll accept him as an expert.
 20 MR. ALAMPI: Thank you, Chairman.
 09:05PM 21 THE WITNESS: Thank you.
 09:05PM 22 DIRECT EXAMINATION
 09:05PM 23 BY MR. ALAMPI:
 09:05PM 24 Q. Tom, as noted, you've been qualified
 09:05PM 25 for testimony.

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

09:05PM 1 Could you bring us through your
 09:05PM 2 engineering site plan? Just give us the dimensions
 09:06PM 3 of the property and point out the three variances
 09:06PM 4 implicated here?
 09:06PM 5 A. Sure.
 09:06PM 6 So it's a proposed duplex on Block 414,
 09:06PM 7 Lot 10, 324 East Palisades Boulevard, Borough of
 09:06PM 8 Palisades Park.
 09:06PM 9 The original or signature date was
 09:06PM 10 5/2/24. There's one revision in the lower left,
 09:06PM 11 8/26/24.
 09:06PM 12 Q. Thank you.
 09:06PM 13 Take us through, it's a 50-by-100 lot?
 14 A. Sure.
 15 Q. Traditional rectangle --
 16 A. I'm going to say East Palisades runs
 17 north/south just to make it easier. It's kind of at
 18 an angle.
 19 We're on the west side of East
 20 Palisades Boulevard. It's a 50-by-100 foot lot, so
 21 conforming lot.
 09:06PM 22 As Mr. Alampi mentioned, there's some
 09:06PM 23 pretty significant topographical change across the
 09:06PM 24 property.
 09:06PM 25 If you look at the southeast corner,

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

09:06PM 1 the existing elevation, which is in the lighter grey
 09:06PM 2 color is 257 and in the northwest corner is at about
 09:07PM 3 245. So you got 12 feet across the diagonal of the
 09:07PM 4 property which ends up being about 11 percent grade
 09:07PM 5 on average.
 09:07PM 6 So it is pretty significant as far as
 09:07PM 7 the change.
 09:07PM 8 What we've done to try to mitigate
 09:07PM 9 that, two things, the architect has created a drop in
 09:07PM 10 the floor of the garage. So the duplex is side by
 09:07PM 11 side. There is a 2-foot difference between the
 09:07PM 12 garage floor of the one unit as opposed to the other.
 09:07PM 13 So we're dropping as we head north.
 09:07PM 14 The other thing, which we did is we
 09:07PM 15 tried to minimize the amount of retaining walls we
 09:07PM 16 need on the site.
 09:07PM 17 We didn't want to create that kind of
 09:07PM 18 built-up moat look that some of the houses have
 09:07PM 19 created over the years.
 09:07PM 20 So we tried to just match the existing
 09:07PM 21 grades on either side with minimal wall construction,
 09:07PM 22 but the downside to that is the grade is the existing
 09:08PM 23 grade and we're following the contours that I
 09:08PM 24 mentioned before.
 09:08PM 25 So we're not -- we don't get to use

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

09:08PM 1 those higher numbers in the calculation of the
 09:08PM 2 average finished grade is what I'm trying to get at.
 09:08PM 3 So it actually hurts you from a
 09:08PM 4 building height calculation standpoint. We could
 09:08PM 5 have built higher walls at higher finished grades
 09:08PM 6 against the building and had a lower building height,
 09:08PM 7 but that's really just mathematical.

09:08PM 8 It doesn't change physically where the
 09:08PM 9 ridge or the mid of the roof would be in space.

09:08PM 10 Q. Tom, if I provide you with another copy
 09:08PM 11 of the survey that you utilized in your work, could
 09:08PM 12 you just tell us the existing conditions? It appears
 09:08PM 13 that the existing home only has a 19-foot setback and
 09:08PM 14 on one side it looks like a 4- or 5-foot side yard?

09:08PM 15 A. Yeah, the existing home is 19.8 feet
 09:08PM 16 off of East Palisades.

09:08PM 17 It's 4.9 feet off the southerly
 09:08PM 18 property line, 10.9 off the northerly property line
 09:08PM 19 and it's a relatively large, I called it a
 09:08PM 20 one-and-a-half-story dwelling, the survey is calling
 09:08PM 21 it a two-and-a-half-story dwelling, but it's
 09:08PM 22 relatively large and there's also a lot of pavement
 09:08PM 23 area on the north side and then wrapping around the
 09:08PM 24 back of the building.

09:08PM 25 So typically when you're building
 LAURA A. CARUCCI, C.S.R., R.P.R., L.L.C.

201-641-1812

09:10PM 1 Q. Any other features? You spoke about
 09:10PM 2 the topography.

09:10PM 3 Again, it runs front to back and side
 09:10PM 4 to side. The property is on a tilt, right, on a
 09:10PM 5 hill?

09:10PM 6 A. Yeah, basically, the high point would
 09:10PM 7 be bottom right and the low point, top left as you
 09:10PM 8 look at the drawing and it's about 12 feet of pitch.

09:10PM 9 Q. And then because of that pitch, when
 09:10PM 10 you measure under the criteria of the Palisades Park
 09:10PM 11 zoning code, it triggers a height variance, the total
 09:11PM 12 height is 35.5 feet?

09:11PM 13 A. Correct, 35.5, because you have to take
 09:11PM 14 into account the averages in the rear, which is much
 09:11PM 15 lower than the front.

09:11PM 16 And also, I should mention one other
 09:11PM 17 thing also, which plays into the height. We set the
 09:11PM 18 garage floor so it's literally even with the back
 09:11PM 19 side of the apron, the outside of the apron on the
 09:11PM 20 southerly garage.

09:11PM 21 So if you can follow my pen, as I trace
 09:11PM 22 this line along this side of the driveway and the
 09:11PM 23 front of this garage, they're all at the same
 09:11PM 24 elevation.

09:11PM 25 So the water is going to pitch out at a
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201-641-1812

09:09PM 1 duplexes such as this, there's a pretty significant
 09:09PM 2 increase in the amount of coverage on the lot.
 09:09PM 3 That's not going to be the case for us, but
 09:09PM 4 regardless we're still storing all of the roof area
 09:09PM 5 and the proposed driveway area in seepage pits.

09:09PM 6 Q. So the existing home has some
 09:09PM 7 nonconforming features as it is?

09:09PM 8 A. True, yes.

09:09PM 9 Q. And what is the building coverage on
 09:09PM 10 your proposed site plan?

09:09PM 11 A. Our -- this the architectural number,
 09:09PM 12 it's 2,450 square feet.

09:09PM 13 Q. So it's just under the maximum
 09:09PM 14 permitted?

09:09PM 15 A. Correct.

09:09PM 16 Q. 2500?

09:10PM 17 A. Correct.

09:10PM 18 Q. So even though we have two side yards
 09:10PM 19 5 feet each instead of 6, we're still under, just
 09:10PM 20 under the building coverage requirement?

09:10PM 21 A. Yes, and we're meeting the rear setback
 09:10PM 22 and also the average front where the average number
 09:10PM 23 was, if you look at the zoning legend, 18.5 feet.

09:10PM 24 So the average of the block is only
 09:10PM 25 18.5 and we're proposing 20.

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

201-641-1812

09:11PM 1 45-degree angle towards the street, but we couldn't
 09:11PM 2 lower that anymore and make that work. We're
 09:11PM 3 literally even with it.

09:11PM 4 Q. Of course we do not want to pitch a
 09:11PM 5 driveway into the garage?

09:11PM 6 A. No, it causes all kinds of problems.

09:11PM 7 Q. In fact, the water runs down the street
 09:11PM 8 itself. It might run right into that driveway?

09:11PM 9 A. Right.

09:11PM 10 Q. So we're avoiding that, using some good
 09:11PM 11 engineering skills and proper drainage, right?

09:12PM 12 A. Yeah, but barely.

09:12PM 13 We're just making sure that we don't
 09:12PM 14 have a problem, but we couldn't go any lower.

09:12PM 15 Q. Now, we did receive some comment
 09:12PM 16 letters from the Collazuol group initially for

09:12PM 17 completion and then on September 11th there was a
 09:12PM 18 more detailed report. You had a chance to go through
 09:12PM 19 that?

09:12PM 20 A. Yes.

09:12PM 21 Q. And you then revised the plans,
 09:12PM 22 collaborated with the landscape features and other
 09:12PM 23 factors and we upgraded the revised plans?

09:12PM 24 A. Yes.

09:12PM 25 There's still a couple of what I would
 LAURA A. CARUCCI, C.S.R., R.P.R., L.L.C.

201-641-1812

09:12PM **1** consider minor open items in Mr. Collazuol's letter
 09:12PM **2** which we have no objection to and we'll comply with.
 09:12PM **3** Q. And are there any other -- any issues
 09:12PM **4** in his letter that concern you that we don't comply
 09:12PM **5** with?
 09:12PM **6** A. No, all of them can be complied with
 09:12PM **7** for sure.
 09:12PM **8** MR. ALAMPI: Good.
 09:12PM **9** I have nothing further of the engineer,
 09:12PM **10** Mr. Chairman.
 09:12PM **11** CHAIRMAN FERGUSON: Okay. Any board
 09:12PM **12** members have anything?
 09:13PM **13** MR. COLLAZUOL: Two questions.
 09:13PM **14** Tom, can you answer why you selected
 09:13PM **15** the right rear of the right-hand side unit in the
 09:13PM **16** rear yard to place the stormwater retention system?
 09:13PM **17** What was the thinking behind that?
 09:13PM **18** THE WITNESS: It's just the lowest
 09:13PM **19** point on the lot and we were trying to collect all of
 09:13PM **20** the driveway runoff as well.
 09:13PM **21** So we're -- we have trench drains in
 09:13PM **22** the driveway that wrap all the way around the
 09:13PM **23** northerly property line into the seepage pits in the
 09:13PM **24** rear.
 09:13PM **25** We also have, you know, walkways, wide
LAURA A. CARUCCI, C.S.R., R.P.R., L.L.C.
201-641-1812

09:13PM **1** entrance walkways on either side and we're collecting
 09:13PM **2** that runoff as well so it doesn't shed onto the
 09:13PM **3** neighbors.
 09:13PM **4** So it just makes sense to put it all to
 09:13PM **5** that lowest point in the back.
 09:13PM **6** MR. COLLAZUOL: I appreciate that.
 09:13PM **7** So the question then would be to
 09:13PM **8** Mr. Alampi, is this property planned on being
 09:13PM **9** condominium.
 09:13PM **10** MR. ALAMPI: It could be. I'm not
 09:13PM **11** sure.
 09:13PM **12** MR. COLLAZUOL: So then typically the
 09:14PM **13** -- this right rear end of the property would be a
 09:14PM **14** limited common element, but the maintenance for the
 09:14PM **15** stormwater management system would be typically both
 09:14PM **16** parties.
 09:14PM **17** So how would you address that if it was
 09:14PM **18** only on -- in the limited common elements.
 09:14PM **19** MR. ALAMPI: We would portion the cost.
 09:14PM **20** In other words, it's a limited common
 09:14PM **21** element for one purpose, because it's exclusively on
 09:14PM **22** one side, but the drainage benefits the whole
 09:14PM **23** property.
 09:14PM **24** So we build that into the master deed
 09:14PM **25** and we're going to require that both parties
LAURA A. CARUCCI, C.S.R., R.P.R., L.L.C.
201-641-1812

09:14PM **1** contribute to the upkeep and maintenance since they
 09:14PM **2** both benefit by that infrastructure.
 09:14PM **3** MR. COLLAZUOL: Very good.
 09:14PM **4** And the other comment, although noted,
 09:14PM **5** Tom, in the notes regarding the sanitary sewer being
 09:14PM **6** only one connection for a duplex, on your plan you
 09:14PM **7** show two separate sanitary and that has to be a Y
 09:14PM **8** connection at the right-of-way line.
 09:14PM **9** THE WITNESS: Correct.
 09:14PM **10** MR. COLLAZUOL: Your plan in note form
 09:14PM **11** shows it. Your plan view should show the revised
 09:15PM **12** connection, two laterals coming out tying into one,
 09:15PM **13** one cleanup, one lateral in the street.
 09:15PM **14** THE WITNESS: I saw the comment and I
 09:15PM **15** have no problem with it.
 09:15PM **16** MR. ALAMPI: I would agree on that
 09:15PM **17** plan, because we do kind of minimize it. I'd have to
 09:15PM **18** attach this so that they both -- both unit owners
 09:15PM **19** would be responsible.
 09:15PM **20** THE WITNESS: We'll submit a revised
 09:15PM **21** plan with all of the comments in the September 11th
 09:15PM **22** letter addressed.
 09:15PM **23** MR. COLLAZUOL: Thank you, Joe, that's
 09:15PM **24** it.
 09:15PM **25** CHAIRMAN FERGUSON: Okay. I guess
LAURA A. CARUCCI, C.S.R., R.P.R., L.L.C.
201-641-1812

09:15PM **1** nobody is here, huh?
 09:15PM **2** Okay, do you want to call your next
 09:15PM **3** witness.
 09:15PM **4** MR. ALAMPI: Yes, we have our
 09:15PM **5** architect, Sean Kim.
 09:15PM **6** CHAIRMAN FERGUSON: All right.
 09:15PM **7** MR. ALAMPI: Mr. Kim.
 09:15PM **8** MS. DECARLO: Do you swear or affirm
 09:15PM **9** that the testimony you will provide with regard to
 09:15PM **10** this application is the truth, the whole truth and
 09:16PM **11** nothing but the truth?
 09:16PM **12** MR. KIM: Yes, I do.
 09:16PM **13**
 09:16PM **14**
 09:16PM **15** S E A N K I M, RA
 09:16PM **16** 650 East Palisades Avenue, Englewood Cliffs, New
 09:16PM **17** Jersey, having been duly sworn, testifies as
 09:16PM **18** follows:
 09:16PM **19** MS. DECARLO: Please state your name,
 09:16PM **20** spell it and provide your address for the record.
 09:16PM **21** MR. KIM: Yeah.
 09:16PM **22** Sean Kim, K-I-M, located at 650 East
 09:16PM **23** Palisades Avenue, Englewood Cliffs, New Jersey.
 09:16PM **24** MS. DECARLO: Thank you.
 09:16PM **25** VOIR DIRE EXAMINATION
LAURA A. CARUCCI, C.S.R., R.P.R., L.L.C.
201-641-1812

09:16PM 1 BY MR. ALAMPI:
 09:16PM 2 Q. Sean, you're a licensed architect in
 09:16PM 3 the State of New Jersey?
 09:16PM 4 A. **Yes, I have a license in New Jersey.**
 09:16PM 5 CHAIRMAN FERGUSON: You've been here
 09:16PM 6 before.
 09:16PM 7 THE WITNESS: Yes, I have.
 09:16PM 8 CHAIRMAN FERGUSON: We'll accept him.
 09:16PM 9 MR. ALAMPI: Thank you.
 09:16PM 10 DIRECT EXAMINATION
 09:16PM 11 BY MR. ALAMPI:
 09:16PM 12 Q. Sean, give us the existing, what type
 09:16PM 13 of house is there now on the property, is it a
 09:16PM 14 one-family?
 09:16PM 15 A. **Yeah, this is showing the existing**
 09:16PM 16 **house, showing the two-story building and a**
 09:16PM 17 **single-family house and so basically our client wants**
 09:16PM 18 **the knock down this house and build a now duplex**
 09:16PM 19 **house here.**
 09:16PM 20 Q. And with that, we discussed the side
 09:16PM 21 yards with the engineer. So you can concentrate just
 09:17PM 22 on the architectural plans and design. Tell us what
 09:17PM 23 your client contemplates doing?
 09:17PM 24 A. **Yeah, this is the ground floor plan**
 09:17PM 25 **that shows the left side of the unit we have a**
LAURA A. CARUCCI, C.S.R., R.P.R., L.L.C.
201-641-1812

09:17PM 1 **two-car garage and recreation room, half bath and**
 09:17PM 2 **storage area and for the right side, this side, the**
 09:17PM 3 **client, they want to occupy this side.**
 09:17PM 4 **So we have a three-car garage and a**
 09:17PM 5 **small toilet room and a patio and actually this is a**
 09:17PM 6 **stair.**
 09:17PM 7 Q. So that primary unit would have three
 09:17PM 8 enclosed cars and then two in the driveway?
 09:17PM 9 A. **Yes.**
 09:17PM 10 Q. The other unit will have two cars in
 09:17PM 11 the garage and two in the driveway?
 09:17PM 12 A. **Yeah, correct.**
 09:17PM 13 Q. Total nine cars capacity?
 09:17PM 14 A. **Yeah, proposing nine cars.**
 09:17PM 15 Q. And their reciprocal in size except
 09:17PM 16 that the one side will have the extended garage, the
 09:17PM 17 other one will have a recreation room?
 09:18PM 18 A. **Right.**
 09:18PM 19 Q. And so what's the height of the ceiling
 09:18PM 20 at the first level?
 09:18PM 21 A. **Left side ceiling height is 8 feet and**
 09:18PM 22 **the right side of the unit is we stepped down --**
 09:18PM 23 **sloped down 2 feet, so we have a 10 feet ceiling**
 09:18PM 24 **height the right side.**
 09:18PM 25 Q. And that -- that's because of the
LAURA A. CARUCCI, C.S.R., R.P.R., L.L.C.
201-641-1812

09:18PM 1 grade, the property is on a tilt?
 09:18PM 2 A. **That's correct.**
 09:18PM 3 Q. So there's like two foundations,
 09:18PM 4 stepped foundations?
 09:18PM 5 A. **Right.**
 09:18PM 6 Q. Okay. And then with regard to the
 09:18PM 7 lower level, is there any man, what we call a man
 09:18PM 8 door or side door to the garage?
 09:18PM 9 A. **This is a walkway to the yard and we're**
 09:18PM 10 **not proposing any door from the side.**
 09:18PM 11 Q. No door?
 09:18PM 12 A. **No door.**
 09:18PM 13 Q. And the other unit as well?
 09:18PM 14 A. **The other unit we actually have a side**
 09:18PM 15 **door to access for a recreation room.**
 09:18PM 16 Q. Because he has the recreation room,
 09:18PM 17 right?
 09:18PM 18 A. **Correct.**
 09:18PM 19 Q. And in the next sheet you have the
 09:19PM 20 floor plan, the second and third floor?
 09:19PM 21 A. **Yes, this is the second floor plan.**
 09:19PM 22 **So we have a eat-in kitchen, dining**
 09:19PM 23 **area for both sides.**
 09:19PM 24 **And the right side is a slight**
 09:19PM 25 **difference, because our client, they want to make**
LAURA A. CARUCCI, C.S.R., R.P.R., L.L.C.
201-641-1812

09:19PM 1 **some sort of like an entry area --**
 09:19PM 2 THE COURT REPORTER: Some sort of what
 09:19PM 3 area.
 09:19PM 4 THE WITNESS: Entry, like a foyer area.
 09:19PM 5 And we have a smaller plan and this is
 09:19PM 6 the third floor plan.
 09:19PM 7 So each side we have the master suite
 09:19PM 8 and a small terrace and two kids room and a one
 09:19PM 9 bathroom and one storage and washer and dryer area.
 09:19PM 10 BY MR. ALAMPI:
 09:19PM 11 Q. So it's a master bath and two bedrooms
 09:19PM 12 and bath on the upper floor?
 09:19PM 13 A. **Right.**
 09:19PM 14 Q. And what you said in the -- on the main
 09:19PM 15 floor, the dining, kitchen and living room area on
 09:19PM 16 the unit that Mr. An intends to occupy, he wants to
 09:20PM 17 have a little vestibule?
 09:20PM 18 A. **Right.**
 09:20PM 19 Q. He doesn't like the idea of coming
 09:20PM 20 upstairs right into the living area?
 09:20PM 21 A. **Right.**
 09:20PM 22 Q. So that shows that his unit has some
 09:20PM 23 custom features that you don't normally see?
 09:20PM 24 A. **Right.**
 09:20PM 25 Q. Okay.
LAURA A. CARUCCI, C.S.R., R.P.R., L.L.C.
201-641-1812

09:20PM **1** And anything else? How about the
 09:20PM **2** elevations of your building? Third sheet of the
 09:20PM **3** elevation?
 09:20PM **4** **A. Yes.**
 09:20PM **5** **This is the front elevation.**
 09:20PM **6** **So as you see, the slope from the left**
 09:20PM **7** **side to the right side coming down and we're**
 09:20PM **8** **proposing brick and stucco for this certain entry.**
 09:20PM **9** **So ceiling height for the garage is**
 09:20PM **10** **8 feet and the main floor, second floor is 9 feet and**
 09:20PM **11** **the bedroom area is 8-feet-ceiling height.**
 09:20PM **12** **Q.** So there are no excessive ceiling
 09:20PM **13** heights here interior?
 09:20PM **14** **A. No.**
 09:20PM **15** **Q.** When you show the profile, can you tell
 09:20PM **16** us how much of a pitch, how many feet from one side
 09:20PM **17** of the property to the other?
 09:21PM **18** **A. Pitch one side to the other side is**
 09:21PM **19** **about like 3 feet coming down and so we have a**
 09:21PM **20** **minimum building slope, so it's not steep pitch.**
 09:21PM **21** **Q.** Now, you're showing the side elevations
 09:21PM **22** and then the rear as well?
 09:21PM **23** **A. Right.**
 09:21PM **24** **Q.** Can you just articulate a little bit
 09:21PM **25** how you're working with the topography?

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

201-641-1812

09:22PM **1** unit off the kitchen, I guess, the main floor?
 09:22PM **2** **A. Yeah, deck, we have from the second**
 09:22PM **3** **floor for each unit.**
 09:22PM **4** **Q.** Which would be the main living room?
 09:22PM **5** **A. Right, correct.**
 09:22PM **6** **Q.** Any other features you want to tell the
 09:22PM **7** board about?
 09:22PM **8** **A. I think that's it.**
 09:22PM **9** **Q.** And so you managed to stay below the
 09:22PM **10** building coverage even though we have 5-foot side
 09:23PM **11** yards on each side, you're still under the building
 09:23PM **12** coverage?
 09:23PM **13** **A. Correct.**
 09:23PM **14** **Q.** The real issue is that it's three
 09:23PM **15** stories at 35.5 feet?
 09:23PM **16** **A. Correct.**
 09:23PM **17** **Q.** Can you show us how it becomes three
 09:23PM **18** stories?
 09:23PM **19** **A. Well, this is the street level.**
 09:23PM **20** **So basically topo coming down, that's**
 09:23PM **21** **why we start the average grade in the low area and**
 09:23PM **22** **from building height from average grade to the middle**
 09:23PM **23** **of the pitch area is 35-feet-6-inches, but we have**
 09:23PM **24** **like about 32-feet-6-inches from street level to the**
 09:23PM **25** **average pitch area. So this is a very typical height**

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

201-641-1812

09:21PM **1** **A. So this is the site elevation. So**
 09:21PM **2** **slope coming down to the backyard is about 7 feet.**
 09:21PM **3** **So it slopes down and they have step downs.**
 09:21PM **4** **Q.** Seven-foot difference from the front to
 09:21PM **5** the back?
 09:21PM **6** **A. Correct.**
 09:21PM **7** **So it's coming down to the rear and the**
 09:21PM **8** **rear step up to the patio area and we have an open**
 09:21PM **9** **deck area from the second floor.**
 09:21PM **10** **Q.** So I see in the rear elevation that
 09:21PM **11** shows, that illustrates the footing, the slab,
 09:22PM **12** rather, it's like a split slab.
 09:22PM **13** **A. Yeah, pretty much actually we devised**
 09:22PM **14** **the drawing so pretty much it slope down gently so**
 09:22PM **15** **this previous elevation.**
 09:22PM **16** **Q.** Okay. And what kind of materials are
 09:22PM **17** you using?
 09:22PM **18** **A. Brick and stucco.**
 09:22PM **19** **Q.** All right. And the stairs to each unit
 09:22PM **20** from the outside from the front is on the far side of
 09:22PM **21** each unit?
 09:22PM **22** **A. Yes.**
 09:22PM **23** **Q.** The steps?
 09:22PM **24** **A. Yes.**
 09:22PM **25** **Q.** And there's a deck proposed for each

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

201-641-1812

09:23PM **1** of --
 09:23PM **2** **Q.** To appearance from the curb side
 09:23PM **3** looking at the house, it appears to be 32 feet,
 09:23PM **4** correct?
 09:23PM **5** **A. Yes.**
 09:23PM **6** **Q.** But, of course, it's 35-and-a-half,
 09:23PM **7** because the average grade around the property?
 09:23PM **8** **A. Right, the average grade and street**
 09:23PM **9** **level, we have 35-feet-6-inches building height.**
 09:24PM **10** MR. ALAMPI: Thank you.
 09:24PM **11** Chairman, I have no other questions of
 09:24PM **12** the architect.
 09:24PM **13** CHAIRMAN FERGUSON: I just got two.
 09:24PM **14** Did I hear you say that one side where there's three
 09:24PM **15** cars, you said there's no side door?
 09:24PM **16** THE WITNESS: Yes.
 09:24PM **17** CHAIRMAN FERGUSON: Don't you need a
 09:24PM **18** secondary egress.
 09:24PM **19** THE WITNESS: We have a back door.
 09:24PM **20** CHAIRMAN FERGUSON: You have a back
 09:24PM **21** door.
 09:24PM **22** THE WITNESS: Back door.
 09:24PM **23** CHAIRMAN FERGUSON: You have a back
 09:24PM **24** door and you can go through the garage.
 09:24PM **25** THE WITNESS: Right.

