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BOROUGH OF PALISADES PARK
ZONING BOARD OF ADJUSTMENT
MONDAY, NOVEMBER 18, 2024
7:00 p.m.

TRANSCRIPT OF
PROCEEDINGS

- 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)
- Case No. 24-16**)
- Hosu Lee)
- 432 Glen Avenue)
- Block 320, Lot 8)
- Case No. 24-19**)
- V Luppino LLC)
- 439 First Street)
- Block 301, Lot 24)
- Case No. 24-13**)
- Jeong Mi Lee)
- 74 Liberty Place)
- Block 204, Lot 8)

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 Adjustment4 MARK SOKOLICH, ESQUIRE
5 1223 Anderson Avenue
6 Fort Lee, New Jersey 07024
7 Counsel for Applicants
8 Hosu Lee, Jeong Mi Lee and V Luppino, LLC

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

10 CHELSI IGUINA, BOARD SECRETARY

11 STEVEN COLLAZUOL, P.E., BOARD ENGINEER

12 MICHAEL KAUKER, PP, AICP, BOARD PLANNER

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5	Seung Hee Kim & Arthur K. Kim		
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9	Case No. 24-15		
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11	428 6th Street		
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06:58PM 1 CHAIRMAN FERGUSON: Okay. So call the
06:58PM 2 meeting to order.

06:58PM 3 And in accordance with the Open Public
06:58PM 4 Meetings Act, notice of this meeting has been posted
06:58PM 5 on the borough bulletin board, notice has been
06:58PM 6 provided to the official borough newspaper and also
06:58PM 7 filed in the borough clerk's office.

06:58PM 8 Okay. So we're going to do a roll
06:58PM 9 call.

06:58PM 10 MS. IGUINA: Joseph Ferguson?

06:58PM 11 CHAIRMAN FERGUSON: Here.

06:58PM 12 MS. IGUINA: Mr. Brogna?

06:58PM 13 Mr. Brogna: Here.

06:58PM 14 MS. IGUINA: Mr. Elefteriou?

06:58PM 15 MR. ELEFTERIOU: Here.

06:58PM 16 MS. IGUINA: Mr. Grala?

06:58PM 17 MR. GRALA: Here.

06:58PM 18 MS. IGUINA: Mr. Kim?

06:58PM 19 MR. KIM: Here.

06:58PM 20 MS. IGUINA: Mr. Terranova?

06:58PM 21 MR. TERRANOVA: Here.

06:58PM 22 MS. IGUINA: Mr. Chung?

06:58PM 23 MR. CHUNG: Here.

06:58PM 24 MS. IGUINA: Ms. Yoon?

06:58PM 25 (No Response.)

06:58PM 1 CHAIRMAN FERGUSON: Okay. So would you
06:59PM 2 like to lead us in the flag salute?

06:59PM 3 (Whereupon, all rise for a recitation
06:59PM 4 of the Pledge of Allegiance.)

06:59PM 5 CHAIRMAN FERGUSON: Okay.
06:59PM 6 So we all received a copy of the
06:59PM 7 minutes of the previous meeting already.

06:59PM 8 Are there any corrections to the
06:59PM 9 minutes?

10 (No Response.)

11 CHAIRMAN FERGUSON: Hearing no
12 corrections, can I get a motion to accept the
13 minutes?

14 MR. GRALA: I'll make a motion.

15 CHAIRMAN FERGUSON: Motion.
16 Can I get a second?

17 MR. ELEFTERIOU: I second.

18 CHAIRMAN FERGUSON: Roll call?

19 MS. IGUINA: Mr. Ferguson?

20 CHAIRMAN FERGUSON: Yes.

21 MS. IGUINA: Mr. Brogna?

22 Mr. Brogna: Yes.

23 MS. IGUINA: Mr. Elefteriou?

24 MR. ELEFTERIOU: Yes.

25 MS. IGUINA: Mr. Grala?

1 MR. GRALA: Yes.

2 MS. IGUINA: Mr. Kim?

3 MR. B. KIM: Yes.

4 MS. IGUINA: Mr. Terranova?

5 MR. TERRANOVA: Yes.

6 MS. IGUINA: Mr. Chung?

7 MR. CHUNG: Yes.

8 CHAIRMAN FERGUSON: Okay. Next we have
9 a couple bills that came in this month.

10 For the court reporter, its's \$980.00.
11 And for our board attorney, it's \$2,000.00 even.

12 Can I get a motion?

13 MR. GRALA: I make a motion.

14 CHAIRMAN FERGUSON: Thank you.

15 Second?

16 MR. ELEFTERIOU: I'll second it.

17 CHAIRMAN FERGUSON: Roll call.

18 MS. IGUINA: Mr. Ferguson?

19 CHAIRMAN FERGUSON: Yes.

20 MS. IGUINA: Mr. Brogna?

21 Mr. Brogna: Yes.

22 MS. IGUINA: Mr. Elefteriou?

23 MR. ELEFTERIOU: Yes.

24 MS. IGUINA: Mr. Grala?

25 MR. GRALA: Yes.

1 MS. IGUINA: Mr. Kim?

2 MR. B. KIM: Yes.

3 MS. IGUINA: Mr. Terranova?

4 MR. TERRANOVA: Yes.

5 MS. IGUINA: Mr. Chung?

6 MR. CHUNG: Yes.

7 CHAIRMAN FERGUSON: Okay. So we're
8 going to ready -- oh, you have two memorializations.
9 The first one is Case 24-14.

10 MS. TESTA: All right. This is the
11 driveway in front of the house without a garage on
12 Princeton Place.

13 CHAIRMAN FERGUSON: Right.

14 So I'll make a motion we pass the
15 memorialization.

16 Can I get a second?

17 MR. ELEFTERIOU: Second.

18 MS. IGUINA: Mr. Ferguson?

19 CHAIRMAN FERGUSON: Yes.

20 MS. IGUINA: Mr. Brogna?

21 Mr. Brogna: Yes.

22 MS. IGUINA: Mr. Elefteriou?

23 MR. ELEFTERIOU: Yes.

24 MS. IGUINA: Mr. Grala?

25 MR. GRALA: Yes.

1 MS. IGUINA: Mr. Kim?

2 MR. B. KIM: Yes.

3 MS. IGUINA: Mr. Terranova?

4 MR. TERRANOVA: Abstain.

5 MS. IGUINA: Mr. Chung?

6 MR. CHUNG: Yes.

7 CHAIRMAN FERGUSON: Okay.

8 The next one is Case 24-15, A.O.C.,
9 LLC/Ioannis Gelestathis.

10 MS. TESTA: And this was a duplex for
11 side yard variances, maximum footprint and retaining
12 wall, if needed.

13 CHAIRMAN FERGUSON: So I'll make a
14 motion to accept that one.

15 Can I get a second?

16 MR. GRALA: I'll second.

17 MS. IGUINA: Mr. Ferguson?

18 CHAIRMAN FERGUSON: Yes.

19 MS. IGUINA: Mr. Brogna?

20 Mr. Brogna: Yes.

21 MS. IGUINA: Mr. Elefteriou?

22 MR. ELEFTERIOU: Abstain.

23 MS. IGUINA: Mr. Grala?

24 MR. GRALA: Yes.

25 MS. IGUINA: Mr. Kim?

1 MR. B. KIM: Yes.

2 MS. IGUINA: Mr. Terranova?

3 MR. TERRANOVA: Yes.

4 MS. IGUINA: Mr. Chung?

5 MR. CHUNG: Yes.

6 CHAIRMAN FERGUSON: Okay.

7 So that brings us up-to-date. Do you
8 want to do 24-16?

9 MS. TESTA: Yeah, 24-16.

10 CHAIRMAN FERGUSON: The first case is
11 24-16, Mr. Lee, 432 Glen Avenue.

12 Mark?

13 MR. SOKOLICH: Thank you, Chairman.

14 For the record, Mark Sokolich on behalf
15 of Hosu Lee relating to premises known as 232 Glen
16 Avenue.

17 Chairman, it's been brought to our
18 attention by your astute professionals as well as our
19 re-review that there is a jurisdictional issue
20 potentially.

21 This application may better belong
22 before the Planning Board. However, we'd like a
23 brief period of time to assess that.

24 We would ask that the matter be carried
25 without the necessity of renotice.

1 But we do anticipate re-filing at the
2 Planning Board.

3 The moment we do that, we'll certainly
4 withdraw this application and contact Ms. Testa, if
5 that's acceptable?

6 CHAIRMAN FERGUSON: Okay. I'll make a
7 motion that we continue this to the next meeting,
8 which is --

9 MS. TESTA: December 16th.

10 CHAIRMAN FERGUSON: -- December 16th.

11 MR. GRALA: I'll second.

12 CHAIRMAN FERGUSON: No further notice.
13 Can I get a second?

14 MR. GRALA: I second.

15 MS. TESTA: Seconded by Mr. Grala.

16 CHAIRMAN FERGUSON: Okay, roll call.

17 MS. IGUINA: Mr. Ferguson?

18 CHAIRMAN FERGUSON: Yes.

19 MS. IGUINA: Mr. Brogna?

20 Mr. Brogna: Yes.

21 MS. IGUINA: Mr. Elefteriou?

22 MR. ELEFTERIOU: Yes.

23 MS. IGUINA: Mr. Grala?

24 MR. GRALA: Yes.

25 MS. IGUINA: Mr. Kim?

1 MR. B. KIM: Yes.

2 MS. IGUINA: Mr. Terranova?

3 MR. TERRANOVA: Yes.

4 MS. IGUINA: Mr. Chung?

5 MR. CHUNG: Yes.

6 MS. TESTA: Okay.

7 Case Number 24-16, Hosu Lee, 432 Glen
8 Avenue, Block 320, Lot 8, at the request of the
9 applicant is being carried to the December 16th, 2024
10 meeting at 7 p.m.

