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BOROUGH OF PALISADES PARK  
ZONING BOARD OF ADJUSTMENT  
MONDAY, JULY 15, 2024  
7:05 p.m.

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<b>Case No. 24-01</b>	)	
129, 139 & 141 Bergen Boulevard	)	
Block 716, Lots 20-22	)	TRANSCRIPT OF
<b>Case No. 23-17</b>	)	PROCEEDINGS
Young Jo & Kwangmi Jin	)	
72 Brinkerhoff Terrace	)	
Block 201, Lot 9	)	
<b>Case No. 24-02</b>	)	
Hillcrest Builders LLC	)	
450 East Edsall Boulevard	)	
Block 420, Lot 16	)	
<b>Case No. 24-08</b>	)	
S&G Development LLC	)	
114 East Homestead Avenue	)	
Block 609, Lot 3	)	
<b>Case No. 24-04</b>	)	
333 9th Street	)	
Block: 410; Lot: 15	)	

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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
- SEONGHYE YOON, MEMBER
- BRIAN KIM, MEMBER
- STEVEN BROGNA, ALTERNATE MEMBER 1
- CHARLIE CHUNG, ALTERNATE MEMBER 2
- ESTHER KIM, ALTERNATE MEMBER 3 (ABSENT)

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

2  
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Counsel to Objector on Hillcrest Builders LLC

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

21 REBEKAH KIM, BOARD SECRETARY

22 STEVEN COLLAZUOL, P.E., BOARD ENGINEER

23 HAL SIMOFF, P.E., BOARD TRAFFIC ENGINEER

24 MICHAEL KAUKER, PP, AICP, BOARD PLANNER

25

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1			
2			
3	<b>Case No. 24-01</b>		
4	<b>129, 139 &amp; 141 Bergen Boulevard</b>		
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6	<b>Case No. 24-04</b>		
7	<b>333 9th Street</b>		
8	<b>Block: 410; Lot: 15</b>		11
9	<b>Case No. 23-17</b>		
10	<b>Young Jo &amp; Kwangmi Jin</b>		
11	<b>72 Brinkerhoff Terrace</b>		
12	<b>Block: 201; Lot: 9</b>		15
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14	Voir Dire Examination by Mr. Alampi:		19
15	Direct Examination by Mr. Alampi:		
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I N D E X (Continuing)

<u>WITNESS</u>	<u>SWORN</u>	<u>TESTIMONY</u>
<b>Case No. 24-02</b>		
<b>Hillcrest Builders LLC</b>		
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No.	Description	Ident/Evid
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(Exhibits retained by counsel.)		

07:05PM 1 (Time noted 7:05 p.m.)

07:05PM 2 CHAIRMAN FERGUSON: Okay. I call the

07:05PM 3 meeting to order.

07:05PM 4 The open meetings statement: In

07:05PM 5 accordance with the Open Public Meetings Act, notice

07:05PM 6 of this meeting has been posted on the borough

07:05PM 7 bulletin board, notice has been provided to at least

07:05PM 8 two of the official borough newspapers and filed with

07:05PM 9 the borough clerk's office.

07:05PM 10 Roll call.

07:05PM 11 MS. REBEKAH KIM: Mr. Ferguson?

07:05PM 12 CHAIRMAN FERGUSON: Yes.

07:05PM 13 MS. REBEKAH KIM: Mr. Albanese?

07:05PM 14 (No Response.)

07:05PM 15 MS. REBEKAH KIM: Mr. Brogna.

07:05PM 16 MR. BROGNA: Yes.

07:05PM 17 MS. REBEKAH KIM: Mr. Elefteriou?

07:05PM 18 MR. ELEFTERIOU: Yes.

07:05PM 19 MS. REBEKAH KIM: Mr. Grala?

07:05PM 20 MR. GRALA: Yes.

07:05PM 21 MS. REBEKAH KIM: Mr. Kim?

07:05PM 22 MR. KIM: Yes.

07:05PM 23 MS. REBEKAH KIM: Mr. Terranova?

07:05PM 24 MR. TERRANOVA: Here.

07:05PM 25 MS. REBEKAH KIM: Mr. Chung?

07:05PM 1 MR. CHUNG: Here.

07:05PM 2 MS. REBEKAH KIM: Mrs. Yoon?

07:05PM 3 MS. YOON: Here.

07:05PM 4 CHAIRMAN FERGUSON: Okay.

07:05PM 5 So first we'll pay some --

07:05PM 6 MS. TESTA: Pledge of allegiance.

07:06PM 7 CHAIRMAN FERGUSON: Oh, yeah.

07:06PM 8 All right. Pledge of Allegiance. You

07:06PM 9 want to lead us, John?

07:06PM 10 (Whereupon, all rise for a recitation

07:06PM 11 of the Pledge of Allegiance.)

07:06PM 12 CHAIRMAN FERGUSON: Okay. Next is

07:06PM 13 we're going to pay some bills.

07:06PM 14 We have our court reporter for \$461.50;

07:06PM 15 we have Kauker and Kauker for 1,050; and we have our

07:06PM 16 board attorney 165.

07:06PM 17 So can I get a motion to pay the bills?

07:06PM 18 MR. BROGNA: I'll make a motion.

07:06PM 19 MR. ELEFTERIOU: I second.

07:06PM 20 CHAIRMAN FERGUSON: Roll call?

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

07:06PM 22 CHAIRMAN FERGUSON: Yes.

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

07:06PM 24 MR. BROGNA: Yes.

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

07:06PM 1 MR. ELEFTERIOU: Yes.

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

07:06PM 3 MR. GRALA: Yes.

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

07:06PM 5 MR. KIM: Yes.

07:06PM 6 MS. REBEKAH KIM: Mr. Terranova?

07:06PM 7 MR. TERRANOVA: Yes.

07:06PM 8 MS. REBEKAH KIM: Mr. Chung?

07:06PM 9 MR. CHUNG: Yes.

07:06PM 10 MS. REBEKAH KIM: Mrs. Yoon?

07:06PM 11 MS. YOON: Yes.

07:06PM 12 CHAIRMAN FERGUSON: Okay.

07:06PM 13 Next we all received a copy of last

07:07PM 14 meeting's minutes, it took us about five minutes to

07:07PM 15 read.

07:07PM 16 Is there any corrections in the minutes

07:07PM 17 that you would like to -- no?

07:07PM 18 Okay. I'll make a motion that we

07:07PM 19 accept the minutes of the previous meeting.

07:07PM 20 Can I get a second?

07:07PM 21 MR. GRALA: I'll second.

07:07PM 22 CHAIRMAN FERGUSON: Roll call.

07:07PM 23 MS. REBEKAH KIM: Mr. Ferguson?

07:07PM 24 CHAIRMAN FERGUSON: Yes.

07:07PM 25 MS. REBEKAH KIM: Mr. Brogna?



07:07PM 1 MR. BROGNA: Yes.

07:07PM 2 MS. REBEKAH KIM: Mr. Elefteriou?

07:07PM 3 MR. ELEFTERIOU: Yes.

07:07PM 4 MS. REBEKAH KIM: Mr. Grala?

07:07PM 5 MR. GRALA: Yes.

07:07PM 6 MS. REBEKAH KIM: Mr. Kim?

07:07PM 7 MR. KIM: Yes.

07:07PM 8 MS. REBEKAH KIM: Mr. Terranova?

07:07PM 9 MR. TERRANOVA: Yes.

07:07PM 10 MS. REBEKAH KIM: Mr. Chung?

07:07PM 11 MR. CHUNG: Yes.

07:07PM 12 MS. REBEKAH KIM: Mrs. Yoon?

07:07PM 13 MS. YOON: Yes.

07:07PM 14 CHAIRMAN FERGUSON: Okay.

07:07PM 15 So first up as soon as I get my hearing

07:07PM 16 aids in is going to be Case No. 24-01 which is going

07:07PM 17 to be 129, 139, 141 Bergen Boulevard.

07:07PM 18 This was a denial --

07:07PM 19 MS. TESTA: A dismissal.

07:07PM 20 CHAIRMAN FERGUSON: A dismissal of the

07:07PM 21 last meeting, right.

07:08PM 22 MS. TESTA: Right.

07:08PM 23 The applicant failed to appear at the

07:08PM 24 two meetings, the May and the June meeting with no

07:08PM 25 explanation.

07:08PM 1 CHAIRMAN FERGUSON: Okay. So it's a  
07:08PM 2 memorialization.  
07:08PM 3 Can I get a second? I'll make the  
07:08PM 4 motion.  
07:08PM 5 Can I get a second?  
07:08PM 6 MR. GRALA: I'll second.  
07:08PM 7 CHAIRMAN FERGUSON: Roll call?  
07:08PM 8 MS. REBEKAH KIM: Mr. Ferguson?  
07:08PM 9 CHAIRMAN FERGUSON: Yes.  
07:08PM 10 MS. REBEKAH KIM: Mr. Brogna?  
07:08PM 11 MR. BROGNA: Yes.  
07:08PM 12 MS. REBEKAH KIM: Mr. Elefteriou?  
07:08PM 13 MR. ELEFTERIOU: Yes.  
07:08PM 14 MS. REBEKAH KIM: Mr. Grala?  
07:08PM 15 MR. GRALA: Yes.  
07:08PM 16 MS. REBEKAH KIM: Mr. Kim?  
07:08PM 17 MR. KIM: Yes.  
07:08PM 18 MS. REBEKAH KIM: Mr. Terranova?  
07:08PM 19 MR. TERRANOVA: Yes.  
07:08PM 20 MS. REBEKAH KIM: Mr. Chung?  
07:08PM 21 MR. CHUNG: Yes.  
07:08PM 22 MS. REBEKAH KIM: Mrs. Yoon?  
07:08PM 23 MS. YOON: Yes.  
07:08PM 24 CHAIRMAN FERGUSON: Okay.  
07:08PM 25 Now, there's another one for

07:08PM 1 9th Street; is that --

07:08PM 2 MS. TESTA: Right, a withdrawal.

07:08PM 3 CHAIRMAN FERGUSON: Okay. It's -- oh,  
07:08PM 4 333 9th Street, Palisades Park. I don't know what  
07:08PM 5 the case number is.

07:08PM 6 MS. TESTA: Right. I don't have a case  
07:08PM 7 number -- oh, I'm sorry. Case No. 24-04.

07:08PM 8 CHAIRMAN FERGUSON: Okay. So he's  
07:08PM 9 requesting --

07:09PM 10 MS. TESTA: Right.

07:08PM 11 The attorney sent in a letter stating  
07:09PM 12 that the applicant was formally withdrawing the  
07:09PM 13 application at this time, he's not looking to  
07:09PM 14 proceed.

07:09PM 15 CHAIRMAN FERGUSON: Okay.

07:09PM 16 MS. TESTA: We're accepting his  
07:09PM 17 withdrawal without prejudice.

07:09PM 18 CHAIRMAN FERGUSON: I'll make that  
07:09PM 19 motion.

07:09PM 20 Can I get a second?

07:09PM 21 MR. ELEFTERIOU: Second.

07:09PM 22 CHAIRMAN FERGUSON: Roll call.

07:09PM 23 MS. REBEKAH KIM: Mr. Ferguson?

07:09PM 24 CHAIRMAN FERGUSON: Yes.

07:09PM 25 MS. REBEKAH KIM: Mr. Brogna?

07:09PM 1 MR. BROGNA: Yes.

07:09PM 2 MS. REBEKAH KIM: Mr. Elefteriou?

07:09PM 3 MR. ELEFTERIOU: Yes.

07:09PM 4 MS. REBEKAH KIM: Mr. Grala?

07:09PM 5 MR. GRALA: Yes.

07:09PM 6 MS. REBEKAH KIM: Mr. Kim?

07:09PM 7 MR. KIM: Yes.

07:09PM 8 MS. REBEKAH KIM: Mr. Terranova?

07:09PM 9 MR. TERRANOVA: Yes.

07:09PM 10 MS. REBEKAH KIM: Mr. Chung?

07:09PM 11 MR. CHUNG: Yes.

07:09PM 12 MS. REBEKAH KIM: Mrs. Yoon?

07:09PM 13 MS. YOON: Yes.

07:09PM 14 CHAIRMAN FERGUSON: Okay.

07:09PM 15 The first we're going to talk is -- is

07:09PM 16 Sokolich in the rear.

07:09PM 17 MALE AUDIENCE MEMBER: He's outside.

07:09PM 18 CHAIRMAN FERGUSON: He's outside?

07:09PM 19 Is there a way that we can go get him

07:09PM 20 just for a minute and then --

07:10PM 21 MALE AUDIENCE MEMBER: He's coming.

07:10PM 22 CHAIRMAN FERGUSON: Okay. Hey, Mark.

07:10PM 23 MR. SOKOLICH: Chairman.

07:10PM 24 CHAIRMAN FERGUSON: Okay. So at the

07:10PM 25 last meeting that we had, and I'm doing this now so I

07:10PM 1 don't have to keep repeating it, there was a motion  
07:10PM 2 made that is going to limit the two continuances,  
07:10PM 3 right?

MS. TESTA: Right, postponements.

CHAIRMAN FERGUSON: Postponements.

07:11PM 4  
07:11PM 5 And we're only going to grant two from  
07:11PM 6  
07:11PM 7 now on.

07:11PM 8 So if you have an applicant that's  
07:11PM 9 coming before us, you only get two dismissals, right?

07:11PM 10 Now, there's a couple reasons for this.  
07:11PM 11 Number one is that the board comes and, of course,  
07:11PM 12 last meeting, none of the applicants arrived.

07:11PM 13 Second one is it's not fair to the  
07:11PM 14 lawyers that are waiting to come before us because as  
07:11PM 15 you guys -- not you particularly -- but as lawyers  
07:11PM 16 ask for continuances, what happens is they don't get  
07:11PM 17 on, which is not fair to the brethren, your brethren.

07:11PM 18 And the third one that is probably the  
07:11PM 19 most important, which is we can't notify the people  
07:12PM 20 in time to come to the meeting.

07:12PM 21 So in other words, they get a notice  
07:12PM 22 the date is today for a meeting, they turn around,  
07:12PM 23 they come to the meeting only to discover that that  
07:12PM 24 case isn't on the agenda.

07:12PM 25 So for those three reasons, we're

07:12PM 1 limiting it to that.

07:12PM 2 Now, there are two ways that I feel  
07:12PM 3 that you can overcome this. The first one is let me  
07:12PM 4 just say first, you know, some of the reasons that I  
07:12PM 5 get is: Oh, one of my experts went on vacation.

07:12PM 6 Now, I don't know why you wouldn't know  
07:12PM 7 that beforehand, but at any rate, one of the two ways  
07:12PM 8 you could solve it is that if you contact the board  
07:13PM 9 attorney before the 10 days, let's say you're now  
07:13PM 10 15 days out, you take a look at your experts, you  
07:13PM 11 discover one of them is either going to another town  
07:13PM 12 or is going on vacation, then you can talk to Diane,  
07:13PM 13 she'll grant the continuance and you won't be charged  
07:13PM 14 because that's going to give us an opportunity to put  
07:13PM 15 another case on, right?

07:13PM 16 So that's the first way.

07:13PM 17 The second way is if, you know, I  
07:13PM 18 understand that lawyers want to put on their cases  
07:13PM 19 the way they want to -- in the order they want to put  
07:13PM 20 them on, right?

07:13PM 21 But if you have one expert that can't  
07:13PM 22 make it, that doesn't mean that you can't come and  
07:14PM 23 put some other people on and then we're finished with  
07:14PM 24 him at the next meeting.

07:14PM 25 So any of those two, I would recommend

07:14PM 1 the first one, which would be before 10 days out, you  
07:14PM 2 notify Diane, but in any rate, you're going to have  
07:14PM 3 two continuances, you know, that you won't be charged  
07:14PM 4 for.

07:14PM 5 The third one I'm not going to grant.  
07:14PM 6 So don't go to the third one because you're not, you  
07:14PM 7 know, but that's all I have.

07:14PM 8 Any questions, Mark?

07:14PM 9 MR. SOKOLICH: No, sir. Very clear.

07:14PM 10 Thank you.

07:14PM 11 MR. ALAMPI: That's like in baseball,  
07:14PM 12 three strikes, you're out.

07:14PM 13 CHAIRMAN FERGUSON: That is correct.

07:14PM 14 MR. SOKOLICH: I'm just hopeful  
07:14PM 15 Mr. Alampi follows it, Chairman.

07:14PM 16 MR. ALAMPI: I'm on my fourth strike.

07:14PM 17 CHAIRMAN FERGUSON: So at any rate,  
07:14PM 18 that's all on that.

07:14PM 19 So we're going to call the first one  
07:14PM 20 tonight, and I believe it's Carmines, which is 23-17  
07:15PM 21 which is 72 Brinkerhoff.

07:15PM 22 MR. ALAMPI: Brinkerhoff.

07:15PM 23 Thank you, Chairman.

07:15PM 24 MR. SOKOLICH: I'm sorry, Carmine.

07:15PM 25 Chairman, are you taking 114 East

07:15PM 1 Homestead next?

07:15PM 2 CHAIRMAN FERGUSON: What was your --

07:15PM 3 MR. SOKOLICH: It was a small item  
07:15PM 4 before the big one starts.

07:15PM 5 CHAIRMAN FERGUSON: If that's your  
07:15PM 6 preference.

07:15PM 7 MR. SOKOLICH: As long as that's okay  
07:15PM 8 with you.

07:15PM 9 Everybody is here.

07:15PM 10 CHAIRMAN FERGUSON: Okay. We'll take  
07:15PM 11 that one then we'll go to the big one.

07:15PM 12 MR. SOKOLICH: I'll be outside.

07:15PM 13 Thank you.

07:15PM 14 MR. ALAMPI: Thank you.

07:15PM 15 CHAIRMAN FERGUSON: Okay, Carmine, as  
07:15PM 16 always --

07:15PM 17 MR. ALAMPI: Thank you, Chairman,  
07:15PM 18 Boards Members.

07:15PM 19 I was here last in April, exactly what  
07:15PM 20 the Chairman is saying.

07:15PM 21 This is an application to enlarge the  
07:15PM 22 curb cut of the existing driveway and to fill in a  
07:15PM 23 flower or landscaping area to create a second parking  
07:15PM 24 space because this is a side-by-side duplex,  
07:15PM 25 two-family house existing.



07:15PM 1                   There's no physical change to the  
07:15PM 2                   house, there's no change to the site other than  
07:16PM 3                   attempting the fill in with pavers so we could have a  
07:16PM 4                   parking space.

07:16PM 5                   We did provide notice at the April  
07:16PM 6                   meeting. And when we came to the April meeting,  
07:16PM 7                   Mr. Collazuol's report was presented to us, that was  
07:16PM 8                   the reason we were unprepared.

07:16PM 9                   We then engaged Thomas Skrable who is  
07:16PM 10                  an engineer because the architect believed on his own  
07:16PM 11                  that he could give engineering testimony, so we  
07:16PM 12                  brought Mr. Skrable in.

07:16PM 13                  He did file an updated plans, he went  
07:16PM 14                  through the review letter with Mr. Collazuol and his  
07:16PM 15                  plan that you have should have a revision date of  
07:16PM 16                  May 7th, 2024.

07:16PM 17                  And while that upgraded plan was  
07:16PM 18                  presented to you and we were ready for the June  
07:16PM 19                  meeting, again Mr. Skrable had a problem with his  
07:16PM 20                  schedule and I also did.

07:16PM 21                  We carried it, Diane notified me at  
07:17PM 22                  this point we're adopting a new policy in Palisades  
07:17PM 23                  Park and if you have continuous adjournments, you'll  
07:17PM 24                  be dismissed without prejudice and you'll have to  
07:17PM 25                  refile.

07:17PM 1 Having said that and understanding all  
07:17PM 2 the logistics, you should be looking at a plan  
07:17PM 3 prepared by Mr. Skrable and you have the original  
07:17PM 4 plan also that was presented by the architect.

07:17PM 5 So you have two sheets to be looking  
07:17PM 6 at. The architects plan is dated 2023, it's the  
07:17PM 7 existing conditions.

07:17PM 8 All he did was he took the plot plan  
07:17PM 9 from the original survey and showed the house on it,  
07:17PM 10 but it's really Mr. Skrable testimony you need and  
07:17PM 11 we're going to call him right now.

07:17PM 12 CHAIRMAN FERGUSON: All right.

07:17PM 13 MS. TESTA: Please raise your right  
07:17PM 14 hand.

07:17PM 15 Do you swear the testimony you will  
07:17PM 16 give in this application will be the truth, the whole  
07:18PM 17 truth, and nothing but the truth?

07:18PM 18 MR. SKRABLE: I do.

07:18PM 19 T H O M A S S K R A B L E, P.E.

07:18PM 20 65 Ramapo Valley Road in Mahwah, having been duly  
07:18PM 21 sworn, testifies as follows:

07:18PM 22 MS. TESTA: Please state your name for  
07:18PM 23 the record and your business address.

07:18PM 24 MR. SKRABLE: Tom Skrable, "S," as in  
07:18PM 25 Sam, K-R-A-B, as in Boy, L-E.

07:18PM 1 Business address is 65 Ramapo Valley  
07:18PM 2 Road in Mahwah.

07:18PM 3 VOIR DIRE

07:18PM 4 BY MR. ALAMPI:

07:18PM 5 Q. Mr. Skrable, you're a licensed  
07:18PM 6 engineer, correct?

07:18PM 7 A. Yes.

07:18PM 8 Q. In the state of New Jersey.

07:18PM 9 And you were engaged to review the  
07:18PM 10 Collazuol comment review letters from the original  
07:18PM 11 plot plan and to embellish the plan with the details  
07:18PM 12 that Mr. Collazuol requested, correct?

07:18PM 13 A. Yes.

07:18PM 14 Q. And did you address his April 11th,  
07:18PM 15 2024, letter, as he indicated, stormwater drainage  
07:18PM 16 was not designed and the drainage report.

07:18PM 17 Did you address those items?

07:18PM 18 A. The drainage items are definitely on  
07:18PM 19 the plan.

07:18PM 20 There are -- there might still be some  
07:18PM 21 minor open items from Mr. Collazuol's letter, but we  
07:18PM 22 can go through those also.

07:18PM 23 Q. And lastly, Mr. Collazuol updated his  
07:19PM 24 letter on June 17th, 2024, that -- you have a copy of  
07:19PM 25 that?

07:19PM 1 A. I do.

07:19PM 2 Q. And you've addressed some of the items,  
07:19PM 3 there may be a few you could address in your  
07:19PM 4 testimony.

07:19PM 5 And whatever is remaining is you can  
07:19PM 6 coordinate with Mr. Collazuol, should the board grant  
07:19PM 7 this relief?

07:19PM 8 A. Yes.

07:19PM 9 Q. Why don't you tell the board exactly --  
07:19PM 10 the plan, we'll mark that as A-1, that exhibit. And  
07:19PM 11 that's a one-sheet exhibit.

07:19PM 12 What would you call it, drainage plan  
07:19PM 13 and site plan?

07:19PM 14 A. This is my soil erosion/sediment  
07:19PM 15 control and drainage plan with proposed additions  
07:19PM 16 which, you know, that dates back to the previous  
07:19PM 17 approvals.

07:19PM 18 (Whereupon, Soil Erosion/Sediment  
07:19PM 19 Control and Drainage Plan With Proposed  
07:19PM 20 Additions is marked as Exhibit A-1 for  
07:19PM 21 identification.)

07:19PM 22 THE WITNESS: There's no proposed  
07:19PM 23 additions right now except for the drainage and the  
07:19PM 24 paver area in front that we'll be discussing,  
07:19PM 25 Block 201, Lot 9, 72 Brinkerhoff Terrace, Borough of

07:19PM 1 Palisades Park. And the signature date is 5/7/24.

07:20PM 2 BY MR. ALAMPI:

07:20PM 3 Q. So that's the date of the plan,  
07:20PM 4 correct?

07:20PM 5 A. Yes.

07:20PM 6 Q. And if I look at the lower right-hand  
07:20PM 7 corner, that's where you have the earthwork  
07:20PM 8 computations and the drainage calculations following  
07:20PM 9 the comments of Mr. Collazuol, correct?

07:20PM 10 A. Yes.

07:20PM 11 So, basically, what we did is we took  
07:20PM 12 the architectural site plan that you've seen  
07:20PM 13 previously and we just added stormwater management  
07:20PM 14 and soil erosion sediment control details to it.

07:20PM 15 The stormwater management is for the  
07:20PM 16 kind of U-shaped area in front that right now is a  
07:20PM 17 planter area. I think it's really like a hard mulch,  
07:20PM 18 though, it's not a pure pervious area.

07:20PM 19 So that U-shaped area would be filled  
07:20PM 20 in to provide the extra parking space in front.

07:20PM 21 We're proposing a CULTEC unit beneath  
07:20PM 22 that with an inlet at grade so that any water from  
07:20PM 23 this new imperious area would flow into the CULTEC.  
07:21PM 24 The inlet could actually serve as an overflow as well  
07:21PM 25 should the CULTEC unit become surcharged during a

07:21PM 1 really large storm.

07:21PM 2 Q. Now, Tom, the plan calls for us to  
07:21PM 3 extend the existing curb cut in order to facilitate a  
07:21PM 4 vehicle that would park in the area where we had the,  
07:21PM 5 what you said was CULTEC landscaped plus gravel  
07:21PM 6 feature?

07:21PM 7 A. Right.

07:21PM 8 Q. And we would make that a parking space?

07:21PM 9 A. Correct.

07:21PM 10 Q. The reason for that is that the  
07:21PM 11 existing driveway is only one-car wide, there's some  
07:21PM 12 conflict with the tenants switching cars and such.  
07:21PM 13 So one tenant's car would be out of the way of the  
07:21PM 14 other tenant; is that the reason?

07:21PM 15 A. That's my understanding, yes.

07:21PM 16 Q. And could you just tell us with regard  
07:21PM 17 to impervious coverage what's changing on the site  
07:21PM 18 and whether this triggers a variance in and of  
07:21PM 19 itself?

07:21PM 20 A. Yeah, in the duplex code, there's no  
07:22PM 21 requirement for impervious coverage, so it's not a  
07:22PM 22 variance.

07:22PM 23 We are adding 250 square feet of  
07:22PM 24 impervious coverage in order to create this parking  
07:22PM 25 space. The original architectural plan showed

07:22PM 1 widening the curb cut to 22 feet.

07:22PM 2 I went by there again on my way to the  
07:22PM 3 meeting tonight and I literally made the move into  
07:22PM 4 where this new space would be with an SUV with --  
07:22PM 5 using existing curb cut.