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

201-641-1812

09:24PM **1** CHAIRMAN FERGUSON: Okay. The second
 09:24PM **2** thing is over here on the other side of the building
 09:24PM **3** there's a door and on one side there's this door, I
 09:24PM **4** assume that's storage, what's on the other side, the
 09:24PM **5** square thing.
 09:24PM **6** THE WITNESS: You're talking about the
 09:24PM **7** ground floor plan.
 09:24PM **8** CHAIRMAN FERGUSON: No, behind the
 09:24PM **9** garage.
 09:24PM **10** THE WITNESS: Behind the garage.
 09:24PM **11** So we hopefully have a half bath and
 09:24PM **12** this is sole area.
 09:24PM **13** CHAIRMAN FERGUSON: No, I know that.
 09:24PM **14** It's marked.
 09:24PM **15** What's on the other side of it? On the
 09:24PM **16** right side there's the storage area, right? What's
 09:25PM **17** this over here?
 09:25PM **18** THE WITNESS: Can I see?
 09:25PM **19** CHAIRMAN FERGUSON: Yeah, sure. This
 09:25PM **20** is the --
 09:25PM **21** THE WITNESS: Yeah, this is the storage
 09:25PM **22** area.
 09:25PM **23** CHAIRMAN FERGUSON: It's all storage
 09:25PM **24** area? Both sides.
 09:25PM **25** THE WITNESS: Yes.
LAURA A. CARUCCI, C.S.R., R.P.R., L.L.C.
201-641-1812

09:25PM **1** CHAIRMAN FERGUSON: Any board members
 09:25PM **2** have anything?
 09:25PM **3** (No Response.)
 09:25PM **4** CHAIRMAN FERGUSON: Okay. You should
 09:25PM **5** mark it though. Okay.
 09:25PM **6** Do you have anything, Steve?
 09:25PM **7** MR. COLLAZUOL: For the architect?
 09:25PM **8** MR. KAUKER: Nothing for the architect.
 09:25PM **9** MR. COLLAZUOL: I just want to point
 09:25PM **10** out to the board, though --
 09:25PM **11** CHAIRMAN FERGUSON: Oh, sure.
 09:25PM **12** MR. COLLAZUOL: Back to the site plan,
 09:25PM **13** they are indicating that one of the power poles which
 09:25PM **14** is in front of the proposed driveway on the
 09:25PM **15** right-hand side has to be relocated.
 09:25PM **16** So that is an expense that the
 09:25PM **17** development has got to incur and it's a big deal.
 09:25PM **18** MR. ALAMPI: It's probably \$40,000.00
 09:25PM **19** to do it, but we're relocating that pole.
 09:26PM **20** CHAIRMAN FERGUSON: Okay, good.
 09:26PM **21** MR. ALAMPI: I have a final witness,
 09:26PM **22** Chairman.
 09:26PM **23** CHAIRMAN FERGUSON: Oh, good.
 09:26PM **24** MR. ALAMPI: Mr. Spatz.
 09:26PM **25** (Whereupon, Photo Exhibit is marked as
LAURA A. CARUCCI, C.S.R., R.P.R., L.L.C.
201-641-1812

09:26PM **1** Exhibit A-1 for identification.)
 09:26PM **2** MR. ALAMPI: So, Chairman, we're going
 09:26PM **3** to swear in Mr. Spatz.
 09:26PM **4** CHAIRMAN FERGUSON: He's been sworn in
 09:26PM **5** already, right?
 09:26PM **6** MS. DECARLO: He continues to be sworn
 09:26PM **7** in.
 09:26PM **8** D A V I D S P A T Z, P P
 09:26PM **9** 60 Friend Terrace, Harrington Park, New Jersey,
 09:26PM **10** having been previously sworn, testifies as
 09:26PM **11** follows:
 09:26PM **12** MR. SPATZ: I'm still under oath. I
 09:26PM **13** just handed out a photo exhibit that's marked A-1.
 09:26PM **14**
 09:26PM **15** DIRECT EXAMINATION
 09:26PM **16** BY MR. ALAMPI:
 09:26PM **17** Q. Okay. Take us through it.
 09:27PM **18** A. Okay. Very good.
 09:27PM **19** The top left-hand photograph is of the
 09:27PM **20** subject property.
 09:27PM **21** The top right is looking to the right
 09:27PM **22** of our property. It's a newer two-family home.
 09:27PM **23** The bottom left-hand photograph is
 09:27PM **24** looking to the left of our photograph. The adjacent
 09:27PM **25** property is sort of behind the trees, it's a
LAURA A. CARUCCI, C.S.R., R.P.R., L.L.C.
201-641-1812

09:27PM **1** single-family home.
 09:27PM **2** And then bottom right is directly
 09:27PM **3** across the street from us, another two-family home.
 09:27PM **4** So this area of East Palisades is a mix
 09:27PM **5** of one- and two-family homes. The newer two-families
 09:27PM **6** to the right of us, to the west.
 09:27PM **7** So we're in the AA Zone, which permits
 09:27PM **8** two families. The existing lot exceeds the lot area
 09:27PM **9** width and depth requirements of the zone. There is
 09:27PM **10** one D variances and that's for building height and
 09:27PM **11** then one C variance and that is for side yards.
 09:27PM **12** So looking at our D variances, I think
 09:27PM **13** the site, again, is particularly well-suited for what
 09:27PM **14** we're proposing.
 09:27PM **15** Again, this zone permits two families.
 09:27PM **16** The neighborhood contains a number of two families.
 09:28PM **17** And the building has been designed to fit within the
 09:28PM **18** character of the neighborhood, as well as within the
 09:28PM **19** property and with minimal amounts of variances.
 09:28PM **20** In terms of meeting the purposes of
 09:28PM **21** zoning, we meet several of them.
 09:28PM **22** Purpose A, which promotes public
 09:28PM **23** health, safety, morals and general welfare, providing
 09:28PM **24** a two-family home in a zone, in residential zone
 09:28PM **25** meets that standard.
LAURA A. CARUCCI, C.S.R., R.P.R., L.L.C.
201-641-1812

09:28PM 1 Purpose G is appropriate locations for
09:28PM 2 a variety of uses. Again, it is certainly
09:28PM 3 appropriate to put the two-family home in a zone that
09:28PM 4 permits it on a conforming lot size adjacent to
09:28PM 5 two-family homes.

09:28PM 6 Lastly, we meet Purpose I, which is
09:28PM 7 promoting a desirable visual environment. The
09:28PM 8 existing building is as was described earlier, has a
09:28PM 9 number of preexisting nonconformities, which are
09:28PM 10 being either reduced or eliminated altogether. So I
09:28PM 11 think we meet that standard.

09:28PM 12 In terms of our one D variances for the
09:28PM 13 height, we need to look at the consistency with the
09:28PM 14 neighborhood and we certainly are. The building has
09:28PM 15 been designed to address the topographic conditions
09:29PM 16 on the property.

09:29PM 17 As can be seen, the adjacent property
09:29PM 18 to us is a newer two-family home and we are similar
09:29PM 19 to that in terms of the size and the scale of our
09:29PM 20 building. So we are consistent with the
09:28PM 21 neighborhood, both the older and the newer ones, as
09:28PM 22 well as meeting the topographical challenge.

09:28PM 23 Looking at the bulk variances, the only
09:28PM 24 bulk variance we need is for side yards. Six foot is
09:29PM 25 required. We're at 5 foot. The building has been

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

201-641-1812

09:30PM 1 provided for the adjacent properties.
09:30PM 2 So I think that the positive criteria
09:30PM 3 far exceeds what might be considered negative and I
09:30PM 4 believe it would be appropriate to grant those
09:30PM 5 variances.

09:30PM 6 Q. Now, David, just on the height itself.

09:30PM 7 A. Yes.

09:31PM 8 Q. This area of Palisades Boulevard is at
09:31PM 9 the crest of the hill?

09:31PM 10 A. That's correct.

09:31PM 11 Q. Going up to Bergen Boulevard?

09:31PM 12 A. Yes, yes. And the photographs
09:31PM 13 demonstrate that.

09:31PM 14 Q. It has a pretty wide panoramic
09:31PM 15 neighborhood.

09:31PM 16 The houses, even some taller homes seem
09:31PM 17 to fit into the scale of the upgrade of the hill
09:31PM 18 going up to Bergen Boulevard?

09:31PM 19 A. Yes, the homes both older and newer
09:31PM 20 ones have been designed to acknowledge the
09:31PM 21 topographical challenges of it and they sort of step
09:31PM 22 up as they go up the hill.

09:31PM 23 Q. And that's common for that whole
09:31PM 24 neighborhood?

09:31PM 25 A. And as well as the rest of Palisades
LAURA A. CARUCCI, C.S.R., R.P.R., L.L.C.

201-641-1812

09:29PM 1 designed to provide a conforming -- an
09:29PM 2 over-conforming amount of parking on the property
09:29PM 3 that requires the building to be a little bit bigger
09:29PM 4 to get the two-car garage, as well as two cars on the
09:29PM 5 driveway, but we still managed to provide setbacks
09:29PM 6 that are improvements of current conditions and it is
09:29PM 7 --

09:28PM 8 Q. And we managed to stay under the
09:29PM 9 building coverage.

09:28PM 10 A. And we stay under the building
09:28PM 11 coverage, the front yard, the rear yard all conforms.

09:30PM 12 So the building has been quite detailed
09:30PM 13 in its design to limit its impact on our property, as
09:30PM 14 well as the adjacent properties. So I think the
09:30PM 15 positive criteria exists.

09:30PM 16 Looking at the negative criteria, I
09:30PM 17 don't believe anything is substantially negative.
09:30PM 18 We're a permitted use consistent with the character
09:30PM 19 of the surrounding residential neighborhood.

09:30PM 20 In terms of the setbacks, as I've
09:30PM 21 indicated, only one setback that is for side yards
09:30PM 22 and they're only 1 foot shorter than what is
09:30PM 23 permitted. We meet the front yards, the rear yards,
09:30PM 24 the coverage standards. We have a conforming amount
09:30PM 25 of parking. So light, air and open space will be

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

201-641-1812

09:31PM 1 Park, which has a number of steep conditions, but,
09:31PM 2 yes, certainly our design is consistent with the
09:31PM 3 neighborhood both in terms of the design of the
09:31PM 4 building, as well as its height.

09:31PM 5 Q. And the case law in New Jersey, you're
09:31PM 6 familiar, of course, the cite in your notes to me,
09:31PM 7 the Grasso case, correct?

09:31PM 8 A. Yes.

09:31PM 9 Q. And does this fit this concept and on
09:31PM 10 scale with the other homes?

09:31PM 11 A. Yes, absolutely.

09:31PM 12 Q. Is that supported by the supreme court
09:31PM 13 case?

09:31PM 14 A. Yes, that case indicates that a greater
09:32PM 15 height than permitted would be acceptable if it is
09:32PM 16 shown to be consistent with the neighborhood
09:32PM 17 development pattern, as well as topographic
09:32PM 18 conditions and I think we certainly meet that
09:32PM 19 standard.

09:32PM 20 MR. ALAMPI: Thank you.

09:32PM 21 Chairman, I have no further questions
09:32PM 22 of our expert.

09:32PM 23 CHAIRMAN FERGUSON: Can I just recall
09:32PM 24 the architect?

09:32PM 25 MR. ALAMPI: The architect.

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

201-641-1812

09:32PM 1 CHAIRMAN FERGUSON: Yeah, I just have
 09:32PM 2 two.
 09:32PM 3 MR. ALAMPI: Mr. Kim?
 09:32PM 4 CHAIRMAN FERGUSON: Mr. Kim, I see over
 09:32PM 5 here you got -- do you have a sink on the three-car
 09:32PM 6 side? A sink?
 09:32PM 7 THE WITNESS: Yeah, we have a sink
 09:32PM 8 outside toilet.
 09:32PM 9 CHAIRMAN FERGUSON: Where is that, sir?
 09:32PM 10 THE WITNESS: That's the sink
 09:32PM 11 (indicating).
 09:32PM 12 CHAIRMAN FERGUSON: That's the sink?
 09:32PM 13 Okay.
 09:32PM 14 You didn't want to put it in here? No,
 09:32PM 15 it's okay.
 09:32PM 16 And the other thing is, what we talked
 09:32PM 17 about before here, the square thing, can we mark that
 09:32PM 18 storage?
 09:32PM 19 THE WITNESS: Yes, I can do that.
 09:32PM 20 CHAIRMAN FERGUSON: Yeah, please.
 09:32PM 21 All right.
 09:33PM 22 Okay. Do you want to sum up, Counsel?
 09:33PM 23 MR. ALAMPI: Chairman, it's late and
 09:33PM 24 I've been known to not be brief, so tonight I'll take
 09:33PM 25 on a different character.

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

09:33PM 1 I think this site is a beautiful
 09:33PM 2 location in town and the scale of it going uphill to
 09:33PM 3 Bergen Boulevard. We are asking for a height
 09:33PM 4 variance. We're not going to say that the topography
 09:33PM 5 alone forces us to build all 7 feet of the height
 09:33PM 6 over the limit, but it's a major contributing factor.
 09:33PM 7 I think the architect did a good job.
 09:33PM 8 He tried to customize the one unit for the current
 09:33PM 9 homeowner who wishes to occupy it. We have an
 09:33PM 10 8-foot, 9-foot, then 8-foot ceiling. This is not
 09:33PM 11 where we're trying to create these 9- and 10-foot
 09:33PM 12 ceilings and then we can bring the house down.
 09:33PM 13 So I think that it's consistent with
 09:33PM 14 the neighborhood. We will have no negative impact on
 09:33PM 15 our neighbors.
 09:33PM 16 CHAIRMAN FERGUSON: Absolutely not.
 09:33PM 17 MR. ALAMPI: Thank you.
 09:34PM 18 And that's my summation.
 09:34PM 19 CHAIRMAN FERGUSON: Okay. So I'm going
 09:34PM 20 to make a motion to pass the application as
 09:34PM 21 submitted. Of course you're going to adhere to any
 09:34PM 22 --
 09:34PM 23 MR. ALAMPI: Any recommendations.
 09:34PM 24 CHAIRMAN FERGUSON: Any
 09:34PM 25 recommendations.

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

09:34PM 1 MR. ALAMPI: Yes.
 09:34PM 2 CHAIRMAN FERGUSON: And I'll make that
 09:34PM 3 motion.
 09:34PM 4 Can I get a second?
 09:34PM 5 MR. GRALA: I'll second.
 09:34PM 6 CHAIRMAN FERGUSON: Okay.
 09:34PM 7 Roll call?
 07:02PM 8 MS. IGUINA: Mr. Ferguson?
 07:02PM 9 CHAIRMAN FERGUSON: Yes.
 07:02PM 10 MS. IGUINA: Mr. Brogna?
 07:02PM 11 MR. BROGNA: Yes.
 07:02PM 12 MS. IGUINA: Mr. Grala?
 07:03PM 13 MR. GRALA: Yes.
 14 MS. IGUINA: Mr. Terranova?
 15 MR. TERRANOVA: Yes.
 16 MS. IGUINA: Mr. Elefteriou?
 17 MR. ELEFTERIOU: Yes.
 18 MS. IGUINA: Mr. Chung?
 19 Mr. Chung: Yes.
 20 CHAIRMAN FERGUSON: I'm going to kick
 09:34PM 21 it over to our attorney.
 09:34PM 22 MS. DECARLO: With regard to earlier
 09:34PM 23 Case No. 24-02, 450 East Edsall Boulevard, it's being
 09:34PM 24 carried to October 21st, 2024, no further notice is
 09:34PM 25 required by the applicant.

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

09:34PM 1 And pursuant to a letter dated
 09:35PM 2 September 13th, 2024, from the applicant's attorney,
 09:35PM 3 the applicant has waived any board time period
 09:35PM 4 constraints.
 09:35PM 5 CHAIRMAN FERGUSON: Okay. Motion to
 09:35PM 6 adjourn?
 09:35PM 7 MR. GRALA: Motion.
 09:35PM 8 MR. ELEFTERIOU: Second.
 09:35PM 9 CHAIRMAN FERGUSON: All in favor?
 10 (Whereupon, all members respond in the
 11 affirmative.)
 12 CHAIRMAN FERGUSON: All right. See you
 13 next month.
 14 (Whereupon, this meeting is concluded.
 15 Time noted: 9:35 p.m.)

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

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201-641-1812


CERTIFICATE

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I, LAURA A. CARUCCI, C.C.R., R.P.R., a Remote Online Notary Public, Notary ID. #1810618, 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 RON Notary
Public Notary ID. #1810618, Notary
Expiration Date May 27, 2028

Dated: 10-7-24

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

| | | | | |
|---|--|--|--|---|
| # | 135:21 | 20-foot [1] - 82:10 | 3 | 4 |
| #1810618 [2] - 158:4, 158:15 #XI02050 [1] - 158:15 | 12 [6] - 3:7, 30:17, 73:16, 91:19, 128:3, 131:8 12-foot [1] - 108:15 12.66 [1] - 52:11 | 2000 [3] - 60:19, 65:17, 87:21 201 [3] - 2:5, 2:9, 2:13 201-641-1812 [1] - 1:25 | 3 [17] - 1:22, 17:19, 39:25, 88:15, 95:19, 96:17, 97:3, 97:19, 98:3, 98:7, 101:11, 109:8, 109:9, 112:24, 113:2, 113:15, 141:19 | 4 [24] - 37:3, 47:21, 48:2, 68:17, 91:20, 92:2, 92:4, 105:8, 106:25, 107:2, 107:11, 107:13, 109:5, 109:19, 109:20, 109:23, 110:13, 112:17, 115:22, 116:4, 120:13, 120:14, 129:14 |
| \$ | 120 [6] - 4:10, 4:20, 4:22, 61:13, 86:2, 104:2 | 2024 [3] - 1:2, 155:24, 156:2 | 2028 [1] - 158:16 | |
| \$40,000.00 [1] - 146:18 \$5,170.00 [1] - 10:11 | 120A [1] - 104:5 121 [1] - 110:19 122 [12] - 1:12, 1:12, 2:10, 4:15, 4:15, 5:4, 6:8, 6:8, 78:12, 78:13, 79:7, 79:8 | 21 [1] - 3:12 213 [3] - 1:11, 4:4, 6:5 21st [3] - 12:12, 12:14, 155:24 | 3,625 [1] - 16:2 3-and-a-half [8] - 90:16, 98:1, 99:16, 105:5, 109:1, 109:17, 116:4 | 110:13, 112:17, 115:22, 116:4, 120:13, 120:14, 129:14 |
| . | 124 [2] - 4:21, 98:21 | 22 [3] - 3:13, 96:21, 113:6 | 3-and-a-half-foot [2] - 82:7, 91:8 | 4-and-a-half [1] - 91:22 |
| '60s [1] - 41:1 '70s [1] - 41:1 | 125 [1] - 5:5 126 [1] - 5:6 13 [1] - 3:9 | 22-feet-6-inches [1] - 108:3 | 3-feet-1 [1] - 112:16 | 4-foot [2] - 103:7, 105:14 |
| 0 | 132 [1] - 5:7 135 [1] - 5:8 136 [2] - 5:8, 5:9 | 22-foot [1] - 94:25 23 [1] - 3:14 | 3-feet-2-inches [1] - 112:16 | 4-on-12 [1] - 88:1 |
| 0.6 [1] - 66:23 0.7 [1] - 86:21 07024 [1] - 2:8 07026 [1] - 14:16 07601 [1] - 2:13 07632 [2] - 80:3, 80:10 07650 [1] - 2:5 07738 [1] - 26:7 | 13th [2] - 21:14, 156:2 14 [5] - 3:10, 47:21, 48:2, 90:8, 108:13 144 [3] - 5:10, 14:16, 14:24 145 [1] - 5:10 146 [2] - 5:11, 6:13 147 [1] - 5:12 | 24 [2] - 82:11, 98:14 24-02 [3] - 1:5, 3:5, 155:23 24-07 [4] - 1:7, 2:6, 3:8, 13:8 24-09 [2] - 1:3, 3:3 24-10 [4] - 1:9, 2:9, 4:3, 6:4 24-11 [4] - 1:13, 2:14, 5:3, 6:11 24-12 [4] - 1:11, 2:10, 4:14, 6:7 | 3-foot [5] - 81:18, 88:13, 98:3, 106:19, 112:25 3-foot-1 [1] - 98:8 3-foot-2 [1] - 98:8 30 [6] - 27:1, 88:8, 92:11, 95:24, 98:14 30-inches [1] - 100:15 30.5 [1] - 92:11 31 [2] - 30:23, 30:25 31.6 [1] - 19:22 311 [2] - 1:9, 3:9 | 4.9 [1] - 129:17 40 [7] - 3:21, 27:6, 27:8, 27:9, 30:12, 53:14, 53:18 40-by-100 [3] - 91:8, 91:12, 97:15 40-feet-wide-by-100-feet-deep [1] - 80:23 404 [1] - 2:12 41.43 [1] - 53:17 414 [4] - 1:15, 5:4, 6:12, 127:6 420 [2] - 1:7, 3:7 44 [1] - 30:13 45 [1] - 3:19 |
| 1 | 15 [1] - 3:11 152 [1] - 5:10 155 [1] - 3:7 16 [3] - 1:2, 1:7, 3:7 17 [1] - 49:1 17.3 [2] - 49:18, 52:2 18 [5] - 3:12, 36:20, 36:21, 37:5, 40:2 18.5 [2] - 130:23, 130:25 19 [3] - 21:4, 30:9 19-foot [2] - 29:8, 129:13 19.8 [1] - 129:15 1982 [1] - 27:3 | 24.83 [2] - 36:5, 36:6 245 [1] - 128:3 25 [17] - 19:23, 20:7, 29:25, 30:9, 30:15, 30:22, 49:17, 52:1, 52:4, 52:20, 82:13, 87:11, 88:22, 88:23, 96:21, 113:6, 113:8 25-by-100 [1] - 24:2 25-foot [2] - 50:2, 82:9 2500 [1] - 130:16 252 [8] - 1:8, 3:9, 3:21, 13:9, 13:13, 15:9, 34:17 257 [1] - 128:2 26 [2] - 3:16, 3:16 260 [5] - 3:14, 3:15, 3:20, 22:14, 25:2 27 [3] - 3:18, 3:19, 158:16 27-and-change [1] - 92:13 27.42 [1] - 91:13 28 [3] - 3:17, 52:23, 87:22 280 [1] - 83:17 29 [1] - 3:18 2:00 [1] - 96:14 | 32 [4] - 49:23, 86:20, 144:3 32-feet-6-inches [1] - 143:24 32.75 [1] - 87:12 324 [5] - 1:14, 5:4, 6:12, 122:15, 127:7 33-feet [1] - 82:7 33.10 [1] - 88:2 33.59 [1] - 53:1 34 [1] - 3:20 343-4600 [1] - 2:13 35 [2] - 24:4, 124:6 35-and-a-half [1] - 144:6 35-feet-6-inches [2] - 143:23, 144:9 35.5 [3] - 131:12, 131:13, 143:15 36.10 [1] - 88:3 37-feet [1] - 37:19 39 [1] - 3:18 3:00 [1] - 96:14 3rd [14] - 1:8, 3:9, 3:14, 3:15, 3:20, 3:21, 13:9, 13:13, 15:9, 15:12, 22:14, 22:21, 25:2, 34:17 | 45-degree [1] - 132:1 45.38 [1] - 83:10 450 [4] - 1:6, 3:6, 12:6, 155:23 46 [1] - 4:4 460 [1] - 2:4 467 [2] - 80:2, 80:9 47 [1] - 4:5 48 [1] - 4:6 |
| 1 [7] - 1:4, 1:21, 2:8, 3:4, 11:9, 116:5, 150:22 1,815 [2] - 83:9 1.43 [1] - 53:18 10 [8] - 1:15, 5:4, 6:12, 37:1, 39:24, 92:21, 127:7, 138:23 10-foot [2] - 118:4, 154:11 10.9 [1] - 129:18 100 [7] - 4:21, 19:19, 19:20, 20:2, 20:21, 29:19, 81:2 100-by-100 [1] - 41:22 100-foot [3] - 29:17, 48:24, 51:23 1000 [1] - 2:8 102 [1] - 4:22 10th [2] - 55:19, 85:14 11 [2] - 3:4, 128:4 110 [1] - 81:21 111.8 [1] - 81:23 112.55 [1] - 81:15 114 [2] - 4:23, 6:10 115 [4] - 26:7, 26:13, 81:17, 81:21 116 [1] - 81:21 118 [1] - 4:24 11th [2] - 132:17, | 15 [1] - 3:11 152 [1] - 5:10 155 [1] - 3:7 16 [3] - 1:2, 1:7, 3:7 17 [1] - 49:1 17.3 [2] - 49:18, 52:2 18 [5] - 3:12, 36:20, 36:21, 37:5, 40:2 18.5 [2] - 130:23, 130:25 19 [3] - 21:4, 30:9 19-foot [2] - 29:8, 129:13 19.8 [1] - 129:15 1982 [1] - 27:3 | 2 | 35 [2] - 24:4, 124:6 35-and-a-half [1] - 144:6 35-feet-6-inches [2] - 143:23, 144:9 35.5 [3] - 131:12, 131:13, 143:15 36.10 [1] - 88:3 37-feet [1] - 37:19 39 [1] - 3:18 3:00 [1] - 96:14 3rd [14] - 1:8, 3:9, 3:14, 3:15, 3:20, 3:21, 13:9, 13:13, 15:9, 15:12, 22:14, 22:21, 25:2, 34:17 | 5 |
| 1 [7] - 1:4, 1:21, 2:8, 3:4, 11:9, 116:5, 150:22 1,815 [2] - 83:9 1.43 [1] - 53:18 10 [8] - 1:15, 5:4, 6:12, 37:1, 39:24, 92:21, 127:7, 138:23 10-foot [2] - 118:4, 154:11 10.9 [1] - 129:18 100 [7] - 4:21, 19:19, 19:20, 20:2, 20:21, 29:19, 81:2 100-by-100 [1] - 41:22 100-foot [3] - 29:17, 48:24, 51:23 1000 [1] - 2:8 102 [1] - 4:22 10th [2] - 55:19, 85:14 11 [2] - 3:4, 128:4 110 [1] - 81:21 111.8 [1] - 81:23 112.55 [1] - 81:15 114 [2] - 4:23, 6:10 115 [4] - 26:7, 26:13, 81:17, 81:21 116 [1] - 81:21 118 [1] - 4:24 11th [2] - 132:17, | 2 [10] - 1:9, 3:9, 32:1, 49:5, 50:9, 92:6, 94:24, 113:4, 113:15, 138:23 2,450 [1] - 130:12 2-feet [1] - 102:25 2-foot [4] - 81:14, 92:5, 103:9, 128:11 20 [8] - 1:5, 3:4, 48:9, 52:9, 82:15, 88:21, 95:21, 130:25 | | | 5 [20] - 49:6, 50:8, 53:5, 63:6, 82:1, 83:11, 88:10, 88:20, 89:1, 90:19, 91:17, 91:20, 94:15, 97:9, 113:24, 113:25, 120:15, 124:1, 130:19, 149:25 5,000-square-foot [1] - 51:20 5-feet-10-inches [1] - 94:4 5-foot [5] - 63:4, 82:1, 112:25, 129:14, 143:10 |