11 No further notice will be provided to
12 the public.

13 MR. SOKOLICH: Thank you, Chairman,
14 Counsel.

15 CHAIRMAN FERGUSON: So the next case
16 will be Case 24-19, V. Luppino, LLC, 439 First
17 Street.

18 MR. SOKOLICH: We had Liberty set up.
19 Are we doing Liberty?

20 We were doing Liberty.

21 CHAIRMAN FERGUSON: Oh, I'm sorry.

22 MR. SOKOLICH: Yeah, yeah. If that's
23 okay with you?

24 CHAIRMAN FERGUSON: That's okay with
25 us.

1 MS. TESTA: Okay, so 24-13.

2 CHAIRMAN FERGUSON: Okay. So the case
3 is now 24-13.

4 MR. SOKOLICH: Sorry, Chairman.

5 CHAIRMAN FERGUSON: Which is
6 74 Liberty.

7 MR. SOKOLICH: Thank you, Chairman.

8 For the record, Mark Sokolich on behalf
9 of the applicant before you, which is going to be
10 relating to premises known as 74 Liberty Place.

11 Pardon my lack of tie.

12 However, as a result of a minor issue.
13 I apologize. Next time I'll wear two ties.

14 So this is an application. Just by way
15 of background, we have provided adequate notice to
16 the public in accordance with a certified receipt
17 from the assessor's office.

18 We presented Ms. Testa with a copy of
19 the Affidavit of Service as well as Proof of
20 Publication. And we are hopeful that that is at
21 least preliminarily in order.

22 MS. TESTA: Yes.

23 The newspaper was October 25th. The
24 mailing was November 7, 2024. So the Board has
25 jurisdiction.

1 MR. SOKOLICH: Thank you, thank you,
2 thank you.

3 So the Board has jurisdiction over this
4 application, which is a request to construct a
5 two-family at the subject premises.

6 There are a series of variances that
7 are being sought, not the least of which are a
8 continuation of preexisting nonconformities, amongst
9 which are lot size.

10 As far as this evening is concerned,
11 the applicant proposes to present the testimony of
12 Vassilios Cocoros, licensed architect.

13 And then on deck is Mr. Spatz, our
14 Professional Planner, who will address all of the
15 variances and the bases for that.

16 I can also represent to the Board that
17 there are authorized representatives of the applicant
18 here this evening.

19 So if you had any specific questions of
20 him, he is more than willing to respond.

21 So unless the Chair or anybody else
22 directs me otherwise, we'd ask Mr. Cocoros to be
23 sworn in.

24 MS. TESTA: Do you swear the testimony
25 you will give in this application will be the truth,

1 the whole truth, and nothing but the truth?

2 MR. COCOROS: I do.

3 V A S S I L I O S C O C O R O S, RA

07:53PM

4 467 Sylvan Avenue, Englewood Cliffs, New Jersey,

5 having been duly sworn, testifies as follows:

6 MS. TESTA: Please state your name and
7 spell your last name and give your address.

8 MR. COCOROS: Sure.

9 Vassilios, V-A-S-S-I-L-I-O-S; Cocoros,
10 C-O-C-O-R-O-S; 467 Sylvan Avenue, Englewood Cliffs,
11 New Jersey 07632.

12 CHAIRMAN FERGUSON: Before we get
13 going, I've just got a comment.

14 This is a two-family house, 6-over-6.
15 On your paperwork it says --

16 MR. SOKOLICH: Let me say --

17 CHAIRMAN FERGUSON: -- new
18 three-family.

19 MR. SOKOLICH: Got it. Understood.

20 Deem it amended.

21 Thank you, Chairman.

22 Before Billy starts with his testimony,
23 it's been common practice that we wait until
24 Mr. Spatz to come up to mark these photographs, but I
25 thought it would be smart, why don't we do it in the

1 beginning so everybody know what we're talking about.

2 So we've distributed to you a series of
3 four photographs. The upper left is the subject
4 property. We'll authenticate the document once
5 Mr. Spatz comes up, but at least you have a point of
6 reference to refer to.

7 So, Diane, I wouldn't even mark it
8 until we get to David, unless you want me to do it
9 differently. You tell me.

10 MS. TESTA: No, that's fine.

11 MR. SOKOLICH: That's fine.

12 Thank you.

13 DIRECT EXAMINATION

14 BY MR. SOKOLICH:

15 Q. So, Bill, you've been sworn in. Your
16 credentials as an architect have been accepted. I'm
17 going to mark your first plan as A-1.

18 It is entitled "New Two-Family
19 Dwelling." You have a last revised date of July 9,
20 2024, correct?

21 A. Correct.

22 (Whereupon, New Two-Family Dwelling
23 Architectural Plan Prepared by VCA Group,
24 LLC, Last Revised July 9, 2024 is marked as
25 Exhibit A-1 for identification.)

1 BY MR. SOKOLICH:

2 Q. If you would -- in the upper right-hand
3 corner is your architectural site plan. If you would
4 be good enough just to talk about existing conditions
5 and the size of the property.

6 A. Sure.

7 The property, itself, is located on the
8 south side of Liberty Place, which is basically a
9 short street between Hillside Avenue and Broad
10 Avenue.

11 There's a house on the corner of
12 Hillside, which would be the southeast corner -- the
13 southeast corner -- I'm sorry -- the southwest corner
14 of Hillside, and that house fronts on Hillside.

15 Our property is directly behind it on
16 Liberty Place.

17 It's
18 50-feet-8-inches-wide-by-75-feet-deep. In this case
19 here, it's a preexisting, nonconforming lot. The
20 topography difference basically from left to right as
21 it goes down to Broad Avenue is about a 2-foot
22 difference in elevation, maybe 1-foot-8-inches.

23 In the back, it goes up maybe a
24 foot-and-a-half, 2 feet at the back from the front of
25 the property.

1 However, on the right-hand side it's
2 about a 4-foot difference from the front to the back.
3 And that's because of the street sloping down towards
4 Broad Avenue. The lot area --

5 MS. TESTA: Grand.

6 MR. COCOROS: Grand Avenue. I'm sorry.

7 Like I said, this lot, itself, is a
8 preexisting nonconforming lot,
9 50-feet-by-75-feet-deep.

10 Typically 6-over-6s that we build are
11 37-and-a-half-feet-wide-by-100-feet-deep.

12 In this case, you know, it's a similar
13 same size lot, slightly larger than a typical
14 6-over-6; however, we have the deficiency in the
15 depth, which is a preexisting nonconforming
16 condition.

17 The way development is it's very
18 difficult to get additional property, you know, to
19 expand the lot itself.

20 So we're proposing a 6-over-6 dwelling,
21 6-foot-wide. Instead of having a 3-and-a-half-foot
22 setback, we have 5-feet-4-inches, which meets the
23 minimum requirement for each side.

24 However, you know, the 14 feet, we're
25 deficient in that variance compared to a typical,

1 let's say, 6-over-6. And even a duplex, itself, a
2 duplex is 6 feet; however, we're allowed to put a
3 staircase and bay windows into the side yard 2 feet,
4 or even 3 feet in the case of a staircase in the
5 front.

6 So we basically have a smooth finish on
7 each side yard setback.

8 And by doing that, we have a clear
9 5-feet-4-inches to the building, itself.

10 The building is basically -- we have a
11 slight pitch from the driveway and/garage down to the
12 street. However, to intercept any runoff, we do have
13 a trench drain, as recommended on other applications
14 by the board's engineer.

15 In this case, we have a 5-foot
16 overhang. The building, itself, is 13 feet from the
17 front. And it is a 5-foot overhang to the garage
18 wall down below, which gives us 18 feet, which is a
19 full parking space.

20 Then we have another about 2 feet to
21 the actual sidewalk. So if somebody parks a car
22 there, the whole idea is not have the rear end of the
23 car hang out into the sidewalk.

24 The building footprint here is 1,868
25 square feet or 49.16 percent, which is typical as far

1 as the 6-over-6s that we've been doing.

2 We set it up where we have 13 in the
3 front, 18 in the garage down below. We also have
4 lines for the entry wall of the entry canopy, which
5 is set back at the 18-foot number.

6 The actual building depth from the
7 overhang portion is 48-feet deep. The width is
8 40-feet wide. That's where we get the
9 5-foot-4-inches setback on each side.

10 In the back we have a 4-foot rear yard
11 setback, which I think is doable because the property
12 to the right of us is similar as far as setback goes,
13 at least where the portion of that building is up
14 against us.