07:22PM 6 So we definitely don't need a  
07:22PM 7 22-foot-wide opening. We would like to make it a  
07:22PM 8 little wider so that move is easier, but we also  
07:22PM 9 understand the borough's issue or concern about  
07:22PM 10 losing on-street parking.

07:22PM 11 So we're happy to work with your  
07:22PM 12 engineer to minimize that opening, but again, we need  
07:22PM 13 a few feet. I made the move tonight without having  
07:22PM 14 changed the opening at all, obviously.

07:23PM 15 MR. ALAMPI: And so the reason we're  
07:23PM 16 here, Chairman and Board Members, it's only a 46-foot  
07:23PM 17 wide by a little over a hundred-foot deep property.  
07:23PM 18 So it's not a 50-by-100, it has an existing duplex.

07:23PM 19 So that's why we had to go before the  
07:23PM 20 board. The impervious coverage percentage is not the  
07:23PM 21 trigger, but because we're make changes on what we  
07:23PM 22 call an undersized lot, it's not a standard lot and  
07:23PM 23 that's the only reason we're here, which is a  
07:23PM 24 hardship in and of itself.

07:23PM 25 THE WITNESS: Yeah, all of the existing

07:23PM 1 nonconformities have to do with the duplex structure  
07:23PM 2 that's there, which is not changing.

07:23PM 3 MR. ALAMPI: Right.

07:23PM 4 So there's nothing changing with regard  
07:23PM 5 to anything that's nonconforming, it's just that by  
07:23PM 6 law since a 46-by-100 lot, we have to be here,  
07:23PM 7 otherwise we would have take an permit for this.

07:23PM 8 Having said that, we did consult Steve,  
07:23PM 9 we had a brief conversation at one of the previously  
07:24PM 10 meetings. He didn't want us to take too much of curb  
07:24PM 11 cut if we could.

07:24PM 12 MR. COLLAZUOL: Right, you're talking  
07:24PM 13 about losing an on-street parking space.

07:24PM 14 MR. ALAMPI: Right, but you heard  
07:24PM 15 Mr. Skrable say we could work with -- maybe we open  
07:24PM 16 it up by 3 feet from the existing conditions.

07:24PM 17 MR. COLLAZUOL: Yeah, I think that's --  
07:24PM 18 it's the right direction.

07:24PM 19 MR. ALAMPI: Okay.

07:24PM 20 I have nothing further for this  
07:24PM 21 witness.

07:24PM 22 CHAIRMAN FERGUSON: I see on your plan  
07:24PM 23 you have a garage in the back?

07:24PM 24 MR. ALAMPI: Yes, there's a garage and  
07:24PM 25 a carport.



07:24PM 1 But again, because it's a one-car wide  
07:24PM 2 driveway, only one of the tenants can get in and out  
07:24PM 3 of that area.

07:24PM 4 If the second tenant -- if the occupant  
07:24PM 5 of the other unit was to park behind him, there's  
07:24PM 6 conflict that's been going on. This is what  
07:24PM 7 motivates this application.

07:24PM 8 CHAIRMAN FERGUSON: Well, I don't know  
07:24PM 9 if the I want to let -- because down by where this  
07:24PM 10 place is, there's multiple houses that are on the  
07:25PM 11 same -- have the same problem.

07:25PM 12 And I'm not so sure it's a good idea,  
07:25PM 13 just my own personal feeling, is that we're doing a  
07:25PM 14 front yard and now you're going to make it an  
07:25PM 15 apartment. I don't really, you know, people like  
07:25PM 16 their front lawns. They love putting, you know,  
07:25PM 17 everything in there, but I don't -- to make it a  
07:25PM 18 parking lot, you know.

07:25PM 19 MR. ALAMPI: Well, I would agree with  
07:25PM 20 you, Chairman, if it was a grassy lawn to begin with.

07:25PM 21 CHAIRMAN FERGUSON: Right.

07:25PM 22 MR. ALAMPI: But it's all gravel and  
07:25PM 23 hardtack now.

07:25PM 24 There's just a row of low shrubs, but  
07:25PM 25 we would enhance the landscaping around it and bring

07:25PM 1 in the space.

07:25PM 2 But I accept what you're saying, the  
07:25PM 3 desire is not to have across the 46-foot front yard  
07:25PM 4 setback three or four cars across like a parking lot.

07:25PM 5 CHAIRMAN FERGUSON: Right.

07:26PM 6 MR. ALAMPI: This is only one vehicle,  
07:26PM 7 it's at the place where if you see the photo that's  
07:26PM 8 on the architectural plan in your file, it's already  
07:26PM 9 intended and it's already hardtack.

07:26PM 10 We're only going to be removing one or  
07:26PM 11 two of the low shrubs, but we'll enhance the  
07:26PM 12 landscaping, we'll confer with your engineer to  
07:26PM 13 mitigate that appearance, but I certainly wouldn't  
07:26PM 14 make an application, support an application where we  
07:26PM 15 created a parking lot in front.

07:26PM 16 We have this problem in Englewood  
07:26PM 17 Cliffs people with circular driveways.

07:26PM 18 CHAIRMAN FERGUSON: Yeah.

07:26PM 19 MR. ALAMPI: Next thing you know,  
07:26PM 20 they've got six cars in the front of the house.

07:26PM 21 And I have to tell you, these are  
07:26PM 22 beautiful estate homes with circular driveways, but  
07:26PM 23 when you see the cars lined up, it looks like a  
07:26PM 24 hotel. It's just not the right thing for the  
07:26PM 25 neighbors.

07:26PM 1 CHAIRMAN FERGUSON: Okay.  
07:26PM 2 Now up on the top of your plan, what  
07:26PM 3 is -- what are you talk about here.  
07:26PM 4 MR. ALAMPI: What is that, Chairman?  
07:26PM 5 THE WITNESS: Upper left?  
07:26PM 6 CHAIRMAN FERGUSON: Yeah, all the way  
07:27PM 7 up.  
07:27PM 8 Yeah, up there. What is that?  
07:27PM 9 THE WITNESS: That's just pointing to  
07:27PM 10 the -- describing where the CULTEC unit will go  
07:27PM 11 underneath the pave with an inlet at grade, like a  
07:27PM 12 12-by-12 --  
07:27PM 13 CHAIRMAN FERGUSON: Okay. So it has to  
07:27PM 14 do with the drainage?  
07:27PM 15 THE WITNESS: That's stormwater  
07:27PM 16 management, yes.  
07:27PM 17 CHAIRMAN FERGUSON: Right.  
07:27PM 18 Well, you have another witness?  
07:27PM 19 MR. ALAMPI: No.  
07:27PM 20 CHAIRMAN FERGUSON: Okay. That makes  
07:27PM 21 it easy.  
07:27PM 22 Any of the board members have anything?  
07:27PM 23 Steve, you have anything?  
07:27PM 24 MR. COLLAZUOL: I have a question for  
07:27PM 25 Mr. Alampi.

07:27PM 1 The reference is to that duplex  
07:27PM 2 surprisingly because from the photograph it doesn't  
07:27PM 3 look like it, it looks like a six-over-six.

07:27PM 4 MR. ALAMPI: I use the word duplex,  
07:27PM 5 it's one over the other. They have the two doors  
07:27PM 6 next to each other.

07:27PM 7 MR. COLLAZUOL: Right.

07:27PM 8 So your reference to coverage is not a  
07:27PM 9 concern because with a duplex, it's kind of is  
07:27PM 10 contrary now because it's a side-by-side, it's a  
07:27PM 11 six-on-six.

07:27PM 12 So impervious coverage think is  
07:27PM 13 something the board should consider that a great deal  
07:27PM 14 of the site will be impervious if this is approved.

07:27PM 15 MR. ALAMPI: So, Steve, on an up and  
07:28PM 16 down, you count the impervious coverage?

07:28PM 17 MR. COLLAZUOL: That's what you  
07:28PM 18 mentioned.

07:28PM 19 I didn't check the zoning ordinance for  
07:28PM 20 that, but I think the board should be aware of the  
07:28PM 21 proposal to create a front yard, that's -- I mean, if  
07:28PM 22 you did a front yard coverage, you're probably in the  
07:28PM 23 order of 90-percent coverage in the front yard.

07:28PM 24 So the site is fairly well impervious  
07:28PM 25 according to the drawings.

07:28PM 1 The other thing is that, and it's a  
07:28PM 2 minor item, but there's pavers until the borough's  
07:28PM 3 right-of-way between the sidewalk and the curb which  
07:28PM 4 should be removed as well, which adds to the  
07:28PM 5 impervious coverage.

07:28PM 6 Our recommendation at the last hearing  
07:28PM 7 was perhaps to put a driveway in on the right-hand  
07:28PM 8 side and frame the landscaping that's there right now  
07:28PM 9 and retain that parking space, but that was merely a  
07:28PM 10 suggestion.

07:28PM 11 MR. ALAMPI: Steve, I think we  
07:28PM 12 destroyed too much landscaping, but we could use --  
07:28PM 13 they I some of those blocks that are pervious, I  
07:29PM 14 don't know what they call it, Steve, we could use  
07:29PM 15 something to mitigate somewhat, but I see what you're  
07:29PM 16 saying, in the right-of-way by the curb, we would  
17 remove that element and put grass there.

18 MR. COLLAZUOL: Um-hmm.

19 MR. ALAMPI: Okay.

20 In front of the property between the  
21 curb and the sidewalk, there's like a 4-by-4  
07:29PM 22 brickwork, we'll remove and put grass there.

07:29PM 23 CHAIRMAN FERGUSON: Okay.

07:29PM 24 MR. ALAMPI: We have no dispute.

07:29PM 25 CHAIRMAN FERGUSON: So we have a

07:29PM 1 six-over-six now, right? And I assume that  
07:29PM 2 there's -- it's two family, right?

07:29PM 3 MR. ALAMPI: This is a two family, yes.

07:29PM 4 CHAIRMAN FERGUSON: Does the owner live  
07:29PM 5 in the building?

07:29PM 6 MR. ALAMPI: He's right here.

07:29PM 7 He's on his way. They live in one  
07:29PM 8 unit.

07:29PM 9 CHAIRMAN FERGUSON: Do they occupy the  
07:29PM 10 building or they rent it?

07:29PM 11 MR. ALAMPI: Yes?

07:29PM 12 Why don't you ask to come up. Who  
07:29PM 13 speaks English better, you or your --

07:30PM 14 Let's swear her in, Chairman. I don't  
07:30PM 15 want to speak for her.

07:30PM 16 CHAIRMAN FERGUSON: Okay.

07:30PM 17 MR. ALAMPI: Don't be nervous.

07:30PM 18 Give your name to everybody.

07:30PM 19 MS. TESTA: Raise your right hand.

07:30PM 20 Do you swear that the comment and  
07:30PM 21 testimony you will give with regards to this  
07:30PM 22 application will be the truth, the whole truth and  
07:30PM 23 nothing but the truth?

07:30PM 24 MR. ALAMPI: Will you tell the truth?

07:30PM 25 MS. JIN: Yes.

1 K W A N G M I J I N,  
2 72 Brinkerhoff Terrace, Palisades Park, New  
3 Jersey, having been duly sworn, testifies as  
4 follows:

5 MR. ALAMPI: Okay. Can you give us  
07:30PM 6 your name?

07:30PM 7 MS. JIN: My name is Kwangmi,  
07:30PM 8 K-W-A-N-G-M-I, last name is Kwangmi Jin.

07:30PM 9 DIRECT EXAMINATION

07:30PM 10 BY MR. ALAMPI:

07:30PM 11 Q. So, Mrs. Jin, the Chairman was asking,  
07:30PM 12 do you live here in this house?

07:30PM 13 A. I don't live here.

07:30PM 14 CHAIRMAN FERGUSON: You rent?

07:30PM 15 THE WITNESS: I rent.

07:30PM 16 CHAIRMAN FERGUSON: Both?

07:30PM 17 THE WITNESS: Both places, yes.

07:30PM 18 CHAIRMAN FERGUSON: Just one moment.

07:31PM 19 Okay. Just one more question. Do  
07:31PM 20 you -- when you rent the house, do you rent it as  
07:31PM 21 like an, you know, where they -- yeah, short-term  
07:31PM 22 rental where --

07:31PM 23 MR. ALAMPI: No, no, no, Airbnb or a  
07:32PM 24 short term, no.

07:32PM 25 CHAIRMAN FERGUSON: They don't do that?

07:32PM 1 THE WITNESS: No.

07:32PM 2 CHAIRMAN FERGUSON: No?

07:32PM 3 Because I'm under the impression, and I

07:32PM 4 might be wrong, that they do.

07:32PM 5 MR. ALAMPI: This particular property?

07:32PM 6 CHAIRMAN FERGUSON: Yeah, this

07:32PM 7 particular property. So, you know, to me you're

07:32PM 8 telling me no --

07:32PM 9 MR. GRALA: About a year ago, we issued

07:32PM 10 a summons.

07:32PM 11 MR. CHUNG: When have you bought that

07:32PM 12 house?

07:32PM 13 MS. JIN: 2021.

07:32PM 14 MR. GRALA: Since then we've issued one

07:32PM 15 summons as an Airbnb.

07:32PM 16 MR. ALAMPI: This property?

07:32PM 17 MR. GRALA: Um-hmm.

07:32PM 18 MR. ALAMPI: We'll restrict it. We'll

07:32PM 19 agree to --

07:32PM 20 MR. GRALA: No, I believe they paid the

07:32PM 21 summons. That was a while ago.

07:32PM 22 MR. ALAMPI: Right.

07:32PM 23 No, no, but we will -- if there's such

07:32PM 24 a restriction, we'll abide by it. Has there been any

07:32PM 25 further infractions.



07:32PM 1 MR. GRALA: No, they've gotten tickets  
07:32PM 2 for parking on that lawn and they were told to remove  
07:33PM 3 the rocks because it's supposed to be grass, they  
07:33PM 4 never did that either.

07:33PM 5 There's been a few issues.

07:33PM 6 MR. ALAMPI: These are things that  
07:33PM 7 people don't bring to my attention, obviously.

07:33PM 8 Thank you for educating us, but I think  
07:33PM 9 this application should be able to resolve these  
07:33PM 10 items. And if the board were to grant the relief  
07:33PM 11 with these conditions, you'd have a great deal more  
07:33PM 12 enforcement with it.

07:33PM 13 And then if they don't want to listen,  
07:33PM 14 there's a more severe penalty.

07:33PM 15 CHAIRMAN FERGUSON: Okay. You have  
07:33PM 16 anything on the bulk?

07:33PM 17 MR. SIMOFF: No.

07:33PM 18 CHAIRMAN FERGUSON: No.

07:33PM 19 Just one other quick question, it's  
07:33PM 20 hard to tell here, how much of the new area will be  
07:33PM 21 consistent of parking?

07:33PM 22 MR. SKRABLE: Consisting of? I'm  
07:33PM 23 sorry.

07:33PM 24 CHAIRMAN FERGUSON: What's the footage?

07:33PM 25 MR. SKRABLE: It's 250 square feet.

07:33PM 1 MS. TESTA: No, the dimensions of the  
07:33PM 2 new parking area.

07:33PM 3 MR. SKRABLE: Yeah, it's a little bit  
07:33PM 4 odd-shaped, it's kind of a U-shape. The total is 250  
07:34PM 5 and it's about 16-and-change-by-15, but again,  
07:34PM 6 because of the U, it's a total of 250 square feet.

07:34PM 7 CHAIRMAN FERGUSON: Both parking  
07:34PM 8 spaces?

07:34PM 9 MR. SKRABLE: The one we're at, that's  
07:34PM 10 the area we're filling in.

07:34PM 11 CHAIRMAN FERGUSON: What I'm trying to  
07:34PM 12 get to is --

07:34PM 13 MR. ALAMPI: I understand.

07:34PM 14 You want to see the two spaces. You've  
07:34PM 15 got a 46-foot-wide property, are you going to make it  
07:34PM 16 30 feet? Are you going to make it 20 feet or  
07:34PM 17 24 feet.

07:34PM 18 CHAIRMAN FERGUSON: Right.

07:34PM 19 MR. SKRABLE: The total width is  
07:34PM 20 25-and-a-half.

07:34PM 21 CHAIRMAN FERGUSON: It's 25-and-a-half,  
07:34PM 22 okay. And what's the total amount of the frontage  
07:34PM 23 now?

07:34PM 24 MR. SKRABLE: Forty feet, I'm sorry,  
07:34PM 25 40 feet.

07:34PM 1 CHAIRMAN FERGUSON: So basically it's  
07:34PM 2 more than half?

07:34PM 3 MR. SKRABLE: Yes, it's 60-something  
07:35PM 4 percent.

07:35PM 5 MR. ALAMPI: Chairman, if you want to  
07:35PM 6 restrict it a little bit, we'll stay under the  
07:35PM 7 50 percent.

07:35PM 8 I understand the concept of setting a  
07:35PM 9 precedent. The issue because it's only 46-feet wide  
07:35PM 10 and not 50, but if you want us to shave 2 feet off of  
07:35PM 11 the parking, we'll stay under that, you know, under  
07:35PM 12 24 feet total.

07:35PM 13 MR. SKRABLE: We can fit two cars in  
07:35PM 14 19-feet wide.

07:35PM 15 CHAIRMAN FERGUSON: Well, I've got to  
07:35PM 16 be honest with you, my -- I appreciate everything  
07:35PM 17 that you're looking to do, I do, but I'm just  
07:35PM 18 concerned about opening it up to the parking in front  
07:35PM 19 of the building.

07:35PM 20 I mean I just, you know, basically what  
07:35PM 21 you doing is the front lawn, you're going to -- part  
07:35PM 22 of the front lawn you're going to make into a parking  
07:35PM 23 lot and I don't think that's the way because I'm  
07:35PM 24 afraid it's just going to open up that everybody then  
07:35PM 25 is going to be coming in and saying hey, they did it,

07:36PM 1 why can't we do it?

07:36PM 2 So for that reason, I'm going -- oh,  
07:36PM 3 the public.

07:36PM 4 Is anybody in here from the public that  
07:36PM 5 would like to say a few words?

07:36PM 6 (No Response.)

07:36PM 7 CHAIRMAN FERGUSON: Nobody in the public  
07:36PM 8 want to say anything.

07:36PM 9 Okay. So I'm going make a motion to  
07:36PM 10 deny the application.

07:36PM 11 Can I get a second?

07:36PM 12 MR. GRALA: I'll second.

07:36PM 13 CHAIRMAN FERGUSON: Roll call?

07:36PM 14 MS. REBEKAH KIM: Mr. Ferguson?

07:36PM 15 CHAIRMAN FERGUSON: Yes, for the  
07:36PM 16 denial.

07:36PM 17 MS. REBEKAH KIM: Mr. Brogna?

07:36PM 18 MR. BROGNA: Yes for denial.

07:36PM 19 MS. REBEKAH KIM: Mr. Elefteriou?

07:36PM 20 MR. ELEFTERIOU: Yes for denial.

07:36PM 21 MS. REBEKAH KIM: Mr. Grala?

07:36PM 22 MR. GRALA: Yes.

07:36PM 23 MS. REBEKAH KIM: Mr. Kim?

07:36PM 24 MR. KIM: Yes for denial.

07:36PM 25 MS. REBEKAH KIM: Mr. Terranova?

07:36PM 1 MR. TERRANOVA: Yes for denial.

07:36PM 2 MS. REBEKAH KIM: Mr. Chung?

07:36PM 3 MR. CHUNG: Yes for denial.

07:36PM 4 MS. REBEKAH KIM: Mrs. Yoon?

07:36PM 5 MS. YOON: Yes for denial.

07:36PM 6 CHAIRMAN FERGUSON: Okay. Thank you.

07:36PM 7 MR. ALAMPI: Thank you, Chairman, Board

07:36PM 8 Members.

07:36PM 9 Thanks for listening.

07:36PM 10 CHAIRMAN FERGUSON: All right. You

07:37PM 11 want to get --

07:37PM 12 MR. ALAMPI: Good night, everyone.

07:37PM 13 Thank you.

07:37PM 14 MS. YOON: Goodnight.

07:37PM 15 CHAIRMAN FERGUSON: By the way, if

07:37PM 16 anybody wants to remove their tie, it's perfectly

07:38PM 17 okay.

07:38PM 18 MR. SOKOLICH: You want the tie on?

07:38PM 19 CHAIRMAN FERGUSON: No, I said to

07:38PM 20 remove it.

07:38PM 21 MR. SOKOLICH: No, I think he's being

07:38PM 22 sarcastic.

07:38PM 23 CHAIRMAN FERGUSON: No, no, no.

07:38PM 24 MR. SOKOLICH: Because I brought the

07:38PM 25 tie, Chairman, I swear to God.

07:38PM 1 CHAIRMAN FERGUSON: I know.  
07:38PM 2 Okay. All right. So the next case  
07:38PM 3 we're going to hear we're going to out of order  
07:38PM 4 because counsel has assured me this is going to be  
07:38PM 5 quick.

07:38PM 6 MR. SOKOLICH: I promise, Chairman.

07:38PM 7 CHAIRMAN FERGUSON: Case No. 24-08, S&G  
07:38PM 8 Development LLC, 114 East Homestead Avenue.

07:38PM 9 So, Counselor, you're on.

07:38PM 10 MR. SOKOLICH: Thank you, Chairman.  
07:38PM 11 It's good to be back in Palisades Park.

07:38PM 12 Just by way of background, this  
07:38PM 13 application relates to premises known as 114 East  
07:38PM 14 Homestead Avenue designated as Lot 3, Block 609.

07:39PM 15 By way of housekeeping, we had  
07:39PM 16 presented to Ms. Testa a copy of our affidavit of  
07:39PM 17 service which included proof of publication so forth  
07:39PM 18 and so on, which we are hopeful is in order.

07:39PM 19 MS. TESTA: That's correct, everything  
07:39PM 20 looks good.

07:39PM 21 MR. SOKOLICH: Thank you, Diane.

07:39PM 22 And with that, Chairman, it is a  
07:39PM 23 request to construct a two-family residential  
07:39PM 24 dwelling at the property that we just identified.

07:39PM 25 For this evening's purpose, we plan on

07:39PM 1 presenting the abridged testimony of William Cocoros  
07:39PM 2 the architect and David Spatz, the professional  
07:39PM 3 planner.

07:39PM 4 With that said, we would respectfully  
07:39PM 5 ask Billy to be sworn in unless the chair or counsel  
07:39PM 6 or any board member has any question of I.

07:39PM 7 CHAIRMAN FERGUSON: Well, I just got,  
07:39PM 8 and I believe this is a misprint, but in your  
07:39PM 9 paperwork, you're citing three-family.

07:39PM 10 MR. SOKOLICH: Two.

07:39PM 11 Typo, it's amended to two. The notice  
07:39PM 12 is two, it's two, not three.

07:39PM 13 CHAIRMAN FERGUSON: And then also at  
07:39PM 14 the end, the owner of the property has Cliffside Park  
07:40PM 15 Zoning Board.

07:40PM 16 MR. SOKOLICH: Yeah, I'm not so sure  
07:40PM 17 where that came from and I apologize.

07:40PM 18 CHAIRMAN FERGUSON: No, no.

07:40PM 19 MR. SOKOLICH: I got it.

07:40PM 20 Thank you.

07:40PM 21 CHAIRMAN FERGUSON: So I just want to  
07:40PM 22 be sure that the proper service was given to  
07:40PM 23 residents.

07:40PM 24 MR. SOKOLICH: It was. It was.

07:40PM 25 CHAIRMAN FERGUSON: And the answer is

07:40PM 1 yes?

MR. SOKOLICH: Yes.

07:40PM 2

CHAIRMAN FERGUSON: Okay. We're ready

07:40PM 3

07:40PM 4 to proceed.

07:40PM 5

MS. TESTA: Please raise your right

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hand.

07:40PM 7

Do you swear the testimony you will

07:40PM 8

give in this application will be the truth, the whole

07:40PM 9

truth and nothing but the truth?

07:40PM 10

MR. COCOROS: I do.

07:40PM 11

V A S S I L I O S C O C O R O S, AIA

07:29PM 12

467 Sylvan Avenue, Englewood Cliffs, New Jersey,

07:29PM 13

having been duly sworn, testifies as follows:

07:29PM 14

MS. TESTA: Please state your name and

07:29PM 15

business address for the record.

07:29PM 16

MR. COCOROS: Sure.

07:40PM 17

Vassilios, V-A-S-S-I-L-I-O-S, Cocoros,

07:40PM 18

C-O-C-O-R-O-S, 467 Sylvan Avenue, Englewood Cliffs,

07:40PM 19

New Jersey.

07:40PM 20

CHAIRMAN FERGUSON: And of course he's

07:40PM 21

been here many times and we'll accept him as an

07:40PM 22

expert.

07:40PM 23

MR. SOKOLICH: Thank you, Chairman.

07:40PM 24

07:40PM 25

DIRECT EXAMINATION



07:40PM 1 BY MR. SOKOLICH:

07:40PM 2 Q. And, Bill, just briefly, you are the  
07:40PM 3 engaged architect for S&G Development, correct?

07:40PM 4 A. Yes.

07:40PM 5 Q. And you, in fact, prepared all the  
07:40PM 6 architectural drawings that we're going to talk about  
07:40PM 7 this evening?

07:40PM 8 A. Yes, there's four sheets.

07:40PM 9 MR. SOKOLICH: I'm going mark each one  
07:40PM 10 as A-1 through and including A-4, Diane, as long as  
07:41PM 11 you're okay with that and I'll identify them as we go  
07:41PM 12 along.

13 (Whereupon, Elevations and Site Plan  
14 are marked as Exhibit A-1 for identification.)

15 (Whereupon, Floor Plans are marked as  
16 Exhibit A-2 for identification.)

17 (Whereupon, Site Plan with Improvements  
18 is marked as Exhibit A-3 for identification.)

19 (Whereupon, Bergen County Soil Plan is  
20 marked as Exhibit A-4 for identification.)

21 BY MR. SOKOLICH:

07:41PM 22 Q. So in an effort to comply with my  
07:41PM 23 representation to the Chairman and try to be as brief  
07:41PM 24 as I can, we're premarked as A-1 your plan that's  
07:41PM 25 entitled, "Elevations and site plan," last revised

07:41PM 1 June 25, 2024.

07:41PM 2 Bill, using what we call the  
07:41PM 3 architectural site plan in the upper right-hand  
07:41PM 4 corner, could you just describe the property and the  
07:41PM 5 proximity to the roadway, so forth and so on?

07:41PM 6 A. Sure.