| | | | | |
|--|---|--|--|--|
| <p>5-foot-10 [1] - 94:6 5.4 [2] - 48:25, 49:21 5/2/24 [1] - 127:10 50 [5] - 45:24, 51:20, 52:7, 52:9, 73:13 50-by-100 [6] - 51:21, 106:3, 111:25, 123:24, 127:13, 127:20 50-foot [1] - 50:25 50.8 [1] - 19:21 521 [5] - 1:10, 4:4, 6:5, 46:10, 46:23 527 [3] - 4:9, 56:21, 57:1 53 [1] - 94:25 53-foot [1] - 95:1 54 [2] - 4:7, 46:3 55 [1] - 4:7 56 [2] - 4:9, 82:6 56-feet [1] - 82:9 58-foot [1] - 50:24</p> | <p>75 [1] - 4:16 75-by-100 [1] - 111:25 75-foot-wide [1] - 106:1 76 [1] - 4:17 77 [1] - 4:17 7:01 [1] - 1:2</p> | <p>121:5, 121:6, 152:11, 154:16 abuts [1] - 15:15 accept [9] - 9:10, 22:5, 27:10, 36:17, 48:5, 76:24, 80:13, 126:19, 137:8 acceptable [5] - 13:22, 47:11, 79:18, 123:17, 152:15 access [3] - 84:24, 101:4, 139:15 accommodate [2] - 40:1, 83:17 accordance [1] - 7:1 according [3] - 23:18, 62:17, 88:17 account [1] - 131:14 achieve [1] - 87:1 acknowledge [3] - 116:12, 117:11, 151:20 acre [1] - 90:3 Act [1] - 7:2 action [2] - 158:8, 158:9 actual [2] - 54:2, 101:12 add [3] - 22:2, 30:9, 69:5 added [1] - 116:2 adding [1] - 35:19 addition [16] - 15:17, 18:17, 19:8, 19:9, 20:16, 20:23, 20:25, 21:3, 29:5, 29:8, 30:25, 35:25, 36:2, 83:8, 83:13, 84:23 additional [3] - 23:2, 39:25, 74:23 address [26] - 14:19, 18:5, 21:16, 22:13, 24:25, 25:1, 26:10, 34:15, 40:21, 47:24, 56:17, 61:11, 61:12, 70:13, 70:15, 80:6, 103:24, 104:2, 104:3, 110:17, 110:19, 126:10, 126:14, 134:17, 136:20, 149:15 addressed [4] - 85:15, 85:18, 110:20, 135:22 adhere [1] - 154:21 adjacent [11] - 17:7, 72:5, 74:21, 74:24, 110:25, 119:24, 147:24, 149:4, 149:17, 150:14,</p> | <p>151:1 adjourn [1] - 156:6 adjournment [2] - 12:8, 12:10 adjust [1] - 39:11 adjusted [1] - 118:16 Adjustment [1] - 2:2 ADJUSTMENT [2] - 1:1, 1:16 Administrative [1] - 158:10 advice [1] - 122:13 affect [3] - 101:23, 112:5, 112:6 affecting [1] - 53:9 affirm [7] - 14:10, 26:1, 47:15, 70:4, 79:21, 126:1, 136:8 afternoon [1] - 96:14 afterwards [1] - 67:14 agenda [1] - 78:10 agent [1] - 158:8 ago [4] - 89:25, 91:11, 95:21, 104:12 agree [2] - 112:24, 135:16 agreed [1] - 95:24 ahead [3] - 38:10, 60:5, 62:25 Ahn [4] - 1:14, 5:3, 6:11, 123:3 air [5] - 45:20, 52:4, 74:21, 118:20, 150:25 aLAMPi [1] - 140:10 ALAMPi [33] - 2:11, 2:11, 122:16, 122:19, 122:22, 122:24, 123:7, 123:9, 123:19, 126:20, 126:23, 133:8, 134:10, 134:19, 135:16, 136:4, 136:7, 137:1, 137:9, 137:11, 144:10, 146:18, 146:21, 146:24, 147:2, 147:16, 152:20, 152:25, 153:3, 153:23, 154:17, 154:23, 155:1 Alampi [7] - 5:6, 5:8, 5:9, 5:12, 123:1, 127:22, 134:8 ALBANESE [1] - 1:18 Albanese [2] - 7:18, 8:14 alignment [1] - 124:21 alleviate [1] - 102:21</p> | <p>allow [6] - 36:14, 36:15, 37:5, 47:1, 47:7, 123:23 almost [3] - 48:9, 82:1, 99:6 alone [1] - 154:5 altering [1] - 63:16 ALTERNATE [2] - 1:21, 1:22 alternative [1] - 83:23 altogether [1] - 149:10 ambulance [1] - 97:21 amount [8] - 74:25, 82:18, 118:21, 125:19, 128:15, 130:2, 150:2, 150:24 amounts [1] - 148:19 and-a-half-foot [1] - 97:19 Anderson [1] - 2:8 angle [2] - 127:18, 132:1 Anieska [2] - 3:20, 34:17 answer [5] - 27:14, 29:3, 29:15, 40:10, 133:14 anyway [2] - 94:20, 117:17 apartment [7] - 16:24, 17:1, 29:12, 29:13, 35:1, 125:11 apartments [2] - 73:20, 84:1 apologize [1] - 123:2 appearance [1] - 144:2 appearing [2] - 13:12, 14:23 Applicant [3] - 2:6, 2:9, 2:14 applicant [8] - 13:12, 37:12, 63:14, 63:15, 64:3, 123:6, 155:25, 156:3 applicant's [4] - 47:10, 63:11, 95:4, 156:2 applicants [1] - 65:24 application [31] - 13:13, 14:12, 17:6, 17:11, 26:3, 31:14, 44:15, 47:13, 47:17, 49:8, 49:13, 50:19, 67:12, 67:13, 67:15, 70:6, 76:14, 76:19, 76:25, 79:19, 79:23, 87:4, 106:7, 120:22, 120:24, 121:1, 123:15, 123:18,</p> |
| <p>6</p> <p>6 [17] - 1:11, 1:13, 4:4, 4:16, 6:5, 6:9, 49:19, 49:21, 49:23, 52:11, 52:14, 82:1, 88:10, 92:11, 106:4, 124:1, 130:19 6-foot [2] - 73:19, 74:4 6-foot-4 [1] - 91:18 6/0 [1] - 45:7 60 [6] - 3:22, 40:22, 70:10, 70:15, 114:17, 147:9 61 [1] - 4:10 615 [3] - 1:13, 4:16, 6:9 617 [2] - 1:5, 3:4 62 [1] - 4:7 65 [3] - 4:11, 126:7, 126:14 650 [2] - 136:16, 136:22 67 [1] - 4:8 68 [1] - 4:9</p> | <p>8</p> <p>8 [14] - 36:25, 53:23, 62:12, 62:17, 62:21, 62:22, 62:24, 67:7, 92:25, 95:19, 107:5, 107:6, 138:21, 141:10 8-by-11 [1] - 89:7 8-feet-by-11-feet [1] - 85:2 8-feet-ceiling [1] - 141:11 8-foot [4] - 89:7, 92:20, 154:10 8-inch [1] - 55:7 8/26/24 [1] - 127:11 82 [2] - 4:18, 4:19</p> | <p>act [1] - 7:2 action [2] - 158:8, 158:9 actual [2] - 54:2, 101:12 add [3] - 22:2, 30:9, 69:5 added [1] - 116:2 adding [1] - 35:19 addition [16] - 15:17, 18:17, 19:8, 19:9, 20:16, 20:23, 20:25, 21:3, 29:5, 29:8, 30:25, 35:25, 36:2, 83:8, 83:13, 84:23 additional [3] - 23:2, 39:25, 74:23 address [26] - 14:19, 18:5, 21:16, 22:13, 24:25, 25:1, 26:10, 34:15, 40:21, 47:24, 56:17, 61:11, 61:12, 70:13, 70:15, 80:6, 103:24, 104:2, 104:3, 110:17, 110:19, 126:10, 126:14, 134:17, 136:20, 149:15 addressed [4] - 85:15, 85:18, 110:20, 135:22 adhere [1] - 154:21 adjacent [11] - 17:7, 72:5, 74:21, 74:24, 110:25, 119:24, 147:24, 149:4, 149:17, 150:14,</p> | <p>allow [6] - 36:14, 36:15, 37:5, 47:1, 47:7, 123:23 almost [3] - 48:9, 82:1, 99:6 alone [1] - 154:5 altering [1] - 63:16 ALTERNATE [2] - 1:21, 1:22 alternative [1] - 83:23 altogether [1] - 149:10 ambulance [1] - 97:21 amount [8] - 74:25, 82:18, 118:21, 125:19, 128:15, 130:2, 150:2, 150:24 amounts [1] - 148:19 and-a-half-foot [1] - 97:19 Anderson [1] - 2:8 angle [2] - 127:18, 132:1 Anieska [2] - 3:20, 34:17 answer [5] - 27:14, 29:3, 29:15, 40:10, 133:14 anyway [2] - 94:20, 117:17 apartment [7] - 16:24, 17:1, 29:12, 29:13, 35:1, 125:11 apartments [2] - 73:20, 84:1 apologize [1] - 123:2 appearance [1] - 144:2 appearing [2] - 13:12, 14:23 Applicant [3] - 2:6, 2:9, 2:14 applicant [8] - 13:12, 37:12, 63:14, 63:15, 64:3, 123:6, 155:25, 156:3 applicant's [4] - 47:10, 63:11, 95:4, 156:2 applicants [1] - 65:24 application [31] - 13:13, 14:12, 17:6, 17:11, 26:3, 31:14, 44:15, 47:13, 47:17, 49:8, 49:13, 50:19, 67:12, 67:13, 67:15, 70:6, 76:14, 76:19, 76:25, 79:19, 79:23, 87:4, 106:7, 120:22, 120:24, 121:1, 123:15, 123:18,</p> | |
| <p>6</p> <p>6 [17] - 1:11, 1:13, 4:4, 4:16, 6:5, 6:9, 49:19, 49:21, 49:23, 52:11, 52:14, 82:1, 88:10, 92:11, 106:4, 124:1, 130:19 6-foot [2] - 73:19, 74:4 6-foot-4 [1] - 91:18 6/0 [1] - 45:7 60 [6] - 3:22, 40:22, 70:10, 70:15, 114:17, 147:9 61 [1] - 4:10 615 [3] - 1:13, 4:16, 6:9 617 [2] - 1:5, 3:4 62 [1] - 4:7 65 [3] - 4:11, 126:7, 126:14 650 [2] - 136:16, 136:22 67 [1] - 4:8 68 [1] - 4:9</p> | <p>9</p> <p>9 [5] - 86:22, 92:22, 93:5, 141:10, 154:11 9-by-20 [1] - 108:2 9-foot [1] - 154:10 947-5700 [1] - 2:5 95 [1] - 4:20 969-0900 [1] - 2:9 9:35 [1] - 156:15</p> | <p>act [1] - 7:2 action [2] - 158:8, 158:9 actual [2] - 54:2, 101:12 add [3] - 22:2, 30:9, 69:5 added [1] - 116:2 adding [1] - 35:19 addition [16] - 15:17, 18:17, 19:8, 19:9, 20:16, 20:23, 20:25, 21:3, 29:5, 29:8, 30:25, 35:25, 36:2, 83:8, 83:13, 84:23 additional [3] - 23:2, 39:25, 74:23 address [26] - 14:19, 18:5, 21:16, 22:13, 24:25, 25:1, 26:10, 34:15, 40:21, 47:24, 56:17, 61:11, 61:12, 70:13, 70:15, 80:6, 103:24, 104:2, 104:3, 110:17, 110:19, 126:10, 126:14, 134:17, 136:20, 149:15 addressed [4] - 85:15, 85:18, 110:20, 135:22 adhere [1] - 154:21 adjacent [11] - 17:7, 72:5, 74:21, 74:24, 110:25, 119:24, 147:24, 149:4, 149:17, 150:14,</p> | <p>allow [6] - 36:14, 36:15, 37:5, 47:1, 47:7, 123:23 almost [3] - 48:9, 82:1, 99:6 alone [1] - 154:5 altering [1] - 63:16 ALTERNATE [2] - 1:21, 1:22 alternative [1] - 83:23 altogether [1] - 149:10 ambulance [1] - 97:21 amount [8] - 74:25, 82:18, 118:21, 125:19, 128:15, 130:2, 150:2, 150:24 amounts [1] - 148:19 and-a-half-foot [1] - 97:19 Anderson [1] - 2:8 angle [2] - 127:18, 132:1 Anieska [2] - 3:20, 34:17 answer [5] - 27:14, 29:3, 29:15, 40:10, 133:14 anyway [2] - 94:20, 117:17 apartment [7] - 16:24, 17:1, 29:12, 29:13, 35:1, 125:11 apartments [2] - 73:20, 84:1 apologize [1] - 123:2 appearance [1] - 144:2 appearing [2] - 13:12, 14:23 Applicant [3] - 2:6, 2:9, 2:14 applicant [8] - 13:12, 37:12, 63:14, 63:15, 64:3, 123:6, 155:25, 156:3 applicant's [4] - 47:10, 63:11, 95:4, 156:2 applicants [1] - 65:24 application [31] - 13:13, 14:12, 17:6, 17:11, 26:3, 31:14, 44:15, 47:13, 47:17, 49:8, 49:13, 50:19, 67:12, 67:13, 67:15, 70:6, 76:14, 76:19, 76:25, 79:19, 79:23, 87:4, 106:7, 120:22, 120:24, 121:1, 123:15, 123:18,</p> | |
| <p>7</p> <p>7 [4] - 55:7, 111:1, 142:2, 154:5 7,000 [1] - 51:22 7-and-a-half [2] - 62:12, 67:7 70 [3] - 4:12, 4:12, 6:6 70-foot [2] - 48:23, 51:22 74 [1] - 4:13</p> | <p>A</p> <p>A-1 [10] - 6:6, 6:10, 6:13, 48:20, 70:23, 71:1, 114:21, 114:24, 147:1, 147:13 A-2 [1] - 50:17 A-3 [2] - 50:22, 54:8 A-H-N [1] - 123:4 A-N [1] - 123:4 A-N-I-E-S-K-A [1] - 34:21 AA [8] - 15:10, 16:11, 51:20, 71:17, 73:12, 115:16, 123:22, 148:7 able [2] - 99:18, 108:17 ABSENT [4] - 1:18, 1:21, 1:22, 2:21 absolutely [5] - 48:7,</p> | <p>act [1] - 7:2 action [2] - 158:8, 158:9 actual [2] - 54:2, 101:12 add [3] - 22:2, 30:9, 69:5 added [1] - 116:2 adding [1] - 35:19 addition [16] - 15:17, 18:17, 19:8, 19:9, 20:16, 20:23, 20:25, 21:3, 29:5, 29:8, 30:25, 35:25, 36:2, 83:8, 83:13, 84:23 additional [3] - 23:2, 39:25, 74:23 address [26] - 14:19, 18:5, 21:16, 22:13, 24:25, 25:1, 26:10, 34:15, 40:21, 47:24, 56:17, 61:11, 61:12, 70:13, 70:15, 80:6, 103:24, 104:2, 104:3, 110:17, 110:19, 126:10, 126:14, 134:17, 136:20, 149:15 addressed [4] - 85:15, 85:18, 110:20, 135:22 adhere [1] - 154:21 adjacent [11] - 17:7, 72:5, 74:21, 74:24, 110:25, 119:24, 147:24, 149:4, 149:17, 150:14,</p> | <p>allow [6] - 36:14, 36:15, 37:5, 47:1, 47:7, 123:23 almost [3] - 48:9, 82:1, 99:6 alone [1] - 154:5 altering [1] - 63:16 ALTERNATE [2] - 1:21, 1:22 alternative [1] - 83:23 altogether [1] - 149:10 ambulance [1] - 97:21 amount [8] - 74:25, 82:18, 118:21, 125:19, 128:15, 130:2, 150:2, 150:24 amounts [1] - 148:19 and-a-half-foot [1] - 97:19 Anderson [1] - 2:8 angle [2] - 127:18, 132:1 Anieska [2] - 3:20, 34:17 answer [5] - 27:14, 29:3, 29:15, 40:10, 133:14 anyway [2] - 94:20, 117:17 apartment [7] - 16:24, 17:1, 29:12, 29:13, 35:1, 125:11 apartments [2] - 73:20, 84:1 apologize [1] - 123:2 appearance [1] - 144:2 appearing [2] - 13:12, 14:23 Applicant [3] - 2:6, 2:9, 2:14 applicant [8] - 13:12, 37:12, 63:14, 63:15, 64:3, 123:6, 155:25, 156:3 applicant's [4] - 47:10, 63:11, 95:4, 156:2 applicants [1] - 65:24 application [31] - 13:13, 14:12, 17:6, 17:11, 26:3, 31:14, 44:15, 47:13, 47:17, 49:8, 49:13, 50:19, 67:12, 67:13, 67:15, 70:6, 76:14, 76:19, 76:25, 79:19, 79:23, 87:4, 106:7, 120:22, 120:24, 121:1, 123:15, 123:18,</p> | |

| | | | | |
|---|--|--|---|--|
| <p>126:3, 136:10, 154:20</p> <p>apply [1] - 50:20</p> <p>applying [1] - 112:9</p> <p>appointed [1] - 7:12</p> <p>appreciate [1] - 134:6</p> <p>approach [2] - 63:8, 93:11</p> <p>appropriate [7] - 72:14, 75:6, 116:19, 119:3, 149:1, 149:3, 151:4</p> <p>approval [3] - 47:1, 76:16, 79:9</p> <p>approve [5] - 11:12, 55:23, 85:17, 97:18, 121:1</p> <p>approved [8] - 11:9, 22:1, 50:20, 56:2, 56:4, 76:14, 83:21, 97:19</p> <p>approves [1] - 21:19</p> <p>apron [2] - 131:19</p> <p>architect [22] - 18:4, 18:18, 18:25, 19:3, 21:6, 25:23, 26:25, 47:5, 79:12, 79:15, 114:6, 124:9, 125:22, 128:9, 136:5, 137:2, 144:12, 146:7, 146:8, 152:24, 152:25, 154:7</p> <p>architectural [2] - 130:11, 137:22</p> <p>area [45] - 16:13, 24:21, 34:4, 35:12, 36:25, 38:3, 40:19, 51:8, 51:25, 54:14, 54:16, 71:19, 84:8, 84:19, 85:1, 115:19, 115:24, 116:11, 118:21, 119:11, 129:23, 130:4, 130:5, 138:2, 139:23, 140:1, 140:3, 140:4, 140:9, 140:15, 140:20, 141:11, 142:8, 142:9, 143:21, 143:23, 143:25, 145:12, 145:16, 145:22, 145:24, 148:4, 148:8, 151:8</p> <p>areas [1] - 38:6</p> <p>argue [1] - 77:11</p> <p>articulate [1] - 141:24</p> <p>artificially [1] - 53:7</p> <p>Asian [1] - 59:23</p> <p>asphalt [1] - 101:10</p> | <p>assume [2] - 13:19, 145:4</p> <p>attach [1] - 135:18</p> <p>attached [1] - 73:23</p> <p>attendance [2] - 8:10, 78:16</p> <p>attorney [5] - 10:10, 47:11, 95:5, 155:21, 156:2</p> <p>Audience [5] - 39:5, 64:7, 64:13, 109:12, 113:13</p> <p>AUDIENCE [3] - 31:11, 62:5, 62:8</p> <p>audience [3] - 22:11, 76:3, 85:21</p> <p>audrey [1] - 4:20</p> <p>Audrey [1] - 98:21</p> <p>August [1] - 21:14</p> <p>Augustine [3] - 4:10, 61:14, 61:16</p> <p>available [1] - 118:25</p> <p>Ave [2] - 1:4, 3:4</p> <p>Avenue [28] - 1:10, 1:12, 2:8, 4:4, 4:9, 4:10, 4:15, 4:21, 4:22, 6:5, 6:8, 46:10, 46:23, 52:5, 56:21, 61:13, 79:8, 80:2, 80:9, 80:24, 80:25, 81:2, 81:16, 98:22, 104:2, 110:19, 136:16, 136:23</p> <p>average [11] - 86:18, 128:5, 129:2, 130:22, 130:24, 143:21, 143:22, 143:25, 144:7, 144:8</p> <p>averages [1] - 131:14</p> <p>avoid [2] - 83:1, 87:4</p> <p>avoiding [1] - 132:10</p> <p>aware [1] - 112:4</p> | <p>37:13, 37:14, 38:12, 38:17, 38:21, 51:3, 54:5, 54:20, 84:2, 84:5</p> <p>basic [1] - 91:7</p> <p>bath [8] - 51:7, 51:11, 54:13, 54:19, 138:1, 140:11, 140:12, 145:11</p> <p>bathroom [2] - 84:21, 140:9</p> <p>bathrooms [1] - 54:23</p> <p>baths [1] - 51:15</p> <p>beam [1] - 39:14</p> <p>beautiful [1] - 154:1</p> <p>become [3] - 23:24, 31:8, 52:24</p> <p>becomes [2] - 24:14, 143:17</p> <p>bedroom [11] - 29:11, 29:12, 29:13, 41:9, 45:17, 84:15, 84:17, 84:20, 99:6, 99:7, 141:11</p> <p>bedrooms [5] - 42:20, 51:15, 54:22, 125:1, 140:11</p> <p>begin [3] - 7:7, 35:11, 79:14</p> <p>beginning [1] - 23:14</p> <p>behalf [1] - 13:12</p> <p>behind [7] - 36:21, 85:1, 125:7, 133:17, 145:8, 145:10, 147:25</p> <p>BEING [1] - 1:17</p> <p>belongs [1] - 60:19</p> <p>below [3] - 32:1, 95:24, 143:9</p> <p>benefit [6] - 89:22, 108:11, 110:3, 117:23, 117:25, 135:2</p> <p>benefits [1] - 134:22</p> <p>Bergen [7] - 2:4, 42:13, 43:12, 50:21, 151:11, 151:18, 154:3</p> <p>best [2] - 21:6, 82:17</p> <p>better [2] - 118:16, 118:19</p> <p>between [6] - 34:4, 35:13, 65:18, 95:4, 108:13, 128:11</p> <p>beyond [3] - 39:23, 41:14, 115:9</p> <p>big [2] - 17:11, 146:17</p> <p>bigger [1] - 150:3</p> <p>bills [3] - 10:9, 10:11, 10:12</p> | <p>Billy [1] - 91:10</p> <p>bit [13] - 21:3, 32:7, 39:4, 69:11, 81:6, 81:20, 82:19, 86:25, 91:23, 102:9, 109:24, 141:24, 150:3</p> <p>Block [16] - 1:5, 1:7, 1:9, 1:11, 1:13, 1:15, 3:4, 3:7, 3:9, 4:4, 4:16, 5:4, 6:5, 6:9, 6:12, 127:6</p> <p>block [19] - 24:20, 25:15, 33:12, 36:22, 38:6, 40:24, 41:16, 41:18, 41:19, 41:20, 87:9, 89:2, 89:13, 104:19, 105:1, 111:19, 130:24</p> <p>blocked [2] - 35:10, 111:4</p> <p>blocking [3] - 36:15, 39:22, 99:6</p> <p>blocks [1] - 108:9</p> <p>board [44] - 7:4, 10:10, 13:22, 21:19, 22:8, 26:10, 31:15, 31:16, 35:15, 38:5, 42:19, 42:24, 43:2, 47:12, 48:15, 48:19, 55:23, 67:12, 67:16, 68:5, 75:24, 76:12, 76:15, 76:18, 79:18, 85:10, 85:17, 90:12, 91:1, 91:12, 97:18, 104:22, 112:12, 112:24, 120:21, 123:3, 123:14, 123:18, 133:11, 143:7, 146:1, 146:10, 156:3, 158:6</p> <p>BOARD [6] - 1:1, 1:16, 2:18, 2:19, 2:20, 2:21</p> <p>Board [5] - 2:2, 13:11, 45:9, 46:15, 46:20</p> <p>board's [5] - 47:1, 69:3, 79:9, 82:24, 83:20</p> <p>Board/Professional [9] - 3:11, 3:17, 4:6, 4:13, 4:18, 4:24, 5:6, 5:9, 5:12</p> <p>boards [1] - 56:8</p> <p>body [1] - 158:6</p> <p>boiler [2] - 51:6, 54:13</p> <p>border [2] - 23:6, 23:20</p> <p>born [1] - 97:16</p> <p>BOROUGH [2] - 1:1,</p> | <p>1:16</p> <p>borough [2] - 7:3, 46:24</p> <p>Borough [3] - 7:5, 79:9, 127:7</p> <p>bother [1] - 23:20</p> <p>bothers [1] - 99:3</p> <p>bottom [7] - 71:9, 71:12, 87:22, 115:11, 131:7, 147:23, 148:2</p> <p>bought [1] - 90:1</p> <p>Boulevard [22] - 1:6, 1:14, 2:4, 3:6, 3:22, 5:4, 6:12, 12:6, 40:23, 42:13, 43:12, 78:11, 78:14, 122:15, 127:7, 127:20, 151:8, 151:11, 151:18, 154:3, 155:23</p> <p>boundary [12] - 56:23, 57:9, 57:11, 59:8, 65:6, 65:15, 65:20, 65:22, 65:24, 65:25, 68:15</p> <p>Boy [1] - 126:13</p> <p>brackets [1] - 100:17</p> <p>break [2] - 77:25, 78:5</p> <p>BRIAN [1] - 1:21</p> <p>brick [3] - 99:6, 141:8, 142:18</p> <p>bricks [1] - 100:7</p> <p>brief [4] - 13:18, 78:7, 124:8, 153:24</p> <p>briefly [1] - 119:7</p> <p>bring [5] - 43:20, 92:4, 97:23, 127:1, 154:12</p> <p>bringing [2] - 105:8, 107:2</p> <p>Brinkerhoff [1] - 35:13</p> <p>Brogna [11] - 7:20, 8:16, 9:18, 10:18, 11:19, 12:20, 44:21, 77:15, 78:19, 121:16, 155:10</p> <p>BROGNA [13] - 1:20, 7:21, 8:17, 9:19, 10:14, 10:19, 11:20, 12:21, 44:22, 77:16, 78:20, 121:17, 155:11</p> <p>brought [2] - 50:9, 87:1</p> <p>buffer [1] - 74:24</p> <p>build [26] - 31:20, 57:10, 60:2, 61:22, 61:25, 62:2, 62:9, 62:12, 63:11, 63:15, 63:22, 64:11, 64:21,</p> |
| B | | | | |
| <p>backyard [10] - 18:21, 87:6, 94:21, 95:14, 102:9, 103:11, 103:12, 111:5, 112:9, 142:2</p> <p>badly [1] - 28:17</p> <p>balance [3] - 75:3, 95:13, 119:1</p> <p>barely [3] - 27:19, 95:19, 132:12</p> <p>barrel [1] - 100:8</p> <p>based [2] - 73:16, 120:20</p> <p>basement [14] - 32:1, 32:4, 36:13, 36:24,</p> | | | | |

