

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

BOROUGH OF PALISADES PARK
ZONING BOARD OF ADJUSTMENT
MONDAY, OCTOBER 21, 2024
7:00 p.m.

-----)	TRANSCRIPT OF
Case No. 24-07)	PROCEEDINGS
Donald Oh)	
252 3rd Street)	
Block 311, Lot 2)	
Case No. 24-10)	
PBS Developers Corp.)	
521 Orchard Avenue)	
Block 213, Lot 6)	
Case No. 24-11)	
An)	
324 East Palisades Boulevard)	
Block 414, Lot 10)	
Case No. 24-12)	
122 E. Edsall LLC)	
122 E. Edsall Avenue)	
Block 615, Lot 6)	
Case No. 24-02)	
Hillcrest Builders LLC)	
450 East Edsall Boulevard)	
Block 420, Lot 16)	
Case No. 24-14)	
John Chong-Man Kim)	
Seung Hee Kim & Arthur K. Kim)	
109 Princeton Place)	
Block 715, Lot 20)	
Case No. 24-15)	
A.O.C LLC/Ioannis Gelestathis)	
428 6th Street)	
Block 403, Lot 5)	
-----)	

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 (ABSENT)
- 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 DIANE TESTA, ESQUIRE
3 Counsel for the Board of Adjustment

4 BASILE BIRCHWALE AND PELLINO, LLP
5 BY: ALBERT BIRCHWALE, ESQUIRE
6 856 Broad Avenue
7 Ridgefield, New Jersey 07657
8 (201) 945-8812
9 Conflict Counsel to Board of Adjustment Case
10 No. 24-14, John Chong-Man Kim
11 Counsel to the Applicant A.O.C. LLC

12 LAW OFFICES OF DANIEL D. KIM
13 BY: DANIEL D. KIM, ESQUIRE
14 416 E. Central Boulevard
15 2nd Floor
16 Palisades Park, New Jersey 07650
17 (201) 947-2188
18 Counsel for the Applicants John Chong-Man Kim
19 Seung Hee Kim & Arthur K. Kim

20 A L S O P R E S E N T:
21
22 CHELSI IGUINA, BOARD SECRETARY
23
24 STEVEN COLLAZUOL, P.E., BOARD ENGINEER
25
MICHAEL KAUKER, PP, AICP, BOARD PLANNER

I N D E X

<u>WITNESS</u>	<u>SWORN</u>	<u>TESTIMONY</u>
1		
2		
3	Case No. 23-07	
4	Donald Oh	
5	252 3rd Street	
6	Block: 311; Lot: 2	8
7		
8	Case No. 24-10	
9	PBS Developers Corp.	
10	521 Orchard Avenue	
11	Block: 213; Lot 6	9
12		
13	Case No. 24-11	
14	An	
15	450 324 E. Palisades Boulevard	
16	Block: 414; Lot: 10	10
17		
18	Case No. 24-12	
19	122 E. Edsall LLC	
20	122 E. Edsall Avenue	
21	Block 615, Lot 6	11
22		
23	Case No. 24-02	
24	Hillcrest Builders LLC	
25	450 East Edsall Boulevard	
	Block 420, Lot 16	12
	Case No. 24-14	
	John Chong-Man Kim	
	Seung Hee Kim & Arthur K. Kim	
	109 Princeton Place	
	Block 715, Lot 20	14
	HARRY TUVEL, PE, PP	18
	Direct Examination by Mr. Lee:	18
	Board/Professional Questions	
	Chairman Ferguson	23
	Mr. Collazuol	24
	Public Questions	
	Lisette Vega	
	116 Princeton Place	33
	Claudia Alvarez	
	116 Princeton Place	34
	Ok An Kwon	
	120 Princeton Place	39
	Victoria Gomez	
	116 Princeton Place	43

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

I N D E X (CON'T)

WITNESS SWORN TESTIMONY

Case No. 24-15
A.O.C LLC/Ioannis Gelestathis
428 6th Street
Block 403, Lot 5 55

VASSILIOS COCOROS, RA 59
Direct Examination by Mr. Birchwale 59
Board/Professional Questions
Chairman Ferguson 67
Mr. Collazuol 73

E X H I B I T S

No. Description Ident/Evid

(None Marked.)

06:50PM 1 CHAIRMAN FERGUSON: Okay. So call the
06:50PM 2 meeting to order.

06:50PM 3 And in accordance with the Open Public
06:50PM 4 Meetings Act, notice of this meeting has been posted
06:50PM 5 on the borough bulletin board, notice has been
06:50PM 6 provided to the official borough newspaper and also
06:50PM 7 filed in the borough clerk's office.

06:50PM 8 Roll call.

06:50PM 9 MS. IGUINA: Mr. Ferguson?

06:50PM 10 CHAIRMAN FERGUSON: Yes.

06:50PM 11 MS. IGUINA: Mr. Albanese?

06:50PM 12 (No Response.)

06:50PM 13 MS. IGUINA: Mr. Brogna?

06:50PM 14 MR. BROGNA: Here.

06:50PM 15 MS. IGUINA: Mr. Elefteriou?

06:50PM 16 MR. ELEFTERIOU: Here.

06:50PM 17 MS. IGUINA: Mr. Grala?

06:50PM 18 MR. GRALA: Here.

06:50PM 19 MS. IGUINA: Mr. Kim?

06:50PM 20 MR. KIM: Here.

06:50PM 21 MS. IGUINA: Mr. Terranova?

06:50PM 22 (No Response.)

06:50PM 23 MS. IGUINA: Mr. Chung?

06:50PM 24 MR. CHUNG: Here.

06:50PM 25 MS. IGUINA: Ms. Yoon?

06:58PM 1 CHAIRMAN FERGUSON: Okay. All right.

06:59PM 2 Okay. So first thing is, okay, we're

06:59PM 3 going to rise for the flag salute, please.

06:59PM 4 (Whereupon, all rise for a recitation

06:59PM 5 of the Pledge of Allegiance.)

06:59PM 6 CHAIRMAN FERGUSON: Okay. All right.

06:59PM 7 So first what we're going to do is the

06:59PM 8 minutes of the last meeting. Everybody has received

06:59PM 9 a copy.

06:59PM 10 Is there any corrections on the meeting

06:59PM 11 in the minutes?

06:59PM 12 (No Response.)

06:59PM 13 CHAIRMAN FERGUSON: Okay. I'll take a

06:59PM 14 motion to approve the minutes as submitted.

06:59PM 15 MR. BROGNA: I'd second.

07:00PM 16 MS. IGUINA: Mr. Ferguson?

07:00PM 17 CHAIRMAN FERGUSON: Yes.

07:00PM 18 MS. IGUINA: Mr. Brogna?

07:00PM 19 MR. BROGNA: Yes.

07:00PM 20 MS. IGUINA: Mr. Elefteriou?

07:00PM 21 MR. ELEFTERIOU: Yes.

07:00PM 22 MS. IGUINA: Mr. Grala?

07:00PM 23 MR. GRALA: Yes.

07:00PM 24 MS. IGUINA: Mr. Kim?

07:00PM 25 MR. KIM: Yes.

07:00PM 1 MS. IGUINA: Mr. Chung?

07:00PM 2 MR. CHUNG: Yes.

07:00PM 3 CHAIRMAN FERGUSON: Okay. That's all
07:00PM 4 we got?

07:00PM 5 MS. TESTA: As far as bills, yeah.

07:00PM 6 CHAIRMAN FERGUSON: Okay.

07:00PM 7 Next we're going to pay some bills.

07:00PM 8 I have bills from our borough attorney
07:00PM 9 from a lot of the different case and the total is
07:00PM 10 3,840.

07:00PM 11 Can I get a motion to pay the -- our
07:00PM 12 lawyer?

07:00PM 13 MR. GRALA: I'll make a motion.

07:00PM 14 MR. FERGUSON: Can I get a second?

07:00PM 15 MR. ELEFTERIOU: Second.

07:00PM 16 CHAIRMAN FERGUSON: Roll call.

07:00PM 17 MS. IGUINA: Mr. Ferguson?

07:00PM 18 CHAIRMAN FERGUSON: Yes.

07:00PM 19 MS. IGUINA: Mr. Brogna?

07:00PM 20 MR. BROGNA: Yes.

07:00PM 21 MS. IGUINA: Mr. Elefteriou?

07:00PM 22 MR. ELEFTERIOU: Yes.

07:00PM 23 MS. IGUINA: Mr. Grala?

07:00PM 24 MR. GRALA: Yes.

07:00PM 25 MS. IGUINA: Mr. Kim?

07:00PM 1 MR. KIM: Yes.

07:00PM 2 MS. IGUINA: Mr. Chung?

07:00PM 3 MR. CHUNG: Yes.

07:00PM 4 CHAIRMAN FERGUSON: Okay. First case,
07:01PM 5 memorialization, it's 24-07 Donald Oh, 252 3rd
07:01PM 6 Street.

07:01PM 7 It's a memorialization from last
07:01PM 8 meeting.

07:01PM 9 MS. TESTA: Right this was a denial.
07:01PM 10 They were seeking to make parking in front of the
07:01PM 11 residence in the front yard and also add an addition
07:01PM 12 to go from a one family to a two family. And the
07:01PM 13 board voted against it.

07:01PM 14 CHAIRMAN FERGUSON: Okay. So I'll take
07:01PM 15 a motion to accept the memorialization.

07:01PM 16 MR. GRALA: I'll second.

07:01PM 17 MS. IGUINA: Mr. Ferguson?

07:01PM 18 CHAIRMAN FERGUSON: Yes.

07:01PM 19 MS. IGUINA: Mr. Brogna?

07:01PM 20 MR. BROGNA: Yes.

07:01PM 21 MS. IGUINA: Mr. Elefteriou?

07:01PM 22 MR. ELEFTERIOU: Yes.

07:01PM 23 MS. IGUINA: Mr. Grala?

07:01PM 24 MR. GRALA: Yes.

07:01PM 25 MS. IGUINA: Mr. Kim?

07:01PM 1 MR. KIM: Yes.

07:01PM 2 MS. IGUINA: Mr. Terranova?

07:01PM 3 MS. TESTA: Mr. Kim has to abstain.

07:01PM 4 MR. KIM: Ah, yeah, sorry.

07:01PM 5 I'll abstain.

07:02PM 6 MS. IGUINA: Mr. Chung?

07:02PM 7 MR. CHUNG: Yes.

07:02PM 8 CHAIRMAN FERGUSON: Okay. The next

07:02PM 9 memorialization is 24-10, PBS Developers Corp. And

07:02PM 10 it's at 521 Orchard Avenue.

07:02PM 11 MS. TESTA: Right.

07:02PM 12 This was an approval for a duplex.

07:02PM 13 CHAIRMAN FERGUSON: Right.

07:02PM 14 So okay I'll make a motion to go

07:02PM 15 approve the memorialization.

07:02PM 16 Can I get a second?

07:02PM 17 MR. GRALA: I'll second.

07:02PM 18 CHAIRMAN FERGUSON: Roll call.

07:02PM 19 MS. IGUINA: Mr. Ferguson?

07:02PM 20 CHAIRMAN FERGUSON: Yes.

07:02PM 21 MS. IGUINA: Mr. Brogna?

07:02PM 22 MR. BROGNA: Yes.

07:02PM 23 MS. IGUINA: Mr. Elefteriou?

07:02PM 24 MR. ELEFTERIOU: Abstain.

07:02PM 25 MS. IGUINA: Mr. Grala?

07:02PM 1 MR. GRALA: Yes.

07:02PM 2 MS. IGUINA: Mr. Kim?

07:02PM 3 MR. KIM: Abstain.

07:02PM 4 MS. IGUINA: Mr. Terranova?

07:02PM 5 MR. TERRANOVA: Yes.

07:02PM 6 MS. IGUINA: Mr. Chung?

07:02PM 7 MR. CHUNG: Yes.

07:02PM 8 CHAIRMAN FERGUSON: Okay.

07:02PM 9 Next case is 24-11, An, 324 East

07:02PM 10 Palisades Boulevard.

07:02PM 11 MS. TESTA: This was also a two-family

07:02PM 12 duplex.

07:02PM 13 CHAIRMAN FERGUSON: Okay. I'll make a

07:02PM 14 motion to approve the memorialization.

07:02PM 15 MR. ELEFTERIOU: I second.

07:03PM 16 CHAIRMAN FERGUSON: Mr. Ferguson?

07:03PM 17 MS. IGUINA: Yes.

07:03PM 18 CHAIRMAN FERGUSON: Mr. Brogna?

07:03PM 19 MR. BROGNA: Yes.

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

07:03PM 21 MR. ELEFTERIOU: Yes.

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

07:03PM 23 MR. GRALA: Yes.

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

07:03PM 25 MR. KIM: Abstain.

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

07:03PM 2 MR. TERRANOVA: Yes.

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

07:03PM 4 MR. CHUNG: Yes.

07:03PM 5 CHAIRMAN FERGUSON: Okay. And the last

07:03PM 6 memorialization is Case No. 24-12, 122 East Edsall,

07:03PM 7 LLC.

07:03PM 8 MS. TESTA: And this was for a two

07:03PM 9 family six over six.

07:03PM 10 CHAIRMAN FERGUSON: I'll make the

07:03PM 11 motion to approve the memorialization.

07:03PM 12 Can I get a second?