15 The building behind us has an increase
16 in rear yard setback because of the existing lot
17 depth. Then the building on Hillside, that's their
18 backyard. So the building on Hillside, the back of
19 their house is quite a bit of away, at least 30 feet
20 away from our property.

21 That's oversized, basically 150-feet
22 deep. So the existing house that's on there
23 basically has a two-car garage back here.

24 Then there's really the driveway, then
25 an additional space about 30 feet to the proposed

1 house. So the house, itself, will not have a direct
2 impact to that side yard or the rear yard of the
3 house on Hillside at the corner of Liberty Place.

4 As I mentioned before, since the
5 property does go up, we do have a positive pitch from
6 the driveway; however, the building, itself, will be
7 something about a foot-and-a-half or a foot in the
8 down and as you go up towards the back.

9 Q. So, Bill, I'm going to work in a couple
10 questions in quick before you get too far.

11 Existing conditions, just for the
12 benefit of the record, are there any environmental
13 conditions we need to disclose to the Board?

14 A. Not that I know of.

15 As far as the existing property,
16 there's no stormwater management on the property.

17 Q. Any wetlands to worry about?

18 A. No.

19 Q. Okay. Is there any stormwater
20 management system onsite now that we can speak of, or
21 is it just natural, for lack of a better term?

22 A. Natural.

23 It's either -- in the worst case
24 scenario it will be the roof leaders going to the
25 sanitary sewer.

1 Best case scenario, they're going to
2 splash back on the property.

3 Q. But it's certainly not being controlled
4 properly and the lawfully prescribed way, correct?

5 A. Correct.

6 Q. And the system or the house that you
7 proposes also has a Utility Plan and a Stormwater
8 Management Plan, correct?

9 A. Yes.

10 We have chambers in the back. However,
11 if this is approved, we would have to submit a plan
12 to Steve, including drainage calculations to make
13 sure that the proposed drainage covers the garage
14 area and the driveway and covers the roof -- the roof
15 leaders on the property.

16 Q. Which is what I was getting at. If the
17 Board were to act favorably on the application, they
18 will make a condition that the applicant will have to
19 satisfy Mr. Collazuol, as well as any other
20 designated board professional, as to, for example,
21 utility, stormwater, runoff, things of that nature,
22 and the applicant obviously is prepared to accept
23 that as a condition?

24 A. Yes.

25 Q. As far as the height, I know that we're

1 asking for a variance, hence our appearance before
2 this particular board. Would you characterize that
3 height request from -- for practical reasons, more so
4 than just a taller house?

5 What I mean by that is the gravity for
6 purposes of being able to allow this water to flow.

7 Two-part question: Were the Board to
8 act favorably on the height request, are we
9 comparable to the heights of other residences in the
10 area?

11 A. Yes.

12 You know, the properties to the right
13 of us -- I guess it would be to the west of us -- are
14 slightly lower. That's a function of the topography.
15 Part of the reason for the height also, we didn't
16 artificially raise the grades of the building, so,
17 you know, we have 4-foot difference on the right-hand
18 side, basically except the existing grades naturally.
19 You know, we lifted it up a little in the back, level
20 in the backyard but as far as the corner of the
21 building at that natural grade.

22 And also we're using 6-over-6
23 requirements. Typically a duplex would have a
24 28-foot height to the midpoint. However, even if
25 there was a duplex compliant lot, we'd probably go to

1 the board for a variance for height regardless to
2 maintain the pitch away from -- you know, to the
3 garage -- the garage, itself, is higher than Liberty
4 Place.

5 So because Liberty Place has the flow
6 going from Hillside down to Grand Avenue, if there
7 was a depressed driveway, that could be a future
8 issue for severe flooding coming down that hill.

9 Q. Bill, before we get the floor plans --
10 we may as stay on this page -- you acknowledge
11 receipt of Mr. Collazuol's review letter dated --
12 pardon me -- November 13 of this year?

13 A. Yes.

14 Q. And is there any highlights, any items
15 that you would like to raise? There's a request, for
16 example, that a landscape plan be provided and
17 submitted him.

18 Do you agree with that?

19 A. Yeah, we can do that.

20 Q. Other things that -- there were several
21 comments regarding utilities, stormwater management,
22 the sanitary sewer laterals.

23 If there's questions, it's the
24 intention of the applicant to satisfy Mr. Collazuol
25 100 percent.

1 If they are directives, in fact the
2 applicant will comply, correct?

3 A. Yes.

4 We have a sanitary sewer lateral, a
5 newer one. However, sometimes if we find an existing
6 one that's in really good condition, it can be tested
7 to make sure it's fine. Is that something, Steve,
8 you would agree to?

9 MR. COLLAZUOL: Yes.

10 BY MR. SOKOLICH:

11 Q. As far as, for example, the
12 construction -- and there will be new sidewalks,
13 correct?

14 A. Yes.

15 New sidewalks and a new curb across the
16 front of the property.

17 Q. And, for example, Mr. Collazuol, those
18 sidewalks will be done in details he provided,
19 correct?

20 A. Yes.

21 Q. I guess to ask the question differently
22 -- well, let me confirm this.

23 Are there any retaining walls proposed
24 over 4-foot?

25 A. No.

1 In the back, we basically have maybe an
2 8-inch retaining wall that goes to nothing.

3 Q. But is there anything on this review
4 letter that you don't believe the applicant can
5 readily satisfy?

6 A. Yeah, we can satisfy it.

7 Q. Thank you.

8 As far as the façade that's proposed
9 for this structure, is it going to be consistency on
10 all four sides?

11 A. There's a brick façade in the front.
12 However, on the side we do have either stucco or a
13 panelized system.

14 Q. But masonry or something?

15 A. Yes. We'll curb it.

16 It wouldn't be vinyl.

17 Q. It wouldn't be, for example, right,
18 brick on one side and a then cheaper product on the
19 side and on the right?

20 A. No.

21 Q. There could be variation in the
22 exterior façade, but it will be of an equal or better
23 quality?

24 A. The stucco basically to make it a
25 little bit lighter too.

1 MR. SOKOLICH: So we're going to mark,
2 with the Board's permission, as A-2 what you're
3 entitling "Floor Plan," which also has a last revised
4 date of July 9, 2024.

5 (Whereupon, Floor Plan Prepared by VCA
6 Group, LLC, Last Revised July 9, 2024 is
7 marked as Exhibit A-2 for identification.)

8 BY MR. SOKOLICH:

9 Q. Billy, briefly, if you could, take the
10 Board from the lowest point to the highest point
11 through the proposed building?

12 A. Right.

13 We go from left to right on the
14 existing plan. Since we have a wider property here,
15 we have a two-car garage for the primary unit on the
16 first floor.

17 We also have the basement.

18 We have a secondary garage that's
19 separated for the second floor unit, which is the
20 secondary unit on the property.

21 At the back, we have a recreation room,
22 den, home office, closet, powder room. No full
23 bathroom. I made sure I left it off.

24 Then we have the utility room with
25 access off of the garage of the main garage for the

1 primary unit.

2 There's also a door from the side as
3 far for egress purposes that has steps going up
4 towards the backyard and steps going towards the
5 front yard.

6 And then in the middle, we have a first
7 floor plan, which is the primary unit. We have a
8 covered platform.

9 As you can see, that platform is set
10 back to the line of the garage, so instead of being
11 13 feet, this portion of the building itself is going
12 to be 18 feet, 4-foot platform. We have 13 treads
13 with 14 risers going up to the covered platform.

14 The bottom of the staircase aligns with
15 the existing sidewalk level on Liberty.

16 And then, basically, we have a
17 three-bedroom configuration. On the left-hand side
18 we have basically living room. There's an entry door
19 from a covered platform. Dining room behind that. A
20 kitchen in the back with a -- with a sliding glass
21 door out to a small deck, which is 6-feet-by-10 feet.

22 And then the second floor is basically
23 the same layout; however, instead of entering from
24 the front door, you have an entry platform down below
25 from the first floor, a staircase up.

1 You enter where the dining room is. At
2 the front we have the living room. Behind the dining
3 room we have a kitchen.

4 On the right-hand side, we have the
5 suites, back being the master and primary suite with
6 its own en suite bathroom, which consists of a double
7 vanity, water closet/toilet and a shower.

8 Q. Billy, access to the ground floor is
9 only the first floor apartment?

10 A. Correct.

11 Basically a staircase -- the open
12 staircase --

13 Q. Understood.

14 A. -- comes down. There's no doors or
15 anything to have that portion on the first floor.

16 Q. Understood.

17 A. Now, and then the bedrooms are
18 basically both the same. We have a three-bedroom
19 configuration. The back being the master with an
20 en suite, walk-in closet, secondary closet. The
21 middle bedroom has a closet.

22 There's a hall bathroom that the front
23 and the bedroom share. In addition, there's a real
24 laundry, 5-foot-8-by-8.2.

25 Q. Thank you.

1 Anything else that you would like to
2 review with regards to the details of the interior?

3 A. No.

4 As far as the size property, mostly we
5 do a 37-and-a-half-by-100. Here we only have --
6 basically the configuration kind of matched the size
7 of the property.