| | | | | | | |
|---|---|----------|---|--|--|--|
| 66:24, 67:8, 68:23, 89:6, 91:3, 93:17, 95:24, 101:25, 102:3, 104:17, 134:24, 137:18, 154:5 builder [3] - 90:25, 101:16, 104:17 Builders [2] - 1:6, 3:6 builders [2] - 91:4, 111:16 building [97] - 15:17, 16:22, 16:24, 17:1, 17:8, 18:14, 18:15, 19:7, 21:20, 22:3, 35:2, 35:18, 35:20, 49:18, 50:10, 53:7, 53:8, 53:14, 53:24, 55:24, 58:24, 64:3, 64:22, 68:20, 68:21, 68:25, 71:22, 71:24, 72:22, 72:23, 73:8, 74:3, 74:9, 75:14, 82:8, 83:10, 83:15, 85:18, 86:16, 87:19, 90:20, 91:4, 92:17, 93:17, 94:24, 95:1, 102:8, 104:20, 106:6, 106:9, 109:10, 110:2, 113:2, 115:21, 115:22, 116:6, 116:11, 116:25, 117:3, 117:5, 117:10, 118:7, 118:10, 119:9, 119:10, 119:13, 119:14, 120:15, 124:4, 125:10, 129:4, 129:6, 129:24, 129:25, 130:9, 130:20, 137:16, 141:2, 141:20, 143:10, 143:11, 143:22, 144:9, 145:2, 148:10, 148:17, 149:8, 149:14, 149:20, 149:25, 150:3, 150:9, 150:10, 150:12, 152:4 buildings [6] - 45:14, 75:12, 75:17, 106:23, 117:24, 119:11 built [18] - 23:3, 45:16, 60:18, 61:20, 61:24, 62:19, 65:16, 67:11, 68:18, 69:14, 87:21, | 95:21, 104:13, 106:16, 109:1, 128:18, 129:5 built-up [1] - 128:18 bulk [4] - 73:11, 117:14, 149:23, 149:24 bulletin [1] - 7:3 burden [1] - 35:8 buried [2] - 106:16, 106:21 business [4] - 24:22, 63:10, 70:15, 126:14 BY [12] - 15:4, 26:21, 28:22, 36:8, 48:14, 80:17, 109:4, 126:23, 137:1, 137:11, 140:10, 147:16 | C | C.C.R [2] - 158:3, 158:14 C.S.R [1] - 1:24 calculation [3] - 88:18, 129:1, 129:4 calculations [1] - 124:5 cannot [2] - 59:25, 98:10 capacity [1] - 138:13 car [21] - 17:15, 27:19, 28:10, 28:20, 32:22, 33:11, 41:11, 41:13, 42:2, 51:4, 54:11, 84:5, 84:6, 108:6, 125:4, 125:13, 125:16, 138:1, 138:4, 150:4, 153:5 care [2] - 25:11, 41:7 carefully [1] - 38:5 CARMINE [1] - 2:11 Carmine [1] - 123:1 carport [2] - 32:19, 32:20 carried [1] - 155:24 carry [2] - 12:11, 12:13 cars [26] - 24:12, 32:3, 33:3, 37:9, 39:12, 39:18, 39:19, 39:20, 41:8, 41:15, 41:23, 41:24, 53:20, 107:16, 107:17, 108:7, 113:9, 113:14, 113:19, 138:8, 138:10, 138:13, 138:14, 144:15, 150:4 | CARUCCI [3] - 1:24, 158:3, 158:14 case [13] - 13:7, 13:8, 27:10, 46:9, 52:9, 52:13, 73:15, 99:13, 130:3, 152:5, 152:7, 152:13, 152:14 Case [21] - 1:3, 1:5, 1:7, 1:9, 1:11, 1:13, 2:6, 2:9, 2:10, 2:14, 3:3, 3:5, 3:8, 4:3, 4:14, 5:3, 6:4, 6:7, 6:11, 13:8, 155:23 cases [1] - 15:20 catch [5] - 82:25, 83:6, 102:4, 102:5, 102:13 caused [2] - 75:18, 118:3 causes [1] - 132:6 ceiling [8] - 92:20, 93:2, 138:19, 138:21, 138:23, 141:9, 141:12, 154:10 ceilings [1] - 154:12 center [1] - 94:7 Central [5] - 3:22, 35:13, 40:23, 42:13, 43:12 certain [1] - 141:8 certainly [12] - 72:6, 73:2, 73:22, 117:1, 117:7, 117:25, 119:14, 119:17, 149:2, 149:14, 152:2, 152:18 certified [1] - 97:7 Certified [1] - 158:4 CERTIFIED [1] - 1:24 certify [1] - 158:5 chairman [7] - 48:4, 59:11, 61:3, 76:10, 113:23, 152:21, 153:23 Chairman [26] - 3:12, 3:18, 4:7, 5:10, 5:13, 13:11, 21:14, 27:13, 45:9, 46:19, 59:24, 64:17, 70:1, 79:5, 80:15, 114:3, 120:10, 122:6, 122:8, 122:16, 122:24, 126:20, 133:10, 144:11, 146:22, 147:2 CHAIRMAN [283] - 1:18, 1:18, 7:1, 7:11, 7:15, 7:17, 8:9, 8:13, 9:5, 9:9, 9:14, 9:17, 10:8, 10:15, 10:17, | 11:3, 11:6, 11:15, 11:18, 12:4, 12:13, 12:17, 12:19, 13:5, 13:16, 13:24, 14:1, 14:3, 14:7, 15:2, 18:7, 18:10, 18:20, 19:2, 19:5, 19:10, 19:13, 19:16, 20:1, 20:5, 20:9, 20:12, 20:15, 20:19, 21:7, 21:11, 21:21, 22:4, 22:7, 22:10, 22:16, 25:1, 25:4, 25:6, 25:9, 25:17, 25:20, 25:25, 26:14, 26:17, 27:7, 27:9, 29:14, 29:19, 29:22, 30:3, 30:7, 30:11, 30:14, 30:18, 30:21, 31:1, 31:6, 31:9, 31:12, 32:5, 32:13, 33:5, 33:9, 33:15, 33:22, 33:24, 34:3, 34:10, 34:13, 35:16, 36:2, 36:7, 37:20, 37:24, 38:8, 38:25, 39:8, 40:12, 40:20, 42:18, 42:22, 43:8, 43:19, 43:22, 44:3, 44:6, 44:8, 44:11, 44:18, 44:20, 45:6, 45:10, 45:13, 45:21, 45:25, 46:3, 46:6, 46:9, 46:18, 48:7, 48:12, 54:1, 54:25, 55:2, 55:9, 55:13, 55:16, 56:6, 56:8, 56:11, 56:15, 56:24, 57:2, 57:6, 57:15, 58:11, 58:15, 58:17, 58:20, 59:4, 59:10, 59:12, 59:16, 60:5, 60:10, 60:13, 60:15, 60:23, 61:7, 61:12, 62:18, 62:22, 62:25, 64:16, 64:18, 65:2, 65:9, 66:3, 66:14, 66:20, 67:3, 67:18, 67:25, 68:5, 68:7, 69:1, 69:4, 69:8, 69:12, 69:18, 69:22, 69:25, 70:18, 70:24, 75:8, 75:24, 76:2, 76:5, 76:7, 76:17, 76:20, 76:23, 77:5, 77:10, 77:14, 77:24, 78:2, 78:4, 78:8, 78:13, 78:18, 79:4, 80:12, 85:5, 85:8, 85:12, 85:20, 86:5, 86:21, 93:12, 94:16, 96:18, | 96:22, 97:1, 97:11, 97:22, 98:17, 103:22, 104:7, 104:10, 105:4, 105:11, 105:16, 106:5, 106:24, 107:3, 107:9, 109:15, 110:12, 110:15, 111:10, 112:21, 113:22, 114:1, 114:4, 114:7, 114:10, 114:13, 114:22, 119:5, 120:1, 120:4, 120:6, 120:9, 120:19, 120:25, 121:6, 121:9, 121:13, 121:15, 122:2, 122:5, 122:8, 122:11, 122:17, 122:20, 122:23, 123:5, 123:8, 125:24, 126:17, 133:11, 135:25, 136:6, 137:5, 137:8, 144:13, 144:17, 144:20, 144:23, 145:1, 145:8, 145:13, 145:19, 145:23, 146:1, 146:4, 146:11, 146:20, 146:23, 147:4, 152:23, 153:1, 153:4, 153:9, 153:12, 153:20, 154:16, 154:19, 154:24, 155:2, 155:6, 155:9, 155:20, 156:5, 156:9, 156:12 challenge [1] - 149:22 challenges [1] - 151:21 chambers [1] - 83:17 chance [2] - 111:21, 132:18 change [4] - 111:7, 127:23, 128:7, 129:8 changes [1] - 121:2 changing [1] - 63:17 character [5] - 74:14, 119:11, 148:18, 150:18, 153:25 CHARLIE [1] - 1:21 Chelsi [1] - 7:9 CHELSI [1] - 2:18 Chong [2] - 4:21, 103:25 CHUNG [2] - 1:21, 77:9 |
|---|---|----------|---|--|--|--|

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

201-641-1812
Page 162 of 178

| | | | | |
|---|--|--|---|--|
| <p>Chung [22] - 8:5, 8:6, 9:1, 9:2, 10:3, 10:4, 11:1, 11:2, 12:2, 12:3, 13:3, 13:4, 45:4, 45:5, 77:21, 77:22, 79:2, 79:3, 121:24, 121:25, 155:18, 155:19</p> <p>circulated [1] - 17:5</p> <p>cite [1] - 152:6</p> <p>City [1] - 27:2</p> <p>classes [1] - 43:15</p> <p>cleanup [1] - 135:13</p> <p>clear [3] - 63:8, 63:12, 66:10</p> <p>clearly [1] - 117:23</p> <p>clerk's [1] - 7:6</p> <p>client [7] - 64:22, 69:6, 69:9, 137:17, 137:23, 138:3, 139:25</p> <p>Cliffs [4] - 80:2, 80:9, 136:16, 136:23</p> <p>close [3] - 90:18, 104:14, 108:12</p> <p>closer [1] - 73:23</p> <p>closet [3] - 84:11, 84:22</p> <p>coat [1] - 84:11</p> <p>Cocoros [6] - 4:17, 79:12, 80:8, 80:18, 85:14, 118:9</p> <p>COCOROS [1] - 80:9</p> <p>Code [1] - 158:11</p> <p>code [3] - 90:9, 97:13, 131:11</p> <p>codes [4] - 72:23, 104:21, 104:23, 116:25</p> <p>collaborated [1] - 132:22</p> <p>COLLAZUOL [28] - 2:19, 21:13, 21:23, 39:3, 39:10, 39:23, 40:14, 55:18, 56:7, 63:1, 63:7, 63:21, 64:2, 66:2, 66:4, 66:22, 68:19, 69:2, 85:13, 133:13, 134:6, 134:12, 135:3, 135:10, 135:23, 146:7, 146:9, 146:12</p> <p>Collazuol [9] - 3:12, 3:18, 4:7, 4:18, 5:7, 5:10, 18:2, 56:5, 132:16</p> <p>Collazuol's [1] - 133:1</p> <p>colleagues [1] - 112:6</p> <p>collect [1] - 133:19</p> | <p>collecting [1] - 134:1</p> <p>College [1] - 27:2</p> <p>color [1] - 128:2</p> <p>Columbia [3] - 1:4, 3:4, 11:9</p> <p>columns [1] - 39:15</p> <p>combined [1] - 90:8</p> <p>coming [12] - 35:23, 48:10, 82:25, 102:5, 113:10, 135:12, 140:19, 141:7, 141:19, 142:2, 142:7, 143:20</p> <p>comment [4] - 38:9, 132:15, 135:4, 135:14</p> <p>comments [7] - 55:20, 56:5, 69:22, 75:9, 85:15, 86:13, 135:21</p> <p>commercial [2] - 27:6, 41:17</p> <p>commission [1] - 158:6</p> <p>common [5] - 40:19, 134:14, 134:18, 134:20, 151:23</p> <p>company [1] - 42:5</p> <p>compared [1] - 89:4</p> <p>competing [1] - 35:1</p> <p>complete [3] - 54:1, 61:1, 68:14</p> <p>completed [1] - 55:23</p> <p>completely [4] - 27:22, 29:5, 61:20, 98:6</p> <p>completion [1] - 132:17</p> <p>compliant [3] - 95:2, 108:23, 112:3</p> <p>complied [1] - 133:6</p> <p>complies [1] - 158:10</p> <p>comply [3] - 82:13, 133:2, 133:4</p> <p>concentrate [1] - 137:21</p> <p>Conception [2] - 4:9, 56:19</p> <p>CONCEPCION [29] - 56:14, 56:18, 57:1, 57:4, 57:8, 57:17, 57:22, 57:25, 58:7, 58:14, 58:16, 58:19, 58:23, 59:6, 59:15, 59:17, 59:25, 60:9, 60:12, 60:14, 60:17, 60:25, 62:3, 63:19, 63:24, 64:24, 65:4, 68:10, 69:17</p> <p>concept [1] - 152:9</p> <p>concern [2] - 111:15,</p> | <p>133:4</p> <p>concerned [3] - 41:5, 110:21, 110:23</p> <p>concerning [1] - 111:2</p> <p>concerns [2] - 42:8, 42:9</p> <p>concluded [1] - 156:14</p> <p>condition [3] - 22:6, 36:18, 72:21</p> <p>conditions [12] - 15:6, 15:24, 48:21, 49:7, 73:25, 74:19, 75:18, 129:12, 149:15, 150:6, 152:1, 152:18</p> <p>condominium [1] - 134:9</p> <p>confer [1] - 77:2</p> <p>configuration [2] - 84:15, 85:4</p> <p>confirm [1] - 105:15</p> <p>confirm [1] - 115:19</p> <p>conforming [10] - 18:24, 19:25, 74:25, 117:19, 118:21, 127:21, 149:4, 150:1, 150:2, 150:24</p> <p>conforms [2] - 71:19, 150:11</p> <p>congested [4] - 34:25, 35:1, 35:12, 35:13</p> <p>connection [4] - 21:24, 135:6, 135:8, 135:12</p> <p>Conservation [1] - 50:21</p> <p>consider [7] - 37:12, 42:25, 43:1, 43:3, 67:12, 91:16, 133:1</p> <p>consideration [1] - 124:13</p> <p>considered [3] - 75:5, 115:23, 151:3</p> <p>consistency [1] - 149:13</p> <p>consistent [20] - 72:18, 73:1, 74:17, 75:12, 75:16, 75:20, 117:4, 117:12, 117:22, 118:15, 119:9, 119:10, 119:16, 119:17, 124:23, 149:20, 150:18, 152:2, 152:16, 154:13</p> <p>constantly [1] - 35:9</p> <p>constraints [1] - 156:4</p> <p>construct [4] - 15:16, 47:1, 79:10, 81:9</p> <p>constructed [2] -</p> | <p>17:16, 18:18</p> <p>construction [4] - 39:13, 82:6, 101:15, 128:21</p> <p>contains [2] - 72:4, 148:16</p> <p>contemplates [1] - 137:23</p> <p>continuation [1] - 12:10</p> <p>continued [2] - 4:1, 5:1</p> <p>continues [2] - 114:18, 147:6</p> <p>continuing [1] - 6:1</p> <p>contours [1] - 128:23</p> <p>contribute [1] - 135:1</p> <p>contributing [2] - 124:18, 154:6</p> <p>cooperate [4] - 57:14, 57:16, 57:17, 59:19</p> <p>cooperated [1] - 59:3</p> <p>cooperating [1] - 59:21</p> <p>copy [1] - 129:10</p> <p>corner [4] - 48:22, 102:7, 127:25, 128:2</p> <p>corners [2] - 83:14, 105:11</p> <p>Corp [6] - 1:10, 2:10, 4:3, 6:4, 46:10, 46:22</p> <p>correct [34] - 16:6, 16:7, 17:20, 17:21, 17:23, 17:24, 20:18, 24:1, 32:14, 33:13, 33:16, 33:20, 33:21, 55:15, 61:8, 61:18, 78:11, 89:8, 119:22, 123:4, 130:15, 130:17, 131:13, 135:9, 138:12, 139:2, 139:18, 142:6, 143:5, 143:13, 143:16, 144:4, 151:10, 152:7</p> <p>corrections [1] - 9:7</p> <p>correctly [1] - 67:16</p> <p>cost [2] - 23:2, 134:19</p> <p>Counsel [6] - 2:2, 2:6, 2:9, 2:14, 76:8, 153:22</p> <p>Counselor [2] - 79:4, 120:2</p> <p>County [1] - 50:21</p> <p>couple [7] - 15:18, 18:11, 21:15, 85:16, 87:2, 95:9, 132:25</p> <p>course [10] - 16:7, 49:8, 102:20, 124:4,</p> | <p>125:13, 125:22, 132:4, 144:6, 152:6, 154:21</p> <p>court [2] - 152:12, 158:6</p> <p>COURT [17] - 1:24, 22:17, 22:20, 24:7, 34:18, 34:22, 39:6, 64:8, 64:14, 78:1, 78:3, 78:6, 95:6, 98:23, 99:1, 109:13, 140:2</p> <p>Court [1] - 158:4</p> <p>coverage [18] - 53:14, 53:17, 53:25, 71:24, 74:5, 83:10, 83:12, 116:6, 118:6, 118:7, 130:2, 130:9, 130:20, 143:10, 143:12, 150:9, 150:11, 150:24</p> <p>create [5] - 104:23, 125:9, 125:10, 128:17, 154:11</p> <p>created [3] - 128:9, 128:19, 158:6</p> <p>creative [2] - 35:3, 35:7</p> <p>crest [1] - 151:9</p> <p>criteria [12] - 50:3, 51:23, 74:10, 74:12, 75:3, 118:11, 118:13, 119:2, 131:10, 150:15, 150:16, 151:2</p> <p>cross [3] - 81:18, 82:4, 88:13</p> <p>crowded [1] - 43:14</p> <p>CULTEC [1] - 83:17</p> <p>curb [6] - 24:11, 34:5, 39:24, 55:7, 108:2, 144:2</p> <p>current [4] - 33:25, 48:16, 150:6, 154:8</p> <p>custom [1] - 140:23</p> <p>customize [1] - 154:8</p> <p>cut [5] - 24:11, 25:13, 90:16, 94:17</p> |
| <p>D</p> | | | | <p>D-E-L-L-O-S-A [1] - 98:25</p> <p>dais [1] - 46:17</p> <p>damage [1] - 100:13</p> <p>dark [3] - 89:19, 90:20, 99:9</p> <p>Date [1] - 158:16</p> <p>date [1] - 127:9</p> <p>dated [4] - 21:14,</p> |

| | | | | |
|--|---|--|---|--|
| <p>55:19, 85:13, 156:1 Dated [1] - 158:17 daughter [1] - 108:8 Dave [1] - 75:7 DAVID [2] - 1:19, 5:11 David [6] - 4:12, 4:23, 47:5, 70:2, 70:14, 76:11, 79:13, 151:6 daytime [1] - 89:20 deal [1] - 146:17 dear [4] - 22:12, 33:10, 34:14, 77:25 debate [1] - 98:18 DECARLO [36] - 2:2, 11:5, 12:11, 13:21, 14:10, 14:18, 15:1, 24:24, 26:1, 26:9, 46:14, 47:9, 47:15, 47:23, 48:3, 61:10, 61:17, 70:4, 70:12, 70:17, 78:12, 79:16, 79:21, 80:5, 80:11, 114:15, 120:5, 123:16, 126:1, 126:9, 126:16, 136:8, 136:19, 136:24, 147:6, 155:22 decent [3] - 90:2, 90:5, 101:16 decide [1] - 112:23 decided [2] - 97:7, 99:11 deck [8] - 85:2, 89:7, 90:19, 94:21, 95:18, 142:9, 142:25, 143:2 decks [1] - 103:1 decrease [1] - 19:21 decreased [1] - 119:20 deed [1] - 134:24 deep [11] - 19:13, 19:16, 29:16, 29:17, 30:1, 36:14, 38:23, 48:24, 50:25, 51:24, 82:9 definitely [1] - 37:25 Delloso [2] - 4:20, 98:21 DELLOSA [28] - 98:21, 98:25, 99:2, 99:13, 100:2, 100:10, 100:13, 100:21, 100:23, 101:2, 101:7, 101:18, 101:22, 102:11, 102:18, 103:1, 103:4, 103:10, 103:19, 107:14, 107:19,</p> | <p>107:23, 108:4, 108:25, 109:21, 109:24, 110:7, 110:10 DEMARRAIS [1] - 2:11 demonstrate [4] - 73:3, 117:5, 117:15, 151:13 demonstrates [1] - 73:21 den [1] - 84:10 denial [7] - 44:20, 44:22, 44:24, 45:1, 45:3, 45:5, 45:7 density [2] - 115:24, 117:8 deny [2] - 44:12, 44:14 department [3] - 35:9, 68:21, 68:25 depth [9] - 19:14, 19:17, 19:20, 20:2, 39:12, 51:21, 51:24, 71:19, 148:9 descending [1] - 124:12 describe [7] - 15:5, 16:9, 16:23, 28:23, 35:6, 49:11, 80:18 described [7] - 71:18, 73:18, 74:7, 115:18, 117:6, 118:9, 149:8 describing [1] - 35:3 Description [1] - 6:3 design [7] - 18:1, 18:5, 49:14, 137:22, 150:13, 152:2, 152:3 designed [6] - 116:12, 117:10, 148:17, 149:15, 150:1, 151:20 desirable [3] - 72:20, 116:23, 149:7 detach [1] - 95:23 detached [3] - 81:6, 108:21, 115:4 detailed [2] - 132:18, 150:12 details [2] - 55:25, 120:11 developed [2] - 71:16, 117:16 developer [1] - 123:12 Developers [7] - 1:10, 2:9, 4:3, 6:4, 46:10, 46:16, 46:22 development [4] - 108:24, 119:18, 146:17, 152:17 devised [2] - 91:13,</p> | <p>142:13 diagonal [2] - 124:10, 128:3 DIANE [1] - 2:2 Diane [1] - 13:19 difference [4] - 81:14, 128:11, 139:25, 142:4 different [3] - 49:3, 63:18, 153:25 differential [1] - 124:17 difficulty [1] - 125:5 dig [2] - 38:20, 38:23 dimensions [2] - 48:15, 127:2 dining [5] - 51:11, 54:18, 84:19, 139:22, 140:15 DIRE [2] - 26:20, 136:25 Dire [2] - 3:16, 5:8 DIRECT [7] - 15:3, 28:21, 48:13, 80:16, 126:22, 137:10, 147:15 Direct [8] - 3:11, 3:17, 4:6, 4:12, 4:17, 5:6, 5:9, 5:12 directions [1] - 49:4 directly [3] - 71:12, 115:15, 148:2 discuss [1] - 67:14 discussed [3] - 37:11, 73:6, 137:20 discussing [1] - 71:8 discussion [3] - 95:3, 117:1, 117:22 Discussion [5] - 39:5, 64:7, 64:13, 109:12, 113:13 dispute [2] - 65:14, 65:18 disregard [1] - 111:16 disrupting [1] - 111:7 district [1] - 123:23 divided [1] - 52:10 doable [1] - 39:1 Donald [3] - 1:8, 2:6, 13:9 donald [1] - 3:8 DONATO [4] - 47:19, 47:25, 48:1, 48:9 donato [1] - 73:6 Donato [6] - 4:5, 47:4, 47:8, 48:1, 63:1, 73:18 done [6] - 20:21, 99:19, 99:22, 100:6, 107:10, 128:8</p> | <p>door [24] - 25:7, 36:21, 37:6, 38:24, 40:18, 45:16, 56:20, 68:17, 77:2, 82:21, 139:8, 139:10, 139:11, 139:12, 139:15, 144:15, 144:19, 144:21, 144:22, 144:24, 145:3 doors [2] - 40:17, 119:14 doubt [1] - 37:25 doubling [1] - 90:14 down [40] - 46:16, 49:6, 50:8, 50:10, 51:1, 52:12, 55:4, 63:22, 64:19, 67:2, 67:4, 81:8, 81:21, 83:4, 87:2, 87:6, 90:16, 91:13, 92:1, 92:4, 96:12, 102:6, 102:16, 102:17, 105:8, 107:2, 112:17, 119:21, 132:7, 137:18, 138:22, 138:23, 141:7, 141:19, 142:2, 142:3, 142:7, 142:14, 143:20, 154:12 downs [1] - 142:3 downside [1] - 128:22 drain [6] - 82:23, 83:6, 83:13, 83:18, 102:14, 102:22 drainage [9] - 21:16, 73:8, 74:7, 83:19, 87:5, 87:9, 118:8, 132:11, 134:22 drains [1] - 133:21 drawing [3] - 63:3, 131:8, 142:14 drive [1] - 97:20 Drive [2] - 26:7, 26:13 driveway [37] - 25:16, 27:16, 31:8, 31:10, 32:11, 33:20, 40:5, 41:19, 41:20, 82:19, 82:25, 83:4, 101:5, 101:7, 101:8, 107:18, 108:1, 108:6, 108:11, 108:12, 108:14, 108:20, 113:11, 113:20, 118:24, 125:14, 125:17, 130:5, 131:22, 132:5, 132:8, 133:20, 133:22, 138:8, 138:11,</p> | <p>146:14, 150:5 driveways [4] - 22:23, 35:9, 35:11, 74:1 driving [3] - 50:14, 51:1, 52:12 drop [6] - 55:13, 81:12, 81:25, 82:1, 92:1, 128:9 dropped [1] - 108:2 dropping [1] - 128:13 drops [2] - 53:5, 86:24 dryer [1] - 140:9 ducts [1] - 91:24 duly [6] - 14:17, 26:8, 47:22, 70:11, 80:3, 114:18, 126:8, 136:17 duplex [21] - 49:14, 49:24, 50:23, 50:24, 50:25, 51:12, 51:16, 53:15, 53:25, 73:19, 87:20, 104:13, 105:24, 106:3, 106:9, 106:10, 125:1, 127:6, 128:10, 135:6, 137:18 duplex-style [1] - 125:1 duplexes [2] - 52:13, 130:1 during [3] - 42:12, 45:18, 101:14 duty [1] - 63:11 dwelling [11] - 15:9, 43:11, 47:2, 72:21, 79:10, 81:5, 81:10, 82:5, 84:17, 129:20, 129:21 dwellings [1] - 115:17</p> |
| E | | | | |
| <p>easel [1] - 48:18 easier [2] - 92:15, 127:17 east [10] - 86:3, 86:5, 86:7, 86:14, 87:6, 89:1, 89:3, 89:14, 96:7, 111:20 East [23] - 1:6, 3:6, 3:22, 4:10, 4:20, 4:21, 12:6, 40:22, 61:13, 78:10, 78:13, 79:8, 86:2, 98:21, 110:19, 127:7, 127:16, 127:19, 129:16, 136:16, 136:22, 148:4, 155:23</p> | | | | |

| | | | | |
|---|--|---|---|--|
| <p>eat [1] - 139:22 eat-in [1] - 139:22 eating [2] - 84:19, 85:1 echo [1] - 34:24 edge [1] - 108:12 Edge [2] - 47:21, 48:2 Edsall [25] - 1:6, 1:12, 1:12, 2:10, 3:6, 4:10, 4:15, 4:15, 4:20, 4:21, 4:22, 6:8, 6:8, 12:6, 61:13, 78:11, 78:13, 79:7, 79:8, 80:24, 86:2, 98:22, 104:2, 110:19, 155:23 education [1] - 26:22 effect [2] - 50:14, 73:8 egress [1] - 144:18 either [11] - 17:23, 72:6, 73:4, 74:16, 75:17, 117:16, 123:25, 124:21, 128:21, 134:1, 149:10 ELEFTERIOS [1] - 1:19 Elefteriou [11] - 7:22, 8:18, 9:20, 10:20, 11:21, 12:22, 44:23, 46:15, 78:21, 121:18, 155:16 ELEFTERIOU [15] - 1:19, 7:23, 8:19, 9:12, 9:21, 10:21, 11:14, 11:22, 12:23, 44:24, 78:22, 121:12, 121:19, 155:17, 156:8 element [2] - 134:14, 134:21 elements [1] - 134:18 elevation [10] - 30:5, 91:25, 111:1, 128:1, 131:24, 141:3, 141:5, 142:1, 142:10, 142:15 elevations [3] - 19:1, 141:2, 141:21 eliminate [5] - 22:24, 28:13, 28:14, 50:6, 91:17 eliminated [2] - 116:1, 149:10 eliminating [1] - 24:3 emergency [1] - 98:10 employed [1] - 158:8 EMT [1] - 97:20 enclosed [1] - 138:8 end [2] - 44:4, 134:13</p> | <p>ends [1] - 128:4 engineer [8] - 76:15, 82:24, 83:20, 124:9, 124:20, 125:21, 133:9, 137:21 ENGINEER [2] - 2:19, 2:21 Engineering [1] - 14:24 engineering [2] - 127:2, 132:11 Englewood [4] - 80:2, 80:9, 136:16, 136:23 enlarge [1] - 117:17 enter [1] - 113:18 entering [1] - 40:19 entertain [1] - 42:19 entire [2] - 27:15, 124:16 entrance [3] - 40:8, 40:13, 134:1 entry [3] - 140:1, 140:4, 141:8 environment [3] - 72:20, 116:23, 149:7 equipment [1] - 100:4 ERLITA [1] - 26:12 erosion [1] - 50:18 escalate [1] - 111:15 especially [2] - 93:10, 111:8 ESQUIRE [4] - 2:2, 2:3, 2:7, 2:11 essentially [1] - 21:1 establish [1] - 65:24 evening [11] - 13:10, 13:23, 46:19, 46:25, 47:3, 47:17, 79:12, 79:23, 117:1, 117:23, 118:16 exacerbated [1] - 23:15 exact [4] - 56:23, 59:8, 63:20, 68:15 exactly [5] - 16:13, 59:5, 91:12, 113:11 Examination [10] - 3:11, 3:16, 3:17, 4:6, 4:12, 4:17, 5:6, 5:8, 5:9, 5:12 EXAMINATION [9] - 15:3, 26:20, 28:21, 48:13, 80:16, 126:22, 136:25, 137:10, 147:15 excavating [1] - 32:1 exceed [1] - 118:6 exceeds [3] - 124:6, 148:8, 151:3 except [1] - 138:15</p> | <p>excessive [1] - 141:12 exclusively [1] - 134:21 excuse [2] - 48:5, 101:2 exhibit [6] - 6:6, 6:10, 6:13, 70:22, 114:21, 147:13 Exhibit [6] - 70:25, 71:1, 114:23, 114:24, 146:25, 147:1 existing [72] - 13:14, 15:6, 15:8, 15:11, 15:14, 15:19, 15:23, 15:24, 16:1, 16:4, 16:5, 17:12, 17:17, 18:15, 19:6, 19:12, 20:7, 20:10, 20:15, 20:23, 20:25, 21:2, 28:24, 28:25, 29:2, 29:8, 29:24, 30:1, 30:2, 30:16, 31:23, 32:1, 32:12, 32:23, 35:14, 35:19, 36:1, 36:5, 38:14, 39:15, 48:21, 48:23, 49:7, 49:20, 52:2, 62:19, 66:16, 68:23, 72:21, 73:23, 74:18, 80:21, 81:4, 81:9, 86:19, 88:23, 89:5, 99:18, 101:11, 108:20, 128:1, 128:20, 128:22, 129:12, 129:13, 129:15, 130:6, 137:12, 137:15, 148:8, 149:8 exists [5] - 23:7, 23:19, 118:11, 118:24, 150:15 expand [1] - 13:14 expecting [1] - 90:4 expense [2] - 64:4, 146:16 experience [1] - 26:23 expert [5] - 27:11, 48:5, 80:14, 126:19, 152:22 experts [1] - 21:12 Expiration [1] - 158:16 explain [2] - 20:6, 54:10 extend [4] - 23:5, 23:6, 38:11, 90:19 extended [1] - 138:16 extension [1] - 89:7 exterior [1] - 51:5</p> | <p style="text-align: center;">F</p> <p>facing [1] - 49:4 fact [2] - 118:4, 132:7 factor [1] - 154:6 factors [1] - 132:23 fair [1] - 72:21 falling [1] - 65:3 familiar [2] - 40:25, 152:6 families [9] - 71:18, 72:4, 72:5, 72:17, 117:10, 148:5, 148:8, 148:15, 148:16 family [53] - 13:14, 13:15, 15:11, 16:12, 16:14, 16:16, 22:25, 23:25, 24:14, 24:15, 29:1, 29:9, 29:10, 29:11, 40:25, 41:4, 47:2, 49:15, 51:19, 71:6, 71:11, 71:13, 71:14, 71:16, 73:4, 79:10, 81:10, 108:7, 115:3, 115:7, 115:8, 115:12, 115:14, 115:17, 116:9, 116:11, 116:18, 116:20, 123:22, 123:23, 137:14, 137:17, 147:22, 148:1, 148:3, 148:5, 148:24, 149:3, 149:5, 149:18 far [10] - 19:18, 51:21, 51:23, 75:4, 83:19, 91:25, 103:11, 128:6, 142:20, 151:3 fast [1] - 122:22 faster [1] - 122:23 father [1] - 104:5 favor [3] - 38:4, 45:7, 156:9 favorably [3] - 76:19, 120:22, 120:24 features [5] - 130:7, 131:1, 132:22, 140:23, 143:6 feet [143] - 16:2, 17:19, 19:19, 19:20, 19:21, 19:22, 19:23, 20:21, 21:4, 29:25, 30:9, 30:15, 30:22, 30:23, 30:25, 32:1, 36:20, 36:21, 37:1, 37:3, 37:4, 37:5, 39:24, 39:25, 40:2, 48:25, 49:1, 49:5, 49:6, 49:17, 49:19, 49:23,</p> | <p>50:8, 50:9, 51:22, 52:1, 52:4, 52:7, 52:9, 52:14, 52:20, 52:23, 53:1, 53:5, 53:18, 53:23, 66:23, 68:17, 73:13, 73:16, 81:2, 82:1, 82:11, 82:13, 82:15, 83:9, 86:20, 87:2, 88:10, 88:15, 88:20, 88:21, 89:1, 90:8, 90:19, 91:17, 91:20, 91:22, 92:4, 92:11, 93:5, 93:16, 94:15, 94:24, 94:25, 95:19, 96:17, 96:21, 97:3, 97:9, 98:7, 99:16, 105:5, 105:8, 106:4, 106:25, 107:2, 107:11, 107:13, 108:13, 109:2, 109:5, 109:8, 109:9, 109:19, 109:20, 109:23, 111:1, 111:4, 112:17, 112:24, 113:2, 113:3, 113:4, 113:6, 113:15, 113:24, 113:25, 115:22, 116:4, 120:13, 120:14, 120:15, 124:6, 128:3, 129:15, 129:17, 130:12, 130:19, 130:23, 131:8, 131:12, 138:21, 138:23, 141:10, 141:16, 141:19, 142:2, 143:15, 144:3, 154:5 felt [1] - 43:10 FEMALE [1] - 31:11 fence [9] - 57:11, 59:1, 59:18, 98:3, 98:7, 100:13, 100:20, 100:22, 101:11 Ferguson [16] - 3:12, 3:18, 4:7, 5:10, 5:13, 7:16, 8:12, 9:16, 10:16, 11:17, 12:18, 44:19, 77:13, 78:17, 121:14, 155:8 FERGUSON [282] - 1:18, 7:1, 7:11, 7:15, 7:17, 8:9, 8:13, 9:5, 9:9, 9:14, 9:17, 10:8, 10:15, 10:17, 11:3, 11:6, 11:15, 11:18, 12:4, 12:13, 12:17, 12:19, 13:5, 13:16,</p> |
|---|--|---|---|--|

