

BOROUGH OF PALISADES PARK  
 ZONING BOARD OF ADJUSTMENT  
 MONDAY, December 16, 2024  
 7:07 p.m.

3	-----	TRANSCRIPT OF
4	Case No. 24-13	PROCEEDINGS
4	Jeong Mi Lee	)
5	74 Liberty Place	)
5	Block 204, Lot 8	)
6	Case No. 24-19	)
6	V Luppino LLC	)
7	439 First Street	)
7	Block 301, Lot 24	)
8	Case No. 24-22	)
8	Peter P. Sterrantino	)
9	242 Columbus Avenue	)
9	Block 111, Lot 12	)
10	Case No. 24-16	)
10	Hosu Lee	)
11	432 Glen Avenue	)
11	Block 320, Lot 8	)
12	Case No. 24-02	)
12	Hillcrest Builders LLC	)
13	450 East Edsall Boulevard	)
13	Block 420, Lot 16	)
14	Case No. 24-21	)
14	Chris Kim	)
15	19 West Homestead Avenue	)
15	Block 601, Lot 23.01	)
16	Case No. 24-17	)
16	Abdulallah Alaqrabau	)
17	117 Henry Street	)
17	Block 111, Lot 1	)
18	B E F O R E:	
19	BOROUGH OF PALISADES PARK BOARD OF ADJUSTMENT	
19	THERE BEING PRESENT:	
20	JOSEPH FERGUSON, CHAIRMAN	
20	PAUL ALBANESE, VICE CHAIRMAN (ABSENT)	
21	ELEFTERIOS ELEFTERIOU, MEMBER	
21	DAVID TERRANOVA, MEMBER	
22	JOHN GRALA, MEMBER	
22	SEONGHYE YOON, MEMBER	
23	BRIAN KIM, MEMBER	
23	STEVEN BROGNA, ALTERNATE MEMBER 1 (ABSENT)	
24	CHARLIE CHUNG, ALTERNATE MEMBER 2	
24	ESTHER KIM, ALTERNATE MEMBER 3 (ABSENT)	
25		

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

1	<u>I N D E X</u>	
2	<u>WITNESS</u>	<u>SWORN</u> <u>TESTIMONY</u>
3	Case No. 24-13	
4	Jeong Mi Lee	
4	74 Liberty Place	
5	Block: 204; Lot: 8	9
6	Case No. 24-19	
6	V Luppino LLC	
7	439 First Street	
7	Block: 301; Lot 24	11
8	Case No. 23-15	
8	DRC Development Corp.	
9	35, 37 & 39 Columbia Avenue	
9	Block 617, Lots 21-23	12
10	Case No. 24-02	
11	Hillcrest Builders LLC	
11	450 East Edsall Boulevard	
12	Block 420, Lot 16	15
13	Case No. 24-22	
13	Peter P. Sterrantino	
14	242 Columbus Avenue	
14	Block: 111; Lot: 12	16, 48
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16	Direct Examination by Mr. Birchwale	52
16	Board/Professional Questions	
17	Chairman Ferguson	59
17	Mr. Terranova	64
18	Mr. Collazuol	65
18	Public Questions	
19	BILL PIEDRA	67      68
19	246 Columbus Avenue	
20	HARRY TUVEL, PP	75
21	Direct Examination by Mr. Birchwale	75
21	Board/Professional Questions	
22	Mr. Kauker	81
22	Public Questions	
23	ERNST BEERLE	83      82
23	329 East Columbia Avenue	
24		
25		

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

1	A P P E A R A N C E S:	
2	DIANE TESTA, ESQUIRE	
3	Counsel for the Board of Adjustment	
4	GIBLIN & GANNAIO	
4	BY: BRIAN GIBLIN, JR., ESQUIRE	
5	2 Forest Avenue	
5	#200	
6	Oradell, New Jersey 07649	
6	(201) 262-9500	
7	Conflict Counsel for the Board of Adjustment,	
7	Case No. 24-22, Peter P. Sterrantino, 242 Columbus	
8	Avenue, Block: 111; Lot: 12	
9	BASILE BIRCHWALE AND PELLINO, LLP	
9	BY: ALBERT BIRCHWALE, ESQUIRE	
10	856 Broad Avenue	
10	Ridgefield, New Jersey 07657	
11	(201) 945-8812	
11	Counsel to the Applicant, Case No. 24-22,	
12	Peter P. Sterrantino, 242 Columbus Avenue,	
12	Block: 111; Lot: 12	
13	GIBLIN & GANNAIO	
14	BY: BRIAN T. GIBLIN, SR., ESQUIRE	
14	2 Forest Avenue	
15	#200	
15	Oradell, New Jersey 07649	
16	(201) 262-9500	
16	Counsel for the Applicants, Case No. 24-21, Chris Kim	
17	19 West Homestead Avenue, Block 601, Lot 23.01 and	
17	Case No. 24-17, Abdulallah Alaqrabau, 117 Henry	
18	Street, Block 111, Lot 1	
19		
20	A L S O P R E S E N T:	
21	CHELSI IGUINA, BOARD SECRETARY	
22	STEVEN COLLAZUOL, P.E., BOARD ENGINEER	
23	MICHAEL KAUKER, PP, AICP, BOARD PLANNER	
24		
25		

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 201-641-1812

1	<u>I N D E X (CON'T)</u>	
2	<u>WITNESS</u>	<u>SWORN</u> <u>TESTIMONY</u>
3	Case No. 24-21	
4	Chris Kim	
4	19 West Homestead Avenue	
5	Block 601, Lot 23.01	17
6	HOJOON CHUNG, AIA	19
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15	117 Henry Street	
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18	Board/Professional Questions	
18	Chairman Ferguson	99
19	Mr. Terranova	105
19	Mr. Collazuol	106
20	Public Questions	
20	ERIC BORTZ	107
21	221 Columbus Avenue	
21	ERNST BEERLE	120
22	329 East Columbia Avenue	
23		
24		
25		

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1 I N D E X (CON'T)

2 WITNESS SWORN TESTIMONY

3 Case No. 24-17

4 Abdulallah Alaqrabau  
117 Henry Street  
Block 111, Lot 1 (Continued)

5 DAVID SPATZ, PP, AICP 121

6 Direct Examination by Mr. Giblin 121

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Mr. Grala 117

8 Chairman Ferguson 118

9

10

11

12

13 E X H I B I T S

14 No. Description Ident/Evid

15 Case No. 24-21

16 Chris Kim  
19 West Homestead Avenue  
Block 601, Lot 23.01

17 A-1 Planning Exhibit 37

18 Case No. 24-17

19 Abdulallah Alaqrabau  
117 Henry Street  
Block 111, Lot 1

20 A-1 Revised Sheet 101

21 Last Revised 12/16/24 94

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25

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

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07:08PM 1 John?

07:08PM 2 (Whereupon, all rise for a recitation

07:08PM 3 of the Pledge of Allegiance.)

07:08PM 4 CHAIRMAN FERGUSON: Okay. So we all

07:08PM 5 have received a transcript of the previous meeting.

07:09PM 6 Are there any corrections to the

07:09PM 7 transcript?

07:09PM 8 (No Response.)

07:09PM 9 CHAIRMAN FERGUSON: No?

07:09PM 10 Okay. I'll make a motion to approve

07:09PM 11 the transcripts.

07:09PM 12 Can I get a second?

07:09PM 13 MR. GRALA: I'll second.

07:09PM 14 MS. IGUINA: Mr. Ferguson?

07:09PM 15 CHAIRMAN FERGUSON: Yes.

07:09PM 16 MS. IGUINA: Mr. Brogna?

07:09PM 17 (No Response.)

07:09PM 18 MS. IGUINA: Mr. Elefteriou?

07:09PM 19 MR. ELEFTERIOU: Yes.

07:09PM 20 MS. IGUINA: Mr. Grala?

07:09PM 21 MR. GRALA: Yes.

07:09PM 22 MS. IGUINA: Mr. Kim?

07:09PM 23 MR. KIM: Yes.

07:09PM 24 MS. IGUINA: Mr. Terranova?

07:09PM 25 MR. TERRANOVA: Yes.

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

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07:07PM 1 CHAIRMAN FERGUSON: Okay. In

07:07PM 2 accordance with the Open Public Meeting Act, notice

07:07PM 3 of this meeting has been posted on the bulletin

07:08PM 4 board, notice has been provided to at least two of

07:08PM 5 the borough official newspapers and filed with the

07:08PM 6 borough clerk.

07:08PM 7 Roll call.

07:08PM 8 MS. IGUINA: Mr. Ferguson?

07:08PM 9 CHAIRMAN FERGUSON: Here.

07:08PM 10 MS. IGUINA: Mr. Brogna?

07:08PM 11 (No Response.)

07:08PM 12 MS. IGUINA: Mr. Elefteriou?

07:08PM 13 MR. ELEFTERIOU: Here.

07:08PM 14 MS. IGUINA: Mr. Grala?

07:08PM 15 MR. GRALA: Here.

07:08PM 16 MS. IGUINA: Mr. Kim?

07:08PM 17 MR. KIM: Here.

07:08PM 18 MS. IGUINA: Mr. Terranova?

07:08PM 19 MR. TERRANOVA: Here.

07:08PM 20 MS. IGUINA: Mr. Chung?

07:08PM 21 MR. CHUNG: Here.

07:08PM 22 MS. IGUINA: Ms. Yoon?

07:08PM 23 MS. YOON: Here.

07:08PM 24 CHAIRMAN FERGUSON: Okay. Flag salute.

07:08PM 25 You want to lead us in the flag salute,

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

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07:09PM 1 MS. IGUINA: Mr. Chung?

07:09PM 2 MR. CHUNG: Yes.

07:09PM 3 MS. IGUINA: Ms. Yoon?

07:09PM 4 MS. YOON: Abstain.

07:09PM 5 CHAIRMAN FERGUSON: Okay. So I guess

07:09PM 6 we're going to pay some bills now.

07:09PM 7 MS. TESTA: Yes.

07:09PM 8 CHAIRMAN FERGUSON: So we have bills

07:09PM 9 for the court reporter. It's \$946.00, 1926, 4370,

07:10PM 10 and The Record is 1544.

07:10PM 11 So can I get a motion to pay the bills?

07:10PM 12 MR. GRALA: I'll make a motion.

07:10PM 13 MR. ELEFTERIOU: I'll second.

07:10PM 14 MS. IGUINA: Mr. Ferguson?

07:10PM 15 CHAIRMAN FERGUSON: Yes.

07:10PM 16 MS. IGUINA: Mr. Elefteriou?

07:10PM 17 MR. ELEFTERIOU: Yes.

07:10PM 18 MS. IGUINA: Mr. Grala?

07:10PM 19 MR. GRALA: Yes.

07:10PM 20 MS. IGUINA: Mr. Kim?

07:10PM 21 MR. KIM: Yes.

07:10PM 22 MS. IGUINA: Mr. Terranova?

07:10PM 23 MR. TERRANOVA: Yes.

07:10PM 24 MS. IGUINA: Mr. Chung?

07:10PM 25 MR. CHUNG: Yes.

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

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07:10PM **1** MS. IGUINA: Ms. Yoon?  
 07:10PM **2** MS. YOON: Yes.  
 07:10PM **3** CHAIRMAN FERGUSON: Okay. Before we  
 07:10PM **4** kick off, I just want to say a few things.  
 07:10PM **5** This is my last board meeting. So I  
 07:10PM **6** want to thank our experts who have been with me for  
 07:10PM **7** the four years I've been chairman, the secretary who  
 07:10PM **8** has stepped in midyear and did a wonderful job, thank  
 07:10PM **9** you.  
 07:10PM **10** My fellow board members, I appreciate  
 07:10PM **11** getting appointed to the chairmanship four years in a  
 07:10PM **12** row. And most of all, my board counsel who I could  
 07:10PM **13** not do it without the help of Diane, so for all that  
 07:11PM **14** I'm very grateful.  
 07:11PM **15** Okay. So the first case tonight is?  
 07:11PM **16** MS. TESTA: We have a couple  
 07:11PM **17** resolutions to memorialize.  
 07:11PM **18** I'd just like to say it's been an honor  
 07:11PM **19** serving with you on the board, representing the board  
 07:11PM **20** under your chairmanship and your guidance, and I  
 07:11PM **21** thank you very much for that.  
 07:11PM **22** You've done a great job at the borough.  
 07:11PM **23** CHAIRMAN FERGUSON: Okay.  
 07:11PM **24** So the first case is a memorialization  
 07:11PM **25** and the case is 24-13, 74 Liberty Place.  
**LAURA A. CARUCCI, C.S.R., R.P.R., L.L.C.**  
**201-641-1812**

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07:11PM **1** We heard it last time, right.  
 07:11PM **2** MS. TESTA: Right.  
 07:11PM **3** This was the undersized lot and we  
 07:11PM **4** approved -- it's a six-over-six, so they needed  
 07:11PM **5** variances for height, lot size, lot depth, number of  
 07:11PM **6** stories, front yard, rear yard, combined side yard,  
 07:11PM **7** so building coverage.  
 07:12PM **8** CHAIRMAN FERGUSON: Okay. And I'll  
 07:12PM **9** make a motion we pass the resolution.  
 07:12PM **10** MR. GRALA: I'll second.  
 07:12PM **11** CHAIRMAN FERGUSON: Roll call?  
 07:12PM **12** MS. IGUINA: Mr. Ferguson?  
 07:12PM **13** CHAIRMAN FERGUSON: Yes.  
 07:12PM **14** MS. IGUINA: Mr. Elefteriou?  
 07:12PM **15** MR. ELEFTERIOU: Yes.  
 07:12PM **16** MS. IGUINA: Mr. Grala?  
 07:12PM **17** MR. GRALA: Yes.  
 07:12PM **18** MS. IGUINA: Mr. Kim?  
 07:12PM **19** MR. KIM: Yes.  
 07:12PM **20** MS. IGUINA: Mr. Terranova?  
 07:12PM **21** MR. TERRANOVA: Yes.  
 07:12PM **22** MS. IGUINA: Mr. Chung?  
 07:12PM **23** MR. CHUNG: Yes.  
 07:12PM **24** MS. IGUINA: Ms. Yoon?  
 07:12PM **25** MS. YOON: Abstain.  
**LAURA A. CARUCCI, C.S.R., R.P.R., L.L.C.**  
**201-641-1812**

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07:12PM **1** CHAIRMAN FERGUSON: Okay.  
 07:12PM **2** The next one then is going to be  
 07:12PM **3** Case 24-19, 439 First Street.  
 07:12PM **4** MS. TESTA: Right. And this was an  
 07:12PM **5** application to construct a duplex, and they needed a  
 07:12PM **6** variance for height and number of stories.  
 07:12PM **7** CHAIRMAN FERGUSON: Okay. Can I get a  
 07:12PM **8** motion to approve?  
 07:12PM **9** MR. ELEFTERIOU: I'll make a motion.  
 07:12PM **10** CHAIRMAN FERGUSON: Second?  
 07:12PM **11** MR. KIM: I'll second it.  
 07:12PM **12** CHAIRMAN FERGUSON: Roll call.  
 07:12PM **13** MS. IGUINA: Mr. Ferguson?  
 07:12PM **14** CHAIRMAN FERGUSON: Yes.  
 07:12PM **15** MS. IGUINA: Mr. Elefteriou?  
 07:12PM **16** MR. ELEFTERIOU: Yes.  
 07:12PM **17** MS. IGUINA: Mr. Grala?  
 07:12PM **18** MR. GRALA: Abstain.  
 07:13PM **19** MS. IGUINA: Mr. Kim?  
 07:13PM **20** MR. KIM: Yes.  
 07:13PM **21** MS. IGUINA: Mr. Terranova?  
 07:13PM **22** MR. TERRANOVA: Yes.  
 07:13PM **23** MS. IGUINA: Mr. Chung?  
 07:13PM **24** MR. CHUNG: Yes.  
 07:13PM **25** MS. IGUINA: Ms. Yoon?  
**LAURA A. CARUCCI, C.S.R., R.P.R., L.L.C.**  
**201-641-1812**

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07:13PM **1** MS. YOON: Abstain.  
 07:13PM **2** CHAIRMAN FERGUSON: Okay.  
 07:13PM **3** MS. TESTA: And I just have next, the  
 07:13PM **4** board is involved with regards to a lawsuit which is  
 07:13PM **5** DRC Development Corp versus Zoning Board.  
 07:13PM **6** We did have counsel representing the  
 07:13PM **7** board on this matter, but there was a conflict.  
 07:13PM **8** So at this time, we're going to be  
 07:13PM **9** appointing new counsel, Alan Zakin of the law office  
 07:13PM **10** of Azzolini & Benedetti out of Florham Park.  
 07:13PM **11** The matter is very close to settlement,  
 07:13PM **12** but we do need to have somebody just representing the  
 07:13PM **13** interest of the board.  
 07:13PM **14** CHAIRMAN FERGUSON: I'll make a motion  
 07:13PM **15** to hire this person.  
 07:13PM **16** MR. GRALA: I'll second.  
 07:13PM **17** CHAIRMAN FERGUSON: And how much is it?  
 07:13PM **18** MS. TESTA: Two-hundred an hour.  
 07:13PM **19** CHAIRMAN FERGUSON: Two-hundred an  
 07:13PM **20** hour? Okay.  
 07:13PM **21** Roll call?  
 07:13PM **22** MS. IGUINA: Mr. Ferguson?  
 07:13PM **23** CHAIRMAN FERGUSON: Yes.  
 07:14PM **24** MS. IGUINA: Mr. Elefteriou?  
 07:14PM **25** MR. ELEFTERIOU: Yes.  
**LAURA A. CARUCCI, C.S.R., R.P.R., L.L.C.**  
**201-641-1812**

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07:14PM **1** MS. IGUINA: Mr. Grala?  
 07:14PM **2** MR. GRALA: Yes.  
 07:14PM **3** MS. IGUINA: Mr. Kim?  
 07:14PM **4** MR. KIM: Yes.  
 07:14PM **5** MS. IGUINA: Mr. Terranova?  
 07:14PM **6** MR. TERRANOVA: Yes.  
 07:14PM **7** MS. IGUINA: Mr. Chung?  
 07:14PM **8** MR. CHUNG: Yes.  
 07:14PM **9** MS. IGUINA: Ms. Yoon?  
 07:14PM **10** MS. YOON: Yes.  
 07:14PM **11** CHAIRMAN FERGUSON: Okay.  
 07:14PM **12** MS. TESTA: And then the last thing was  
 07:14PM **13** just to pick a date for reorganization for 2025.  
 07:14PM **14** The third Monday is Martin Luther King.  
 07:14PM **15** I don't know if the board wants to meet on that day  
 07:14PM **16** or if they want to meet the week before, which would  
 07:14PM **17** be January 13th.  
 07:14PM **18** CHAIRMAN FERGUSON: It's up to the  
 07:14PM **19** board.  
 07:14PM **20** What do you guys want to do?  
 07:14PM **21** MR. GRALA: Doesn't matter to me.  
 07:14PM **22** Martin Luther King is fine.  
 07:14PM **23** CHAIRMAN FERGUSON: Yeah, the only  
 07:14PM **24** problem with that is --  
 07:14PM **25** MR. GRALA: So we'll do the week  
**LAURA A. CARUCCI, C.S.R., R.P.R., L.L.C.**  
**201-641-1812**

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07:14PM **1** before.  
 07:14PM **2** MS. TESTA: Want to do the week before,  
 07:14PM **3** January 13th, 2025?  
 07:14PM **4** CHAIRMAN FERGUSON: Is that good with  
 07:14PM **5** everybody?  
 07:14PM **6** MR. KIM: Yeah, that's fine.  
 07:14PM **7** CHAIRMAN FERGUSON: Okay.  
 07:14PM **8** I'll make a motion to have the  
 07:14PM **9** reorganization on January 13th --  
 07:14PM **10** MS. TESTA: Yes.  
 07:14PM **11** CHAIRMAN FERGUSON: -- 2025.  
 07:15PM **12** Second?  
 07:15PM **13** MR. ELEFTERIOU: I second.  
 07:15PM **14** CHAIRMAN FERGUSON: Roll call?  
 07:15PM **15** MS. IGUINA: Mr. Ferguson?  
 07:15PM **16** CHAIRMAN FERGUSON: Yes.  
 07:15PM **17** MS. IGUINA: Mr. Elefteriou?  
 07:15PM **18** MR. ELEFTERIOU: Yes.  
 07:15PM **19** MS. IGUINA: Mr. Grala?  
 07:15PM **20** MR. GRALA: Yes.  
 07:15PM **21** MS. IGUINA: Mr. Kim?  
 07:15PM **22** MR. KIM: Yes.  
 07:15PM **23** MS. IGUINA: Mr. Terranova?  
 07:15PM **24** MR. TERRANOVA: Yes.  
 07:15PM **25** MS. IGUINA: Mr. Chung?  
**LAURA A. CARUCCI, C.S.R., R.P.R., L.L.C.**  
**201-641-1812**

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07:15PM **1** MR. CHUNG: Yes.  
 07:15PM **2** MS. IGUINA: Ms. Yoon?  
 07:15PM **3** MS. YOON: Yes.  
 07:15PM **4** CHAIRMAN FERGUSON: Okay. All right.  
 07:15PM **5** Okay.  
 07:15PM **6** Next is a postponement, Case  
 07:15PM **7** No. 24-02, which was 450 East Edsall Boulevard.  
 07:15PM **8** I'll make a motion to grant postponement. Can I get  
 07:15PM **9** a second?  
 07:15PM **10** MS. TESTA: This would be no further  
 07:15PM **11** notice and the applicant waives time constraints.  
 07:15PM **12** MR. KIM: I'll second it.  
 07:15PM **13** CHAIRMAN FERGUSON: Okay.  
 07:15PM **14** Roll call?  
 07:15PM **15** MS. IGUINA: Mr. Ferguson?  
 07:15PM **16** CHAIRMAN FERGUSON: Yes.  
 07:15PM **17** MS. IGUINA: Mr. Elefteriou?  
 07:15PM **18** MR. ELEFTERIOU: Yes.  
 07:15PM **19** MS. IGUINA: Mr. Grala?  
 07:15PM **20** MR. GRALA: Yes.  
 07:15PM **21** MS. IGUINA: Mr. Kim?  
 07:15PM **22** MR. KIM: Yes.  
 07:15PM **23** MS. IGUINA: Mr. Terranova?  
 07:15PM **24** MR. TERRANOVA: Yes.  
 07:15PM **25** MS. IGUINA: Mr. Chung?  
**LAURA A. CARUCCI, C.S.R., R.P.R., L.L.C.**  
**201-641-1812**