8 Q. But it also allows you to have adequate
9 garage space also, correct?

10 A. Yeah.

11 It's kind of nice, especially the main
12 owner of the property is going to have a two-car
13 driveway. And, you know, also a bigger curb cut.
14 But we are providing two more spaces than you would
15 have on a typical --

16 Q. Excellent.

17 A. Also the curb cut, itself, is less than
18 what the duplex curb cut would be, which is basically
19 6 feet, almost 38-feet wide, a little bit more
20 sometime than the actual driveway for a duplex.

21 MR. SOKOLICH: Thank you, Bill.

22 Chairman, we offer Mr. Cocoros.

23 CHAIRMAN FERGUSON: First of all, just
24 a question.

25 With the garages, you have one big

1 garage and a small garage.

2 MR. COCOROS: Yes.

3 CHAIRMAN FERGUSON: Is there a reason
4 why you didn't make the two garages the same size.

5 MR. COCOROS: You know, the clients
6 said -- these people who own the main house want the
7 luxury of the second parking space, the second space,
8 you know. We still have it set up where the garage
9 for the second floor unit, they have two parking
10 spaces.

11 Really this is more just comfort
12 purposes. We have basically a 16-foot door that you
13 can fit. You know, also most of the times people
14 park one car in there. They'll put two in the
15 driveway.

16 On the inside they have room for
17 storage if they have to. You know, set up two cars
18 and two cars.

19 But in reality it might be one car and
20 storage. So we have that flexibility.

21 The main reason being on -- you know,
22 being on the first floor, that's their primary -- you
23 know, that's the owner unit.

24 So it's a luxury to have.

25 CHAIRMAN FERGUSON: Okay. All right,

1 Bill, above the stairs, the front -- the front door,
2 I assume that says "Fire Code Compliant Railing."
3 It's on...

4 MR. COCOROS: Oh, yeah.

5 On this one here they wanted a small
6 deck off above the covered platform.

7 CHAIRMAN FERGUSON: Yeah. You know, I
8 don't want to turn the city into New York.

9 So I don't want people hanging. So I'm
10 okay with a window.

11 MR. COCOROS: Okay.

12 CHAIRMAN FERGUSON: I'm not okay
13 with...

14 MR. COCOROS: Got it.

15 Basically a pitch. I had roof and a
16 window.

17 CHAIRMAN FERGUSON: Right. All right.
18 What's the length of the actual building?

19 MR. SOKOLICH: Forty-three feet, I
20 believe.

21 Right, Bill.

22 MR. COCOROS: The width is 40-feet
23 wide, 48 deep at the deepest point.

24 Then on the portion that has the entry
25 platform is 43-feet deep.

1 CHAIRMAN FERGUSON: What's the width?

2 MR. COCOROS: The width is 40 feet.
3 We've got 5-feet-4-inches on each side.

4 CHAIRMAN FERGUSON: Okay. And the
5 length?

6 MR. COCOROS: The length? From where
7 the overhang is on the left-hand side is 48 feet.

8 On the right-hand side where the entry
9 is, it's 43 feet.

10 CHAIRMAN FERGUSON: Okay. So if you
11 turn -- so if you have 14 feet for the rear yard,
12 right, and for the front yard you have --

13 MR. COCOROS: I've got 13. And then it
14 goes up -- it goes up to 18.

15 CHAIRMAN FERGUSON: It goes up to
16 where.

17 MR. COCOROS: Where the front doors are
18 themselves, the actual setback there is 18 feet.

19 MR. SOKOLICH: The front door is
20 recessed, Chairman.

21 So the predominant depth of the house
22 is 48, but where the front entry section plan is it's
23 43, because the house moves less 5 feet.

24 MR. COCOROS: It's like a little notch
25 in the front left corner.

1 CHAIRMAN FERGUSON: In the left corner.

2 MR. COCOROS: This wall here is set
3 back (indicating).

4 CHAIRMAN FERGUSON: Right.

5 Okay, I got it. So if you have -- this
6 is what? If you have 14 feet and you have -- in the
7 backyard you have 14 feet, right.

8 MR. COCOROS: Um-hmm.

9 CHAIRMAN FERGUSON: In the front yard
10 you have what, 13.

11 MR. COCOROS: Yeah, 13 and 18.

12 CHAIRMAN FERGUSON: What's the other
13 number?

14 MR. COCOROS: Eighteen where the front
15 doors are.

16 CHAIRMAN FERGUSON: Okay. And what's
17 the length of the house.

18 MR. COCOROS: It's 43-feet deep on the
19 left-hand side, which is, I guess, the east portion.

20 Then on the right-hand side we have
21 48-feet deep.

22 CHAIRMAN FERGUSON: Maybe I'm not good
23 in math, but I don't --

24 MR. SOKOLICH: The numbers aren't
25 adding up, Mr. Chairman.

1 CHAIRMAN FERGUSON: It's probably me.

2 MR. SOKOLICH: No, no.

3 Billy's been known to do that.

4 CHAIRMAN FERGUSON: No, no.

5 MR. COCOROS: According to the Apple
6 calculator, it's 75 feet.

7 CHAIRMAN FERGUSON: Okay.

8 I'll take your word for it. Now, where
9 is the door from the little garage? I mean, how do
10 they get into the --

11 MR. COCOROS: You know, I can put a
12 door here if we want (indicating).

13 We basically come up to the walk.
14 That's all the 6-over-6s.

15 CHAIRMAN FERGUSON: Oh, yeah.

16 MR. COCOROS: Yeah.

17 CHAIRMAN FERGUSON: So they -- so you
18 can put a door here.

19 MR. COCOROS: Yeah. You know,
20 basically leave the garage door open.

21 Even my house we basically have the
22 garage door. There's no real access. It's basically
23 closed off. You come out and go up the staircase.

24 CHAIRMAN FERGUSON: Okay. Any board
25 members have anything?

1 (No Response.)

2 CHAIRMAN FERGUSON: Steve, you're on.

3 MR. COLLAZUOL: Chairman, I was curious
4 about the garages myself. I was going to ask Bill
5 how the garages work with the application and the
6 number units. Does it meet the RSIS standards?

7 But Mike told me that the application
8 needs two per unit, three bedrooms. So they only
9 need two spaces for each unit. It appears the larger
10 garage can carry two cars, which would actually give
11 them four cars, two over there. And the small garage
12 space in front is two cars also.

13 So they meet the RSIS standards and
14 also the Borough standards for parking. But that was
15 just a curious question of mine as well.

16 The other thing I wanted to point out
17 is, Bill, again sometimes the builders build concrete
18 walks on the right- and left-hand side of some of
19 these types of developments. That's why we put in
20 our comment about the landscaping. If you can make
21 sure it's grass or limited --

22 MR. COCOROS: Yeah, yeah.

23 It will be grass. Whatever portion
24 left over on the left-hand side will be grass between
25 the walkway and the property line.

1 And then the other side there, you
2 know, there's no reason why we'd do walkway so we
3 basically do all grass on the right-hand side.

4 MR. COLLAZUOL: Just so it's noted.

5 MR. COCOROS: We'll do some blocks with
6 azaleas by the staircase.

7 MR. COLLAZUOL: Good.

8 The other comment is about any fencing.
9 You're not -- your plan doesn't show any. The
10 existing fences are going to remain or be replaced.
11 I think the comment on the existing conditions
12 indicates it would be a chain-link fence.

13 I don't know if the Board wants, on a
14 new application, to see a chain-link fence. I
15 recognize that there's a series of garages next door.

16 But perhaps the Board would like to
17 have a new fence.

18 MR. COCOROS: Yeah.

19 We have enough room there, you know, to
20 do a new fence. We're 5.4. So, you know, it's up to
21 the Board. We spend all this money on the house.
22 They might do a new PVC fence along the property line
23 for privacy purposes and to make it look brand-new
24 looking at the driveway, at least on the left-hand
25 side.

1 CHAIRMAN FERGUSON: That's it, Steve.

2 MR. COLLAZUOL: That's it.

3 CHAIRMAN FERGUSON: Okay. So we're
4 back to the garage doors. I can never quite -- who
5 is going to occupy the ground floor, the second
6 floor?

7 MR. COCOROS: The first floor.

8 It's part of the first floor. It's
9 connected to the first floor.

10 CHAIRMAN FERGUSON: So that's going to
11 be --

12 MR. COCOROS: We're going to do a
13 6-over-6. Basically three levels.

14 CHAIRMAN FERGUSON: I know. Yeah,
15 yeah.

16 But what determines who gets the little
17 garage.

18 MR. COCOROS: I mean, you know, it
19 makes sense. You know, the main floor has more --
20 the main apartment has more square footage, so, you
21 know, they would get the bigger garage. And the
22 second floor, you know, which will probably be a
23 tenant. The first floor would be, let's say, the
24 owner who would live there. They would get the
25 two-car garage -- a two-car garage. The tenant would

1 get the one-car garage and one-car driveway.