07:41PM 7 The property is located on the -- I  
07:41PM 8 guess it would be the south side of East Homestead  
07:41PM 9 Avenue, 150 feet from Roff Avenue.

07:41PM 10 The property is oversized, it's located  
07:41PM 11 in the AA zone that's nearly 10,000 square feet at  
07:41PM 12 9915.7 square feet.

07:41PM 13 It has a lot width of 75 feet, lot  
07:41PM 14 depth on the left-hand side is 142.2 feet.

07:41PM 15 On the right-hand side it is  
07:41PM 16 129.89 feet.

07:42PM 17 So it has a total of 9915.7 square  
07:42PM 18 feet.

07:42PM 19 Q. So, Bill, just to stop you for one  
07:42PM 20 second, we're in the AA zone?

07:42PM 21 A. Correct.

07:42PM 22 Q. And the lot size is 5,000 square feet?

07:42PM 23 A. Correct.

07:42PM 24 Q. So it's almost double the minimum lot  
07:42PM 25 size required, correct?

07:42PM 1 A. It is.

07:42PM 2 Q. Okay.

07:42PM 3 A. And now the property in addition to the  
07:42PM 4 size does have a topographic difference across the  
07:42PM 5 front where we have almost a 6-and-a-half foot  
07:42PM 6 difference from left to right, that's why we've  
07:42PM 7 stepped the units on the left-hand side to  
07:42PM 8 accommodate the driveway being somewhat -- actually  
07:42PM 9 being easier to access without having too steep of an  
07:42PM 10 incline.

07:42PM 11 The property, itself, also goes up in  
07:42PM 12 the back where at the front left we have  
07:42PM 13 approximately 154-and-a-half at the sidewalk and then  
07:42PM 14 it goes up to 166 in the back.

07:42PM 15 So it's quite a bit of difference,  
07:43PM 16 almost a story and a half, about 12-foot difference  
07:43PM 17 of grade from front to back.

07:43PM 18 Q. Does that topography ultimate affect  
07:43PM 19 and impact the height once you get to the height?

07:43PM 20 A. Yes, because in the front it's kind of  
07:43PM 21 out of the ground in the back and goes up.

07:43PM 22 And also, you know, we do have a roof  
07:43PM 23 pitch, you know, which is -- a roof pitch that's the  
07:43PM 24 best, as far as the longevity of the roof and also  
07:43PM 25 for access to mechanical equipment.

07:43PM 1 In addition since this a bigger lot,  
07:43PM 2 the actually roof peak, itself, is set back further  
07:43PM 3 so it won't be as visible as the street. The main  
07:43PM 4 thing you see is the south at the front and the  
07:43PM 5 sides.

07:43PM 6 If you look at the site plan, each unit  
07:43PM 7 is basically 30-feet-10-inches wide with a 6-foot-8  
07:43PM 8 side yard at the closest point.

07:43PM 9 And at the front it telescopes in where  
07:43PM 10 we have approximately 12-feet-8-inches to the side  
07:44PM 11 wall at the entry where we have the entry stairs at  
07:44PM 12 the corners on the outside where we have entry  
07:44PM 13 platform and we have a series of two sets of steps,  
07:44PM 14 one being -- which are broken up by a landing, you  
07:44PM 15 know, because of the topography difference and the  
07:44PM 16 elevation of the first floor regarding the sidewalk  
07:44PM 17 level.

07:44PM 18 Let's go -- it's basically an all brick  
07:44PM 19 building; however we do have a bay window at the  
07:44PM 20 front and the back, second floor, and that will be  
07:44PM 21 either stucco system or a panelized system either a  
07:44PM 22 Hardie board or maybe a metal panel.

07:44PM 23 Q. And stay on that page, Bill, if you  
07:44PM 24 would, I'm sorry. And I know the other elevations,  
07:44PM 25 the architectural treatment is similar or the same to

07:44PM 1 that which is presented in the front?

07:44PM 2 A. Yes, basically all sides are the same.  
07:44PM 3 The sides are basically all brick.

07:44PM 4 The rear has a small bay window at the  
07:44PM 5 master of the back where that's going to match the  
07:44PM 6 bay window at the front.

07:44PM 7 Q. Did you touch on utilities, Bill, what  
07:44PM 8 you're proposing?

07:44PM 9 A. You know, we do have a stormwater  
07:44PM 10 retention system. We would submit drainage  
07:45PM 11 calculations to the board engineer to verify the  
07:45PM 12 capacity.

07:45PM 13 In addition to that, all the roof  
07:45PM 14 leaders will be going into that stormwater system and  
07:45PM 15 as per Steve's recommendations on previous  
07:45PM 16 applications, we do have a trench drain in front of  
07:45PM 17 the property that intercepts water coming from your  
07:45PM 18 driveway going onto the sidewalk and that would also  
07:45PM 19 be tied into the stormwater system.

07:45PM 20 Q. And we always acknowledge, and this is  
07:45PM 21 per Mr. Collazuol's memo, that since this is a  
07:45PM 22 redevelopment, a reduction in the runoff is required  
07:45PM 23 and we're prepared to meet that?

07:45PM 24 A. Yes.

07:45PM 25 Q. A maintenance schedule shall also be

07:45PM 1 provided with regard to the retention systems at one  
07:45PM 2 point along the way?

07:45PM 3 A. Yes, we have one for the concrete pits.  
07:45PM 4 We usually have one for the plastic pits, but we can  
07:45PM 5 find one we could use, we could even come up with one  
07:45PM 6 for the concrete its.

07:45PM 7 Q. And while we're on it, I'll show you a  
07:45PM 8 copy of correspondence from Mr. Collazuol dated  
07:45PM 9 July 10, 2024, and I don't necessary know that you  
07:46PM 10 have to go through it line by line, I don't know if  
07:46PM 11 the board or the chair wants me to except that is  
07:46PM 12 there anything in the this memorandum, Bill, that  
07:46PM 13 you're unable to comply with?

07:46PM 14 Is there anything in here that the  
07:46PM 15 applicant is unable to either comply with or  
07:46PM 16 substantially comply with --

07:46PM 17 A. The only issue is we have to conform  
07:46PM 18 with PSE&G regarding the underground electric.

07:46PM 19 Q. So talk to me about the underground  
07:46PM 20 electric if it's something that's practical?

07:46PM 21 A. Yeah, we would do, you know, it's  
07:46PM 22 practical -- there's a practical approach, we could  
07:46PM 23 do it.

07:46PM 24 Sometimes PSE&G says they don't want to  
07:46PM 25 do it, so that could be confirmed after.

07:46PM 1 Q. Are you done with A-1?

07:46PM 2 A. Yeah.

07:46PM 3 Q. Great.

07:46PM 4 If you could turn to A-2?

07:46PM 5 So, oh, I'm sorry, Bill, we've marked  
07:46PM 6 and you've also on your plan marked it as A-2 which  
07:46PM 7 is entitled, "Floor plans."

07:46PM 8 This too has a last revised date of  
07:46PM 9 June 25, 2024.

07:46PM 10 And starting at the ground level, Bill,  
07:47PM 11 if you could just walk the board through each of the  
07:47PM 12 floors that are proposed?

07:47PM 13 A. It's base at the front of the building  
07:47PM 14 we have a two-car garage, a real two-car garage.  
07:47PM 15 We'll probably need like a 17-foot door, maybe an  
07:47PM 16 18-foot door, so you pull two cars in and out of  
07:47PM 17 there easy.

07:47PM 18 There's a utility room which is at the  
07:47PM 19 ground level of the garage. At the back of the  
07:47PM 20 garage you have a set of stairs that go up to the  
07:47PM 21 basement level and that's to kind of terrace, the  
07:47PM 22 excavation of the property so it's not going to take  
07:47PM 23 on too much soil from this area.

07:47PM 24 We just have a guest room, recreation  
07:47PM 25 room, bathroom, elevator.

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I think we wanted to do an elevator on this one. We have an elevator, a closet for coats, actually two closets for coats, and then a staircase up to the first floor, which is the main living space.

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The main living space is set up with a living room in the front which also has a door into an entry area which is two stories open to the second floor above, and those are accessed by staircases from the sidewalk level up to the covered entry platform.

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As I mentioned before, you see where we have on the left-hand side, we have eight steps then we have a 5-foot-4 entry landing, which we could also provide access to the side yard, you know, in case people have to get around the side or the back, and another 8 feet of stairs. And then we have a 4-foot-4 entry platform with the column on the corner.

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That's a two-story entry, so the column goes up two stories with the roof at the second floor level to kind of give it like a almost like a little -- it's basically we're trying to make it like two one-families attached on the side property.

Living room, dining room, staircase and



07:48PM 1 landing, powder room and linen coat closet, a walk-in  
07:48PM 2 coat closet off the dining room and then we have the  
07:48PM 3 elevator which goes up from the basement all the way  
07:48PM 4 up to the second floor, which is the bedroom level.

07:48PM 5 At the back we have a kitchen with an  
07:48PM 6 island, an eat-in area and then a little family room  
07:48PM 7 behind.

07:48PM 8 So, basically, one big entertainment  
07:48PM 9 space where we have the kitchen portion that you use  
07:48PM 10 the island for eating or you could provide a small  
07:48PM 11 table and the rest of it could be for family room and  
07:49PM 12 TV.

07:49PM 13 And then the second floor is the  
07:49PM 14 bedroom level with a four-bedroom configuration. At  
07:49PM 15 the back we have a master or a primary suite where it  
07:49PM 16 has an oversized walk-in closet, an en-suite master  
07:49PM 17 bathroom with a shower, freestanding tub, double  
07:49PM 18 vanity and then we have a little alcove for the  
07:49PM 19 toilet and a small linen closet inside that bathroom.

07:49PM 20 The three other bedrooms basically are  
07:49PM 21 set up where we have the second bedroom after the  
07:49PM 22 master has its own en-suite bathroom, a walk-in  
07:49PM 23 closet and then we have a laundry room, the elevator,  
07:49PM 24 as I mentioned before, the staircase, and then we  
07:49PM 25 have a hall bathroom, and outside the hall bathroom

07:49PM 1 we have an oversized hallway with a balcony looking  
07:49PM 2 down to the entry below.

07:49PM 3 And at the front we have two basically  
07:49PM 4 bedrooms that are after the middle bedroom and those  
07:49PM 5 are basically 11-and-a-half feet, one is 11 feet,  
07:49PM 6 10-and-a-half. And we set it up where we have closet  
07:49PM 7 for each one and they share the hall bathroom.

07:50PM 8 So it's basically a four-bedroom  
07:50PM 9 configuration, a four-bedroom configuration with  
07:50PM 10 three full bathrooms on the upper level including a  
07:50PM 11 laundry room with a sink.

07:50PM 12 And, you know, given the fact that, you  
07:50PM 13 know, basically let's say a 50-by-100 lot has  
07:50PM 14 three-bedroom units, you know, this is actually less  
07:50PM 15 intense than a typical, you know, it's basically less  
07:50PM 16 intense than doing two two-family or even three, you  
07:50PM 17 know, three-unit building.

07:50PM 18 BY MR. SOKOLICH:

07:50PM 19 Q. Billy, any rooftop deck proposed?

07:50PM 20 A. No.

07:50PM 21 Q. Does that conclude the testimony  
07:50PM 22 regarding your floor plan?

07:50PM 23 A. I think so.

07:50PM 24 Q. Great.

07:50PM 25 I'm going to ask you to -- I think

07:50PM 1 that's it now A-3 and A-4, I believe are detail  
07:50PM 2 sheets that are for the information of the board's  
07:50PM 3 consultants and obviously the board also?

07:50PM 4 A. Yeah, we have an S-1 and we have an S-2  
07:50PM 5 which are basically the site plan with the  
07:50PM 6 improvements, I guess we'll comply with Steve's  
07:50PM 7 requirements pending PSE&G.

07:51PM 8 And then S-2 is the Bergen County soil  
07:51PM 9 plan that basically you need for demolition on any  
07:51PM 10 house that has more than 5,000 square feet of soil  
07:51PM 11 disturbance.

07:51PM 12 Q. So I'm going to move you back to A-1  
07:51PM 13 and we'll conclude your testimony. Like any  
07:51PM 14 municipality, we have landscape, we have lighting.

07:51PM 15 Could you just talk to what the thought  
07:51PM 16 process is of the applicant and also acknowledge that  
07:51PM 17 where the board or its consultants have any comments,  
07:51PM 18 the applicant would, in fact, comply?

07:51PM 19 A. Well, landscaping we do have planting  
07:51PM 20 areas in the front on each of the garage. We also  
07:51PM 21 have a pretty wide divider between two driveways,  
07:51PM 22 about 4-feet-4-inches wide, so we'll provide planting  
07:51PM 23 there.

07:51PM 24 In the back what we did is we put the  
07:51PM 25 two HVAC units in the middle to, you know, avoid

07:51PM 1 noise from the neighbors on either side of us and  
07:51PM 2 then we have decks basically about 3 feet in from the  
07:51PM 3 corner. And the decks are 17-and-a-half-by-11-feet  
07:51PM 4 and they are basically we have a 54-foot setback on  
07:52PM 5 the left portion and a 42-foot setback on the  
07:52PM 6 right-hand portion.

07:52PM 7 And as far as the look of the building  
07:52PM 8 in the front, it's a little bit taller than usual.  
07:52PM 9 It's closer, you know, it's closer to a complying  
07:52PM 10 duplex except we raised it by about 4 feet to  
07:52PM 11 minimize the excavation but in the back when you look  
07:52PM 12 at it, it looks basically like a two-story structure.

07:52PM 13 CHAIRMAN FERGUSON: But the total  
07:52PM 14 height is 31?

07:52PM 15 MR. SOKOLICH: 31.25, Chairman, 31.25.

07:52PM 16 THE WITNESS: Yeah, and that's a  
07:52PM 17 function of a wider property except, you know, if you  
07:52PM 18 average it out from the, you know, the back portion,  
07:52PM 19 you know, and also the neighbors behind us are up  
07:52PM 20 higher because the property keeps -- we have a  
07:52PM 21 retaining wall which basically levels out the  
07:52PM 22 backyard and keeps --

07:52PM 23 CHAIRMAN FERGUSON: Right, it's on a  
07:52PM 24 hill. Okay.

07:52PM 25 That completes your --

07:52PM 1 THE WITNESS: I think so, yeah.

07:52PM 2 CHAIRMAN FERGUSON: Okay, good.

07:52PM 3 So I just got one.

07:52PM 4 MR. SOKOLICH: Yes, Chairman.

07:52PM 5 CHAIRMAN FERGUSON: So when you're  
07:52PM 6 looking at the zone up here, you know, you're  
07:52PM 7 required 50 feet, right?

07:53PM 8 And then next to it what you're  
07:53PM 9 proposing is 75 feet, correct?

07:53PM 10 THE WITNESS: Yes, that's existing.

07:53PM 11 CHAIRMAN FERGUSON: That's existing so  
07:53PM 12 your house is on 75 front; is that what you're  
07:53PM 13 telling me?

07:53PM 14 THE WITNESS: Yes, um-hmm.

07:53PM 15 CHAIRMAN FERGUSON: Okay. So --

07:53PM 16 MR. SOKOLICH: And, Chairman, we didn't  
07:53PM 17 ask for a three and I think you should be a little  
07:53PM 18 proud of me for that.

07:53PM 19 CHAIRMAN FERGUSON: Yeah, I am.

07:53PM 20 MR. SOKOLICH: I can't begin to tell  
07:53PM 21 you how hard the testimony was to resist it, but  
07:53PM 22 we're trying to behind.

07:53PM 23 CHAIRMAN FERGUSON: And I appreciate  
07:53PM 24 that, I really do.

07:53PM 25 MR. SOKOLICH: Thank you.

07:53PM 1 We tried to not accidental notice for  
07:53PM 2 it, but thank you.

07:53PM 3 CHAIRMAN FERGUSON: So I guess just a  
07:53PM 4 couple questions.

07:53PM 5 If a regular duplex comes in at  
07:53PM 6 50 feet, right, and they get -- you get approvals,  
07:53PM 7 you know, you have an additional 75 feet, right?

07:53PM 8 Why would I want to -- or the answer is  
07:54PM 9 you have a bigger house, is what the answer is.

07:54PM 10 MR. SOKOLICH: Correct.

07:54PM 11 THE WITNESS: But also the setbacks are  
07:54PM 12 typically 6 feet and what we did here instead of  
07:54PM 13 having the staircase 3 feet in from the property  
07:54PM 14 line, we basically had the staircase about  
07:54PM 15 7-feet-8-inches from the property line.

07:54PM 16 So, you know, we basically try to like  
07:54PM 17 telescope it from the front where it's a little bit  
07:54PM 18 narrower and then if we go to the back, we kind  
07:54PM 19 utilize the, you know, the addition width of the  
07:54PM 20 property.

07:54PM 21 CHAIRMAN FERGUSON: So in the front of  
07:54PM 22 the house, what's the width of the property?

07:54PM 23 THE WITNESS: The width is still  
07:54PM 24 75 feet; however, the building width in the front is  
07:54PM 25 49-feet-8-inches wide and the back is

07:54PM 1 61-feet-8-inches wide.

07:54PM 2 So if you look at it, we basically have  
07:54PM 3 the middle portion narrower and that's for about  
07:54PM 4 15 feet, so it's a full room, basically you have  
07:54PM 5 15 feet and then you have the actual wall for the  
07:54PM 6 front door.

07:54PM 7 So you basically have a little cut out  
07:54PM 8 on either side of it where it's like we don't have  
07:54PM 9 the share case right up against the property line.

07:55PM 10 CHAIRMAN FERGUSON: Okay. Now, the  
07:55PM 11 above the door there's a window, correct?

07:55PM 12 THE WITNESS: Yes, that's two story.

07:55PM 13 CHAIRMAN FERGUSON: Because the  
07:55PM 14 landing.

07:55PM 15 MR. SOKOLICH: A nonfunctioning window,  
07:55PM 16 right, Bill?

07:55PM 17 THE WITNESS: Yeah, a light fixture  
07:55PM 18 like --

07:55PM 19 MR. SOKOLICH: Like a transom?

07:55PM 20 THE WITNESS: Yeah, you can't really  
07:55PM 21 get up to it because it's a two-story portion of  
07:55PM 22 the --

07:55PM 23 CHAIRMAN FERGUSON: Okay. The  
07:55PM 24 elevators go from the --

07:55PM 25 THE WITNESS: From the basement up to

07:55PM 1 the second floor.

07:55PM 2 It's basically basement, first floor,  
07:55PM 3 second floor.

07:55PM 4 CHAIRMAN FERGUSON: So the elevator  
07:55PM 5 goes all the way up?

07:55PM 6 THE WITNESS: Yeah.

07:55PM 7 CHAIRMAN FERGUSON: Now, I might be  
07:55PM 8 wrong, but did I see bathtubs in the basement?

07:55PM 9 THE WITNESS: That may have snuck in  
07:55PM 10 there by mistake.

07:55PM 11 CHAIRMAN FERGUSON: Yeah, well, let's  
07:55PM 12 --

07:55PM 13 MR. SOKOLICH: You destroyed all the  
07:55PM 14 goodwill that we've established with the  
07:55PM 15 three-family.

07:55PM 16 We will stipulate, Chairman,  
07:55PM 17 unconditionally.

07:55PM 18 CHAIRMAN FERGUSON: Absolutely.

07:55PM 19 MR. SOKOLICH: If I caught it, I would  
07:55PM 20 have raised it before you asked.

07:55PM 21 CHAIRMAN FERGUSON: Okay.

07:55PM 22 So we agree that's going to go?

07:55PM 23 THE WITNESS: Yes.

07:55PM 24 CHAIRMAN FERGUSON: Okay.

07:55PM 25 Any board members have anything?



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(No Response.)

CHAIRMAN FERGUSON: Before you speak, I just want to -- I have one quick concern, because the house is going on a hill, you know, it's -- is it -- so I'm a little concerned about the water flow.

I just want to make sure they have enough systems in place that we're not going to flood the neighbors or theirs or --

MR. COLLAZUOL: Exactly, Mr. Chairman. They have to prove that with drainage calculations, which is one of the requests in our report.

CHAIRMAN FERGUSON: Okay.

MR. COLLAZUOL: They have to prepare a drainage report and submit it for this impervious areas that he's creating and reduce from what is existing as well.

But, yes, he has to submit that and that would be a condition of approval.

CHAIRMAN FERGUSON: And that would go to you?

MR. COLLAZUOL: Yes.

MR. SOKOLICH: And we would stipulate whatever is asked of us of Mr. Collazuol we would comply with, which would be in your resolution.

THE WITNESS: We'd put a retaining wall

07:57PM 1 in to, kind of, cut some of that flow down where it's  
07:57PM 2 not like a flow sheet coming down the hill.

07:57PM 3 MR. COLLAZUOL: I think I brought that  
07:57PM 4 up in our report that you should address that  
07:57PM 5 drainage that's coming off that with some form of  
07:57PM 6 catch basin.

07:57PM 7 THE WITNESS: I guess we could do a  
07:57PM 8 drainage tile in the bottom of the wall maybe. Yeah,  
07:57PM 9 in the bottom of the wall, we could do a drainage  
07:57PM 10 tile with like PVC with gravel around it.

07:57PM 11 MR. COLLAZUOL: I think on the upside  
07:57PM 12 of the wall.

07:57PM 13 THE WITNESS: Oh, in the backyard  
07:57PM 14 portion.

07:57PM 15 MR. COLLAZUOL: I have two other  
07:57PM 16 points, if that's all right, Chairman.

07:57PM 17 CHAIRMAN FERGUSON: Go ahead.

07:57PM 18 MR. COLLAZUOL: With respect, and,  
07:57PM 19 Bill, it's a great plan, good plan and Bill is a good  
07:57PM 20 site plan designer, but with respect to grading, if I  
07:57PM 21 did my math properly, which I do let you point out  
07:57PM 22 mistakes, the left side of the driveway is about  
07:57PM 23 6 percent and the right side of the driveway is about  
07:57PM 24 1 percent.

07:57PM 25 So they're a little different,

07:57PM 1 substantially different.

07:57PM 2 So the question is could you lower the  
07:57PM 3 -- I know the garage floors are different in  
07:57PM 4 elevation.

07:57PM 5 Is it possible to lower the garage  
07:58PM 6 floor some?

07:58PM 7 THE WITNESS: Probably 8 inches,  
07:58PM 8 8 inches would probably be a little closer.

07:58PM 9 MR. COLLAZUOL: Because, you know, I  
07:58PM 10 respect the fact that along the front there's almost  
07:58PM 11 a 7-foot difference between the left property line  
07:58PM 12 extended and the right property line extended, it's  
07:58PM 13 quite a hill there, so to speak.

07:58PM 14 The other point is that since you show  
07:58PM 15 a planter, is it possible to reduce the  
07:58PM 16 49-foot-8-inch drop there and place a full-height  
07:58PM 17 curb in that 4-foot section so that we don't have a  
07:58PM 18 49-foot-8-inch drop curb across our frontage?

07:58PM 19 THE WITNESS: I guess the only thing is  
07:58PM 20 it basically would be maybe a 6-inch actual  
07:58PM 21 full-sized curb and then it will flare back down to  
07:58PM 22 it; is that okay?

07:58PM 23 MR. COLLAZUOL: I think whatever you  
07:58PM 24 could do there, I mean, I think that the board would  
07:58PM 25 appreciate some kind of separation there because

07:58PM 1 you're separating the plantings there between the two  
07:58PM 2 driveways.

07:58PM 3 That's all I have.

07:59PM 4 Thank you.

07:59PM 5 CHAIRMAN FERGUSON: Okay.

07:59PM 6 THE WITNESS: And since we're doing the  
07:59PM 7 ace, I could move out the plan a little bit wider  
07:59PM 8 too, which would be a little bit more separation.

07:59PM 9 CHAIRMAN FERGUSON: Hal, do you have  
07:59PM 10 anything?

07:59PM 11 MR. SIMOFF: No.

07:59PM 12 CHAIRMAN FERGUSON: No.

07:59PM 13 Anybody in the audience have anything  
07:59PM 14 they'd like to say?

07:59PM 15 Name and address, my friend.

07:59PM 16 MS. TESTA: Do you swear that the  
07:59PM 17 comments that you will make with regards to this  
07:59PM 18 application will be the truth, the whole truth,  
07:59PM 19 nothing but the truth?

07:59PM 20 MR. SO: I do.

07:59PM 21 J O N S O,

07:59PM 22 115 East Homestead Avenue, Palisades Park, New  
07:59PM 23 Jersey, having been duly sworn, testifies as  
07:59PM 24 follows:

07:59PM 25 MR. SO: My name is Jon So; spelling

07:59PM 1 J-O-N, last name S-O.

07:59PM 2 I live in 115 East Homestead Avenue  
07:59PM 3 right across from this plan.

07:59PM 4 CHAIRMAN FERGUSON: Okay.

07:59PM 5 MR. SO: I've been there since 2006,  
07:59PM 6 it's about 17 years. We bought the house because the  
07:59PM 7 view.

07:59PM 8 Now the township ordinance say that  
07:59PM 9 they're supposed to have, what, 28 feet they're  
07:59PM 10 suppose to be, now they're going to propose the 31  
07:59PM 11 and 25.

08:00PM 12 That's blocking my house and the whole  
08:00PM 13 view from my house. That's too high.

08:00PM 14 And the parking space, they're going to  
08:00PM 15 leave -- parking space supposed to be 14.33 is the  
08:00PM 16 zoning, but they going to leave only 6.67. It's  
08:00PM 17 already short parking there.

08:00PM 18 Now everybody they got nowhere to park  
08:00PM 19 then they're going to park in front of my house and I  
08:00PM 20 can't even park if I'm coming in a little later, so.

08:00PM 21 CHAIRMAN FERGUSON: Okay. So you said  
08:00PM 22 you're across the street from them?

08:00PM 23 MR. SO: Across the street from there.

08:00PM 24 But the house is going to be high-rise  
08:00PM 25 and next house is going to be, you know, same thing.

08:00PM 1                   The house is supposed to be cascade, a  
08:00PM 2                   little bit beautiful. Now it's going be big, tall,  
08:00PM 3                   big, tall, I mean, that's pretty ugly. And it's  
08:00PM 4                   going to devalue my house.

08:00PM 5                   CHAIRMAN FERGUSON: Right.

08:00PM 6                   Well, when you say it's going to block  
08:01PM 7                   you, in other words, if you're in you're house here  
08:01PM 8                   and their house is here, it's block this way.

08:01PM 9                   THE WITNESS: Yes, block front.