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07:15PM **1** MR. CHUNG: Yes.  
 07:15PM **2** MS. IGUINA: Ms. Yoon?  
 07:15PM **3** MS. YOON: Yes.  
 07:16PM **4** MS. TESTA: Okay. So Case No. 24-02,  
 07:16PM **5** Hillcrest Builders, LLC, 450 East Edsall Boulevard,  
 07:16PM **6** Block 420, Lot 16, at the request of the applicant is  
 07:16PM **7** being carried to the January 13th, 2025, meeting at  
 07:16PM **8** 7 p.m.  
 07:16PM **9** They'll be no further notice provided  
 07:16PM **10** to the residents.  
 07:16PM **11** CHAIRMAN FERGUSON: Okay. So with  
 07:16PM **12** that, we're ready to proceed.  
 07:16PM **13** And the first one tonight is  
 07:16PM **14** 242 Columbus Avenue. The case number is -- Counsel,  
 07:16PM **15** you're going to represent.  
 07:16PM **16** MR. BIRCHWALE: Thank you,  
 07:16PM **17** Mr. Chairman.  
 07:16PM **18** CHAIRMAN FERGUSON: All right. You can  
 07:16PM **19** put your --  
 07:16PM **20** MR. BIRCHWALE: Brian is kind enough to  
 07:16PM **21** sit in as the attorney for the board.  
 07:16PM **22** CHAIRMAN FERGUSON: Oh, okay.  
 07:16PM **23** MR. GIBLIN, JR.: I represent Little  
 07:17PM **24** Ferry and Wallington Board, so...  
 07:17PM **25** CHAIRMAN FERGUSON: Okay.  
**LAURA A. CARUCCI, C.S.R., R.P.R., L.L.C.**  
**201-641-1812**

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1 THE COURT REPORTER: Please state your  
 2 name? Identify yourself for the record.  
 3 MR. GIBLIN, JR.: Sure.  
 4 Brian Giblin.  
 5 THE COURT REPORTER: G-I-B-L-I-N?  
 6 MR. GIBLIN, JR.: Yes.  
 7 THE COURT REPORTER: Thank you.  
 07:17PM 8 CHAIRMAN FERGUSON: Is Cocoros coming?  
 07:17PM 9 MR. BIRCHWALE: Yes, he is.  
 07:17PM 10 He apparently is being delayed in  
 07:17PM 11 Cliffside Park before their board, so hopefully he  
 07:17PM 12 should be here any minute.  
 07:17PM 13 I guess, Mr. Chairman, you could, of  
 14 course, call another application.  
 15 CHAIRMAN FERGUSON: Yeah, I think we'll  
 16 probably do that.  
 17 MR. BIRCHWALE: Okay.  
 18 THE COURT REPORTER: Please identify  
 19 yourself for the record?  
 20 MR. BIRCHWALE: Yes.  
 21 Albert Birchwale.  
 07:17PM 22 THE COURT REPORTER: Thank you.  
 07:17PM 23 CHAIRMAN FERGUSON: Okay. So the next  
 07:17PM 24 one is going to be Chris Kim, 19 West Homestead  
 07:17PM 25 Avenue.

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07:17PM 1 MR. GIBLIN: Good evening,  
 07:17PM 2 Mr. Chairman, Members of the Board. My name is Brian  
 07:17PM 3 Giblin, Sr.  
 07:17PM 4 I'm representing the applicant.  
 07:17PM 5 I'm not sure who the witness was that  
 07:18PM 6 you were waiting for, but one of my witnesses is not  
 07:18PM 7 here on this application.  
 07:18PM 8 CHAIRMAN FERGUSON: What's your  
 07:18PM 9 witness's name?  
 07:18PM 10 MR. GIBLIN: David Spatz.  
 07:18PM 11 I do have other witnesses here.  
 07:18PM 12 CHAIRMAN FERGUSON: Okay. Let's go  
 07:18PM 13 with them and maybe he'll arrive.  
 07:18PM 14 MR. GIBLIN: Can we call Hojoon, our  
 07:18PM 15 architect?  
 07:18PM 16 MS. TESTA: Do you have your proof of  
 07:18PM 17 service?  
 07:18PM 18 MR. GIBLIN: I do.  
 07:18PM 19 MS. TESTA: Great.  
 07:19PM 20 MR. GIBLIN: And the application this  
 07:19PM 21 evening is for property that's located in the AA zone  
 07:19PM 22 where two-family homes are permitted.  
 07:19PM 23 Our application is to subdivide the  
 07:19PM 24 existing lot which is rectangular into two lots, each  
 07:19PM 25 to contain a two-family dwelling.

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07:19PM 1 Our architect, Hojoon, needs to be  
 07:19PM 2 sworn, please.  
 07:19PM 3 MS. TESTA: Okay.  
 07:19PM 4 Newspaper notice was on December 3rd,  
 07:19PM 5 2024, and the mailing took place on December 5th,  
 07:19PM 6 2024, so the board has jurisdiction at this time.  
 07:19PM 7 My quick review.  
 07:19PM 8 CHAIRMAN FERGUSON: All right.  
 07:19PM 9 MS. TESTA: Please raise your right  
 07:19PM 10 hand.  
 07:19PM 11 Do you swear the testimony that you  
 07:19PM 12 will give in this application will be the truth, the  
 07:19PM 13 whole truth and nothing but the truth?  
 07:19PM 14 MR. CHUNG: Yes, I do.  
 15 H O J O O N C H U N G, AIA  
 16 21 Grand Avenue 1604B, Palisades Park, New  
 17 Jersey, having been duly sworn, testifies as  
 18 follows:  
 19 MS. TESTA: Can you state your name,  
 20 please, for the record?  
 07:19PM 21 MR. CHUNG: My name is Hojoon Chung.  
 07:19PM 22 H-O-J-O-O-N, last name C-H-U-N-G.  
 07:19PM 23 VOIR DIRE EXAMINATION  
 07:19PM 24 BY MR. GIBLIN:  
 07:19PM 25 Q. And would you tell the board about your  
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07:19PM 1 qualifications? Have you -- where have you gone to  
 07:20PM 2 school, the licenses you hold?  
 07:20PM 3 A. Yes, I went to NJIT.  
 07:20PM 4 I graduated in year 2000 for bachelor  
 07:20PM 5 and master's degree.  
 07:20PM 6 And I have worked in the field for  
 07:20PM 7 24 years now, and I got my New Jersey license in  
 07:20PM 8 2007.  
 07:20PM 9 Q. And have you appeared before boards and  
 07:20PM 10 qualified as an expert witness in the past?  
 07:20PM 11 A. Yes, I do.  
 07:20PM 12 Q. Have you appeared before this board?  
 07:20PM 13 A. Yes.  
 07:20PM 14 CHAIRMAN FERGUSON: We accept him as an  
 07:20PM 15 expert.  
 07:20PM 16 DIRECT EXAMINATION  
 07:20PM 17 BY MR. GIBLIN:  
 07:20PM 18 Q. Could you tell the board, please, what  
 07:20PM 19 exists on the property?  
 07:20PM 20 A. Yes, it's a two-family house right now.  
 07:20PM 21 And then what we are proposing is the subdividing  
 07:20PM 22 into two lot.  
 07:20PM 23 And our site engineer is going to  
 07:20PM 24 explain about the site plan, but before doing that,  
 07:20PM 25 I'm just going to briefly explain about the building

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07:20PM **1** itself.

07:20PM **2** So we are proposing two two-family

07:20PM **3** houses after subdividing two lots on West Homestead

07:20PM **4** Avenue.

07:21PM **5** So as you -- two units identify the

07:21PM **6** same side. And as you coming, each floor square

07:21PM **7** footage is going -- ground floor is 1842 square feet.

07:21PM **8** First floor is 1996 square feet and second floor is

07:21PM **9** 1996 square feet.

07:21PM **10** So total would be 3982 square feet.

07:21PM **11** **Q.** And could you tell the board, please,

07:21PM **12** what -- and both lots are identical and construction

07:21PM **13** will be identical on each lot, correct?

07:21PM **14** **A.** Yes.

07:21PM **15** **Q.** Could you tell the board what variances

07:21PM **16** are required for the lots as well as for the

07:21PM **17** structures?

07:21PM **18** **A.** I think that would be done by our

07:21PM **19** engineer.

07:21PM **20** **Q.** Okay. Okay.

07:21PM **21** All of the existing structures on the

07:21PM **22** lot are going to be removed?

07:21PM **23** **A.** Yes, all removed and completely new

07:21PM **24** houses.

07:22PM **25** MR. GIBLIN: I don't have any other

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07:22PM **1** questions for this witness.

07:22PM **2** CHAIRMAN FERGUSON: Okay. Is he going

07:22PM **3** to go into what's there and --

07:22PM **4** MR. GIBLIN: Well, I think he testified

07:22PM **5** as to what was there.

07:22PM **6** CHAIRMAN FERGUSON: I know.

07:22PM **7** But are you going to testify the width

07:22PM **8** and length of the --

07:22PM **9** MR. GIBLIN: Of the subdivision of the

07:22PM **10** lots?

07:22PM **11** BY MR. GIBLIN:

07:22PM **12** **Q.** What size will the lots be if the

07:22PM **13** subdivision is approved?

07:22PM **14** **A.** Yes, I think that will be done by our

07:22PM **15** engineer rather than me.

07:22PM **16** MR. GIBLIN: If we could wait until our

07:22PM **17** planner is called, Mr. Chairman.

07:22PM **18** CHAIRMAN FERGUSON: Okay.

07:22PM **19** MR. GIBLIN: He's arriving now -- I'm

07:22PM **20** sorry, our engineer.

07:22PM **21** CHAIRMAN FERGUSON: Okay. All right.

07:22PM **22** Any board members have anything?

07:22PM **23** (No Response.)

07:22PM **24** CHAIRMAN FERGUSON: Steve, I assume you

07:22PM **25** have nothing?

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07:22PM **1** MR. COLLAZUOL: Not with respect to

07:22PM **2** architecture.

07:22PM **3** If the board sees through, with the

07:22PM **4** engineer and the planner, typically the plot plan

07:23PM **5** that's shown on our sheet would be removed and it

07:23PM **6** would only be referred to on the engineer's plan.

07:23PM **7** So that's small, but as far as the

07:23PM **8** architect, I'll defer to the planner on that and the

07:23PM **9** board, of course, with respect to the fact that

07:23PM **10** there's two homes proposed on the site.

07:23PM **11** CHAIRMAN FERGUSON: Okay. That's it,

07:23PM **12** Steve?

07:23PM **13** MR. COLLAZUOL: With respect to the

07:23PM **14** architect, right?

07:23PM **15** CHAIRMAN FERGUSON: Yeah, right.

07:23PM **16** My friend, do you have anything?

07:23PM **17** MR. KAUKER: I have nothing for the

07:23PM **18** architect.

07:23PM **19** CHAIRMAN FERGUSON: Okay. All right.

07:23PM **20** You want to call your next witness?

07:23PM **21** MR. GIBLIN: Mr. Koestner?

07:23PM **22** CHAIRMAN FERGUSON: Another expert

07:23PM **23** that's been here many times.

07:23PM **24** MS. TESTA: Please raise your right

07:23PM **25** hand.

**LAURA A. CARUCCI, C.S.R., R.P.R., L.L.C.**  
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07:23PM **1** Do you swear the testimony you will

07:23PM **2** give in this application will be the truth, the whole

07:23PM **3** truth and nothing but the truth?

07:23PM **4** MR. KOESTNER: I do.

07:23PM **5** S T E V E N K O E S T N E R, LS, P.E.

07:23PM **6** 61 Hudson Street, Hackensack, New Jersey, having

07:23PM **7** been duly sworn, testifies as follows:

07:23PM **8** MS. TESTA: Please state your name for

07:23PM **9** the record and your business address.

07:23PM **10** MR. KOESTNER: Steven L. Koestner,

07:23PM **11** S-T-E-V-E-N, K-O-E-S-T-N-E-R, 61 Hudson Street,

07:24PM **12** Hackensack, New Jersey.

07:24PM **13** MR. GIBLIN: Mr. Chairman, I know he's

07:24PM **14** been here and been --

07:24PM **15** CHAIRMAN FERGUSON: We accept him.

07:24PM **16** MR. GIBLIN: Thank you.

07:24PM **17** DIRECT EXAMINATION

07:24PM **18** BY MR. GIBLIN:

07:24PM **19** **Q.** Mr. Koestner, would you describe for

07:24PM **20** the board what the proposal is to subdivide the lots

07:24PM **21** and what the length and the width will be?

07:24PM **22** **A.** Certainly, yeah.

07:24PM **23** Presently, the lot on the north side of

07:24PM **24** Homestead Avenue approximately 200 feet west of Broad

07:24PM **25** Avenue on the north side of the street.

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07:24PM **1** Presently 70.44 feet in width and  
 07:24PM **2** 140 feet in depth.  
 07:24PM **3** We propose to divide that perfectly in  
 07:24PM **4** half, each lot being 35.22 feet in width and  
 07:24PM **5** remaining 140 feet in depth. The lot area would be  
 07:24PM **6** 4,931 square feet. The required area in the zone, AA  
 07:24PM **7** zone is 5,000 square feet. So we're just slightly  
 07:24PM **8** under by 69 square feet in terms of lot area.  
 07:25PM **9** We are also under on the frontage  
 07:25PM **10** required being 50 feet, 35.2 feet being proposed.  
 07:25PM **11** **Q.** And are you familiar with the site? Do  
 07:25PM **12** you know what exists on the site today?  
 07:25PM **13** **A.** A two-family house, I believe, is on  
 07:25PM **14** the site today with a garage in the rear.  
 07:25PM **15** There is a survey that I based our plan  
 07:25PM **16** on and it does show a two-and-a-half-story frame  
 07:25PM **17** dwelling with a two-car garage in the northwesterly  
 07:25PM **18** corner that is the rear left of the corner -- of the  
 07:25PM **19** property, rather.  
 07:25PM **20** **Q.** And is the existing structure on the  
 07:25PM **21** property nonconforming in any way from the  
 07:25PM **22** requirements of the zone, to the best of your  
 07:25PM **23** knowledge?  
 07:25PM **24** **A.** To the best of my knowledge, no.  
 07:25PM **25** The garage possibly is because it's  
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07:25PM **1** very close to the rear yard.  
 07:25PM **2** **Q.** Okay. How about the height?  
 07:25PM **3** **A.** And the height is 140. And the lot is  
 07:25PM **4** about 104 at the corners of the house. So it's  
 07:25PM **5** roughly 35 feet in height and in this zone, 25 feet  
 07:26PM **6** is required.  
 07:26PM **7** So it appears to be over, substantially  
 07:26PM **8** over the building height as permitted in the AA zone.  
 07:26PM **9** **Q.** And are you familiar with the proposal  
 07:26PM **10** for the structures that will be built on each of the  
 07:26PM **11** lots?  
 07:26PM **12** **A.** I am.  
 07:26PM **13** **Q.** And are they substantially lower than  
 07:26PM **14** what exists on the property now?  
 07:26PM **15** **A.** They are.  
 07:26PM **16** We have prepared site plans for each of  
 07:26PM **17** those properties.  
 07:26PM **18** **Q.** So actually, that's a nonconformity  
 07:26PM **19** that will be eliminated to some extent based upon the  
 07:26PM **20** new proposal?  
 07:26PM **21** **A.** Yes, yeah.  
 07:26PM **22** The proposal, again, the height  
 07:26PM **23** permitted being 25 feet and the height of the  
 07:26PM **24** proposed structure being 24.83 feet, we're 2 inches  
 07:26PM **25** less than the proposed height, but conforming with  
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07:26PM **1** the zone with the 25-foot height requirement of the  
 07:26PM **2** zone.  
 07:26PM **3** **Q.** Can you describe for the board the rest  
 07:26PM **4** of the -- what variances, if any, are needed?  
 07:26PM **5** **A.** For the proposed dwellings?  
 07:26PM **6** **Q.** Yes.  
 07:27PM **7** **A.** Yes. We have -- you mentioned lot area  
 07:27PM **8** and the lot width. The front yard, we have 25 feet  
 07:27PM **9** being proposed. The average setback in the block is  
 07:27PM **10** the requirement in that most of these homes appear to  
 07:27PM **11** be 25 feet setback, except for the corner which is a  
 07:27PM **12** commercial building which is very close to the lot  
 07:27PM **13** line.  
 07:27PM **14** So we appear to conform to the front  
 07:27PM **15** yard setback.  
 07:27PM **16** The side yard setback, 5 feet being  
 07:27PM **17** required, we have proposed 3-and-a-half feet on each  
 07:27PM **18** side of the structure for each side yard.  
 07:27PM **19** Both sides 14 feet being required of  
 07:27PM **20** the combined of 3-and-a-half and 3-and-a-half, 7 feet  
 07:27PM **21** being proposed on the side yard. So there are some  
 07:27PM **22** side yard variances.  
 07:27PM **23** The rear yard variance is 25 feet and  
 07:27PM **24** we have 44 feet, the depth of the lot.  
 07:27PM **25** Being as such, so that does conform for  
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07:27PM **1** the rear yard setback.  
 07:27PM **2** As I mentioned, a two-story dwelling is  
 07:27PM **3** proposed and we have two stories in the zoning chart  
 07:28PM **4** here, and the architect will go more over that, but  
 07:28PM **5** we do have a 24.83 in height and we do conform on the  
 07:28PM **6** height.  
 07:28PM **7** The maximum building coverage  
 07:28PM **8** permitted, 40 percent of building coverage. We have  
 07:28PM **9** slightly over, 40.54 percent.  
 07:28PM **10** Those are the variances.  
 07:28PM **11** **Q.** Actually, the structure that are  
 07:28PM **12** proposed are three stories --  
 07:28PM **13** **A.** Three stories.  
 07:28PM **14** **Q.** -- instead of two, right, so that is a  
 07:28PM **15** variance?  
 07:28PM **16** **A.** That would be a second -- that would be  
 07:28PM **17** another variance.  
 07:28PM **18** **Q.** Two-and-a-half stories permitted in the  
 07:28PM **19** zone?  
 07:28PM **20** **A.** It is.  
 07:28PM **21** That is correct.  
 07:28PM **22** MR. GIBLIN: I don't have any other  
 07:28PM **23** questions for this witness.  
 07:28PM **24** CHAIRMAN FERGUSON: Well, what did you  
 07:28PM **25** just say the width of the property is?  
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07:28PM **1** THE WITNESS: Presently, the property  
 07:28PM **2** is 70.44 feet.  
 07:28PM **3** CHAIRMAN FERGUSON: 70?  
 07:28PM **4** THE WITNESS: Total.  
 07:28PM **5** CHAIRMAN FERGUSON: Total.  
 07:28PM **6** And I see that you're, you know, asking  
 07:28PM **7** for a subdivide.  
 07:29PM **8** Are you -- the height of the building,  
 07:29PM **9** what's the total height of the building?  
 07:29PM **10** THE WITNESS: The present building?  
 07:29PM **11** CHAIRMAN FERGUSON: No, the one that  
 07:29PM **12** you --  
 07:29PM **13** THE WITNESS: The proposed building?  
 07:29PM **14** CHAIRMAN FERGUSON: Yes.  
 07:29PM **15** THE WITNESS: 24.83 feet is the  
 07:29PM **16** proposed building height.  
 07:29PM **17** MS. TESTA: I thought it's 30.38.  
 07:29PM **18** MR. GIBLIN: I have 30.16.  
 07:29PM **19** MS. TESTA: It's 30.38.  
 07:29PM **20** This is not right.  
 07:29PM **21** CHAIRMAN FERGUSON: Yeah.  
 07:29PM **22** MS. TESTA: Yeah.  
 07:29PM **23** THE WITNESS: Hang on.  
 07:29PM **24** Let me go to the other plan here. To  
 07:30PM **25** the midpoint. Okay.

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07:30PM **1** Yes, the architect does show  
 07:30PM **2** 30-feet-4-and-one-half inches for the height.  
 07:30PM **3** So that would be a variance.  
 07:30PM **4** MS. TESTA: And you have your  
 07:30PM **5** explanation too.  
 07:30PM **6** THE WITNESS: I have the wrong plan up.  
 07:30PM **7** I'm sorry.  
 07:30PM **8** CHAIRMAN FERGUSON: That's okay. As  
 07:30PM **9** long as we're all clear on it.  
 07:30PM **10** THE WITNESS: Thank you.  
 07:30PM **11** CHAIRMAN FERGUSON: So why would the  
 07:30PM **12** board -- how many variances are you looking for,  
 07:30PM **13** total variances?  
 07:30PM **14** THE WITNESS: Let's see, we have lot  
 07:30PM **15** area, lot width, front yard maybe -- probably not.  
 07:30PM **16** So that makes two. The side yards,  
 07:31PM **17** three total side yards, four, and the height would be  
 07:31PM **18** five.  
 07:31PM **19** CHAIRMAN FERGUSON: Okay. So you have  
 07:31PM **20** one D and the rest are C?  
 07:31PM **21** THE WITNESS: Yes.  
 07:31PM **22** CHAIRMAN FERGUSON: Okay. All right.  
 07:31PM **23** Do you have another witness?  
 07:31PM **24** MR. GIBLIN: My planner has arrived,  
 07:31PM **25** yes.