07:03PM 13 MR. ELEFTERIOU: Second.

07:03PM 14 CHAIRMAN FERGUSON: Roll call.

07:03PM 15 MS. IGUINA: Mr. Ferguson?

07:03PM 16 CHAIRMAN FERGUSON: Yes.

07:03PM 17 MS. IGUINA: Mr. Brogna?

07:03PM 18 MR. BROGNA: Yes.

07:03PM 19 MS. IGUINA: Mr. Elefteriou?

07:03PM 20 MR. ELEFTERIOU: Yes.

07:03PM 21 MS. IGUINA: Mr. Grala?

07:03PM 22 MR. GRALA: Yes.

07:03PM 23 MS. IGUINA: Mr. Kim?

07:03PM 24 MR. KIM: Abstain.

07:03PM 25 MS. IGUINA: Mr. Terranova?

07:03PM 1 MR. TERRANOVA: Yes.

07:03PM 2 MS. IGUINA: Mr. Chung?

07:03PM 3 MR. CHUNG: Yes.

07:03PM 4 CHAIRMAN FERGUSON: Okay. So now we're
07:03PM 5 at tonight. There's three cases on for tonight, one
07:04PM 6 has put a continuous, right?

07:04PM 7 MS. TESTA: Yeah, he requested --

07:04PM 8 CHAIRMAN FERGUSON: Which is Case
07:04PM 9 No. 24-02, which was Hillcrest Builders LLC, and that
07:04PM 10 one of course is the big one they're trying to put up
07:04PM 11 at 450 East Edsall Boulevard.

07:04PM 12 So he's looking -- for those in the
07:04PM 13 audience, they have -- this is a major project, it's
07:04PM 14 a seven-story apartment building.

07:04PM 15 So they had submitted it to the board,
07:04PM 16 the board had some objections, they took it out and
07:04PM 17 now they're redoing the application.

07:04PM 18 So they're working on the plans.
07:04PM 19 Apparently it's very entailed. So he's looking for a
07:04PM 20 continuance.

07:04PM 21 The problem is that there's two
07:05PM 22 attorneys that are objectors, they cannot make the
07:05PM 23 November meeting, so we're going to have to hear it
07:05PM 24 in December.

07:05PM 25 So I'll make a motion that we grant the

07:05PM 1 continuance and it will be heard in December's
07:05PM 2 meeting, and I think it's the 16th?

07:05PM 3 MS. TESTA: That's correct,
07:05PM 4 December 16th.

07:05PM 5 And no further notice.

07:05PM 6 CHAIRMAN FERGUSON: So no further
07:05PM 7 notice.

07:05PM 8 I'll make that motion.

07:05PM 9 Can I get a second?

07:05PM 10 MR. GRALA: I'll second.

07:05PM 11 CHAIRMAN FERGUSON: Okay.

07:05PM 12 Roll call.

07:05PM 13 MS. IGUINA: Mr. Ferguson?

07:05PM 14 CHAIRMAN FERGUSON: Yes.

07:05PM 15 MS. IGUINA: Mr. Brogna?

07:05PM 16 MR. BROGNA: Yes.

07:05PM 17 MS. IGUINA: Mr. Elefteriou?

07:05PM 18 MR. ELEFTERIOU: Yes.

07:05PM 19 MS. IGUINA: Mr. Grala?

07:05PM 20 MR. GRALA: Yes.

07:05PM 21 MS. IGUINA: Mr. Kim?

07:05PM 22 MR. KIM: Yes.

07:05PM 23 MS. IGUINA: Mr. Terranova?

07:05PM 24 MR. TERRANOVA: Yes.

07:05PM 25 MS. IGUINA: Mr. Chung?

07:05PM 1 MR. CHUNG: Yes.

07:05PM 2 MS. TESTA: Okay.

07:05PM 3 So Case No. 24-02, Hillcrest Builders
07:05PM 4 LLC, 450 East Edsall Boulevard, Block 420, Lot 16 at
07:05PM 5 the request of the applicant and also with the
07:06PM 6 consent of the applicant and the objecting attorneys
07:06PM 7 is being carried to December 16th, 2024, at 7:00 p.m.

07:06PM 8 They'll be no further notice to the
07:06PM 9 public of the hearing.

07:06PM 10 CHAIRMAN FERGUSON: Right.

07:06PM 11 Okay. Which brings us to the first
07:06PM 12 case of the night, which is 24-14 which is
07:06PM 13 109 Princeton Place.

07:06PM 14 Is the attorney --

07:06PM 15 MR. BIRCHWALE: For Princeton?

07:06PM 16 CHAIRMAN FERGUSON: Yeah, Princeton.

07:06PM 17 MR. BIRCHWALE: Sorry.

07:06PM 18 CHAIRMAN FERGUSON: That's okay.

07:06PM 19 MS. TESTA: And then I have a conflict,
07:06PM 20 so I'm going to recuse myself and Albert will sit in
07:06PM 21 for me.

07:06PM 22 MR. BIRCHWALE: Before you do, can I
07:06PM 23 just give this to you, the publication?

07:06PM 24 MS. TESTA: Yes, that'd be fine.

07:06PM 25 MR. BIRCHWALE: That's just mailing and

07:07PM 1 receipts.

07:07PM 2 CHAIRMAN FERGUSON: Welcome to the
07:07PM 3 board.

07:07PM 4 Okay. Counselor, you're on.

07:07PM 5 MR. LEE: Good evening, Members of the
07:07PM 6 Board, Mr. Chairperson, Daniel Lee representing the
07:07PM 7 applicants.

07:07PM 8 Now, this subject property has a very
07:07PM 9 steep hill, almost more like a hill in the back. The
07:08PM 10 front of the property is nice and flat.

07:08PM 11 CHAIRMAN FERGUSON: Right.

07:08PM 12 MR. LEE: I have no problem there, but
07:08PM 13 it has no garage in front.

07:08PM 14 CHAIRMAN FERGUSON: Correct.

07:08PM 15 MR. LEE: The back of the property
07:08PM 16 there is a garage, but leading to the garage, there
07:08PM 17 is a huge, steep grade there more than 10 feet
07:08PM 18 difference but from the point you enter the property
07:08PM 19 until you reach the garage.

07:08PM 20 CHAIRMAN FERGUSON: Right.

07:08PM 21 MR. LEE: So therein, that's why we're
07:08PM 22 making this application to build a driveway to be
07:08PM 23 able to park two cars in the front yard.

07:08PM 24 CHAIRMAN FERGUSON: Right.

07:08PM 25 MR. LEE: Mr. Kim and Mrs. Kim both are

07:08PM 1 in the -- and Mrs. Kim, as you see are
07:08PM 2 wheelchair-bound and they can't deal with the
07:08PM 3 steepness of the driveway in the back.

07:09PM 4 So this is being necessitated stated as
07:09PM 5 well by the health issue here.

07:09PM 6 MR. BIRCHWALE: Daniel, maybe if I can
07:09PM 7 slow you down for one minute just to put this on the
07:09PM 8 record.

07:09PM 9 I reviewed notice to property owners
07:09PM 10 within 200 feet of the subject premise. The notices
07:09PM 11 are all dated October 9, 2024; so therefore, notice
07:09PM 12 to property owners within 200 feet of the subject
07:09PM 13 premises is satisfactory.

07:09PM 14 We also reviewed the notice to the
07:09PM 15 local newspaper which was The Record newspaper, that
07:09PM 16 was published on October 7th, 2024.

07:09PM 17 And, therefore, notice of publication
07:09PM 18 is also satisfactory. So we have jurisdiction to
07:09PM 19 hear this application this evening.

07:09PM 20 Okay, Daniel.

07:09PM 21 MR. LEE: Thank you.

07:09PM 22 Before you put on Mr. Tuvel, our
07:09PM 23 witness here, there is a town code that says -- I
07:10PM 24 didn't know about this until now until Mr. O'Malley
07:10PM 25 in the building department told me about this.

07:10PM 1 There's a town ordinance that says --
07:10PM 2 town code that says you cannot build a driveway in
07:10PM 3 front of the property in the front yard unless it
07:10PM 4 leads to a garage.

07:10PM 5 CHAIRMAN FERGUSON: Right.

07:10PM 6 MR. LEE: Okay. So our first witness,
07:10PM 7 we have Mr. Harry Tuvel.

07:10PM 8 CHAIRMAN FERGUSON: Okay. Is he your
07:10PM 9 only witness tonight?

07:10PM 10 MR. LEE: He'll be the only witness
07:10PM 11 tonight.

07:10PM 12 CHAIRMAN FERGUSON: Okay. Harry, good
07:10PM 13 to see you.

07:10PM 14 MR. TUVEL: Good to be seen.

07:10PM 15 MR. BIRCHWALE: Can you raise your
07:10PM 16 right hand and state your name and address on the
07:10PM 17 record?

07:10PM 18 MR. TUVEL: Sure.

07:10PM 19 Harry Tuvel, T-U-V-E-L, 629 Ridge
07:10PM 20 Court, Ridgefield, New Jersey.

07:10PM 21 MR. BIRCHWALE: Good.

07:10PM 22 Raise your right hand again.

07:10PM 23 Do you swear to tell the truth and
07:10PM 24 nothing but the truth regarding comments you make
07:10PM 25 pertaining to this application, so help you, God?

07:10PM 1 MR. TUVEL: I do.

07:10PM 2 H A R R Y T U V E L, P.E., P.P.

07:10PM 3 629 Ridge Court, Ridgefield, New Jersey, having

07:10PM 4 been duly sworn, testifies as follows:

07:10PM 5 MR. BIRCHWALE: Good.

07:10PM 6 CHAIRMAN FERGUSON: Okay.

07:10PM 7 MR. BIRCHWALE: I know everybody knows

07:10PM 8 Harry.

07:10PM 9 Do you want to just -- you're

07:11PM 10 testifying as --

07:11PM 11 MR. TUVEL: I'm testifying as an

07:11PM 12 engineer and planner.

07:11PM 13 MR. BIRCHWALE: In both combinations as

07:11PM 14 an expert in engineering and municipal planning?

07:11PM 15 MR. TUVEL: That's correct.

16 CHAIRMAN FERGUSON: Okay. We're going

17 to accept him as an expert.

18 Harry, take over.

19 DIRECT EXAMINATION

20 BY MR. LEE:

07:11PM 21 Q. Okay. Go ahead, Harry.

07:11PM 22 A. Okay.

07:11PM 23 So you have the plans that we've

07:11PM 24 prepared before you.

07:11PM 25 This is a -- as the attorney indicated,

07:11PM 1 we're seeking a variance from -- the Ordinance
07:11PM 2 Section 300-25L which calls for a driveways in front
07:11PM 3 yard leading to a garage.

07:11PM 4 This is a very unique, a rather unique
07:11PM 5 piece of property, it's on a peninsula-shaped area
07:11PM 6 where there's two frontages; one on Princeton
07:11PM 7 Place -- the home fronts on Princeton Place and has
07:11PM 8 an address of 109 Princeton Place.

07:11PM 9 It also fronts on Northwood Way, which
07:12PM 10 is really the rear of the property.

07:12PM 11 And currently in the rear of that
07:12PM 12 property, there is a -- there's a spot for two
07:12PM 13 parking spaces as well as a long driveway leading to
07:12PM 14 a garage. That long driveway has an approximately
07:12PM 15 20-percent slope, which is an unworkable slope.

07:12PM 16 How that garage and driveway were ever
07:12PM 17 really utilized, I'm not really sure.

07:12PM 18 Our clients are relatively new owners
07:12PM 19 of property.

07:12PM 20 So our proposal as shown on the plan,
07:12PM 21 our proposal is to soften that slope by removing an
07:12PM 22 existing retaining wall, building a new retaining
07:12PM 23 wall and flattening out the portion of the property
07:12PM 24 to the rear of the home and for the existing two
07:12PM 25 parking spaces which I've shown on the plan with two

07:12PM 1 cars. Those two cars will remain and the proposal is
07:13PM 2 to put at new driveway in the front of the home on
07:13PM 3 Princeton Place for two cars.

07:13PM 4 I hope -- we shouldn't have failed to
07:13PM 5 mention this is an existing legal, two-family home.

07:13PM 6 So it will be four cars that will be in
07:13PM 7 compliance with RSIS standards for parking, two
07:13PM 8 parking spaces for one tenant and two parking spaces
07:13PM 9 for the other occupant.

07:13PM 10 So the variances we're seeking I think
07:13PM 11 fall under C-1 and C-2 of the Municipal Land Use Law
07:13PM 12 where we have a topographic condition and also we
07:13PM 13 have -- we are seeking a variance relating to a
07:13PM 14 specific piece of property where the purposes of
07:13PM 15 zoning would be advanced by the deviation from
07:13PM 16 Section 325L and that the benefits would outweigh any
07:14PM 17 detriment.

07:14PM 18 I said that -- I told you about the
07:14PM 19 slope. I told you about the fact that this is a
07:14PM 20 unique property. We believe that this will be a
07:14PM 21 better parking configuration for the two-family
07:14PM 22 residents and will certainly result in greater
07:14PM 23 utility for the existing residents and for handicap
07:14PM 24 access from the front.

07:14PM 25 The steep slope in the back is simply

07:14PM 1 unworkable even for a perfectly ambulatory people.