08:01PM 10                  CHAIRMAN FERGUSON: Right, it's not  
08:01PM 11                  blocking you going up the hill or down the hill, it's  
08:01PM 12                  --

08:01PM 13                  MR. SO: Just the view from my living  
08:01PM 14                  room, I overlook it and it's going to be totally  
08:01PM 15                  blocked.

08:01PM 16                  It's like now maybe this thing is maybe  
08:01PM 17                  it's a 25-footer, now it's going to be 31. It's  
08:01PM 18                  about 10-foot higher, almost like ceiling.

08:01PM 19                  CHAIRMAN FERGUSON: Okay. So let me  
08:01PM 20                  just say this to you, the town ordinance is 25 feet,  
08:01PM 21                  it's -- it should never be 25 feet because they can't  
08:01PM 22                  build a house 25 feet, it's just -- so they're only  
08:01PM 23                  3 feet above what the town says they can do.

08:01PM 24                  So in my humble opinion which doesn't  
08:01PM 25                  mean much, it's, you know, it's municipal.

08:02PM 1 The second thing, it's on a hill. So  
08:02PM 2 when a house is on a hill, they have to build the  
08:02PM 3 house, take some of the hill and they would raise the  
08:02PM 4 house up.

08:02PM 5 But you want to comment on that?

08:02PM 6 MR. SOKOLICH: I would point out --  
08:02PM 7 you're the corner residence, correct?

08:02PM 8 MR. SO: Yes, I'm 115, yes.

08:02PM 9 MR. SOKOLICH: So because the way the  
08:02PM 10 property is situated, Chairman, when you're looking  
08:02PM 11 directly at this house yeah, there might be an  
08:02PM 12 impact. There's an impact at 20 feet, 25 feet, but  
08:02PM 13 every other direction, this house doesn't impact  
08:02PM 14 that.

08:02PM 15 But, bill, you were going to talk, I  
08:02PM 16 believe, about --

08:02PM 17 THE WITNESS: Yeah, as far as, you  
08:02PM 18 know, it's basically a function of the topography,  
08:02PM 19 you know, it's like more of a lot, you know, a  
08:02PM 20 shallower pitch, it's probably, you know, pretty much  
08:02PM 21 at compliance, you know.

08:03PM 22 And then regarding the parking, we  
08:03PM 23 comply with the parking spaces, you know, basically  
08:03PM 24 having a real, you know, even a regular duplex, a  
08:03PM 25 two-car driveway is a little bit tight.

08:03PM 1 Here we're going to have a real two-car  
08:03PM 2 driveway on each side of it, you know, and basically  
08:03PM 3 we are minimizing some of the curb cut with the  
08:03PM 4 portion that Steve was talking about and, you know,  
08:03PM 5 we'll try to preserve as much as we can along the  
08:03PM 6 street there, but it's, you know, the parking is  
08:03PM 7 compliant.

08:03PM 8 CHAIRMAN FERGUSON: Okay. What's there  
08:03PM 9 now, is it a --

08:03PM 10 MR. SOKOLICH: I mean, it's not on the  
08:03PM 11 record. I could show you what's there now, I don't  
08:03PM 12 know if that's --

08:03PM 13 CHAIRMAN FERGUSON: This is it now?

08:03PM 14 MR. SOKOLICH: That's it now.

08:03PM 15 And this is Mr. Jun. I just want to  
08:03PM 16 show you. So when you --

08:03PM 17 THE WITNESS: Yeah, right now is, you  
08:03PM 18 know, basically like a one-and-a-half car driveway.

08:03PM 19 CHAIRMAN FERGUSON: So how many parking  
08:03PM 20 space are you providing?

08:04PM 21 THE WITNESS: We're providing four each  
08:04PM 22 side.

08:04PM 23 So it's basically two in the driveway,  
08:04PM 24 two in the garage. I think RSIS recognizes it as  
08:04PM 25 three, but it's base set up with two in the driveway,



08:04PM 1 two in the garage.

08:04PM 2 CHAIRMAN FERGUSON: Each side?

08:04PM 3 THE WITNESS: Each side, yes.

08:04PM 4 CHAIRMAN FERGUSON: So you're doing A

08:04PM 5 --

08:04PM 6 THE WITNESS: A-B parking. It's like  
08:04PM 7 most of the time, people and their garage fill half  
08:04PM 8 of it with junk.

08:04PM 9 So it's like in reality, it would  
08:04PM 10 probably be two in the driveway and one in the garage  
08:04PM 11 that they're using.

08:04PM 12 CHAIRMAN FERGUSON: Okay.

08:04PM 13 So it's basically three on one side,  
08:04PM 14 three on the other side.

08:04PM 15 THE WITNESS: Yeah, it could be four,  
08:04PM 16 you know, because the garage is big enough for four.

08:04PM 17 MR. SOKOLICH: Chairman, I'm sorry,  
08:04PM 18 I'll show the rest of the board.

08:04PM 19 But Mr. Jun's home is here and ours is  
08:04PM 20 directly across the street, so the impact is directly  
08:04PM 21 across the street, but no --

08:04PM 22 CHAIRMAN FERGUSON: Yeah.

08:04PM 23 MR. SOKOLICH: Just in case any other  
08:04PM 24 board member wants to see it.

08:04PM 25 CHAIRMAN FERGUSON: Okay.

08:04PM 1 So, Mr. Jun, he's providing at least  
08:04PM 2 six, probably eight parking spaces.

08:04PM 3 So when you say they're going to park  
08:05PM 4 in front of your house, I don't quite -- are you  
08:05PM 5 saying that that house is going -- the house --

08:05PM 6 MR. SO: Yeah, right now we can maybe  
08:05PM 7 park maybe four or five cars in the parking spaces  
08:05PM 8 there all along 114 Homestead Avenue.

08:05PM 9 But if they build a whole thing, and --

08:05PM 10 CHAIRMAN FERGUSON: You're going to  
08:05PM 11 lose parking spaces?

08:05PM 12 MR. SO: -- they park on the street,  
08:05PM 13 everybody going to park on my property on front of  
08:05PM 14 property or side of property.

08:05PM 15 And the building is way too high for  
08:05PM 16 me. I mean, it's like 20 feet is normal then  
08:05PM 17 31-and-a-half.

08:05PM 18 CHAIRMAN FERGUSON: Yeah, well.

08:05PM 19 Mark, can you do anything with the  
08:05PM 20 first floor?

08:05PM 21 Like I see it's 10 feet. Is there a  
08:05PM 22 way to knock it down?

08:05PM 23 THE WITNESS: Well, it's 10 feet on the  
08:05PM 24 one side where the property goes down.

08:06PM 25 I was trying to keep the same roof

08:06PM 1 pitch, so it's 9 feet on this side, you know,  
08:06PM 2 basically the roof lines up with it.

08:06PM 3 CHAIRMAN FERGUSON: So there's nothing  
08:06PM 4 you can do with the --

08:06PM 5 MR. SOKOLICH: Billy.

08:06PM 6 Chairman, bear with me.

08:06PM 7 I'm sorry.

08:06PM 8 CHAIRMAN FERGUSON: Sure. Sure. Sure.

08:06PM 9 THE WITNESS: Yeah, what we could do is  
08:06PM 10 we could adjust the grade and bring it down 8 inches  
08:06PM 11 and play with the grade and get a foot reduction on  
08:06PM 12 the height.

08:06PM 13 CHAIRMAN FERGUSON: Okay. So you're  
08:06PM 14 talking about maybe a foot.

08:06PM 15 THE WITNESS: Yeah.

08:06PM 16 CHAIRMAN FERGUSON: Okay.

08:06PM 17 So he's going to bring the house down a  
08:06PM 18 foot so it's not going to be 31, it will be 30.

08:06PM 19 And there seems -- it's true that the  
08:06PM 20 cut is going to take some parking away from the  
08:06PM 21 street, but they're also going to increase parking  
08:06PM 22 for that house, so.

08:06PM 23 THE WITNESS: Yeah, because right now  
08:06PM 24 the way it's set up, it looks like there's three --  
08:06PM 25 that line of property is three spaces, basically one

08:07PM 1 on the left-hand side is a 10, you know, 12-foot-wide  
08:07PM 2 driveway and then there's two after that.

08:07PM 3 So you know, basically if we adjust the  
08:07PM 4 duplex next door, you know, we'll preserve as much as  
08:07PM 5 we can as far as, you know, the street line.

08:07PM 6 CHAIRMAN FERGUSON: Okay.

08:07PM 7 Anybody else in the audience have  
08:07PM 8 anything?

08:07PM 9 (No Response.)

08:07PM 10 CHAIRMAN FERGUSON: Nope? Okay.

08:07PM 11 Any board members have any added  
08:07PM 12 comments?

08:07PM 13 (No Response.)

08:07PM 14 CHAIRMAN FERGUSON: Okay. I'm going  
08:07PM 15 to --

08:07PM 16 MR. SOKOLICH: Thank you, Chairman, we  
08:07PM 17 call David Spatz.

08:07PM 18 CHAIRMAN FERGUSON: Oh, David Spatz.

08:07PM 19 MR. SPATZ: Now you're making me  
08:07PM 20 nervous.

08:07PM 21 MS. TESTA: Please raise your right  
08:07PM 22 hand.

08:07PM 23 Do you swear the testimony you give in  
08:07PM 24 this application will be the truth, the whole truth,  
08:07PM 25 and nothing but the truth?

08:07PM 1 MR. SPATZ: Yes, I do.

08:07PM 2 D A V I D S P A T Z, P.P., ACIP

07:48PM 3 60 Friend Terrace, Harrington Park, New Jersey,

08:07PM 4 having been duly sworn, testifies as follows:

08:07PM 5 MS. TESTA: State your name and your  
08:07PM 6 business address for the record.

08:07PM 7 MR. SPATZ: David Spatz, S-P-A-T-Z, my  
08:07PM 8 business address is 60 Friend Terrace in Harrington  
08:07PM 9 Park.

08:07PM 10 CHAIRMAN FERGUSON: Got it.

08:07PM 11 David's been here many, many times.

08:07PM 12 MR. SOKOLICH: Thank you, Chairman.

08:07PM 13 So we offer David as an expert in the  
08:08PM 14 field of professional planning.

08:08PM 15 CHAIRMAN FERGUSON: And we accept him.

08:08PM 16 MR. SOKOLICH: Thank you.

08:08PM 17 DIRECT EXAMINATION

08:08PM 18 BY MR. SOKOLICH:

08:08PM 19 Q. David, you prepared -- you've conducted  
08:08PM 20 a review.

08:08PM 21 If you could just review with the board  
08:08PM 22 what the scope of your engagement is and what you did  
08:08PM 23 to prepare your testimony and then of course your  
08:08PM 24 findings?

08:08PM 25 A. Certainly.

08:08PM 1 I was asked to review the plans, visit  
08:08PM 2 the property and then prepare testimony to support  
08:08PM 3 the variances that we're seeking this evening.

08:08PM 4 Yes, sir.

08:08PM 5 Q. And, in fact, you completed that  
08:08PM 6 assignment and you prepared to provide the board with  
08:08PM 7 one, the background of the statutory criteria and  
08:08PM 8 what we believe to be the basis for these variances  
08:08PM 9 that is are being ought?

08:08PM 10 A. Yes, I am.

08:08PM 11 Q. You were present during the course of  
08:08PM 12 Mr. Cocoros's testimony?

08:08PM 13 A. I was, yes.

08:08PM 14 Q. And you acknowledge that there is an  
08:08PM 15 amendment to the application by way of a 1-foot  
08:08PM 16 reduction in height?

08:08PM 17 A. Correct.

08:08PM 18 Q. Wherever you deem appropriate, David,  
08:08PM 19 please get started.

08:08PM 20 A. Sure.

08:08PM 21 I don't have a photo for this evening,  
08:08PM 22 but I can describe the area. It is East Homestead  
08:08PM 23 Avenue, it's as mixture of one- and two-family homes.

08:09PM 24 Directly to the right of our property  
08:09PM 25 is an older two-family home.

08:09PM 1 To the left of our property there's  
08:09PM 2 newer two-family structures across the street. There  
08:09PM 3 are also some older two-family structures the  
08:09PM 4 property directly across the street.

08:09PM 5 We are in the AA zone which permits  
08:09PM 6 two-family dwellings, as Mr. Cocoros described. We  
08:09PM 7 have a significantly oversized lot, it is nearly  
08:09PM 8 double what is required of the zone.

08:09PM 9 We do require three variances. We had  
08:09PM 10 a D variance for height. With the change made this  
08:09PM 11 evening, that brings it down to C variance.

08:09PM 12 And then we also need variances for  
08:09PM 13 side yard and then lot coverage.

08:09PM 14 In terms of the height variance, I  
08:09PM 15 think we are consistent with the neighborhood. The  
08:09PM 16 other three-family, the newer three families are  
08:09PM 17 certainly similar in height to what we're proposing.  
08:09PM 18 We brought it down by a foot, so we're only  
08:09PM 19 2-and-a-half feet over what is required -- permitted  
08:10PM 20 within the zone.

08:10PM 21 We are two-and-a-half stories which is  
08:10PM 22 what is permitted within the zone.

08:10PM 23 So our height variance is just as it  
08:10PM 24 relates to the measurement in terms of feet.

08:10PM 25 As was also described, this property

08:10PM 1 slopes up significantly from front to back, but also  
08:10PM 2 more importantly from left to right.

08:10PM 3 East Homestead sort of crests up from  
08:10PM 4 our property to the adjacent property before -- to  
08:10PM 5 the right before it levels off a little bit and that  
08:10PM 6 change in topography is what creates the issue as it  
08:10PM 7 relates to building height.

08:10PM 8 In terms of our other C variances in  
08:10PM 9 terms of side yard because we have a side yard that  
08:10PM 10 is -- a property that is wider than what is required  
08:10PM 11 in the zone, we have increased setback requirement  
08:10PM 12 from the side yards.

08:10PM 13 We don't meet that setback. The  
08:10PM 14 building has been designed to provide two-car garages  
08:11PM 15 for units and parking on the site makes the building  
08:11PM 16 a little bit bigger, but I'll note that we provide  
08:11PM 17 side yards at 6.7 feet where your ordinance require  
08:11PM 18 normally 6.5 feet.

08:11PM 19 So although we are slightly narrower  
08:11PM 20 side yards as it relates to the size of our property,  
08:11PM 21 in terms of the setbacks typically required by  
08:11PM 22 Palisades Park, we do exceed that side yard.

08:11PM 23 So we are 6.7 feet from each of the  
08:11PM 24 individual side yards.

08:11PM 25 In terms of the coverage, again, for



08:11PM 1 duplexes, there is no percentage requirement.  
08:11PM 2 There's only a limitation in terms of square footage.  
08:11PM 3 The footprint is limited to 2500 square feet, which  
08:11PM 4 is difficult to accomplish on a property of this  
08:11PM 5 size, we're about a thousand square foot over that.

08:11PM 6 But I'll note that elsewhere in the AA  
08:11PM 7 zone for non-duplexes, you permit 40-percent coverage  
08:11PM 8 and we are at 36-percent coverage.

08:11PM 9 So as related to other development  
08:12PM 10 throughout Palisades Park of non-duplex developments,  
08:12PM 11 our coverage is actually less than what would be  
08:12PM 12 required, so I think the positive criteria exists for  
08:12PM 13 our three C variance.

08:12PM 14 In terms of negative criteria, I don't  
08:12PM 15 think there is anything that is substantially  
08:12PM 16 negative. We are permitted within the zone. We are  
08:12PM 17 consistent with the development in the immediate  
08:12PM 18 vicinity, which contains both older and newer  
08:12PM 19 two-family homes.

08:12PM 20 In terms of the setbacks, again, we are  
08:12PM 21 consistent with the existing property as well as the  
08:12PM 22 surrounding properties. The setback do exceed what  
08:12PM 23 you permit elsewhere within Palisades Park.

08:12PM 24 In terms of the height, we've reduced  
08:12PM 25 that this evening to go from a D variance to a

08:12PM 1 C variance. The height is directly attributable to  
08:12PM 2 the slope of the property.

08:12PM 3 The property to the right of us is at a  
08:12PM 4 significantly higher elevation, it's at the top of  
08:12PM 5 that crest.

08:12PM 6 And so in terms of height, there will  
08:12PM 7 be no blockage of light, air and open space for the  
08:13PM 8 properties on either side of us and the slope is what  
08:13PM 9 generates the variance as it relates to views from  
08:13PM 10 other properties.

08:13PM 11 In terms of the coverage, drainage  
08:13PM 12 improvements are being provided on the property,  
08:13PM 13 addition landscaping is being provided to buffer the  
08:13PM 14 adjacent properties.

08:13PM 15 We have a more than conforming amount  
08:13PM 16 of parking on-site.

08:13PM 17 So on balance, I think that the  
08:13PM 18 positive criteria is met and that far outweighs  
08:13PM 19 anything that might be considered negative and I  
08:13PM 20 believe it would be appropriate to grant the  
08:13PM 21 variances that we're seeking.

08:13PM 22 MR. SOKOLICH: Thank you, David.

08:13PM 23 Mr. Chairman, I offer Mr. Spatz.

08:13PM 24 CHAIRMAN FERGUSON: I have nothing for  
08:13PM 25 him.

08:13PM 1 Any board members have anything?

08:13PM 2 Experts have anything?

08:13PM 3 MR. COLLAZUOL: No.

08:13PM 4 CHAIRMAN FERGUSON: Members of the  
08:13PM 5 audience have anything?

08:13PM 6 (No Response.)

08:13PM 7 CHAIRMAN FERGUSON: All right. You want  
08:13PM 8 to sum up then?

08:13PM 9 MR. SOKOLICH: Chairman, I have no  
08:13PM 10 further witnesses. You've heard from the testimony  
08:13PM 11 of Mr. Cocoros. You've heard from the testimony of  
08:13PM 12 Mr. Spatz.

08:13PM 13 This is an excessively large lot,  
08:14PM 14 almost double the minimum lot size in the AA zone.  
08:14PM 15 This is an application or this is rather an applicant  
08:14PM 16 that doesn't appear before you for a three or to  
08:14PM 17 start to ask for things that is are just greedy, he's  
08:14PM 18 not.

08:14PM 19 Yes, he's building a larger two family,  
08:14PM 20 but one that fits very nice on this oversized lot.

08:14PM 21 I'd also indicate to the board that  
08:14PM 22 this applicant hasn't turned a tin ear to the  
08:14PM 23 requests of the board and the neighborhood.

08:14PM 24 At one point there was a 3.25 increase  
08:14PM 25 in the height above the maximum under your ordinance.

08:14PM 1 We've now reduced that by almost  
08:14PM 2 33-and-a-third percent, a total of one foot.

08:14PM 3 I don't want to recant the testimony of  
08:14PM 4 Mr. Spatz, but there is not any substantial adverse  
08:14PM 5 impact that the granting of the variances would have  
08:14PM 6 on the neighborhood.

08:14PM 7 So for those reasons and for what we  
08:14PM 8 believe to be a very sound plan prepared by  
08:14PM 9 Mr. Cocoros, we would respectfully request the board  
08:15PM 10 act favorably on the application.

08:15PM 11 Thank you, Chairman.

08:15PM 12 Thank you, Members of the Board.

08:15PM 13 CHAIRMAN FERGUSON: All right.

08:15PM 14 So I'm going to grant the application  
08:15PM 15 with the following provisos: The bathtubs in the  
08:15PM 16 basement have to go, make a note of that.

08:15PM 17 MR. COCOROS: I did.

08:15PM 18 CHAIRMAN FERGUSON: You're going to  
08:15PM 19 concur with all of our engineer's reports, right?

08:15PM 20 MR. COCOROS: Yes.

08:15PM 21 CHAIRMAN FERGUSON: You're going to  
08:15PM 22 reduce the height of the building about a foot and  
08:15PM 23 anything you can do with the curb cuts.

08:15PM 24 MR. COCOROS: Yeah, what I'll do is --  
08:15PM 25 yeah, I'm probably going to widen the space between,

08:15PM 1 you know, I'll provide two separate actual curb cuts  
08:15PM 2 and I'll see, try to bring them down a little bit  
08:15PM 3 more and provide a little bit more linear feet along  
08:15PM 4 the curb.

08:15PM 5 CHAIRMAN FERGUSON: Okay. That would  
08:15PM 6 be good. Okay?

08:15PM 7 So that's my motion to accept the  
08:15PM 8 application with the different -- can I get a second?

08:15PM 9 MR. GRALA: I'll second.

08:15PM 10 CHAIRMAN FERGUSON: Okay.

08:16PM 11 Roll call.

08:16PM 12 MS. REBEKAH KIM: Mr. Ferguson?

08:16PM 13 CHAIRMAN FERGUSON: Yes.

08:16PM 14 MS. REBEKAH KIM: Mr. Brogna?

08:16PM 15 MR. BROGNA: Yes.

08:16PM 16 MS. REBEKAH KIM: Mr. Elefteriou?

08:16PM 17 MR. ELEFTERIOU: Yes.

08:16PM 18 MS. REBEKAH KIM: Mr. Grala?

08:16PM 19 MR. GRALA: Yes.

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

08:16PM 21 MR. KIM: Yes.

08:16PM 22 MS. REBEKAH KIM: Mr. Terranova?

08:16PM 23 MR. TERRANOVA: Yes.

08:16PM 24 MS. REBEKAH KIM: Mr. Chung?

08:16PM 25 MR. CHUNG: Yes.

08:16PM 1 MS. REBEKAH KIM: Mrs. Yoon?

08:16PM 2 MS. YOON: Yes.

08:16PM 3 CHAIRMAN FERGUSON: Thank you, Counsel.

08:16PM 4 MR. SOKOLICH: Chairman, Members of the

08:16PM 5 Board, thank you so much.

08:16PM 6 We're excited about this.

08:16PM 7 Thank you, Chairman.

08:16PM 8 CHAIRMAN FERGUSON: Okay. Now, you

08:16PM 9 have one more on tonight?

08:16PM 10 MR. SOKOLICH: We do.

08:16PM 11 Can I have five minutes, please.

08:16PM 12 CHAIRMAN FERGUSON: We're going to take

08:16PM 13 a five-minute break to give our court reporter a

08:16PM 14 break.

08:16PM 15 So we're back in five minutes.

08:16PM 16 (Whereupon, a brief recess is held at

08:26PM 17 8:16 p.m. to 8:24 p.m.)

08:26PM 18 CHAIRMAN FERGUSON: Okay. Just so

08:26PM 19 we're clear, I hate to do this to you, Hal, but I

08:26PM 20 don't think the parking is going on tonight.

08:26PM 21 Correct, your parking?

08:26PM 22 MR. SOKOLICH: We have architect. We

08:26PM 23 have engineer.

08:26PM 24 MR. SIMOFF: Well, I should at least --

08:26PM 25 MR. SOKOLICH: But after my witnesses

08:26PM 1 go, you're going to hear from Mr. Bern and you're  
08:26PM 2 going to hear from Mr. Hubschman, I presume, on  
08:26PM 3 cross, correct?

08:26PM 4 MR. BERN: Correct.

08:26PM 5 MR. SOKOLICH: So I'm helpful if we get  
08:26PM 6 through a witness.

08:26PM 7 CHAIRMAN FERGUSON: Okay.

08:26PM 8 But I'm saying that our parking  
08:26PM 9 engineer, does he have to be here.

08:26PM 10 MR. SOKOLICH: That Mr. Simoff's call,  
08:26PM 11 but we're not going to -- we don't see any scenario  
08:26PM 12 where we get the traffic tonight.

08:26PM 13 MR. SIMOFF: And then you get a  
08:26PM 14 transcript, right?

08:26PM 15 MS. TESTA: Yes.

08:26PM 16 CHAIRMAN FERGUSON: Yes.

08:26PM 17 MR. SIMOFF: All right. I'm out.

08:26PM 18 Goodnight, all.

08:26PM 19 CHAIRMAN FERGUSON: Goodnight.

08:26PM 20 MR. SIMOFF: I'll read the transcript.

08:26PM 21 CHAIRMAN FERGUSON: Okay.

08:27PM 22 Now, do we have any objectors in the  
08:27PM 23 house?

08:27PM 24 You can come right to this table, I  
08:27PM 25 think.

08:27PM 1 MR. BERN: Is that okay?

08:27PM 2 CHAIRMAN FERGUSON: Yeah, sure.

08:27PM 3 MR. BERN: I didn't want to crowd

08:27PM 4 Mr. Sokolich.

08:27PM 5 CHAIRMAN FERGUSON: No, he won't be

08:27PM 6 nervous.

08:27PM 7 MR. SOKOLICH: No chance.

08:27PM 8 MR. BERN: Thank you.

08:27PM 9 CHAIRMAN FERGUSON: Okay. So --

08:27PM 10 MR. BERN: You want our appearances?

08:27PM 11 CHAIRMAN FERGUSON: Yeah, we'll --

08:27PM 12 MR. SOKOLICH: Can I start my

08:27PM 13 application and then we can certainly get to Mr. --

08:27PM 14 CHAIRMAN FERGUSON: Yeah, we need

08:27PM 15 another chair for -- as I said before, ties don't

08:27PM 16 have to stay on, but that's your preference, you

08:27PM 17 know, that's fine.

08:27PM 18 (Whereupon, a brief recess is held.)

08:27PM 19 CHAIRMAN FERGUSON: Okay. So I make a

08:27PM 20 motion that we go back into session.

08:27PM 21 MR. GRALA: Second.

08:27PM 22 CHAIRMAN FERGUSON: All in favor?

08:27PM 23 (Whereupon, all present members respond

08:27PM 24 in the affirmative.)

08:27PM 25 CHAIRMAN FERGUSON: Okay. Mark.



08:27PM 1 MS. TESTA: Roll call.  
08:27PM 2 CHAIRMAN FERGUSON: Oh, roll call.  
08:27PM 3 Okay.  
08:27PM 4 MS. TESTA: It's the same as here.  
08:27PM 5 CHAIRMAN FERGUSON: Go ahead.  
08:27PM 6 MS. REBEKAH KIM: Mr. Ferguson?  
08:27PM 7 CHAIRMAN FERGUSON: Here.  
08:27PM 8 MS. REBEKAH KIM: Mr. Brogna?  
08:27PM 9 MR. BROGNA: Here.  
08:27PM 10 MS. REBEKAH KIM: Mr. Elefteriou?  
08:27PM 11 MR. ELEFTERIOU: Here.  
08:28PM 12 MS. REBEKAH KIM: Mr. Grala?  
08:28PM 13 MR. GRALA: Here.  
08:28PM 14 MS. REBEKAH KIM: Mr. Kim?  
08:28PM 15 MR. KIM: Here.  
08:28PM 16 MS. REBEKAH KIM: Mr. Terranova?  
08:28PM 17 MR. TERRANOVA: Here.  
08:28PM 18 MS. REBEKAH KIM: Mr. Chung?  
08:28PM 19 MR. CHUNG: Here.  
08:28PM 20 MS. REBEKAH KIM: Mrs. Yoon?  
08:28PM 21 MS. YOON: Here.  
08:28PM 22 CHAIRMAN FERGUSON: Okay. That's  
08:28PM 23 everybody.  
08:28PM 24 Okay. So, Mark.  
08:28PM 25 MR. SOKOLICH: Yes, sir.