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07:31PM **1** CHAIRMAN FERGUSON: Oh, your planner  
 07:31PM **2** has arrived. Good.  
 07:31PM **3** Okay. I understand the reason for  
 07:31PM **4** subdividing a lot, I do.  
 07:31PM **5** Is there -- why aren't you just  
 07:31PM **6** building one big house?  
 07:31PM **7** MR. GIBLIN: I'm sorry?  
 07:31PM **8** CHAIRMAN FERGUSON: Why aren't you  
 07:31PM **9** building one big house instead of subdividing?  
 07:31PM **10** MR. GIBLIN: Yeah.  
 07:31PM **11** Well, I'd like to have the planner  
 07:31PM **12** testify as to what the current make up of the  
 07:31PM **13** neighborhood is.  
 07:31PM **14** This fits in with the neighborhood  
 07:32PM **15** scheme that exists right now.  
 07:32PM **16** CHAIRMAN FERGUSON: All right. All  
 07:32PM **17** right.  
 07:32PM **18** Any board members have anything?  
 07:32PM **19** MR. COLLAZUOL: Yes.  
 07:32PM **20** CHAIRMAN FERGUSON: You're on.  
 07:32PM **21** MR. COLLAZUOL: Due to the lateness of  
 07:32PM **22** this being put on the agenda, our report was issued  
 07:32PM **23** today.  
 07:32PM **24** I have three extra copies.  
 07:32PM **25** I don't know if the Chairman or the

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07:32PM **1** board attorney received a copy, but I do have three  
 07:32PM **2** extra copies.  
 07:32PM **3** I don't know if Mr. Giblin received one  
 07:32PM **4** today or Mr. Koestner, but there's some comments I  
 07:32PM **5** think the board should be aware of.  
 07:32PM **6** CHAIRMAN FERGUSON: Yeah, maybe I  
 07:32PM **7** should take a gander.  
 07:32PM **8** MR. GIBLIN: If I may say while he's  
 07:32PM **9** handing that out, Mr. Chairman, that I discussed his  
 07:32PM **10** letter with my client and my client has no problem  
 07:32PM **11** complying with all of his comments and  
 07:32PM **12** recommendations.  
 07:32PM **13** CHAIRMAN FERGUSON: Okay. And  
 07:32PM **14** usually -- just so we're clear, usually if you miss  
 07:32PM **15** the filing, that's it, you're done for this meeting.  
 07:33PM **16** However, because this is the last  
 07:33PM **17** meeting of some of us on the board, we're trying to  
 07:33PM **18** get everything done, so...  
 07:33PM **19** MR. GIBLIN: I understand.  
 07:33PM **20** I appreciate that.  
 07:33PM **21** MR. COLLAZUOL: So, Chairman, on the  
 07:33PM **22** general comment, I see Mr. Koestner had a subdivision  
 07:33PM **23** map up on the board.  
 07:33PM **24** Our office did receive a subdivision  
 07:33PM **25** map, we're -- then the plot plan that's shown on the

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07:33PM **1** architect's.

07:33PM **2** I respect that it's now on the board

07:33PM **3** and should the board approve this, certainly that

07:33PM **4** would be sent to our office to verify that it's

07:33PM **5** accurate and correct, which I'm sure it is.

07:33PM **6** In addition to that, Mr. Koestner,

07:33PM **7** Sheet Number 1, Sheet 1 of 1 shows on the Proposed

07:33PM **8** Lot 23.01A, there are two proposed houses.

07:33PM **9** So there should be a sheet for Proposed

07:33PM **10** Lot 23.01B for the other house, but that's omitted

07:33PM **11** here.

07:34PM **12** I presume Mr. Koestner has done it, it

07:34PM **13** just wasn't printed and sent out to everyone.

07:34PM **14** Our office did not get it.

07:34PM **15** Looking at the plan, though, for the

07:34PM **16** 19A, as it's commonly known, we have very little

07:34PM **17** objection to it. There's some comments in our

07:34PM **18** report, again, that 19B should be included in the set

07:34PM **19** of drawings, and I'm sure Mr. Koestner will comply

07:34PM **20** with the items in our report as he typically does.

07:34PM **21** With respect to the subdivision, the

07:34PM **22** subdivision is for two parcels with variances that

07:34PM **23** are required. Those variances for the subdivision

07:34PM **24** should be on the subdivision map just for the

07:34PM **25** subdivision.

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07:35PM **1** MR. KAUKER: I just have one question.

07:35PM **2** I don't know if the engineer could

07:35PM **3** answer it or not, but I was just curious, do you know

07:35PM **4** how many other lots in the neighborhood are 35 feet

07:35PM **5** in width or smaller than the 50?

07:35PM **6** If you don't know, that's okay. I'm

07:35PM **7** sure the planner will address it.

07:35PM **8** THE WITNESS: Unfortunately, I don't

07:35PM **9** have that map available. I do have the aerial map

07:36PM **10** here.

07:36PM **11** MR. KAUKER: The reason why I ask is

07:36PM **12** because you're asking for, you know, a substantial

07:36PM **13** lot width variance, so I just wanted to see how that

07:36PM **14** compared.

07:36PM **15** THE WITNESS: There is a lot across the

07:36PM **16** street, Lot 13 and Block 607, which is 30 feet.

07:36PM **17** There's also a lot on our side of the

07:36PM **18** street that is the inside of the street, Lot No. 26,

07:36PM **19** which is also 30 feet in width.

07:36PM **20** There's a lot immediately, almost

07:36PM **21** immediately to the east of us which is 25 feet in

07:36PM **22** width, that's Lot 21, and just outside of the

07:36PM **23** 200-foot measurement.

07:36PM **24** Lot 28 is 30 feet in width and also the

07:36PM **25** adjacent lot to the west of that.

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07:34PM **1** And the attorney should indicate, if

07:34PM **2** this was approved, how the map would get filed,

07:34PM **3** whether it be by deed or by filed map with the

07:34PM **4** Country Clerk's Office for recording purposes.

07:34PM **5** Other than that, the comments in our

07:34PM **6** report are typical and the plan looks like it's

07:35PM **7** nearly complete.

07:35PM **8** Of course it would be subjected to

07:35PM **9** on-site conditions for the storm drainage system, as

07:35PM **10** well as the sanitary sewer.

07:35PM **11** Other than that, I have nothing

07:35PM **12** further.

07:35PM **13** CHAIRMAN FERGUSON: Okay.

07:35PM **14** You want to address any of his

07:35PM **15** concerns?

07:35PM **16** MR. GIBLIN: We would perfect the

07:35PM **17** subdivision by deed.

07:35PM **18** CHAIRMAN FERGUSON: By deed?

07:35PM **19** MR. GIBLIN: Yes.

07:35PM **20** CHAIRMAN FERGUSON: Okay.

07:35PM **21** MR. GIBLIN: Which we would provide to

07:35PM **22** Mr. Collazuol prior to and make sure that he does the

07:35PM **23** calculations and make sure it's correct.

07:35PM **24** CHAIRMAN FERGUSON: Okay. Okay. We're

07:35PM **25** waiting for the next?

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07:36PM **1** So there are a few lots in that

07:36PM **2** neighborhood which are smaller width than the

07:36PM **3** proposed lot.

07:36PM **4** MR. KAUKER: I appreciate the answer.

07:36PM **5** Thank you.

07:36PM **6** CHAIRMAN FERGUSON: Okay. Anybody in

07:36PM **7** the audience have anything?

07:36PM **8** (No Response.)

07:37PM **9** CHAIRMAN FERGUSON: No? Okay.

07:37PM **10** Call your next witness.

07:37PM **11** MR. GIBLIN: I call Mr. Spatz.

07:37PM **12** MS. TESTA: We'll mark this as A-1?

07:37PM **13** MR. GIBLIN: I want to get him sworn in

07:37PM **14** and then he could lay a foundation for it.

07:37PM **15** MS. TESTA: Do you swear the testimony

07:37PM **16** you will give in this application will be the truth,

07:37PM **17** the whole truth, and nothing but the truth?

07:37PM **18** MR. SPATZ: Yes, I do.

07:37PM **19** D A V I D S P A T Z, PP

07:37PM **20** 68 Friend Terrace, Harrington Park, New Jersey,

07:37PM **21** having been duly sworn, testifies as follows:

07:37PM **22** MS. TESTA: Please state your name for

07:37PM **23** the record and business address.

07:37PM **24** MR. SPATZ: Sure.

07:37PM **25** David Spatz, S-P-A-T-Z.

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07:37PM **1** My business address is 68 Friend  
 07:37PM **2** Terrace in Harrington Park, New Jersey.  
 07:37PM **3** CHAIRMAN FERGUSON: Mr. Spatz, you're  
 07:37PM **4** here more than me.  
 07:37PM **5** So we're going to accept him.  
 07:37PM **6** MR. SPATZ: Thank you very much and  
 07:37PM **7** it's always a pleasure.  
 07:37PM **8** DIRECT EXAMINATION  
 07:37PM **9** BY MR. GIBLIN:  
 07:37PM **10** Q. Mr. Spatz, before we get started with  
 07:37PM **11** your testimony, you handed out an exhibit to the  
 07:38PM **12** board?  
 07:38PM **13** A. Correct, yes.  
 07:38PM **14** Q. Could you put on the record what that  
 07:38PM **15** is?  
 07:38PM **16** A. Sure.  
 07:38PM **17** What number are we up to?  
 07:38PM **18** Q. This will be -- well, we haven't marked  
 07:38PM **19** anything yet.  
 07:38PM **20** MR. GIBLIN: So A-1?  
 07:38PM **21** MS. TESTA: Because those were  
 07:38PM **22** submitted with the application, so --  
 07:38PM **23** THE WITNESS: Right, so A-1, okay.  
 07:38PM **24** (Whereupon, Planning Exhibit is marked  
 07:38PM **25** as Exhibit A-1 for identification.)  
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07:38PM **1** THE WITNESS: The top left-hand  
 07:38PM **2** photograph is of the subject property. It's on a  
 07:38PM **3** large lot and it's an existing older home.  
 07:38PM **4** The top right is an aerial of our  
 07:38PM **5** immediate vicinity just to get a little bit of sense  
 07:38PM **6** of the broader.  
 07:38PM **7** Sort of in the center of the building  
 07:38PM **8** there, the building's got the two dormers on it, that  
 07:38PM **9** is our property.  
 07:38PM **10** There's a single-family residence next  
 07:38PM **11** to us and then commercial properties.  
 07:38PM **12** As you can see directly behind us,  
 07:38PM **13** there are a series of multifamily buildings that  
 07:38PM **14** front on Henry Avenue.  
 07:38PM **15** The bottom left is looking to the right  
 07:38PM **16** of our property towards the east and it's that  
 07:38PM **17** single-family home, then a commercial building.  
 07:38PM **18** And then the bottom right-hand  
 07:39PM **19** photograph is looking to the left or to the west down  
 07:39PM **20** the street of our property and it's a mixture of one-  
 07:39PM **21** and two-family homes.  
 07:39PM **22** A little bit further down, there are  
 07:39PM **23** two newer two-family homes which you can see in that  
 07:39PM **24** aerial photograph.  
 07:39PM **25** And then beyond that is a multifamily  
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07:39PM **1** building, a series of townhouses.  
 07:39PM **2** So we are located in the AA zone which  
 07:39PM **3** permits the two-family homes that we are proposing.  
 07:39PM **4** As Mr. Koestner described, it is an  
 07:39PM **5** oversized lot primarily in terms of its depth. So  
 07:39PM **6** we're subdividing it into two lots and building two  
 07:39PM **7** two-family homes.  
 07:39PM **8** There is one D variance that we're  
 07:39PM **9** seeking and that is the building height.  
 07:39PM **10** And then C variances, the lots -- lot  
 07:39PM **11** areas, we are slightly less than what is permitted,  
 07:39PM **12** required in the zone, as well as not as wide as  
 07:39PM **13** permitted.  
 07:39PM **14** And then the two other bulk variance  
 07:39PM **15** for side yards and minimum -- maximum lot coverage.  
 07:39PM **16** So looking first at our height  
 07:40PM **17** variance, I think that what we're proposing and that  
 07:40PM **18** the site is particularly well-suited for what we are  
 07:40PM **19** proposing. It's located in the zone that permits  
 07:40PM **20** two-family dwellings.  
 07:40PM **21** The street, itself, contains a number  
 07:40PM **22** of two-family dwellings. It has commercial uses. It  
 07:40PM **23** has -- multiple dwellings across the street are  
 07:40PM **24** two-family homes.  
 07:40PM **25** Behind us, directly behind us, in fact,  
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07:40PM **1** is a multifamily building as well.  
 07:40PM **2** And in terms of lot area, because it is  
 07:40PM **3** oversized, the two lots that we're creating are about  
 07:40PM **4** 4900, a little bit bigger than 4900 square feet.  
 07:40PM **5** So we are just short of what is  
 07:40PM **6** required within the zone. To support the D variance,  
 07:40PM **7** we look to the Municipal Land Use Law and the  
 07:40PM **8** purposes of the zoning and to see how our project,  
 07:40PM **9** whether it meets the purpose of the zoning, and I  
 07:40PM **10** believe it meets a number of them.  
 07:40PM **11** Purpose A is promoting public health,  
 07:40PM **12** safety, welfare and morals, and I believe we  
 07:41PM **13** certainly meet that.  
 07:41PM **14** We're providing residential usage  
 07:41PM **15** consistent with the residential neighborhood.  
 07:41PM **16** Purpose G is provision of sufficient  
 07:41PM **17** space and appropriate locations for a variety of  
 07:41PM **18** uses. The two-family is, again, permitted within the  
 07:41PM **19** zone, is consistent with the neighborhood as well in  
 07:41PM **20** terms of the density and we meet the density  
 07:41PM **21** limitations of your zone.  
 07:41PM **22** And then also promoting a desirable  
 07:41PM **23** visual environment. The existing building contains  
 07:41PM **24** three units.  
 07:41PM **25** It is in fair condition. Removing it,  
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07:41PM 1 replacing it with two buildings that themselves in  
 07:41PM 2 terms of their uses are conforming, I think that is  
 07:41PM 3 consistent with the neighborhood and serves the  
 07:41PM 4 purposes of zoning.  
 07:41PM 5 Looking specifically at the height,  
 07:41PM 6 what we need to look at is whether we are consistent  
 07:41PM 7 with the neighborhood heights and I believe that we  
 07:41PM 8 are.  
 07:41PM 9 The structure, itself, that currently  
 07:41PM 10 exists on the property is fairly tall.  
 07:41PM 11 The two-family homes in the area are  
 07:41PM 12 all similarly built in terms of three stories as we  
 07:42PM 13 are proposing. The commercial use up the street is  
 07:42PM 14 one-story over parking, but those are two taller  
 07:42PM 15 stories.  
 07:42PM 16 In terms of height, we're similar. And  
 07:42PM 17 then the buildings directly to the rear of us are  
 07:42PM 18 five stories in height.  
 07:42PM 19 So I think in terms of height, we are  
 07:42PM 20 certainly consistent with the neighborhood.  
 07:42PM 21 Looking at the bulk variances, the  
 07:42PM 22 existing site is nearly twice the lot area required  
 07:42PM 23 for a two-family home. So subdividing it to be two  
 07:42PM 24 two-family homes I think makes sense.  
 07:42PM 25 As Mr. Koestner testified, 35 feet is  
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07:43PM 1 provided on the site where none currently exist,  
 07:43PM 2 which will mitigate the slightly increased coverage  
 07:43PM 3 which provides public benefit both of the site  
 07:43PM 4 itself, as well as to the adjacent properties because  
 07:43PM 5 there will be no additional runoff on those  
 07:43PM 6 properties.  
 07:43PM 7 So I think that the concept criteria  
 07:43PM 8 exists for both the C and D variances that we're  
 07:43PM 9 seeking.  
 07:43PM 10 Looking at the negative criteria, I  
 07:44PM 11 don't believe anything is substantially negative. It  
 07:44PM 12 is a permitted use. It's consistent with the  
 07:44PM 13 neighborhood development.  
 07:44PM 14 The property several lots to the west  
 07:44PM 15 actually contains eight units. And to the rear, as I  
 07:44PM 16 indicated, is a five-story multifamily building.  
 07:44PM 17 The setbacks are similar to what  
 07:44PM 18 currently exists on the property and I think, again,  
 07:44PM 19 the buffering helps mitigate that we are slightly  
 07:44PM 20 closer to the side yard.  
 07:44PM 21 There is a conforming amount of parking  
 07:44PM 22 being provided on the site.  
 07:44PM 23 In terms of the existing structure, we  
 07:44PM 24 measured the height of the existing structure. Our  
 07:44PM 25 proposed use, even though we need a variance, we are  
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07:42PM 1 not -- it is typical of this area. There are some as  
 07:42PM 2 little as 20 or 30 feet in width, a number that are  
 07:42PM 3 35 feet in width.  
 07:42PM 4 So in terms of the lot width, even  
 07:42PM 5 though we need that variance, it still is consistent  
 07:42PM 6 with the neighborhood.  
 07:42PM 7 And as I've noted, the lot area,  
 07:42PM 8 itself, is just off what is permitted within the  
 07:42PM 9 zone.  
 07:42PM 10 In terms of the side yard setback,  
 07:42PM 11 we're only 1-and-a-half feet less than what is  
 07:43PM 12 required.  
 07:43PM 13 That is a function of the fact that  
 07:43PM 14 these lots are a little bit narrower, but in terms of  
 07:43PM 15 light, air and open space, I think that is certainly  
 07:43PM 16 met, even though we are slightly off on the side yard  
 07:43PM 17 setback, we are similar to what currently exists on  
 07:43PM 18 the site where the building is actually located on  
 07:43PM 19 the eastern portion of the site, so we are providing  
 07:43PM 20 improved setbacks from what was there.  
 07:43PM 21 In terms of the coverage limitations,  
 07:43PM 22 we exceed it by less than 1 percent.  
 07:43PM 23 Additional landscaping and fencing is  
 07:43PM 24 being provided to screen our structure.  
 07:43PM 25 Drainage improvements are being  
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07:44PM 1 actually 5-foot lower in height than the existing  
 07:44PM 2 structure.  
 07:44PM 3 So I think certainly light, air and  
 07:44PM 4 open space is maintained.  
 07:44PM 5 So on balance, I think the positive  
 07:44PM 6 criteria is met. It outweighs anything that could be  
 07:44PM 7 considered negative and I believe it would be  
 07:45PM 8 appropriate to grant the variances that we're  
 07:45PM 9 seeking.  
 07:45PM 10 MR. GIBLIN: I'm done with the  
 07:45PM 11 questions.  
 07:45PM 12 CHAIRMAN FERGUSON: I just got one, you  
 07:45PM 13 mentioned in your chat that you're going to elect --  
 07:45PM 14 erect fences around --  
 07:45PM 15 THE WITNESS: Yeah, they'll be some  
 07:45PM 16 landscaping and I think there's some fencing.  
 07:45PM 17 CHAIRMAN FERGUSON: Well, I'm  
 07:45PM 18 interested in the back fence, the back -- because as  
 07:45PM 19 I visited the site today, I saw that half of it's up  
 07:45PM 20 and half of it's down.  
 07:45PM 21 And I just want to know --  
 07:45PM 22 MR. GIBLIN: The applicant will propose  
 07:45PM 23 to replace the rear fence.  
 07:45PM 24 CHAIRMAN FERGUSON: Okay.  
 07:45PM 25 THE WITNESS: Yeah, it's the park- --  
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07:45PM **1** also it's the parking lot for the multifamily  
 07:45PM **2** building.  
 07:45PM **3** But, yes, the fence on our property  
 07:45PM **4** will be replaced, no problem. That makes sense.  
 07:45PM **5** CHAIRMAN FERGUSON: Okay.  
 07:45PM **6** MR. KAUKER: Yeah, I have no further  
 07:45PM **7** questions.  
 07:45PM **8** He actually answered all of the  
 07:45PM **9** questions I would have had with respect to --  
 07:45PM **10** CHAIRMAN FERGUSON: He does that.  
 07:45PM **11** THE WITNESS: I tried.  
 07:45PM **12** MR. KAUKER: -- the height of the  
 07:45PM **13** building, consistency with the neighborhood, so...  
 07:46PM **14** CHAIRMAN FERGUSON: All right.  
 07:46PM **15** Counselor, you want to sum up?  
 07:46PM **16** MS. TESTA: Public?  
 07:46PM **17** CHAIRMAN FERGUSON: Anybody in the  
 07:46PM **18** public want to be heard?  
 07:46PM **19** (No Response.)  
 07:46PM **20** CHAIRMAN FERGUSON: No?  
 07:46PM **21** MR. GIBLIN: As the board heard, this  
 07:46PM **22** is an existing, nonconforming structure. We're  
 07:46PM **23** actually reducing the height, we're making it more  
 07:46PM **24** conforming with what's existing in the neighborhood.  
 07:46PM **25** There are other two-family houses that are similar on  
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07:46PM **1** similarly-sized lots.  
 07:46PM **2** And I would request that the board  
 07:46PM **3** approve the application.  
 07:46PM **4** CHAIRMAN FERGUSON: Okay.  
 07:46PM **5** So I'm going to make a motion to  
 07:46PM **6** approve the application with a couple comments.  
 07:46PM **7** Number 1, \$2,000.00 to the Tree  
 07:46PM **8** Preservation Fund.  
 07:46PM **9** MR. GIBLIN: Two-thousand you said?  
 07:46PM **10** CHAIRMAN FERGUSON: Yeah, 2,000.  
 07:46PM **11** Then all of the recommendations from  
 07:46PM **12** our -- Ms. Collazuol will be adhered too.  
 07:47PM **13** MR. GIBLIN: Yes, we've agreed to that.  
 07:47PM **14** CHAIRMAN FERGUSON: The deed is going  
 07:47PM **15** to be --  
 07:47PM **16** MR. GIBLIN: We'll perfect the  
 07:47PM **17** subdivision by deed.  
 07:47PM **18** CHAIRMAN FERGUSON: By deed.  
 07:47PM **19** All right. And you're going to erect  
 07:47PM **20** fence in the back, correct?  
 07:47PM **21** MR. GIBLIN: Correct.  
 07:47PM **22** CHAIRMAN FERGUSON: Okay.  
 07:47PM **23** That's my motion.  
 07:47PM **24** Second?  
 07:47PM **25** MR. GRALA: I'll second.  
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07:47PM **1** CHAIRMAN FERGUSON: Roll call?  
 07:47PM **2** MS. IGUINA: Mr. Ferguson?  
 07:47PM **3** CHAIRMAN FERGUSON: Yes.  
 07:47PM **4** MS. IGUINA: Mr. Grala?  
 07:47PM **5** MR. GRALA: Yes.  
 07:47PM **6** MS. IGUINA: Mr. Kim?  
 07:47PM **7** MR. KIM: Yes.  
 07:47PM **8** MS. IGUINA: Mr. Terranova?  
 07:47PM **9** MR. TERRANOVA: No.  
 07:47PM **10** MS. IGUINA: Mr. Chung?  
 07:47PM **11** MR. CHUNG: Yes.  
 07:47PM **12** MS. IGUINA: Ms. Yoon?  
 07:47PM **13** MS. YOON: Yes.  
 07:47PM **14** CHAIRMAN FERGUSON: And the vote was --  
 07:47PM **15** what was the vote?  
 07:47PM **16** MS. IGUINA: Yes.  
 07:47PM **17** CHAIRMAN FERGUSON: How many?  
 07:47PM **18** MR. GIBLIN: The numbers.  
 07:47PM **19** MS. IGUINA: Five to one.  
 07:47PM **20** CHAIRMAN FERGUSON: Five to one?  
 07:47PM **21** MS. IGUINA: Uh-huh.  
 07:47PM **22** MR. GIBLIN: Thank you.  
 07:47PM **23** CHAIRMAN FERGUSON: No problem.  
 07:47PM **24** All right.  
 07:47PM **25** The next one up is the one I'm going to  
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07:47PM **1** be on Columbus.  
 07:49PM **2** (Brief Pause in proceedings.)  
 07:49PM **3** MR. GIBLIN, JR.: Last day, and it's  
 07:49PM **4** our first day working together.  
 07:49PM **5** CHAIRMAN FERGUSON: Yeah, how could  
 07:49PM **6** that happen?  
 07:49PM **7** MR. BIRCHWALE: Yes.  
 07:49PM **8** CHAIRMAN FERGUSON: Okeydokey.  
 07:49PM **9** Counselor, you ready?  
 07:49PM **10** MR. BIRCHWALE: Yes.  
 07:49PM **11** Good evening, Mr. Chairman and Members  
 07:49PM **12** of the Board of Adjustment, my name is Albert  
 07:49PM **13** Birchwale.  
 07:49PM **14** I'm an attorney with the law firm of  
 07:49PM **15** Basile, Birchwale and Pellino, Esquires, offices in  
 07:49PM **16** Ridgefield for many, many years, 865 Broad Avenue.  
 07:49PM **17** I'm here tonight to represent Peter  
 07:49PM **18** Sterrantino, the property owner of 242 Columbus  
 07:49PM **19** Avenue in Palisades Park, of course.  
 07:49PM **20** I'm going to have two witnesses this  
 07:49PM **21** evening. We have Bill Cocoros as the architect and  
 07:49PM **22** Harry Tuvel as the municipal planner.  
 07:50PM **23** Now, before I call either one of my  
 07:50PM **24** professionals, I just want to give you a little  
 07:50PM **25** background.  
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07:50PM **1** Pete Sterrantino, kind of, born and  
 07:50PM **2** raised in Palisades Park. He's a graduate of  
 07:50PM **3** Palisades Park High School. He spent -- after high  
 07:50PM **4** school, he spent ten years in the United States Navy  
 07:50PM **5** and received an honorable discharge from there. And  
 07:50PM **6** now he's back in Palisades Park in his boyhood home,  
 07:50PM **7** which is 242 Columbus Avenue.  
 07:50PM **8** Now, according to Pete, the house was  
 07:50PM **9** built somewhere in the 1930s. He's not exactly sure  
 07:50PM **10** when, but 1930s rings a bell to him.  
 07:50PM **11** So the house is in need of repair. He  
 07:50PM **12** needs a new roof and other repairs are necessary.  
 07:50PM **13** So, therefore, he came up with the  
 07:50PM **14** bright idea of taking down that house and building a  
 07:50PM **15** two-family on the property, okay, a six-over-six,  
 07:51PM **16** okay, on the property.  
 07:51PM **17** And he intends to occupy the first  
 07:51PM **18** floor with his wife and then he has a 34-year-old son  
 07:51PM **19** who is going to be occupying the second-floor  
 07:51PM **20** apartment.  
 07:51PM **21** Now, I understand -- I just want to  
 07:51PM **22** give you some background. As everybody on the board  
 07:51PM **23** knows, approvals run with the land.  
 07:51PM **24** So with that being said, it runs with  
 07:51PM **25** the land whether Pete's living there with his family  
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07:52PM **1** and nothing but the truth, so help you God?  
 07:52PM **2** MR. COCOROS: I do.  
 07:52PM **3** VASSILIOS COCOROS, AIA  
 07:29PM **4** 467 Sylvan Avenue, Englewood Cliffs, New Jersey,  
 07:52PM **5** having been duly sworn, testifies as follows:  
 07:52PM **6** MR. GIBLIN, Jr.: Can you state your  
 07:52PM **7** name and spell your last name, please.  
 07:52PM **8** MR. COCOROS: Sure.  
 07:52PM **9** Vassilios, V-A-S-S-I-L-I-O-S, Cocoros,  
 07:52PM **10** C-O-C-O-R-O-S, 467 Sylvan Avenue, Englewood Cliffs,  
 07:52PM **11** New Jersey.  
 07:52PM **12** MR. GIBLIN, JR.: Good evening,  
 07:52PM **13** Mr. Cocoros.  
 07:52PM **14** Would you quickly give the board the  
 07:52PM **15** benefit of some of your experience.  
 07:52PM **16** MR. COCOROS: Sure.  
 07:52PM **17** I'm basically licensed in 1997, still  
 07:52PM **18** have a license.  
 07:52PM **19** I do mostly residential work, one- and  
 07:52PM **20** two-family house and some light multifamilies.  
 07:53PM **21** MR. GIBLIN, JR.: Have you appeared in  
 07:53PM **22** front of this board?  
 07:53PM **23** MR. COCOROS: This board, the planning  
 07:53PM **24** board.  
 07:53PM **25** CHAIRMAN FERGUSON: Many times.  
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07:51PM **1** or not, so I don't want to lead this board astray.  
 07:51PM **2** Also, I know that this board has  
 07:51PM **3** handled several six-over-sixes on this size lot;  
 07:51PM **4** that's the reason why we're here.  
 07:51PM **5** And once again, even though you have  
 07:51PM **6** approved other applications, the case in point was  
 07:51PM **7** the application on this evening just before me.  
 07:51PM **8** However, you are not bound, you know,  
 07:51PM **9** as I guess all of you know, you cannot establish  
 07:51PM **10** precedence in this board.  
 07:51PM **11** So I can't say, wait a second, you  
 07:52PM **12** passed that application, therefore you have to pass  
 07:52PM **13** my client's application. It doesn't work that way.  
 07:52PM **14** Each application rests on its own merits.  
 07:52PM **15** However, the board has addressed and  
 07:52PM **16** oftentimes on a 37-and-a-half-by-100 granted a  
 07:52PM **17** six-over-six two-family dwelling on the property.  
 07:52PM **18** In any event, with that being said,  
 07:52PM **19** I'll call my first witness and that's Bill Cocoros,  
 07:52PM **20** the architect.  
 07:52PM **21** You're going to have him sworn in,  
 07:52PM **22** Brian?  
 07:52PM **23** MR. GIBLIN, JR.: Sure.  
 07:52PM **24** Do you swear or affirm the testimony  
 07:52PM **25** you're about to give is the truth, the whole truth,  
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07:53PM **1** MR. GIBLIN, JR.: Very good.  
 07:53PM **2** Thank you.  
 07:53PM **3** MR. COCOROS: You're welcome.  
 07:53PM **4** CHAIRMAN FERGUSON: We'll accept him as  
 07:53PM **5** an expert.  
 07:53PM **6** MR. BIRCHWALE: Very good.  
 07:53PM **7** Thank you.  
 07:53PM **8** DIRECT EXAMINATION  
 07:53PM **9** BY MR. BIRCHWALE:  
 07:53PM **10** Q. Bill, would you first go over, I guess,  
 07:53PM **11** the variances that are needed by our applicant?  
 07:53PM **12** A. Sure.  
 07:53PM **13** I'll go over the site and location.  
 07:53PM **14** Q. Okay. You want to do that?  
 07:53PM **15** Go ahead?  
 07:53PM **16** A. Now, the site, itself, as I mentioned,  
 07:53PM **17** is basically a preexisting, nonconforming lot on the  
 07:53PM **18** east side of Columbus Avenue, basically two houses  
 07:53PM **19** south of Roosevelt Place.  
 07:53PM **20** All those houses on that side of the  
 07:53PM **21** street are basically 40-foot-wide properties.  
 07:53PM **22** The lot depth, I don't know if it was  
 07:53PM **23** due to surveying error, but all the lot depths in  
 07:53PM **24** that area are under 100-feet deep. We have 96.82 on  
 07:53PM **25** our left side, which is the north side. And on  
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07:53PM **1** the -- actually, the same on both sides. So we have  
 07:53PM **2** basically 96.82 feet, which is a previously  
 07:53PM **3** nonconforming condition, as is the building and the  
 07:53PM **4** lot width, which is 40 feet.  
 07:54PM **5** We have a total lot area of  
 07:54PM **6** 3,872.8 square feet and there's no chance of getting  
 07:54PM **7** any additional properties on either side of this  
 07:54PM **8** because there are already developed and they are  
 07:54PM **9** preexisting nonconforming lots themselves.  
 07:54PM **10** So we're proposing to knock down the  
 07:54PM **11** existing dwelling on the property and construct a  
 07:54PM **12** six-over-six two-family dwelling, as I mentioned,  
 07:54PM **13** for the owners use.  
 07:54PM **14** It's basically set up with a  
 07:54PM **15** three-level configuration where we have a ground  
 07:54PM **16** floor with a two-car garage and then above that we  
 07:54PM **17** have a flat portion which are two six-room  
 07:54PM **18** apartments.  
 07:54PM **19** Basically a living room, dining room  
 07:54PM **20** and kitchen, an eating area, three bedrooms each, one  
 07:54PM **21** being a master or primary suite with an en suite  
 07:54PM **22** bathroom, and two secondary bedrooms that share a  
 07:54PM **23** hall bathroom.  
 07:54PM **24** In addition, we have laundry and that's  
 07:54PM **25** basically set up on Sheet A2, you could see the floor