2 MR. SOKOLICH: Accessible only from the
3 outside, Bill.

4 MR. COCOROS: Yes.

5 MR. SOKOLICH: So they wouldn't be able
6 to cut through. I understand your point, Chairman.

7 As far as the accessibility from the
8 basement from the interior, Bill, it would only be
9 one way, so if you're going to provide access to that
10 one garage, I presume it's from the outside?

11 MR. COCOROS: Yeah.

12 The secondary garage, so basically you
13 park your car, you walk out, you close the garage
14 door. You press the button and it closes the door.

15 MR. SOKOLICH: Whatever keeps that car
16 off the street, Chairman.

17 CHAIRMAN FERGUSON: Absolutely.

18 The only -- I mean, in my life I was
19 always in the ambulance.

20 But as far as the fire code, the fire
21 codes go, if you have a garage that only can exit,
22 don't you have to have two exits?

23 MR. COCOROS: One- or two-family, it's
24 not like a large truck code. I can check that if
25 it's approved, go and make sure it's covered. Worst

1 case scenario we'd do the same thing we did on the
2 door for the -- the side door on other side.
3 Basically a little well and the staircase that goes
4 toward the front yard, you know, just for emergency
5 purposes.

6 CHAIRMAN FERGUSON: I'm just...

7 MR. COCOROS: Yeah, I understand.

8 CHAIRMAN FERGUSON: I'm just worried
9 about, you know, if something happens to your -- you
10 pull in and something happens.

11 MR. SOKOLICH: So if you pull in -- if
12 you have that door, if you pull in, you shut the door
13 behind for security reasons. You don't get out of
14 your car until the garage door is shut. You then get
15 out and go through that side door. It's probably
16 more secure.

17 MR. COCOROS: You know, the only thing
18 is all the 6-over-6s we've done never had that issue
19 as far as code compliant the way it is. You know, it
20 would be more like, you know, a feature of it. You
21 know, instead of coming out your garage door, you
22 come out the side door.

23 CHAIRMAN FERGUSON: Okay. Well, I
24 would -- where is that?

25 MS. TESTA: You could require it if you

1 wanted to, but it's not necessary, according to code.

2 CHAIRMAN FERGUSON: According to code,
3 it's not necessary.

4 MS. TESTA: It doesn't lead to any
5 living space. It's only the garage.

6 CHAIRMAN FERGUSON: It's only the
7 garage.

8 So anybody in the audience have
9 anything to say.

10 MR. SOKOLICH: Chairman, we conferred
11 with the applicant and the side door, absolutely,
12 yes.

13 CHAIRMAN FERGUSON: Okay. Anybody have
14 anything to say about the -- yes? No.

15 AUDIENCE MEMBER: I approve.

16 CHAIRMAN FERGUSON: You approve?

17 Good.

18 MR. SOKOLICH: Thank you, ma'am.

19 CHAIRMAN FERGUSON: Okay. We're ready
20 for your next witness.

21 MR. SOKOLICH: Chairman, we call
22 Mr. Spatz with an abridged planning summary.

23 CHAIRMAN FERGUSON: Oh, good, abridged.

24 MR. SOKOLICH: Thank you, Bill.

25 MS. TESTA: Please raise your right

1 hand.

2 Do you swear the testimony you will
3 give this application will be the truth, the whole
4 truth, and nothing but the truth?

5 MR. SPATZ: Yes, I do.

6 D A V I D S P A T Z, P.P.

07:48PM

7 60 Friend Terrace, Harrington Park, New Jersey,
8 having been duly sworn, testifies as follows:

9 MS. TESTA: Please state your name and
10 business address.

11 MR. SPATZ: David Spatz, S-P-A-T-Z.

12 My business address is 60 Friend
13 Terrace in Harrington Park.

14 CHAIRMAN FERGUSON: Okay. Mr. Spatz
15 has been here many times, more times than me.

16 We accept him as an expert.

17 DIRECT EXAMINATION

18 BY MR. SOKOLICH:

19 Q. David, I am going to do this quickly
20 and get out of your way. I distributed a series of
21 four photographs to the board.

22 A. Yes.

23 MR. SOKOLICH: Ms. Testa, with your
24 permission, A-3.

25 MS. TESTA: Yes.

1 MR. SOKOLICH: I'm going to mark them
2 as A-3.

3 (Whereupon, Four Photographs are marked
4 as Exhibit A-3 for identification.)

5 BY MR. SOKOLICH:

6 Q. David, if you would just identify them
7 clockwise, if you would, starting with the upper
8 left-hand corner.

9 A. Certainly.

10 The top left is of the subject
11 property.

12 Top right is looking to the right, or
13 to the west of our site. It's a larger, older
14 two-family -- single-family directly next to us.
15 Then a series of newer two-family homes.

16 The bottom left is to the left of us,
17 to the east of us. That's a four-family home.

18 And then the bottom right is directly
19 across the street, which are all two-family homes as
20 well.

21 Q. These are photographs you took?

22 A. I took them, yes.

23 Q. You didn't crop them or modify them in
24 any way?

25 A. No.

1 Q. You were engaged for purposes of
2 conducting a planning assessment?

3 A. Correct, yes.

4 Q. And in fact you have?

5 A. I have, yes.

6 Q. So wherever you deem most appropriate,
7 if you would please provide it.

8 Thank you.

9 A. Okay.

10 We're located in the AA Zone, which
11 permits two-families.

12 As was described, the lot does not
13 conform to the lot area and lot depth requirements of
14 the zone. We need two D variances for building
15 height and then lot area per unit, which is density.

16 Then there are three C variances:
17 Front yard, rear yard and building coverage.

18 So looking at our D variances. I think
19 the site is particularly well-suited for what we're
20 proposing. It's located in a zone that permits
21 two-family dwellings on a block that is primarily
22 developed with two-family dwellings.

23 In fact, there's a four-family dwelling
24 directly next to us.

25 Looking at the Municipal Land Use Law,

1 the purposes of zoning, we meet several of those.
2 Purpose A is promoting public health, safety, morals
3 and general welfare, providing housing in a
4 residential zone meets that standard.

5 Purpose E is the establishment of
6 appropriate population densities. Two-families are
7 permitted in the zone, and that's what we are
8 providing.

9 Then, lastly, we also meet Purpose I,
10 which is promoting a desirable visual environment. A
11 building has been designed. The property is
12 significantly undersized, created by the depth, which
13 is 25 feet less than what is typically provided in
14 the zone. And the building has been designed to meet
15 that standard, and, in fact, provides conforming side
16 yards, which is important as it affects the adjacent
17 properties.

18 In terms of the building height, what
19 we need to look at is consistency with the
20 neighborhood.

21 And I think the photographs demonstrate
22 that. Even a single-family home is a larger home.
23 And then all of the two-family homes are three
24 stories in height and similar in terms of height in
25 terms of feet.

1 There is a slight slope to the
2 property. So as you go west, it does go down. But
3 the heights are consistent with the neighborhood.

4 Looking at the density, what we need to
5 look at is whether the property can support it, and I
6 believe that it can. Mr. Cocoros has described
7 drainage improvements being made to the property.
8 There is a conforming amount of parking being
9 provided on the site.

10 And the building has been designed to
11 acknowledge the undersized nature of the property.

12 So I believe that the D variances can
13 be granted.

14 Looking at our C variances, the lot
15 again is significantly undersized. The properties on
16 either side of us, as shown by the photographs, are
17 all fully developed, so we cannot acquire additional
18 property to make them conforming. The front yard and
19 the rear yard are directly related to the fact that
20 we are 25 foot shallower than what is required within
21 the zone. We provided the maximum setbacks that we
22 can provide.

23 Importantly, we provided conforming
24 side yards. And we meet both individual side yards.
25 However, your combined side yard standard is actually

1 a greater number, and we need variance for that.

2 As the photographs show, the adjacent
3 four-family home, their garage is adjacent to us in
4 the driveway, so there is a significant setback from
5 the adjacent property.

6 In terms of lot coverage, we meet the
7 square footage requirement but not the percentage
8 requirement. Again, that's related to the fact of
9 the property being undersized.

10 Drainage improvements are being
11 provided to mitigate the slightly larger building.
12 And I think provides improved conditions for the
13 adjacent properties. So I think that the positive
14 criteria exists for our C variances.

15 Looking at the negative criteria, I
16 don't believe anything is substantially negative. We
17 are in character with the surrounding land uses. We
18 are a permitted use within the zone. The setbacks
19 are consistent with the adjacent properties. They
20 address the narrow shallowness of the property. The
21 height is only a bit over what is permitted within
22 the zone, but again consistent with the neighborhood.
23 And it is a lesser standard because it's a
24 non-duplex, but it is, again, typical in the area.

25 So I think appropriate light, air and

1 open space is provided.

2 Mr. Cocoros has indicated that
3 additional landscaping will be provided. We have a
4 conforming amount of parking on the site, both within
5 the garages and in the driveway.

6 And I believe on balance the positive
7 criteria is met. It far outweighs what might be
8 considered negative.

9 And I believe it will be appropriate to
10 grant the variances.

11 MR. SOKOLICH: Thank you, David.
12 Chairman.

13 CHAIRMAN FERGUSON: Okay. Mr. Kauker,
14 do you have anything?

15 MR. KAUKER: Yeah, just a follow-up
16 question I had.

17 With respect to the height, you
18 indicated that the proposed building would be
19 consistent with the other buildings in the area.