08:28PM 1 CHAIRMAN FERGUSON: It looks like you  
08:28PM 2 got all kinds of papers there.

08:28PM 3 MR. SOKOLICH: I do.

08:28PM 4 Chairman, for the record, Mark Sokolich  
08:28PM 5 on behalf of the next application before you. The  
08:28PM 6 applicant is Hillcrest Builders LLC, it relate to  
08:28PM 7 premises known as 450 East Edsall Boulevard here in  
08:28PM 8 the Borough of Palisades Park designated as Lot 16,  
08:28PM 9 Block 420.

08:28PM 10 The property sits in the MC Zoning  
08:28PM 11 District.

08:28PM 12 This is an application, Chairman, for a  
08:28PM 13 61-unit residential dwelling which provides for and  
08:28PM 14 offers affordable housing, which we'll get into  
08:28PM 15 during the course of our application, number one.

08:28PM 16 Number two, just by way of  
08:28PM 17 housekeeping, we presented, Diane -- I believe,  
08:28PM 18 Diane, at the last meeting with the affidavit, then  
08:29PM 19 we gave you the supplemental green card and we  
08:29PM 20 presume that at least from your perspective, is in  
08:29PM 21 order.

08:29PM 22 That said, Mr. Chairman, as I  
08:29PM 23 indicated, this is a 61-unit multifamily residential  
08:29PM 24 development at the subject premises.

08:29PM 25 Those premises are not expressly

08:29PM 1 permitted in the MC Zoning District. So amongst many  
08:29PM 2 other variances, a use variance is being requested.

08:29PM 3 It's the intention of the applicant to  
08:29PM 4 provide the following testimony from the development  
08:29PM 5 team that they have amassed: Number one, from  
08:29PM 6 Mr. Koestner, our site plan engineer, who's been  
08:29PM 7 before -- all the experts have been before this board  
08:29PM 8 multiple times.

08:29PM 9 Mr. Koestner, site plan engineer to  
08:29PM 10 provide the site, ingress, egress, utilities, so  
08:29PM 11 forth and so on.

08:29PM 12 Then Mr. Cocoros, licensed architect to  
08:29PM 13 provide the floor plans, the elevations, the height,  
08:29PM 14 so forth and so on.

08:29PM 15 Number three, we thought that traffic,  
08:29PM 16 parking, emergency vehicle access, ingress, egress,  
08:29PM 17 safety on vehicular traffic on-site would be critical  
08:30PM 18 testimony, so Mr. Lou Luglio will also be presenting  
08:30PM 19 traffic testimony at one point.

08:30PM 20 CHAIRMAN FERGUSON: Okay.

08:30PM 21 MR. SOKOLICH: And then, finally, we  
08:30PM 22 intend to conclude with the planning testimony of  
08:30PM 23 David Spatz.

08:30PM 24 CHAIRMAN FERGUSON: Okay.

08:30PM 25 MR. SOKOLICH: I don't have anything

08:30PM 1 further at the beginning. Perhaps at this point,  
08:30PM 2 you'd like to hear from counsel.

08:30PM 3 CHAIRMAN FERGUSON: I've just got one  
08:30PM 4 quick question.

08:30PM 5 MR. SOKOLICH: Yes, sir.

08:30PM 6 CHAIRMAN FERGUSON: The person that's  
08:30PM 7 handling your parking, Mr. Lou --

08:30PM 8 MR. SOKOLICH: Luglio.

08:30PM 9 CHAIRMAN FERGUSON: Luglio.

08:30PM 10 Is he an expert in parking?

08:30PM 11 MR. SOKOLICH: We'd like to think so.

08:30PM 12 CHAIRMAN FERGUSON: No, seriously.

08:30PM 13 MR. SOKOLICH: Yeah. No, I'm serious.

08:30PM 14 I mean, traffic -- look, traffic, traffic testimony,

08:30PM 15 at least in my view encompasses not only

08:30PM 16 ingress/egress, not only traffic counts, not only

08:30PM 17 impacts on level of service of neighborhood or area

08:30PM 18 intersection, it also includes adequacy of parking,

08:30PM 19 parking counts, circular motion.

08:30PM 20 I also include with his testimony

08:30PM 21 emergency vehicle access which I think is important

08:31PM 22 and we believe that to be clearly within the scope of

08:31PM 23 his expertise.

08:31PM 24 CHAIRMAN FERGUSON: Okay. So now we're  
08:31PM 25 going to -- there's two objectors to this and we're

08:31PM 1 going let you each put your appearance in.

08:31PM 2 MR. BERN: Thank you very much.

08:31PM 3 Douglas Bern, Bern & Associate in Englewood, New  
08:31PM 4 Jersey representing Neil Rubenstein, N&R Scientific  
08:31PM 5 LLC.

08:31PM 6 CHAIRMAN FERGUSON: Okay.

08:31PM 7 MR. BERN: Mr. Rubenstein and his  
08:31PM 8 company own two buildings and on two lots, Lots 13  
08:31PM 9 and 14 right behind where this project is intending  
08:31PM 10 to locate.

08:31PM 11 CHAIRMAN FERGUSON: Okay.

08:31PM 12 MR. BERN: And they're conforming  
08:31PM 13 buildings used for scientific equipment and testing  
08:31PM 14 and he's been in conformance with the zoning for  
08:31PM 15 decades at that location.

08:31PM 16 And the building are one story and one  
08:31PM 17 -- one is one story and the next door one is  
08:32PM 18 one-and-a-half. Because of the severe slope, there's  
08:32PM 19 another half a floor on the eastern side that's  
08:32PM 20 exposed.

08:32PM 21 CHAIRMAN FERGUSON: So just so I'm  
08:32PM 22 clear, you're not on 12th Street, you're behind?

08:32PM 23 MR. BERN: We're behind.

08:32PM 24 This building would go just to the east  
08:32PM 25 of us on the slope facing Long Swamp. I can show you

08:32PM 1 on the map.

08:32PM 2 CHAIRMAN FERGUSON: Yeah, please.

08:32PM 3 MR. BERN: Okay. If that's okay.

08:32PM 4 So this in red is Mr. Sokolich's  
08:32PM 5 proposed building and we are right behind it over  
08:32PM 6 here, there's two buildings (indicating).

08:32PM 7 CHAIRMAN FERGUSON: Okay. I got you.

08:32PM 8 MR. BERN: And just to the south is the  
08:32PM 9 parking deck for the bank building.

08:32PM 10 CHAIRMAN FERGUSON: Right.

08:32PM 11 Oh, okay.

08:32PM 12 MR. BERN: Okay? That elevator parking  
08:32PM 13 deck.

08:32PM 14 CHAIRMAN FERGUSON: Right. I got you.

08:32PM 15 Okay. You're up, my friend.

08:33PM 16 Long time no see. How you been?

08:33PM 17 MR. HUBSCHMAN: Yes, very well. Thank  
08:33PM 18 you.

08:33PM 19 Thank you, Mr. Chairman. Good to see  
08:33PM 20 you.

08:33PM 21 Richard Hubschman appearing on behalf  
08:33PM 22 of Windsor Square Condominium Association. This is  
08:33PM 23 the development on 12th Street immediately adjacent  
08:33PM 24 but across Edsall Boulevard, and it's been there for  
08:33PM 25 quite some time, since the middle '80s.

08:33PM 1 And, obviously, we cannot support this  
08:33PM 2 in its present form.

08:33PM 3 CHAIRMAN FERGUSON: Okay. So you don't  
08:33PM 4 represent any one- or two-family houses, it's all --

08:33PM 5 MR. HUBSCHMAN: No, this is the  
08:33PM 6 condominium association.

08:33PM 7 CHAIRMAN FERGUSON: Two stories, three  
08:33PM 8 stories?

08:33PM 9 MR. HUBSCHMAN: They're two and  
08:33PM 10 three stories.

08:33PM 11 CHAIRMAN FERGUSON: Two and three  
08:33PM 12 stores?

08:33PM 13 Okay. Thank you.

08:33PM 14 MR. HUBSCHMAN: Thank you.

08:33PM 15 CHAIRMAN FERGUSON: Okay.

08:33PM 16 Mr. Sokolich, you can take over.

08:33PM 17 MR. SOKOLICH: Thank you, Chairman.

08:33PM 18 We call Steve Koestner of Koestner  
08:33PM 19 Associates.

08:33PM 20 CHAIRMAN FERGUSON: And just a word of  
08:33PM 21 housekeeping so we all now, you'll put your cause on  
08:33PM 22 then we're going to go to Mr. Bern, right, if you  
08:34PM 23 have any questions, right?

08:34PM 24 MR. BERN: I will have a witness. I  
08:34PM 25 have a planner with me this evening.

08:34PM 1 I don't know if you're going to get  
08:34PM 2 into the planning testimony, it sounds like you're  
08:34PM 3 not.

08:34PM 4 CHAIRMAN FERGUSON: Right.

08:34PM 5 MR. BERN: And I would have an engineer  
08:34PM 6 as well.

08:34PM 7 CHAIRMAN FERGUSON: That's fine, but  
08:34PM 8 the order that he put this case on, it would go to  
08:34PM 9 you.

08:34PM 10 MR. BERN: Okay.

08:34PM 11 CHAIRMAN FERGUSON: And then it would  
08:34PM 12 go to you if you have any questions, to the board,  
08:34PM 13 our experts, and then ultimately the residents that I  
08:34PM 14 assume is waiting in the back patiently for us to get  
08:34PM 15 this thing going. Okay?

08:34PM 16 Just so we're clear.

08:34PM 17 MR. SOKOLICH: Chairman, is the  
08:34PM 18 cross-examination by counsel happening after each  
08:34PM 19 witness?

08:34PM 20 CHAIRMAN FERGUSON: Yes.

08:34PM 21 MR. SOKOLICH: Yes, fine. I just  
08:34PM 22 wanted to make sure.

08:34PM 23 Thank you.

08:34PM 24 CHAIRMAN FERGUSON: They're going to  
08:34PM 25 question your witness.



08:34PM 1 MR. SOKOLICH: Correct, once we're done  
08:34PM 2 with --

08:34PM 3 CHAIRMAN FERGUSON: And at some point,  
08:34PM 4 he'll have the opportunity to put his witness on.

08:34PM 5 MR. SOKOLICH: Understood. Understood.

08:34PM 6 CHAIRMAN FERGUSON: Okay. You can  
08:34PM 7 proceed.

08:34PM 8 MR. SOKOLICH: Thank you.

08:34PM 9 I believe you going raise your right  
08:34PM 10 hand, Steve.

08:34PM 11 MS. TESTA: Please raise your right  
08:34PM 12 hand.

08:34PM 13 Do you swear the testimony you will  
08:35PM 14 give in this application will be the truth, the whole  
08:35PM 15 truth, and nothing but the truth?

08:35PM 16 MR. KOESTNER: I do.

08:35PM 17 S T E V E N K O E S T N E R, LS, P.E.,

07:40PM 18 61 Hudson Street, Hackensack, New Jersey, having  
08:35PM 19 been duly sworn, testifies as follows:

08:35PM 20 MS. TESTA: Please state your name and  
08:35PM 21 your business address for the record.

08:35PM 22 MR. KOESTNER: Certain.

08:35PM 23 Steven L. Koestner, S-T-E-V-E-N,  
08:35PM 24 K-O-E-S-T-N-E-R, 61 Hudson Street, Hackensack, New  
08:35PM 25 Jersey.

08:35PM 1 CHAIRMAN FERGUSON: Okay. He's been  
08:35PM 2 here many times.

08:35PM 3 We accept him.

08:35PM 4 MR. SOKOLICH: Thank you, Chairman.

08:35PM 5 MR. KOESTNER: Thank you very much.

08:35PM 6 DIRECT EXAMINATION

08:35PM 7 BY MR. SOKOLICH:

08:35PM 8 Q. Now, Mr. Koestner, this is a relatively  
08:35PM 9 speaking, larger application, so I want to make sure  
08:35PM 10 that we get all the details of your expertise and  
08:35PM 11 testimony on the record.

08:35PM 12 So we're going to start off with what  
08:35PM 13 is the scope of your engagement? Why were you hired  
08:35PM 14 by this applicant?

08:35PM 15 A. I've been hired to prepare a site plan  
08:35PM 16 of the property.

08:35PM 17 It's known as Lot 16 and Block 420,  
08:35PM 18 Palisades Park to provide site plan, including  
08:35PM 19 topographical survey and the placing on that survey,  
08:36PM 20 the proposed building, and that would create the site  
08:36PM 21 plan.

08:36PM 22 Q. So a site plan is essentially the frame  
08:36PM 23 of the property, the building footprint. Would that  
08:36PM 24 include, for example, ingress and egress?

08:36PM 25 A. It would.

08:36PM 1 Q. Would it include utilities?

08:36PM 2 A. Yes.

08:36PM 3 Q. Would it include stormwater management?

08:36PM 4 A. It does.

08:36PM 5 Q. Things of that nature?

08:36PM 6 A. Yes.

08:36PM 7 Q. And that was basically the scope of  
08:36PM 8 your engagement, correct?

08:36PM 9 A. Correct.

08:36PM 10 Q. And you have been working with, have  
08:36PM 11 you not, not only the representatives of the  
08:36PM 12 applicant, but also Mr. Cocoros, who is the licensed  
08:36PM 13 architect and on deck to testify?

08:36PM 14 A. That I have.

08:36PM 15 Q. Okay. Your credentials have been  
08:36PM 16 accepted as an expert as a site plan engineer,  
08:36PM 17 correct?

08:36PM 18 A. Thank you very much.

08:36PM 19 Q. So we're going to using the -- now, all  
08:36PM 20 the plans that we're about to speak to to your  
08:36PM 21 knowledge were filed with the building department and  
08:36PM 22 the board well in advance of this public hearing,  
08:36PM 23 correct?

08:36PM 24 A. Yes, to my knowledge, yes.

08:36PM 25 Q. So just give me a chance to mark each

08:36PM 1 page as you go through them.

08:36PM 2 MR. SOKOLICH: First one, Diane, with  
08:36PM 3 your permission, A-1.

08:36PM 4 MS. TESTA: Yes.

08:36PM 5 MR. SOKOLICH: Thank you.

08:36PM 6 (Whereupon, Cover Sheet is marked as  
08:36PM 7 Exhibit A-1 for identification.)

08:36PM 8 BY MR. SOKOLICH:

08:37PM 9 Q. Steve, I'm going mark as A-1 what I'll  
08:37PM 10 call your cover sheet. You've entitled it cover  
08:37PM 11 sheet, pretty honorable tonight, would you please --  
08:37PM 12 and by the way, your cover sheet is initially dated  
08:37PM 13 May 9th of 2024?

08:37PM 14 A. Correct.

08:37PM 15 Q. I don't believe there's a last revised  
08:37PM 16 date on this one.

08:37PM 17 A. There is not.

08:37PM 18 Q. Can you just describe what your cover  
08:37PM 19 sheet represents?

08:37PM 20 A. Sure.

08:37PM 21 The cover sheet shows aerial of view of  
08:37PM 22 the same map of the property in question as well as  
08:37PM 23 the surrounding properties in the neighborhood.

08:37PM 24 You'll notice it's east of Bergen  
08:37PM 25 Boulevard and south of the ball field near an area

08:37PM 1 called the Long Swamp and west of that area as well  
08:37PM 2 and it's located on the highest ground or nearly the  
08:37PM 3 highest ground in Palisades Park.

08:37PM 4 Q. And what roadway is bound this  
08:37PM 5 property?

08:37PM 6 A. Yes, this property is bound 12th Street  
08:37PM 7 is the easterly boundary and on the northerly  
08:37PM 8 boundary East Edsall Boulevard.

08:37PM 9 Q. Now, East Edsall Boulevard is improved  
08:38PM 10 and completed, correct?

08:38PM 11 A. Yes, it is.

08:38PM 12 Q. But 12th Street as it fronts this  
08:38PM 13 property is unimproved, is it not?

08:38PM 14 A. That's correct.

08:38PM 15 Q. Is it the intention of applicant to  
08:38PM 16 improve that street were this application granted?

08:38PM 17 A. It is, yes, the proposed curb, proposed  
08:38PM 18 paving, et cetera.

08:38PM 19 Q. Now, is there anything else that the  
08:38PM 20 cover sheet represents? I believe that there's also  
08:38PM 21 a photograph of the subject property?

08:38PM 22 A. This photograph this is looking from  
08:38PM 23 East Edsall Boulevard which is the southbound 12th  
08:38PM 24 Street as well there's a zoning and a key map in the  
08:38PM 25 lower left-hand corner indicate the zone and the

08:38PM 1 street layout.

08:38PM 2 We also have a zoning chart in the  
08:38PM 3 upper right-hand corner and a parking schedule.

08:38PM 4 Q. Which we're going get to later on in  
08:38PM 5 your testimony, but if I were to be on the front,  
08:38PM 6 what I call on the front property line of this  
08:38PM 7 property facing due east or east, the Hudson River,  
08:38PM 8 directly in front of me is unimproved 12th Street,  
08:38PM 9 correct?

08:38PM 10 A. Right.

08:38PM 11 Q. And if were to go beyond unimproved  
08:39PM 12 12th street, I'm basically going off of a cliff into  
08:39PM 13 what I know to be the long swamp, which has since  
08:39PM 14 been developed with the mid-rise buildings?

08:39PM 15 A. That's correct.

08:39PM 16 Q. Okay.

08:39PM 17 But there's nothing in front of this  
08:39PM 18 site to speak of other than down into the swap?

08:39PM 19 A. Yes, there's a Jersey barrier that runs  
08:39PM 20 along the edge of the hills top, I'll call it, and  
08:39PM 21 then it drops swiftly down to the Long Swamp.

08:39PM 22 Q. Um-hmm. Now, this someone here,  
08:39PM 23 there's an objector here that owns property directly  
08:39PM 24 behind the site, I think your heard counsel indicate  
08:39PM 25 that?

08:39PM 1 A. I did.

08:39PM 2 Q. Are you aware, and if you're not, just  
08:39PM 3 say you're not, but are you aware as to whether or  
08:39PM 4 not there were any discussions between the applicant  
08:39PM 5 and that individual to acquire his property?

08:39PM 6 A. I am not aware of that.

08:39PM 7 Q. Okay.

08:39PM 8 Is there anything else that you'd like  
08:39PM 9 to talk about with regard to A-1?

08:39PM 10 A. I think that covers it.

08:39PM 11 Q. Great.

08:39PM 12 A. We can go back if we need to.

08:39PM 13 Q. So we're going mark this page as A-2  
08:39PM 14 and this page we can identify by what we call your  
08:40PM 15 topographical survey.

08:40PM 16 A. Yes.

08:40PM 17 (Whereupon, Topographical Survey is  
08:40PM 18 marked as Exhibit A-2 for identification.)

08:40PM 19 BY MR. SOKOLICH:

08:40PM 20 Q. This has a date of May 8, 2024, and  
08:40PM 21 again, I do not see a last revised date; is that  
08:40PM 22 correct?

08:40PM 23 A. That's correct.

08:40PM 24 Q. Okay.

08:40PM 25 And, in fact, you did the survey?

08:40PM 1  
08:40PM 2  
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08:41PM 24  
08:41PM 25

A. Yes.

Q. All the drawings we're talking about tonight including A-1 and all the future exhibits were either prepared by you or under your direct supervision, correct?

A. That is correct.

Q. Okay. So this is where we're going to talk about exiting conditionings, Steve.

So using A-2 as your reference, could you describe the size of the property, its dimensions, what exists on the property now and any topographical conditions you want to point out to the board?

A. Certainly.

As you notice, the property is somewhat of an L-shape located at the intersection of East Edsall Boulevard and 12th Street, that would be the southwesterly intersection.

You'll notice a dashed line near the bottom of the survey, that indicates the edge of the pavement on East Edsall Boulevard and from this point to the south, it becomes a dirt and gravel roadway. It pretty much peters out near our southerly boundary.

The property has 50 feet of frontage



08:41PM 1 along East Edsall Boulevard and 221.98 feet of  
08:41PM 2 frontage along 12th street. The shorter line being  
08:41PM 3 100-foot depth from Edsall Boulevard back and 50 feet  
08:41PM 4 to the west and then another 123 feet to the south  
08:41PM 5 and property being a hundred feet across the rear in  
08:41PM 6 the width, I'll call it.

08:41PM 7 The general lay of the land is from  
08:41PM 8 Bergen Boulevard and sloping down towards the east  
08:41PM 9 and towards 12th Street. 12th Street is relatively  
08:41PM 10 level, it has a foot or two of pitch up and then back  
08:41PM 11 down again.

08:41PM 12 It actually grades towards the Long  
08:41PM 13 Swamp. There are some swales near the southerly end  
08:41PM 14 as well as the northerly end to capture that runoff.

08:42PM 15 The property is relatively flat as well  
08:42PM 16 until we get -- until the westerly portion in the  
08:42PM 17 rear where it starts to rise about 6 to 7 feet in  
08:42PM 18 height at that point from the gray, the flatter area  
08:42PM 19 up to the top of the slope or more.

08:42PM 20 There's several trees located in that  
08:42PM 21 back portion as well and you'll see on the site plan,  
08:42PM 22 they are to be removed. There's trees also along the  
08:42PM 23 easterly side of 12th Street and as I mentioned  
08:42PM 24 earlier, there's a Jersey barrier that goes along  
08:42PM 25 that easterly side of 12th Street as well and what

08:42PM 1 exists on 12th Street, even though it is unimproved.

08:42PM 2 There is utilities, there's a sewer  
08:42PM 3 that runs in a westerly direction on East Edsall  
08:42PM 4 Boulevard and then there's also water main and a gas  
08:42PM 5 main on the northerly side of the street and  
08:42PM 6 southerly side of street respectively.

08:43PM 7 We do indicate the buildings in the  
08:43PM 8 rear, there's a masonry structure to the west  
08:43PM 9 fronting on East Edsall Boulevard and the two other  
08:43PM 10 structures in the back to the west as well and they  
08:43PM 11 front on what I believe is 11th Street.

08:43PM 12 Q. Any environmental conditions, adverse  
08:43PM 13 environmental conditions that we need to disclose to  
08:43PM 14 the board?

08:43PM 15 What I mean by that is, for example,  
08:43PM 16 leaking oil tanks and things of that nature that  
08:43PM 17 should be disclosed that you're aware of?

08:43PM 18 A. There's none that I'm aware of.

08:43PM 19 Q. How about wetland conditions?

08:43PM 20 A. No wetlands on the site.

08:43PM 21 Q. Don't know -- I'm sorry, excuse me.

08:43PM 22 A. No wetlands.

08:43PM 23 Q. Don't know if you even know this yet,  
08:43PM 24 are there any material rock outcroppings that we need  
08:43PM 25 to indicate and disclose to the board?

08:43PM 1 A. I have not observed rock outcroppings  
08:43PM 2 on this site.

08:43PM 3 Q. Okay. Which is usually a good  
08:43PM 4 indication, correct?

08:43PM 5 A. Correct.

08:43PM 6 Q. And here is where we clearly depict the  
08:43PM 7 unimproved 12th Street, correct?

08:43PM 8 A. Yes.

08:43PM 9 Q. Where we clearly depict the improved  
08:44PM 10 East Edsall Boulevard and you've also correctly  
08:44PM 11 identified the buildings directly behind us.

08:44PM 12 Is this property lower than the  
08:44PM 13 buildings behind or higher than the building behind?

08:44PM 14 A. It's lower, quite a bit lower.

08:44PM 15 Q. When you say quite a bit --

08:44PM 16 A. It's quite a bit, yeah.

08:44PM 17 The elevation in the rear is  
08:44PM 18 approximately Elevation 300, in the back that is, and  
08:44PM 19 then the elevation on 12th Street would be  
08:44PM 20 Elevation 292 so we've get about an 8-foot  
08:44PM 21 differential in grade.

08:44PM 22 Q. Okay.

08:44PM 23 Is there anything else that you would  
08:44PM 24 like to add with regard to existing conditions using  
08:44PM 25 A-2?

08:44PM 1 A. I believe I've covered it.

08:44PM 2 Q. You did. You did a good job.

08:44PM 3 Thank you, Steve?

08:44PM 4 We're going to turn you to the next  
08:44PM 5 one.

08:44PM 6 A. It's on the other side.

08:44PM 7 Q. Oh, gosh.

08:44PM 8 MR. SOKOLICH: Now, Ms. Testa, with  
08:45PM 9 your permission, A-3.

08:45PM 10 MS. TESTA: Yes.

08:45PM 11 (Whereupon, Site Grading-Ground Floor  
08:45PM 12 is marked as Exhibit A-3 for identification.)

08:45PM 13 BY MR. SOKOLICH:

08:45PM 14 Q. Steve, I have premarked as A-3 a plan  
08:45PM 15 that you entitled site grading-ground floor, initial  
08:45PM 16 date May 9, 2024, and again, I do not see any last  
08:45PM 17 revised date.

08:45PM 18 In the right side of the document  
08:45PM 19 there's a tax map excerpt that highlights the subject  
08:45PM 20 property, but then there are also multiple general  
08:45PM 21 notes.

08:45PM 22 Could you just indicate generally what  
08:45PM 23 this document, what this page represents?

08:45PM 24 A. Okay.

08:45PM 25 This page takes the survey and adds the

08:45PM 1 architectural footprint to the survey to create site  
08:45PM 2 -- labeled site plan. It does show the building  
08:45PM 3 footprint, it shows extent of the building, the  
08:45PM 4 living area above and then the parking deck at grade  
08:45PM 5 and below.

08:45PM 6 And it also shows the access entrance  
08:46PM 7 from East Edsall Boulevard as well as access from  
08:46PM 8 12th Street.

08:46PM 9 This is a drawing of the ground floor  
08:46PM 10 or the lowest floor and this shows that that would  
08:46PM 11 access from 12th Street.

08:46PM 12 Q. So to be clear, there are two levels of  
08:46PM 13 proposed parking, correct?

08:46PM 14 A. There are.