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07:56PM **1** we kind of split it in half where one half is a  
 07:56PM **2** sleeping area and the other half is a living area.  
 07:56PM **3** At the front we have a living room  
 07:56PM **4** behind our dining room which will open to a kitchen  
 07:56PM **5** and an eating area.  
 07:56PM **6** And then on the left-hand side is the  
 07:56PM **7** bedroom space. We have a bedroom on the front left  
 07:56PM **8** portion, middle portion -- middle left portion and  
 07:56PM **9** the rear left portion.  
 07:56PM **10** And the rear is dedicated to a master  
 07:56PM **11** or primary suite where you see here we have a double  
 07:56PM **12** sink, a toilet, and an oversized shower.  
 07:56PM **13** In addition to that, we have a walk-in  
 07:56PM **14** closet and a secondary closet.  
 07:56PM **15** The hallway, itself, to go to the  
 07:56PM **16** master has a side-by-side laundry and a linen closet.  
 07:56PM **17** And then the hall bathroom which also acts as a  
 07:56PM **18** powder room for the guests is basically a tub/shower,  
 07:56PM **19** oversized vanity sink and a water closet.  
 07:56PM **20** And the building, itself, is basically  
 07:57PM **21** 55-feet deep which is a typical six-over-six that  
 07:57PM **22** we've been doing and we have 33-feet wide.  
 07:57PM **23** The building setbacks on the side which  
 07:57PM **24** are typical norm for a six-over-six are 3-and-a-half  
 07:57PM **25** feet on each side.

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07:54PM **1** plans.  
 07:54PM **2** So you can see here we basically have  
 07:55PM **3** the two-car garage in the front, hallway for the  
 07:55PM **4** outside of the garage.  
 07:55PM **5** Behind the garage we have a utility  
 07:55PM **6** room. And then there's also a recreation room and a  
 07:55PM **7** home office and den in the back with a door on the  
 07:55PM **8** side.  
 07:55PM **9** In this case here we have two closets  
 07:55PM **10** for the hallway from the garage and then we have a  
 07:55PM **11** powder room.  
 07:55PM **12** This time I didn't put a tub in there,  
 07:55PM **13** so we have an actual powder room on the lower level  
 07:55PM **14** of the proposed dwelling.  
 07:55PM **15** So we have a powder room and three  
 07:55PM **16** other rooms in that space.  
 07:55PM **17** Above that we have the first floor  
 07:55PM **18** primary unit which has the staircase also from the  
 07:55PM **19** sidewalk level which has a shared covered platform on  
 07:55PM **20** the right-hand side.  
 07:55PM **21** In the front, right corner of the  
 07:55PM **22** building we have an entry foyer and then a staircase  
 07:56PM **23** up to the second-floor unit.  
 07:56PM **24** The configuration consists basically of  
 07:56PM **25** six rooms, as I mentioned before. You can see here

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07:57PM **1** And in this case here we have a setback  
 07:57PM **2** of 21 feet, which is basically a foot behind the  
 07:57PM **3** neighbor to the duplex that's to the -- I'm sorry --  
 07:57PM **4** the six-over-six as to the right of us.  
 07:57PM **5** And then in the back, we have a setback  
 07:57PM **6** of 20 feet -- about 20-feet-9-and-three-quarters of  
 07:57PM **7** an inch in the rear setback and that's a function of  
 07:57PM **8** the deficiency of the preexisting lot.  
 07:57PM **9** However, the buildings behind us are up  
 07:57PM **10** higher, so it won't be as intrusive on either side of  
 07:57PM **11** us. We have a newer dwelling on the left-hand  
 07:57PM **12** side -- I'm sorry, the right-hand side.  
 07:57PM **13** And then on the left-hand side, we have  
 07:57PM **14** an existing dwelling that has a driveway along our  
 07:57PM **15** property and then also has two sheds, one in the rear  
 07:58PM **16** right of their property and one towards the middle on  
 07:58PM **17** the property itself.  
 07:58PM **18** **Q.** Bill, what about off-street parking?  
 07:58PM **19** Could you address that?  
 07:58PM **20** **A.** Off-street parking is basically  
 07:58PM **21** accommodated by a two-car driveway. And then we also  
 07:58PM **22** have a two-car garage each with its own separate door  
 07:58PM **23** in addition to the driveway.  
 07:58PM **24** As a precaution for water coming onto  
 07:58PM **25** Columbus as directed by the board's engineer, we do

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07:58PM **1** have a trench drain that would catch any water coming  
 07:58PM **2** off the driveway before it gets to the sidewalk  
 07:58PM **3** itself.  
 07:58PM **4** We kind of set the building up where we  
 07:58PM **5** have it higher than the sidewalk by about 4 or  
 07:58PM **6** 5 inches to avoid any water going down into a trench  
 07:58PM **7** drain, given, you know, maybe 10, 15 years ago, it  
 07:58PM **8** wouldn't have been an issue, but now, you know, we're  
 07:58PM **9** having more issues with water going down in the  
 07:58PM **10** basement.  
 07:58PM **11** And the property, itself, is relatively  
 07:58PM **12** flat. It goes up slightly higher in the back.  
 07:59PM **13** Across the front, we have basically dead level. We  
 07:59PM **14** have a 4-inch difference from the left to right.  
 07:59PM **15** And, you know, the main -- the main  
 07:59PM **16** driver of the height and the configuration of the  
 07:59PM **17** stories is based on having that positive pitch.  
 07:59PM **18** In addition, there are several houses  
 07:59PM **19** in the area that were done recently that are  
 07:59PM **20** six-over-sixes.  
 07:59PM **21** Those actually had tighter side yard  
 07:59PM **22** setbacks, like 3-foot or less. And then now, you  
 07:59PM **23** know, after the board's recent recommendations, we  
 07:59PM **24** increased the side yard setback to 3-and-a-half feet.  
 07:59PM **25** The building we're proposing is an

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08:00PM **1** And then to back that up, we would have  
 08:00PM **2** to do a perc test, which is basically a field test,  
 08:00PM **3** we'd dig a hole, put water in there and see how it  
 08:00PM **4** drains on the property itself.  
 08:00PM **5** **Q.** Good.  
 08:00PM **6** **A.** And if it doesn't drain, we have to  
 08:00PM **7** come up with an alternative system for the  
 08:00PM **8** stormwater.  
 08:00PM **9** **Q.** Good.  
 08:00PM **10** Anything else, Bill?  
 08:00PM **11** **A.** I don't think so.  
 08:00PM **12** MR. BIRCHWALE: Mr. Chairman?  
 08:00PM **13** CHAIRMAN FERGUSON: Oh, I got a few.  
 08:01PM **14** Could you just walk me through the  
 08:01PM **15** front door? So you come up steps, obviously, and  
 08:01PM **16** there's two doors; one's going to lead to the second  
 08:01PM **17** story, to the first -- second story?  
 08:01PM **18** THE WITNESS: Correct.  
 08:01PM **19** CHAIRMAN FERGUSON: And then you've got  
 08:01PM **20** stairs going up to the second story?  
 08:01PM **21** THE WITNESS: Correct.  
 08:01PM **22** CHAIRMAN FERGUSON: Okay.  
 08:01PM **23** Now, how many doors are on -- I mean,  
 08:01PM **24** obviously you've got the garage doors, but do you  
 08:01PM **25** have any doors on either side of the --

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07:59PM **1** all-brick structure; however, we do have a bay window  
 07:59PM **2** in the front and a bay window at the rear of the  
 07:59PM **3** master. That will probably be either a stucco or a  
 07:59PM **4** panelized system like a Hardie board which has a  
 07:59PM **5** stucco look, but it's a cleaner and longer-lasting  
 07:59PM **6** option for the bay windows.  
 07:59PM **7** In addition, we could do a nice  
 07:59PM **8** little panel gaps to give it a nice more modern look  
 07:59PM **9** on that portion of the house, especially in the  
 08:00PM **10** front.  
 08:00PM **11** **Q.** Bill, just one other question.  
 08:00PM **12** You mentioned the board engineer. Will  
 08:00PM **13** you be able to satisfy all recommendations contained  
 08:00PM **14** in his review letter?  
 08:00PM **15** **A.** Yes.  
 08:00PM **16** You know, one of the primary ones is, I  
 08:00PM **17** guess, we would have to do a perc test once they  
 08:00PM **18** excavate where the pits are located, the retainers  
 08:00PM **19** tanks for the stormwater.  
 08:00PM **20** Right now there is no stormwater on the  
 08:00PM **21** property. What we'll be doing is we're basically  
 08:00PM **22** going to catch the water from the roof leaders and  
 08:00PM **23** the water from the trench drain in the front driveway  
 08:00PM **24** and to back that, you know, we have to do a drainage  
 08:00PM **25** calculation.

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08:01PM **1** THE WITNESS: We have a door on the  
 08:01PM **2** left-hand side which we typically do into the ground  
 08:01PM **3** floor/basement level.  
 08:01PM **4** And now, you know, it's basically a  
 08:01PM **5** typically egress door to the space that's in the --  
 08:01PM **6** on the ground floor, so, basically, we have -- if you  
 08:01PM **7** go by actual doors on the ground floor/basement, we  
 08:01PM **8** have two doors and plus two garage doors.  
 08:01PM **9** Now, we've done a door under the  
 08:01PM **10** platform so if they want to bring the garbage from  
 08:01PM **11** the first floor under the stairs, they could bring  
 08:01PM **12** the garbage there directly.  
 08:01PM **13** And we have a typical side door, which  
 08:01PM **14** is basically for egress purposes.  
 08:02PM **15** And then in the second floor, we have  
 08:02PM **16** two doors in the front which are basically set up  
 08:02PM **17** right-hand doors for the second-floor apartment with  
 08:02PM **18** the staircase up, left-hand doors for the primary  
 08:02PM **19** apartment on the first floor.  
 08:02PM **20** And then on the top floor, we basically  
 08:02PM **21** have one sliding glass door that goes out to the  
 08:02PM **22** typical deck that's in the back of these things.  
 08:02PM **23** CHAIRMAN FERGUSON: What floor is that  
 08:02PM **24** on?  
 08:02PM **25** THE WITNESS: That's on the second

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08:02PM **1** floor.

08:02PM **2** CHAIRMAN FERGUSON: Okay. So you have

08:02PM **3** two ways to get on the second floor?

08:02PM **4** THE WITNESS: Yeah, I mean, you know,

08:02PM **5** God forbid, you know, it's like --

08:02PM **6** CHAIRMAN FERGUSON: No, I know. You've

08:02PM **7** got two ways to pass it?

08:02PM **8** THE WITNESS: Yes.

08:02PM **9** CHAIRMAN FERGUSON: Okay. Now, I see

08:02PM **10** that you didn't add no bathtubs in the basement.