07:14PM 2 The driveway in the front yard will
07:14PM 3 be -- will look essentially like many driveways
07:14PM 4 except there won't be a garage, it only will take up
07:14PM 5 about half of the front of the house, the other half
07:14PM 6 on the other side of walkway will remain a grassed
07:14PM 7 area.

07:14PM 8 Even though you have the zoning
07:14PM 9 ordinance of Section 325, we are seeking a variance
07:15PM 10 from -- the Residential Site Improvement Standards
07:15PM 11 actually do not require that driveways lead to
07:15PM 12 garages.

07:15PM 13 So under C-2, you know, we have --
07:15PM 14 which is known as the flexible C variance, the board
07:15PM 15 weighs the extent of the nonconformity which is being
07:15PM 16 proposed and the extent of any negative impacts.

07:15PM 17 So my opinion is that the balance in
07:15PM 18 this case is that we have a -- this results in a
07:15PM 19 better parking configuration with the existing two
07:15PM 20 family for the two-family residents and there are no
07:15PM 21 other variances.

07:15PM 22 All other bulk requirements for this
07:15PM 23 house are met.

07:15PM 24 So under the negative criteria, I
07:15PM 25 certainly don't think that there's any substantial

07:15PM 1 detriment to the public good or the intent and
07:16PM 2 purposes of the zone plan.

07:16PM 3 I think the variances we meet the
07:16PM 4 statutory criteria under C-1 and C-2 by demonstrating
07:16PM 5 that there's a practical difficulty dealing with the
07:16PM 6 steep slope and that the granting of the variance
07:16PM 7 that we're calling for does not rise to a substantial
07:16PM 8 detriment to the public good.

07:16PM 9 Q. Harry, the drainage, how are we dealing
07:16PM 10 with the drainage in the back?

07:16PM 11 A. Well, we are removing impervious area
07:16PM 12 in the back. We're not changing anything in the rear
07:16PM 13 of the property. I have had a conversation with
07:16PM 14 Mr. Collazuol regarding the new driveway in the front
07:16PM 15 and he is suggesting we put in a trench -- even
07:16PM 16 though it's very, very flat in that front driveway,
07:17PM 17 we are adding impervious coverage.

07:17PM 18 So I had suggested to him and we would
07:17PM 19 work that out as a condition of the approval that we
07:17PM 20 would put in drainage to accommodate the new driveway
07:17PM 21 in the front.

07:17PM 22 MR. LEE: So if the board is inclined
07:17PM 23 to approve this application today, we have no problem
07:17PM 24 putting the condition in the resolution we'll install
07:17PM 25 a trench drain.

07:17PM 1 CHAIRMAN FERGUSON: Right.

07:17PM 2 BY MR. LEE:

07:17PM 3 Q. And also the retaining wall will be
07:17PM 4 less than 4 feet in height?

07:17PM 5 A. Yes.

07:17PM 6 Q. Great.

07:17PM 7 MR. LEE: We open to any questions from
07:17PM 8 members of the board.

07:17PM 9 CHAIRMAN FERGUSON: Okay. So just a
07:17PM 10 few.

07:17PM 11 It says on your plans, minimum rear
07:17PM 12 setback in feet, 25 feet is permitted and you have an
07:17PM 13 NA. What is --

07:17PM 14 THE WITNESS: Well, that's because it's
07:17PM 15 two frontages. There's really no -- I've interpreted
07:18PM 16 that -- this property fronts on two streets, so
07:18PM 17 that's really no rear yard.

07:18PM 18 CHAIRMAN FERGUSON: Right.

07:18PM 19 So your front yard you have, what,
07:18PM 20 24 feet?

07:18PM 21 THE WITNESS: The front yard is almost
07:18PM 22 25 feet and 20 feet is required.

07:18PM 23 CHAIRMAN FERGUSON: Okay. So if the
07:18PM 24 board was to approve this, you would have this
07:18PM 25 parking area in the front and you would have it if

07:18PM 1 I'm looking at the house, you would have it on the
07:18PM 2 right side of the house?

07:18PM 3 THE WITNESS: Correct.

07:18PM 4 CHAIRMAN FERGUSON: Right.

07:18PM 5 And how would you place the pavers?
07:18PM 6 That's the next question.

07:18PM 7 Would the pavers be at the property
07:18PM 8 line or would it be in --

07:18PM 9 THE WITNESS: We certainly could have a
07:18PM 10 concrete apron in the right-of-way and have pavers on
07:18PM 11 the private property, whatever the borough or the
07:19PM 12 board engineer or the board prefers, we would comply
07:19PM 13 with either.

07:19PM 14 CHAIRMAN FERGUSON: Right.

07:19PM 15 Well, the question is how far are you
07:19PM 16 going to come over from your property?

07:19PM 17 In other words, are you going to put
07:19PM 18 the pavers at the property line or are you going
07:19PM 19 to --

07:19PM 20 THE WITNESS: No, we would end the
07:19PM 21 pavers at the property line and put in a concrete
07:19PM 22 apron in all probability, because that would be more
07:19PM 23 -- I think more consistent with what you would have
07:19PM 24 in the town.

07:19PM 25 MR. COLLAZUOL: Can I interrupt?

07:19PM 1 I think you're talking about two
07:19PM 2 different things.

07:19PM 3 Joe, I think you're talking about the
07:19PM 4 neighbor's property line.

07:19PM 5 And, Harry, I think you're talking
07:19PM 6 about the right-of-way.

07:19PM 7 THE WITNESS: Yeah, I am.

07:19PM 8 MR. COLLAZUOL: You're taking about --

07:19PM 9 CHAIRMAN FERGUSON: I'm talking about
07:19PM 10 the neighbors' property or your property line.

07:19PM 11 THE WITNESS: Yes, there's going to be
07:19PM 12 a curb between our property and the property line.

07:19PM 13 And the distance between that curb
07:20PM 14 is -- we -- okay, hold on -- between the curb and
07:20PM 15 that property line is about 2-and-a-half feet.

07:20PM 16 CHAIRMAN FERGUSON: Okay. But you're
07:20PM 17 going to put a curb right --

07:20PM 18 THE WITNESS: Alongside that.

07:20PM 19 CHAIRMAN FERGUSON: Right, right,
07:20PM 20 between the neighbors and your --

07:20PM 21 THE WITNESS: That's correct.

07:20PM 22 CHAIRMAN FERGUSON: Okay. Now, up on
07:20PM 23 Princeton, which I had visited many -- a couple
07:20PM 24 times, actually, there's no parking on that side of
07:20PM 25 the street.

07:20PM 1 THE WITNESS: That's correct.

07:20PM 2 CHAIRMAN FERGUSON: Right?

07:20PM 3 THE WITNESS: We're not taking any
07:20PM 4 parking.

07:20PM 5 CHAIRMAN FERGUSON: So by you putting
07:20PM 6 an area in the front, you're not taking away any
07:20PM 7 parking because that's the side of the street that
07:20PM 8 has no parking.

07:20PM 9 So you could put, you know, a driveway
07:20PM 10 in and it won't affect anybody else's --

07:20PM 11 MR. LEE: Correct, sir.

07:20PM 12 THE WITNESS: That's correct.

07:20PM 13 MR. LEE: We can do all this without
07:21PM 14 affecting the parking situation.

07:21PM 15 THE WITNESS: That's correct.

07:21PM 16 CHAIRMAN FERGUSON: All right. So now
07:21PM 17 I just want to go back -- go to the back.

07:21PM 18 So I was up there, like I said, a
07:21PM 19 couple times. I was actually up there tonight. And
07:21PM 20 they have this long, I guess, driveway that runs from
07:21PM 21 the top to the bottom.

07:21PM 22 And there's two parking spaces at the
07:21PM 23 bottom, actually goes right onto the right-of-way,
07:21PM 24 right? Yes? No.

07:21PM 25 THE WITNESS: Yes, yes.

07:21PM 1 CHAIRMAN FERGUSON: So in the
07:21PM 2 wintertime, how do they manage to go up that
07:21PM 3 driveway? It's a 20 percent -- I mean --

07:21PM 4 THE WITNESS: Yeah, but the parking
07:21PM 5 spaces that will remain, they're only going to be on
07:21PM 6 the bottom part of that driveway. The existing --

07:22PM 7 When I measured 20 percent, I went all
07:22PM 8 the way from the street all the way up to the
07:22PM 9 existing garage.

07:22PM 10 CHAIRMAN FERGUSON: Right.

07:22PM 11 So you're telling me --

07:22PM 12 THE WITNESS: That part is not that
07:22PM 13 steeply sloped. Those two existing parking spaces
07:22PM 14 will remain, but the long driveway all the way up to
07:22PM 15 the existing garage is going to be removed.

07:22PM 16 And as I said, that new retaining wall
07:22PM 17 will soften that entire slope.

07:22PM 18 CHAIRMAN FERGUSON: Okay. So you
07:22PM 19 didn't answer my question.

07:22PM 20 How does it -- in the wintertime, how
07:22PM 21 do you get those two parking spaces; who's going to
07:22PM 22 have access to them?

07:22PM 23 MR. LEE: They use the garage for that
07:22PM 24 reason, for the steepness of it, they use the garage
07:22PM 25 not as a garage, but as a kind of storage place right

07:22PM 1 now because they can't deal with the steepness,
07:22PM 2 especially when they're trying to back out of it.

07:22PM 3 CHAIRMAN FERGUSON: Right. Yeah,
07:22PM 4 correct.

07:22PM 5 MR. LEE: So the cars are going to
07:23PM 6 remain in the back half of the property, but the
07:23PM 7 driveway going through the garage, they don't really
07:23PM 8 use that driveway there.

07:23PM 9 CHAIRMAN FERGUSON: Yeah, I just don't
07:23PM 10 want to belabor the point, but if you're parking down
07:23PM 11 at the bottom, right, how do you get up to your
07:23PM 12 house, I mean, do you walk --

07:23PM 13 MR. LEE: You have to walk up.

07:23PM 14 THE WITNESS: There's going to be
07:23PM 15 stairs and a walkway as shown on the plan, there's
07:23PM 16 going to be stairs on one side of that retaining
07:23PM 17 wall.

07:23PM 18 CHAIRMAN FERGUSON: Okay. Okay.
07:23PM 19 Now what -- how are you going to soften
07:23PM 20 it now? That would be my next question.

07:23PM 21 THE WITNESS: There's going to be a new
07:23PM 22 -- the upper portion is the area that will be more
07:23PM 23 softened than the lower portion because the wall will
07:23PM 24 hold back that grade of the upper portion of that
07:23PM 25 rear portion of the property.

07:24PM 1 CHAIRMAN FERGUSON: Right.

07:24PM 2 Now, how about in the back, is there
07:24PM 3 any -- and maybe Steve when he talks, testifies, he
07:24PM 4 can help me -- is there any drainage in the back?

07:24PM 5 MR. COLLAZUOL: No.

07:24PM 6 CHAIRMAN FERGUSON: No?

07:24PM 7 MR. COLLAZUOL: There's none existing
07:24PM 8 and none proposed.

07:24PM 9 CHAIRMAN FERGUSON: Okay. So what
07:24PM 10 happens is when it's raining, everything just runs
07:24PM 11 down that hill onto Northwood; is that correct? Do I
07:24PM 12 have that right?

07:24PM 13 MR. COLLAZUOL: And now they're going
07:24PM 14 to remove some of that runoff, it will be slowed down
07:24PM 15 because of the -- it will be a grassed area now.

07:24PM 16 CHAIRMAN FERGUSON: Right. Okay.

07:24PM 17 But right now there's no drainage.

07:24PM 18 MR. COLLAZUOL: Correct.

07:24PM 19 CHAIRMAN FERGUSON: And would you
07:24PM 20 recommend drainage back there or no?

07:24PM 21 MR. COLLAZUOL: I think with the
07:24PM 22 reduction in the driveway impervious coverage and the
07:24PM 23 fact that as long as there's no complaints right now
07:24PM 24 that what drains out onto Northway and creates a
07:24PM 25 problem when it rains, because there is a drainage

07:24PM 1 system in Northway, it's the borough's drainage
07:24PM 2 system, but I think it will be acceptable to leave
07:25PM 3 the plan, that part of the plan the way it is.

CHAIRMAN FERGUSON: Okay.

07:25PM 4
07:25PM 5 Okay. Any other board members have
07:25PM 6 anything?

(No Response.)

07:25PM 7
07:25PM 8 CHAIRMAN FERGUSON: Okay. Steve,
07:25PM 9 you're on.

07:25PM 10 MR. COLLAZUOL: I mean, Harry's
07:25PM 11 addressed many of the points.

07:25PM 12 I'd like just to go back to the
07:25PM 13 landscaping -- well, not landscaping, but Item 3 of
07:25PM 14 our landscaped review indicates that yes, that on the
07:25PM 15 right-hand side of the proposed driveway by Princeton
07:25PM 16 Place will be about 2 feet from the back side of the
07:25PM 17 curb to the property line.

07:25PM 18 And perhaps the board would recommend
07:25PM 19 some landscape feature there so the neighbor to the
07:25PM 20 right doesn't have to look at the vehicles as much as
07:25PM 21 they could if there were some kind of plantings
07:25PM 22 there.

CHAIRMAN FERGUSON: Right.

07:25PM 23
07:25PM 24 MR. COLLAZUOL: Even if they were low.
07:25PM 25 I think 2 feet, if Harry could move it over a foot or

07:25PM 1 whatever, I know the platform is there, but, you
 07:25PM 2 know, normally you'd have some landscaping in that
 07:25PM 3 2-and-a-half-foot area.