| | | | | |
|---|---|--|--|---|
| 13:24, 14:1, 14:3, 14:7, 15:2, 18:7, 18:10, 18:20, 19:2, 19:5, 19:10, 19:13, 19:16, 20:1, 20:5, 20:9, 20:12, 20:15, 20:19, 21:7, 21:11, 21:21, 22:4, 22:7, 22:10, 22:16, 25:1, 25:4, 25:6, 25:9, 25:17, 25:20, 25:25, 26:14, 26:17, 27:7, 27:9, 29:14, 29:19, 29:22, 30:3, 30:7, 30:11, 30:14, 30:18, 30:21, 31:1, 31:6, 31:9, 31:12, 32:5, 32:13, 33:5, 33:9, 33:15, 33:22, 33:24, 34:3, 34:10, 34:13, 35:16, 36:2, 36:7, 37:20, 37:24, 38:8, 38:25, 39:8, 40:12, 40:20, 42:18, 42:22, 43:8, 43:19, 43:22, 44:3, 44:6, 44:8, 44:11, 44:18, 44:20, 45:6, 45:10, 45:13, 45:21, 45:25, 46:3, 46:6, 46:9, 46:18, 48:7, 48:12, 54:1, 54:25, 55:2, 55:9, 55:13, 55:16, 56:6, 56:8, 56:11, 56:15, 56:24, 57:2, 57:6, 57:15, 58:11, 58:15, 58:17, 58:20, 59:4, 59:10, 59:12, 59:16, 60:5, 60:10, 60:13, 60:15, 60:23, 61:7, 61:12, 62:18, 62:22, 62:25, 64:16, 64:18, 65:2, 65:9, 66:3, 66:14, 66:20, 67:3, 67:18, 67:25, 68:5, 68:7, 69:1, 69:4, 69:8, 69:12, 69:18, 69:22, 69:25, 70:18, 70:24, 75:8, 75:24, 76:2, 76:5, 76:7, 76:17, 76:20, 76:23, 77:5, 77:10, 77:14, 77:24, 78:2, 78:4, 78:8, 78:13, 78:18, 79:4, 80:12, 85:5, 85:8, 85:12, 85:20, 86:5, 86:21, 93:12, 94:16, 96:18, 96:22, 97:1, 97:11, 97:22, 98:17, 103:22, 104:7, 104:10, | 105:4, 105:11, 105:16, 106:5, 106:24, 107:3, 107:9, 109:15, 110:12, 110:15, 111:10, 112:21, 113:22, 114:1, 114:4, 114:7, 114:10, 114:13, 114:22, 119:5, 120:1, 120:4, 120:6, 120:9, 120:19, 120:25, 121:6, 121:9, 121:13, 121:15, 122:2, 122:5, 122:8, 122:11, 122:17, 122:20, 122:23, 123:5, 123:8, 125:24, 126:17, 133:11, 135:25, 136:6, 137:5, 137:8, 144:13, 144:17, 144:20, 144:23, 145:1, 145:8, 145:13, 145:19, 145:23, 146:1, 146:4, 146:11, 146:20, 146:23, 147:4, 152:23, 153:1, 153:4, 153:9, 153:12, 153:20, 154:16, 154:19, 154:24, 155:2, 155:6, 155:9, 155:20, 156:5, 156:9, 156:12 few [3] - 86:13, 104:12, 111:4 field [1] - 102:14 fifty [1] - 46:1 filed [1] - 7:5 fill [1] - 102:8 final [1] - 146:21 financial [2] - 158:8, 158:9 finish [2] - 33:17, 107:9 finished [3] - 114:10, 129:2, 129:5 first [23] - 9:5, 13:7, 13:8, 29:12, 34:19, 41:3, 47:7, 52:17, 54:6, 54:9, 54:14, 71:25, 78:15, 84:3, 84:6, 84:8, 84:12, 92:20, 92:23, 93:4, 100:6, 107:10, 138:20 fit [10] - 27:19, 32:22, | 41:23, 107:16, 108:17, 118:17, 118:19, 148:17, 151:17, 152:9 fits [5] - 28:20, 72:6, 72:22, 117:1, 117:7 five [3] - 78:5, 78:8, 93:16 five-minute [1] - 78:5 fix [2] - 60:8, 69:18 fixed [1] - 58:9 fixing [1] - 58:22 flat [6] - 91:15, 91:16, 91:23, 102:10, 103:6, 105:13 floor [47] - 29:12, 29:13, 35:23, 50:22, 51:3, 51:7, 51:10, 51:13, 51:14, 54:3, 54:6, 54:8, 54:9, 54:12, 54:14, 54:15, 54:17, 54:20, 54:21, 84:3, 84:5, 84:7, 84:8, 84:13, 92:20, 92:23, 93:3, 93:4, 128:10, 128:12, 131:18, 137:24, 139:20, 139:21, 140:6, 140:12, 140:15, 141:10, 142:9, 143:1, 143:3, 145:7 floors [1] - 85:3 follow [5] - 52:15, 93:23, 104:20, 119:19, 131:21 following [2] - 29:4, 128:23 follows [9] - 14:17, 26:8, 47:22, 70:11, 80:4, 114:19, 126:8, 136:18, 147:11 foot [19] - 20:2, 63:6, 81:13, 81:25, 92:6, 92:22, 92:24, 92:25, 97:19, 107:5, 107:6, 110:13, 116:5, 124:1, 127:20, 142:4, 149:24, 149:25, 150:22 foot-and-a-half [1] - 81:13 footing [1] - 142:11 footprint [5] - 20:25, 21:2, 29:4, 30:2, 83:9 force [1] - 50:15 forces [1] - 154:5 foregoing [1] - 158:5 form [1] - 135:10 | Fort [1] - 2:8 forward [1] - 35:23 foundation [2] - 29:5, 100:6 foundations [2] - 139:3, 139:4 four [11] - 17:3, 17:7, 37:4, 41:8, 41:14, 41:24, 42:2, 53:20, 105:11, 107:17, 109:18 four-story [1] - 17:7 foyer [3] - 40:18, 40:19, 140:4 frame [1] - 15:8 Frances [3] - 3:13, 3:19, 22:14 Frank [1] - 26:12 Friend [4] - 70:10, 70:15, 114:17, 147:9 friend [4] - 45:15, 46:12, 65:10, 103:23 friendly [1] - 90:25 front [77] - 17:18, 20:12, 28:20, 30:14, 30:15, 30:19, 31:3, 31:7, 31:9, 31:17, 31:18, 31:21, 32:6, 32:12, 32:15, 32:17, 32:25, 33:4, 33:12, 35:3, 35:4, 35:6, 35:24, 36:16, 39:19, 41:24, 49:1, 49:6, 49:17, 50:8, 52:1, 52:4, 53:16, 55:3, 66:24, 81:14, 81:15, 82:3, 82:10, 82:15, 83:14, 88:2, 88:19, 89:1, 89:3, 89:13, 93:8, 94:15, 94:25, 96:25, 99:25, 100:7, 107:20, 108:18, 110:21, 110:25, 111:2, 111:7, 111:16, 112:9, 113:3, 116:1, 117:18, 117:22, 119:15, 120:16, 124:14, 130:22, 131:3, 131:15, 131:23, 141:5, 142:4, 142:20, 146:14, 150:11, 150:23 frontage [1] - 17:16 full [1] - 123:24 full-size [1] - 123:24 fully [1] - 117:16 function [2] - 86:23, 87:14 | G garage [65] - 15:15, 17:13, 17:15, 18:5, 23:22, 27:15, 28:7, 28:11, 31:20, 31:24, 32:14, 32:25, 33:4, 33:12, 33:19, 33:20, 36:10, 36:12, 36:14, 36:16, 36:20, 36:21, 37:6, 37:17, 38:18, 38:24, 39:12, 39:18, 42:2, 51:4, 54:11, 54:16, 55:7, 73:23, 81:7, 82:21, 83:4, 84:5, 84:6, 87:22, 107:18, 108:21, 110:5, 110:7, 115:4, 125:4, 125:7, 125:13, 125:16, 128:10, 128:12, 131:18, 131:20, 131:23, 132:5, 138:1, 138:4, 138:11, 138:16, 139:8, 141:9, 144:24, 145:9, 145:10, 150:4 garages [1] - 74:1 Garcia [2] - 3:20, 34:17 GARCIA [3] - 34:16, 34:20, 34:23 gardening [2] - 110:24, 111:9 gardens [1] - 113:12 Garfield [2] - 14:16, 14:25 gavel [1] - 64:17 GB [2] - 14:23 general [3] - 72:12, 116:17, 148:23 gentleman [1] - 115:10 gentlemen [2] - 112:23, 115:7 gently [1] - 142:14 Giuseppe [2] - 3:14, 25:2 glad [1] - 33:18 gladly [1] - 61:5 grade [20] - 63:16, 63:17, 63:18, 82:18, 86:18, 86:19, 92:15, 94:8, 94:9, 106:20, 128:4, 128:22, 128:23, 129:2, 139:1, 143:21, 143:22, 144:7, 144:8 grades [3] - 88:16, |
|---|---|--|--|---|

| | | | | |
|--|---|--|--|---|
| <p>128:21, 129:5 grading [4] - 50:5, 50:13, 53:5, 75:21 graduated [1] - 27:2 GRALA [19] - 1:20, 7:14, 7:25, 8:21, 9:13, 9:23, 10:23, 11:24, 12:16, 12:25, 44:17, 45:1, 77:8, 77:18, 78:24, 121:21, 155:5, 155:13, 156:7 Grala [11] - 7:24, 8:20, 9:22, 10:22, 11:23, 12:24, 44:25, 77:17, 78:23, 121:20, 155:12 grant [6] - 12:9, 31:16, 75:6, 76:13, 119:3, 151:4 grass [5] - 25:14, 32:7, 34:4, 35:6, 40:6 Grasso [1] - 152:7 great [1] - 76:7 greater [2] - 82:4, 152:14 grey [1] - 128:1 ground [4] - 51:3, 81:20, 137:24, 145:7 group [1] - 132:16 guarantee [1] - 125:12 guess [11] - 13:6, 62:11, 63:14, 80:13, 87:6, 99:12, 101:6, 110:20, 112:7, 135:25, 143:1 guidelines [1] - 110:22 guy [1] - 123:11 guys [1] - 65:23</p> | <p>92:3, 110:5, 110:8, 110:9, 114:21, 115:1, 115:5, 115:11, 133:15, 146:15, 147:19, 147:23 handed [2] - 70:21, 147:13 handle [1] - 116:14 handsome [1] - 39:9 happy [3] - 107:11, 107:12, 114:2 hard [2] - 94:8, 94:9 hardly [1] - 99:20 hardship [1] - 112:13 hardships [1] - 104:23 Harrington [4] - 70:10, 70:16, 114:17, 147:9 Harry [7] - 3:10, 14:2, 14:3, 14:22, 15:25, 18:9, 18:12 head [2] - 97:18, 128:13 heading [1] - 81:16 headroom [1] - 38:24 heads [1] - 87:6 health [3] - 72:12, 116:16, 148:23 hear [13] - 13:23, 39:7, 47:12, 64:8, 64:15, 67:13, 79:18, 95:7, 109:14, 120:4, 123:18, 124:8, 144:14 heard [5] - 11:8, 41:3, 104:15, 108:5 hearing [1] - 112:22 height [72] - 35:17, 36:1, 36:5, 50:10, 50:15, 52:22, 53:4, 53:12, 53:24, 55:5, 71:22, 72:24, 72:25, 73:5, 73:7, 73:9, 75:11, 75:12, 75:19, 86:16, 86:17, 87:2, 87:16, 88:7, 91:13, 92:5, 92:8, 92:16, 93:2, 99:5, 103:5, 103:8, 105:14, 105:17, 106:25, 109:23, 110:21, 115:22, 117:3, 118:18, 119:20, 120:12, 120:13, 124:4, 124:5, 124:6, 124:15, 124:17, 125:9, 129:4, 129:6, 131:11, 131:12, 131:17, 138:19, 138:21, 138:24,</p> | <p>141:9, 141:11, 143:22, 143:25, 144:9, 148:10, 149:13, 151:6, 152:4, 152:15, 154:3, 154:5 heights [2] - 119:12, 141:13 held [2] - 78:7, 95:4 help [4] - 65:7, 68:8, 68:15, 69:10 helps [1] - 109:24 hereby [1] - 158:5 high [7] - 45:19, 63:1, 87:24, 89:11, 90:20, 93:17, 131:6 higher [14] - 36:1, 36:4, 36:6, 45:15, 68:16, 68:17, 82:19, 92:15, 102:25, 129:1, 129:5 highest [1] - 105:8 hill [7] - 82:3, 87:7, 102:17, 131:5, 151:9, 151:17, 151:22 Hillcrest [2] - 1:6, 3:6 himself [1] - 46:16 hint [1] - 43:24 hire [1] - 64:22 history [1] - 27:4 hit [1] - 113:20 hitting [1] - 110:1 Ho [1] - 103:25 home [27] - 15:11, 16:19, 29:11, 71:11, 71:14, 84:10, 105:1, 108:8, 115:3, 115:7, 115:8, 115:13, 115:14, 116:18, 116:24, 123:22, 123:23, 125:1, 129:13, 129:15, 130:6, 147:22, 148:1, 148:3, 148:24, 149:3, 149:18 homeowner [1] - 154:9 homes [14] - 16:14, 16:16, 16:21, 71:6, 71:16, 73:4, 116:10, 116:11, 124:23, 148:5, 149:5, 151:16, 151:19, 152:10 honest [1] - 87:4 hopefully [1] - 145:11 horrendous [1] - 41:6 house [116] - 18:1,</p> | <p>20:7, 20:10, 20:15, 20:17, 23:3, 23:6, 23:12, 23:19, 23:25, 24:14, 24:15, 25:11, 25:14, 28:20, 29:1, 29:9, 29:16, 29:18, 29:22, 29:23, 29:24, 30:1, 30:8, 30:16, 31:17, 31:23, 32:16, 32:18, 32:23, 33:4, 34:1, 34:4, 35:24, 36:13, 37:2, 39:17, 39:19, 40:8, 40:13, 40:25, 41:2, 41:9, 42:3, 42:10, 42:13, 49:1, 55:14, 60:18, 68:16, 83:6, 86:4, 86:12, 86:14, 88:9, 88:10, 88:14, 88:15, 88:18, 88:23, 89:1, 89:3, 89:5, 89:6, 89:14, 90:1, 90:5, 90:25, 93:22, 94:5, 94:14, 94:17, 95:14, 95:15, 96:9, 96:17, 99:5, 99:10, 99:18, 99:24, 100:18, 100:23, 101:8, 101:23, 104:15, 104:16, 104:17, 104:21, 104:25, 105:21, 106:6, 106:7, 106:14, 106:15, 106:16, 108:15, 108:18, 108:20, 109:2, 109:11, 109:18, 110:8, 110:11, 113:24, 137:13, 137:16, 137:17, 137:18, 137:19, 144:3, 154:12 houses [7] - 22:25, 23:1, 45:16, 45:19, 110:25, 128:18, 151:16 housing [1] - 72:13 HUBSCHMAN [37] - 2:3, 2:4, 13:10, 13:17, 13:25, 14:2, 15:4, 17:25, 18:8, 18:25, 19:4, 20:24, 21:5, 21:10, 22:5, 25:22, 26:21, 27:12, 28:22, 30:5, 31:24, 32:2, 32:11, 32:17, 32:21, 32:24, 33:7, 33:13, 34:6, 35:25, 36:4, 36:8, 37:21, 38:13, 39:21, 42:17, 45:8</p> | <p>Hubschman [4] - 3:11, 3:16, 3:17, 13:12 huge [1] - 88:25 hurts [1] - 129:3 husband [1] - 41:11 Hwang [4] - 4:11, 4:22, 65:11, 110:18 HWANG [7] - 65:11, 110:18, 110:19, 111:14, 112:2, 112:4, 112:18 HYE [1] - 1:22</p> <p style="text-align: center;">I</p> <p>ID [2] - 158:4, 158:15 idea [1] - 140:19 Ident/Evid [1] - 6:3 identification [3] - 71:1, 114:24, 147:1 IGUINA [76] - 2:18, 7:10, 7:16, 7:18, 7:20, 7:22, 7:24, 8:1, 8:3, 8:5, 8:7, 8:12, 8:14, 8:16, 8:18, 8:20, 8:22, 8:24, 9:1, 9:3, 9:16, 9:18, 9:20, 9:22, 9:24, 10:1, 10:3, 10:5, 10:7, 10:16, 10:18, 10:20, 10:22, 10:24, 11:1, 11:17, 11:19, 11:21, 11:23, 11:25, 12:2, 12:18, 12:20, 12:22, 12:24, 13:1, 13:3, 44:19, 44:21, 44:23, 44:25, 45:2, 45:4, 77:13, 77:15, 77:17, 77:19, 77:21, 78:17, 78:19, 78:21, 78:23, 78:25, 79:2, 121:14, 121:16, 121:18, 121:20, 121:22, 121:24, 155:8, 155:10, 155:12, 155:14, 155:16, 155:18 Iguina [2] - 7:9, 7:10 illegal [3] - 22:25, 113:20, 125:11 illustrates [1] - 142:11 imagine [1] - 111:3 immediately [3] - 16:23, 17:2, 17:7 impact [8] - 42:6, 42:15, 43:1, 74:20, 87:4, 118:22, 150:13, 154:14 impacts [3] - 41:15,</p> |
|--|---|--|--|---|

| | | | | |
|--|---|--|---|---|
| <p>75:2, 119:23 implicated [1] - 127:4 improvement [1] - 74:18 improvements [4] - 74:7, 81:9, 118:8, 150:6 improving [1] - 73:25 Inaudible [5] - 39:5, 64:7, 64:13, 109:12, 113:13 inch [1] - 90:16 inches [15] - 62:12, 62:17, 62:21, 62:22, 62:24, 67:7, 86:22, 91:19, 91:20, 92:2, 92:11, 98:3, 98:14, 101:11 include [1] - 16:12 including [3] - 16:7, 72:5, 88:10 increase [3] - 95:10, 95:11, 130:2 increased [6] - 17:18, 17:19, 106:2, 116:4, 118:2, 120:14 increases [1] - 73:13 increasing [1] - 112:14 incur [1] - 146:17 indicated [1] - 150:21 indicates [1] - 152:14 indicating [1] - 146:13 indicating [6] - 96:6, 96:8, 96:10, 102:14, 103:18, 153:11 individual [1] - 101:14 information [1] - 21:18 infrastructure [1] - 135:2 inlets [1] - 102:4 inside [4] - 36:19, 39:17, 53:21, 54:11 instead [6] - 29:10, 92:20, 96:21, 109:17, 113:6, 130:19 intended [1] - 37:15 intends [3] - 123:21, 125:3, 140:16 intension [1] - 60:6 intention [1] - 60:4 intercept [1] - 102:15 interest [2] - 158:8, 158:9 interestingly [1] - 125:2 interfere [1] - 103:11 interior [2] - 51:5,</p> | <p>141:13 intersecting [1] - 32:7 inundating [1] - 83:1 involved [2] - 125:17, 158:8 island [1] - 85:1 issuance [4] - 21:19, 55:24, 76:16, 85:18 issue [3] - 65:12, 110:21, 143:14 issues [2] - 73:6, 133:3 item [2] - 50:3, 53:19 items [2] - 22:2, 133:1 itself [13] - 80:21, 81:5, 81:12, 81:19, 82:5, 83:8, 88:5, 94:4, 105:14, 108:1, 119:10, 132:8, 151:6</p> <p style="text-align: center;">J</p> <p>J.M [3] - 1:4, 3:3, 11:8 jacks [1] - 99:24 Jersey [25] - 2:5, 2:8, 2:13, 14:16, 14:25, 26:7, 26:13, 27:1, 47:21, 48:2, 70:10, 70:16, 80:2, 80:10, 114:17, 126:7, 136:17, 136:23, 137:3, 137:4, 147:9, 152:5, 158:4, 158:7, 158:10 Jewell [2] - 14:16, 14:24 job [1] - 154:7 Joe [3] - 40:3, 66:9, 135:23 JOHN [1] - 1:20 JOSEPH [1] - 1:18 Joseph [3] - 4:5, 47:4, 48:1 Joshua [4] - 4:11, 4:22, 65:11, 110:18 Junghyun [1] - 123:9 jurisdiction [6] - 13:23, 47:12, 69:3, 79:18, 123:15, 123:18 justified [1] - 73:10 Justin [5] - 4:19, 85:23, 85:24, 86:2, 104:5 jut [1] - 21:2</p> <p style="text-align: center;">K</p> <p>KANG [56] - 61:8, 61:13, 61:16, 61:18,</p> | <p>85:23, 86:6, 86:11, 87:10, 87:15, 87:20, 88:2, 88:6, 88:8, 88:17, 88:22, 89:10, 89:18, 89:24, 90:11, 90:15, 90:24, 91:3, 91:10, 92:8, 92:12, 92:19, 92:24, 93:6, 93:8, 93:13, 93:16, 93:21, 94:8, 94:18, 95:17, 96:5, 96:9, 97:4, 97:12, 97:23, 98:9, 98:16, 104:4, 104:8, 104:12, 106:13, 106:20, 107:7, 107:12, 109:16, 113:3, 113:7, 113:14, 122:4, 122:7, 122:9 Kang [9] - 4:10, 4:19, 61:14, 61:16, 85:23, 85:24, 86:2, 106:12, 109:14 Kang's [1] - 106:11 KAUKER [8] - 2:20, 67:10, 75:10, 75:22, 119:7, 119:19, 119:25, 146:8 Kauker [4] - 4:8, 4:13, 4:24, 119:6 keep [7] - 93:4, 94:1, 97:12, 97:17, 102:10, 113:10, 123:3 kept [1] - 86:19 kick [2] - 33:18, 155:20 kid [1] - 42:21 kids [3] - 41:12, 42:15, 140:8 Kim [11] - 4:21, 8:1, 8:22, 9:24, 103:25, 125:22, 136:5, 136:7, 136:22, 153:3, 153:4 KIM [6] - 1:21, 5:8, 103:25, 136:12, 136:21, 136:22 kind [9] - 50:6, 53:9, 102:4, 102:9, 106:16, 127:17, 128:17, 135:17, 142:16 kinds [1] - 132:6 kitchen [7] - 51:11, 54:19, 84:19, 84:25, 139:22, 140:15, 143:1 knock [3] - 81:8, 91:13, 137:18</p> | <p>knowing [1] - 66:9 known [1] - 153:24 Korean [1] - 104:8 KRAB [1] - 126:13</p> <p style="text-align: center;">L</p> <p>L-E [1] - 126:13 L.L.C [1] - 1:24 LA [1] - 26:12 lady [3] - 63:9, 65:13, 77:2 LaFERLITA [3] - 3:16, 26:5, 26:11 tally [1] - 39:15 land [1] - 94:10 Land [1] - 72:8 landscape [1] - 132:22 landscaping [1] - 74:24 large [5] - 89:22, 104:17, 104:18, 129:19, 129:22 larger [5] - 52:7, 52:8, 74:8, 118:9 last [6] - 11:8, 22:18, 27:14, 31:13, 53:19, 98:24 lastly [3] - 74:25, 116:22, 149:6 late [1] - 153:23 lateral [1] - 135:13 laterals [1] - 135:12 laundry [3] - 51:15, 54:23, 84:24 LAURA [3] - 1:24, 158:3, 158:14 LauraACaruccillc@gmail.com [1] - 1:25 Law [1] - 72:8 law [2] - 43:5, 152:5 LAW [2] - 2:7, 2:11 lawn [3] - 31:16, 35:4, 35:6 lawns [1] - 31:18 laws [1] - 23:19 layout [1] - 84:14 leaders [1] - 83:18 leading [1] - 33:4 leads [1] - 33:20 least [5] - 7:4, 36:20, 110:4, 125:12 leave [7] - 50:7, 50:12, 50:13, 53:9, 55:11, 58:6, 113:8 leaving [1] - 122:4 Lee [1] - 2:8 left [37] - 28:5, 28:10, 40:7, 40:8, 40:15,</p> | <p>49:5, 52:18, 71:2, 71:9, 71:10, 73:22, 75:15, 81:22, 81:25, 84:4, 84:16, 84:20, 86:9, 86:10, 96:3, 101:8, 104:15, 106:9, 110:8, 110:9, 112:22, 115:1, 115:11, 115:12, 127:10, 131:7, 137:25, 138:21, 141:6, 147:19, 147:23, 147:24 left-hand [11] - 40:8, 40:15, 71:2, 71:9, 73:22, 110:8, 110:9, 115:1, 115:11, 147:19, 147:23 legal [2] - 24:16, 24:18 legend [1] - 130:23 lends [1] - 81:19 length [3] - 39:18, 40:3, 98:16 lessened [2] - 17:23, 23:16 letter [7] - 12:5, 18:2, 36:10, 133:1, 133:4, 135:22, 156:1 letters [1] - 132:16 level [10] - 51:4, 54:10, 82:6, 84:13, 89:11, 138:20, 139:7, 143:19, 143:24, 144:9 levels [4] - 84:1, 89:7, 94:20, 125:10 license [2] - 35:3, 137:4 License [1] - 158:15 licensed [1] - 137:2 licenses [1] - 26:23 light [7] - 45:18, 45:19, 52:4, 74:21, 99:8, 118:20, 150:25 lighter [1] - 128:1 lights [1] - 89:20 likely [1] - 68:22 limit [3] - 89:6, 150:13, 154:6 limitation [2] - 97:16, 124:7 limited [4] - 22:22, 134:14, 134:18, 134:20 Lincroft [2] - 26:7, 26:13 Linda [2] - 4:9, 56:18 Lindbergh [1] - 43:16 line [44] - 15:16, 23:20, 23:23, 30:24,</p> |
|--|---|--|---|---|