08:46PM 15 Q. Okay. And one of those levels, which I  
08:46PM 16 believe you call the upper level or the higher level  
08:46PM 17 is accessible only from East Edsall Boulevard?

08:46PM 18 A. That's correct.

08:46PM 19 Q. And that ingress is both ingress and  
08:46PM 20 egress?

08:46PM 21 A. It would be, yes.

08:46PM 22 Q. That's proposed to be that. And then  
08:46PM 23 the lower level, the parking level below it is only  
08:46PM 24 accessible from 12th Street once 12th Street is  
08:46PM 25 improved?

08:46PM 1 A. Yes.

08:46PM 2 Q. And that would be ingress and egress  
08:46PM 3 also?

08:46PM 4 A. Yes.

08:46PM 5 Q. Is there a ramp or is there any way a  
08:46PM 6 vehicle could go from lower level to -- from the  
08:46PM 7 lower level to the upper level?

08:46PM 8 A. No.

08:46PM 9 Q. And vice versa?

08:46PM 10 A. Correct.

08:46PM 11 Q. Okay. And how many parking spaces are  
08:46PM 12 proposed for the lower level?

08:46PM 13 A. There are 24 proposed parking spaces on  
08:47PM 14 the lower level.

08:47PM 15 Q. And the upper level?

08:47PM 16 A. 28 on the upper level.

08:47PM 17 Q. Now, I understand that that might be  
08:47PM 18 increasing as a result of the spaces that are in the  
08:47PM 19 maintenance areas that I believe Billy is going to  
08:47PM 20 speak to, correct?

08:47PM 21 A. Yes, that's correct.

08:47PM 22 Q. And also an adjustment with some of the  
08:47PM 23 handicap spaces?

08:47PM 24 A. Yes.

08:47PM 25 Q. So focusing your attention on the

08:47PM 1 ground floor, the lower level which is depicted on  
08:47PM 2 your site plan, could you please indicate utilities  
08:47PM 3 start with, Steve, what we're proposed, where they're  
08:47PM 4 proposed to be hooked up and the standards you intend  
08:47PM 5 to comply with.

08:47PM 6 A. Certainly.

08:47PM 7 With do have a sanitary sewer area  
08:47PM 8 located in the northeasterly corner of the building,  
08:47PM 9 an ejector pump would be emanating from that point  
08:47PM 10 out into East Edsall Boulevard and up to the nearest  
08:47PM 11 manhole to the west of the property, that would be a  
08:47PM 12 force main up to that point.

08:47PM 13 We've also indicated two water  
08:47PM 14 connections 10 feet apart just to the east of that  
08:47PM 15 sanitary sewer, one is for sprinklers and the other  
08:48PM 16 for domestic service.

08:48PM 17 To the other side of the sewer main,  
08:48PM 18 sewer forced main that is, we have a gas connection  
08:48PM 19 that will service the building as well.

08:48PM 20 Electric would be under -- is proposed  
08:48PM 21 is proposed to be underground. We have electrical  
08:48PM 22 transformer here in the northeasterly corner of the  
08:48PM 23 site to service the building as well.

08:48PM 24 Q. Sorry, Steve, go ahead.

08:48PM 25 A. No problem. That's fine.

08:48PM 1                   Within the building here we have a  
08:48PM 2 metered utility room, maintenance garage.

08:48PM 3                   This is a ramp above another utility  
08:48PM 4 room over here and here as well as a trash area.

08:48PM 5                   The entrance or the main entrance is  
08:48PM 6 the entrance lobby area and that's more or less the  
08:48PM 7 center of the building at 12th Street.

08:48PM 8                   And in that lobby there would be two  
08:48PM 9 elevators, a vestibule and a mailroom.

08:48PM 10                  Q.           Now, pedestrians would be able to  
08:49PM 11 access this proposed building from that site, correct  
08:49PM 12 from that point?

08:49PM 13                  A.           Correct, from that point.

08:49PM 14                  Q.           There's also utilities or apparatus,  
08:49PM 15 for lack of a better term, below the ground level,  
08:49PM 16 what's there?

08:49PM 17                  A.           Yeah, we're proposing below the ground  
08:49PM 18 level we have eight seepage pits, they are each  
08:49PM 19 8-by-4 feet, 8 feet in diameter, 4 feet in depth.  
08:49PM 20 They would collect the roof water from the property  
08:49PM 21 from the site and drain into those pits.

08:49PM 22                                You also have one other seepage pit  
08:49PM 23 here that would collect any of the parking lot or  
08:49PM 24 ramp water and drain that into a seepage pit as well.

08:49PM 25                  Q.           Now, the applicant is in full



08:49PM 1 agreement, is it not, that any conditions,  
08:49PM 2 requirements, obligations that are imposed by any  
08:49PM 3 board consultant, and in particular, the board's  
08:49PM 4 engaged consulting engineer Mr. Collazuol, in fact,  
08:50PM 5 the applicant will comply with, correct?

08:50PM 6 A. Yes, yes we've read the letter from  
08:50PM 7 Mr. Collazuol.

08:50PM 8 Q. And we're going get to that, but -- and  
08:50PM 9 we acknowledge that that's going to be a condition of  
08:50PM 10 any action, hopefully favorable action that this  
08:50PM 11 board were to take, correct?

08:50PM 12 A. Yes.

08:50PM 13 Q. Before I was asking you about parking,  
08:50PM 14 you indicate lower level 24, upper level 28 spaces?

08:50PM 15 A. Yes.

08:50PM 16 Q. Right, at a minimum?

08:50PM 17 And are those parking areas proposed to  
08:50PM 18 be gated?

08:50PM 19 A. Yes, the access to the parking would be  
08:50PM 20 a gated access for tenants.

08:50PM 21 Q. And the parking area along with the  
08:50PM 22 rest of the building, but in particular parking areas  
08:50PM 23 is proposed to be sprinkler?

08:50PM 24 A. That's my understanding, yes.

08:50PM 25 Q. We're going get to the upper level in

08:50PM 1 one second, the utilities in particular the electric,  
08:50PM 2 is that proposed to be underground, Steve?

08:50PM 3 A. It is, yeah, we have a transformer  
08:50PM 4 located in this corner of the property, this  
08:50PM 5 northeasterly corner, and that would be an  
08:50PM 6 underground service to the building.

08:50PM 7 Q. Okay.

08:50PM 8 Now, as far as the footprint of the  
08:50PM 9 building, the proximity of the building on the site  
08:51PM 10 that we're looking at, in the immediate area that  
08:51PM 11 bounds it, I know where Windsor Court is across from  
08:51PM 12 East Edsall, but behind it and to the left, do you  
08:51PM 13 know if those are residential uses or if those are  
08:51PM 14 commercial uses?

08:51PM 15 A. My understanding, these are commercial  
08:51PM 16 uses immediately adjacent to the west.

08:51PM 17 Q. Again, not Windsor Court across the  
08:51PM 18 street, I'm talking about adjacent touching our  
08:51PM 19 property line?

08:51PM 20 A. Correct, adjacent touching the property  
08:51PM 21 line is three structures, three commercial uses.

08:51PM 22 Q. Okay. And in front of us, I think  
08:51PM 23 we've already described that, that it's unimproved  
08:51PM 24 12th Street and then the massive drop off of the  
08:51PM 25 cliff?

08:51PM 1 A. Correct.

08:51PM 2 Q. Into the north woods?

08:51PM 3 A. Yes.

08:51PM 4 Q. Now, you've described what rooms are  
08:51PM 5 going to be in the lower level, but I want to talk to  
08:51PM 6 the thought process on the proximity of this building  
08:51PM 7 to the property line because there are variance being  
08:51PM 8 sought.

08:51PM 9 And I want to know what the rationale  
08:51PM 10 for that was, and I presume it's the type of uses  
08:51PM 11 that are adjacent to the property?

08:51PM 12 Is there anything else that you want to  
08:52PM 13 add to that?

08:52PM 14 A. No, the variances listed on the zoning  
08:52PM 15 schedule are the function of maximizing our parking  
08:52PM 16 and the type of structures and neighborhood we have.

08:52PM 17 Q. Understood.

08:52PM 18 Now, this isn't necessarily you to talk  
08:52PM 19 about, but it's important that you acknowledge it,  
08:52PM 20 the number of units were important to you also  
08:52PM 21 because I believe this applicant is agreeable to  
08:52PM 22 provide affordable housing; you're aware of that,  
08:52PM 23 correct?

08:52PM 24 A. That's correct.

08:52PM 25 Q. And I believe the set aside that's

08:52PM 1 proposed is 20 percent?

08:52PM 2 A. Yes.

08:52PM 3 Q. Okay. We'll get into that in a little  
08:52PM 4 bit more detail with Mr. Cocoros.

08:52PM 5 Now, this is the lower level. How  
08:52PM 6 about the upper level, what's proposed for  
08:52PM 7 improvements on the upper level, was that depicted on  
08:52PM 8 here?

08:52PM 9 A. It's on the next sheet, sheet 4 of 7.

08:52PM 10 Q. And then we'll get to your variances in  
08:52PM 11 a sec?

08:52PM 12 MR. SOKOLICH: But, Diane, with your  
08:52PM 13 permission, I'm going mark as A-4 site grading plan  
08:52PM 14 second floor parking.

08:52PM 15 So I just always go -- that's okay?

08:52PM 16 MS. TESTA: Yes.

08:52PM 17 (Whereupon, Site Grading Plan, Second  
08:52PM 18 Floor Parking is marked as Exhibit A-4 for  
08:53PM 19 identification.)

08:53PM 20 BY MR. SOKOLICH:

08:53PM 21 Q. I just always go through this review so  
08:53PM 22 everybody knows where we are. The first page or the  
08:53PM 23 page just before this was the ground floor, that's  
08:53PM 24 the lowest level of improvement other than  
08:53PM 25 subterranean utility apparatus, I get it, but that's

08:53PM 1 covered under the ground floor?

08:53PM 2 A. It is.

08:53PM 3 Q. But we're now on the floor directly  
08:53PM 4 above where I believe there's approximately 28  
08:53PM 5 parking spaces?

08:53PM 6 A. Right.

08:53PM 7 Q. And there are also improvements on this  
08:53PM 8 floor like there were improvements on the lower  
08:53PM 9 floor.

08:53PM 10 Could you describe those improvements?

08:53PM 11 A. Certainly.

08:53PM 12 The access to this upper level, the  
08:53PM 13 second-floor parking would be from East Edsall  
08:53PM 14 Boulevard.

08:53PM 15 An entrance would be at westerly edge  
08:53PM 16 of that -- of the property or of the building, and  
08:53PM 17 there would be a ramp traversing up from East Edsall  
08:53PM 18 Boulevard to that second level.

08:53PM 19 Once reaching that point, there would  
08:53PM 20 be parking on the left and going into a main parking  
08:53PM 21 area straight ahead on the left and on the right as  
08:53PM 22 well.

08:53PM 23 And like I said earlier, 28 spaces once  
08:54PM 24 we access that level.

08:54PM 25 Q. And again to reconfirm, the parking

08:54PM 1 areas that are on what you're calling the second  
08:54PM 2 floor parking or the upper level are only accessible  
08:54PM 3 from East Edsall Boulevard?

08:54PM 4 A. Only accessible from East Edsall  
08:54PM 5 Boulevard, yes.

08:54PM 6 Q. Okay. And are the utilities proposed  
08:54PM 7 in this upper level or that was described in the  
08:54PM 8 lower level?

08:54PM 9 A. Well, there would be lighting in the  
08:54PM 10 ceiling, otherwise --

08:54PM 11 Q. They'll also be sprinklers in the  
08:54PM 12 ceiling?

08:54PM 13 A. And sprinklers.

08:54PM 14 Q. Okay.

08:54PM 15 How about stairwells, access points to  
08:54PM 16 this upper level, or is that accessible from the  
08:54PM 17 lower level?

08:54PM 18 A. Yes, I believe the access in the  
08:54PM 19 building proposed would fit more to that access to  
08:54PM 20 the lobby and the elevators there, as well as there's  
08:54PM 21 a stairwell at the southerly portion of the building  
08:54PM 22 and a stairwell in the -- towards the northerly  
08:54PM 23 portion as well.

08:54PM 24 Q. Understood.

08:54PM 25 There's no access, correct me if I'm

08:54PM 1 wrong, from upper level to lower level from a  
08:54PM 2 vehicular standpoint, correct?

08:54PM 3 A. From a vehicular standpoint, no.

08:55PM 4 Q. But if I were a pedestrian, a person, I  
08:55PM 5 wasn't in a vehicle, could you just describe what  
08:55PM 6 points of ingress and access exist on this plan,  
08:55PM 7 proposed plan?

08:55PM 8 A. It's my understanding the access would  
08:55PM 9 be to the lobby or to the stairwells as well to go  
08:55PM 10 either up or down.

08:55PM 11 Q. And I believe the stairwells that  
08:55PM 12 you're pointing to are required by fire subcode, if  
08:55PM 13 I'm not mistaken?

08:55PM 14 A. I believe they are.

08:55PM 15 Q. Does your plan, by the way, to the best  
08:55PM 16 of your knowledge, comply with the applicable fire  
08:55PM 17 subcodes?

08:55PM 18 A. As far as I'm aware, yes.

08:55PM 19 Q. You do realize that is going to go  
08:55PM 20 through a fire subcode review, I'm sure, and thereto  
08:55PM 21 if there's any suggestions that are made, the  
08:55PM 22 applicant would be willing to comply to the best of  
08:55PM 23 its ability, correct?

08:55PM 24 A. I expect that, yes.

08:55PM 25 Q. Okay. Now, just if I would, I just

08:55PM 1 thought it was easier to explain it on this page,  
08:55PM 2 just explain where the building is versus where the  
08:55PM 3 parking lot is, because the building is off of the  
08:55PM 4 property line a bit, the parking is proposed to  
08:56PM 5 basically go to the property line, so if you could  
08:56PM 6 describe how that's depicted on A-4?

08:56PM 7 A. Yes, you'll notice there is a solid  
08:56PM 8 line along the edge of the property or near the edge  
08:56PM 9 of the property, and there is a dashed line within  
08:56PM 10 the solid line.

08:56PM 11 The dashed line represents the building  
08:56PM 12 above and that would be -- the building above would  
08:56PM 13 be the living area and that is enclosed almost  
08:56PM 14 entirely by that solid line, is enclosed entirely by  
08:56PM 15 the solid line, rather, and within that line.

08:56PM 16 And it covers approximately I believe  
08:56PM 17 it's 77 percent of the site, that solid line.

08:56PM 18 So the parking area is slightly larger  
08:56PM 19 than the building area itself.

08:56PM 20 Q. We acknowledge, now, you acknowledge,  
08:56PM 21 do you not, receipt of a review letter or a memo, if  
08:56PM 22 you will, dated May 15th from Collazuol and  
08:56PM 23 Associates?

08:56PM 24 A. I have, yes, I have.

08:56PM 25 Q. Now, there are many points that are



08:56PM 1 made in this, and I don't want to belabor the board,  
08:57PM 2 the public and the record with going through each  
08:57PM 3 one, but generally, are there any requirements that  
08:57PM 4 have been imposed or requested by Mr. Collazuol that  
08:57PM 5 can't be met with or complied with by the applicant,  
08:57PM 6 to your knowledge?

08:57PM 7 A. I've read through the letter and the  
08:57PM 8 requirements to Mr. Collazuol and we believe we can  
08:57PM 9 comply with his requests.

08:57PM 10 Q. So I've heard of developers having this  
08:57PM 11 problem, and just to make sure that this one doesn't  
08:57PM 12 have that same problem, it is proposed, is it not,  
08:57PM 13 that capacities be tested to make sure that were the  
08:57PM 14 board, were the board inclined to grant this  
08:57PM 15 application, that the utilities that are in place in  
08:57PM 16 fact satisfy the usage and intensity that's proposed?

08:57PM 17 A. Yes, in terms of soil logs and perc  
08:57PM 18 test underground beneath the building to see if it's  
08:57PM 19 adequate to handle not only the porosity of the soil,  
08:57PM 20 but the depth to bedrock, we would verify that prior  
08:58PM 21 to construction.

08:58PM 22 Q. How about utilities like sewers?

08:58PM 23 A. Sewers as well, they would have to be  
08:58PM 24 verified to -- they could be made and then we would  
08:58PM 25 verify the capacity of that sewer as well as the

08:58PM 1 volume.

08:58PM 2 I believe in the letter there's a TVA  
08:58PM 3 application recommendation requirement to be made due  
08:58PM 4 to the volume of it, would be proposed for the site.

08:58PM 5 Q. Back to Mr. Collazuol's memo for a  
08:58PM 6 moment, we acknowledge that this is what we would  
08:58PM 7 call under the ordinance a redevelopment, not a  
08:58PM 8 redevelopment zone, but it's a rebuild that's  
08:58PM 9 starting from scratch, redevelopment, right?

08:58PM 10 A. Yes.

08:58PM 11 Q. And because of that, the standard that  
08:58PM 12 has to be met by this applicant would be a reduction  
08:58PM 13 in runoff; you agree with that?

08:58PM 14 A. Yes.

08:58PM 15 Q. And do you have an opinion as to  
08:58PM 16 whether or not the system that you propose meets that  
08:58PM 17 standard?

08:58PM 18 A. Yeah, we've done drainage calculations  
08:58PM 19 and have found that the eight seepage pits and the  
08:58PM 20 other seepage pit on the northerly side would be  
08:58PM 21 adequate to handle that increase in runoff and it  
08:58PM 22 would be collected through a series of drains from  
08:59PM 23 the roof for the most part with the exception of a  
08:59PM 24 trench drain which would be drained into the soil  
08:59PM 25 seepage pit on the northerly end of the property.

08:59PM 1 Q. Okay.

08:59PM 2 And those testings you were just  
08:59PM 3 speaking to a minute ago before that last question,  
08:59PM 4 those are submitted actually to Mr. Collazuol before  
08:59PM 5 you actually installed any retention system or  
08:59PM 6 anything like that, correct?

08:59PM 7 A. They would be, yes, soil and perc  
08:59PM 8 tests, yes.

08:59PM 9 Q. There was discussion of the sanitary  
08:59PM 10 sewer, the water service. It's noted that there's a  
08:59PM 11 separation distance of a minimum of 10 feet is  
08:59PM 12 required between water services and sanitary sewer;  
08:59PM 13 do we maintain that?

08:59PM 14 A. We do.

08:59PM 15 Q. And electric service, you indicated is  
08:59PM 16 proposed to be placed underground, correct?

08:59PM 17 A. Yes.

08:59PM 18 Q. Okay. Landscaping and lighting we're  
08:59PM 19 about to get to.

08:59PM 20 Soil erosion, this would be, in fact,  
08:59PM 21 subject to approval by the soil erosion and sediment  
08:59PM 22 control plan laws and regulation, correct?

08:59PM 23 A. Or the Soil Conservation Service, yes.

08:59PM 24 Q. A request was made that the visitor  
09:00PM 25 parking per the RSIS be explained.

09:00PM 1 Do you have any explanation there you  
09:00PM 2 want to offer for that or are we deferring to  
09:00PM 3 Mr. Luglio on that?

09:00PM 4 A. Yeah.

09:00PM 5 Q. Okay. Forty-eight hours of notice, but  
09:00PM 6 again, the testimony is that nothing you're aware of  
09:00PM 7 is insurmountable that's in this memo?

09:00PM 8 A. That's correct.

09:00PM 9 Q. Okay.

09:00PM 10 I'd like to go to the next page if I  
09:00PM 11 may, Steve. We're going to mark this as -- we've now  
09:00PM 12 gone through essentially your aerial, your cover,  
09:00PM 13 what's existing on the site now?

09:00PM 14 A. Yes.

09:00PM 15 Q. The lowest level and what's below that,  
09:00PM 16 then the next level, second level. And we're now  
09:00PM 17 going talk to lighting and landscaping?

09:00PM 18 MR. SOKOLICH: I'm going to mark this  
09:00PM 19 with Diane's permission as A-5.

09:00PM 20 (Whereupon, Lighting and Landscape Plan  
09:00PM 21 is marked as Exhibit A-5 for identification.)

09:00PM 22 BY MR. SOKOLICH:

09:00PM 23 Q. You've entitled it lighting and  
09:00PM 24 landscape plan, again, ground floor. This has an  
09:00PM 25 initial date of May 9, 2024, with no last revised

09:01PM 1 date, correct?

09:01PM 2 A. Yes, correct.

09:01PM 3 Q. And, again, prepared by you like all  
09:01PM 4 the other plans that we've already marked?

09:01PM 5 A. Yes.

09:01PM 6 Q. I presume you want to start with  
09:01PM 7 lighting or landscaping?

09:01PM 8 A. Lighting basically is fine.  
09:01PM 9 In the ceiling we show several lights  
09:01PM 10 structures, the details of those are over here.

09:01PM 11 Mr. Collazuol's letter asked that we  
09:01PM 12 enhance that and we will do that as well.

09:01PM 13 We do indicate some landscaping.

09:01PM 14 Q. But on the lighting, are there any  
09:01PM 15 building lights that have the possibility of spill  
09:01PM 16 off onto adjacent properties or are they situated  
09:01PM 17 more to the front of the building?

09:01PM 18 A. Yeah, most of these lights would be in  
09:01PM 19 the ceiling for the parking area itself.

09:01PM 20 Q. Understood.

09:01PM 21 And any lighting as proposed on the  
09:01PM 22 exterior, I presume, to light the entranceway and for  
09:01PM 23 safety purposes, adequate steps will be made to make  
09:01PM 24 sure that they're focused on the areas that they're  
09:01PM 25 supposed to be and not excess spillage onto adjacent

09:01PM 1 properties or elsewhere?

09:01PM 2 A. And any glare would be screened.

09:02PM 3 Q. And this is no different, lighting is  
09:02PM 4 no different than utilities, right? If there are any  
09:02PM 5 comments by any board expert, it's the applicant's  
09:02PM 6 intention to comply?

09:02PM 7 A. It is.

09:02PM 8 Q. And is that your understanding?

09:02PM 9 A. Yes.

09:02PM 10 Q. With regard to landscaping?

09:02PM 11 A. Yes, landscaping we propose along the  
09:02PM 12 westerly side of 12th Street, that's along the  
09:02PM 13 building.

09:02PM 14 We also have some limited landscaping  
09:02PM 15 on the northerly side of the building at East Edsall  
09:02PM 16 Boulevard, as well as landscaping at the  
09:02PM 17 southeasterly corner of the property as well.

09:02PM 18 Mr. Collazuol's letter recommended  
09:02PM 19 shade trees as well, and we don't show them here, but  
09:02PM 20 we would be happy to show that in a future revision,  
09:02PM 21 and those would be shade treats in the street  
09:02PM 22 right-of-way.

09:02PM 23 Q. Understood.

09:02PM 24 And there are two if there's any  
09:02PM 25 recommendations for other species or more robust

09:02PM 1 landscaping so froth and so on by the board, it's the  
09:02PM 2 applicant intention to comply?

09:02PM 3 A. It is.

09:02PM 4 (Whereupon, Lighting and Landscape  
09:02PM 5 Plan, Second Floor, is marked as Exhibit A-6  
09:02PM 6 for identification.)

09:02PM 7 BY MR. SOKOLICH:

09:02PM 8 Q. I'm going to now mark with counsel's  
09:03PM 9 permission as A-6 plans that you entitle lighting and  
09:03PM 10 landscape plan, second floor, with an initial and  
09:03PM 11 only date of May 9, 2004?

09:03PM 12 A. Again, this would have the lighting and  
09:03PM 13 the ceiling, further details here on the right-hand  
09:03PM 14 side of the sheet.

09:03PM 15 The plan does bring out the plant  
09:03PM 16 legend which indicates the various plants that are  
09:03PM 17 proposed.

09:03PM 18 We have a blue juniper, cone flower and  
09:03PM 19 a mint julep juniper. We have 532 and 10, 42, 47  
09:03PM 20 different species provided in landscaping along the  
09:03PM 21 front and side of the building as well.

09:03PM 22 Q. Before I forget, are there new  
09:03PM 23 sidewalks that are proposed for this development on  
09:03PM 24 all level?

09:03PM 25 A. Yes, there are.

09:03PM 1                   There's sidewalks around the property  
09:03PM 2                   that would be at East Edsall Boulevard and it would  
09:03PM 3                   run to the lobby area along 12th Street.

09:03PM 4                   Q.            Okay. Anything else that you'd like to  
09:04PM 5                   add with regard to lighting and landscaping on the  
09:04PM 6                   second floor?

09:04PM 7                   A.            No.

09:04PM 8                   Q.            Steve, I'd like to know there are  
09:04PM 9                   several variances, there are many variances, frankly,  
09:04PM 10                  that are being sought with this application; is that  
09:04PM 11                  your understanding?

09:04PM 12                  A.            Yes.

09:04PM 13                  Q.            We have the zoning schedule that I  
09:04PM 14                  believe you had placed on what we've marked as  
09:04PM 15                  Sheet A-1?

09:04PM 16                  A.            Correct.

09:04PM 17                  Q.            If you could just go through some of  
09:04PM 18                  the requirements and some of the relief that's being  
09:04PM 19                  sought by the applicant?

09:04PM 20                  A.            Certainly.

09:04PM 21                  Q.            Now, the bases will be attested to by  
09:04PM 22                  Mr. Spatz and others, but we need you to  
09:04PM 23                  identify them.

09:04PM 24                  A.            Yes, I'll identify and outline the  
09:04PM 25                  variances.



09:04PM 1 The property is located in the  
09:04PM 2 MC District. We do propose a multifamily use. The  
09:04PM 3 minimum lot area is unspecified in the ordinance;  
09:04PM 4 however, the lot is 17,274 square feet or more than  
09:04PM 5 one third of an acre.

09:04PM 6 The frontage of the property is  
09:04PM 7 271.98 feet and that is along 12th Street. The  
09:05PM 8 minimum front yard, 15 feet is being required.

09:05PM 9 We do propose 8 feet at this closest  
09:05PM 10 point on East Edsall Boulevard, that is, and then it  
09:05PM 11 jogs over to 10 feet as well at that -- on East  
09:05PM 12 Edsall Boulevard.

09:05PM 13 The side yards 10 feet being required,  
09:05PM 14 we have 0.5 feet proposed. Both required both side  
09:05PM 15 yards, 10 plus 10 or 20 feet.

09:05PM 16 We have 1.5 feet proposed and that is  
09:05PM 17 to the parking garage. The building living area  
09:05PM 18 itself, however, totals 5.83 feet.