07:25PM 4 CHAIRMAN FERGUSON: Right.

07:25PM 5 So, okay, so you're recommending some
 07:26PM 6 plantings.

07:26PM 7 MR. COLLAZUOL: Perhaps, yeah, some --

07:26PM 8 THE WITNESS: Plant a nice strip there.

07:26PM 9 MR. LEE: Between the property lines.

07:26PM 10 CHAIRMAN FERGUSON: Correct, and you'll
 07:26PM 11 agree to that?

07:26PM 12 MR. LEE: We'll definitely agree to
 07:26PM 13 that.

07:26PM 14 CHAIRMAN FERGUSON: Anything else,
 07:26PM 15 Steve?

07:26PM 16 MR. COLLAZUOL: It's all in the letter
 07:26PM 17 and Harry and I had a conversation on Friday and he's
 07:26PM 18 obliged to adopt some of the comments in the letter.

07:26PM 19 CHAIRMAN FERGUSON: Okay.

07:26PM 20 So, Harry, you agree that you have to
 07:26PM 21 be in constant contact with the board's engineer if
 07:26PM 22 we approve it?

07:26PM 23 THE WITNESS: I don't know about
 07:26PM 24 constant, but I'll be in contact.

07:26PM 25 CHAIRMAN FERGUSON: Constant is a good

07:26PM 1 word. I like constant.

07:26PM 2 MR. LEE: Okay.

07:26PM 3 So we'll be in communications with --

07:26PM 4 CHAIRMAN FERGUSON: Okay. Now, you
07:26PM 5 have no other witnesses?

07:26PM 6 MR. LEE: No other witnesses.

07:26PM 7 CHAIRMAN FERGUSON: Now, before we go
07:26PM 8 -- you're not going anything to the house, correct,
07:26PM 9 the house is staying exactly the way it is?

07:26PM 10 MR. LEE: Everything remains exactly
07:26PM 11 the same.

07:26PM 12 The footprint remains the same,
07:26PM 13 everything else remains the same.

07:26PM 14 CHAIRMAN FERGUSON: Okay. So now we're
07:26PM 15 going to come to the part of the application that we
07:27PM 16 listen to the neighbors.

07:27PM 17 Anybody can come and talk about the
07:27PM 18 testimony that you heard tonight, it's, you know,
07:27PM 19 three minutes.

07:27PM 20 Any questions, Harry is going to answer
07:27PM 21 the questions, hopefully?

07:27PM 22 (No Response.)

07:27PM 23 CHAIRMAN FERGUSON: Okay. So is there
07:27PM 24 anybody in the audience would like to ask any
07:27PM 25 questions?

07:27PM 1 MS. VEGA: Hi.

07:27PM 2 CHAIRMAN FERGUSON: Name and address.

07:27PM 3 MS. VEGA: My name is Lisette Vega.

07:27PM 4 My partner, Claudia Alvarez, we own the
07:27PM 5 property that is across the street, 116 Princeton
07:27PM 6 Place.

07:27PM 7 We've been owning the house for 15
07:27PM 8 years, but we're very familiar with everything that
07:27PM 9 is happening, the same way that we had many issues
07:27PM 10 with the property, because had some problems with the
07:27PM 11 drainage coming from the Bergen Boulevard. Okay?

07:27PM 12 We do have a lot of the concerns about
07:28PM 13 the driveway being built in front of our house, not
07:28PM 14 so much only for us, but because as it is, the street
07:28PM 15 is very, very narrow.

07:28PM 16 It's a two-way street and happened to
07:28PM 17 be that the house, our house in the area where they
07:28PM 18 wanted to build the driveway is in a curve, right.

07:28PM 19 So having -- the concern is a safety
07:28PM 20 issue, not only for the people that live in the
07:28PM 21 surrounding areas like us, the neighbors, we have
07:28PM 22 another home property, a homeowner right here, is if
07:28PM 23 they build a driveway, how is it going to affect the
07:28PM 24 already limited space that we have to park?

07:28PM 25 As you noticed, there no parking space.

07:28PM 1 CHAIRMAN FERGUSON: On that side of the
07:28PM 2 street?

07:28PM 3 MS. VEGA: Exactly.

07:28PM 4 But also there's two way, people come
07:28PM 5 in and going in, it's such a blind spot.

07:29PM 6 MS. ALVAREZ: You've been there, right?
07:29PM 7 You just mentioned that you've been there quite some
07:29PM 8 time, correct?

07:29PM 9 CHAIRMAN FERGUSON: Yes.

07:29PM 10 MS. ALVAREZ: So I'm not sure if you
07:29PM 11 guys are familiar with that. I know the gentleman up
07:29PM 12 here --

07:29PM 13 MR. GRALA: I'm familiar.

07:29PM 14 MS. ALVAREZ: How are you?
07:29PM 15 How are you doing?

07:29PM 16 MR. GRALA: I'm good.

07:29PM 17 MS. ALVAREZ: So there's no place to
07:29PM 18 put the snow. What's going to happen when snow comes
07:29PM 19 out, right?

07:29PM 20 MR. GRALA: There hasn't been a place
07:29PM 21 to put the snow in 15 years.

07:29PM 22 MS. ALVAREZ: I understand that.

07:29PM 23 I've never seen them living there, for
07:29PM 24 once. My neighbors are them, the couple right here
07:29PM 25 behind me. They don't live there, right?

07:29PM 1 So between --

07:29PM 2 MR. BIRCHWALE: Excuse me.

07:29PM 3 Can you just state your name and
07:29PM 4 address for the record, just so we know who's
07:29PM 5 speaking.

07:29PM 6 MS. ALVAREZ: Oh, sure, my name is
07:29PM 7 Claudia Alvarez.

07:29PM 8 CHAIRMAN FERGUSON: And you live at?

07:29PM 9 MS. ALVAREZ: 116 Princeton Place.

07:29PM 10 CHAIRMAN FERGUSON: Okay.

07:29PM 11 MS. ALVAREZ: So now we have cars
07:29PM 12 coming out, snow, the speed.

07:30PM 13 I think before we build the driveway,
07:30PM 14 we need to put some speed bumps in that area, right?
07:30PM 15 Or make a one way.

07:30PM 16 MR. BIRCHWALE: That's the Mayor and
07:30PM 17 Council, not this board, speed bumps.

07:30PM 18 MS. ALVAREZ: Okay. I'll make sure I
07:30PM 19 touch base with the Mayor.

07:30PM 20 But the parking there, it's going to
07:30PM 21 create more issues than it benefits the people that
07:30PM 22 live there. I've never seen them living there.

07:30PM 23 This is the first time I've seen them.

07:30PM 24 CHAIRMAN FERGUSON: Well, let me just
07:30PM 25 say, so number one, if they're going put cars in that

07:30PM 1 driveway, it only can help the parking situation
07:30PM 2 because you're taking two cars now that park
07:30PM 3 somewhere and you're putting them off the street,
07:30PM 4 right?

07:31PM 5 So that's -- so I don't see it as a
07:31PM 6 problem with the parking, right. I think it's going
07:31PM 7 to help the parking.

07:31PM 8 If you want to go ask the Mayor and
07:31PM 9 Council to put a speed bump up there, that's fine,
07:31PM 10 you can put a speed, you know, you can also ask him
07:31PM 11 to put "please slow down," whatever you want to do.
07:31PM 12 But you're right, it's a narrow street.

07:31PM 13 MS. ALVAREZ: Very narrow.

07:31PM 14 CHAIRMAN FERGUSON: No, I get it.
07:31PM 15 That's why there's no parking.

07:31PM 16 MS. ALVAREZ: Cars go approximately 60
07:31PM 17 miles per hour there.

07:31PM 18 CHAIRMAN FERGUSON: Well, I don't know
07:31PM 19 that.

07:31PM 20 When you say that, I have no idea.

07:31PM 21 MS. ALVAREZ: I've got videos.

07:31PM 22 CHAIRMAN FERGUSON: Yeah, okay.

07:31PM 23 But at any rate, I'm not here to debate
07:31PM 24 how fast cars go, but, you know, you're dealing with
07:31PM 25 the curb now. I just don't quite get why all of a

07:31PM 1 sudden you're worried about a curb.

07:32PM 2 If there is a curb, there's a very --
07:32PM 3 it's not a major curb, it's a curb, but not where you
07:32PM 4 cannot see the other side of the curb. I just
07:32PM 5 don't -- I just don't see the --

07:32PM 6 MS. ALVAREZ: It's already a hassle.
07:32PM 7 We don't have no place to put the snow, we don't.

07:32PM 8 CHAIRMAN FERGUSON: Right.

07:32PM 9 MS. ALVAREZ: Now, they have a
07:32PM 10 driveway, right?

07:32PM 11 Now they have to remove the snow and
07:32PM 12 put it somewhere. Where are they going to put it,
07:32PM 13 right, just to get into the driveway.

07:32PM 14 CHAIRMAN FERGUSON: Well, do you put --

07:32PM 15 MS. ALVAREZ: I have a driveway.

07:32PM 16 CHAIRMAN FERGUSON: You have a
07:32PM 17 driveway?

07:32PM 18 MS. ALVAREZ: Yup.

07:32PM 19 CHAIRMAN FERGUSON: Everybody on the
07:32PM 20 street has as driveway up there?

07:32PM 21 MS. ALVAREZ: Some.

07:32PM 22 The houses, yeah, they lead into a
07:32PM 23 garage.

07:32PM 24 CHAIRMAN FERGUSON: They lead into --
07:32PM 25 no, I understand it all, but I don't get -- I mean,

07:32PM 1 the snow is something that's existing, I mean --

07:32PM 2 MS. ALVAREZ: So where would they -- so
07:32PM 3 their garage -- the driveway is not going to have a
07:33PM 4 lot of space in front of where they're going to park
07:33PM 5 the car, right?

07:33PM 6 CHAIRMAN FERGUSON: Well, according to
07:33PM 7 the plan, and I'm just going by the plan, the front
07:33PM 8 of the house, there's almost 25 feet across.

07:33PM 9 So I, you know, that would leave some
07:33PM 10 space for whatever snow they want to, you know,
07:33PM 11 remove.

07:33PM 12 I mean, if you got 24, almost 25 feet,
07:33PM 13 I mean, I just don't --

07:33PM 14 But Harry, you have anything?

07:33PM 15 THE WITNESS: As I said in my
07:33PM 16 testimony, we're only putting a driveway on one-half
07:33PM 17 of that front yard.

07:33PM 18 There still will be the rest of the
07:33PM 19 front yard for any snow removal.

07:33PM 20 MR. LEE: Half the property, as you see
07:33PM 21 in the front to the left of it, it will remain grassy
07:34PM 22 area.

07:34PM 23 So the snow can be moved to there, to
07:34PM 24 that side. There's plenty of room. I don't think it
07:34PM 25 should be any concern for them.

07:34PM 1 CHAIRMAN FERGUSON: Okay. Name and
07:34PM 2 address?

07:34PM 3 MS. KWON: Okay.

07:34PM 4 Hi. My name is Ok Kwon.

07:34PM 5 I live in 120 Princeton Place.

07:34PM 6 CHAIRMAN FERGUSON: Right.

07:34PM 7 MS. KWON: My question is I don't know
07:34PM 8 -- I don't understand exactly my English here, but I
07:34PM 9 try my best.

07:34PM 10 But if they put it in the driveway, all
07:34PM 11 right, then we have some space we can put it in the
07:34PM 12 back.

07:34PM 13 When they put the driveway, I can still
07:34PM 14 park the car or we have to remove other car? Like
07:34PM 15 how do I explain this? You know, it's like --

07:34PM 16 MR. TERRANOVA: Are you talking about
07:34PM 17 when they're constructing the driveway; is that what
07:34PM 18 you're talking about, or are you talking about after
07:34PM 19 the driveway is constructed?

07:34PM 20 MS. KWON: No, for the driveway, this
07:34PM 21 is my house.

07:34PM 22 MR. GRALA: You can park on your side
07:34PM 23 of the driveway.

07:34PM 24 MR. TERRANOVA: You can't park on that
07:34PM 25 side of the street already.

07:34PM 1 MS. KWON: But if they're building the
07:34PM 2 -- so I can still park my car, it's not going to get
07:35PM 3 a ticket.

07:35PM 4 MR. GRALA: No. No.

07:35PM 5 MS. KWON: That's fine?

07:35PM 6 But my cousin across the street, they
07:35PM 7 have driveway and this is my driveway, this is the
07:35PM 8 Princeton Place.

07:35PM 9 So when they drive, I put my car,
07:35PM 10 sometimes my daughter come from a city or my friend
07:35PM 11 come, I don't have any place -- sometimes we go far,
07:35PM 12 it's okay, but sometimes snow.

07:35PM 13 So if I put my car in front of them and
07:35PM 14 then my daughter go like this, then they -- it's very
07:35PM 15 difficult to come out back and then go like this. I
07:35PM 16 don't know, my English is --

07:35PM 17 CHAIRMAN FERGUSON: Well, they do it
07:35PM 18 now. Why wouldn't they be able to do it?

07:35PM 19 MS. KWON: But this is very like narrow
07:35PM 20 and not enough.

07:35PM 21 CHAIRMAN FERGUSON: The street is
07:35PM 22 narrow.