08:02PM **11** That was at least good. He always has a problem with

08:02PM **12** sneaking in bathtubs.

08:02PM **13** At any rate, we're going to go now

08:02PM **14** downstairs. If you're behind the garages, you have a

08:02PM **15** den, a home office, a recreation room, a powder room

08:03PM **16** that's got a bathtub, and a closet, correct?

08:03PM **17** THE WITNESS: Correct.

08:03PM **18** And, you know, in some cases we've

08:03PM **19** actually done that whole -- where the closet is,

08:03PM **20** we've actually done the whole thing as like a walk-in

08:03PM **21** closet, you know, because it makes the room easier to

08:03PM **22** lay out instead of having that alcove, you could

08:03PM **23** basically do a bigger closet; that's an option that

08:03PM **24** the owner, you know, could --

08:03PM **25** CHAIRMAN FERGUSON: Okay.

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08:03PM **1** are up higher; that's because they're the ones

08:04PM **2** facing, I think Grand Avenue.

08:04PM **3** CHAIRMAN FERGUSON: Okay. And what's

08:04PM **4** the -- what do you have for rear yard, almost 21?

08:04PM **5** THE WITNESS: Yeah, rear yard, it's

08:04PM **6** basically -- we have it set up, we basically took a

08:04PM **7** typical six-over-six that we do on a 40 -- let's say

08:04PM **8** a 40-by-100.

08:04PM **9** However, here, you know, given the fact

08:04PM **10** that it's a preexisting nonconforming condition and

08:04PM **11** the properties behind us are up higher, I don't think

08:04PM **12** it was that much of an impact.

08:04PM **13** We do have a planner here that would --

08:04PM **14** to back up on that.

08:04PM **15** So the setback in the rear is

08:04PM **16** 20-feet-9-and-three-quarters of an inch.

08:04PM **17** CHAIRMAN FERGUSON: Twenty-one feet how

08:04PM **18** and you're having decks, correct, in the back?

08:04PM **19** THE WITNESS: Yeah.

08:04PM **20** And they're located on the right-hand

08:04PM **21** side of the proposed building.

08:04PM **22** They come out 8 feet and they're

08:04PM **23** 11-feet wide, a smaller, little duplex deck.

08:04PM **24** CHAIRMAN FERGUSON: All right. I have

08:04PM **25** nothing else.

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08:03PM **1** And you have a door on the side?

08:03PM **2** THE WITNESS: Yes.

08:03PM **3** CHAIRMAN FERGUSON: Okay. Now, this

08:03PM **4** second floor, you have how many bedrooms?

08:03PM **5** THE WITNESS: There are three bedrooms.

08:03PM **6** Each apartment has three bedrooms.

08:03PM **7** CHAIRMAN FERGUSON: Two bedrooms?

08:03PM **8** THE WITNESS: Three.

08:03PM **9** CHAIRMAN FERGUSON: Three.

08:03PM **10** THE WITNESS: Yeah, two up the hallway

08:03PM **11** and one in the back as a master.

08:03PM **12** CHAIRMAN FERGUSON: Okay. And on the

08:03PM **13** third floor you have --

08:03PM **14** THE WITNESS: That's basically the same

08:03PM **15** layout, it's just the staircase and the entry are

08:03PM **16** different.

08:03PM **17** CHAIRMAN FERGUSON: That's it. Okay.

08:03PM **18** And you have the deck?

08:03PM **19** THE WITNESS: In the back.

08:03PM **20** CHAIRMAN FERGUSON: In the back of

08:03PM **21** each?

08:03PM **22** THE WITNESS: Correct.

08:03PM **23** And it's located on the right side of

08:03PM **24** the building, itself.

08:03PM **25** Like I said, the properties behind us

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08:04PM **1** Anybody have anything on the board?

08:04PM **2** MR. TERRANOVA: Yeah.

08:05PM **3** Could you explain how you got the

08:05PM **4** height of the building, please?

08:05PM **5** THE WITNESS: I basically got the four

08:05PM **6** corners of the building and then we get into the

08:05PM **7** midpoint of the roof.

08:05PM **8** So, basically, you know, you have the

08:05PM **9** spreadsheet that has the four corners divided by four

08:05PM **10** and then I find the midpoint of the roof, which is

08:05PM **11** basically the soffit area and the peak.

08:05PM **12** MR. TERRANOVA: And just take the

08:05PM **13** average?

08:05PM **14** THE WITNESS: Yeah, so it's basically

08:05PM **15** roof midpoint minus the average grade.

08:05PM **16** MR. TERRANOVA: Any way you could lower

08:05PM **17** the height? You have two 9-foot floors.

08:05PM **18** Could you get one of them to eight?

08:05PM **19** Could you lower it a little?

08:05PM **20** THE WITNESS: I mean, you know, the

08:05PM **21** owner wants something, like, something, like, you

08:05PM **22** know, it's like, you know, we could play with the

08:05PM **23** pitch. We could also play with the grade. We could

08:05PM **24** at least get a foot off the building, itself, you

08:05PM **25** know, without, like, compromising their initial

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08:05PM 1 design.  
 08:05PM 2 MR. TERRANOVA: So you could lower it?  
 08:05PM 3 THE WITNESS: Yeah, we could bring it  
 08:05PM 4 down a foot.  
 08:05PM 5 CHAIRMAN FERGUSON: Okay.  
 08:05PM 6 MR. BIRCHWALE: No further questions  
 08:05PM 7 from me.  
 08:05PM 8 MR. COLLAZUOL: Yes, Chairman, we  
 08:06PM 9 prepared a report. It was dated December 10th. I  
 08:06PM 10 don't know if Mr. Birchwale has got it.  
 08:06PM 11 MR. BIRCHWALE: Yes.  
 08:06PM 12 MR. COLLAZUOL: It's pretty typical of  
 08:06PM 13 our reports.  
 08:06PM 14 I would hope that you could oblige by  
 08:06PM 15 providing those necessary features that are in that  
 08:06PM 16 report.  
 08:06PM 17 And one thing I'd like to bring up was  
 08:06PM 18 on page 3, it appears that there would be remaining  
 08:06PM 19 about 12 feet for parking. I know parking is  
 08:06PM 20 somewhat of an issue.  
 08:06PM 21 If the 22-and-a-half-foot drop curb  
 08:06PM 22 could be reduced a small amount, together with that  
 08:06PM 23 12 feet, and the neighbors' frontage up to the  
 08:06PM 24 staircase would be able to get at car to park there,  
 08:06PM 25 so...

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08:07PM 1 helpful so it provides for at least one parking space  
 08:07PM 2 there in front on the right-hand side.  
 08:07PM 3 MR. BIRCHWALE: So that would mean,  
 08:07PM 4 Steven, we'd have three off-street parking spaces in  
 08:07PM 5 the front?  
 08:07PM 6 MR. COLLAZUOL: They'll be one  
 08:07PM 7 street-side parking space available, that's my point.  
 08:07PM 8 MR. BIRCHWALE: Okay. Yes, I  
 08:07PM 9 understand.  
 08:07PM 10 CHAIRMAN FERGUSON: Okay. Anybody in  
 08:08PM 11 the audience have anything?  
 08:08PM 12 Yes, name and address, please.  
 08:08PM 13 MR. PIEDRA: Good evening, Board, and  
 08:08PM 14 thank you for your tenure, Mr. Ferguson.  
 08:08PM 15 CHAIRMAN FERGUSON: Thank you.  
 08:08PM 16 THE COURT REPORTER: Sir, just state  
 08:08PM 17 and spell your name, please.  
 08:08PM 18 MR. PIEDRA: Yeah, my name is Bill  
 08:08PM 19 Piedra.  
 08:08PM 20 I live next door at 246 Columbus  
 08:08PM 21 Avenue, been there for about 40 years now.  
 08:08PM 22 THE COURT REPORTER: How do I spell  
 08:08PM 23 your last name?  
 08:08PM 24 MR. PIEDRA: P-I-E-D-R-A.  
 08:08PM 25 THE COURT REPORTER: Thank you.

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08:06PM 1 THE WITNESS: That would be on, I  
 08:06PM 2 guess, the right-hand side?  
 08:06PM 3 MR. COLLAZUOL: Yes, that you would be  
 08:06PM 4 able to get perhaps a 14 -- maybe a 14-foot space,  
 08:06PM 5 provide some parking, because I'm sure parking is a  
 08:06PM 6 difficulty.  
 08:06PM 7 THE WITNESS: The only issue with that,  
 08:06PM 8 right now I'm looking at it, we basically have from  
 08:06PM 9 the property line to that edge of the staircase where  
 08:07PM 10 the driveway would be where the utility pole is,  
 08:07PM 11 that's about 7 feet.  
 08:07PM 12 So 7 feet and we've got 14 feet, so we  
 08:07PM 13 almost have 21, you know, we have like 21 feet.  
 08:07PM 14 I mean, you know, we could always bring  
 08:07PM 15 it down, like I said, to like a 21-foot-6 if we have  
 08:07PM 16 to and it will give us a little more.  
 08:07PM 17 So we'll get 7 feet plus 14 feet up to  
 08:07PM 18 that -- up to that curb.  
 08:07PM 19 So, you know, we could move the curb  
 08:07PM 20 cut on the right side of our proposed dwelling that  
 08:07PM 21 would give us a little more room, while backing up  
 08:07PM 22 out of the space, not getting too close to the car  
 08:07PM 23 that would be parking on that space between our  
 08:07PM 24 driveway and the existing driveway to the right.  
 08:07PM 25 MR. COLLAZUOL: I think that would be

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08:08PM 1 MR. PIEDRA: I went looking over the  
 08:08PM 2 plans.  
 08:08PM 3 In my opinion, this is inconceivable  
 08:08PM 4 that you could put such a large structure on a  
 08:08PM 5 40-by-96-foot lot and bring it out further, closer to  
 08:08PM 6 my home.  
 08:08PM 7 It should be 5-feet spacing instead of  
 08:08PM 8 3-and-a-half feet.  
 08:08PM 9 It's just feeling they're encroaching  
 08:09PM 10 on me here. The height of the building is going to  
 08:09PM 11 be way too high. I have solar panels going up on my  
 08:09PM 12 roof and I think that's going to affect what's going  
 08:09PM 13 on there.  
 08:09PM 14 MR. GIBLIN, JR.: I was going to  
 08:09PM 15 actually say, can you raise your right hand?  
 08:09PM 16 Do you swear or affirm the testimony  
 08:09PM 17 you're about to give in this matter is the truth, the  
 08:09PM 18 whole truth, and nothing but the truth?  
 08:09PM 19 MR. PIEDRA: I do.  
 08:09PM 20 B I L L P I E D R A,  
 08:09PM 21 246 Columbus Avenue, Palisades Park, New Jersey,  
 08:09PM 22 having been duly sworn, testifies as follows:  
 08:09PM 23 MR. GIBLIN, JR.: And the reason I did  
 08:09PM 24 that is because you're giving testimony versus  
 08:09PM 25 actually asking questions of the witness.

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08:09PM **1** So that's fine. I just want to get  
 08:09PM **2** this right.  
 08:09PM **3** CHAIRMAN FERGUSON: Okay. So you live  
 08:09PM **4** north of that?  
 08:09PM **5** MR. PIEDRA: Yeah.  
 08:09PM **6** CHAIRMAN FERGUSON: Now, is  
 08:09PM **7** 3-and-a-half feet -- your house, don't you have a  
 08:09PM **8** driveway?  
 08:09PM **9** MR. PIEDRA: I have a driveway.  
 08:09PM **10** CHAIRMAN FERGUSON: On that side?  
 08:09PM **11** MR. PIEDRA: On that site.  
 08:09PM **12** CHAIRMAN FERGUSON: So you've got  
 08:09PM **13** 3-and-a-half plus a driveway?  
 08:09PM **14** MR. PIEDRA: Right, but originally it  
 08:09PM **15** was 5 feet.  
 08:09PM **16** CHAIRMAN FERGUSON: No, I understand.  
 08:09PM **17** I understand.  
 08:09PM **18** So right now you have the  
 08:09PM **19** 3-and-a-half feet because then you've got a driveway.  
 08:10PM **20** Then do you have any land between the driveway and  
 08:10PM **21** your house.  
 08:10PM **22** THE WITNESS: Any land between the  
 08:10PM **23** driveway --  
 08:10PM **24** CHAIRMAN FERGUSON: Your driveway and  
 08:10PM **25** your house, is there a buffer zone there? Five feet?  

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08:10PM **1** Three feet?  
 08:10PM **2** MR. PIEDRA: No.  
 08:10PM **3** CHAIRMAN FERGUSON: No? You don't  
 08:10PM **4** have --  
 08:10PM **5** THE WITNESS: How wide is the driveway?  
 08:10PM **6** Your driveway is 10 feet?  
 08:10PM **7** MR. PIEDRA: Yes.  
 08:10PM **8** THE WITNESS: So basically --  
 08:10PM **9** MR. PIEDRA: Well, I'm not even sure.  
 08:10PM **10** I think it is 10 feet.  
 08:10PM **11** THE WITNESS: So from your driveway  
 08:10PM **12** edge to the house is another 3 feet or 2 feet?  
 08:10PM **13** MR. PIEDRA: From my driveway to what?  
 08:10PM **14** THE WITNESS: From let's say the edge  
 08:10PM **15** of your driveway, the north portion of your driveway  
 08:10PM **16** to the house, there's another 2 feet of grass or is  
 08:10PM **17** it up against the house?  
 08:10PM **18** MR. PIEDRA: It's about 2 feet.  
 08:10PM **19** THE WITNESS: So then we have basically  
 08:10PM **20** 12 feet, plus 3-and-half feet of setback.  
 08:10PM **21** MR. PIEDRA: One-and-a-half feet.  
 08:10PM **22** THE WITNESS: Yeah, close.  
 08:10PM **23** So it's basically, you know, the  
 08:10PM **24** foot-and-a-half, 10 feet, you know, so...  
 08:10PM **25** CHAIRMAN FERGUSON: I got it.  

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08:10PM **1** THE WITNESS: So it's about  
 08:11PM **2** 11-and-a-half feet, plus 3-and-a-half feet.  
 08:11PM **3** CHAIRMAN FERGUSON: I got it. I got  
 08:11PM **4** it.  
 08:11PM **5** Now, when I visited the place today, it  
 08:11PM **6** seemed like the house was in poor condition and they  
 08:11PM **7** have elected to tear it down, put something else in.  
 08:11PM **8** MR. BIRCHWALE: Yes.  
 08:11PM **9** CHAIRMAN FERGUSON: Your question is,  
 08:11PM **10** would you rather live next to a house that's in the  
 08:11PM **11** present condition or a new six-over-six?  
 08:11PM **12** MR. PIEDRA: Present condition.  
 08:11PM **13** A six-over-six is way too much and it's  
 08:11PM **14** going to overshadow my house.  
 08:11PM **15** I won't be allowed to put the solar  
 08:11PM **16** panels. It's going to be winter -- I mean, this is  
 08:11PM **17** where I'm retiring. I don't want to have to be  
 08:11PM **18** living like I can't even go out to my backyard  
 08:11PM **19** anymore.  
 08:11PM **20** CHAIRMAN FERGUSON: What was the last  
 08:11PM **21** part?  
 08:11PM **22** MR. PIEDRA: That I can't see -- the  
 08:11PM **23** daylight will be gone from me.  
 08:12PM **24** CHAIRMAN FERGUSON: Well, you're still  
 08:12PM **25** going to have your backyard; no?  

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08:12PM **1** MR. PIEDRA: Yeah, but I'm going to  
 08:12PM **2** have a building on the side of it where I won't get  
 08:12PM **3** any daylight.  
 08:12PM **4** MR. BIRCHWALE: Mr. Chairman, that's  
 08:12PM **5** incorrect. We're all very familiar with this area.  
 08:12PM **6** I've lived in Ridgefield my entire life.  
 08:12PM **7** The sun rises in the east, sets in the  
 08:12PM **8** west. It goes directly over this gentleman's house.  
 08:12PM **9** He's not being candid with this board saying that  
 08:12PM **10** it's going to adversity affect the sunlight because  
 08:12PM **11** the sunlight, once again, will go directly over his  
 08:12PM **12** head starting in the east, setting in the west, okay.  
 08:12PM **13** CHAIRMAN FERGUSON: Was that the  
 08:12PM **14** answer?  
 08:12PM **15** MR. PIEDRA: That's not the answer.  
 08:12PM **16** MR. BIRCHWALE: It's not the answer you  
 08:12PM **17** want, I agree.  
 08:12PM **18** MR. PIEDRA: It's just too much  
 08:12PM **19** structure for such a small lot.  
 08:12PM **20** CHAIRMAN FERGUSON: So you'd rather  
 08:12PM **21** have that house in that condition than a new house?  
 08:12PM **22** MR. PIEDRA: You could fix it. I mean,  
 08:12PM **23** if you can build it, you can fix it.  
 08:12PM **24** Why are you asking me that question?  
 08:12PM **25** CHAIRMAN FERGUSON: Well, I keep asking  

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08:13PM **1** because I don't understand, to be honest with you.  
 08:13PM **2** But if that's your preference, that's  
 08:13PM **3** fine.  
 08:13PM **4** I got no problem with it.  
 08:13PM **5** MR. PIEDRA: It's not that it's my  
 08:13PM **6** preference, it's --  
 08:13PM **7** CHAIRMAN FERGUSON: No, I get it.  
 08:13PM **8** Yeah. All right.  
 08:13PM **9** Thank you.  
 08:13PM **10** Next?  
 08:13PM **11** Anybody else?  
 08:13PM **12** (No Response.)  
 08:13PM **13** MR. BIRCHWALE: I do have my expert.  
 08:13PM **14** CHAIRMAN FERGUSON: I'm talking about  
 08:13PM **15** anybody in the audience.  
 08:13PM **16** Was your testimony that there were  
 08:13PM **17** other 40 --  
 08:13PM **18** MR. BIRCHWALE: Yes, yeah.  
 08:13PM **19** CHAIRMAN FERGUSON: That gentleman in  
 08:13PM **20** the back, do you have a 40-foot-lot width?  
 08:13PM **21** MR. PIEDRA: Yup, I have a 40-foot lot  
 08:14PM **22** just like --  
 08:14PM **23** CHAIRMAN FERGUSON: Just like -- right.  
 08:14PM **24** Okay. I got you.  
 08:14PM **25** MR. BIRCHWALE: And apparently,  
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**1** MR. GIBLIN, JR.: And can you state  
**2** your name and spell your last name, please?  
**3** MR. TUVEL: Sure.  
 08:14PM **4** Harry Tuvel, T-U-V-E-L.  
 08:14PM **5** MR. GIBLIN, JR.: Thank you, Mr. Tuvel.  
 08:14PM **6** Could you give the board some of your experiences,  
 08:14PM **7** please?  
 08:14PM **8** MR. TUVEL: Yes.  
 08:14PM **9** I've been an engineer and planner for  
 08:14PM **10** over 40 years.  
 08:14PM **11** I've testified before this and many  
 08:14PM **12** boards in Bergen County, Hudson County, Passaic  
 08:15PM **13** County. I'm an old guy.  
 08:15PM **14** CHAIRMAN FERGUSON: And he's been here  
 08:15PM **15** many times.  
 08:15PM **16** Not as many as me, but he's been here.  
 08:15PM **17** So we accept him.  
 08:15PM **18** MR. TUVEL: Thank you, Mr. Chairman.  
 08:15PM **19** DIRECT EXAMINATION  
 08:15PM **20** BY MR. BIRCHWALE:  
 08:15PM **21** **Q.** Harry, just briefly before you start,  
 08:15PM **22** you visited the site of this property?  
 08:15PM **23** **A.** Yes.  
 08:15PM **24** **Q.** And you're familiar with the entire  
 08:15PM **25** location, Columbus Avenue, Roosevelt?  
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08:14PM **1** Mr. Chairman, I think all the lots back in the 1930s  
 08:14PM **2** were cut 40-by-100, as opposed to 50-by-100, which is  
 08:14PM **3** what our ordinance requires.  
 08:14PM **4** CHAIRMAN FERGUSON: Right, right.  
 08:14PM **5** MR. BIRCHWALE: And that's why he has a  
 08:14PM **6** 40, we have a 40.  
 08:14PM **7** If you go down the line, they're all  
 08:14PM **8** 40-foot-by-100.  
 08:14PM **9** CHAIRMAN FERGUSON: Right. Okay.  
 08:14PM **10** MR. BIRCHWALE: I do have my municipal  
 08:14PM **11** planner.  
 08:14PM **12** CHAIRMAN FERGUSON: We have to hear  
 08:14PM **13** him?  
 08:14PM **14** MR. BIRCHWALE: He's getting paid.  
 08:14PM **15** CHAIRMAN FERGUSON: I know. I know.  
 08:14PM **16** MR. GIBLIN, JR.: Good evening, sir.  
 08:14PM **17** Can you raise your right hand?  
 08:14PM **18** Do you swear or affirm the testimony  
 08:14PM **19** you're about to give in this matter is the truth, the  
 08:14PM **20** whole truth, and nothing but the truth, so help you  
 08:14PM **21** God?  
 08:14PM **22** MR. TUVEL: I do.  
 08:14PM **23** H A R R Y T U V E L, PE, PP  
 08:14PM **24** 629 Ridge Court, Ridgefield, New Jersey, having  
 08:14PM **25** been duly sworn, testifies as follows:  
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08:15PM **1** **A.** Yes, I have.  
 08:15PM **2** I visited this site on a couple of  
 08:15PM **3** occasions.  
 08:15PM **4** **Q.** Good. Okay.  
 08:15PM **5** You want to testify as to the --  
 08:15PM **6** **A.** Sure. So as Mr. Cocoros has gone over  
 08:15PM **7** just quickly, the proposal here is to demolish the  
 08:15PM **8** existing one-family residential structure and  
 08:15PM **9** construct a new two-family residence on an existing  
 08:15PM **10** 3,873-square-foot lot, which is roughly -- which is  
 08:15PM **11** 40-by-96.82-feet.  
 08:15PM **12** This lot is located in the AA one- and  
 08:15PM **13** two-family residential district. It has been pointed  
 08:15PM **14** out on the -- on the easterly side of Columbus  
 08:16PM **15** Avenue, the block is characterized by 40-foot lots.  
 08:16PM **16** So what we're seeking here for the  
 08:16PM **17** variances and the reason we are before this board, we  
 08:16PM **18** need variances under C-1 and C-2 of the Municipal  
 08:16PM **19** Land Use Law and also which related to the shape of a  
 08:16PM **20** property and also relate to a specific piece of  
 08:16PM **21** property.  
 08:16PM **22** And also we are here for a D-6 height  
 08:16PM **23** variance that a structure exceeds by 10 feet or  
 08:16PM **24** 10 percent of the maximum height permitted in the  
 08:16PM **25** zone.  
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08:16PM **1** So the bulk variance that we're seeking

08:16PM **2** are basically all -- are some of them are existing

08:16PM **3** and some of them are created, but they're all a

08:16PM **4** function of the fact that this is an undersized lot.