09:05PM 19 The stories, three stories being  
09:05PM 20 permitted, this is -- would be seven stories and that  
09:05PM 21 is two stories of parking and five stories of living  
09:05PM 22 space, 35 feet being allowable for the height. This  
09:05PM 23 property, rather, this building would be 70.94 feet,  
09:06PM 24 which require a variance as well.

09:06PM 25 So the maximum lot coverage for the

09:06PM 1 building, 15 percent being the permitted allowed.

09:06PM 2 In this proposal, we have 77.12 percent  
09:06PM 3 for the building coverage of the living area. And I  
09:06PM 4 believe that covers the zoning schedule.

09:06PM 5 Q. You dealt with left, right, side yard  
09:06PM 6 combined, rear yard, all of that?

09:06PM 7 A. I did, yes.

09:06PM 8 Q. Okay. A lot quicker than I thought. I  
09:06PM 9 was hoping to sit down for a minute, Steve.

09:06PM 10 A. Yeah, yeah, take your --

09:06PM 11 Q. Are there any of the -- and if you  
09:06PM 12 could speak to be parking, I believe and I know that  
09:06PM 13 Mr. Cocoros, our witness on deck, will provide a  
09:06PM 14 little more detail on it, but total parking with the  
09:06PM 15 understanding that that will be increased probably  
09:06PM 16 also, correct?

09:06PM 17 A. Yes, yeah we have 52 spaces proposed,  
09:06PM 18 as I said. The requirement being 115, it breaks down  
09:06PM 19 as follows: 18 spaces for the studio apartments,  
09:07PM 20 45 spaces for the one-bedroom apartments, and  
09:07PM 21 52 spaces for the two-bedroom apartments or  
09:07PM 22 115 spaces in total.

09:07PM 23 We would get a credit for EV parking,  
09:07PM 24 however, and that would reduce that number, that  
09:07PM 25 variance slightly.

09:07PM 1 Q. Is there anything else that you would  
09:07PM 2 like to add from a site plan standpoint?

09:07PM 3 A. I think we've covered it.  
09:07PM 4 I think we've covered everything.

09:07PM 5 Q. And you're satisfied with the  
09:07PM 6 utilities, the stormwater management, all the  
09:07PM 7 engineering aspects of this, otherwise I trust you  
09:07PM 8 wouldn't present it?

09:07PM 9 A. I am.

09:07PM 10 Q. And you believe that from an  
09:07PM 11 engineering standpoint, I do not want you deviating  
09:07PM 12 from the scope of your expertise, but from an  
09:07PM 13 engineering standpoint, you believe this to be a  
09:07PM 14 sound and efficient design, do you not?

09:07PM 15 A. I do.

09:07PM 16 MR. SOKOLICH: Okay. Subject to recall  
09:07PM 17 Mr. Chairman, I am done with Mr. Koestner.

09:08PM 18 CHAIRMAN FERGUSON: Okay.

09:08PM 19 Mr. Bern?

09:08PM 20 MR. BERN: Okay.

09:08PM 21 CROSS-EXAMINATION

09:08PM 22 BY MR. BERN:

09:08PM 23 Q. Okay. Mr. Koestner, thank you for your  
09:08PM 24 testimony and particularly on the zoning schedule.

09:08PM 25 I do want to review with you a couple

09:08PM 1 issues with the site first and then the plan and of  
09:08PM 2 course, stormwater storage and drainage.

09:08PM 3 Have you been to the site?

09:08PM 4 A. Yes.

09:08PM 5 Q. Okay. Are you familiar with the size  
09:08PM 6 of the site?

09:08PM 7 A. I am.

09:08PM 8 Q. And what is the size of the site?

09:08PM 9 A. It's 17,274 square feet, that's 50 feet  
09:08PM 10 of frontage.

09:08PM 11 Q. It's less than one half an acre,  
09:08PM 12 correct?

09:08PM 13 A. Yeah, it's little less than one-half, a  
09:08PM 14 little more than a third.

09:08PM 15 Q. Are there any steep slopes on the site?

09:08PM 16 A. There is a slope in the southwesterly  
09:08PM 17 corner.

09:08PM 18 Q. And what -- did you measure that, by  
09:08PM 19 any chance?

09:08PM 20 A. Well, we took elevations on it, yes.

09:08PM 21 Q. And what is the measurement on the  
09:09PM 22 steep slope in that location?

09:09PM 23 A. You know, we measured the -- back to my  
09:09PM 24 survey sheet.

09:09PM 25 MR. SOKOLICH: Steve, just point out

09:09PM 1 which exhibit you're referring to when you testify.

09:09PM 2 Okay?

09:09PM 3 THE WITNESS: Okay let's go back to

09:09PM 4 A-2.

09:09PM 5 BY MR. BERN:

09:09PM 6 Q. Okay.

09:09PM 7 A. And we have a grade of 300 at or near  
09:09PM 8 the property line and then it slopes down to  
09:09PM 9 Elevation 293, so it is about a 7-foot grade  
09:09PM 10 differential.

09:09PM 11 Q. Okay.

09:09PM 12 I just want to be clear because you did  
09:09PM 13 mention a few different dimensions on the drop off  
09:09PM 14 from, you know, my client has properties Lots 13 and  
09:09PM 15 14 just to the west of the site, there's some trees  
09:09PM 16 along the line.

09:09PM 17 If you look a little to the left you'll  
09:09PM 18 see the -- yes, those two properties.

09:10PM 19 I want to ask you a little bit about  
09:10PM 20 soil conditions because you're proposing to put in a  
09:10PM 21 7-story building here.

09:10PM 22 Have you done any soil tests?

09:10PM 23 A. No.

09:10PM 24 Q. Are you aware that that's historic fill  
09:10PM 25 that's been added over the last maybe three or

09:10PM 1 four decades?

09:10PM 2 A. I have not.

09:10PM 3 Q. Would it be true that historic fill  
09:10PM 4 should be tested for environmental contaminants?

09:10PM 5 A. I'm not aware of it being historic  
09:10PM 6 fill, if it should or should not be tested.

09:10PM 7 I know in many cases it is tested and  
09:10PM 8 it has to be removed and replaced.

09:10PM 9 Q. Yes.

09:10PM 10 A. Or kept.

09:10PM 11 Q. So if you became aware on further  
09:10PM 12 investigation that was historic fill, either through  
09:10PM 13 review of the soil conditions or looking at a  
09:10PM 14 sand-born map, for example, to see what that lot  
09:10PM 15 looked like 20 years ago, 40 years ago, that sort of  
09:10PM 16 thing?

09:10PM 17 A. It's possible, yes.

09:11PM 18 Q. Okay. So, you know, we would contend  
09:11PM 19 that the soil conditions are such and we've -- we'll  
09:11PM 20 have someone testify that that is all historic fill  
09:11PM 21 and it may not be suitable to use as is for your  
09:11PM 22 proposed development, but that's something that, you  
09:11PM 23 know, someone should cover at some point, and we may  
09:11PM 24 put testimony on regarding that.

09:11PM 25 If it's -- how will you put pilings

09:11PM 1 into that at this point to -- for the foundation of  
09:11PM 2 your building?

09:11PM 3 A. Well, a soil engineer geotechnical  
09:11PM 4 engineer would examine the soil to determine if  
09:11PM 5 pilings would be required.

09:11PM 6 And if they are, a pile driver would  
09:11PM 7 come into the site to drive piles; if not, they would  
09:11PM 8 place footings for the building, but that would  
09:11PM 9 depend on the conditions of the soil as well as the  
09:11PM 10 depth to the bedrock.

09:11PM 11 Q. Are you aware that 12th Street is also  
09:12PM 12 historic fill?

09:12PM 13 A. I am not.

09:12PM 14 Q. Okay. Will you -- do you intend to  
09:12PM 15 utilize blasting to dig in -- dig your foundations?

09:12PM 16 A. It depends on the depth of bedrock.  
09:12PM 17 Again, the soil log and the percolation test would --  
09:12PM 18 may encounter bedrock and at that point, we would  
09:12PM 19 know if there was -- blasting would be required.

09:12PM 20 Q. Now, if it were historic fill, that  
09:12PM 21 would affect your calculations on height because you  
09:12PM 22 may have to cap it; is that correct?

09:12PM 23 A. The way I've seen it work before is the  
09:12PM 24 historic fill is removed to a level that is required  
09:12PM 25 for a sufficient cap to be place over historic fill.

09:12PM 1 So the elevation or the grade is  
09:12PM 2 maintained and so, they'll be no change in height of  
09:12PM 3 the building.

09:12PM 4 Q. And if it's historic fill, that will  
09:12PM 5 have an impact on your drainage calculations and your  
09:12PM 6 stormwater storage calculations, would it not?

09:13PM 7 A. It depends.

09:13PM 8 The drainage calculations would be a  
09:13PM 9 function of the porosity of the soil.

09:13PM 10 Again, that's a function of soil log  
09:13PM 11 and perc test. We would measure or a geotechnical  
09:13PM 12 would measure the porosity of the soil to determine  
09:13PM 13 how quickly it takes the water into the ground, how  
09:13PM 14 quickly it permeates into the ground.

09:13PM 15 Q. Now, I'm not an expert on stormwater  
09:13PM 16 management or stormwater storage, but correct me if  
09:13PM 17 I'm wrong, I reviewed your calculations briefly, and  
09:13PM 18 we'll have an engineer testify about this, but I saw  
09:13PM 19 calculations for a 10- and 25-year storm; is that  
09:13PM 20 correct?

09:13PM 21 A. Yes.

09:13PM 22 Q. And is that ultimately what you would  
09:13PM 23 provide to the borough engineer for 10 to 20 -- is  
09:13PM 24 that what we're calculating now or are we looking at  
09:13PM 25 100-year storms?



09:13PM 1 A. We're going to be looking at a two --  
09:13PM 2 in accordance with the borough engineer's letter of  
09:13PM 3 May 15th, he requests we revise calculations to  
09:13PM 4 provide a 2-, 10- and 100-year storm.

09:14PM 5 Q. Because we have 10- and 25-year storms  
09:14PM 6 Monday and Wednesday, don't we?

09:14PM 7 A. Well, we're not supposed to, let's put  
09:14PM 8 it this way.

09:14PM 9 Q. Okay. So we have yet to see your  
09:14PM 10 calculation for 100-year storm, correct?

09:14PM 11 A. Correct.

09:14PM 12 Q. And we would anticipate receiving  
09:14PM 13 those. What's the timing of that?

09:14PM 14 A. Well, with the next revision.

09:14PM 15 Q. Okay. Now let's talk about the  
09:14PM 16 proximity to Lots 13 and 14.

09:14PM 17 You reviewed the zoning chart and it's  
09:14PM 18 depicted on your plans, correct?

09:14PM 19 A. Yes.

09:14PM 20 Q. And the zoning standards that you're  
09:14PM 21 utilizing are for the MC Zone, correct?

09:14PM 22 A. Yes.

09:14PM 23 Q. Which is a zone of 1 and -- actually  
09:14PM 24 25-foot to 35-foot height buildings, right, that's  
09:14PM 25 what's permitted in the zone?

09:14PM 1 A. We have a three-story and 35-foot-high  
09:15PM 2 building.

09:15PM 3 Q. So those zoning standards were not  
09:15PM 4 developed, and I know part of this is planning  
09:15PM 5 testimony, but those standards don't really pertain  
09:15PM 6 to a 7-story building, do they?

09:15PM 7 A. Obviously they're for commercial  
09:15PM 8 building.

09:15PM 9 Q. Right. Well, you're familiar with the  
09:15PM 10 uses in the zone?

09:15PM 11 A. Yes, commercial.

09:15PM 12 Q. Okay. So, they're, you know, they're  
09:15PM 13 small industrial uses, selected commercial uses and  
09:15PM 14 commercial and recreational uses, that's the MC Zone,  
09:15PM 15 right?

09:15PM 16 A. Yes.

09:15PM 17 Q. Okay. So even so, you're -- I just  
09:15PM 18 want to talk about the proximity of your proposed  
09:15PM 19 building to Lots 13 and 14.

09:15PM 20 Can you read off your plan and tell us  
09:15PM 21 what that is?

09:15PM 22 A. Proximity of the building to Lots 13  
09:15PM 23 and 14, which are the lots in the southwesterly  
09:15PM 24 corner of the site.

09:15PM 25 Q. Where you said the steep slope is

09:16PM 1 located as well, right?

09:16PM 2 A. I'm sorry?

09:16PM 3 Q. That's where you said the steep slope  
09:16PM 4 is located?

09:16PM 5 A. Yeah, there's a slope from the lower to  
09:16PM 6 the flat area of the top of the hill to the property  
09:16PM 7 line, I'll say.

09:16PM 8 And then there's two buildings, one on  
09:16PM 9 Lot 13 and one on Lot 14 to the west and they appear  
09:16PM 10 to be located approximately 10 feet off the property  
09:16PM 11 line.

09:16PM 12 Q. Okay. Now there's some trees in that  
09:16PM 13 area, are there not?

09:16PM 14 A. There are.

09:16PM 15 Q. And your plans show all those trees are  
09:16PM 16 to be removed?

09:16PM 17 A. That's correct.

09:16PM 18 Q. Now, those trees are helping to retain  
09:16PM 19 soil?

09:16PM 20 A. Yes.

09:16PM 21 Q. Correct?

09:16PM 22 A. Yes.

09:16PM 23 Q. Are you -- and I didn't see this on  
09:16PM 24 your plans and I didn't see any data on retaining  
09:16PM 25 walls.

09:16PM 1 Are you building a retaining wall along  
09:16PM 2 that easterly side?

09:16PM 3 A. Well, I understand we're going to have  
09:16PM 4 shoring along that easterly -- our westerly side,  
09:16PM 5 you're easterly line to maintain the stability of  
09:17PM 6 that adjacent property to the west and that would  
09:17PM 7 become the westerly wall as well of the building.

09:17PM 8 Q. And how tall is that wall?

09:17PM 9 A. Well, we have Elevation 300 at the top  
09:17PM 10 of the slope and at the ground floor, we have an  
09:17PM 11 elevation of the parking area at approximately 291.5,  
09:17PM 12 so we're talking an elevation difference of about  
09:17PM 13 8-and-a-half feet from the parking floor or deck up  
09:17PM 14 to the existing grade level at the top of the --

09:17PM 15 Q. Is that going to be open then at the  
09:17PM 16 grade level or is that going to project over the  
09:17PM 17 grade?

09:17PM 18 A. Excuse me?

09:17PM 19 Q. The wall, is the wall going to be above  
09:17PM 20 grade at that point?

09:17PM 21 A. Well, yes, the --

09:17PM 22 Q. By how much?

09:17PM 23 A. The building wall would be -- it would  
09:17PM 24 encompass the ground floor as well as the second  
09:18PM 25 layer, the second floor parking.

09:18PM 1 Q. Okay. Is there any fenestration in  
09:18PM 2 that wall at that point?

09:18PM 3 A. Any --

09:18PM 4 Q. Windows?

09:18PM 5 A. Oh, none that I'm aware of. Again --

09:18PM 6 Q. Is it open?

09:18PM 7 A. -- the architect would have many more  
09:18PM 8 information on that.

09:18PM 9 Q. Okay.

09:18PM 10 Are you going to be submitting further  
09:18PM 11 details about that wall?

09:18PM 12 A. I don't have any plans to, no.

09:18PM 13 Q. And the drop in elevation, you gave a  
09:18PM 14 couple different numbers. You said 6 to 7 feet and  
09:18PM 15 then you said 8 to 9 feet.

09:18PM 16 What is the drop in elevation from  
09:18PM 17 Lots 13 and 14 to this lot?

09:18PM 18 A. Well, there is no some natural slope.  
09:18PM 19 You've got some slope -- 6 to 7 feet is the drop near  
09:18PM 20 and along the westerly boundary line.

09:18PM 21 The entire drop from the westerly  
09:19PM 22 boundary line to the easterly line is grade because  
09:19PM 23 there is some natural slope that would running  
09:19PM 24 towards the east.

09:19PM 25 So the elevation in 12th Street, 292.

09:19PM 1 And as I said here, the elevation near the top of the  
09:19PM 2 hill is 300, so it's about an 8-foot differential at  
09:19PM 3 that point.

09:19PM 4 MALE AUDIENCE MEMBER: I think it's  
09:19PM 5 more than that.

09:19PM 6 BY MR. BERN:

09:19PM 7 Q. Any plantings to replace the trees that  
09:19PM 8 your plans show as being removed?

09:19PM 9 A. We have potential --

09:19PM 10 Q. Along the property line where my  
09:19PM 11 client --

09:19PM 12 A. -- along the property line 12th Street  
09:19PM 13 and Edsall Boulevard.

09:19PM 14 Q. How about by the boundary between your  
09:19PM 15 property and 13 and 14?

09:19PM 16 A. No.

09:19PM 17 Q. Nothing planned, just a wall?

09:19PM 18 A. Correct.

09:19PM 19 Q. Okay. Any lighting at that point?

09:19PM 20 A. Lighting would be --

09:19PM 21 Q. Near 13 and 14?

09:19PM 22 A. There'd be lighting in the ceiling for  
09:20PM 23 the parking garage.

09:20PM 24 Q. But you said that won't be open,  
09:20PM 25 correct? Is that going to be visible to Lots 13 and

09:20PM 1 14, the lighting?

09:20PM 2 A. I'll have to defer to the architect.

09:20PM 3 MR. COCOROS: It will be open.

09:20PM 4 THE WITNESS: It will be open.

09:20PM 5 BY MR. BERN:

09:20PM 6 Q. Thank you.

09:20PM 7 Have you done any shadow studies of the  
09:20PM 8 impact of that building or is that something for your  
09:20PM 9 architect?

09:20PM 10 A. I have not.

09:20PM 11 Q. No shadow studies. Are you familiar  
09:20PM 12 with a concept called "canyon effect"?

09:20PM 13 A. No.

09:20PM 14 Q. No?

09:20PM 15 A. No.

09:20PM 16 Q. When a taller building is erected next  
09:20PM 17 to another building and you have a diminution of  
09:20PM 18 light and air to that building?

09:20PM 19 A. I haven't heard that term.

09:20PM 20 Q. Canyon effect, okay. I'm sure your  
09:20PM 21 architect knows about that.

09:21PM 22 You testified about the zoning schedule  
09:21PM 23 and there is a remark from Mr. Collazuol about  
09:21PM 24 visitor parking, which is interesting because there's  
09:21PM 25 a shortfall of parking generally from RSIS standards;

09:21PM 1 are you familiar with that?

09:21PM 2 A. Yes.

09:21PM 3 Q. Okay.

09:21PM 4 And do you know what amount of parking  
09:21PM 5 you're missing in accordance with RSIS standards?

09:21PM 6 A. Yes, and I --

09:21PM 7 Q. Even given, you know, without even  
09:21PM 8 addressing visitor parking?

09:21PM 9 A. Well, the RSIS standards would require  
09:21PM 10 115 spaces and we're providing 52. We do have an  
09:21PM 11 allowance for EV parking, so there is a differential  
09:21PM 12 in parking, yes.

09:21PM 13 Q. Okay. And any idea where that, you  
09:21PM 14 know, as Mr. Collazuol put it, where the visitors  
09:21PM 15 would park, much less where residents would park?

09:21PM 16 Is there anything on your site that  
09:21PM 17 you've designed to accommodate parking other than  
09:22PM 18 the --

09:22PM 19 A. No.

09:22PM 20 Q. -- what did you say, 52? I have 56,  
09:22PM 21 but if it's 52 that you're providing, fine.

09:22PM 22 A. I have 52.

09:22PM 23 Q. Fifty-two, okay. So there's nothing  
09:22PM 24 else on your site plan showing additional parking  
09:22PM 25 opportunities?



09:22PM 1 A. Not this time, no.

09:22PM 2 Q. All right. So just to review, you will  
09:22PM 3 be doing some additional drainage calculations.

09:22PM 4 What would prompt you to investigate  
09:22PM 5 the soil conditions? As I indicated, you know, we'll  
09:22PM 6 put testimony on about how that soil found its way  
09:22PM 7 there, the historic fill dumped truckload after  
09:22PM 8 truckload by the prior property owner.

09:22PM 9 What would trigger your further  
09:22PM 10 investigation of the soil conditions there?

09:23PM 11 A. Well, generally before a seepage pit is  
09:23PM 12 installed we'd do a soil test.

09:23PM 13 Q. Okay. And if it's historic fill you'll  
09:23PM 14 analyze is soil and --

09:23PM 15 A. We determine what kind of soil it is.

09:23PM 16 Q. There may be making DEP considerations  
09:23PM 17 with respect to that?

09:23PM 18 A. We would look at the soil, generally  
09:23PM 19 clay, sand, describe what kind soil it is, what  
09:23PM 20 layers the various --

09:23PM 21 Q. Tree stubs?

09:23PM 22 A. -- change. Yeah, if there's any fill  
09:23PM 23 placed in the -- that we can determine is fill, we  
09:23PM 24 would make a note of that as well.

09:23PM 25 Q. And you'll test 12th Street soil as

09:23PM 1 well?

09:23PM 2 A. We would generally we test where the  
09:23PM 3 seepage pits would be installed, so we wouldn't be  
09:23PM 4 testing 12th Street.

09:23PM 5 Q. Now, there was some remark, I believe  
09:23PM 6 it was in Ms. Collazuol's review about the grade of  
09:23PM 7 the ramp into your second-floor parking garage; is  
09:24PM 8 that right?

09:24PM 9 A. Correct.

09:24PM 10 Q. How were you addressing that?

09:24PM 11 A. We'll calculate that grade from the  
09:24PM 12 ramp that -- I believe Mr. Collazuol was speaking  
09:24PM 13 about the grade from the East Edsall Boulevard ramp  
09:24PM 14 up into be the second-floor parking deck. We will  
09:24PM 15 calculate that as well.

09:24PM 16 Q. Okay. I want to also, you know, go  
09:24PM 17 back to the zoning table.

09:24PM 18 So again, the proximity to our building  
09:24PM 19 right in the rear are two buildings, Lot 13 and 14.  
09:24PM 20 You are less than a foot, I believe, on the rear; is  
09:24PM 21 that right?

09:24PM 22 A. Yes.

09:24PM 23 Q. It goes from 1.98 feet to .18 feet?

09:24PM 24 A. Yes.

09:24PM 25 Q. And again, this is using the standards

09:24PM 1 for the MC Zone, not for another zone that might be  
09:25PM 2 addressing mid-rise buildings such as you're  
09:25PM 3 proposing; is that correct?

09:25PM 4 A. That's correct.

09:25PM 5 Q. Okay. I, again, will the board be  
09:25PM 6 reviewing your soil logs and your perc tests? When  
09:25PM 7 do you submit that, what's the timing on that?

09:25PM 8 MR. BERN: Mr. Collazuol can you -- can  
09:25PM 9 I ask if the board engineer?

09:25PM 10 CHAIRMAN FERGUSON: Why not?

09:25PM 11 MR. BERN: When would you be seeing  
09:25PM 12 that to see the feasibility of some of the things  
09:25PM 13 they're proposing, including drainage?

09:25PM 14 MR. COLLAZUOL: Ordinarily it's prior  
09:25PM 15 to the issuance of a building permit.

09:25PM 16 MR. HUBSCHMAN: After approval?

09:25PM 17 MR. COLLAZUOL: After approval.

09:25PM 18 MR. BERN: Okay. And they still have  
09:25PM 19 to -- is it true they still have to submit additional  
09:25PM 20 drainage calculations including to accommodate a  
09:25PM 21 100-year storm?

09:25PM 22 MR. COLLAZUOL: That is correct.

09:25PM 23 MR. BERN: And that may be a function  
09:25PM 24 of whether the soil percolates properly?

09:26PM 25 MR. COLLAZUOL: Well, it's within

09:26PM 1 anticipated percolation rate.

09:26PM 2 MR. BERN: Okay. All right, you know,  
09:26PM 3 I think that's a concern.

09:26PM 4 Okay. That's all I have right now.

09:26PM 5 MR. SOKOLICH: Chairman, I have a quick  
09:26PM 6 follow up, if I may?

09:26PM 7 CHAIRMAN FERGUSON: Real quick one,  
09:26PM 8 quick.

09:26PM 9 REDIRECT EXAMINATION

09:26PM 10 BY MR. SOKOLICH:

09:26PM 11 Q. So are you familiar with, in your  
09:26PM 12 capacity as an engineer, a contaminated site that's  
09:26PM 13 at a higher elevation de-shading or negatively  
09:26PM 14 impacting a property that's at a lower elevation?

09:26PM 15 A. Yeah, certainly could, it's possible.

09:26PM 16 Q. Okay.

09:26PM 17 Are you aware as to whether or not  
09:26PM 18 there's any contamination spillage or adverse  
09:26PM 19 environmental condition at the properties which are  
09:26PM 20 immediately behind us, as a matter of fact, the  
09:26PM 21 property owner that Mr. Bern represents?

09:26PM 22 A. I am not.

09:26PM 23 Q. You're not?

09:26PM 24 A. No.

09:26PM 25 Q. Okay. All right.

09:26PM 1 MR. SOKOLICH: I have no further  
09:26PM 2 questions.

09:26PM 3 CHAIRMAN FERGUSON: Okay.  
09:26PM 4 You're on.

09:26PM 5 MR. HUBSCHMAN: Proceed?

09:26PM 6 CHAIRMAN FERGUSON: Yes.

09:26PM 7 MR. HUBSCHMAN: Okay.

09:26PM 8 CROSS-EXAMINATION

09:27PM 9 BY MR. HUBSCHMAN:

09:27PM 10 Q. Mr. Koestner, I'd like to have some  
09:27PM 11 talk about the thought process as to the design of  
09:27PM 12 this structure.

09:27PM 13 Were you involved in initial stages of  
09:27PM 14 the design?

09:27PM 15 A. Generally we would prepare the survey,  
09:27PM 16 the design is prepared by the architect, and then the  
09:27PM 17 architect presents his plans to us to create the site  
09:27PM 18 plan.

09:27PM 19 Q. And the perimeter of the structure,  
09:27PM 20 parking and the building itself, that was presented  
09:27PM 21 to you by Mr. Cocoros?

09:27PM 22 A. Yes.

09:27PM 23 Q. Okay. Now, did you have a discussion  
09:27PM 24 with the applicant about the number of variances here  
09:27PM 25 and any effort to try to comply?

09:27PM 1 A. Well, we've reviewed the variances,  
09:27PM 2 obviously.

09:27PM 3 He listed the variance, we looked at  
09:27PM 4 it, made our own determination of what variance would  
09:27PM 5 be required and we are well aware of what variances  
09:27PM 6 that would be required.