07:35PM 23 MS. KWON: Yeah, I think it's not
07:35PM 24 enough.

07:35PM 25 So as long as they build the garage,

07:35PM 1 okay, but I can still park -- there's a place I used
07:35PM 2 to be parked in the street.

07:36PM 3 CHAIRMAN FERGUSON: Why not? I don't
07:36PM 4 understand why you can't.

07:36PM 5 MR. CHUNG: Yes, you can park there.
07:36PM 6 Don't park Wednesday morning, though, 9:00 to 12:00.

07:36PM 7 MS. KWON: Yeah, I know. Wednesday I
07:36PM 8 won't, but even -- but we put it in the park then
07:36PM 9 they can back up and turn around to go straight.

07:36PM 10 MR. CHUNG: Yes.

07:36PM 11 MS. KWON: They been able to do that.

07:36PM 12 CHAIRMAN FERGUSON: Yes.

07:36PM 13 MR. CHUNG: Yes.

07:36PM 14 CHAIRMAN FERGUSON: Okay. Right now
07:36PM 15 you can pull out of the your driveway.

07:36PM 16 MS. KWON: I do, but I mean, it's not
07:36PM 17 on my driveway for the like little space barely
07:36PM 18 two-car.

07:36PM 19 This is my garage and this is a space
07:36PM 20 one car and this is between her and my house, they
07:36PM 21 have two like car when they park, but if being
07:36PM 22 dropped in here, if we parking in here, they can move
07:36PM 23 and then they go back right to the street.

07:36PM 24 CHAIRMAN FERGUSON: I don't -- I guess
07:36PM 25 I don't get it.

07:36PM 1 MS. VEGA: Basically what she's trying
07:36PM 2 to say, and I'm sorry for the interruption, if it's
07:36PM 3 going to be enough space for them to have the
07:36PM 4 driveway and also being able to park.

07:37PM 5 MS. KWON: With the street.

07:37PM 6 MS. VEGA: In the street and without
07:37PM 7 having enough distance between the house and the curb
07:37PM 8 is very limited.

07:37PM 9 CHAIRMAN FERGUSON: Yeah, but it
07:37PM 10 doesn't affect -- it's on their property. It has
07:37PM 11 nothing to do with the street, right? It's your
07:37PM 12 property.

07:37PM 13 MR. TERRANOVA: Joe, she's saying that
07:37PM 14 the street is so narrow that when they back up, if
07:37PM 15 someone is parked right across the street that they
07:37PM 16 might hit the car because the street is too narrow.

07:37PM 17 MS. KWON: Yeah, that's what I'm
07:37PM 18 saying. I'm sorry my English is not --

07:37PM 19 MR. LEE: There's no parking on that
07:37PM 20 street.

07:37PM 21 MR. TERRANOVA: I understand that.

07:37PM 22 But what she's saying street is so
07:37PM 23 narrow that to put a driveway on that side when they
07:37PM 24 back up, that the car is so close on the opposite
07:37PM 25 side of street -- I'm just saying what her concern

07:37PM 1 is. I'm not saying right, wrong or different, I'm
07:37PM 2 just saying that's her concern.

07:37PM 3 MS. KWON: Yes.

07:37PM 4 THE WITNESS: There are other driveways
07:37PM 5 on that side of street that also have to back out
07:38PM 6 onto --

07:38PM 7 MR. TERRANOVA: Totally understood.
07:38PM 8 I just wanted to understand what they
9 were asking.

10 CHAIRMAN FERGUSON: Okay. Anybody
11 else?

12 (No Response.)

13 CHAIRMAN FERGUSON: Okay. Come on.

14 THE COURT REPORTER: Wait, ma'am, can
15 you just spell your name for me?

16 MS. KWON: O-K and middle name is An.
07:38PM 17 My last name is Kwon, K-W-O-N.

07:38PM 18 THE COURT REPORTER: Thank you.

07:38PM 19 CHAIRMAN FERGUSON: Name and address,
07:38PM 20 you. You're going to testify, you have to give your
07:38PM 21 name and address.

07:38PM 22 MS. GOMEZ: My name is Victoria Gomez
07:38PM 23 and I live at 116 Princeton Place.

07:38PM 24 So just to clarify the parking
07:38PM 25 situation with the day.

07:38PM 1 So in front of our house 116 Princeton
07:38PM 2 Place, there's a two parking street, that street you
07:38PM 3 can park on.

07:38PM 4 So the issue would be if they build a
07:38PM 5 driveway in front of the house when they back out,
07:38PM 6 are they going to hit the two cars that are going to
07:38PM 7 be able to park there?

07:38PM 8 CHAIRMAN FERGUSON: On the other side
07:38PM 9 of the street?

07:38PM 10 MS. GOMEZ: Right.

07:38PM 11 That's the issue, that's the concern
07:38PM 12 because the street is so narrow.

07:38PM 13 CHAIRMAN FERGUSON: You know, Harry.

07:39PM 14 MR. TERRANOVA: I think what they're
07:39PM 15 saying is there's other driveways on the opposite
07:39PM 16 side of the street that would have the same issue,
07:39PM 17 wouldn't they?

07:39PM 18 MS. GOMEZ: But they're not parked,
07:39PM 19 it's a driveway.

07:39PM 20 MR. GRALA: Yeah, but you still want to
07:39PM 21 come out, right?

07:39PM 22 MS. VEGA: But they have garages.

07:39PM 23 So the spaces are -- is more space and
07:39PM 24 definitely it happened to be that front to front,
07:39PM 25 like from the house to our house, that particular

07:39PM 1 block is very narrow.

07:39PM 2 CHAIRMAN FERGUSON: Listen.

07:39PM 3 Let me just try this one more time.

07:39PM 4 Right now on that side of the street

07:39PM 5 you got driveways. How do they get now from that

07:39PM 6 side of the street now? He's not doing anything

07:39PM 7 other than what's already there.

07:39PM 8 The houses and driveways on that side

07:39PM 9 of street, you know, back out all the time onto

07:39PM 10 Princeton Place, so this is not --

07:39PM 11 MS. GOMEZ: The concern isn't backing

07:39PM 12 out. The concern is that there's going to be two

07:39PM 13 cars parked on the street, not parked in the

07:40PM 14 driveway.

07:40PM 15 If the cars are parked in the driveway,

07:40PM 16 that's fine, you could back out fine, but there's

07:40PM 17 going to be cars stationary on the street.

07:40PM 18 THE WITNESS: On what side?

07:40PM 19 MS. GOMEZ: On our side, on

07:40PM 20 116 Princeton Place side.

07:40PM 21 MR. LEE: I don't understand.

07:40PM 22 MS. GOMEZ: Okay. So let me clarify.

07:40PM 23 CHAIRMAN FERGUSON: Yeah, okay, yeah.

07:40PM 24 MS. GOMEZ: We have pictures?

07:40PM 25 Actually, can I use my phone?

07:40PM 1 Because I do have pictures.

07:40PM 2 MR. TERRANOVA: I have it here.

07:40PM 3 MS. GOMEZ: We probably have the same
07:40PM 4 pictures.

07:40PM 5 MR. TERRANOVA: Well, not pictures, but
07:40PM 6 I have Google Maps.

07:40PM 7 So you're talking about this car right
07:40PM 8 here?

07:40PM 9 MS. GOMEZ: Correct, so this is our
07:40PM 10 home, 116 Princeton Place.

07:40PM 11 MR. TERRANOVA: And you have two
07:40PM 12 parking spaces in front, right?

07:40PM 13 MS. GOMEZ: Correct.

07:40PM 14 MR. TERRANOVA: So you're saying --

07:40PM 15 MS. GOMEZ: It's not a driveway. Those
07:40PM 16 cars are going to be stationary there.

07:40PM 17 So say they want to go out at night,
07:40PM 18 right, when the two cars are stationary. Building a
07:40PM 19 driveway here isn't going to be --

07:40PM 20 MR. TERRANOVA: You're going to have to
07:40PM 21 back out and you're afraid they're going to hit these
07:40PM 22 cars right here?

07:40PM 23 MS. GOMEZ: Correct, because they're
07:40PM 24 going to be stationary, they're not going to be
07:40PM 25 stationary.

07:40PM 1 Every house on that street, they have a
07:41PM 2 driveway.

07:41PM 3 So, of course, it's not a concern for
07:41PM 4 the cars down there because the cars are inside.

07:41PM 5 There's no issue backing out, the issue
07:41PM 6 is the two parking spaces on that street, the only
07:41PM 7 two parking spaces on that street, by the way.

07:41PM 8 MR. LEE: There is parking space on
07:41PM 9 Princeton Street?

07:41PM 10 CHAIRMAN FERGUSON: One side of
07:41PM 11 Princeton, there's parking.

07:41PM 12 MS. GOMEZ: You should know that.

07:41PM 13 MR. TERRANOVA: Is that a parking spot?
07:41PM 14 That looks like a parking spot, right?

07:41PM 15 MS. GOMEZ: Yes, that's --

07:41PM 16 MR. TERRANOVA: And is there -- so
07:41PM 17 there's no driveway across the street. You're
07:41PM 18 basically saying it's the only spot on the street
07:41PM 19 where they're going to have a driveway where you're
07:41PM 20 going to have to back into yours cars?

07:41PM 21 MS. GOMEZ: Correct.

07:41PM 22 Does that make sense?

07:41PM 23 MR. LEE: It makes sense, but I don't
07:41PM 24 agree with it, but now I understand what you're
07:41PM 25 saying.

07:41PM 1 MR. TERRANOVA: Right.

07:41PM 2 I just wanted to get to the bottom of
07:41PM 3 what she was asking.

07:41PM 4 CHAIRMAN FERGUSON: Anybody else?

07:41PM 5 THE WITNESS: I would point out that
07:41PM 6 even though it seems that Princeton Place is narrow
07:41PM 7 and there's only parking on one side, it is -- it's a
07:42PM 8 32-foot traveled way.

07:42PM 9 So it does meet -- especially without
07:42PM 10 parking on one side, it does have sufficient
07:42PM 11 maneuverability area.

07:42PM 12 MS. GOMEZ: It's a two way, again,
07:42PM 13 right?

07:42PM 14 CHAIRMAN FERGUSON: There's two ways,
07:42PM 15 yeah.

07:42PM 16 MR. LEE: Let me correct then. It's
07:42PM 17 actually 19.44 feet.

07:42PM 18 MS. GOMEZ: So we're going from 32 to
07:42PM 19 19. That's a big difference, right? So it's a two
07:42PM 20 way.

07:42PM 21 CHAIRMAN FERGUSON: It's a two way.

07:42PM 22 MS. GOMEZ: But it's really not
07:42PM 23 because, like, again, cars are parked there,
07:42PM 24 especially the two cars that we have stationary in
07:42PM 25 front of our house, it becomes very difficult because

07:42PM 1 the cars coming this way --

07:42PM 2 CHAIRMAN FERGUSON: But how do you --
07:42PM 3 right now, tonight when you go back home, right, you
07:42PM 4 maneuver Princeton Place, don't you? I mean, you're
07:42PM 5 dealing with it now. You're dealing with a two-way
07:42PM 6 street, narrow, now. Right now you have to deal with
07:42PM 7 both.

07:42PM 8 MS. GOMEZ: Yeah, right now.

07:42PM 9 CHAIRMAN FERGUSON: Yeah, well, I don't
07:43PM 10 understand what -- go ahead.

07:43PM 11 MS. GOMEZ: The concern is the two
07:43PM 12 stationary cars that are going to be there parked.

07:43PM 13 CHAIRMAN FERGUSON: But they're parked
07:43PM 14 now.

07:43PM 15 (Simultaneous Speaking.)

07:43PM 16 CHAIRMAN FERGUSON: One at a time,
07:43PM 17 please.

07:43PM 18 MS. GOMEZ: Without the driveway in
07:43PM 19 front. So that's the concern, building the driveway
07:43PM 20 with the two cars in front of the house on a 19 --
07:43PM 21 you said 19, right, not 32?

07:43PM 22 MR. LEE: Lady, we just corrected 19.4.
07:43PM 23 I stand corrected. We stand corrected. Okay? Let's
07:43PM 24 not -- please.

07:43PM 25 She made the point. Can we just move

07:43PM 1 on here?

07:43PM 2 MS. GOMEZ: I'm just clarifying
07:43PM 3 measurements.

07:43PM 4 CHAIRMAN FERGUSON: I understand.

07:43PM 5 MS. GOMEZ: So that's the concern right
07:43PM 6 now. If we can come up with a way to figure that
07:43PM 7 out, then we're willing to hear it, but that's it.

07:43PM 8 CHAIRMAN FERGUSON: Steve, you have any
07:43PM 9 comments about it?

07:43PM 10 MR. COLLAZUOL: I think the comment or
07:43PM 11 the question that needs to be answered is that if
07:43PM 12 parking is permitted on the east side of Princeton
07:43PM 13 Place and this driveway is opposite cars that are on
07:44PM 14 the other side, then can these cars maneuver out if
07:44PM 15 those cars are parked on the opposite side of the
07:44PM 16 road.

07:44PM 17 CHAIRMAN FERGUSON: Correct.

07:44PM 18 MR. COLLAZUOL: And if it's difficult,
07:44PM 19 then it's up to the applicant to demonstrate that
07:44PM 20 they can get out, but they certainly wouldn't be
07:44PM 21 creating anything more than what's existing, which I
07:44PM 22 concur with you about.