| | | | | |
|---|---|--|---|--|
| <p>37:8, 56:23, 57:11, 59:8, 61:21, 61:23, 61:25, 62:14, 62:16, 65:7, 65:22, 66:6, 66:9, 66:10, 66:12, 66:13, 66:19, 66:21, 67:6, 68:15, 88:23, 93:9, 93:22, 94:14, 94:22, 95:15, 97:9, 97:17, 98:4, 98:5, 101:6, 101:10, 117:24, 119:16, 129:18, 131:22, 133:23, 135:8</p> <p>lines [2] - 94:5, 94:16</p> <p>listen [5] - 39:8, 42:22, 64:16, 97:5</p> <p>listened [1] - 42:14</p> <p>listening [1] - 46:8</p> <p>listens [1] - 38:5</p> <p>literally [2] - 131:18, 132:3</p> <p>liters [1] - 83:14</p> <p>live [9] - 40:24, 41:16, 41:22, 56:20, 57:1, 90:3, 94:23, 104:5, 123:21</p> <p>lived [1] - 41:1</p> <p>living [13] - 42:3, 51:11, 54:15, 54:18, 84:13, 84:18, 99:14, 110:4, 110:10, 140:15, 140:20, 143:4</p> <p>LLC [10] - 1:4, 1:6, 1:12, 2:10, 3:3, 3:6, 4:15, 6:8, 11:8, 79:7</p> <p>loaded [1] - 100:7</p> <p>located [6] - 14:24, 46:23, 48:2, 72:3, 80:24, 136:22</p> <p>location [2] - 82:17, 154:2</p> <p>locations [3] - 72:15, 116:19, 149:1</p> <p>Longo [2] - 3:21, 40:22</p> <p>LONGO [8] - 40:22, 42:20, 43:6, 43:10, 43:21, 43:25, 44:4, 44:7</p> <p>look [11] - 17:5, 39:9, 72:25, 85:8, 86:24, 101:7, 127:25, 128:18, 130:23, 131:8, 149:13</p> <p>looked [1] - 72:8</p> <p>looking [29] - 32:21, 49:8, 50:12, 57:7, 57:8, 59:5, 60:10,</p> | <p>60:11, 61:4, 71:5, 71:10, 71:25, 73:11, 74:12, 92:1, 92:18, 110:7, 115:1, 115:6, 116:7, 116:15, 117:14, 123:11, 144:3, 147:21, 147:24, 148:12, 149:23, 150:16</p> <p>looks [6] - 17:2, 40:14, 55:21, 63:4, 75:14, 129:14</p> <p>lose [2] - 36:23, 108:19</p> <p>loss [1] - 108:22</p> <p>lost [2] - 24:13, 118:23</p> <p>low [2] - 131:7, 143:21</p> <p>lower [11] - 54:10, 82:20, 92:1, 92:2, 119:13, 127:10, 129:6, 131:15, 132:2, 132:14, 139:7</p> <p>lowering [2] - 63:18, 103:5</p> <p>lowest [2] - 133:18, 134:5</p> <p>lucky [1] - 105:25</p> | <p>79:16, 123:16</p> <p>main [6] - 65:12, 84:12, 140:14, 141:10, 143:1, 143:4</p> <p>maintain [2] - 102:1, 124:22</p> <p>maintained [1] - 35:6</p> <p>maintenance [2] - 134:14, 135:1</p> <p>major [4] - 29:5, 45:23, 124:18, 154:6</p> <p>MALE [2] - 62:5, 62:8</p> <p>man [2] - 139:7</p> <p>managed [3] - 143:9, 150:5, 150:8</p> <p>management [5] - 55:21, 55:25, 76:15, 83:24, 134:15</p> <p>Marc [2] - 46:21, 79:6</p> <p>MARC [2] - 2:7, 2:7</p> <p>mark [4] - 70:23, 114:21, 146:5, 153:17</p> <p>marked [5] - 70:25, 114:23, 145:14, 146:25, 147:13</p> <p>master [5] - 84:21, 99:7, 134:24, 140:7, 140:11</p> <p>match [2] - 124:22, 128:20</p> <p>materials [1] - 142:16</p> <p>mathematical [1] - 129:7</p> <p>matter [1] - 13:23</p> <p>max [1] - 94:19</p> <p>maximum [3] - 71:22, 71:23, 130:13</p> <p>mean [10] - 43:15, 55:5, 88:11, 90:22, 93:1, 94:23, 99:23, 100:3, 112:11, 120:17</p> <p>means [1] - 52:10</p> <p>measure [3] - 103:8, 105:9, 131:10</p> <p>measured [3] - 86:18, 87:21, 124:5</p> <p>medical [2] - 98:9, 98:10</p> <p>meet [17] - 35:24, 51:23, 51:24, 52:2, 52:20, 53:3, 53:4, 53:15, 72:9, 72:19, 116:16, 148:21, 149:6, 149:11, 150:23, 152:18</p> <p>Meeting [1] - 7:2</p> <p>meeting [16] - 7:3, 9:6, 9:10, 11:8, 31:14,</p> | <p>42:12, 48:20, 69:7, 69:10, 69:14, 122:18, 122:20, 130:21, 148:20, 149:22, 156:14</p> <p>meets [4] - 50:3, 72:23, 116:25, 148:25</p> <p>Member [1] - 46:15</p> <p>member [3] - 40:25, 46:15, 91:1</p> <p>MEMBER [10] - 1:19, 1:19, 1:20, 1:20, 1:21, 1:21, 1:22, 31:11, 62:5, 62:8</p> <p>members [9] - 22:8, 68:5, 75:25, 85:10, 85:20, 120:5, 133:12, 146:1, 156:10</p> <p>Members [3] - 13:11, 45:9, 46:20</p> <p>memorialization [3] - 11:5, 11:7, 11:12</p> <p>mention [1] - 131:16</p> <p>mentioned [2] - 127:22, 128:24</p> <p>mess [1] - 25:11</p> <p>met [1] - 75:4</p> <p>methods [1] - 83:2</p> <p>MICHAEL [1] - 2:20</p> <p>mid [1] - 129:9</p> <p>middle [3] - 16:20, 106:22, 143:22</p> <p>midpoint [3] - 92:7, 103:9, 105:9</p> <p>might [6] - 75:4, 105:10, 105:13, 111:15, 132:8, 151:3</p> <p>mind [5] - 25:24, 94:9, 94:10, 95:20, 95:22</p> <p>mine [5] - 45:15, 68:11, 88:8, 88:19, 95:19</p> <p>minimal [2] - 128:21, 148:19</p> <p>minimize [3] - 82:18, 128:15, 135:17</p> <p>minimum [2] - 98:6, 141:20</p> <p>minor [2] - 21:17, 133:1</p> <p>minute [1] - 78:5</p> <p>minutes [4] - 9:6, 9:7, 9:10, 78:8</p> <p>Miss [1] - 64:14</p> <p>mitigate [1] - 128:8</p> <p>mitigated [1] - 118:9</p> <p>mitigates [1] - 74:8</p> <p>mix [1] - 148:4</p> | <p>mixture [1] - 16:15</p> <p>moat [1] - 128:18</p> <p>modifications [1] - 119:8</p> <p>modified [1] - 116:25</p> <p>mom [4] - 110:24, 111:8, 113:8</p> <p>MONDAY [1] - 1:2</p> <p>month [1] - 156:13</p> <p>morals [3] - 72:12, 116:17, 148:23</p> <p>most [4] - 41:10, 68:22, 85:15, 89:20</p> <p>mostly [1] - 89:18</p> <p>motion [16] - 7:12, 8:10, 9:10, 10:12, 11:11, 12:9, 44:12, 44:14, 76:24, 77:6, 121:1, 121:10, 154:20, 155:3, 156:5, 156:7</p> <p>move [11] - 28:5, 33:1, 33:3, 37:17, 66:12, 67:9, 95:10, 96:16, 96:18, 113:23, 122:22</p> <p>moved [2] - 89:25, 111:3</p> <p>moving [2] - 36:24, 119:20</p> <p>MR [307] - 7:14, 7:21, 7:23, 7:25, 8:17, 8:19, 8:21, 9:12, 9:13, 9:19, 9:21, 9:23, 10:2, 10:14, 10:19, 10:21, 10:23, 10:25, 11:14, 11:20, 11:22, 11:24, 12:1, 12:16, 12:21, 12:23, 12:25, 13:2, 13:10, 13:17, 13:25, 14:2, 14:6, 14:9, 14:14, 14:21, 15:4, 17:25, 18:8, 18:25, 19:4, 20:24, 21:5, 21:10, 21:13, 21:23, 22:5, 23:24, 24:2, 24:18, 25:2, 25:5, 25:8, 25:10, 25:22, 26:5, 26:11, 26:21, 27:12, 28:22, 30:5, 31:24, 32:2, 32:11, 32:17, 32:21, 32:24, 33:7, 33:13, 34:6, 35:25, 36:4, 36:8, 37:21, 38:13, 39:3, 39:10, 39:21, 39:23, 40:14, 40:22, 42:17, 42:20, 43:6, 43:10, 43:21, 43:25, 44:4, 44:7,</p> |
| M | | | | |
| <p>ma'am [1] - 68:19</p> <p>MACRI [57] - 2:7, 2:7, 46:13, 46:19, 47:14, 48:4, 48:14, 56:13, 57:19, 59:11, 59:24, 60:4, 60:6, 61:3, 61:15, 64:5, 64:10, 64:20, 69:6, 69:9, 70:1, 70:21, 75:7, 76:9, 76:18, 76:22, 77:4, 77:23, 79:5, 79:20, 80:15, 80:17, 85:6, 96:16, 96:20, 96:24, 100:25, 101:3, 103:21, 105:20, 105:23, 106:8, 109:4, 109:22, 112:20, 113:23, 114:3, 114:5, 114:12, 114:20, 119:4, 120:3, 120:10, 120:20, 121:5, 121:8, 122:1</p> <p>Macri [5] - 4:6, 4:12, 4:17, 46:21, 79:6</p> <p>Mahwah [2] - 126:7, 126:15</p> <p>mail [1] - 97:7</p> <p>mailing [3] - 47:9,</p> | | | | |

| | | | | |
|--|--|--|---|---|
| <p>44:17, 44:22, 44:24, 45:1, 45:3, 45:8, 46:13, 46:19, 47:14, 47:19, 47:25, 48:4, 48:9, 48:14, 55:18, 56:7, 56:13, 57:19, 59:11, 59:24, 60:4, 60:6, 61:3, 61:8, 61:13, 61:15, 61:16, 61:18, 63:1, 63:7, 63:21, 64:2, 64:5, 64:10, 64:20, 65:11, 66:2, 66:4, 66:22, 67:10, 68:19, 69:2, 69:6, 69:9, 70:1, 70:8, 70:14, 70:21, 75:7, 75:10, 75:22, 76:9, 76:18, 76:22, 77:4, 77:8, 77:9, 77:16, 77:18, 77:20, 77:23, 78:20, 78:22, 78:24, 79:1, 79:5, 79:20, 79:25, 80:7, 80:15, 80:17, 85:6, 85:13, 85:23, 86:6, 86:11, 87:10, 87:15, 87:20, 88:2, 88:6, 88:8, 88:17, 88:22, 89:10, 89:18, 89:24, 90:11, 90:15, 90:24, 91:3, 91:10, 92:8, 92:12, 92:19, 92:24, 93:6, 93:8, 93:13, 93:16, 93:21, 94:8, 94:18, 95:17, 96:5, 96:9, 96:16, 96:20, 96:24, 97:4, 97:12, 97:23, 98:9, 98:16, 100:25, 101:3, 103:21, 103:25, 104:4, 104:8, 104:12, 105:20, 105:23, 106:8, 106:13, 106:20, 107:7, 107:12, 109:4, 109:16, 109:22, 110:18, 111:14, 112:2, 112:4, 112:18, 112:20, 113:3, 113:7, 113:14, 113:23, 114:3, 114:5, 114:12, 114:20, 114:25, 119:4, 119:7, 119:19, 119:25, 120:3, 120:10, 120:20, 121:5, 121:8, 121:12, 121:17, 121:19, 121:21, 121:23,</p> | <p>122:1, 122:4, 122:7, 122:9, 122:16, 122:19, 122:22, 122:24, 123:7, 123:9, 123:19, 126:5, 126:12, 126:20, 126:23, 133:8, 133:13, 134:6, 134:10, 134:12, 134:19, 135:3, 135:10, 135:16, 135:23, 136:4, 136:7, 136:12, 136:21, 137:1, 137:9, 137:11, 140:10, 144:10, 146:7, 146:8, 146:9, 146:12, 146:18, 146:21, 146:24, 147:2, 147:12, 147:16, 152:20, 152:25, 153:3, 153:23, 154:17, 154:23, 155:1, 155:5, 155:11, 155:13, 155:15, 155:17, 156:7, 156:8 MS [201] - 7:10, 7:16, 7:18, 7:20, 7:22, 7:24, 8:1, 8:3, 8:5, 8:7, 8:12, 8:14, 8:16, 8:18, 8:20, 8:22, 8:24, 9:1, 9:3, 9:16, 9:18, 9:20, 9:22, 9:24, 10:1, 10:3, 10:5, 10:7, 10:16, 10:18, 10:20, 10:22, 10:24, 11:1, 11:5, 11:17, 11:19, 11:21, 11:23, 11:25, 12:2, 12:11, 12:18, 12:20, 12:22, 12:24, 13:1, 13:3, 13:21, 14:10, 14:18, 15:1, 22:14, 22:19, 22:21, 23:11, 23:17, 24:3, 24:5, 24:13, 24:17, 24:24, 25:15, 26:1, 26:9, 27:17, 27:19, 27:23, 28:2, 28:6, 28:12, 28:16, 28:19, 33:11, 34:9, 34:12, 34:16, 34:20, 34:23, 38:7, 38:11, 38:15, 38:19, 44:19, 44:21, 44:23, 44:25, 45:2, 45:4, 45:12, 45:14, 45:23, 46:1, 46:4, 46:8, 46:14, 47:9, 47:15, 47:23, 48:3, 56:14,</p> | <p>56:18, 57:1, 57:4, 57:8, 57:17, 57:22, 57:25, 58:7, 58:14, 58:16, 58:19, 58:23, 59:6, 59:15, 59:17, 59:25, 60:9, 60:12, 60:14, 60:17, 60:25, 61:10, 61:17, 62:3, 63:19, 63:24, 64:24, 65:4, 68:10, 69:17, 70:4, 70:12, 70:17, 77:13, 77:15, 77:17, 77:19, 77:21, 78:12, 78:17, 78:19, 78:21, 78:23, 78:25, 79:2, 79:16, 79:21, 80:5, 80:11, 98:21, 98:25, 99:2, 99:13, 100:2, 100:10, 100:13, 100:21, 100:23, 101:2, 101:7, 101:18, 101:22, 102:11, 102:18, 103:1, 103:4, 103:10, 103:19, 107:14, 107:19, 107:23, 108:4, 108:25, 109:21, 109:24, 110:7, 110:10, 114:15, 120:5, 121:14, 121:16, 121:18, 121:20, 121:22, 121:24, 123:16, 126:1, 126:9, 126:16, 136:8, 136:19, 136:24, 147:6, 155:8, 155:10, 155:12, 155:14, 155:16, 155:18, 155:22 multi [1] - 43:11 multi-dwelling [1] - 43:11 Municipal [1] - 72:8 Murry [3] - 1:4, 3:3, 11:8</p> | <p>122:25, 123:4, 126:10, 136:19 narrow [3] - 35:5, 35:11, 113:17 narrower [3] - 116:13, 118:2, 118:4 narrowness [2] - 117:11, 118:3 natural [5] - 50:7, 50:13, 53:10, 55:12, 58:6 naturally [1] - 97:16 nature [1] - 21:17 need [22] - 8:11, 24:24, 28:17, 30:15, 37:23, 42:4, 45:18, 57:9, 58:1, 58:21, 63:22, 72:25, 73:15, 83:15, 85:17, 91:23, 120:16, 120:17, 128:16, 144:17, 149:13, 149:24 needed [2] - 24:14, 55:25 needs [6] - 37:25, 45:19, 55:22, 64:25, 65:19, 66:11 negative [11] - 73:8, 74:12, 74:13, 75:5, 118:13, 118:14, 119:2, 150:16, 150:17, 151:3, 154:14 neighbor [4] - 59:19, 102:2, 102:24, 106:3 neighbor's [1] - 111:11 neighborhood [27] - 71:15, 72:4, 72:18, 72:23, 73:1, 74:18, 75:2, 75:13, 117:2, 117:4, 117:7, 117:13, 117:24, 118:15, 118:17, 118:19, 119:18, 148:16, 148:18, 149:14, 149:21, 150:19, 151:15, 151:24, 152:3, 152:16, 154:14 neighbors [11] - 34:25, 50:14, 53:9, 90:6, 97:5, 102:23, 104:24, 112:8, 134:3, 154:15 never [1] - 59:3 new [22] - 17:15, 21:3, 38:21, 60:7, 60:11, 61:25, 64:3, 65:20, 65:24, 65:25, 68:10,</p> | <p>71:10, 75:14, 81:10, 90:25, 92:8, 104:13, 104:21, 106:14, 106:15, 107:16, 119:11 New [27] - 2:5, 2:8, 2:13, 14:16, 14:25, 26:7, 26:13, 26:25, 27:1, 27:3, 47:21, 48:2, 70:10, 70:16, 80:2, 80:10, 114:17, 126:7, 136:16, 136:23, 137:3, 137:4, 147:9, 152:5, 158:4, 158:7, 158:10 newer [15] - 16:15, 16:21, 71:5, 71:17, 72:22, 73:4, 115:8, 116:10, 116:24, 119:14, 147:22, 148:5, 149:18, 149:21, 151:19 newspapers [1] - 7:5 next [26] - 10:8, 10:9, 11:4, 12:4, 25:7, 25:23, 45:16, 46:7, 46:9, 56:12, 56:20, 57:4, 59:14, 68:17, 70:1, 77:2, 78:10, 104:13, 105:24, 106:7, 106:9, 108:15, 111:23, 136:2, 139:19, 156:13 nice [6] - 57:13, 59:2, 59:20, 62:8, 64:1, 65:13 night [1] - 13:7 nine [4] - 90:12, 92:24, 138:13, 138:14 nine-and-a-half [1] - 90:12 NO [1] - 68:3 nobody [2] - 108:12, 136:1 nonconforming [11] - 15:15, 16:1, 17:12, 17:13, 48:25, 49:2, 49:9, 80:22, 111:20, 112:14, 130:7 nonconformities [5] - 15:19, 16:4, 17:17, 17:22, 149:9 none [1] - 23:14 normally [1] - 140:23 north [2] - 128:13, 129:23 north/south [2] - 15:13, 127:17 northerly [2] - 129:18,</p> |
| N | | | | |
| <p>name [33] - 7:8, 14:19, 22:13, 22:18, 24:25, 25:1, 26:9, 34:14, 34:19, 40:20, 46:21, 47:24, 56:17, 56:18, 61:11, 61:12, 61:15, 65:10, 65:11, 70:12, 79:6, 80:5, 85:23, 98:20, 98:24, 103:24, 103:25, 110:17, 110:18,</p> | | | | |

| | | | | |
|---|---|--|---|--|
| <p>133:23 northwest [1] - 128:2 Notary [5] - 158:4, 158:15, 158:15 note [1] - 135:10 noted [3] - 126:24, 135:4, 156:15 notes [2] - 135:5, 152:6 nothing [18] - 14:13, 19:6, 19:10, 19:11, 24:19, 25:14, 26:3, 47:18, 66:8, 70:7, 79:24, 93:19, 96:15, 119:25, 126:4, 133:9, 136:11, 146:8 notice [4] - 7:2, 7:4, 123:13, 155:24 notices [2] - 13:19 number [11] - 16:4, 42:25, 72:4, 72:9, 88:19, 116:10, 130:11, 130:22, 148:16, 149:9, 152:1 numbers [3] - 50:16, 90:13, 129:1</p> | <p>33:2, 36:21, 40:17 One [1] - 2:12 one [81] - 12:5, 13:14, 15:11, 16:12, 16:13, 22:24, 23:13, 24:7, 28:15, 28:20, 29:1, 29:9, 29:10, 35:16, 40:8, 40:12, 40:16, 40:18, 42:14, 42:25, 45:16, 46:7, 67:2, 67:4, 69:13, 71:21, 74:6, 75:10, 78:10, 81:25, 84:6, 84:7, 89:11, 89:12, 92:12, 92:14, 92:25, 93:6, 99:3, 99:6, 100:1, 107:14, 107:21, 107:23, 108:6, 109:15, 112:22, 115:3, 115:9, 118:23, 122:12, 124:13, 125:7, 127:10, 128:12, 129:14, 129:20, 131:16, 134:21, 134:22, 135:6, 135:12, 135:13, 137:14, 138:16, 138:17, 140:8, 140:9, 141:16, 141:18, 144:14, 145:3, 146:13, 148:5, 148:10, 148:11, 149:12, 150:21, 154:8 one-and-a-half-story [1] - 129:20 one-bedroom [1] - 99:6 one-car [1] - 108:6 one-family [7] - 13:14, 15:11, 29:1, 29:9, 29:10, 115:3, 137:14 one-foot [1] - 81:25 ones [3] - 71:17, 149:21, 151:20 Online [1] - 158:4 open [9] - 33:2, 49:22, 51:8, 54:14, 74:21, 118:20, 133:1, 142:8, 150:25 Open [1] - 7:2 opinion [4] - 97:6, 97:9, 97:10, 119:8 opportunity [1] - 66:7 opposed [1] - 128:12 opposite [3] - 49:22, 105:21, 113:11 opposition [1] - 44:13 options [1] - 95:9</p> | <p>Orchard [10] - 1:10, 4:4, 4:9, 6:5, 46:10, 46:23, 49:4, 52:5, 56:21, 57:1 order [5] - 13:20, 72:7, 74:1, 123:14, 125:10 ordinance [1] - 124:5 original [3] - 35:24, 95:25, 127:9 otherwise [1] - 99:20 outcome [1] - 158:9 outside [4] - 53:21, 131:19, 142:20, 153:8 outweighs [2] - 75:4, 119:2 over-conforming [1] - 150:2 overall [7] - 91:25, 103:8, 109:5, 109:22, 120:12, 120:13, 124:4 overburden [1] - 35:14 overdevelopment [1] - 44:5 override [1] - 104:23 owner [14] - 51:8, 57:12, 57:18, 57:19, 58:24, 59:3, 59:21, 61:22, 63:25, 65:18, 69:13, 77:1, 79:8, 123:20 owners [2] - 46:22, 135:18 owns [3] - 105:23, 106:8, 123:11</p> | <p>151:14 pantry [1] - 84:25 park [5] - 33:11, 41:18, 108:8, 108:12, 113:19 PARK [2] - 1:1, 1:16 Park [14] - 2:5, 15:9, 25:5, 42:11, 61:14, 70:10, 70:16, 90:2, 99:4, 114:17, 127:8, 131:10, 147:9, 152:1 parked [1] - 36:16 parking [42] - 15:12, 18:2, 18:5, 18:6, 19:3, 21:9, 22:22, 22:24, 24:5, 24:13, 27:25, 28:13, 31:2, 31:4, 31:18, 31:22, 32:6, 32:24, 32:25, 36:10, 41:6, 41:8, 51:5, 53:19, 75:1, 107:20, 107:21, 107:23, 108:1, 108:18, 108:23, 108:24, 118:21, 125:4, 125:14, 125:16, 125:17, 125:18, 125:19, 150:2, 150:25 part [7] - 17:11, 50:18, 58:3, 67:11, 67:15, 69:2, 103:15 partial [1] - 55:22 partially [1] - 75:18 particular [1] - 42:10 particularly [4] - 72:1, 74:15, 116:8, 148:13 parties [3] - 134:16, 134:25, 158:7 pass [1] - 154:20 patio [2] - 138:5, 142:8 pattern [2] - 119:19, 152:17 PAUL [1] - 1:18 pavement [1] - 129:22 pavers [2] - 34:11 pay [2] - 10:9, 10:12 PBS [7] - 1:10, 2:9, 4:3, 6:4, 46:10, 46:15, 46:22 PE [4] - 3:10, 5:5, 14:15, 126:6 peak [2] - 88:5, 107:2 PEDULLA [38] - 22:14, 22:19, 22:21, 23:11, 23:17, 23:24, 24:2, 24:3, 24:5, 24:13, 24:17, 24:18, 25:2, 25:5, 25:8, 25:10,</p> | <p>25:15, 27:17, 27:19, 27:23, 28:2, 28:6, 28:12, 28:16, 28:19, 33:11, 34:9, 34:12, 38:7, 38:11, 38:15, 38:19, 45:12, 45:14, 45:23, 46:1, 46:4, 46:8 Pedulla [5] - 3:13, 3:14, 3:19, 22:14, 25:2 pen [1] - 131:21 people [5] - 24:9, 41:11, 42:3, 111:6, 125:5 people's [3] - 45:20, 111:8, 111:16 per [9] - 51:4, 51:5, 53:20, 54:10, 54:11, 54:23, 54:25, 115:24 perc [1] - 83:21 percent [6] - 53:14, 53:18, 74:6, 83:10, 83:11, 128:4 period [1] - 156:3 permission [4] - 60:7, 61:4, 64:11, 64:20 permit [7] - 21:20, 22:3, 55:24, 68:20, 68:21, 85:19, 117:9 permits [10] - 71:18, 72:3, 72:16, 76:16, 115:16, 116:9, 116:18, 148:7, 148:15, 149:4 permitted [9] - 52:22, 74:6, 74:14, 117:20, 118:15, 130:14, 150:18, 150:23, 152:15 person [2] - 44:9, 106:12 personally [1] - 42:1 pertinent [1] - 55:20 Peter [2] - 3:21, 40:22 phonetic [1] - 104:1 Photo [6] - 6:6, 6:10, 6:13, 70:25, 114:23, 146:25 photo [4] - 32:23, 70:22, 114:21, 147:13 photograph [11] - 71:3, 71:4, 71:7, 71:9, 73:21, 115:1, 115:5, 115:11, 147:19, 147:23, 147:24 photographs [6] - 17:4, 17:9, 73:3,</p> |
| O | | | | |
| <p>oath [2] - 147:12, 158:6 objecting [1] - 64:3 objection [2] - 42:17, 133:2 obligated [1] - 63:15 obviously [1] - 67:20 occupied [1] - 84:2 occupy [4] - 125:3, 138:3, 140:16, 154:9 October [3] - 12:12, 12:14, 155:24 odd [1] - 32:21 OF [7] - 1:1, 1:1, 1:5, 1:16, 2:7, 2:11 off-the-record [1] - 95:3 office [4] - 7:6, 51:7, 54:14, 84:10 OFFICE [2] - 2:7, 2:11 official [1] - 7:5 old [7] - 57:18, 58:24, 59:3, 59:18, 59:19, 59:21, 63:25 older [9] - 16:16, 16:19, 71:6, 71:14, 81:6, 115:14, 116:24, 149:21, 151:19 on-suite [1] - 84:22 once [5] - 24:9, 32:4,</p> | <p>P</p> | <p>P-E-D-U-L-L-A [1] - 22:19 P.C [2] - 2:4, 2:7 P.E [1] - 2:19 p.m [2] - 1:2, 156:15 P.P [1] - 2:20 Pal [2] - 15:9, 42:11 PALISADES [2] - 1:1, 1:16 Palisades [19] - 1:14, 2:5, 5:4, 6:12, 25:5, 61:14, 90:2, 122:15, 127:7, 127:8, 127:16, 127:20, 129:16, 131:10, 136:16, 136:23, 148:4, 151:8, 151:25 pandemic [1] - 42:12 panel [1] - 95:23 panoramic [1] -</p> | <p>part [7] - 17:11, 50:18, 58:3, 67:11, 67:15, 69:2, 103:15 partial [1] - 55:22 partially [1] - 75:18 particular [1] - 42:10 particularly [4] - 72:1, 74:15, 116:8, 148:13 parties [3] - 134:16, 134:25, 158:7 pass [1] - 154:20 patio [2] - 138:5, 142:8 pattern [2] - 119:19, 152:17 PAUL [1] - 1:18 pavement [1] - 129:22 pavers [2] - 34:11 pay [2] - 10:9, 10:12 PBS [7] - 1:10, 2:9, 4:3, 6:4, 46:10, 46:15, 46:22 PE [4] - 3:10, 5:5, 14:15, 126:6 peak [2] - 88:5, 107:2 PEDULLA [38] - 22:14, 22:19, 22:21, 23:11, 23:17, 23:24, 24:2, 24:3, 24:5, 24:13, 24:17, 24:18, 25:2, 25:5, 25:8, 25:10,</p> | <p>person [2] - 44:9, 106:12 personally [1] - 42:1 pertinent [1] - 55:20 Peter [2] - 3:21, 40:22 phonetic [1] - 104:1 Photo [6] - 6:6, 6:10, 6:13, 70:25, 114:23, 146:25 photo [4] - 32:23, 70:22, 114:21, 147:13 photograph [11] - 71:3, 71:4, 71:7, 71:9, 73:21, 115:1, 115:5, 115:11, 147:19, 147:23, 147:24 photographs [6] - 17:4, 17:9, 73:3,</p> |