09:27PM 7 Q. Was there any discussion with the  
09:27PM 8 applicant as to, you know, this has every variance  
09:27PM 9 that we could possibly ask for, this is what you're  
09:28PM 10 instructed to do, you're --

09:28PM 11 A. That might be a slight exaggeration,  
09:28PM 12 but the applicant is aware there are variance.

09:28PM 13 Q. You were told to go ahead with this  
09:28PM 14 regardless. I mean, the number of variances here is  
09:28PM 15 reminiscent of the 10 pounds in the 5-pound bag where  
09:28PM 16 you try to get as much as possible on here and try to  
09:28PM 17 back out of it.

09:28PM 18 I can't really see where this design  
09:28PM 19 would come from and what the basis would be for going  
09:28PM 20 to the property line of the building when you need  
09:28PM 21 every variance that's required in the borough here.

09:28PM 22 Was there a discussion about that? Was  
09:28PM 23 it just, hey, maximize the size of the building  
09:28PM 24 regardless of what was needed from the town?

09:28PM 25 A. Well, you want to maximize as many

09:28PM 1 parking spaces as we could get.

09:28PM 2 So that makes the parking structure  
09:28PM 3 larger the more parking spaces you have. And that's  
09:28PM 4 the design that has been proposed.

09:28PM 5 Q. Right, I see that.

09:28PM 6 Now, the number of variances that we  
09:28PM 7 have here are extensive and you say that no variances  
09:29PM 8 are required for lot size, lot width of lot depth.  
09:29PM 9 And you're applying the MC, but you're proposing a  
09:29PM 10 mid-rise building?

09:29PM 11 What would it be if it was in a  
09:29PM 12 mid-rise building, is there another application of  
09:29PM 13 what the zoning requirement would be if we had to do  
09:29PM 14 it somewhere else in town where it's permitted?

09:29PM 15 A. Well, the zone is the MC Zone, so we  
09:29PM 16 went by the MC standard.

09:29PM 17 Q. So you didn't take any effort with  
09:29PM 18 regards to that.

09:29PM 19 Now, going out to the property line  
09:29PM 20 presents a lot problems that we really didn't even  
09:29PM 21 address and I don't know what the fire department is  
09:29PM 22 going to have to say about this, but I don't know how  
09:29PM 23 somebody gets around a building like this.

09:29PM 24 I mean, knot withstanding you've got  
09:29PM 25 10th Street, but the building is going to go back

09:29PM 1 some 100 feet from 10th Street; how possibly are they  
09:29PM 2 going to access this? Is this --

09:29PM 3 A. I'm sure the fire department would  
09:29PM 4 review that and make a comment or a report.

09:29PM 5 I am not aware of that. I haven't seen  
09:30PM 6 report as of yet.

09:30PM 7 Q. Was it submitted to the fire department  
09:30PM 8 for review?

09:30PM 9 A. I believe that would be part of the  
09:30PM 10 application process.

09:30PM 11 Q. And the design of the structure above  
09:30PM 12 is set back from the property line.

09:30PM 13 Why did you move it back from the  
09:30PM 14 property line whatever number of feet, what was the  
09:30PM 15 reasoning for that?

09:30PM 16 The design of the structure, the living  
09:30PM 17 space is set back in two areas here.

09:30PM 18 A. I think that's -- I'm not prepared to  
09:30PM 19 answer that, that's an architectural --

09:30PM 20 Q. Purely a design question?

09:30PM 21 A. He designed the building.

09:30PM 22 Q. Yeah, okay.

09:30PM 23 MR. HUBSCHMAN: I don't have anything  
09:30PM 24 further.

09:30PM 25 MR. SOKOLICH: No other, Chairman.



09:30PM 1 CHAIRMAN FERGUSON: All right. So now  
09:30PM 2 we're going to go to the board.

09:30PM 3 I just got one question. What's the --  
09:30PM 4 are you familiar with the fill that's there?

09:30PM 5 Apparently part of the objectors is  
09:30PM 6 talking about the fill that's actually in the --  
09:31PM 7 where you're building.

09:31PM 8 Is there -- do you know --

09:31PM 9 THE WITNESS: I do not know about the  
09:31PM 10 fill, if any fill has been placed on that site. I  
09:31PM 11 don't know.

09:31PM 12 CHAIRMAN FERGUSON: You don't know.  
09:31PM 13 All right.

09:31PM 14 MR. SOKOLICH: Chairman, we're guided  
09:31PM 15 by regulations. We're going to take every  
09:31PM 16 engineering step that we are required to do.

09:31PM 17 If there's any even -- first of all, a  
09:31PM 18 Phase I has already been conducted on the site that  
09:31PM 19 did not reveal any issues, number one.

09:31PM 20 Number two, if there are any issues on  
09:31PM 21 the property, it's the applicant's responsibility.  
09:31PM 22 We do have some concern as to the genesis of those  
09:31PM 23 problems and where they're coming from, I'll go no  
09:31PM 24 further.

09:31PM 25 But if there's any issue with that

09:31PM 1 historic fill, if it has to be replaced, if it has to  
09:31PM 2 be replenished, if it has to be supplemented, we'll  
09:31PM 3 do it, bottom line.

09:31PM 4 CHAIRMAN FERGUSON: Right.

09:31PM 5 MR. SOKOLICH: We'll only build on  
09:31PM 6 clean. But I don't want to create a false flag here  
09:31PM 7 that that property is somehow, someway dirty because  
09:31PM 8 the testing that this applicant did before it  
09:31PM 9 acquired this property confirmed that there were no  
09:32PM 10 such issues.

09:32PM 11 CHAIRMAN FERGUSON: Okay. Any board  
09:32PM 12 members have anything?

09:32PM 13 (No Response.)

09:32PM 14 CHAIRMAN FERGUSON: Mr. -- Steve, you  
09:32PM 15 have --

09:32PM 16 MR. COLLAZUOL: No, not at this time.  
09:32PM 17 I think the report stands for itself right now and  
09:32PM 18 it's been addressed in a number of ways, but yes,  
09:32PM 19 there's a couple of things that have to be done by  
09:32PM 20 Mr. Koestner, additional drainage calculations.

09:32PM 21 And it may not be a bad idea to  
09:32PM 22 suggestion that since the site is not occupied by a  
09:32PM 23 new building, a simple test of soil can be done,  
09:32PM 24 percolation at this point in time.

09:32PM 25 It's not a big endeavor to do that.

09:32PM 1 CHAIRMAN FERGUSON: Okay. Yeah. Well,  
09:32PM 2 I think it's would be nice to find out one way or the  
09:32PM 3 other if, you know, what kind of soil they have  
09:32PM 4 there.

09:32PM 5 MR. COLLAZUOL: Right.

09:32PM 6 CHAIRMAN FERGUSON: So you're  
09:32PM 7 recommending a test?

09:32PM 8 MR. COLLAZUOL: I think it would be a  
09:33PM 9 good idea to have a typical test if it's done by a  
09:33PM 10 local testing company.

09:33PM 11 Johnson Soils is a well known firm that  
09:33PM 12 does it for these conditions.

09:33PM 13 MR. SOKOLICH: But Steve -- excuse me,  
09:33PM 14 Chairman, but at the board level after our first  
09:33PM 15 witness to take that test, that's, I mean --

09:33PM 16 MR. COLLAZUOL: I mean, it doesn't have  
09:33PM 17 to be done and are presented --

09:33PM 18 MR. SOKOLICH: Again, I think we're  
09:33PM 19 falling into what's been created as an issue that,  
09:33PM 20 again, we don't believe exists, but --

09:33PM 21 MR. BERN: I'll put a witness on and  
09:33PM 22 you can talk about the historic fill.

09:33PM 23 MR. SOKOLICH: Your property as well.

09:33PM 24 CHAIRMAN FERGUSON: Okay. You're going  
09:33PM 25 to put a witness on at some point?

09:33PM 1 MR. BERN: I have several witnesses,  
09:33PM 2 but with regard to that issue, yes, I have a fact  
09:33PM 3 witness on that.

09:33PM 4 CHAIRMAN FERGUSON: Okay. Now I'm  
09:33PM 5 going to turn it over to the residents in the --  
09:33PM 6 however, let me just caution you on what the  
09:33PM 7 procedure is.

09:33PM 8 You can ask questions in this  
09:33PM 9 individual's testimony. If you have any questions  
09:33PM 10 about his testimony, you can ask those questions and  
09:34PM 11 he would answer.

09:34PM 12 After every expert comes on, you will  
09:34PM 13 have an opportunity to question that expert, right?

09:34PM 14 At the end of this when everything is  
09:34PM 15 all done, right, then you will be allowed to make  
09:34PM 16 comments about the proposal, right? You can talk  
09:34PM 17 about anything you want, the sun, the moon, the  
09:34PM 18 stars, anything, but that's only at the end when  
09:34PM 19 everything is done.

09:34PM 20 Right now if you have any question for  
09:34PM 21 this individual, now would be the time to ask.

09:34PM 22 So is there anybody in the audience  
09:34PM 23 have any questions for this individual?

09:34PM 24  
09:34PM 25 Okay. Name and address.

09:34PM 1 THE COURT REPORTER: You can come up  
09:34PM 2 here. And just state and spell your name and give  
09:34PM 3 your address.

09:34PM 4 MR. REYES: Sure, it's Lucas Reyes,  
09:34PM 5 L-U-C-A-S, Reyes, R-E-Y-E-S, address 506 Windsor  
09:35PM 6 Drive, Palisades Park.

09:35PM 7 My question is I think you said that  
09:35PM 8 you have built or intend to build 52 parking slots;  
09:35PM 9 is that correct?

09:35PM 10 THE WITNESS: Correct.

09:35PM 11 MR. REYES: In total for a total of 62  
09:35PM 12 units.

09:35PM 13 Is that correct?

09:35PM 14 THE WITNESS: Yes.

09:35PM 15 MR. REYES: And you're required to do  
09:35PM 16 115 parking spaces.

09:35PM 17 Is that correct?

09:35PM 18 THE WITNESS: Yes.

09:35PM 19 MR. REYES: Okay. And is that taken  
09:35PM 20 into consideration couples, family, extra cars, the  
09:35PM 21 amount?

09:35PM 22 THE WITNESS: Yes.

09:35PM 23 MR. REYES: Okay.

09:35PM 24 CHAIRMAN FERGUSON: The board  
09:35PM 25 recognizes that he's short parking.

09:35PM 1 Anybody else?

09:35PM 2 Name and address.

09:35PM 3 MS. VUKOV: Kim Vukov, V-U-K-O-V,  
09:35PM 4 555 Windsor Drive.

09:35PM 5 And I have the same thing, parking. I  
09:35PM 6 mean, I have lived there for 30 years, so parking is  
09:35PM 7 already an issue.

09:35PM 8 So if you're already short and there's  
09:36PM 9 no other space, there's no roads to park on, that's  
09:36PM 10 very disturbing.

09:36PM 11 So that's a challenge that I am  
09:36PM 12 questioning.

09:36PM 13 I also I don't know if this is the  
09:36PM 14 right thing, I just didn't know what kind of  
09:36PM 15 apartment building it is.

09:36PM 16 Is this a rental unit or a sales? I  
09:36PM 17 don't know what kind of building it is. I missed --  
09:36PM 18 what is it.

09:36PM 19 THE WITNESS: We don't know at this  
09:36PM 20 point.

09:36PM 21 CHAIRMAN FERGUSON: We don't know yet.

09:36PM 22 MS. VUKOV: Oh, we don't know what kind  
09:36PM 23 of building it is?

09:36PM 24 CHAIRMAN FERGUSON: That's a good  
09:36PM 25 answer.

09:36PM 1 MR. KIM: And I was also, you know, I  
09:36PM 2 also agree with all the due diligence, I think the  
09:36PM 3 due diligence should be done now.

09:36PM 4 It's kind of like further along in this  
09:36PM 5 process without having that.

09:36PM 6 You also mentioned if there had to be  
09:36PM 7 blasting and I don't think that was really answered,  
09:36PM 8 but blasting would be a concern because Windsor Drive  
09:37PM 9 is much lower than this particular property that  
09:37PM 10 you're talking and we have retaining walls all around  
09:37PM 11 that are quite old, they're older, you know, they're  
09:37PM 12 not brand new.

09:37PM 13 So that would be a concern.

09:37PM 14 MR. SOKOLICH: Chairman, we need  
09:37PM 15 questions.

09:37PM 16 CHAIRMAN FERGUSON: Any questions you  
09:37PM 17 have?

09:37PM 18 MS. VUKOV: Yeah, is there going to be  
09:37PM 19 blasting?

09:37PM 20 THE WITNESS: No.

09:37PM 21 MS. VUKOV: No?

09:37PM 22 No blasting, okay.

09:37PM 23 THE WITNESS: As I said, it depend on  
09:37PM 24 where the soil conditions are and where the rock --

09:37PM 25 MS. VUKOV: Okay. So to be determined.

09:37PM 1 Okay.

09:37PM 2 CHAIRMAN FERGUSON: I have one question  
09:37PM 3 as long as you're raising it.

09:37PM 4 What's your concern about the parking?

09:37PM 5 MS. VUKOV: The parking?

09:37PM 6 CHAIRMAN FERGUSON: Are you concerned  
09:37PM 7 that cars are going to come down and park on Windsor  
09:37PM 8 Drive, is that your concern?

09:37PM 9 MS. VUKOV: Well, they wouldn't be able  
09:37PM 10 to, there's no parking.

09:37PM 11 They wouldn't be able to find a parking  
09:37PM 12 space there because there's none there now. It's  
09:37PM 13 very limited.

09:37PM 14 So yeah, that certainly would be a  
09:37PM 15 concern and, you know, we didn't really, you know,  
09:37PM 16 they spoke very briefly about traffic and --

09:37PM 17 CHAIRMAN FERGUSON: I'm sure we'll get  
09:38PM 18 into it.

09:38PM 19 MS. VUKOV: You know, the traffic, I  
09:38PM 20 mean, that's a who other -- I've already seen three  
09:38PM 21 people get hit by cars at that traffic light, so --

09:38PM 22 CHAIRMAN FERGUSON: Is there parking on  
09:38PM 23 Windsor Drive now?

09:38PM 24 MS. VUKOV: There's parking on Windsor  
25 Drive now.



1 CHAIRMAN FERGUSON: In the street?

2 MS. VUKOV: On the street.

3 You have to get a parking pass from the  
4 town.

09:38PM 5 CHAIRMAN FERGUSON: The west side only,  
09:38PM 6 though.

09:38PM 7 MS. VUKOV: Right, one side.

09:38PM 8 CHAIRMAN FERGUSON: One side.

09:38PM 9 MS. VUKOV: One side.

09:38PM 10 CHAIRMAN FERGUSON: And is that usually  
09:38PM 11 taken?

09:38PM 12 MS. VUKOV: Always, yes, always. Like  
09:38PM 13 right now I know -- and I can speak about people at  
09:38PM 14 Windsor, I mean, it's like you kind of have to get  
09:38PM 15 there early to get a spot and then if you can't,  
09:38PM 16 you're --

09:38PM 17 CHAIRMAN FERGUSON: Is there parking in  
09:38PM 18 back of Windsor?

09:38PM 19 MS. VUKOV: We all have assigned spots.

09:38PM 20 CHAIRMAN FERGUSON: In the back?

09:38PM 21 MS. VUKOV: Yeah, on the property,  
09:38PM 22 correct.

09:38PM 23 CHAIRMAN FERGUSON: But --

09:38PM 24 MS. VUKOV: Each unit has an assigned  
09:38PM 25 spot.

09:38PM 1 CHAIRMAN FERGUSON: But you're saying  
09:38PM 2 that even though you have assigned spots, you might  
09:38PM 3 have two cars, so you would be one in the back and  
09:39PM 4 then park in the street if you could?

09:39PM 5 MS. VUKOV: Correct, and then there's  
09:39PM 6 that other rental unit across from us, but they also  
09:39PM 7 park on the street, you know, they park there too.

09:39PM 8 CHAIRMAN FERGUSON: Okay. I just  
09:39PM 9 wanted to get it straight.

09:39PM 10 MS. VUKOV: Yup.

09:39PM 11 Thank you.

09:39PM 12 CHAIRMAN FERGUSON: Okay. Is there  
09:39PM 13 anybody else?

09:39PM 14 Yes, my friend, you want --

09:39PM 15 MR. REYES: I'm sorry, just another  
09:39PM 16 question, what is the makeup of the units?

09:39PM 17 I know you mentioned a couple one  
09:39PM 18 bedroom and two bedroom. Are there going to be any  
09:39PM 19 three bedrooms?

09:39PM 20 THE WITNESS: The architect will  
09:39PM 21 discuss the makeup of the units.

09:39PM 22 MR. SOKOLICH: But no three bedroom.

09:39PM 23 MR. REYES: No three bedrooms.

09:39PM 24 CHAIRMAN FERGUSON: Okay. Yes, my  
09:39PM 25 friend.

09:39PM 1 MR. RUBENSTEIN: Neil Rubenstein,  
09:39PM 2 462 11th Street, the adjoining property.

09:39PM 3 You mentioned something about bedrock.  
09:39PM 4 Have been there any measurements or any determination  
09:39PM 5 as to where bedrock is actually on the property?

09:39PM 6 CHAIRMAN FERGUSON: Yeah, I think we've  
09:39PM 7 got it --

09:39PM 8 MS. TESTA: You have an attorney.

09:39PM 9 CHAIRMAN FERGUSON: I'm sorry, you have  
09:39PM 10 an attorney.

09:39PM 11 MR. RUBENSTEIN: I can't speak because  
09:39PM 12 I have an attorney?

09:40PM 13 MR. SOKOLICH: You can, but I'm going  
09:40PM 14 to cross-examine you.

09:40PM 15 MR. BERN: When I -- when we have an  
09:40PM 16 opportunity, I will ask you questions.

09:40PM 17 MR. RUBENSTEIN: Okay.

09:40PM 18 CHAIRMAN FERGUSON: Okay.

09:40PM 19 MR. BERN: And I guess the same for the  
09:40PM 20 condo.

09:40PM 21 CHAIRMAN FERGUSON: Yeah, all right.

09:40PM 22 MR. RUBENSTEIN: The acoustics here are  
09:40PM 23 not so great, I couldn't quite get what he was saying  
09:40PM 24 about bedrock.

09:40PM 25 CHAIRMAN FERGUSON: Okay.

09:40PM 1 No problem.

09:40PM 2 MR. SOKOLICH: But in fairness, try to  
09:40PM 3 respond to him.

09:40PM 4 THE WITNESS: It has not been  
09:40PM 5 determined. That will be determined by the soil log  
09:40PM 6 and perc test to determine if there is bedrock.

09:40PM 7 MR. RUBENSTEIN: Thank you.

09:40PM 8 MR. SOKOLICH: So to be determined, got  
09:40PM 9 it.

09:40PM 10 You know, but just if I may, Chairman.

09:40PM 11 CHAIRMAN FERGUSON: Sure.

09:40PM 12 MR. SOKOLICH: There's a lot of to be  
09:40PM 13 determined and I know there's a lot of eye rolling  
09:40PM 14 and hey, what are they trying to get away with, but  
09:40PM 15 isn't this customary at this point not to have the  
09:40PM 16 specificity of an answer with exactitude, right?

09:40PM 17 I mean, a lot of folks don't know if  
09:40PM 18 there's blasting at this point. A lot of folks don't  
09:40PM 19 know precisely what the makeup or the perc left or  
09:40PM 20 the perc result would be, that will come down.

09:40PM 21 Now, if we have to accelerate that  
09:40PM 22 because we're asked to, we'll consider it, but is it  
09:41PM 23 not customer for that to be determined at the first  
09:41PM 24 meeting?

09:41PM 25 THE WITNESS: Not at the first meeting,

09:41PM 1 at a later date.

09:41PM 2 MR. SOKOLICH: Got it.

09:41PM 3 CHAIRMAN FERGUSON: Okay.

4 MR. WALDEN: Can I just -- I have a  
5 question.

6 CHAIRMAN FERGUSON: Yes, name and  
7 address first.

8 MR. WALDEN: Doug Walden D-O-U-G,  
09:41PM 9 W-A-L-D-E-N, I'm 542 Windsor Drive.

09:41PM 10 CHAIRMAN FERGUSON: Okay.

09:41PM 11 MR. WALDEN: So we spoke about  
09:41PM 12 12th Street, okay.

09:41PM 13 So as of now, it's not really complete,  
09:41PM 14 it's not even a street really. I didn't even know  
09:41PM 15 that that was considered 12th Street.

09:41PM 16 So how are you going improve  
09:41PM 17 12th Street; is that going to continue to, like,  
09:41PM 18 where the mid-rise building are down on 12th Street?

09:41PM 19 Like you guys are going to improve  
09:41PM 20 12th Street and --

09:41PM 21 THE WITNESS: No.

09:41PM 22 MR. WINDSOR: No? Okay. Because I'm  
09:41PM 23 confused about the parking. There's parking down  
09:41PM 24 that is only accessible from 12th Street and then  
09:41PM 25 parking that's elevated that only accessible from

09:42PM 1 East Edsall, so that's just confusing to me because  
09:42PM 2 right now if you go to the property, there is no  
09:42PM 3 12th Street.

09:42PM 4 You would have to go into the swamp to  
09:42PM 5 improve that to go to 12th Street; is that what  
09:42PM 6 you're doing that's --

09:42PM 7 THE WITNESS: 12th Street is  
09:42PM 8 unimproved. It's a dirt gravel road.

09:42PM 9 MR. WINDSOR: But 12th Street is  
09:42PM 10 improved on the other when you go southwest, correct?

09:42PM 11 THE WITNESS: 700 feet to the southwest  
09:42PM 12 it is improved.

09:42PM 13 MR. SOKOLICH: But we don't intend to  
09:42PM 14 connect them.

09:42PM 15 MR. WINDSOR: But you're not -- okay.

09:42PM 16 Thank you, Mayor, that's what I was  
09:42PM 17 trying to figure out.

09:42PM 18 So you're not connecting through the  
09:42PM 19 swamp.

09:42PM 20 MR. SOKOLICH: No.

09:42PM 21 MR. WINDSOR: Okay.

09:42PM 22 And then so the people on East Edsall  
09:42PM 23 who have parking will access the parking from East  
09:42PM 24 Edsall and then -- I'm just confused.

09:42PM 25 So 12th Street you're going to go

09:42PM 1 down --

09:42PM 2 THE WITNESS: 12th Street will be  
09:42PM 3 improved along the frontage of the property.

09:42PM 4 MR. WINDSOR: The frontage, okay. So  
09:43PM 5 one way in, one way out for both. Okay.

09:43PM 6 Thank you that's all I have.

09:43PM 7 CHAIRMAN FERGUSON: No problem.

09:43PM 8 Anybody else?

09:43PM 9 (No Response.)

09:43PM 10 CHAIRMAN FERGUSON: Counsel, it's  
09:43PM 11 your --

09:43PM 12 MR. SOKOLICH: I have four more  
09:43PM 13 witness, Chairman, we're ready.

09:43PM 14 CHAIRMAN FERGUSON: Not tonight we  
09:43PM 15 don't.

09:43PM 16 MR. SOKOLICH: Chairman, it is quarter  
09:43PM 17 to 10:00 and I'm pretty sure you don't want me to  
09:43PM 18 start a witness because I'm not going to get through  
09:43PM 19 him in a half hour.

09:43PM 20 CHAIRMAN FERGUSON: Okay. We're going  
09:43PM 21 to go home tonight and come back.

09:43PM 22 MR. SOKOLICH: Yes, sir, agreed.

09:43PM 23 CHAIRMAN FERGUSON: So next month is  
09:43PM 24 what date?

09:43PM 25 MS. TESTA: August 19th.

09:43PM 1 MR. BERN: August 19th.

09:43PM 2 CHAIRMAN FERGUSON: August 19th, on the  
09:43PM 3 third Monday of month.

09:43PM 4 MR. SOKOLICH: And without the  
09:43PM 5 necessity of renotice, correct, Chairman?

09:43PM 6 MS. TESTA: Correct.  
09:43PM 7 And you waive time constraints.

09:43PM 8 MR. SOKOLICH: We do expressly waive.

09:43PM 9 MS. TESTA: And I guess additional  
09:43PM 10 escrow funds.

09:43PM 11 MR. SOKOLICH: How much.

09:43PM 12 CHAIRMAN FERGUSON: Four or five.

09:43PM 13 MR. SOKOLICH: Okay. It will be  
09:43PM 14 delivered this week.

09:43PM 15 CHAIRMAN FERGUSON: All right.  
09:43PM 16 Appreciate it.

09:44PM 17 MR. SOKOLICH: Thank you, Board.  
09:44PM 18 Thank you.

09:44PM 19 MS. TESTA: Okay. So the meeting is  
09:44PM 20 being carried to the August 19th, 2024 meeting  
09:44PM 21 7:00 p.m., no further notice will be provided by the  
09:44PM 22 applicant.

09:44PM 23 MR. HUBSCHMAN: Thank you.

09:44PM 24 MR. BERN: Thank you.

09:44PM 25 MS. REBEKAH KIM: Did anybody close the



09:44PM 1 meeting?

09:44PM 2 MS. TESTA: We need a motion to

09:44PM 3 adjourn.

09:44PM 4 CHAIRMAN FERGUSON: Motion to adjourn.

09:44PM 5 MS. REBEKAH KIM: Who's going to

09:44PM 6 second?

09:44PM 7 MR. KIM: I'll second.

09:44PM 8 MS. REBEKAH KIM: Mr. Ferguson?

09:44PM 9 CHAIRMAN FERGUSON: Yes.

09:44PM 10 MS. REBEKAH KIM: Mr. Brogna?

09:44PM 11 MR. BROGNA: Yes.

09:44PM 12 MS. REBEKAH KIM: Mr. Elefteriou?

09:44PM 13 MR. ELEFTERIOU: Yes.

09:44PM 14 MS. REBEKAH KIM: Mr. Grala?

09:44PM 15 MR. GRALA: Yes.

09:44PM 16 MS. REBEKAH KIM: Mr. Kim?

09:44PM 17 MR. KIM: Yes.

09:44PM 18 MS. REBEKAH KIM: Mr. Terranova?

09:44PM 19 MR. TERRANOVA: Yes.

09:44PM 20 MS. REBEKAH KIM: Mr. Chung?

09:44PM 21 MR. CHUNG: Yes.

09:44PM 22 MS. REBEKAH KIM: Mrs. Yoon?

09:44PM 23 MS. YOON: Yes.

09:44PM 24 (Whereupon, this meeting is concluded.)

09:44PM 25 Time noted: 9:45 p.m.)

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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.

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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: \_\_\_\_\_