08:16PM **5** So the existing nonconformities are lot

08:16PM **6** area, lot width, lot depth. The additional bulk

08:17PM **7** variances are for lot area for dwelling units, side

08:17PM **8** yards, rear yard, and the building coverage.

08:17PM **9** Under the positive cri- -- and, again,

08:17PM **10** as I said, these are all -- all the bulk variances

08:17PM **11** are a function of the fact that this is an undersized

08:17PM **12** lot.

08:17PM **13** The -- under the positive criteria, the

08:17PM **14** use as proposed obviously is a permitted use in the

08:17PM **15** AA zone. The undersized lot is a preexisting

08:17PM **16** condition and there is no ability to acquire

08:17PM **17** additional property.

08:17PM **18** Again, this is -- the proposal here is

08:17PM **19** for a six-over-six as opposed to a duplex. The side

08:17PM **20** yard variances, I believe, are mitigated by the fact

08:17PM **21** that, as I'm sure this board is well aware, you are

08:18PM **22** allowed to have projections in the side yards for a

08:18PM **23** duplex. There are no projections proposed here for

08:18PM **24** the side yards.

08:18PM **25** So in many cases for a duplex, the side

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08:18PM **1** yard is reduced in those areas where you do have

08:18PM **2** projections and, again, there will be no projections

08:18PM **3** here.

08:18PM **4** The massing of a six-over-six

08:18PM **5** two-family structure tends to be less than a duplex.

08:18PM **6** So that's why we're proposing -- one of

08:18PM **7** the reasons we're proposing a six-over-six as opposed

08:18PM **8** to a duplex, which would not work on -- which doesn't

08:18PM **9** work on a 40-foot lot for the most part.

08:18PM **10** Under the C-2 variance is also known as

08:18PM **11** the Flexible C variance and that the board weighs the

08:18PM **12** nonconformity proposed and the extent of any negative

08:19PM **13** impact.

08:19PM **14** The height variance under the D-6

08:19PM **15** height variance, we do have to show that the height

08:19PM **16** variance does not offend the purposes of the height

08:19PM **17** limitation.

08:19PM **18** It does not obstruct views. It does

08:19PM **19** not give a height advantage. And the height is very

08:19PM **20** similar to the heights of newer development in this

08:19PM **21** area.

08:19PM **22** And as Mr. Cocoros indicated, it's been

08:19PM **23** my experience with this board is that we don't want

08:19PM **24** driveways sloping towards the buildings. We want

08:19PM **25** driveways to slope away from the building, which

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08:19PM **1** results in a three-story structure, which is better

08:19PM **2** for drainage, it's just a better design, and that is

08:19PM **3** also the reason for the three stories and the height

08:19PM **4** variance that we're -- that we're requesting.

08:20PM **5** Turning to the negative criteria, the

08:20PM **6** board has to consider whether the variances can be

08:20PM **7** granted without substantial detriment to the public

08:20PM **8** good and that it will not substantially impair the

08:20PM **9** intent of the zone plan and the ordinance.

08:20PM **10** I believe that the variances requested

08:20PM **11** are -- meet the criteria that we -- under C-1, C-2

08:20PM **12** and D-6, that the height, by demonstrating that there

08:20PM **13** is a practical difficulty due to the fact that this

08:20PM **14** is a 40-foot -- that this is an undersized lot and

08:20PM **15** that the height proposed is consistent with the

08:20PM **16** building heights on the street and will not

08:20PM **17** negatively impact adjacent residences, even as we

08:20PM **18** talked about a little bit earlier with regard to

08:20PM **19** whether the adjacent property wants to put on solar

08:21PM **20** panels.

08:21PM **21** So I think that the -- that we've met

08:21PM **22** the proofs. The proposed development can be

08:21PM **23** accommodated in the site. It is certainly similar to

08:21PM **24** many existing uses.

08:21PM **25** It replaces older housing stock. The

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08:21PM **1** newer redevelopment housing on this street is either

08:21PM **2** two-family duplex or multifamily. There are actually

08:21PM **3** very few one-family homes. I think it's less than a

08:21PM **4** handful of one-family homes that are left on

08:21PM **5** Columbus, I think.

08:21PM **6** We also meet a number of the purposes

08:21PM **7** of the -- of zoning, that we are providing a

08:21PM **8** desirable visual environment through creative

08:21PM **9** development techniques. We are providing adequate

08:21PM **10** light, air, and open space, and promoting the

08:21PM **11** establishment of appropriate population densities

08:22PM **12** that will contribute to the well-being of people,

08:22PM **13** neighborhoods.

08:22PM **14** And we're also -- I also will conclude

08:22PM **15** and say that the proposed development is also

08:22PM **16** consistent with the goals of the master plan and that

08:22PM **17** it provides a variety of housing types and densities

08:22PM **18** while preserving the residential character of

08:22PM **19** Palisades Park.

08:22PM **20** That concludes my testimony with regard

08:22PM **21** to the plan.

08:22PM **22** CHAIRMAN FERGUSON: Any board members

08:22PM **23** have anything?

08:22PM **24** (No Response.)

08:22PM **25** CHAIRMAN FERGUSON: Do you have

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08:22PM 1 anything?

08:22PM 2 MR. KAUKER: Yeah, just a couple

08:22PM 3 questions with respect to the justification for the

08:22PM 4 C variances.

08:22PM 5 I heard your testimony with respect to

08:22PM 6 the C-2 and the C-1, but what was it specifically?

08:22PM 7 Could you identify -- I must have

08:22PM 8 missed it with the hardship or the practical

08:22PM 9 difficulties.

08:22PM 10 THE WITNESS: I indicated that the

08:22PM 11 hardship exists by virtue of the fact that it is an

08:22PM 12 undersized lot under C-1.

08:23PM 13 If this was a 50-foot by a hundred lot,

08:23PM 14 we wouldn't even be -- we might be requesting the

08:23PM 15 height variance, but we wouldn't be requesting

08:23PM 16 the variance for the undersized lot.

08:23PM 17 MR. KAUKER: So the hardship, your

08:23PM 18 testimony is the hardship related to the existing

08:23PM 19 condition --

08:23PM 20 THE WITNESS: Yes.

08:23PM 21 MR. KAUKER: -- of the property on

08:23PM 22 which the site is located?

08:23PM 23 THE WITNESS: Yes.

08:23PM 24 MR. KAUKER: Okay.

08:23PM 25 And then just in terms of the height,  
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08:23PM 1 the height that's being proposed, how does it compare

08:23PM 2 to the other heights of buildings in the

08:23PM 3 neighborhood.

08:23PM 4 THE WITNESS: Yeah, almost all of

08:23PM 5 the -- this -- the height is consistent with --

08:23PM 6 there's a large six-unit development immediately

08:23PM 7 adjacent to this property which resulted from, I

08:23PM 8 think the consolidation of a number of 40-foot lots.

08:23PM 9 And certainly we will be in --

08:23PM 10 consistent with those heights.

08:23PM 11 MR. KAUKER: So it will be similar in

08:23PM 12 size --

08:23PM 13 THE WITNESS: Similar in size.

08:23PM 14 MR. KAUKER: -- to the adjacent

08:23PM 15 building?

08:23PM 16 THE WITNESS: Yes.

08:23PM 17 MR. KAUKER: I have nothing else,

08:23PM 18 Mr. Chairman.

08:24PM 19 CHAIRMAN FERGUSON: Okay. Anybody in

08:24PM 20 the audience have anything?

08:24PM 21 Yes.

08:24PM 22 Name and address, my friend.

08:24PM 23 MR. BEERLE: Ernst Beerle from East

08:24PM 24 Columbia Avenue.

08:24PM 25 I have a small lot. I own a  
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08:24PM 1 33-and-a-third --

08:24PM 2 MR. GIBLIN, JR.: Can I swear you in as

08:24PM 3 well?

08:24PM 4 Can you raise your right hand.

08:24PM 5 Do you swear or affirm that the

08:24PM 6 testimony you're about to give is the truth, the

08:24PM 7 whole truth, and nothing but the truth?

08:24PM 8 MR. BEERLE: Yes, I do.

08:24PM 9 E R N S T B E E R L E,

08:24PM 10 329 East Columbia Avenue, Palisades Park, New

08:24PM 11 Jersey, having been duly sworn, testifies as

08:24PM 12 follows:

08:24PM 13 MR. GIBLIN, JR.: Thank you.

08:24PM 14 MR. BEERLE: I have a 33-and-a-third

08:24PM 15 piece of property. It's 125 deep and I would not

08:24PM 16 want that size piece of home right next to me.

08:24PM 17 CHAIRMAN FERGUSON: Okay.

08:24PM 18 MR. BEERLE: It's -- flooding is an

08:24PM 19 issue. I know it was talked about how to remedy the

08:24PM 20 water coming off the roof. It is -- roofs are

08:24PM 21 getting too much -- too large.

08:24PM 22 How many parking spaces is there

08:24PM 23 going to -- take away from the street by putting in

08:24PM 24 these wide driveways?

08:25PM 25 And what about the Green Acre Act? Is  
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08:25PM 1 it going to comply with Green Acre Act, which is a

08:25PM 2 certain percentage of that property has to be able to

08:25PM 3 take water, which means it can't be paved or concrete

08:25PM 4 at all or stuff like that, sidewalked or -- not

08:25PM 5 sidewalk, but walkways. Is it going to comply to

08:25PM 6 that rule and regulation?

08:25PM 7 THE WITNESS: If anything, Green Acre

08:25PM 8 will be improved by this new construction.

08:25PM 9 MR. BEERLE: But the house is so much

08:25PM 10 bigger now.

08:25PM 11 THE WITNESS: Yes, but there's nothing

08:25PM 12 for drainage on that existing house. It's just

08:25PM 13 spilling out to the ground.

08:25PM 14 MR. BEERLE: What's the square footage

08:25PM 15 of the existing building?

08:25PM 16 THE WITNESS: I don't know the existing

08:25PM 17 footprint of the existing building.

08:25PM 18 MR. BEERLE: Okay. I don't think --

08:25PM 19 MR. BIRCHWALE: Green Acres -- excuse

08:25PM 20 me, that doesn't apply to one- and two-family

08:26PM 21 dwellings.

08:26PM 22 MR. BEERLE: The Green Acre thing?

08:26PM 23 MR. BIRCHWALE: Yeah, no.

08:26PM 24 MR. BEERLE: Bergen County doesn't --

08:26PM 25 MR. BIRCHWALE: No, multiple dwellings.  
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08:26PM 1 You can keep talking, but it doesn't apply to one-

08:26PM 2 and two-family.

08:26PM 3 MR. BEERLE: Oh, okay. Wouldn't it be

08:26PM 4 nice to do that?

08:26PM 5 MR. BIRCHWALE: Maybe, but I don't know

08:26PM 6 if we could be bound by that. You know, we also have

08:26PM 7 46 percent coverage and the ordinance requires -- or

08:26PM 8 permits 40 percent.

08:26PM 9 So we're really fairly close to what

08:26PM 10 the ordinance would require or we wouldn't even have

08:26PM 11 to be here if we had satisfied that, plus the height,

08:26PM 12 of course.

08:26PM 13 MR. BEERLE: Okay. The other thing

08:26PM 14 also is this gentleman wants to put solar panels on

08:26PM 15 the roof. Is the roof going to be -- I don't know

08:26PM 16 how to state it -- parallel to the existing house

08:26PM 17 that he lives in?

08:26PM 18 MR. BIRCHWALE: Not to his house, but

08:26PM 19 you've heard testimony, it's going to be parallel to

08:26PM 20 other new construction in the immediate area.

08:26PM 21 But as I pointed out to this board, and

08:27PM 22 I'm very familiar with that area, he's on the left

08:27PM 23 side of my client's property.

08:27PM 24 The sun will not adversely affect -- if

08:27PM 25 the sun was coming up on a different angle such as

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08:27PM 1 that -- this building, if this is south going -- I

08:27PM 2 mean west going that way, east going that way

08:27PM 3 (indicating), his building is to the left.

08:27PM 4 The sun rises over there. It will not

08:27PM 5 have any effect whatsoever on sunlight on his

08:27PM 6 property.

08:27PM 7 MR. BEERLE: On this time of year?

08:27PM 8 MR. PIEDRA: That's not true.

08:27PM 9 MR. BIRCHWALE: Any time of year.

08:27PM 10 Anytime -- the sun always rises in the east and sets

08:27PM 11 in the west.

08:27PM 12 MR. BEERLE: No, no, different times of

08:27PM 13 year, the sun is up a lot more hours and it's much

08:27PM 14 higher. Now it's not high.

08:27PM 15 MR. BIRCHWALE: Yeah, but it rises in

08:27PM 16 the east and sets in the west.

08:27PM 17 MR. BEERLE: I'm sorry?

08:27PM 18 MR. BIRCHWALE: It rises in the east

08:27PM 19 and sets in the west.

08:27PM 20 And where his property is situated,

08:27PM 21 just like my client's property, the sun comes from

08:27PM 22 the Hudson River, goes over and ends up in the

08:27PM 23 Meadowlands.

08:27PM 24 It will not adversely affect any

08:27PM 25 sunlight on this property -- his property, that is,

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08:28PM 1 because he's to the left of our property.

08:28PM 2 MR. BEERLE: Okay.

08:28PM 3 CHAIRMAN FERGUSON: Okay.

08:28PM 4 MR. BEERLE: All right. Thank you.

08:28PM 5 CHAIRMAN FERGUSON: No problem.

08:28PM 6 Okay. You want to sum up?

08:28PM 7 MR. BIRCHWALE: Yes, quite frankly, I

08:28PM 8 think it's a very good application.

08:28PM 9 I know it's unfortunately an undersized

08:28PM 10 lot. It's 40-by-98, I guess, 96 in depth, so it

08:28PM 11 doesn't actually have a hundred.

08:28PM 12 But what he's doing is he's building a

08:28PM 13 very nice new building, he's not taking advantage of

08:28PM 14 anything.

08:28PM 15 I know we do need variances, but all

08:28PM 16 the variances are fairly close to what is permitted

08:28PM 17 by the zoning ordinance and they're all as a result,

08:28PM 18 other than the height variance, as a result of having

08:28PM 19 only 40-foot frontage.

08:28PM 20 However, I thought the plans were very

08:28PM 21 reasonable as to what he plans on doing. And quite

08:29PM 22 frankly, this application is very, very familiar or

08:29PM 23 substantially similar to other applications that have

08:29PM 24 come before this board on 40-by-100.

08:29PM 25 And I know each application rests on

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08:29PM 1 its own merits.

08:29PM 2 CHAIRMAN FERGUSON: Every application

08:29PM 3 stands on its own.

08:29PM 4 MR. BIRCHWALE: Yes.

08:29PM 5 CHAIRMAN FERGUSON: You know that.

08:29PM 6 MR. BIRCHWALE: Yes, I do.

08:29PM 7 I know that well.

08:29PM 8 CHAIRMAN FERGUSON: So can --

08:29PM 9 MR. BIRCHWALE: Okay. But in any

08:29PM 10 event, I think it's a very good application. It's

08:29PM 11 going to be new construction.

08:29PM 12 And, quite frankly, the objector, it's

08:29PM 13 surprising that, generally speaking, there's no doubt

08:29PM 14 in my mind this property, with the new construction

08:29PM 15 on it, will enhance the property value of his

08:29PM 16 property adjacent to it because, again, it's going to

08:29PM 17 be new construction, he's going to be replacing a

08:29PM 18 fairly rundown building that was built in the 1930s.

08:29PM 19 And it's important, I think for

08:29PM 20 municipalities, to always be trying to upgrade,

08:30PM 21 within reason, the housing stock. And that's what

08:30PM 22 we're doing here.

08:30PM 23 We're upgrading the housing stock.

08:30PM 24 It's going to be a brand-new beautiful building. And

08:30PM 25 that's why we're respectfully requesting that this

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08:30PM **1** board approve this application.  
 08:30PM **2** CHAIRMAN FERGUSON: Okay. So the thing  
 08:30PM **3** that swung me on this is that the block is 40-foot  
 08:30PM **4** fence, correct?  
 08:30PM **5** So I'm going to make a motion to  
 08:30PM **6** approve the application: 2,000 to the Tree  
 08:30PM **7** Preservation Fund; all of the engineers requests will  
 08:30PM **8** be granted.  
 08:30PM **9** And that's my motion.  
 08:30PM **10** Can I get a second?  
 08:30PM **11** MR. GRALA: I'll second.  
 08:30PM **12** CHAIRMAN FERGUSON: Roll call?  
 08:30PM **13** MS. IGUINA: Chairman Ferguson?  
 08:30PM **14** CHAIRMAN FERGUSON: Yes.  
 08:30PM **15** MS. IGUINA: Mr. Elefteriou?  
 08:30PM **16** MR. ELEFTERIOU: Yes.  
 08:30PM **17** MS. IGUINA: Mr. Grala?  
 08:30PM **18** MR. GRALA: Yes.  
 08:30PM **19** MS. IGUINA: Mr. Kim?  
 08:30PM **20** MR. KIM: Yes.  
 08:30PM **21** MS. IGUINA: Mr. Terranova?  
 08:31PM **22** MR. TERRANOVA: No.  
 08:31PM **23** MS. IGUINA: Mr. Chung?  
 08:31PM **24** MR. CHUNG: Yes.  
 08:31PM **25** MS. IGUINA: Ms. Yoon?

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08:40PM **1** MR. IGUINA: Mr. Kim?  
 08:40PM **2** MR. KIM: Here.  
 08:40PM **3** MS. IGUINA: Mr. Terranova?  
 08:40PM **4** MR. TERRANOVA: Here.  
 08:40PM **5** MS. IGUINA: Mr. Chung?  
 08:40PM **6** MR. CHUNG: Here.  
 08:40PM **7** MS. IGUINA: Ms. Yoon?  
 08:40PM **8** MS. YOON: Here.  
 08:40PM **9** CHAIRMAN FERGUSON: Okay.  
 08:40PM **10** Can we hold it down, please, in the  
 08:40PM **11** back?  
 08:40PM **12** Thank you.  
 08:40PM **13** You want to do a presentation,  
 08:40PM **14** Mr. Giblin?  
 08:40PM **15** MR. GIBLIN: Thank you, Mr. Chairman.  
 08:40PM **16** We're here this evening on 117 Henry  
 08:40PM **17** Street, a 5,000-square-foot corner lot located in the  
 08:40PM **18** AA zone.  
 08:40PM **19** There's an existing single-family house  
 08:40PM **20** located on the property that will be demolished as  
 08:41PM **21** part of our proposal if it's approved, and we would  
 08:41PM **22** propose to put a two-family house there.  
 08:41PM **23** I have two witnesses this evening. The  
 08:41PM **24** first is my architect, Daniel D'Agostino. I'd ask  
 08:41PM **25** that he be sworn.

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08:31PM **1** MS. YOON: Yes.  
 08:31PM **2** CHAIRMAN FERGUSON: Okay.  
 08:31PM **3** Thank you.  
 08:31PM **4** MR. BIRCHWALE: Thank you very much,  
 08:31PM **5** Members of the Board, and have a Merry Christmas and  
 08:31PM **6** a happy holiday season.  
 08:31PM **7** Thank you.  
 08:31PM **8** CHAIRMAN FERGUSON: Okay.  
 08:31PM **9** Court Reporter, would you like a  
 08:31PM **10** five-minute break?  
 08:31PM **11** THE COURT REPORTER: Sure. Thank you.  
 08:31PM **12** CHAIRMAN FERGUSON: We're going to take  
 08:31PM **13** a five-minute break for the court reporter.  
 08:31PM **14** (Whereupon, a brief recess is held at  
 08:40PM **15** 8:31 p.m. to 8:40 p.m.)  
 08:40PM **16** CHAIRMAN FERGUSON: Okay. Mr. Giblin,  
 08:40PM **17** you're on.  
 08:40PM **18** MR. GIBLIN: Thank you, Mr. Chairman.  
 08:40PM **19** CHAIRMAN FERGUSON: Roll call first.  
 08:40PM **20** MS. IGUINA: Mr. Ferguson?  
 08:40PM **21** CHAIRMAN FERGUSON: Yes, here.  
 08:40PM **22** MR. IGUINA: Mr. Elefteriou?  
 08:40PM **23** MR. ELEFTERIOU: Here.  
 08:40PM **24** MS. IGUINA: Mr. Grala?  
 08:40PM **25** MR. GRALA: Here.