20 MR. SPATZ: Yes.

21 MR. KAUKER: Just if I understood your
22 testimony correctly with respect to the bulk
23 variances, it was related to a practical difficulty
24 and hardship relating to the size and then the
25 shallowness of the property?

1 MR. SPATZ: Yes.

2 We are 25 foot less than what is
3 required in the zone and is actually typical of lots
4 within Palisades Park.

5 So it's impossible to provide
6 conforming front and rear yards. We tried to get a
7 streetscape that fits within the neighborhood. Then
8 side yards, which are conforming, which I think has a
9 greater impact on the adjacent properties.

10 MR. KAUKER: And then just looking at
11 the overall layout in terms of the tax map, it looks
12 like that's the condition that's unique to this
13 property.

14 MR. SPATZ: It is, yes.

15 MR. KAUKER: That's all I have.

16 CHAIRMAN FERGUSON: Okay.

17 Anybody in the audience have anything
18 to say?

19 MS. PARK: I was just wondering, is
20 this the first house or duplex that is being built
21 that is less than 50-by-100?

22 MR. SOKOLICH: No.

23 So this isn't a duplex. It's a
24 6-over-6. And this is a truly a peculiar lot.
25 Because if you look at the tax map that we showed

1 you, this is a one-off just because of the peculiar
2 size of the lot.

3 But this is the beginning of many more
4 to come because there aren't any other lots in that
5 area, is that right, David?

6 MR. SPATZ: That's correct. This is
7 the smallest lot within that block.

8 MR. SOKOLICH: Right.

9 And the reason why boards such as this
10 exist are to address properties such as this.

11 CHAIRMAN FERGUSON: What is your name,
12 dear.

13 MS. PARK: Pardon me?

14 MS. TESTA: Your name.

15 MS. PARK: My name is Patsy Park.

16 And I'm the owner of 447 First Street.
17 I got a letter, yeah, that I should attend this
18 meeting.

19 CHAIRMAN FERGUSON: Yeah, no problem.

20 Okay. So what we do is, I'll make a
21 motion to accept the application. I'm sorry,
22 Counselor, do you want to sum up?

23 MR. SOKOLICH: No, Chairman. I
24 dispense I just rely on the testimony provided.

25 CHAIRMAN FERGUSON: So I'll make a

1 notion accept the -- pass the applicant with
2 \$2,000.00 to the Tree Preservation Fund.

3 Anything that our engineer has
4 recommended, you're going to do?

5 MR. SOKOLICH: Absolutely.

6 CHAIRMAN FERGUSON: And you're going to
7 put a door on the side of the building, correct?

8 MR. COCOROS: A door and a walkway to
9 the driveway.

10 CHAIRMAN FERGUSON: Right.

11 MR. COCOROS: Yes.

12 MR. COLLAZUOL: There's one more point
13 too.

14 The door on the balcony, is that being
15 changed.

16 CHAIRMAN FERGUSON: Yes. The door on
17 the balcony has to go.

18 MR. COCOROS: We'll do a window and do
19 a canopy.

20 CHAIRMAN FERGUSON: You can do a
21 canopy, okay. Okay. That's my motion.

22 Can I get a second?

23 MR. ELEFTERIOU: Second.

24 CHAIRMAN FERGUSON: Okeydokey.

25 Roll call?

1 MS. IGUINA: Mr. Ferguson?
2 CHAIRMAN FERGUSON: Yes.
3 MS. IGUINA: Mr. Brogna?
4 Mr. Brogna: Yes.
5 MS. IGUINA: Mr. Elefteriou?
6 MR. ELEFTERIOU: Yes.
7 MS. IGUINA: Mr. Grala?
8 MR. GRALA: Yes.
9 MS. IGUINA: Mr. Kim?
10 MR. B. KIM: Yes.
11 MS. IGUINA: Mr. Terranova?
12 MR. TERRANOVA: Yes.
13 MS. IGUINA: Mr. Chung?
14 MR. CHUNG: Yes.
15 MR. SOKOLICH: Chairman, Members of the
16 Board, thank you.
17 Engaged professionals, thank you.
18 CHAIRMAN FERGUSON: Okay. Do you want
19 take five minutes? We're going to take a five-minute
20 break?
21 MR. SOKOLICH: Thank you, Chairman.
22 (Whereupon, a brief recess is held.)
23 CHAIRMAN FERGUSON: Roll call.
24 MS. IGUINA: Mr. Ferguson?
25 CHAIRMAN FERGUSON: Here.

1 MS. IGUINA: Mr. Brogna?

2 Mr. Brogna: Here.

3 MS. IGUINA: Mr. Elefteriou?

4 MR. ELEFTERIOU: Here.

5 MS. IGUINA: Mr. Grala?

6 MR. GRALA: Here.

7 MS. IGUINA: Mr. Kim?

8 MR. B. KIM: Here.

9 MS. IGUINA: Mr. Terranova?

10 MR. TERRANOVA: Here.

11 MS. IGUINA: Mr. Chung?

12 MR. CHUNG: Here.

13 CHAIRMAN FERGUSON: Okay. So we have
14 just received some additional bills that we're going
15 to now vote on.

16 The first bill is New Jersey -- BO
17 New Jersey.

18 It has something to do with the
19 Planning Board, Board of Adjustment. Every so many
20 years you have to go get certified, so they put a
21 bill in for \$320.00.

22 The Record is three bills for that.
23 And that's \$185.04.

24 And last. But certainly not least, is
25 Mr. Kauker's three bills. They total \$1,610.00.

1 So I'll make a motion to pay the bills.

2 MR. GRALA: I'll second.

3 CHAIRMAN FERGUSON: Roll call.

4 MS. IGUINA: Mr. Ferguson?

5 CHAIRMAN FERGUSON: Yes.

6 MS. IGUINA: Mr. Brogna?

7 Mr. Brogna: Yes.

8 MS. IGUINA: Mr. Elefteriou?

9 MR. ELEFTERIOU: Yes.

10 MS. IGUINA: Mr. Grala?

11 MR. GRALA: Yes.

12 MS. IGUINA: Mr. Kim?

13 MR. B. KIM: Yes.

14 MS. IGUINA: Mr. Terranova?

15 MR. TERRANOVA: Yes.

16 MS. IGUINA: Mr. Chung?

17 MR. CHUNG: Yes.

18 CHAIRMAN FERGUSON: Okay.

19 So next will be Case 24-19, Vinnie
20 Luppino, LLC, 439 First Street.

21 MR. GRALA: Mr. Chairman, I have to
22 recuse.

23 CHAIRMAN FERGUSON: Okay. Let the
24 record reflect that Mr. Grala has left the dais.
25 Okay.

1 (Whereupon, Mr. Grala recuses himself
2 and steps off the dais.)

3 MR. SOKOLICH: Chairman, thank you.

4 In light of the late hour, I will be
5 brief and abridged. Mark Sokolich on behalf of the
6 next applicant before you, which is V. Luppino, LLC,
7 relating to premises known as 439 First Street.

8 Just by way of housekeeping, we have
9 presented Ms. Testa, the Board's attorney, with our
10 Affidavit of Service, which we trust is in order.

11 MS. TESTA: Yes.

12 The mailing took place on November 7,
13 2024. And the newspaper notice was published on
14 October 31st, 2024.

15 So the Board has jurisdiction.

16 MR. SOKOLICH: Thank you, Counsel.

17 And also by way of housekeeping, as is
18 our new practice, we distributed to the Board a
19 series of four photographs, which we will mark and
20 authenticate through the testimony of Mr. Spatz.

21 But in the upper left-hand corner is a
22 picture of the subject site, which as of now is
23 vacant. Correct?

24 Mr. Spatz: Correct, it is.

25 MR. SOKOLICH: As far as this evening

1 is concerned, we intend to present the testimony of
2 Mr. Cocoros and then conclude with Mr. Spatz.

3 Unless the Board had any questions of
4 I, we would ask Mr. Cocoros be sworn in.

5 MS. TESTA: Do you swear the testimony
6 you will give in this application will be the truth,
7 the whole truth, and nothing but the truth?

8 MR. COCOROS: I do.

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

07:29PM 10 467 Sylvan Avenue, Englewood Cliffs, New Jersey,
11 having been duly sworn, testifies as follows:

12 MS. TESTA: State your name for the
13 record, please.

14 MR. COCOROS: Sure.

15 Vassilios, V-A-S-S-I-L-I-O-S, Cocoros,
16 C-O-C-O-R-O-S, 467 Sylvan Avenue, Englewood Cliffs,
17 New Jersey.

18 CHAIRMAN FERGUSON: Okay. Mr. Cocoros
19 has been here many times, so we'll accept him as an
20 expert.

21 MR. SOKOLICH: Thank you, Chair.

22 DIRECT EXAMINATION

23 BY MR. SOKOLICH:

24 Q. Bill, you are the architect engaged by
25 Mr. Luppino in connection with this application?

1 A. Yes.

2 Q. I won't get into the details, but the
3 plans that you're about to testify to were either
4 prepared by you or under your direct supervision?