07:44PM 23 CHAIRMAN FERGUSON: Right.

07:44PM 24 MR. COLLAZUOL: So I think that's what
07:44PM 25 Harry should be answering is are there cars allowed

07:44PM 1 to be parked on the opposite side of this proposed
07:44PM 2 driveway.

07:44PM 3 CHAIRMAN FERGUSON: And the answer is
07:44PM 4 yes, they are.

07:44PM 5 MR. COLLAZUOL: They are.
07:44PM 6 And would these cars be able to get
07:44PM 7 out.

07:44PM 8 CHAIRMAN FERGUSON: Well, let me ask
07:44PM 9 you a question.

07:44PM 10 Again, right now again on that side of
07:44PM 11 the street, there's no parking. There's driveways up
07:44PM 12 and down the street.

07:44PM 13 How do those cars get out now? I just
07:44PM 14 don't understand it.

07:44PM 15 MR. TERRANOVA: Joe, what she's saying
07:44PM 16 is there's no other driveway on the opposite side of
07:44PM 17 street that deals with a parked car when they're
07:44PM 18 getting out of the driveway.

07:45PM 19 MR. GRALA: I think all the other
07:45PM 20 houses are duplexes.

07:45PM 21 MR. TERRANOVA: The only two parking
07:45PM 22 spaces that this driveway is not going to cause a
07:45PM 23 problem with where they're literally going to be
07:45PM 24 parked right in back of where this driveway is.
07:45PM 25 Everyone else on the opposite side of street has

07:45PM 1 driveways that does not -- is not going to have a
07:45PM 2 problem backing out into a car that's parked on the
07:45PM 3 opposite side of street.

07:45PM 4 That's what they're asking.

07:45PM 5 CHAIRMAN FERGUSON: Okay. I get it.

07:45PM 6 All right, Counsel.

07:45PM 7 MR. LEE: I think Harry already
07:45PM 8 testified earlier during his testimony that there's
07:45PM 9 enough room for these cars to maneuver through to
07:45PM 10 back out.

07:45PM 11 CHAIRMAN FERGUSON: Okay. So listen.
07:45PM 12 What we're going to -- go ahead.

07:45PM 13 MR. KAUKER: Just to clarify because I
07:45PM 14 just looked at an aerial, and the home that's across
07:45PM 15 the street from their driveway is not directly across
07:45PM 16 from the proposed driveway, it's actually on the
07:45PM 17 other side of the house, because I thought the
07:45PM 18 testimony was that she had a driveway in the front of
07:45PM 19 the house and her daughter's vehicle parked in front
07:45PM 20 of -- parallel in front of the driveway.

07:45PM 21 CHAIRMAN FERGUSON: Right.

07:46PM 22 MR. KAUKER: But just for the board's
07:46PM 23 edification, that driveway, the house directly across
07:46PM 24 the street is on the opposite side of this driveway
07:46PM 25 that's proposed.

07:46PM 1 CHAIRMAN FERGUSON: Okay. Okay.

07:46PM 2 So, listen, we heard the testimony.

07:46PM 3 You want to sum up?

07:46PM 4 MR. LEE: Yes, your point about the
07:46PM 5 ownership issue, yes, it's a two-family house, the
07:46PM 6 son lives downstairs and these elderly people, the
07:46PM 7 rightful owners, intend to move in there as soon as
07:46PM 8 the situation is summed up because they could not
07:46PM 9 live there. They could not deal with the steepness
07:46PM 10 of the driveway in the back.

07:46PM 11 Now, the intent to put the driveway in
07:46PM 12 front so that they can go there and live and probably
07:46PM 13 live out the rest of their lives, that's their
07:46PM 14 intention.

07:46PM 15 And about the maneuverability of the
07:46PM 16 parking, the backing out, you heard the testimony
07:46PM 17 from the expert; it's totally manageable.

07:46PM 18 And I think that that should be it,
07:46PM 19 that should be the --

07:47PM 20 CHAIRMAN FERGUSON: The board is going
07:47PM 21 to have to vote. As you know, sometimes it doesn't
07:47PM 22 go like that.

07:47PM 23 So what we're going to do is I'm going
07:47PM 24 to -- I don't know where the board stands on this
07:47PM 25 one, but just so we can get a vote out the see if

07:47PM 1 we're in favor or not in favor, I'm going make a
07:47PM 2 motion to approve the applicant as submitted.

07:47PM 3 Now can I get a second?

07:47PM 4 MR. ELEFTERIOU: Second.

07:47PM 5 MR. FERGUSON: Second.

07:47PM 6 Okay. We're going to do a roll call
07:47PM 7 vote. So if you're voting yes, it's for to let them
07:47PM 8 build it, a no vote means you're against it.

07:47PM 9 Okay.

07:47PM 10 MS. IGUINA: Mr. Ferguson?

07:47PM 11 CHAIRMAN FERGUSON: Yes.

07:47PM 12 MS. IGUINA: Mr. Brogna?

07:47PM 13 MR. BROGNA: Yes.

07:47PM 14 MS. IGUINA: Mr. Elefteriou?

07:47PM 15 MR. ELEFTERIOU: Yes.

07:47PM 16 MS. IGUINA: Mr. Grala?

07:47PM 17 MR. GRALA: Yes.

07:47PM 18 MS. IGUINA: Mr. Kim?

07:47PM 19 MR. KIM: Yes.

07:47PM 20 MS. IGUINA: Mr. Terranova?

07:47PM 21 MR. TERRANOVA: No.

07:47PM 22 MS. IGUINA: Mr. Chung?

07:47PM 23 MR. CHUNG: Yes.

07:47PM 24 CHAIRMAN FERGUSON: Okay. Motion
07:47PM 25 passes.

07:47PM 1 Okay. Thank you.

07:48PM 2 MR. LEE: Thank you.

07:48PM 3 CHAIRMAN FERGUSON: Okay. Next case is
07:48PM 4 6th Street, 428 6th Street.

07:48PM 5 Okay. Again, our attorney has a
07:49PM 6 conflict and now Mr. Lee is joining the board.

07:49PM 7 MR. LEE: I'm joined as the attorney
07:49PM 8 for the boards.

07:49PM 9 CHAIRMAN FERGUSON: Now, do you have
07:49PM 10 your cards?

07:49PM 11 MR. BIRCHWALE: Yes. This is an
07:49PM 12 affidavit of service. And also the white card is
07:49PM 13 from your post office. And notice of publication is
07:49PM 14 attached to the back.

07:49PM 15 CHAIRMAN FERGUSON: Okay. We have one
07:49PM 16 board member that has recused himself.

07:49PM 17 So Lefty is looking to run away. And
07:49PM 18 we still have quorum.

07:49PM 19 MR. LEE: Yes.

07:49PM 20 CHAIRMAN FERGUSON: Okay.
07:49PM 21 Counsel?

07:49PM 22 MR. BIRCHWALE: Yes, good evening,
07:49PM 23 Mr. Chairman, Members of the Board, my name is Albert
07:49PM 24 Birchwale of the law firm Basile, Birchwale and
07:49PM 25 Pellino Esquires, 865 Broad Avenue Ridgefield.

07:49PM 1 I'm appearing on behalf of the
07:50PM 2 applicant A.O.C. LLC.

07:50PM 3 The property the subject premises are
07:50PM 4 428 6th Street, Palisades Park.

07:50PM 5 This evening I only have one witness
07:50PM 6 and it's the Honorable Vassilios Cocoros, who I
07:50PM 7 believe has been before this board on many occasions.

07:50PM 8 I also have my client Ioannis
07:50PM 9 Gelestathis, he's the owner of the property and also
07:50PM 10 the builder.

07:50PM 11 So if the board does have any questions
07:50PM 12 of the builder, he's here for that purpose. But more
07:50PM 13 like than likely, I think you'll only hear from
07:50PM 14 Mr. Cocoros.

07:50PM 15 I just want to make a couple of
07:50PM 16 statements for the board just so you understand
07:50PM 17 what's before you.

07:50PM 18 The property, again, it's 428 6th
07:50PM 19 Street. There's an old, dilapidated, two-family
07:50PM 20 house on the property that my client intends to
07:50PM 21 remove. That building is located on the northerly
07:50PM 22 side of the property.

07:51PM 23 The property is 75-feet-by-100-feet and
07:51PM 24 it's actually fairly from a visual, because I've been
07:51PM 25 to the property on several occasions, very close to

07:51PM 1 the property line.

07:51PM 2 Again, I didn't take any measurements,
07:51PM 3 but it is very close.

07:51PM 4 This new construction will be
07:51PM 5 centralized. It will be located in the middle of the
07:51PM 6 property, I think, which will be a benefit to the
07:51PM 7 property owners in the immediate area. And also,
07:51PM 8 you're getting new construction.

07:51PM 9 And quite frankly, when Mr. Gelestathis
07:51PM 10 dropped off the plans at my office, when I reviewed
07:51PM 11 it, I was quite surprised at the minimal amount of
07:51PM 12 variances. He is a builder.

07:51PM 13 I sit as the board of adjustment
07:51PM 14 attorney in Fairview. I've sat in that position
07:51PM 15 since 1981, a long time ago.

07:51PM 16 And when I see builders coming in,
07:51PM 17 they're always asking for a lot.

07:51PM 18 And in this case we have three minor
07:51PM 19 variances. What we're looking for is a side yard,
07:52PM 20 right side-yard variance, a left side-yard variance,
07:52PM 21 and then also maximum footprint.

07:52PM 22 However, the side yards, they're going
07:52PM 23 to be 8 feet on each side, so we're not getting close
07:52PM 24 to the line, it's 8 feet.

07:52PM 25 But according to the zoning ordinance,

07:52PM 1 because of the size of the lot, they actually need
07:52PM 2 14.33 feet. But again, my client's given 8 feet on
07:52PM 3 both side.

07:52PM 4 And then the other variance is maximum
07:52PM 5 footprint. The applicant -- the zoning ordinance
07:52PM 6 requires 2500 square feet, which is actually
07:52PM 7 50 percent of the -- of a 50-by-100 lot.

07:52PM 8 My client is looking for 2998 square
07:52PM 9 feet, which is actually if you base it on a
07:52PM 10 75-by-100, it's only 39 percent lot coverage.

07:52PM 11 So substantially, less than what the
07:52PM 12 ordinance permits, but when you talk about square
07:53PM 13 feet, he does need a variance for that purpose.

07:53PM 14 So, again, it's only three variances.
07:53PM 15 We're not looking for height, which is generally what
07:53PM 16 builders want, and we have the front yard setback, we
07:53PM 17 have the rear yard setback. We have every other
07:53PM 18 variance is satisfied.

07:53PM 19 So without further ado, maybe, Daniel,
07:53PM 20 you can swear in Mr. Cocoros.

07:53PM 21 MR. LEE: Yes.

07:53PM 22 Before I swear in Mr. Cocoros, you have
07:53PM 23 handed over to me the affidavit of service, affidavit
07:53PM 24 of mail publication, some return receipts, all of
07:53PM 25 which seem to be in order.

07:53PM 1 So there's proper jurisdiction here.

07:53PM 2 Mr. Cocoros, can you raise your right
07:53PM 3 hand?

07:53PM 4 Do you swear to tell the truth, nothing
07:53PM 5 but the truth, so help you, God?

07:53PM 6 MR. COCOROS: I do.

07:53PM 7 V A S S I L I O S C O C O R O S, RA

07:53PM 8 467 Sylvan Avenue, Englewood Cliffs, New Jersey,
07:53PM 9 having been duly sworn, testifies as follows:

07:53PM 10 MR. COCOROS: Vassilios Cocoros, VCA
07:53PM 11 Group, LLC, 467 Sylvan Avenue, Englewood Cliffs, New
07:53PM 12 Jersey 07632.

07:53PM 13 CHAIRMAN FERGUSON: Okay.

07:53PM 14 So Mr. Cocoros has been here more times
07:53PM 15 than me. He will -- we'll accept him as an expert.

07:54PM 16 MR. COCOROS: Thank you.

07:54PM 17 DIRECT EXAMINATION

07:54PM 18 BY MR. BIRCHWALE:

07:54PM 19 Q. Bill, if you could describe the
07:54PM 20 architectural drawings, that would be great.

07:54PM 21 A. Sure.

07:54PM 22 Just to give you an idea of the
07:54PM 23 property is a 75-by-100 located on the east side of
07:54PM 24 6th Street. On the other side of 6th Street, there's
07:54PM 25 Route 46. The property goes up in the back.

07:54PM 1 There's about a 16-foot difference from
07:54PM 2 the street level to the back of the property.

07:54PM 3 So we're proposing a side-by-side
07:54PM 4 duplex. There's an -- we're basically set up with a
07:54PM 5 side-by-side configuration, 8-foot side yard setbacks
07:54PM 6 with one bay window in the middle that -- which goes
07:54PM 7 into typically a duplex and a 50-by-100 lot.

07:54PM 8 It has a 6-foot side yard and the
07:54PM 9 stairs go 3 feet into that side yard to create, you
07:54PM 10 know, a wider driveway.

07:54PM 11 Here since we have the extra room, we
07:54PM 12 decided to put the staircases, all of this stuff,
07:54PM 13 we'll put them in the middle, which frees up the side
07:54PM 14 so there's less impact on the neighbors.