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08:41PM **1** MS. TESTA: Yes.  
 08:41PM **2** Do you have your affidavit of service?  
 08:41PM **3** MR. GIBLIN: Oh, I'm sorry. I keep  
 08:41PM **4** forgetting that.  
 08:41PM **5** MS. TESTA: Can you raise your right  
 08:41PM **6** hand?  
 08:41PM **7** Do you swear the testimony you will  
 08:41PM **8** provide in this application will be the truth, the  
 08:41PM **9** truth whole, and nothing but the truth?  
 08:41PM **10** MR. D'AGOSTINO: I do.  
 08:41PM **11** D A N I E L D ' A G O S T I N O, AIA  
 08:41PM **12** 267 Pascack Road, Washington Township, New  
 08:41PM **13** Jersey, having been duly sworn, testifies as  
 08:41PM **14** follows:  
 08:41PM **15** MS. TESTA: Thank you.  
 08:41PM **16** Please state your name and your  
 08:41PM **17** business address for the record.  
 08:41PM **18** MR. D'AGOSTINO: Sure.  
 08:41PM **19** It's Daniel D'Agostino, 267 Pascack  
 08:41PM **20** Road, Township of Washington, New Jersey, and my  
 08:41PM **21** business is Plan Architecture.  
 08:41PM **22** CHAIRMAN FERGUSON: Have you been  
 08:41PM **23** before this board before?  
 08:41PM **24** MR. D'AGOSTINO: I have not.  
 08:41PM **25** CHAIRMAN FERGUSON: You want to give

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08:41PM **1** him a --

08:41PM **2** VOIR DIRE EXAMINATION

08:41PM **3** BY MR. GIBLIN:

08:41PM **4** **Q.** Would you give the board the benefit of

08:41PM **5** your educational experience?

08:41PM **6** **A.** Absolutely.

**7** THE COURT REPORTER: Please spell your

**8** last name.

**9** THE WITNESS: So it's D, apostrophe

**10** A-G-O-S-T-I-N-O.

**11** THE COURT REPORTER: Thank you.

**12** THE WITNESS: She was asking for that.

08:42PM **13** I'm a licensed architect in the state

08:42PM **14** of New Jersey, New York, Pennsylvania, Delaware.

08:42PM **15** I got my degree from NJIT in 2006.

08:42PM **16** I've been practicing ever since.

08:42PM **17** I've appeared before many board across

08:42PM **18** the street, never this board.

08:42PM **19** I sit on the Township of Washington

08:42PM **20** Zoning Board, so I empathize with you.

08:42PM **21** I will talk fast.

08:42PM **22** CHAIRMAN FERGUSON: Okay.

08:42PM **23** MR. GIBLIN: You're going to accept him

08:42PM **24** as an expert?

08:42PM **25** THE WITNESS: My license is in good

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08:42PM **1** standing.

08:42PM **2** CHAIRMAN FERGUSON: Okay. We're going

08:42PM **3** to accept him.

08:42PM **4** MR. GIBLIN: Thank you.

08:42PM **5** DIRECT EXAMINATION

08:42PM **6** BY MR. GIBLIN:

08:42PM **7** **Q.** Mr. D'Agostino, first of all as a

08:42PM **8** housekeeping measure, I handed out a copy of an

08:42PM **9** additional sheet.

08:42PM **10** You're familiar with that?

08:42PM **11** **A.** I am.

08:42PM **12** **Q.** We discussed it earlier today?

08:42PM **13** **A.** Yes, we did.

08:42PM **14** Would you like to mark that as an

08:42PM **15** exhibit.

08:42PM **16** **Q.** Yeah.

08:42PM **17** MR. GIBLIN: A-1?

08:42PM **18** MS. TESTA: A-1 yup.

08:42PM **19** (Whereupon, Revised Sheet 101, Last

08:42PM **20** Revised 12/16/24 is marked as Exhibit A-1 for

08:42PM **21** identification.)

08:42PM **22** BY MR. GIBLIN:

08:42PM **23** **Q.** Could you tell the board what A-1 is,

08:42PM **24** please, that was just handed out?

08:42PM **25** **A.** Certainly.

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08:42PM **1** It's a revised sheet of 101 from

08:42PM **2** Civilized Engineering.

08:42PM **3** It's dated -- original date is

08:42PM **4** 8/21/2024 and it's got a revision date of 12/16/2024.

08:43PM **5** And what you're going to notice on that

08:43PM **6** are some clerical matters that we've resolved.

08:43PM **7** The first one -- well, let me start by

08:43PM **8** saying the variances that we're here for.

08:43PM **9** We are here for a rear yard setback.

08:43PM **10** We're seeking an approval for 12.5 proposed where the

08:43PM **11** requirement is 25.

08:43PM **12** We are seeking a variance for side

08:43PM **13** street. We're proposing 10.5 where 15 feet is

08:43PM **14** required.

08:43PM **15** We're asking a variance for maximum

08:43PM **16** height.

08:43PM **17** Your copy had 32.2, but we've reduced

08:43PM **18** the height of the structure by 2 feet.

08:43PM **19** So we're seeking a variance for

08:43PM **20** 30.2 feet where 28 feet is required.

08:43PM **21** And the last variance we're seeking is

08:43PM **22** for maximum coverage. This was also reduced. We

08:43PM **23** went from -- we went from -- I'm sorry, I don't have

08:43PM **24** the original number, but we're down to 52.2 where

08:44PM **25** 40 percent is required.

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08:44PM **1** Our civil engineer is not going to be

08:44PM **2** here tonight, so I'll be doing the architectural

08:44PM **3** testimony.

08:44PM **4** Essentially, we figured it wouldn't be

08:44PM **5** a big deal. He had another matter. The drainage

08:44PM **6** will all be covered on here, the lighting is covered

08:44PM **7** on this document, and any conditions that the

08:44PM **8** engineer would like us to address we would address.

08:44PM **9** MR. GIBLIN: We've received a copy of

08:44PM **10** the engineer's letter and the applicant agrees to

08:44PM **11** comply with all the comments and recommendations in

08:44PM **12** his letter.

08:44PM **13** CHAIRMAN FERGUSON: I'll defer to my

08:44PM **14** counsel.

08:44PM **15** Can you do that without --

08:44PM **16** MS. TESTA: Yes.

08:44PM **17** CHAIRMAN FERGUSON: Okay.

08:44PM **18** She says it's a go.

08:44PM **19** THE WITNESS: So without further ado,

08:44PM **20** I'd love the opportunity to walk you briefly through

08:44PM **21** the plans we've proposed.

08:44PM **22** So it is a side-by-side duplex that

08:44PM **23** we're proposing. The property has two frontages; one

08:44PM **24** along Henry and one along Columbus.

08:44PM **25** On the first floor, the grade level or

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08:44PM **1** basement level, however you want to call it, we have  
 08:44PM **2** an entry foyer.  
 08:45PM **3** The stairs are enclosed on this  
 08:45PM **4** property rather than having two separate outdoor  
 08:45PM **5** staircases.  
 08:45PM **6** Coming in, there's an entry foyer to a  
 08:45PM **7** mudroom to an open space which will be a den or a  
 08:45PM **8** sitting area.  
 08:45PM **9** We do show a full bath here which we  
 08:45PM **10** will change to a powder room, understanding your  
 08:45PM **11** earlier comments, and a two-car garage with the  
 08:45PM **12** utility room. There will be an access door from the  
 08:45PM **13** rear yard to the open basement.  
 08:45PM **14** And this is a mirrored plan, so  
 08:45PM **15** everything that I'm describing happens in a mirrored,  
 08:45PM **16** opposite, the opposite side of the structure.  
 08:45PM **17** The main living level, the first floor  
 08:45PM **18** consists of an open living area, a dining area, a  
 08:45PM **19** kitchen with an island entry and a powder room.  
 08:45PM **20** Stair continues up to the bedroom level.  
 08:45PM **21** The bedroom level consists of  
 08:45PM **22** Bedrooms 1, 2 and 3.  
 08:45PM **23** So you've got a single bedroom with a  
 08:45PM **24** single closet. The second bedroom with a walk-in  
 08:46PM **25** closet. A hall bathroom which has a second

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08:46PM **1** compartment to separate the toilet and the tub from  
 08:46PM **2** the rest of the room.  
 08:46PM **3** A linen closet and laundry off the hall  
 08:46PM **4** and the primary bedroom consists of a walk-in closet,  
 08:46PM **5** a reach-in closet, and a bathroom.  
 08:46PM **6** That bathroom consists of a shower, a  
 08:46PM **7** double vanity, a toilet and a tub.  
 08:46PM **8** The front or the elevations, the last  
 08:46PM **9** sheet of our set of plans, this is where I'm going to  
 08:46PM **10** speak over the height.  
 08:46PM **11** We're reducing the ceiling heights on  
 08:46PM **12** the first and second level to remove 2 feet from  
 08:46PM **13** what's depicted here.  
 08:46PM **14** So you'll see we actually call a  
 08:46PM **15** 32-foot-2 building height, we're actually proposing  
 08:46PM **16** 30.2.  
 08:46PM **17** The materials on the building consist  
 08:46PM **18** of stucco, a composite metal black panel, black  
 08:46PM **19** windows, and a synthetic cedar siding material.  
 08:46PM **20** Those are the architectural plans.  
 08:46PM **21** BY MR. GIBLIN:  
 08:46PM **22** **Q.** And the parking that's being provided?  
 08:47PM **23** **A.** We're providing two garage spaces on  
 08:47PM **24** the site. Let me go back to the -- so there's two  
 08:47PM **25** garage spaces within the structure for each duplex.

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08:47PM **1** On the site, I don't believe we  
 08:47PM **2** actually -- I don't actually have a scale with me,  
 08:47PM **3** but I'm looking at the height.  
 08:47PM **4** I don't think we have parking off  
 08:47PM **5** street in front of it. I think it's just in the  
 08:47PM **6** garage.  
 08:47PM **7** **Q.** And that complies with the ordinance to  
 08:47PM **8** the best of your understanding?  
 08:47PM **9** **A.** It does.  
 08:47PM **10** MR. GIBLIN: I don't have any other  
 08:47PM **11** questions for this witness, Mr. Chairman.  
 08:47PM **12** CHAIRMAN FERGUSON: Now, you have other  
 08:47PM **13** witnesses?  
 08:47PM **14** MR. GIBLIN: I have Mr. Spatz will be  
 08:47PM **15** testifying in this application as well.  
 08:47PM **16** CHAIRMAN FERGUSON: Okay.  
 08:47PM **17** So just so I'm clear on this, you have  
 08:47PM **18** two garages.  
 08:47PM **19** What's the width of the property, by  
 08:47PM **20** the way, because it looks like it's a pretty good  
 08:47PM **21** piece of property?  
 08:47PM **22** THE WITNESS: Well, it's 50-by-100.  
 08:47PM **23** CHAIRMAN FERGUSON: It's 50-by-100.  
 08:48PM **24** THE WITNESS: I just want to make sure.  
 08:48PM **25** I mean, I trust that you're putting on the right

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08:48PM **1** number --  
 08:48PM **2** MR. GIBLIN: The lot frontage is  
 08:48PM **3** 50 feet.  
 08:48PM **4** THE WITNESS: Yes. 50-by-100.  
 08:48PM **5** CHAIRMAN FERGUSON: You say 50-by-100?  
 08:48PM **6** THE WITNESS: Yeah.  
 08:48PM **7** CHAIRMAN FERGUSON: And what's the size  
 08:48PM **8** of your side yard?  
 08:48PM **9** THE WITNESS: The side yard proposed,  
 08:48PM **10** so we've got a 5.5 -- again, this is a corner lot, so  
 08:48PM **11** we're choosing one as a side, so we've got 5.5 feet.  
 08:48PM **12** We comply with the side yard there.  
 08:48PM **13** The side street setback, it's required  
 08:48PM **14** to be 15. It was 9.6. We're at 10-foot-5. So we're  
 08:48PM **15** improving the existing.  
 08:48PM **16** CHAIRMAN FERGUSON: That's the front  
 08:48PM **17** yard you're talking about?  
 08:48PM **18** MR. GIBLIN: No, that actually should  
 08:48PM **19** be the combined side yard.  
 08:48PM **20** CHAIRMAN FERGUSON: Combined side yard?  
 08:48PM **21** MR. GIBLIN: Right.  
 08:48PM **22** CHAIRMAN FERGUSON: Now, the thing the  
 08:48PM **23** interests me most with this picture is this corner in  
 08:48PM **24** the front. Is that a balcony I see there? No, no,  
 08:49PM **25** the other side.

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08:49PM **1** THE WITNESS: This one (indicating)?

08:49PM **2** CHAIRMAN FERGUSON: No, this one over

08:49PM **3** here (indicating), is there a balcony?

08:49PM **4** THE WITNESS: Yes, there's an overhang

08:49PM **5** there.

08:49PM **6** CHAIRMAN FERGUSON: Right.

08:49PM **7** So behind that is some -- a window

08:49PM **8** or --

08:49PM **9** THE WITNESS: It's a door.

08:49PM **10** CHAIRMAN FERGUSON: It's a door?

08:49PM **11** THE WITNESS: Yes.

08:49PM **12** CHAIRMAN FERGUSON: Okay.

08:49PM **13** So just to be clear on it, this board

08:49PM **14** doesn't usually approve anything in the front.

08:49PM **15** THE WITNESS: Okay.

08:49PM **16** CHAIRMAN FERGUSON: So you can make the

08:49PM **17** door a window or whatever you want to do, but that

08:49PM **18** thing is not allowed.

08:49PM **19** THE WITNESS: Okay.

08:49PM **20** No problem.

08:49PM **21** CHAIRMAN FERGUSON: So you can make

08:49PM **22** that a door, I guess, a window.

08:49PM **23** THE WITNESS: Correct.

08:49PM **24** CHAIRMAN FERGUSON: Right? Okay.

08:49PM **25** Now, you said that there's a door in

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08:50PM **1** THE WITNESS: We don't.

08:50PM **2** CHAIRMAN FERGUSON: You don't have a

08:50PM **3** deck?

08:50PM **4** THE WITNESS: We don't; that's why

08:50PM **5** we're doing those on the left and right.

08:50PM **6** CHAIRMAN FERGUSON: Okay. You have --

08:50PM **7** you have a deck on the side of you?

08:50PM **8** THE WITNESS: We have one on the left

08:50PM **9** side shown and then another one fronting Henry, which

08:51PM **10** we would certainly remove the one fronting Henry.

08:51PM **11** CHAIRMAN FERGUSON: The one fronting

08:51PM **12** Henry?

08:51PM **13** THE WITNESS: Yeah. If we could keep

08:51PM **14** the one on the adjoining lot, that would be great for

08:51PM **15** us.

08:51PM **16** CHAIRMAN FERGUSON: Okay. And just so

08:51PM **17** I'm clear, it's how many stories?

08:51PM **18** THE WITNESS: Three.

08:51PM **19** CHAIRMAN FERGUSON: Three.

08:51PM **20** So you got one over here (indicating).

08:51PM **21** What about the next story? There's nothing --

08:51PM **22** THE WITNESS: No.

08:51PM **23** So we've got -- I'm going to flip ahead

08:51PM **24** to the back of the set.

08:51PM **25** So we've got a grade level, that's

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08:49PM **1** the back?

08:49PM **2** THE WITNESS: That's from the garage,

08:49PM **3** yup.

08:49PM **4** CHAIRMAN FERGUSON: Right. Okay.

08:49PM **5** Now, do you have any doors on the sides

08:49PM **6** or anything?

08:49PM **7** THE WITNESS: We don't.

08:49PM **8** CHAIRMAN FERGUSON: This in the bottom

08:50PM **9** of this thing, those are two doors?

08:50PM **10** THE WITNESS: These are two doors,

08:50PM **11** that's correct.

08:50PM **12** CHAIRMAN FERGUSON: In the rear?

08:50PM **13** THE WITNESS: Correct.

08:50PM **14** CHAIRMAN FERGUSON: And you don't

08:50PM **15** have -- and you don't have -- what do you call it?

08:50PM **16** It will come to me.

08:50PM **17** THE WITNESS: Deck? Patio?

08:50PM **18** CHAIRMAN FERGUSON: In the back, the

08:50PM **19** thing that you always have in the back.

08:50PM **20** MS. TESTA: Air condition?

08:50PM **21** CHAIRMAN FERGUSON: No, no, no.

08:50PM **22** MS. TESTA: Patio? Deck?

08:50PM **23** CHAIRMAN FERGUSON: No.

08:50PM **24** MS. TESTA: Like a deck?

08:50PM **25** CHAIRMAN FERGUSON: Deck.

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08:51PM **1** where the garage is. And then the first level, which

08:51PM **2** is where the kitchen and the living room is. And

08:51PM **3** then the three bedrooms here (indicating).

08:51PM **4** CHAIRMAN FERGUSON: So each side is --

08:51PM **5** THE WITNESS: Mirrored, correct.

08:51PM **6** CHAIRMAN FERGUSON: Mirrored on the --

08:51PM **7** all right.

08:51PM **8** So on the side, that one side, the one

08:51PM **9** you've got, on the other side you have another? You

08:51PM **10** have one on each side?

08:51PM **11** THE WITNESS: Yeah. So right -- you're

08:51PM **12** referring to this guy (indicating).

08:51PM **13** CHAIRMAN FERGUSON: Yeah.

08:51PM **14** THE WITNESS: Yeah, that one we would

08:51PM **15** keep if the board is willing. And then this one

08:52PM **16** which is fronting Henry, if the board doesn't approve

08:52PM **17** those, we would remove that, because this is the

08:52PM **18** corner side of the property.

08:52PM **19** CHAIRMAN FERGUSON: But it's at the

08:52PM **20** front -- the front of the house is going to be --

08:52PM **21** THE WITNESS: Technically, this is the

08:52PM **22** front, but because it's a corner property, it's got

08:52PM **23** two fronts.

08:52PM **24** CHAIRMAN FERGUSON: Yeah, I get it, but

08:52PM **25** the garages are...

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08:52PM 1 THE WITNESS: Yeah.

08:52PM 2 CHAIRMAN FERGUSON: Okay. Any board

08:52PM 3 members have anything?

08:52PM 4 MR. TERRANOVA: Yeah.

08:52PM 5 The existing building fronts Henry.

08:52PM 6 This is not going to front Henry anymore? It's going

08:52PM 7 to front --

08:52PM 8 THE WITNESS: Columbus, correct.

08:52PM 9 MR. TERRANOVA: So you're turning it?

08:52PM 10 THE WITNESS: Correct.

08:52PM 11 MR. TERRANOVA: So the balcony is going

08:52PM 12 to be shown on Henry instead of -- if the house was

08:52PM 13 situated properly, it would be on the other -- I

08:52PM 14 can't even remember the name of the block now.

08:52PM 15 THE WITNESS: I think regardless of

08:52PM 16 which way we fronted, we'd wind up with more on the

08:52PM 17 front and then more on the side.

08:52PM 18 So in this circumstance, we're going to

08:52PM 19 remove that Henry. There won't be a balcony on

08:53PM 20 there.

08:53PM 21 MR. TERRANOVA: Right.

08:53PM 22 So you're going to remove that, okay.

08:53PM 23 And then you made mention of the tubs

08:53PM 24 in the basement, you're definitely going to remove

08:53PM 25 those?

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08:53PM 1 THE WITNESS: Yeah, that will be

08:53PM 2 removed for sure.

08:53PM 3 MR. TERRANOVA: Please remove that.

08:53PM 4 That's fine.

08:53PM 5 That's it.

08:53PM 6 CHAIRMAN FERGUSON: Okay. Steve, you

08:53PM 7 have anything?

08:53PM 8 MR. COLLAZUOL: Yes.

08:53PM 9 We had a report dated December 12th.

08:53PM 10 And since that report went out, based

08:53PM 11 on the completeness report, the plan was updated and

08:53PM 12 handed to us this evening, which shows that a good

08:53PM 13 number of the items have been addressed now.

08:53PM 14 But there's a comment that it's

08:53PM 15 proposed as three stories, it appears three stories

08:53PM 16 on the architect's plan as stated, but the engineer's

08:53PM 17 plan says two-and-a-half stories.

08:53PM 18 So if you would ask the engineer to

08:53PM 19 correct that on the plans so that when the plan get

08:53PM 20 filed with the building department, it's accurate.

08:53PM 21 The -- there are a couple comments

08:53PM 22 regarding sanitary sewer connection. You have two

08:53PM 23 laterals and separation distances are too close to

08:54PM 24 the water main.

08:54PM 25 So I'm sure that the engineer will get

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08:54PM 1 this report to address.

08:54PM 2 And then if either the architect or the

08:54PM 3 engineer could show something in regards to ground

08:54PM 4 cover to show what is going to be placed in the

08:54PM 5 ground after construction so that that can be

08:54PM 6 inspected by the Building Department or our office.

08:54PM 7 I think the underground electric,

08:54PM 8 there's a pole that's close by. If power could be

08:54PM 9 provided from that pole underground, that would

08:54PM 10 eliminate overhead wires.

08:54PM 11 And the other items in the report are

08:54PM 12 pretty standard. You obliged to abide by them?

08:54PM 13 MR. GIBLIN: Absolutely.

08:54PM 14 MR. COLLAZUOL: We have no further

08:54PM 15 comments then.

08:54PM 16 CHAIRMAN FERGUSON: Okay.

08:54PM 17 Anybody in the audience have anything?

08:54PM 18 Eric, it's good to see you.

08:54PM 19 MR. BORTZ: Good to see you, Joe.

08:54PM 20 How you been?

08:54PM 21 CHAIRMAN FERGUSON: Pretty good.

08:54PM 22 Pretty good.

08:54PM 23 MR. BORTZ: Hi, My name is Eric Bortz

08:55PM 24 at 221 Columbus Avenue in Palisades Park.

08:55PM 25 I live half a block down from this

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08:55PM 1 unit.

08:55PM 2 THE COURT REPORTER: Spell your last

08:55PM 3 name for me.

08:55PM 4 MR. BORTZ: B-O-R-T-Z.

08:55PM 5 THE COURT REPORTER: Thank you.