5 A. Yes, they were.

6 (Whereupon, Elevations, Site Plan and
7 Zoning Info, Last Revised September 28, 2024
8 is marked as Exhibit A-1 for identification.)

9 (Whereupon, Floor Plans, Last Revised.
10 September 28, 2024 is marked as Exhibit A-2
11 for identification.)

12 BY MR. SOKOLICH:

13 Q. We've marked it as A-1 and A-2. A-1 is
14 marked as "Elevations, Site Plan and Zoning Info,"
15 with a last revised date of September 28, 2024.

16 A-2, which is entitled "Floor Plans,"
17 likewise has a last revised date of September 28,
18 2024.

19 Bill, on A-1, whenever you deem
20 appropriate, please get started.

21 A. Sure.

22 This is a 50-by-100 lot located on the
23 west side of First Street, 225 feet north of East
24 Washington place.

25 Behind it are the properties that front

1 on Broad Avenue.

2 I'm sorry. No.

3 Behind it are the properties that front
4 Lincoln Street, so the other way around.

5 The property, itself, has a difference
6 from front to back where it is lower. So we're
7 proposing a side-by-side, two-family dwelling, a
8 typical configuration that we do on a conforming lot
9 that is basically 54-feet-10-feet-deep-by-38-feet
10 wide at the rear and middle portion.

11 Then at the front to accommodate the
12 staircase we have 35-feet-8-inches. We have a 4-foot
13 staircase and 3-feet-2-inches to the side yard.

14 As part of the configuration, we
15 basically have a retaining wall in the backyard. The
16 height, itself, needs a variance. As far as the
17 configuration of the rest of the building, it's
18 basically a typical duplex that has three levels:
19 basically ground floor, basement, with a garage and
20 recreation space behind it.

21 And then we also have a home office in
22 that portion that we've been doing on the duplexes as
23 of right.

24 On the first floor, we have living
25 room, family room, dining area and kitchen. And

1 behind that we have a 12-foot-deck-by-9-feet-deck in
2 the back of the properties for each side, accessed by
3 a sliding glass door to the kitchen back there.

4 CHAIRMAN FERGUSON: That would be Dave
5 in the back. The court reporter can't hear. No
6 problem.

7 MR. COCOROS: The top floor is
8 basically set up with a three-bedroom configuration
9 with a master, primary suite in the front, two
10 closets, a secondary living space, with an en suite
11 master bath, shower, toilet, alcove double sink and a
12 freestanding tub.

13 Behind that we have two secondary
14 bedrooms, each with its own closet, a hall bathroom
15 which they both share. There's also a side-by-side
16 laundry/linen closet -- two linen closets. One for
17 the smaller room and one for -- a double door that
18 accommodates the bathrooms and the laundry area,
19 itself.

20 So, basically, the footprint and the
21 configuration are the same. However, we're here for
22 a variance.

23 In addition, we're proposing retaining
24 walls in the back. That might, you know, be reviewed
25 by the board engineer as far as height and details,

1 which we do provide a detail on the site plan sheet.
2 However, if he needs calculations, we'll also have
3 somebody provide calculations to back up those wall
4 designs at the back of the property.

5 Q. Bill, I notice on your zoning schedule
6 you have a lot of no's, which is a very refreshing,
7 by the way, with one, yes. The only variance that's
8 being sought, just to confirm, is the variance for
9 maximum stories and also linear height, which is
10 38.75?

11 A. Correct. Yeah.

12 I realize the height, itself, might be
13 a little bit -- the calculations, the reality of the
14 height might be a few inches more, which would bring
15 us over the 10 percent threshold.

16 So, you know, it's like -- it's going
17 to be maybe 3 inches higher.

18 Q. No, no, I think -- Bill, we're good.
19 We're good because it does exceed, the 10 percent.

20 But I just want to confirm that the
21 only variance that's being sought at this moment is
22 for height and number of stories, correct?

23 A. Correct.

24 MR. COCOROS: Steve, are we allowed to
25 do a 4-foot retaining wall in the back? I just want

1 to make sure.

2 MR. COLLAZUOL: It did not exceed the
3 4 feet.

4 MR. COCOROS: Yeah.
5 Actually, it's more.

6 CHAIRMAN FERGUSON: It's more, okay.
7 No problem.

8 MS. TESTA: What was the retaining
9 wall? I'm sorry.

10 MR. COCOROS: The retaining wall right
11 now is -- I know we're allowed to raise the backyard
12 by 4-foot.

13 In our case here, we have a retaining
14 wall of 2-feet-4-inches. I guess -- yeah, we do have
15 a detail.

16 For that height, do you need a
17 calculation, Steve, for that?

18 MR. COLLAZUOL: No. Less than 3 feet,
19 you would not need stability calculations.

20 MR. COCOROS: Yeah.

21 So, basically, the retaining wall on
22 the left-hand side will align with the existing
23 property. It's 2 inches higher.

24 But, you know, you could build up
25 against their wall, but I don't think we are allowed

1 to.

2 So I want to make sure we put an
3 independent wall along that property line to the
4 left-hand side.

5 MS. TESTA: Okay. So 4 feet or under.

6 MR. COCOROS: Yeah.

7 For structural purposes it's 3 feet or
8 under.

9 For zoning, you're allowed 4 feet to
10 fill the backyard.

11 MS. TESTA: Okay, thank you.

12 MR. COCOROS: And part of that reason
13 for the height variance is we wanted to provide a
14 positive pitch from the driveway/garage to the
15 sidewalk level of First Street. You know, I know
16 that area is kind of the low part of town, so I
17 wanted to make sure we had enough positive pitch in
18 case it does flood back there and it doesn't go back
19 into the house.

20 MR. SOKOLICH: Chairman, I'm going to
21 conclude there with Mr. Cocoros.

22 Thank you, Bill.

23 MR. COCOROS: You're welcome.

24 CHAIRMAN FERGUSON: Are you done?

25 MR. SOKOLICH: He is, for the moment.

1 CHAIRMAN FERGUSON: Okay. Just a
2 couple of things.

3 So if you're looking at the front of
4 the building, you've got a staircase going each side.

5 MR. COCOROS: Yeah.

6 CHAIRMAN FERGUSON: And that's going to
7 lead to the second story.

8 MR. COCOROS: There's also a landing.
9 You know, per the electrical code, we've got to put a
10 disconnect for the front corners.

11 CHAIRMAN FERGUSON: Right.

12 Now, is there any -- are they in the
13 building.

14 MR. COCOROS: No.

15 CHAIRMAN FERGUSON: The steps, I'm
16 talking about.

17 MR. COCOROS: Well, the steps are
18 basically on the outside.

19 And that portion of the front of the
20 building is recessed in to accommodate
21 3-feet-2-inches for a sidewalk.

22 CHAIRMAN FERGUSON: So it's code.

23 MR. COCOROS: Yeah.

24 Actually, it's covered where the
25 platform is.

1 CHAIRMAN FERGUSON: You should put
2 something on top because this is recessed so...

3 MR. COCOROS: Yeah.

4 Basically if you look at the side here,
5 you see over the door, which is the front door, but
6 it's actually on the side of the building. You see,
7 like, a little like a canopy.

8 So that covers basically a typical
9 staircase landing, so you bring up the staircase.

10 CHAIRMAN FERGUSON: Okay, I'm good.
11 Now, in the back, I see that there's this one big one
12 here.

13 MR. COCOROS: They're combined. You
14 know, it makes it easy to put a privacy wall between
15 the decks. You know, we had problems when they
16 separate the decks.

17 They're basically -- you know, you have
18 your deck. You see your neighbor up here
19 (indicating). This will be a little close together.
20 You can do a privacy wall, porte cochere. You see
21 along separate decks, put a privacy wall. It looks
22 kind of funny standing, looking at the back of the
23 house.

24 CHAIRMAN FERGUSON: Okay.

25 And I assume you have a tub. Oh, no.

1 On the bottom there is no --

2 MR. COCOROS: Say again?

3 CHAIRMAN FERGUSON: There is no tubs.

4 Again --

5 MR. COCOROS: I used the prior plans.

6 CHAIRMAN FERGUSON: Come on, Bill.

7 How many times are we going to do this?

8 MR. COCOROS: It was compliant. I'm

9 sorry.

10 MR. TERRANOVA: No tubs in the

11 basement.

12 CHAIRMAN FERGUSON: I give you A for

13 credit.

14 MR. TERRANOVA: Nice try.

15 MR. SOKOLICH: I actually missed that,

16 and I'm thinking I'm glad I did.

17 CHAIRMAN FERGUSON: Okay. Any board

18 members have anything?

19 (No Response.)

20 CHAIRMAN FERGUSON: Steve, what do you

21 got?

22 MR. COLLAZUOL: Thank you.

23 Again, the only comment -- one of the

24 comments again is the materials for the landscaping,

25 that they should be shown on the plan.

1 They're going to need grass but not
2 hardscape.

3 And, you know, we've been going over
4 these with most of them that Bill has provided that
5 based on the average setback.