| | | | | |
|---|--|---|--|--|
| <p>117:5, 117:15, 151:12 physically [1] - 129:8 picture [3] - 30:6, 33:24, 33:25 piece [1] - 116:13 pitch [18] - 55:7, 81:18, 82:4, 82:21, 83:3, 87:24, 87:25, 88:13, 102:13, 131:8, 131:9, 131:25, 132:4, 141:16, 141:18, 141:20, 143:23, 143:25 pitching [1] - 83:5 pits [3] - 56:4, 130:5, 133:23 place [1] - 133:16 plan [23] - 39:11, 39:15, 40:4, 50:18, 95:25, 125:8, 127:2, 130:10, 135:6, 135:10, 135:11, 135:17, 135:21, 137:24, 139:20, 139:21, 140:5, 140:6, 145:7, 146:12 planned [1] - 134:8 PLANNER [1] - 2:20 planner [3] - 47:6, 70:3, 79:13 planning [5] - 90:12, 91:11, 97:18, 112:23, 125:23 plans [10] - 12:7, 22:2, 48:18, 48:19, 50:22, 54:8, 68:24, 132:21, 132:23, 137:22 plantings [1] - 40:7 platform [2] - 94:4, 94:7 play [1] - 53:12 plays [1] - 131:17 Plaza [1] - 2:12 plus [6] - 37:7, 37:9, 89:6, 90:19, 94:19, 125:7 point [11] - 40:3, 42:6, 44:7, 66:17, 105:8, 127:3, 131:6, 131:7, 133:19, 134:5, 146:9 points [2] - 21:15, 85:16 pole [1] - 146:19 poles [1] - 146:13 police [1] - 35:8 pop [5] - 88:20, 88:25, 90:18, 93:17, 94:15</p> | <p>pops [2] - 93:10, 113:4 porch [2] - 88:24 portion [5] - 82:3, 102:5, 108:19, 124:15, 134:19 posed [1] - 21:6 position [1] - 122:10 positive [8] - 74:10, 75:3, 82:21, 83:3, 118:11, 119:1, 150:15, 151:2 possible [1] - 97:14 post [1] - 98:5 posted [1] - 7:3 postponement [1] - 12:5 powder [1] - 84:10 power [1] - 146:13 PP [6] - 4:12, 4:23, 5:11, 70:9, 114:16, 147:8 preexisting [1] - 149:9 preliminary [1] - 55:22 prepare [1] - 76:14 prepared [5] - 21:18, 32:2, 36:12, 36:23, 37:16 preschool [2] - 43:15, 43:17 PRESENT [1] - 1:17 presented [1] - 112:13 presumably [1] - 76:11 pretty [10] - 63:3, 65:13, 89:22, 101:15, 127:23, 128:6, 130:1, 142:13, 142:14, 151:14 previous [7] - 9:10, 15:21, 31:14, 61:22, 65:18, 106:12, 142:15 previously [3] - 61:19, 114:18, 147:10 primarily [1] - 71:16 primary [3] - 84:3, 84:21, 138:7 private [1] - 43:17 problem [13] - 21:7, 41:17, 41:25, 42:1, 43:13, 44:8, 45:11, 99:15, 104:11, 108:4, 111:11, 132:14, 135:15 problems [2] - 55:12, 132:6 proceed [2] - 13:25, 14:1</p> | <p>PROCEEDING [1] - 1:5 Professional [1] - 158:5 professional [4] - 47:5, 48:5, 70:2, 79:13 profile [1] - 141:15 project [2] - 49:11, 80:19 projecting [1] - 37:2 promotes [1] - 148:22 promoting [5] - 72:11, 72:20, 116:16, 116:23, 149:7 pronounced [1] - 82:3 proof [6] - 47:9, 47:10, 79:16, 79:17, 123:16, 123:17 proper [3] - 39:11, 39:18, 132:11 properties [11] - 72:5, 74:15, 74:22, 74:25, 75:20, 87:5, 117:16, 119:24, 124:21, 150:14, 151:1 property [129] - 15:16, 17:6, 17:14, 17:16, 23:20, 23:23, 30:24, 35:4, 37:8, 41:8, 46:23, 47:2, 48:16, 49:2, 49:3, 49:4, 49:7, 50:7, 50:12, 52:14, 53:8, 56:20, 57:5, 57:23, 58:3, 58:6, 59:16, 60:3, 60:8, 61:4, 61:20, 61:21, 61:23, 61:25, 62:14, 62:15, 62:16, 62:20, 62:21, 63:10, 63:12, 63:13, 63:20, 63:23, 64:4, 64:11, 64:21, 65:17, 65:22, 66:5, 66:6, 66:9, 66:10, 66:12, 66:13, 66:19, 66:20, 67:5, 67:11, 67:15, 68:24, 69:13, 71:3, 71:10, 73:7, 73:17, 73:22, 77:2, 77:3, 79:10, 81:5, 81:6, 81:9, 81:12, 81:19, 83:8, 86:3, 94:22, 97:13, 98:4, 98:5, 99:17, 99:21, 100:9, 100:11, 100:19, 101:1, 101:4, 101:12, 103:18, 107:16, 110:23, 111:3, 111:22,</p> | <p>111:23, 115:2, 115:6, 115:12, 115:25, 116:13, 117:11, 118:5, 123:12, 123:21, 124:10, 124:14, 127:3, 127:24, 128:4, 129:18, 131:4, 133:23, 134:8, 134:13, 134:23, 137:13, 139:1, 141:17, 144:7, 147:20, 147:22, 147:25, 148:19, 149:16, 149:17, 150:2, 150:13 proposal [5] - 15:14, 31:15, 48:16, 50:5, 74:20 propose [1] - 92:9 proposed [21] - 20:24, 37:13, 38:14, 49:11, 49:16, 53:15, 53:25, 54:22, 75:11, 80:19, 82:8, 84:16, 108:13, 108:24, 118:3, 119:9, 127:6, 130:5, 130:10, 142:25, 146:14 proposing [24] - 28:24, 29:9, 29:11, 49:14, 49:19, 49:21, 49:23, 52:3, 52:11, 56:3, 58:5, 67:23, 72:2, 73:24, 81:8, 82:5, 90:15, 116:9, 116:21, 130:25, 138:14, 139:10, 141:8, 148:14 protected [1] - 118:20 provide [17] - 14:11, 26:2, 26:10, 39:17, 56:4, 70:5, 74:1, 74:4, 79:22, 123:13, 126:2, 126:10, 129:10, 136:9, 136:20, 150:1, 150:5 provided [6] - 7:4, 74:24, 75:1, 76:12, 151:1, 158:6 providing [5] - 72:13, 116:17, 119:16, 124:1, 125:18, 148:23 provision [1] - 72:14 Public [7] - 3:13, 3:19, 4:8, 4:19, 7:2, 158:4, 158:15 public [7] - 72:11,</p> | <p>116:16, 117:23, 120:3, 120:5, 120:7, 148:22 publication [5] - 13:20, 47:10, 79:17, 123:14, 123:17 pull [1] - 113:10 pulling [1] - 111:1 Purpose [6] - 72:11, 72:19, 116:16, 116:19, 116:22, 149:6 purpose [4] - 72:14, 134:21, 148:22, 149:1 purposes [3] - 72:9, 116:15, 148:20 pursuant [1] - 156:1 push [8] - 36:12, 36:14, 88:25, 94:21, 97:2, 99:10, 109:11 pushed [1] - 94:19 put [43] - 18:12, 18:13, 18:14, 18:16, 20:16, 22:23, 28:7, 40:6, 43:12, 44:4, 56:12, 57:12, 58:3, 58:9, 59:2, 59:6, 59:13, 59:20, 59:25, 60:20, 60:25, 63:19, 64:1, 65:1, 65:6, 66:18, 67:21, 68:10, 68:14, 87:1, 87:8, 87:12, 90:20, 92:16, 92:20, 93:18, 94:2, 94:20, 102:19, 134:4, 149:3, 153:14 putting [2] - 31:2, 60:7</p> |
| Q | | | | |
| <p>qualified [1] - 126:24 Question/Comment [4] - 3:13, 3:19, 4:8, 4:19 questions [11] - 21:6, 44:9, 56:14, 75:23, 76:5, 85:9, 114:6, 114:8, 133:13, 144:11, 152:21 Questions [9] - 3:11, 3:17, 4:6, 4:13, 4:18, 4:24, 5:6, 5:9, 5:12 quite [5] - 35:7, 39:3, 40:24, 86:25, 150:12</p> | | | | |
| R | | | | |
| <p>R.A [1] - 26:6 R.P.R [3] - 1:24,</p> | | | | |

| | | | | |
|--|--|---|--|---|
| <p>158:3, 158:14 RA [6] - 3:16, 4:17, 5:8, 47:20, 80:1, 136:15 rain [2] - 102:5, 102:22 raise [1] - 86:18 raises [1] - 49:5 Ramapo [2] - 126:7, 126:14 rather [2] - 53:7, 142:12 ready [1] - 13:6 real [1] - 143:14 really [12] - 27:25, 32:9, 35:15, 41:4, 55:20, 65:21, 67:11, 104:14, 108:18, 112:5, 129:7 rear [46] - 15:17, 18:18, 18:23, 19:9, 19:21, 19:22, 19:25, 21:4, 29:6, 29:8, 30:24, 50:2, 52:19, 52:20, 53:16, 81:22, 82:9, 82:10, 82:12, 83:16, 84:21, 94:17, 94:18, 95:11, 96:20, 113:6, 113:24, 115:4, 116:2, 117:19, 120:17, 124:11, 130:21, 131:14, 133:15, 133:16, 133:24, 134:13, 141:22, 142:7, 142:8, 142:10, 150:11, 150:23 reason [5] - 53:1, 64:25, 89:25, 110:23, 111:2 reasonable [3] - 91:5, 94:13 reasons [3] - 41:5, 76:12, 120:21 rebut [1] - 25:21 receive [1] - 132:15 received [2] - 18:1, 97:7 recently [1] - 106:15 recess [1] - 78:7 reciprocal [1] - 138:15 recommendations [2] - 154:23, 154:25 recommended [1] - 82:24 reconsider [1] - 35:15 record [17] - 14:20, 22:18, 46:14, 46:21, 47:24, 61:11, 62:11,</p> | <p>70:13, 79:6, 80:6, 95:3, 95:7, 98:24, 122:25, 126:11, 136:20, 158:5 recreation [5] - 84:10, 138:1, 138:17, 139:15, 139:16 rectangle [1] - 127:15 recused [1] - 46:16 redo [1] - 103:12 redoing [1] - 12:7 reduce [5] - 92:16, 92:25, 93:2, 109:22 reduced [7] - 15:20, 15:23, 115:22, 117:6, 118:18, 120:13, 149:10 reduces [2] - 75:1, 118:22 reducing [3] - 73:7, 106:24, 119:23 reduction [7] - 91:22, 92:5, 92:6, 103:7, 103:9, 105:14, 109:5 reenforce [2] - 56:22, 60:20 reinforcement [1] - 58:3 referee [1] - 158:6 referenced [1] - 35:2 reflect [1] - 46:14 regard [8] - 14:11, 26:2, 47:16, 70:5, 126:2, 136:9, 139:6, 155:22 regarding [2] - 124:21, 135:5 regardless [1] - 130:4 registered [1] - 26:25 Registered [1] - 158:5 regular [3] - 65:5, 68:13, 106:3 regulation [1] - 158:10 rehabilitate [1] - 17:6 rehabilitated [1] - 16:20 reinforce [4] - 58:1, 61:5, 65:1, 68:11 reinforcement [2] - 59:7, 64:25 related [3] - 24:22, 158:7, 158:8 relatively [3] - 102:10, 129:19, 129:22 relaying [1] - 76:10 relief [1] - 124:3 relocated [1] - 146:15 relocating [1] - 146:19 remain [2] - 15:22, 17:23</p> | <p>remains [1] - 18:23 remember [1] - 91:10 Remote [1] - 158:3 removal [1] - 17:12 remove [5] - 15:14, 32:14, 49:8, 60:16, 68:22 removed [2] - 40:5, 60:16 removing [1] - 23:22 renovate [1] - 13:14 rented [2] - 38:16, 43:16 repair [3] - 37:23, 37:25, 68:25 replacement [1] - 68:25 replacing [2] - 72:22, 116:24 report [4] - 21:14, 55:19, 85:13, 132:18 Reporter [2] - 158:4, 158:5 REPORTER [16] - 22:17, 22:20, 24:7, 34:18, 34:22, 39:6, 64:8, 64:14, 78:1, 78:3, 78:6, 95:6, 98:23, 99:1, 109:13, 140:2 REPORTERS [1] - 1:24 represent [3] - 46:11, 46:22, 79:7 representing [1] - 123:2 request [2] - 49:25, 123:22 requested [1] - 125:3 requesting [2] - 52:17, 82:11 require [2] - 68:20, 134:25 required [10] - 51:20, 51:21, 53:14, 53:20, 53:23, 73:14, 88:22, 124:2, 149:25, 155:25 requirement [8] - 19:22, 19:25, 52:1, 52:19, 87:11, 97:13, 98:7, 130:20 requirements [4] - 51:18, 71:19, 115:20, 148:9 requires [1] - 150:3 resident [1] - 43:25 residential [5] - 24:20, 27:5, 72:13, 148:24, 150:19</p> | <p>residents [4] - 35:7, 35:14, 38:3, 44:13 respond [1] - 156:10 Response [26] - 7:19, 8:2, 8:4, 8:8, 8:15, 8:23, 8:25, 9:4, 9:8, 9:25, 10:6, 22:9, 25:19, 44:10, 56:10, 68:4, 68:6, 69:21, 69:24, 76:1, 76:4, 76:6, 85:11, 114:9, 120:8, 146:3 RESPONSE [1] - 68:3 responsible [1] - 135:19 rest [1] - 151:25 restrictions [1] - 37:22 retaining [39] - 50:6, 50:13, 53:8, 56:21, 57:10, 57:13, 57:21, 57:25, 58:5, 58:8, 58:13, 58:23, 59:2, 59:7, 60:17, 60:21, 60:22, 60:23, 61:1, 61:5, 61:20, 64:24, 65:1, 65:7, 67:24, 67:25, 68:11, 68:13, 68:15, 71:8, 87:1, 87:8, 92:16, 102:1, 102:3, 102:20, 102:24, 128:15 retention [1] - 133:16 reused [1] - 61:23 review [1] - 124:20 reviewed [5] - 13:22, 47:11, 79:17, 83:20, 123:17 revised [4] - 132:21, 132:23, 135:11, 135:20 revision [1] - 127:10 RICHARD [1] - 2:3 Richard [1] - 13:11 ridge [1] - 129:9 ridiculous [1] - 44:2 right-hand [9] - 48:22, 71:4, 81:20, 82:16, 92:3, 110:5, 115:5, 133:15, 146:15 right-of-way [1] - 135:8 River [2] - 47:21, 48:2 Road [2] - 126:7, 126:15 road [2] - 21:24, 40:2 Roff [3] - 80:25, 81:2, 81:16 roll [11] - 7:15, 8:11, 9:15, 10:15, 11:16, 12:17, 44:18, 77:12,</p> | <p>78:15, 121:13, 155:7 ROMAN [1] - 2:4 RON [1] - 158:15 roof [19] - 83:14, 83:18, 87:16, 87:23, 87:24, 87:25, 88:4, 91:15, 91:16, 91:17, 91:23, 99:19, 102:21, 102:22, 103:7, 105:8, 105:13, 129:9, 130:4 room [25] - 43:18, 51:6, 51:11, 51:15, 54:13, 54:18, 54:23, 84:10, 84:11, 84:19, 91:23, 99:14, 110:4, 110:10, 138:1, 138:5, 138:17, 139:15, 139:16, 140:8, 140:15, 143:4 rough [1] - 17:3 roughly [1] - 15:13 Route [2] - 47:21, 48:2 ruining [1] - 113:12 rules [4] - 23:4, 44:1, 93:23, 104:23 run [1] - 132:8 runoff [7] - 82:25, 83:7, 101:20, 102:22, 133:20, 134:2 runs [4] - 124:10, 127:16, 131:3, 132:7</p> |
| S | | | | |
| <p>S-P-A-T-Z [1] - 70:14 safety [3] - 72:12, 116:17, 148:23 Sal [1] - 28:23 Salvatore [1] - 26:11 SALVATORE [2] - 3:16, 26:12 Sam [1] - 126:13 sandwich [1] - 106:22 sanitary [3] - 21:24, 135:5, 135:7 saw [2] - 18:1, 135:14 scaffolds [1] - 100:14 scale [4] - 149:19, 151:17, 152:10, 154:2 school [2] - 42:15, 42:16 schools [1] - 43:14 scratch [1] - 97:17 screaming [1] - 59:22 screw [2] - 100:16, 100:17 sean [3] - 136:22,</p> | | | | |

| | | | | |
|--|--|--|--|--|
| <p>137:2, 137:12 SEAN [1] - 5:8 Sean [2] - 125:22, 136:5 second [44] - 7:14, 9:11, 9:12, 9:13, 10:13, 10:14, 11:13, 11:14, 12:15, 12:16, 29:13, 35:23, 40:18, 44:16, 44:17, 51:10, 52:21, 53:11, 54:6, 54:12, 54:15, 54:17, 54:20, 66:18, 67:21, 77:7, 77:8, 77:9, 84:7, 84:12, 84:13, 93:3, 121:11, 121:12, 139:20, 139:21, 141:10, 142:9, 143:2, 145:1, 155:4, 155:5, 156:8 secondary [2] - 84:22, 144:18 SECRETARY [1] - 2:18 secretary [2] - 7:8, 7:13 section [1] - 40:5 sediments [1] - 34:24 see [20] - 7:8, 14:4, 14:6, 42:7, 52:13, 66:11, 69:10, 69:15, 71:7, 81:1, 92:1, 109:25, 124:15, 125:8, 140:23, 141:6, 142:10, 145:18, 153:4, 156:12 seek [2] - 76:13, 113:24 seeking [4] - 46:25, 71:21, 72:17, 79:9 seem [2] - 38:4, 151:16 seepage [3] - 56:4, 130:5, 133:23 selected [1] - 133:14 sense [1] - 134:4 sent [1] - 12:5 SEONG [1] - 1:22 separate [3] - 40:17, 112:12, 135:7 SEPTEMBER [1] - 1:2 September [5] - 55:19, 85:14, 132:17, 135:21, 156:2 series [1] - 71:5 seriously [1] - 28:17 set [13] - 51:6, 51:9, 51:13, 54:11, 54:16, 65:20, 68:24, 83:16,</p> | <p>89:23, 99:24, 109:7, 120:15, 131:17 setback [21] - 50:4, 52:20, 73:19, 74:4, 82:14, 82:16, 88:21, 95:1, 95:11, 106:2, 108:16, 112:15, 113:6, 116:2, 117:19, 120:16, 120:17, 129:13, 130:21, 150:21 setbacks [10] - 49:16, 52:16, 74:17, 82:8, 91:9, 117:18, 118:16, 119:15, 150:5, 150:20 setup [2] - 83:25, 84:25 seven [2] - 62:23, 142:4 seven-and-a-half [1] - 62:23 seven-foot [1] - 142:4 several [2] - 113:21, 148:21 sewer [3] - 21:24, 43:2, 135:5 shake [1] - 90:6 shape [2] - 17:3, 94:10 shared [1] - 84:6 shed [2] - 81:7, 134:2 Sheet [5] - 48:20, 50:17, 50:22, 54:8 sheet [2] - 139:19, 141:2 short [1] - 116:5 shorter [1] - 150:22 show [9] - 17:9, 21:23, 40:4, 48:20, 59:9, 135:7, 135:11, 141:15, 143:17 shower [1] - 84:11 showing [5] - 33:25, 40:7, 137:15, 137:16, 141:21 shown [1] - 152:16 shows [4] - 135:11, 137:25, 140:22, 142:11 shut [1] - 36:21 sick [1] - 113:9 side [170] - 15:12, 17:14, 17:19, 23:13, 29:3, 29:4, 40:9, 40:15, 41:24, 48:25, 49:15, 49:20, 49:22, 49:24, 50:9, 50:25, 51:4, 52:6, 52:7, 52:10, 52:16, 52:18, 53:16, 53:20, 53:24,</p> | <p>54:11, 54:24, 54:25, 59:2, 71:23, 72:6, 73:4, 73:14, 73:15, 73:22, 73:24, 74:16, 75:17, 80:24, 81:20, 81:25, 82:7, 82:17, 84:6, 84:7, 84:16, 84:17, 84:18, 84:20, 84:24, 88:2, 88:3, 89:1, 89:22, 89:24, 90:2, 90:5, 90:7, 90:8, 92:3, 93:14, 94:5, 94:11, 94:18, 97:19, 99:3, 99:24, 100:1, 100:17, 103:2, 103:16, 104:15, 104:16, 105:18, 105:19, 105:21, 105:23, 106:2, 106:8, 106:9, 106:11, 106:14, 106:15, 106:17, 108:11, 108:15, 109:23, 110:1, 110:6, 110:8, 110:9, 110:13, 112:1, 112:15, 113:11, 116:2, 117:16, 118:1, 120:13, 123:25, 124:1, 124:13, 124:22, 125:3, 125:6, 125:8, 125:13, 127:19, 128:10, 128:11, 128:21, 129:14, 129:23, 130:18, 131:3, 131:4, 131:19, 131:22, 133:15, 134:1, 134:22, 137:20, 137:25, 138:2, 138:3, 138:16, 138:21, 138:22, 138:24, 139:8, 139:10, 139:14, 139:24, 140:7, 141:7, 141:16, 141:18, 141:21, 142:20, 143:10, 143:11, 144:2, 144:14, 144:15, 145:2, 145:3, 145:4, 145:15, 145:16, 146:15, 148:11, 149:24, 150:21, 153:6 side-by-side [4] - 49:15, 50:25, 84:24, 125:8 sides [3] - 105:1, 139:23, 145:24</p> | <p>sidewalk [11] - 33:12, 36:16, 36:22, 37:10, 39:22, 39:24, 81:22, 82:20, 82:22, 92:3, 98:13 signature [1] - 127:9 significant [4] - 116:10, 127:23, 128:6, 130:1 similar [4] - 73:5, 75:20, 88:16, 149:18 SIMOFF [1] - 2:21 Simoff [1] - 36:11 Simoff's [1] - 18:2 single [4] - 71:13, 115:12, 137:17, 148:1 single-family [4] - 71:13, 115:12, 137:17, 148:1 sink [8] - 53:1, 53:3, 54:13, 153:5, 153:6, 153:7, 153:10, 153:12 sit [1] - 90:20 site [21] - 40:4, 71:5, 72:1, 73:9, 74:1, 75:1, 75:19, 116:8, 116:14, 117:17, 118:22, 124:10, 124:20, 125:21, 127:2, 128:16, 130:10, 142:1, 146:12, 148:13, 154:1 sitting [1] - 123:10 six [8] - 81:10, 83:17, 85:3, 116:12, 149:24 six-over-six [3] - 81:10, 85:3, 116:12 size [9] - 15:25, 16:1, 16:3, 41:2, 118:10, 123:24, 138:15, 149:4, 149:19 skills [1] - 132:11 Skrable [2] - 125:21, 126:12 SKRABLE [3] - 5:5, 126:5, 126:12 sky [1] - 105:1 slab [2] - 142:11, 142:12 sliding [1] - 113:1 slight [1] - 139:24 slightly [4] - 74:8, 116:6, 117:20, 118:2 slope [4] - 141:6, 141:20, 142:2, 142:14 sloped [1] - 138:23</p> | <p>slopes [3] - 49:3, 55:4, 142:3 slows [1] - 102:16 smack [1] - 16:18 small [9] - 32:22, 63:3, 85:16, 102:1, 102:3, 102:20, 115:3, 138:5, 140:8 smaller [2] - 117:20, 140:5 smallest [1] - 95:18 so.. [1] - 104:9 Soil [1] - 50:21 soil [1] - 50:18 solar [2] - 89:16, 95:23 sole [1] - 145:12 solution [1] - 83:23 someone [1] - 111:3 sometimes [2] - 38:5, 102:4 somewhat [1] - 89:23 somewhere [1] - 36:25 sorry [18] - 19:15, 21:3, 21:22, 24:7, 39:6, 56:15, 56:25, 64:14, 68:7, 82:7, 82:10, 82:13, 82:14, 89:17, 95:8, 98:23, 109:13, 122:19 sort [5] - 83:2, 140:1, 140:2, 147:25, 151:21 sounds [1] - 65:16 south [11] - 16:22, 16:23, 17:2, 80:24, 86:4, 86:5, 86:8, 86:14, 86:15, 89:14, 103:15 southeast [1] - 127:25 southerly [3] - 15:16, 129:17, 131:20 southern [1] - 17:14 space [24] - 22:24, 24:5, 24:13, 28:13, 32:21, 36:24, 37:14, 49:22, 60:19, 74:21, 91:24, 107:22, 107:24, 108:1, 108:18, 108:19, 108:23, 109:17, 113:15, 118:20, 118:23, 125:7, 129:9, 150:25 spaces [3] - 18:6, 36:19, 118:25 Spatz [11] - 4:12, 4:23, 47:5, 70:2, 70:14, 76:11, 79:13, 119:4,</p> |
|--|--|--|--|--|