07:54PM 15 And in addition, on this one here it's
07:54PM 16 a three-level configuration, but it's more of a
07:55PM 17 two-and-a-half story house because of the topography
07:55PM 18 change, we have it set up where we have -- the
07:55PM 19 garages are kind of stepped from each other due to
07:55PM 20 the drop-off in the street as you're going from north
07:55PM 21 to south towards East Palisade Avenue.

07:55PM 22 And in addition, we have the basement
07:55PM 23 higher than the garage by about 5-foot-4 on the one
07:55PM 24 side and I think it's 4-foot-8 on the other side, and
07:55PM 25 that being to minimize the excavation into the site

07:55PM 1 and also bring it up to the existing yard in the
07:55PM 2 back, which is also kind of cut out with the small
07:55PM 3 retaining wall along that back portion to kind of
07:55PM 4 create a stepped setup.

07:55PM 5 Given the, I guess, proposed building,
07:55PM 6 we did -- we did manage to keep the percent at --
07:55PM 7 without a variance at 40 percent; however, there is
07:55PM 8 an additional, I guess, portion of that coverage zone
07:55PM 9 where there's at maximum 215 square feet, but here,
07:55PM 10 you know, we're going for a variance with maximum
07:55PM 11 coverage where the percentage is at 40 percent.

07:56PM 12 In addition the height, itself, we're
07:56PM 13 making it comply because there's no, you know,
07:56PM 14 topography difference, we're able to comply with the
07:56PM 15 height on the building itself, which is, you know,
07:56PM 16 basically right at the height, a couple inches lower
07:56PM 17 than what's allowed.

07:56PM 18 So we do meet the height requirement.
07:56PM 19 As Al mentioned before, it's basically the side yard
07:56PM 20 setbacks where we have 8 feet instead of for --
07:56PM 21 14-foot-4.

07:56PM 22 And that's based on the ordinance which
07:56PM 23 is still in the books which basically gives you --
07:56PM 24 when you have anything more than 50 feet, you're
07:56PM 25 supposed to add 4 inches to the building footprint

07:56PM 1 for every foot over and 4 inches for every foot over
07:56PM 2 on the side yards.

07:56PM 3 This configuration is something that
07:56PM 4 we've actually done before on 4th Street and it was
07:56PM 5 approved. And that one actually was the opposite,
07:56PM 6 the property went down. So, you know, from the back,
07:56PM 7 you know, it was a taller building. Here from the
07:56PM 8 back, the neighbors down below us are going to be
07:56PM 9 looking at a two-story configuration.

07:56PM 10 And then also the front yard setback,
07:56PM 11 most of the houses there are 20 feet because of the
07:57PM 12 topography change, where 22 feet just to give us a
07:57PM 13 little bit more room. When you park a car on the
07:57PM 14 driveway, you're fully in and you're not and
07:57PM 15 overhanging into the sidewalk.

07:57PM 16 The building, itself, is basically
07:57PM 17 brick, although we do have bay windows on the side,
07:57PM 18 front, and a portion of rear in the second floor.

07:57PM 19 And those are either going to be a
07:57PM 20 stucco or like a panelized system to kind of break it
07:57PM 21 up from the brick.

07:57PM 22 And then in the front, the addition
07:57PM 23 where the bay window is in front, we probably could
07:57PM 24 do a metal panel or like a Hardie type -- not Hardie,
07:57PM 25 but it's a Japanese company, they do like a

07:57PM 1 decorative panel either wood or like a slate, you
07:57PM 2 know, that kind of break it up.

07:57PM 3 So you try to have three materials:
07:57PM 4 The brick, the stucco/Hardie panel and then some sort
07:57PM 5 of accent in the front to kind of give it a little
07:57PM 6 bit more character.

07:57PM 7 We go to Sheet A-2, the floor plans.
07:57PM 8 We have a real two-car driveway, really 2-feet wide.
07:58PM 9 We basically have the garage in front, a 17-foot
07:58PM 10 garage door.

07:58PM 11 We might even do 18 to make it more
07:58PM 12 comfortable to get in and out. And then there's also
07:58PM 13 plenty of room inside the garage itself for storage.
07:58PM 14 We have utility room and we also have a trash area
07:58PM 15 under the staircase.

07:58PM 16 Since the property goes up in the back
07:58PM 17 and we have to raise the basement about 5 feet higher
07:58PM 18 than the garage, we do have the staircase in the
07:58PM 19 front of the building, two sections where you
07:58PM 20 basically have a section, 6 foot of stairs, a landing
07:58PM 21 that's 3 feet.

07:58PM 22 And then we have 8 more feet of
07:58PM 23 staircases and it brings you up to the first floor
07:58PM 24 landing area, which then in addition, we also have --
07:58PM 25 we also have a step up from the entry area up to the

07:58PM 1 living room and that was to minimize the staircase in
07:58PM 2 the front so they wouldn't go out further from the
07:58PM 3 building itself.

07:58PM 4 And the staircase in the middle,
07:58PM 5 there's a benefit of not being up against the
07:59PM 6 neighbors 3 feet like a typical duplex.

07:59PM 7 So, you know, there's more room on the
07:59PM 8 sides than you would typically have.

07:59PM 9 Basically the ground floor is typical
07:59PM 10 duplex: Rec room, home office, bathroom, walk-in
07:59PM 11 closet, staircase up to the first floor. You could
07:59PM 12 also see we have a little indentation to the
07:59PM 13 staircase up from the garage to the basement level.

07:59PM 14 We have two decks in the back. In
07:59PM 15 addition, we have HVAC units for each unit that are
07:59PM 16 in the center to kind of keep them away from the
07:59PM 17 neighbors in the corner.

07:59PM 18 Due to the topography change, we do
07:59PM 19 have retaining calls on the -- especially on the
07:59PM 20 left-hand side.

07:59PM 21 And the building would probably be
07:59PM 22 masonry that would tie into the existing building
07:59PM 23 foundation. You know, we can provide details if this
07:59PM 24 is approved, we could submit it to the building
07:59PM 25 department with a detail showing the actual space

07:59PM 1 that we have.

07:59PM 2 And I think we have -- it could be
08:00PM 3 4 feet clear. Yeah, we basically have -- yeah, we
08:00PM 4 have a -- actually what do we have? I think 5 feet
08:00PM 5 clear and then we have 2 feet from the wall itself.

08:00PM 6 So we have -- I'm sorry --
08:00PM 7 4-feet-12-inch wall and then we have a 2-foot
08:00PM 8 separation from the property next to us.

08:00PM 9 I guess before this is demolished or if
08:00PM 10 it's what is being built, we'd verify the existing
08:00PM 11 neighbor's condition to make sure that we don't
08:00PM 12 affect any existing improvements on the adjacent
08:00PM 13 property owners.

08:00PM 14 The first floor is the main living
08:00PM 15 space. As I mentioned before, you have staircase up
08:00PM 16 from 6th Street, a covered entry platform, an entry
08:00PM 17 and then it steps up to the first floor.

08:00PM 18 The first floor consists of a living
08:00PM 19 room in the front, a dining room, a wet bar, a powder
08:00PM 20 room staircase, up to the second floor which is also
08:00PM 21 connected to the basement level.

08:00PM 22 And in the back, we have an oversized
08:00PM 23 kitchen with a big island, a family room we're
08:01PM 24 calling it. It could be a heating area. There's so
08:01PM 25 many different options back there.

08:01PM 1 In addition, we have a deck off the
08:01PM 2 rear that's 10-feet-by-17-feet on each side and then
08:01PM 3 they're separated in the middle where we have the AC
08:01PM 4 units.

08:01PM 5 The top floor is a four-bedroom
08:01PM 6 configuration like we did over on 4th Street,
08:01PM 7 basically two bedrooms in the front that share a hall
08:01PM 8 bathroom, a middle bedroom which has its own
08:01PM 9 on-suite, and then a master or primary suite in the
08:01PM 10 back that has two walk-in closets, a master bath, a
08:01PM 11 primary bath, it that has a tub, oversized shower, a
08:01PM 12 toilet alcove and then a double vanity for the main
08:01PM 13 suite.

08:01PM 14 As you could see in the back, there's
08:01PM 15 the master, it has the bump out which is
08:01PM 16 1-foot-8-inches, which, you know, kind of helps the
08:01PM 17 back elevation, even though we're two-and-a-half or a
08:01PM 18 two-story configuration back there, we have the bay
08:01PM 19 window, it helps break up the brick in the back so
08:01PM 20 you have two materials instead of just a plain brick
08:01PM 21 wall along the back portion.

08:01PM 22 Some thing in the front, you could see
08:01PM 23 the two bay windows that are integrated into each
08:02PM 24 bedroom, and that will be panelized system with some
08:02PM 25 sort of accent between the windows or between the

08:02PM 1 sills vertically or horizontally.

08:02PM 2 It came out pretty nice. It was a
08:02PM 3 pretty tough site because we had issues with
08:02PM 4 retaining walls and stuff like that.

08:02PM 5 This one has a different issue with the
08:02PM 6 retaining walls there, but the opposite.

08:02PM 7 CHAIRMAN FERGUSON: Okay. So just
08:02PM 8 briefly, the stairs that lead up to the doorway,
08:02PM 9 right, there's no --

08:02PM 10 THE WITNESS: Which one, in the front?

08:02PM 11 CHAIRMAN FERGUSON: In the front.

08:02PM 12 There's no --

08:02PM 13 THE WITNESS: There's a canopy in front
08:02PM 14 of us.

08:02PM 15 CHAIRMAN FERGUSON: On the plan there's
08:02PM 16 a canopy?

08:02PM 17 THE WITNESS: Yeah, if you look at the
08:02PM 18 -- it's covered platform.

08:02PM 19 CHAIRMAN FERGUSON: It's a covered
08:02PM 20 platform?

08:02PM 21 THE WITNESS: Yeah.

08:02PM 22 CHAIRMAN FERGUSON: Okay. Now I see
08:02PM 23 that on each side of building, you have a door.

08:02PM 24 THE WITNESS: Yes.

08:02PM 25 CHAIRMAN FERGUSON: Okay. So on the

08:02PM 1 left side, you have steps going up to the front?

08:02PM 2 THE WITNESS: Yes, on the left side --
08:03PM 3 well, the left side, it's in the ground more.

08:03PM 4 On the right-hand side where the grade
08:03PM 5 is a little more in our favor and, you know, we're
08:03PM 6 minimizing any excavation on the adjacent property.

08:03PM 7 CHAIRMAN FERGUSON: No, I get it.

08:03PM 8 But so on the left side, you got steps
08:03PM 9 going up.

08:03PM 10 THE WITNESS: Yes.

08:03PM 11 CHAIRMAN FERGUSON: To the front of the
08:03PM 12 building, correct?

08:03PM 13 THE WITNESS: Oh, you're talking about
08:03PM 14 in the front middle or --

08:03PM 15 CHAIRMAN FERGUSON: On the side where
08:03PM 16 the door is.

08:03PM 17 THE WITNESS: All right. So the left
08:03PM 18 side is over here.

08:03PM 19 So, basically, we have a step and we're
08:03PM 20 following the grade up. You can see the dashed line
08:03PM 21 is existing grad. So we're basically going down,
08:03PM 22 creating the entryway because -- create the entry in
08:03PM 23 the back because of the deck location and the might
08:03PM 24 of the property.

08:03PM 25 So we're able to create basically a

08:03PM 1 walkway that incorporates, steps down maybe three,
08:03PM 2 four steps down, a straight walkway.

08:03PM 3 And then you have a door and then a
08:03PM 4 walkway up where we basically set up where we go
08:03PM 5 about four risers up, a landing, and then six risers
08:04PM 6 up to the backyard.

08:04PM 7 By doing that, it would also minimize
08:04PM 8 the excavation and minimize the heights of the wall.

08:04PM 9 CHAIRMAN FERGUSON: Right.

08:04PM 10 So on the other side, you have another
08:04PM 11 door.

08:04PM 12 THE WITNESS: Yeah, the other side is
08:04PM 13 basically the grade is much more compliant. So the
08:04PM 14 door, itself, meets the existing grade on that
08:04PM 15 portion.

08:04PM 16 CHAIRMAN FERGUSON: It meets the grade?

08:04PM 17 THE WITNESS: Yeah.

08:04PM 18 CHAIRMAN FERGUSON: So you don't have
08:04PM 19 to worry about going up steps?

08:04PM 20 THE WITNESS: Correct, yeah.

08:04PM 21 The only steps you have are basically
08:04PM 22 in the backyard and that was to create kind of a cut
08:04PM 23 and fill for the property itself.

08:04PM 24 So we're excavating a small bit of the
08:04PM 25 backyard and then using that fill in the corner just

08:04PM 1 to, you know, just to level off the backyard.

08:04PM 2 CHAIRMAN FERGUSON: Okay. Now, in the
08:04PM 3 backyard, the rear elevation, is there a door back
08:04PM 4 there somewhere?

08:04PM 5 THE WITNESS: No, because basically if
08:04PM 6 you look at the -- especially on the left-side unit,
08:04PM 7 which is if you're looking at the rear, it's on the
08:04PM 8 right-hand side, we're basically 2-and-a-half feet
08:04PM 9 from the grade there.

08:04PM 10 So it would be kind of difficult to get
08:04PM 11 a staircase because you basically have to come almost
08:04PM 12 14 feet with the staircase and a landing down in the
08:05PM 13 back.