6 And, generally, it appears that Bill's
7 figures are approximate. So when we looked at it, it
8 looks the house to the right is 19 feet --

9 MR. COCOROS: Yeah. The rest of them.

10 MR. COLLAZUOL: It seems to be
11 developing.

12 The code calls for a front yard setback
13 of 25. It seems like that's been the wave that's
14 been progressing as time has gone on for a 20-foot
15 setback. That meets it.

16 Other than that, we have what's in our
17 report agreed to meet all those requirements. And we
18 have nothing further.

19 MR. SOKOLICH: For the record, Bill, we
20 agree to meet those requirements, correct?

21 MR. COCOROS: Yes, we do.

22 MR. SOKOLICH: In Mr. Collazuol's
23 report.

24 CHAIRMAN FERGUSON: Okay.

25 Next witness?

1 MR. SOKOLICH: Thank you, Chairman.
2 We'd ask Mr. Spatz be swore in.

3 Do you swear him in again?

4 MS. TESTA: Yeah.

5 MR. SOKOLICH: Yeah.

6 Some boards don't. I don't think
7 that's accurate.

8 MS. TESTA: Right.

9 Because each application is different.

10 MR. SOKOLICH: It's very odd to me.
11 Sorry, Counsel.

12 MS. TESTA: Do you swear the testimony
13 you'll give this application will be the truth, the
14 whole truth, and nothing but the truth?

15 MR. SPATZ: Yes, I do.

16 D A V I D S P A T Z, P.P.

07:48PM 17 60 Friend Terrace, Harrington Park, New Jersey,
18 having been duly sworn, testifies as follows:

19 MS. TESTA: Please state your name for
20 the record, and address.

21 MR. SPATZ: David Spatz, S-P-A-T-Z.

22 My business address is 60 Friend
23 Terrace in Harrington Park.

24 MR. SOKOLICH: I would swear Spatz in
25 twice, Chairman.

1 MR. SPATZ: At least. Maybe three
2 times.

3 MR. SOKOLICH: Chairman, is Mr. Spatz
4 accepted.

5 CHAIRMAN FERGUSON: Absolutely.

6 MR. SOKOLICH: Thank you.

7 DIRECT EXAMINATION

8 BY MR. SOKOLICH:

9 Q. So, David, your credentials have been
10 accepted as a Professional Planner here in the State
11 of New Jersey.

12 A. Yes.

13 Q. You were engaged V. Luppino, LLC in
14 fact to provide a planning assessment?

15 A. Correct.

16 (Whereupon, Four Photographs is marked
17 as Exhibit A-3 for identification.)

18 BY MR. SOKOLICH:

19 Q. I have distributed a series of four --
20 one page with four photographs. I've premarked it as
21 A-3. You took these photographs?

22 A. I did, yes.

23 Q. You did not crop or modify them?

24 A. No.

25 Q. Briefly describe them and then get

1 right into your assessment, if you would.

2 A. Sure.

3 The first thing, I have the address
4 wrong. It's obviously 439 First Street. I'll
5 correct that if you need that for the record.

6 The top left-hand photograph is of the
7 subject property, which is now vacant.

8 The top right-hand photograph is
9 looking to the right of us. And it is a series of
10 newer two-family homes.

11 The bottom left is looking to the left
12 of us. And that is even more old two-family.

13 And then across the street is fully
14 developed with two-family homes as well. The
15 property directly across the street is an older
16 two-family.

17 So we're in the RAA Zone, which permits
18 the two-family. The lot conforms to the lot area
19 width requirements and depth requirements of the
20 zone. We need only one C variance, and that is for
21 building height, as has been presented. We are just
22 under the 10 percent so it is a C variance.

23 MS. TESTA: I think it might be -- did
24 Bill, you said 2.8.

25 MR. SOKOLICH: We're amending. I

1 apologize.

2 BY MR. SOKOLICH:

3 Q. It's 2.8 feet, David. I apologize.

4 A. Fine.

5 So we are right at that. So we need
6 one D variance; therefore, no C. Variances.

7 Q. I apologize.

8 A. That's quite all right.

9 In terms of the height, we are
10 consistent with the purposes of zoning.

11 Purpose A is promoting the public
12 health, safety, morals and general welfare. We meet
13 that standard by providing needed housing. In terms
14 of population densities, we are again consistent.
15 The zone permits two-families.

16 And the photographs demonstrate that
17 the neighborhood is almost fully developed with
18 two-family homes.

19 Purpose I, which is promoting a
20 desirable visual environment. Right now you have a
21 vacant lot. And we're proposing to build a
22 two-family home that is consistent with all of the
23 other two-family homes within the neighborhood.

24 In terms of consistency with the
25 building heights, it's clear from the photographs

1 that all of these two-family homes are three stories
2 in height and similar to the 30 feet that --
3 30.8 feet that we are proposing.

4 There are no other variances required
5 by what we're doing. We meet the front, the rear and
6 the side. Building coverages as well are all met.
7 The home that was on that property before was a quite
8 small single-family home, which over the years of
9 development on the street was significantly out of
10 scale with them.

11 So what we're proposing certainly fits
12 in better with the neighborhood as that neighborhood
13 is being developed. So I think the positive criteria
14 exists for the one D variance for the building height
15 variance.

16 In terms of the negative criteria,
17 nothing that is substantially negative. We are
18 consistent with the neighborhood. We are a permitted
19 use.

20 In fact, we're making the property more
21 consistent with the neighborhood. Drainage
22 improvements are being provided, which provides a
23 public benefit.

24 Since we meet all of the other setback
25 standards and the coverage standard, I believe

1 appropriate light, air and open space is provided.

2 And then lastly, we provide a
3 conforming amount of parking on the site to serve the
4 two units.

5 So on balance I think the positive
6 criteria is met for the building heights. It far
7 exceeds what might be considered negatively. There's
8 certainly nothing substantially negative. And I
9 believe it's appropriate to grant the variance.

10 MR. SOKOLICH: Thank you, David.

11 Mr. Chairman, I offer Mr. Spatz.

12 CHAIRMAN FERGUSON: Okay.

13 Mr. Kauker, do you have anything?

14 MR. KAUKER: No. It's pretty -- one
15 D-6 variance. I don't have an issue with that.

16 CHAIRMAN FERGUSON: Okay. Do you want
17 to sum up, Mayor? I'm sorry.

18 MR. SOKOLICH: Chairman -- that's okay.
19 I'm going to rest on the testimony in light of the
20 hour.

21 CHAIRMAN FERGUSON: Open to the public.

22 (No Response.)

23 CHAIRMAN FERGUSON: Seeing none, I'll
24 make a motion we accept the application as submitted.
25 \$2,000.00 to the Preservation Fund, Tree

1 Preservation.

2 All recommendations from our engineer,
3 you will agree to. And that's my motion. And remove
4 the bathtub.

5 MR. SOKOLICH: I wasn't present for
6 that, Chairman, so I have no involvement in the
7 bathtub controversy.

8 CHAIRMAN FERGUSON: If we could get
9 past one more meeting without the bathtub, that
10 really would be good.

11 MR. SOKOLICH: It's only taken 17
12 years, but we're getting there.

13 CHAIRMAN FERGUSON: Okay. That's my
14 motion.

15 Can I get a second?

16 Mr. Brogna: Second.

17 CHAIRMAN FERGUSON: Okay. Roll call.

18 MS. IGUINA: Mr. Ferguson?

19 CHAIRMAN FERGUSON: Yes.

20 MS. IGUINA: Mr. Brogna?

21 Mr. Brogna: Yes.

22 MS. IGUINA: Mr. Elefteriou?

23 MR. ELEFTERIOU: Yes.

24 MS. IGUINA: Mr. Kim?

25 MR. B. KIM: Yes.

1 MS. IGUINA: Mr. Terranova?

2 MR. TERRANOVA: Yes.

3 MS. IGUINA: Mr. Chung?

4 MR. CHUNG: Yes.

5 MR. SOKOLICH: Chairman, Members of the
6 Board, Professionals, thank you. Always a pleasure.

7 Chairman, permission to speak on
8 something unrelated to board material and not on the
9 record?

10 CHAIRMAN FERGUSON: Yeah, sure.

11 (Whereupon, off-the-record discussion
12 is held.)

13 CHAIRMAN FERGUSON: Thank you.

14 Motion to adjourn.

15 MS. TESTA: December 16th.

16 Mr. Brogna: Motion to adjourn.

17 CHAIRMAN FERGUSON: All in favor?

18 (Whereupon, all present members respond
19 in the affirmative.)

20 (Whereupon, this meeting is concluded.

21 Time noted: 8:20 p.m.)

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C E R T I F I C A T E

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I, RONDA L. REINSTEIN, a Certified Court Reporter of the State of New Jersey, authorized to administer oaths pursuant to R.S.41:2-2, do hereby certify that the foregoing is a true and accurate transcript of the testimony as taken stenographically by and before me at the time, place and on the date herein before set forth, to the best of my ability.

I DO FURTHER CERTIFY that I am neither a relative nor employee nor attorney nor counsel of any of the parties to this action, and that I am neither a relative nor employee of such attorney or counsel, and that I am not financially interested in the action.

Ronda L. Reinstein

RONDA L. REINSTEIN, CCR No. 30X100217800