| | | | | |
|--|--|--|--|--|
| <p>125:22, 146:24, 147:3</p> <p>SPATZ [5] - 5:11, 70:8, 70:14, 114:25, 147:12</p> <p>spatz's [1] - 120:20</p> <p>speaking [2] - 24:10, 115:13</p> <p>speculator [1] - 123:12</p> <p>spell [4] - 22:17, 34:18, 98:23, 136:20</p> <p>spelling [8] - 14:19, 26:10, 47:24, 70:13, 80:6, 123:3, 123:4, 126:10</p> <p>split [1] - 142:12</p> <p>spoken [2] - 36:9, 115:7</p> <p>spot [1] - 33:2</p> <p>spots [2] - 27:25, 107:20</p> <p>square [6] - 16:2, 51:22, 83:9, 130:12, 145:5, 153:17</p> <p>stacked [2] - 84:1, 84:14</p> <p>stair [2] - 94:2, 138:6</p> <p>staircase [11] - 82:16, 82:17, 82:20, 84:8, 93:14, 93:18, 94:1, 94:3, 94:6, 94:11</p> <p>stairs [12] - 28:2, 28:4, 28:9, 28:10, 51:6, 51:9, 51:13, 54:12, 54:16, 54:19, 82:18, 142:19</p> <p>stairway [1] - 40:16</p> <p>stake [1] - 67:20</p> <p>staked [2] - 66:5, 66:11</p> <p>stall [1] - 53:20</p> <p>standard [3] - 148:25, 149:11, 152:19</p> <p>standards [2] - 112:7, 150:24</p> <p>standpoint [1] - 129:4</p> <p>start [2] - 111:6, 143:21</p> <p>starting [1] - 84:4</p> <p>state [10] - 14:18, 24:24, 26:9, 26:22, 47:23, 61:10, 70:12, 80:5, 126:9, 136:19</p> <p>State [3] - 137:3, 158:4, 158:7</p> <p>statute [1] - 158:6</p> <p>stay [6] - 28:3, 89:19, 101:13, 143:9, 150:8, 150:10</p> | <p>staying [1] - 122:3</p> <p>steep [2] - 141:20, 152:1</p> <p>step [3] - 142:3, 142:8, 151:21</p> <p>stepped [3] - 46:16, 138:22, 139:4</p> <p>steps [1] - 142:23</p> <p>Steve [6] - 39:1, 55:16, 56:6, 62:25, 121:3, 146:6</p> <p>STEVE [1] - 2:19</p> <p>steve [1] - 85:12</p> <p>STEVEN [1] - 1:20</p> <p>STEVEN [1] - 81:19</p> <p>still [22] - 18:23, 19:24, 41:25, 43:9, 82:20, 90:22, 97:17, 98:6, 102:1, 102:12, 108:17, 109:1, 113:4, 115:23, 116:3, 130:4, 130:19, 132:25, 143:11, 147:12, 150:5</p> <p>stones [4] - 34:9, 34:10, 34:12, 34:13</p> <p>storage [8] - 37:16, 138:2, 140:9, 145:4, 145:16, 145:21, 145:23, 153:18</p> <p>stories [8] - 17:3, 52:23, 52:25, 73:5, 81:11, 82:6, 143:15, 143:18</p> <p>storing [1] - 130:4</p> <p>stormwater [7] - 55:21, 55:25, 76:14, 83:16, 83:23, 133:16, 134:15</p> <p>story [15] - 15:8, 15:17, 17:7, 18:17, 19:9, 29:9, 48:24, 49:14, 52:25, 63:18, 87:18, 129:20, 129:21, 137:16</p> <p>straight [1] - 58:10</p> <p>straighten [1] - 77:3</p> <p>Street [17] - 1:8, 3:9, 3:14, 3:15, 3:20, 3:21, 13:9, 13:14, 14:16, 14:24, 15:9, 15:12, 15:13, 22:15, 22:21, 25:3, 34:17</p> <p>street [29] - 24:6, 27:25, 28:16, 34:25, 35:8, 35:13, 41:24, 42:5, 52:12, 71:13, 82:22, 83:1, 88:13, 108:1, 111:12,</p> | <p>111:14, 111:24, 112:1, 113:17, 115:15, 118:23, 119:21, 132:1, 132:7, 135:13, 143:19, 143:24, 144:8, 148:3</p> <p>streets [2] - 51:1, 118:22</p> <p>streetscape [4] - 52:5, 52:16, 119:16, 124:23</p> <p>stretcher [3] - 97:24, 98:10, 98:14</p> <p>stretchers [1] - 98:18</p> <p>strikes [1] - 64:17</p> <p>strip [1] - 35:5</p> <p>stronger [1] - 65:8</p> <p>structural [2] - 39:17, 102:21</p> <p>structure [14] - 15:15, 16:5, 17:13, 23:22, 28:24, 29:3, 48:24, 49:9, 49:20, 51:19, 52:2, 52:3, 75:11, 91:17</p> <p>stucco [2] - 141:8, 142:18</p> <p>study [1] - 89:17</p> <p>style [1] - 125:1</p> <p>subject [4] - 71:3, 86:3, 115:2, 147:20</p> <p>submission [1] - 76:15</p> <p>submit [1] - 135:20</p> <p>submitted [4] - 30:6, 48:19, 76:25, 154:21</p> <p>substantially [3] - 74:13, 118:14, 150:17</p> <p>sufficient [2] - 76:12, 120:21</p> <p>suggestions [1] - 121:3</p> <p>suite [3] - 84:21, 84:22, 140:7</p> <p>Suite [2] - 2:8, 2:12</p> <p>suited [3] - 72:1, 116:8, 148:13</p> <p>sum [3] - 76:8, 120:2, 153:22</p> <p>summation [1] - 154:18</p> <p>sun [10] - 86:14, 86:15, 89:2, 89:3, 96:2, 96:5, 96:11, 103:13, 103:17, 104:19</p> <p>sunlight [11] - 45:20, 89:14, 93:18, 95:25,</p> | <p>96:14, 96:25, 103:11, 105:2, 111:4, 111:8, 111:17</p> <p>supplied [2] - 13:18, 47:10</p> <p>support [4] - 72:7, 72:24, 74:2, 117:23</p> <p>supported [3] - 74:11, 118:10, 152:12</p> <p>supposed [2] - 43:20, 43:23</p> <p>supreme [1] - 152:12</p> <p>surrounding [5] - 16:10, 16:11, 71:15, 74:15, 150:19</p> <p>survey [5] - 48:21, 62:17, 66:10, 129:11, 129:20</p> <p>surveyed [1] - 66:5</p> <p>surveyor [1] - 124:19</p> <p>swear [9] - 14:10, 26:1, 47:15, 70:4, 79:21, 125:25, 126:1, 136:8, 147:3</p> <p>SWORN [3] - 3:2, 4:2, 5:2</p> <p>sworn [16] - 14:8, 14:17, 25:23, 26:8, 47:8, 47:22, 70:11, 79:15, 80:3, 114:13, 114:18, 126:8, 136:17, 147:4, 147:6, 147:10</p> <p>Sylvan [2] - 80:2, 80:9</p> <p>system [4] - 56:1, 83:16, 133:16, 134:15</p> <p>systems [1] - 43:2</p> | <p>terrain [1] - 106:19</p> <p>Terranova [11] - 8:3, 8:24, 10:1, 10:24, 11:25, 13:1, 45:2, 77:19, 78:25, 121:22, 155:14</p> <p>TERRANOVA [10] - 1:19, 10:2, 10:25, 12:1, 13:2, 45:3, 77:20, 79:1, 121:23, 155:15</p> <p>terribly [1] - 35:5</p> <p>test [1] - 83:21</p> <p>testified [1] - 26:15</p> <p>testifies [8] - 14:17, 26:8, 47:22, 70:11, 80:3, 126:8, 136:17, 147:10</p> <p>testify [2] - 114:19, 124:20</p> <p>TESTIMONY [3] - 3:2, 4:2, 5:2</p> <p>testimony [13] - 14:11, 26:2, 47:16, 70:5, 76:11, 79:22, 120:21, 124:8, 125:23, 126:2, 126:25, 136:9, 158:5</p> <p>THE [183] - 18:16, 18:22, 19:8, 19:11, 19:15, 19:20, 20:4, 20:8, 20:11, 20:14, 20:18, 20:22, 21:1, 22:17, 22:20, 23:9, 23:13, 23:21, 24:1, 24:4, 24:7, 24:11, 24:16, 26:16, 27:8, 27:14, 27:18, 27:21, 27:24, 28:4, 28:8, 28:14, 28:18, 29:18, 29:21, 29:24, 30:10, 30:13, 30:16, 30:20, 30:23, 31:5, 31:7, 31:22, 31:25, 32:9, 32:15, 32:19, 32:22, 33:21, 33:23, 34:2, 34:8, 34:11, 34:18, 34:22, 35:22, 38:17, 38:22, 39:6, 40:16, 54:4, 55:1, 55:6, 55:11, 55:15, 56:2, 57:20, 57:23, 58:4, 59:9, 62:1, 62:7, 62:9, 62:21, 62:23, 63:5, 64:8, 64:14, 66:19, 67:1, 67:5, 67:23, 71:2, 75:16, 78:1, 78:3, 78:6, 85:7, 86:9, 86:17, 86:22, 87:13, 87:17,</p> |
| T | | | | |
| <p>T-U-V-E-L [1] - 14:22</p> <p>tall [3] - 81:11, 104:14, 106:22</p> <p>taller [4] - 88:18, 89:4, 115:9, 151:16</p> <p>tandem [1] - 125:4</p> <p>tenants [1] - 25:16</p> <p>term [1] - 35:7</p> <p>terms [16] - 72:24, 74:5, 75:19, 111:17, 117:3, 117:8, 117:18, 118:1, 118:4, 118:6, 118:13, 148:20, 149:12, 149:19, 150:20, 152:3</p> <p>Terrace [4] - 70:10, 70:16, 114:17, 147:9</p> <p>terrace [1] - 140:8</p> | | | | |

| | | | | |
|---|---|---|--|--|
| 87:25, 88:4, 88:7, 88:11, 88:21, 89:9, 89:16, 89:21, 90:10, 90:14, 90:22, 91:2, 91:6, 91:14, 92:14, 92:22, 93:1, 93:7, 93:15, 93:20, 94:3, 94:23, 95:6, 95:8, 96:2, 98:2, 98:12, 98:23, 99:1, 99:11, 99:23, 100:5, 100:12, 100:14, 100:22, 101:5, 101:9, 101:21, 101:24, 102:12, 102:19, 103:3, 103:6, 103:13, 105:7, 105:12, 105:22, 105:25, 106:11, 106:18, 107:1, 107:5, 107:17, 107:21, 107:25, 108:10, 109:3, 109:13, 109:19, 110:3, 110:9, 110:14, 111:12, 111:18, 112:3, 112:11, 113:1, 119:12, 119:22, 126:21, 133:18, 135:9, 135:14, 135:20, 137:7, 140:2, 140:4, 144:16, 144:19, 144:22, 144:25, 145:6, 145:10, 145:18, 145:21, 145:25, 153:7, 153:10, 153:19 | 127:3, 138:4, 138:7, 143:14, 143:17, 144:14, 153:5 three-bedroom [5] - 29:11, 29:12, 29:13, 41:9, 84:15 three-car [3] - 125:13, 138:4, 153:5 three-family [3] - 22:25, 24:15, 41:4 three-level [1] - 82:6 three-story [3] - 49:14, 52:25, 87:18 tie [1] - 83:15 tieing [1] - 135:12 tilt [4] - 124:11, 124:12, 131:4, 139:1 tilting [1] - 60:24 tired [1] - 113:9 to.. [1] - 26:19 toilet [3] - 54:13, 138:5, 153:8 tom [1] - 126:12 Tom [4] - 126:24, 129:10, 133:14, 135:5 tonight [9] - 12:5, 13:18, 14:23, 49:25, 51:18, 52:17, 52:22, 97:8, 153:24 tonight's [1] - 48:20 top [16] [3] - 18:15, 19:6, 19:10, 19:11, 40:17, 51:7, 51:9, 71:2, 71:4, 84:1, 87:22, 115:1, 115:5, 131:7, 147:19, 147:21 topo [1] - 143:20 topographic [2] - 149:15, 152:17 topographical [5] - 73:6, 75:18, 127:23, 149:22, 151:21 topography [9] - 82:2, 87:14, 119:20, 124:9, 124:13, 124:17, 131:2, 141:25, 154:4 total [4] - 10:11, 53:22, 131:11, 138:13 totally [1] - 17:13 touch [1] - 51:17 touched [1] - 54:5 towards [5] - 29:6, 53:5, 81:16, 102:17, 132:1 town [5] - 24:15, 43:18, 51:2, 95:18, 154:2 | township [2] - 26:16, 26:18 trace [1] - 131:21 traditional [2] - 125:16, 127:15 traffic [1] - 36:11 TRAFFIC [1] - 2:21 transcript [1] - 158:10 TRANSCRIPT [1] - 1:5 translate [1] - 104:6 trash [1] - 84:8 treated [1] - 115:24 trees [1] - 147:25 trench [5] - 82:23, 83:6, 83:13, 83:18, 133:21 tried [5] - 87:3, 124:22, 128:15, 128:20, 154:8 triggered [1] - 124:24 triggers [2] - 124:15, 131:11 trucks [1] - 24:23 true [1] - 130:8 truth [23] - 14:12, 14:13, 26:3, 26:4, 38:2, 47:17, 47:18, 67:19, 70:6, 70:7, 79:23, 79:24, 126:3, 126:4, 136:10, 136:11 try [3] - 62:8, 122:9, 128:8 trying [11] - 41:20, 50:6, 52:15, 55:11, 66:15, 87:12, 104:17, 125:9, 129:2, 133:19, 154:11 turn [4] - 31:17, 89:19, 113:16, 113:20 TUVEL [4] - 14:6, 14:9, 14:14, 14:21 Tuvel [4] - 3:10, 14:2, 14:22, 15:5 two [132] - 7:4, 13:15, 13:17, 15:8, 15:17, 15:19, 16:12, 16:14, 16:16, 16:21, 17:15, 18:17, 19:9, 22:23, 22:25, 23:25, 24:12, 24:14, 28:1, 28:10, 28:18, 29:9, 29:11, 32:3, 33:3, 36:19, 39:12, 39:15, 39:18, 39:19, 40:17, 41:4, 41:5, 41:7, 41:23, 42:2, 43:15, 43:16, 47:2, 47:3, 48:24, 49:14, 49:15, 51:4, | 51:5, 51:19, 52:23, 53:20, 53:21, 54:11, 56:3, 71:6, 71:11, 71:14, 71:16, 71:18, 71:23, 72:3, 72:5, 72:16, 73:4, 73:12, 74:2, 79:10, 79:11, 81:10, 83:2, 84:1, 84:5, 84:6, 87:18, 88:19, 89:7, 90:3, 94:20, 95:13, 101:18, 102:20, 106:22, 107:17, 107:18, 108:6, 108:9, 115:7, 115:8, 115:14, 115:17, 115:21, 116:7, 116:9, 116:11, 116:18, 116:20, 117:10, 119:14, 123:22, 123:23, 125:4, 125:16, 128:9, 129:21, 130:18, 133:13, 135:7, 135:12, 137:16, 138:1, 138:8, 138:10, 138:11, 139:3, 140:8, 140:11, 144:13, 147:22, 148:3, 148:5, 148:8, 148:15, 148:16, 148:24, 149:3, 149:5, 149:18, 150:4, 153:2 two-acre [1] - 90:3 two-and-a-half [1] - 52:23 two-and-a-half-story [1] - 129:21 two-car [11] - 17:15, 28:10, 42:2, 51:4, 54:11, 84:5, 84:6, 125:4, 125:16, 138:1, 150:4 two-families [2] - 117:10, 148:5 two-family [37] - 13:15, 16:12, 16:14, 16:16, 22:25, 23:25, 24:14, 29:11, 41:4, 47:2, 49:15, 51:19, 71:6, 71:11, 71:14, 71:16, 73:4, 79:10, 81:10, 115:7, 115:8, 115:14, 115:17, 116:9, 116:11, 116:18, 116:20, 123:22, 123:23, 147:22, 148:3, | 148:5, 148:24, 149:3, 149:5, 149:18 two-story [7] - 15:17, 18:17, 19:9, 29:9, 48:24, 87:18, 137:16 two-story-frame [1] - 15:8 type [2] - 31:15, 137:12 typical [12] - 49:23, 51:1, 51:12, 51:16, 73:19, 84:9, 85:3, 91:6, 91:7, 91:19, 108:1, 143:25 typically [4] - 52:12, 129:25, 134:12, 134:15 |
| U | | | | |
| U-turn [1] - 113:20 unbelievable [1] - 42:6 under [10] - 124:5, 130:13, 130:19, 130:20, 131:10, 143:11, 147:12, 150:8, 150:10, 158:6 underneath [4] - 28:9, 31:23, 31:24, 38:21 undersized [6] - 37:19, 115:19, 115:25, 117:9, 117:15, 118:7 understood [2] - 87:10, 109:3 unfortunate [1] - 37:18 uniform [2] - 110:22, 112:7 unit [25] - 51:5, 51:8, 54:10, 84:3, 84:14, 104:14, 115:24, 125:1, 125:15, 128:12, 133:15, 135:18, 137:25, 138:7, 138:10, 138:22, 139:13, 139:14, 140:16, 140:22, 142:19, 142:21, 143:1, 143:3, 154:8 Unit [2] - 4:22, 104:3 University [3] - 2:12, 26:7, 26:13 unless [3] - 18:8, 31:19, 42:5 up [56] - 33:2, 35:21, 36:24, 43:12, 43:20, 45:15, 49:5, 51:6, | | | | |

| | | | | |
|---|---|---|---|---|
| <p>53:8, 54:12, 54:16, 55:8, 60:7, 64:15, 65:20, 76:8, 78:9, 81:16, 83:16, 83:23, 84:8, 85:25, 86:15, 89:3, 89:12, 91:24, 92:15, 92:17, 93:9, 93:22, 94:5, 94:14, 94:17, 95:15, 96:11, 96:25, 97:10, 99:5, 99:14, 99:24, 102:2, 102:8, 103:17, 117:24, 119:16, 120:2, 128:4, 128:18, 142:8, 151:11, 151:18, 151:22, 153:22</p> <p>upgrade [1] - 151:17</p> <p>upgraded [1] - 132:23</p> <p>uphill [1] - 154:2</p> <p>upkeep [1] - 135:1</p> <p>upper [2] - 48:22, 140:12</p> <p>upstairs [1] - 140:20</p> <p>urge [1] - 35:15</p> <p>uses [6] - 16:10, 16:12, 72:15, 74:15, 116:20, 149:2</p> <p>utilities [1] - 21:25</p> <p>utility [1] - 21:18</p> <p>utilized [1] - 129:11</p> | <p>116:20, 149:2</p> <p>Vassilios [3] - 4:17, 79:12, 80:8</p> <p>VASSILIOS [3] - 79:25, 80:7, 80:8</p> <p>vehicles [3] - 40:2, 41:17, 74:2</p> <p>verbatim [1] - 158:5</p> <p>vestibule [1] - 140:17</p> <p>Vice [1] - 122:8</p> <p>VICE [1] - 1:18</p> <p>view [3] - 41:20, 93:13, 135:11</p> <p>visual [3] - 72:20, 116:23, 149:7</p> <p>VOIR [2] - 26:20, 136:25</p> <p>Voir [2] - 3:16, 5:8</p> <p>volunteer [1] - 97:20</p> <p>vote [5] - 44:18, 45:7, 76:19, 120:22, 120:23</p> | <p>102:4, 102:20, 102:24, 128:21</p> <p>walls [10] - 50:6, 50:13, 53:8, 58:5, 67:24, 67:25, 87:1, 92:17, 128:15, 129:5</p> <p>wants [9] - 60:7, 62:6, 62:9, 63:9, 64:20, 65:20, 66:18, 137:17, 140:16</p> <p>washer [1] - 140:9</p> <p>water [7] - 55:12, 83:3, 101:20, 102:13, 102:17, 131:25, 132:7</p> <p>weeks [1] - 91:11</p> <p>weird [1] - 85:25</p> <p>welcome [2] - 31:12, 34:23</p> <p>welfare [3] - 72:12, 116:17, 148:23</p> <p>well-suited [3] - 72:1, 116:8, 148:13</p> <p>West [5] - 1:4, 3:4, 11:9, 47:21, 48:2</p> <p>west [4] - 81:2, 108:14, 127:19, 148:6</p> <p>westerly [1] - 15:12</p> <p>wheel [1] - 100:8</p> <p>whole [16] - 14:12, 26:3, 47:17, 60:11, 70:6, 79:23, 88:25, 93:16, 95:18, 103:12, 109:11, 113:24, 126:3, 134:22, 136:10, 151:23</p> <p>wide [10] - 33:3, 37:19, 48:23, 50:24, 51:22, 82:7, 98:14, 100:15, 133:25, 151:14</p> <p>wider [2] - 73:13, 74:3</p> <p>width [10] - 16:8, 51:21, 51:23, 51:24, 71:19, 73:16, 100:3, 115:20, 118:5, 148:9</p> <p>wife [1] - 41:11</p> <p>willing [5] - 36:17, 37:12, 40:1, 67:19, 67:21</p> <p>winter [1] - 96:3</p> <p>wish [1] - 20:5</p> <p>wishes [1] - 154:9</p> <p>witness [6] - 47:8, 56:12, 70:2, 95:4, 136:3, 146:21</p> <p>WITNESS [174] - 3:2, 4:2, 5:2, 18:16,</p> | <p>18:22, 19:8, 19:11, 19:15, 19:20, 20:4, 20:8, 20:11, 20:14, 20:18, 20:22, 21:1, 23:9, 23:13, 23:21, 24:1, 24:4, 24:11, 24:16, 26:16, 27:8, 27:14, 27:18, 27:21, 27:24, 28:4, 28:8, 28:14, 28:18, 29:18, 29:21, 29:24, 30:10, 30:13, 30:16, 30:20, 30:23, 31:5, 31:7, 31:22, 31:25, 32:3, 32:9, 32:15, 32:19, 32:22, 33:21, 33:23, 34:2, 34:8, 34:11, 35:22, 38:17, 38:22, 40:16, 54:4, 55:1, 55:6, 55:11, 55:15, 56:2, 57:20, 57:23, 58:4, 59:9, 62:1, 62:7, 62:9, 62:21, 62:23, 63:5, 66:19, 67:1, 67:5, 67:23, 71:2, 75:16, 85:7, 86:9, 86:17, 86:22, 87:13, 87:17, 87:25, 88:4, 88:7, 88:11, 88:21, 89:9, 89:16, 89:21, 90:10, 90:14, 90:22, 91:2, 91:6, 91:14, 92:10, 92:14, 92:22, 93:1, 93:7, 93:15, 93:20, 94:3, 94:23, 95:8, 96:2, 96:7, 98:2, 98:12, 99:11, 99:23, 100:5, 100:12, 100:14, 100:22, 101:5, 101:9, 101:21, 101:24, 102:12, 102:19, 103:3, 103:6, 103:13, 105:7, 105:12, 105:22, 105:25, 106:11, 106:18, 107:1, 107:5, 107:17, 107:21, 107:25, 108:10, 109:3, 109:19, 110:3, 110:9, 110:14, 111:12, 111:18, 112:3, 112:11, 113:1, 113:5, 119:12, 119:22, 126:21, 133:18, 135:9, 135:14, 135:20, 137:7, 140:4, 144:16, 144:19,</p> | <p>144:22, 144:25, 145:6, 145:10, 145:18, 145:21, 145:25, 153:7, 153:10, 153:19</p> <p>witnesses [4] - 13:17, 47:4, 76:11, 79:11</p> <p>woman [1] - 115:13</p> <p>words [2] - 19:18, 134:20</p> <p>works [1] - 83:22</p> <p>worries [1] - 109:1</p> <p>worry [1] - 23:3</p> <p>worse [1] - 41:21</p> <p>wrap [1] - 133:22</p> <p>wrapping [1] - 129:23</p> |
| V | | W | | Y |
| <p>Valley [2] - 126:7, 126:14</p> <p>variance [27] - 23:7, 23:10, 49:24, 50:11, 50:15, 52:17, 52:21, 53:11, 53:24, 82:11, 83:11, 95:12, 96:21, 113:25, 116:3, 118:12, 120:17, 120:18, 123:25, 124:3, 124:16, 124:24, 125:17, 131:11, 148:11, 149:24, 154:4</p> <p>variances [24] - 15:19, 15:20, 15:22, 23:15, 51:17, 71:21, 71:23, 71:25, 72:7, 73:11, 75:6, 76:13, 115:21, 115:23, 116:7, 117:14, 119:3, 127:3, 148:10, 148:12, 148:19, 149:12, 149:23, 151:5</p> <p>variety [3] - 72:15,</p> | <p>wait [1] - 33:17</p> <p>waived [1] - 156:3</p> <p>walk [2] - 42:7, 84:22</p> <p>walk-in [1] - 84:22</p> <p>walking [2] - 109:25, 110:1</p> <p>walkway [2] - 98:3, 139:9</p> <p>walkways [2] - 133:25, 134:1</p> <p>wall [82] - 56:21, 57:13, 57:21, 57:24, 57:25, 58:6, 58:8, 58:13, 58:15, 58:17, 58:21, 58:24, 59:2, 59:5, 59:7, 59:14, 59:21, 60:7, 60:8, 60:11, 60:16, 60:18, 60:20, 60:21, 60:22, 60:24, 61:1, 61:5, 61:20, 61:25, 62:10, 62:13, 62:16, 62:19, 63:2, 63:4, 63:12, 63:16, 63:20, 63:22, 63:23, 64:1, 64:4, 64:12, 64:21, 64:22, 64:24, 65:1, 65:2, 65:6, 65:7, 65:15, 65:16, 65:20, 66:12, 66:16, 66:17, 66:18, 66:24, 67:6, 67:8, 67:10, 68:8, 68:11, 68:13, 68:14, 68:16, 68:23, 69:19, 71:8, 87:8, 99:6, 102:1,</p> | <p>yard [65] - 17:18, 17:19, 18:23, 19:21, 19:22, 19:25, 20:13, 23:14, 31:3, 48:25, 50:3, 52:1, 52:10, 52:16, 52:18, 52:19, 52:20, 53:16, 53:24, 73:14, 73:15, 73:24, 82:7, 82:9, 82:10, 82:11, 82:12, 88:19, 89:22, 89:24, 90:2, 90:5, 90:7, 90:8, 94:17, 95:1, 95:11, 96:21, 97:19, 100:24, 106:2, 108:16, 109:23, 110:1, 110:25, 112:15, 113:6, 113:24, 116:1, 117:19, 117:20, 117:22, 119:15, 120:16, 120:17, 123:25, 124:1, 124:11, 129:14, 133:16, 139:9, 150:11</p> <p>yards [16] - 49:24, 52:6, 52:7, 71:23, 111:17, 116:3, 118:1, 120:14, 130:18, 137:21, 143:11, 148:11, 149:24, 150:21, 150:23</p> <p>year [1] - 87:21</p> <p>years [13] - 27:1, 27:6, 27:7, 45:24, 45:25, 46:1, 48:9, 89:25, 90:12, 95:21, 97:20, 104:12, 128:19</p> <p>yesterday [1] - 108:7</p> | | |

| |
|--|
| YOON [1] - 1:22 Yoon [3] - 8:7, 9:3, 10:5 York [2] - 27:1, 27:3 young [2] - 115:13, 123:11 yup [1] - 121:8 |
| Z |
| Zone [7] - 15:10, 16:11, 51:20, 71:17, 73:12, 115:16, 148:7 zone [17] - 16:12, 51:19, 52:19, 71:20, 72:3, 72:13, 72:16, 116:9, 116:18, 116:20, 117:9, 117:21, 148:9, 148:15, 148:24, 149:3 zoning [6] - 72:9, 116:15, 123:22, 130:23, 131:11, 148:21 ZONING [1] - 1:1 |