08:05PM 14 CHAIRMAN FERGUSON: So how is a person
08:05PM 15 in the house going to get to the backyard, they have
08:05PM 16 to go out to the side door and then --

08:05PM 17 THE WITNESS: Yeah, they go to the side
08:05PM 18 door. We also have the option of putting -- because
08:05PM 19 the, especially on the one unit, it's only about
08:05PM 20 three -- we have about 4-and-a-half on the one side
08:05PM 21 and the other side is about 2-and-a-half feet.

08:05PM 22 So what we could do is we could have
08:05PM 23 steps from the deck that are, you know, it's not even
08:05PM 24 a full staircase, maybe like on the one, maybe three,
08:05PM 25 four steps.

08:05PM 1 The other one, maybe four, five steps,
08:05PM 2 you know, you're going to have easier access, which
08:05PM 3 probably you're right, actually I didn't think about
08:05PM 4 it. That would make more sense because this was
08:05PM 5 based on the plan where the property dropped off
08:05PM 6 where it was almost impossible to put a staircase.

08:05PM 7 CHAIRMAN FERGUSON: Yeah, I mean, I
08:05PM 8 don't care, but I'm just, you know, it just seems
08:05PM 9 that if you're in the house, it would be good to --

08:05PM 10 THE WITNESS: If the board is okay with
08:05PM 11 it, I would like to add that to the plan.

08:05PM 12 CHAIRMAN FERGUSON: Okay. No problem.
08:05PM 13 Now, the only other question I have
08:05PM 14 is -- oh, you've got -- in the back you have two --

08:05PM 15 THE WITNESS: AC condensers.

08:06PM 16 CHAIRMAN FERGUSON: Now, I just on the
08:06PM 17 first floor -- wait a minute.

08:06PM 18 No, in the second floor, just so I'm
08:06PM 19 clear on it, on the left side -- the left side of the
08:06PM 20 thing, you've got a master bedroom.

08:06PM 21 THE WITNESS: Um-hmm, in the back.

08:06PM 22 CHAIRMAN FERGUSON: Okay. You've got a
08:06PM 23 bedroom and you got a bathroom, right?

08:06PM 24 THE WITNESS: Yes.

08:06PM 25 CHAIRMAN FERGUSON: Then the next

08:06PM 1 bedroom you have, again, a bathroom, right?

08:06PM 2 THE WITNESS: Yeah.

08:06PM 3 CHAIRMAN FERGUSON: Okay. Now we're
08:06PM 4 going to go to the two here in the front.

08:06PM 5 THE WITNESS: Yes.

08:06PM 6 CHAIRMAN FERGUSON: How does a guy --
08:06PM 7 how do you get from the first bedroom out -- do they
08:06PM 8 share a bathroom there?

08:06PM 9 THE WITNESS: So there's hall bathroom,
08:06PM 10 so --

08:06PM 11 CHAIRMAN FERGUSON: I understand.

08:06PM 12 But they're sharing a bathroom.

08:06PM 13 THE WITNESS: Yeah, you know, it's like
08:06PM 14 in most duplexes, two bedrooms share a bathroom in
08:06PM 15 the hallway.

08:07PM 16 CHAIRMAN FERGUSON: Okay. But you're
08:07PM 17 sharing the --

08:07PM 18 THE WITNESS: Correct, yeah, it's like
08:07PM 19 a common bathroom in the hallway.

08:07PM 20 CHAIRMAN FERGUSON: Okay. And that's
08:07PM 21 the same on the other side?

08:07PM 22 THE WITNESS: Yes, it's a mirror image
08:07PM 23 of each other.

08:07PM 24 CHAIRMAN FERGUSON: So now I guess
08:07PM 25 that's it for me.

08:07PM 1 Do you have anything on the board?

08:07PM 2 MR. TERRANOVA: Yeah, they have tubs in

08:07PM 3 the basement.

08:07PM 4 CHAIRMAN FERGUSON: Say it again?

08:07PM 5 MR. TERRANOVA: Tubs in the basement.

08:07PM 6 CHAIRMAN FERGUSON: Tubs in the

08:07PM 7 basement?

08:07PM 8 THE WITNESS: This was basically a

08:07PM 9 planning board application, like, a few years back.

08:07PM 10 So I'll take it out.

08:07PM 11 CHAIRMAN FERGUSON: Take that -- thank

08:07PM 12 you. I appreciate that. Take it out.

08:07PM 13 THE WITNESS: It snuck in there.

08:07PM 14 CHAIRMAN FERGUSON: That's out. Okay.

08:07PM 15 Steve, you're on.

08:07PM 16 Any board members have anything? No,

08:07PM 17 okay.

08:07PM 18 Steve, you're on.

08:07PM 19 MR. COLLAZUOL: Okay. Bill, with

08:07PM 20 respect to the driveways, there's no drainage on 6th

08:07PM 21 Street and it's a trench drain to catch the water on

08:07PM 22 the driveways?

08:07PM 23 THE WITNESS: Yeah, we're doing it like

08:07PM 24 that.

08:07PM 25 MR. COLLAZUOL: Okay. And then with

08:08PM 1 respect to sheet S-1, the wall on the left-hand side
08:08PM 2 of the driveway, if I'm close to correct, it's about
08:08PM 3 6-and-a-half foot wall?

08:08PM 4 THE WITNESS: Yeah.

08:08PM 5 MR. COLLAZUOL: So that would require a
08:08PM 6 variance, an additional variance, because it's
08:08PM 7 greater than 4 feet in height.

08:08PM 8 THE WITNESS: Yeah, we can modify the
08:08PM 9 application to include that, you know, basically it's
08:08PM 10 holding up existing topography.

08:08PM 11 MR. COLLAZUOL: There's no real
08:08PM 12 connection between walking out the driveway and that
08:08PM 13 side entrance, is there? Because it would be a way
08:08PM 14 for you to eliminate the height of that 6 feet and
08:08PM 15 tier to the, you know, to the north or the left?

08:08PM 16 THE WITNESS: I mean, you know,
08:08PM 17 basically the access along, you know, from the street
08:08PM 18 up that portion, because there's an L-shape retaining
08:08PM 19 wall that from your neighbor's property that --

08:08PM 20 MR. COLLAZUOL: I'm going get to that.

08:08PM 21 THE WITNESS: Now, I mean, you know,
08:08PM 22 right now I have it set up where I'm trying to keep
08:08PM 23 maintaining the existing grades.

08:08PM 24 So I would like to keep it, you know,
08:08PM 25 if we have to step the walkway up to it, we can kind

08:09PM 1 of follow that down. I guess that would be almost
08:09PM 2 like a field revision, you know, these surveys have
08:09PM 3 everything pretty much setup, but we're going to make
08:09PM 4 sure that, you know, if we do 8-inch increments
08:09PM 5 revision of the wall, we could basically, you know,
08:09PM 6 kind of step the wall and then also step the walkway
08:09PM 7 up to that side.

08:09PM 8 MR. COLLAZUOL: Okay. I don't know if
08:09PM 9 it's going to affect it, but that L portion of the
08:09PM 10 wall that projects into the right-of-way in front of
08:09PM 11 the subject premises should not be in the
08:09PM 12 right-of-way, so that has to be cut off.

08:09PM 13 THE WITNESS: That's the neighbor's
08:09PM 14 wall. Are we allowed to do that or is that --

08:09PM 15 MR. COLLAZUOL: Well, yeah, it's not
08:09PM 16 permitted in the right-of-way.

08:09PM 17 So that -- that projects to the right
08:09PM 18 of the projected lot line has to be removed.

08:09PM 19 THE WITNESS: Okay.

08:09PM 20 MR. COLLAZUOL: Because you're putting
08:09PM 21 in a sidewalk.

08:09PM 22 If the property next door gets
08:09PM 23 developed, the same thing would happen, they would
08:09PM 24 have to remove that portion of the wall that projects
08:09PM 25 into the right-of-way.

08:09PM 1 Okay. So then with respect to walls
08:09PM 2 again, in the back left-hand corner if I'm close,
08:10PM 3 again, you have a wall that's about 4.66 6 feet in
08:10PM 4 height which exceeds the 4 feet. So you would need a
08:10PM 5 variance for that wall or a variance for walls
08:10PM 6 subsuming the two walls in that regard.

08:10PM 7 THE WITNESS: Okay. Yeah, if it's a
08:10PM 8 function of topography, if I raise the backyard a
08:10PM 9 little bit, I guess it will be more fill involved and
08:10PM 10 also it will be a couple more risers in the back.

08:10PM 11 MR. COLLAZUOL: I think it makes sense
08:10PM 12 because that's the only place that it exceeds it, in
08:10PM 13 that area.

08:10PM 14 As it goes to the right on the plan, it
08:10PM 15 gets less.

08:10PM 16 THE WITNESS: Yeah, I guess we'll have
08:10PM 17 a detail with a geo grid and make sure that's
08:10PM 18 installs.

08:10PM 19 MR. COLLAZUOL: Great.
08:10PM 20 I have nothing further.

08:10PM 21 Thank you.

08:10PM 22 CHAIRMAN FERGUSON: Do you have
08:10PM 23 anything, my friend?

08:10PM 24 MR. KAUKER: No, I have nothing.

08:10PM 25 CHAIRMAN FERGUSON: No?

08:10PM 1 Busy night.

08:10PM 2 Okay. All right. You want to sum up?

08:10PM 3 MR. BIRCHWALE: I think it's a great
08:10PM 4 application. I did want to mention to the board that
08:10PM 5 my client Ioannis also known as John Gelestathis is a
08:10PM 6 long-standing resident of the Borough of Fairview.
08:10PM 7 He lives at 210 -- Palisades -- my Fairview
08:11PM 8 connection -- of Palisades Park.

08:11PM 9 He's built many houses in this borough.
08:11PM 10 He's very concerned with his work product. And in
08:11PM 11 representing him since 2010, I would say, John, I've
08:11PM 12 never, ever received a complaint as to the type of
08:11PM 13 work he does.

08:11PM 14 So I'm respectfully requesting this
08:11PM 15 board approve the application.

08:11PM 16 CHAIRMAN FERGUSON: I got.

08:11PM 17 So I'm going to make a motion to
08:11PM 18 approve it with approval for all the necessary
08:11PM 19 variances considering the height of the wall.

08:11PM 20 MR. BIRCHWALE: Yes.

08:11PM 21 CHAIRMAN FERGUSON: Also we've got to
08:11PM 22 do a -- show the steps that we're going to put in the
08:11PM 23 backyard.

08:11PM 24 THE WITNESS: Yeah, for the deck
08:11PM 25 itself.

08:11PM 1 CHAIRMAN FERGUSON: So you're going
08:11PM 2 show that?
08:11PM 3 THE WITNESS: Yeah.
08:11PM 4 CHAIRMAN FERGUSON: Okay. So I assume
08:11PM 5 you're in favor of that?
08:12PM 6 MR. GELESTATHIS: Yes, sir.
08:12PM 7 CHAIRMAN FERGUSON: Okay.
08:12PM 8 So that's my motion.
08:12PM 9 Can I get a second?
08:12PM 10 MR. GRALA: I'll second.
08:12PM 11 CHAIRMAN FERGUSON: Okay.
08:12PM 12 Roll call.
08:12PM 13 MS. IGUINA: Mr. Ferguson?
08:12PM 14 CHAIRMAN FERGUSON: Yes.
08:12PM 15 MS. IGUINA: Mr. Brogna?
08:12PM 16 MR. BROGNA: Yes.
08:12PM 17 MS. IGUINA: Mr. Grala?
08:12PM 18 MR. GRALA: Yes.
08:12PM 19 MS. IGUINA: Mr. Kim?
08:12PM 20 MR. KIM: Yes.
08:12PM 21 MS. IGUINA: Mr. Terranova?
08:12PM 22 MR. TERRANOVA: Yes.
08:12PM 23 MS. IGUINA: Mr. Chung?
08:12PM 24 MR. CHUNG: Yes.
08:12PM 25 CHAIRMAN FERGUSON: Okay.

08:12PM 1
08:12PM 2
08:13PM 3
08:13PM 4
08:13PM 5
08:13PM 6
08:13PM 7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

MR. BIRCHWALE: Thank you very much and
have a nice evening.

Always a pleasure seeing you.

CHAIRMAN FERGUSON: Okay. So can I get
a motion to adjourn?

MR. GRALA: I make a motion to adjourn.

MR. CHUNG: Second.

(Whereupon, this meeting is concluded.

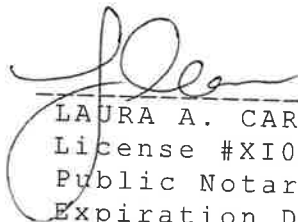
Time noted: 8:13 p.m.)

C E R T I F I C A T E

I, LAURA A. CARUCCI, C.C.R., R.P.R., a Remote Online Notary Public, Notary ID. #1810618, Certified Court Reporter of the State of New Jersey, and a Registered Professional Reporter, hereby certify that the foregoing is a verbatim record of the testimony provided under oath before any court, referee, board, commission or other body created by statute of the State of New Jersey.

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

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



LAURA A. CARUCCI, C.C.R., R.P.R.
License #XI02050, and RON Notary
Public Notary ID. #1810618, Notary
Expiration Date May 27, 2028