08:55PM 6 MR. BORTZ: You're welcome.

08:55PM 7 I looked at some plans this week --

08:55PM 8 rather last week, and the old house is listed as

08:55PM 9 117 Henry Street.

08:55PM 10 The new unit goes up, it's going to be

08:55PM 11 turned sideways, so the main entrance and the garages

08:55PM 12 are now on Columbus.

08:55PM 13 I had a discrepancy because I was very

08:55PM 14 confused and if it wasn't for somebody else who came

08:55PM 15 with me to look at it.

08:55PM 16 In the plans, there was a computerized

08:55PM 17 picture in color of the entrance. Is that there?

08:55PM 18 THE WITNESS: Yes, it's the cover

08:55PM 19 sheets on the side.

08:55PM 20 MR. BORTZ: No, it was --

08:55PM 21 CHAIRMAN FERGUSON: You can come.

08:56PM 22 MR. BORTZ: Here we go.

08:56PM 23 It's got an address of 117A and B on

08:56PM 24 Columbus Avenue.

08:56PM 25 CHAIRMAN FERGUSON: Okay.

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08:56PM **1** MR. BORTZ: This should have been  
 08:56PM **2** corrected. This is not correct at all. That was  
 08:56PM **3** kind of confusing because I thought it was actually  
 08:56PM **4** going to be in front of the building. I actually  
 08:56PM **5** thought it was going to be on Henry Street.  
 08:56PM **6** And then further looking at the size of  
 08:56PM **7** the property, I saw it wasn't.  
 08:56PM **8** One of the biggest problems we have on  
 08:56PM **9** our block is parking. It came up before the other  
 08:56PM **10** hearing here.  
 08:56PM **11** Next to this house, a couple months  
 08:56PM **12** ago, another house to the left of this on Columbus  
 08:56PM **13** Avenue is being taken down and another duplex is  
 08:56PM **14** going up.  
 08:56PM **15** CHAIRMAN FERGUSON: Right.  
 08:56PM **16** MR. BORTZ: Right?  
 08:56PM **17** So right now there's a corner house,  
 08:57PM **18** there's the next house to it, and at the other end of  
 08:57PM **19** the block next to this other fellow's house, what is  
 08:57PM **20** that, 2-something -- 242 Columbus, three houses going  
 08:57PM **21** up, all right? Single-family houses, okay? So then  
 08:57PM **22** we're putting duplexes up.  
 08:57PM **23** When the duplexes go up, we lose spots  
 08:57PM **24** on the street, all right?  
 08:57PM **25** The driveways, yes, you got two  
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08:57PM **1** underneath and two in front.  
 08:57PM **2** On my block, of all the homes that are  
 08:57PM **3** there, and there's -- there's got to be at least ten  
 08:57PM **4** units there, they do not use their garages.  
 08:57PM **5** CHAIRMAN FERGUSON: Correct.  
 08:57PM **6** MR. BORTZ: They're used for storage.  
 08:57PM **7** So now, if you've got two cars, they  
 08:57PM **8** don't fit in the apron in front, they go on the  
 08:57PM **9** street. All right.  
 08:57PM **10** Now, what about -- and if you want me  
 08:58PM **11** to swear in, I'll swear in. There's illegal --  
 08:58PM **12** illegal families creating in the basements of a lot  
 08:58PM **13** of these homes, okay, so now you go from a two-family  
 08:58PM **14** to a four-family if you have illegals in there.  
 08:58PM **15** They have cars. Where do they park?  
 08:58PM **16** We've got people parking on our street for a whole  
 08:58PM **17** week and the only time they move it is alternate side  
 08:58PM **18** of the street.  
 08:58PM **19** I've got three cars in my house. I got  
 08:58PM **20** my wife has a job, my daughter has a job. I'm  
 08:58PM **21** retired.  
 08:58PM **22** I try and stay the hell off the street  
 08:58PM **23** in my driveway. Luckily, I have a driveway.  
 08:58PM **24** So I'll be in the driveway, my wife  
 08:58PM **25** will be in the front of the driveway, now we have to  
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08:58PM **1** make sure that my daughter can find a place to park  
 08:58PM **2** on the street.  
 08:58PM **3** Normally what we do, we park in front  
 08:58PM **4** of our driveway. Now, if my wife has to go out  
 08:58PM **5** before my daughter, eight, nine o'clock at night, we  
 08:59PM **6** have got to play musical cars.  
 08:59PM **7** Some of the cars are from two blocks  
 08:59PM **8** away down on Central Boulevard that park by us. I  
 08:59PM **9** mean, it's horrible to put this kind of stress on  
 08:59PM **10** people who've been there for so long.  
 08:59PM **11** And now we're going to lose two spots  
 08:59PM **12** on the house that was just brought up before, two  
 08:59PM **13** spots on this house, and at least one spot, possibly  
 08:59PM **14** two on the one just next to it.  
 08:59PM **15** So what happens with parking? It's  
 08:59PM **16** horrible.  
 08:59PM **17** MR. GIBLIN: Mr. Chairman, I would  
 08:59PM **18** point out, number one, that the project complies with  
 08:59PM **19** the parking requirements for the zone, number one.  
 08:59PM **20** And number two, you can't rely on what  
 08:59PM **21** someone may do illegally to convert a basement into a  
 08:59PM **22** unit to provide or require additional parking. I  
 08:59PM **23** mean, I don't believe the board can take that  
 08:59PM **24** into account.  
 08:59PM **25** MR. BORTZ: Let me ask this: What is  
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08:59PM **1** the recommendation by the State for the number of  
 08:59PM **2** cars per unit?  
 09:00PM **3** MS. TESTA: Right. The board --  
 09:00PM **4** MR. BORTZ: Years ago, it was like 1.8  
 09:00PM **5** cars.  
 09:00PM **6** CHAIRMAN FERGUSON: It's one and one,  
 09:00PM **7** right?  
 09:00PM **8** MR. GIBLIN: The Residential Site  
 09:00PM **9** Improvement Standards?  
 09:00PM **10** MR. GIBLIN, JR.: RSIS?  
 09:00PM **11** MR. BORTZ: Whatever. It was a  
 09:00PM **12** requirement years ago by the State.  
 09:00PM **13** MS. TESTA: Yes, and this application  
 09:00PM **14** does comply with that.  
 09:00PM **15** MR. BORTZ: Excuse me?  
 09:00PM **16** MR. KAUKER: It depends upon the type  
 09:00PM **17** of unit and the number of bedrooms.  
 09:00PM **18** MR. BORTZ: Okay. What are the  
 09:00PM **19** numbers?  
 09:00PM **20** THE WITNESS: It's typically less than  
 09:00PM **21** two per unit.  
 09:00PM **22** MR. BORTZ: I'm a retired auto  
 09:00PM **23** mechanic. I've never seen a .8 of a car. Seriously.  
 09:00PM **24** THE WITNESS: You must have been good.  
 09:00PM **25** MR. BORTZ: I mean, this is ridiculous  
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09:00PM **1** that the State would even impose something that  
 09:00PM **2** stupid. All right?  
 09:00PM **3** And this goes back over 30 years that  
 09:00PM **4** this has been going on.  
 09:00PM **5** We're not -- I've been in that house --  
 09:00PM **6** our house was built in 1910 and the last residents  
 09:00PM **7** before us was my in-laws, and they moved up to  
 09:00PM **8** Vermont and they gave us their house for a song and a  
 09:01PM **9** dance. Well, that song and a dance I paid at least  
 09:01PM **10** two times more than what we paid for it to fix it.  
 09:01PM **11** The driveway, front retaining wall, the  
 09:01PM **12** yard. Closed in the open porch, did a bathroom, did  
 09:01PM **13** a kitchen, constantly maintaining the house. And I  
 09:01PM **14** always have people coming by saying you've got a  
 09:01PM **15** beautiful front lawn. It's zoysia grass. I don't  
 09:01PM **16** know if anybody knows about zoysia grass. Right?  
 09:01PM **17** In the winter, it looks like a carpet  
 09:01PM **18** that you wipe your feet on. But when the weather  
 09:01PM **19** comes down where it's nice, it's like a golf course  
 09:01PM **20** and I'm proud of my yard. I got a backyard that's  
 09:01PM **21** even bigger.  
 09:01PM **22** Where is the backyard or a front yard,  
 09:01PM **23** any grass or anything on these units? They keep  
 09:01PM **24** building them across the street from us. There's one  
 09:01PM **25** across the street and one down the street.

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09:02PM **1** MR. BORTZ: It won't stop them.  
 09:02PM **2** CHAIRMAN FERGUSON: No, it won't stop  
 09:02PM **3** them, but at least we won't approve it. And if  
 09:03PM **4** there's ever an inspection, it will go back to the  
 09:03PM **5** board denying the bathtub and they're in trouble.  
 09:03PM **6** MR. BORTZ: What is going to be the new  
 09:03PM **7** address of this unit?  
 09:03PM **8** MR. GIBLIN: The address is going to be  
 09:03PM **9** provided by the -- I'm assuming by the post office in  
 09:03PM **10** concert with the police department.  
 09:03PM **11** MR. BORTZ: It's going to be Columbus  
 09:03PM **12** Avenue.  
 09:03PM **13** MR. GIBLIN: We'll comply with whatever  
 09:03PM **14** the --  
 09:03PM **15** MR. BORTZ: No, no, I'm just saying it  
 09:03PM **16** has to be Columbus Avenue because the front of the  
 09:03PM **17** house faces that way.  
 09:03PM **18** MR. GIBLIN: We have no objection to  
 09:03PM **19** that.  
 09:03PM **20** Whatever the municipality thinks is  
 09:03PM **21** best is what we'll designate it as.  
 09:03PM **22** MR. BORTZ: Right.  
 09:03PM **23** And the balconies, I thought, were  
 09:03PM **24** brought up.  
 09:03PM **25** CHAIRMAN FERGUSON: Two, and we're

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09:01PM **1** My neighbor lives across the street  
 09:01PM **2** from one that was built a couple years ago and he  
 09:02PM **3** says they got no backyard. You can use a weed  
 09:02PM **4** whacker to cut the grass to get it done.  
 09:02PM **5** And people don't use even use their  
 09:02PM **6** backyard. They can't cook, have a grill or anything.  
 09:02PM **7** I mean, I know you've heard this  
 09:02PM **8** before, but it's disgusting as to what's happening to  
 09:02PM **9** the area in our town.  
 09:02PM **10** CHAIRMAN FERGUSON: Okay. Can you sum  
 09:02PM **11** up? I mean, you have any other, other than the  
 09:02PM **12** parking?  
 09:02PM **13** MR. BORTZ: Well, the one thing was the  
 09:02PM **14** bathrooms in the basement. I understand they're  
 09:02PM **15** taking bathtubs out now.  
 09:02PM **16** CHAIRMAN FERGUSON: Correct.  
 09:02PM **17** MR. BORTZ: What was the intent of the  
 09:02PM **18** full bathroom in the first place?  
 09:02PM **19** CHAIRMAN FERGUSON: Well, what do you  
 09:02PM **20** think?  
 09:02PM **21** MR. BORTZ: You know.  
 09:02PM **22** CHAIRMAN FERGUSON: I know.  
 09:02PM **23** MR. BORTZ: We all know.  
 09:02PM **24** CHAIRMAN FERGUSON: I know; that's why  
 09:02PM **25** we insist that it goes out.

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09:03PM **1** leaving them, the front and the side.  
 09:03PM **2** MR. BORTZ: They can leave them, right?  
 09:03PM **3** CHAIRMAN FERGUSON: Yeah, we can leave  
 09:03PM **4** them.  
 09:03PM **5** MR. BORTZ: Yeah, because I heard you  
 09:03PM **6** wanted to do away with one, but now that the unit is  
 09:03PM **7** turned --  
 09:03PM **8** CHAIRMAN FERGUSON: We're going to do  
 09:03PM **9** away with two of them now.  
 09:03PM **10** THE WITNESS: I thought we'd leave one  
 09:03PM **11** on the adjoining lot and the one that was fronting  
 09:03PM **12** Henry we would remove.  
 09:04PM **13** CHAIRMAN FERGUSON: The one fronting  
 09:04PM **14** Henry.  
 09:04PM **15** THE WITNESS: So it would be one of  
 09:04PM **16** two. We showed two.  
 09:04PM **17** CHAIRMAN FERGUSON: Right.  
 09:04PM **18** THE WITNESS: The one on Henry we'll  
 09:04PM **19** remove.  
 09:04PM **20** CHAIRMAN FERGUSON: The one on Henry  
 09:04PM **21** you're going to remove. So it's only one you're  
 09:04PM **22** going to remove?  
 09:04PM **23** THE WITNESS: Correct.  
 09:04PM **24** CHAIRMAN FERGUSON: And that's now in  
 09:04PM **25** the front of the house?

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09:04PM **1** THE WITNESS: No, no, it's not the  
 09:04PM **2** front of the house.  
 09:04PM **3** MR. GIBLIN: It's on the frontage of a  
 09:04PM **4** street.  
 09:04PM **5** CHAIRMAN FERGUSON: It's on -- yeah,  
 09:04PM **6** but didn't we talk about this at the beginning?  
 09:04PM **7** There's something on the corner of where there was a  
 09:04PM **8** door, you're removing that, right?  
 09:04PM **9** THE WITNESS: It's going to become a  
 09:04PM **10** window.  
 09:04PM **11** CHAIRMAN FERGUSON: That's going to  
 09:04PM **12** become a window.  
 09:04PM **13** THE WITNESS: That's right.  
 09:04PM **14** CHAIRMAN FERGUSON: So that one is --  
 09:04PM **15** goes?  
 09:04PM **16** THE WITNESS: Correct.  
 09:04PM **17** CHAIRMAN FERGUSON: In addition to  
 09:04PM **18** that, there's one more that's going to be removed,  
 09:04PM **19** no?  
 09:04PM **20** THE WITNESS: If that's what the board  
 09:04PM **21** would like, yes. But I thought -- what I understood  
 09:04PM **22** was that the board doesn't approve balconies on  
 09:04PM **23** street fronts.  
 09:04PM **24** CHAIRMAN FERGUSON: That's right.  
 09:04PM **25** THE WITNESS: So I had one on the  
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09:04PM **1** street front and one on the side.  
 09:04PM **2** CHAIRMAN FERGUSON: That's right.  
 09:04PM **3** THE WITNESS: So I was hoping to keep  
 09:04PM **4** the one on the side, remove the one on the street  
 09:04PM **5** front, replace the door on the street front with a  
 09:04PM **6** window, but I can remove both if the --  
 09:04PM **7** CHAIRMAN FERGUSON: Yeah. Well, that  
 09:05PM **8** would be my --  
 09:05PM **9** THE WITNESS: So remove both?  
 09:05PM **10** CHAIRMAN FERGUSON: Yeah, I would  
 09:05PM **11** remove both. We're going to remove both.  
 09:05PM **12** MR. BORTZ: Because there's going to be  
 09:05PM **13** another house right next to that going up also on  
 09:05PM **14** Henry.  
 09:05PM **15** CHAIRMAN FERGUSON: On Henry.  
 09:05PM **16** MR. BORTZ: Yeah, right next to it.  
 09:05PM **17** That was approved, I think, two months ago.  
 09:05PM **18** CHAIRMAN FERGUSON: What is it? I'm  
 09:05PM **19** sorry.  
 09:05PM **20** MR. BORTZ: I think it was approved two  
 09:05PM **21** months ago because we were --  
 09:05PM **22** CHAIRMAN FERGUSON: Okay.  
 09:05PM **23** MR. BORTZ: You know, I hate to sound  
 09:05PM **24** off, but I had other people I talked to on my block  
 09:05PM **25** to come up here. You know how many showed up?  
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09:05PM **1** CHAIRMAN FERGUSON: How many?  
 09:05PM **2** MR. BORTZ: Zero.  
 09:05PM **3** CHAIRMAN FERGUSON: Yeah, right, that's  
 09:05PM **4** the problem.  
 09:05PM **5** MR. BORTZ: I'll tell you the next  
 09:05PM **6** time -- the only reason I complain is I'm not doing  
 09:05PM **7** this for me.  
 09:05PM **8** I'm down the block, all right? But I  
 09:05PM **9** do this for the town and for the people in town. A  
 09:05PM **10** lot of people are fed up and I hear it on my block, I  
 09:05PM **11** hear it all over the place, and it's a shame as to  
 09:06PM **12** what's going on.  
 09:06PM **13** And one more thing is if anybody is  
 09:06PM **14** interested in seeing a beautiful house going up, go  
 09:06PM **15** up to 4th Street and make a left where it comes to a  
 09:06PM **16** dead end. And I saw pictures of a house that's going  
 09:06PM **17** up. It's a two-family house unit, but it looks like  
 09:06PM **18** a house, it doesn't look like a commercial building,  
 09:06PM **19** and maybe the town ought to look at that.  
 09:06PM **20** CHAIRMAN FERGUSON: Take a look at it,  
 09:06PM **21** right.  
 09:06PM **22** MR. BORTZ: Say in the future, maybe we  
 09:06PM **23** can do something else.  
 09:06PM **24** CHAIRMAN FERGUSON: Okay.  
 09:06PM **25** MR. BORTZ: Thank you very much.  
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09:06PM **1** CHAIRMAN FERGUSON: Okay, my friend.  
 09:06PM **2** MR. BEERLE: Ernst Beerle, 329 East  
 09:06PM **3** Columbia.  
 09:06PM **4** The removal of the bathtub.  
 09:06PM **5** CHAIRMAN FERGUSON: Yes.  
 09:06PM **6** MR. BEERLE: Does that mean no plumbing  
 09:06PM **7** in the concrete?  
 09:06PM **8** CHAIRMAN FERGUSON: No, no, that means  
 09:06PM **9** that you can't have a bathtub in that floor. You can  
 09:06PM **10** have what they call a powder room, which would be a  
 09:07PM **11** sink and a toilet, but you can't have a bathtub.  
 09:07PM **12** MR. GIBLIN: It will be a half bath  
 09:07PM **13** instead of a full bath.  
 09:07PM **14** CHAIRMAN FERGUSON: It's a powder room.  
 09:07PM **15** MR. BEERLE: What size -- what size is  
 09:07PM **16** it going to be?  
 09:07PM **17** THE WITNESS: 5-by-5.  
 09:07PM **18** MR. BEERLE: How many?  
 09:07PM **19** THE WITNESS: 5-foot-by-5-foot.  
 09:07PM **20** MR. BEERLE: 5-foot-by-5-foot?  
 09:07PM **21** THE WITNESS: Yeah.  
 09:07PM **22** MR. BEERLE: So you couldn't put a  
 09:07PM **23** shower in there also later on?  
 09:07PM **24** THE WITNESS: No.  
 09:07PM **25** CHAIRMAN FERGUSON: No.  
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09:07PM **1** MR. BEERLE: All right. That's it.  
 09:07PM **2** Thank you.  
 09:07PM **3** CHAIRMAN FERGUSON: Okay. Next  
 09:07PM **4** witness?  
 09:07PM **5** MR. GIBLIN: Mr. Spatz.  
 09:07PM **6** CHAIRMAN FERGUSON: All right.  
 09:07PM **7** MR. GIBLIN: I assume he's still okay.  
 09:07PM **8** MS. TESTA: Please raise your right  
 09:07PM **9** hand.  
 09:07PM **10** Do you swear the testimony you will  
 09:07PM **11** give in this application will be the truth, the whole  
 09:07PM **12** truth and nothing but the truth?  
 09:07PM **13** MR. SPATZ: Yes, I do.  
 09:07PM **14** D A V I D S P A T Z, PP  
 07:37PM **15** 68 Friend Terrace, Harrington Park, New Jersey,  
 07:37PM **16** having been duly sworn, testifies as follows:  
 07:37PM **17** MS. TESTA: State your name for the  
 07:37PM **18** record, please.  
 09:07PM **19** MR. SPATZ: David Spatz, S-P-A-T-Z.  
 09:07PM **20** My business address is 60 Friend  
 09:07PM **21** Terrace in Harrington Park.  
 09:07PM **22** DIRECT EXAMINATION  
 09:07PM **23** BY MR. GIBLIN:  
 09:07PM **24** Q. Okay. Mr. Spatz, have you visited the  
 09:07PM **25** site?

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09:09PM **1** an initial submission and we are only 2 feet over --  
 09:09PM **2** 2.2 feet over what is permitted within the zone.  
 09:09PM **3** The adjacent two-family homes and those  
 09:09PM **4** in the neighborhood are all similarly three-story and  
 09:09PM **5** over 30 feet in height.  
 09:09PM **6** So we are certainly consistent with the  
 09:09PM **7** neighborhood in that range.  
 09:09PM **8** In terms of the side yard, the easterly  
 09:09PM **9** side yard which abuts that newer two-family home is  
 09:09PM **10** conforming. It's the street side yard that we don't  
 09:09PM **11** meet. We are at a corner. The narrow portion is  
 09:09PM **12** fronting on -- 50 feet is fronting on Henry, the  
 09:09PM **13** wider side is along Columbus.  
 09:09PM **14** So that is considered a side yard, but  
 09:09PM **15** it is actually the front yard setback for the  
 09:09PM **16** building and it is consistent with the setbacks both  
 09:09PM **17** of the existing structures, as well as the other  
 09:09PM **18** structures on Columbus.  
 09:10PM **19** So in terms of that, it is again  
 09:10PM **20** consistent with the neighborhood.  
 09:10PM **21** In terms of the rear yard, it is less  
 09:10PM **22** than what is required.  
 09:10PM **23** But, again, that rear yard is because  
 09:10PM **24** the structure's oriented towards Columbus, it is --  
 09:10PM **25** functions as the side yard for a structure. And in

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09:07PM **1** A. I have, yes.  
 09:08PM **2** Q. Could you describe briefly the  
 09:08PM **3** neighborhood for the board?  
 09:08PM **4** A. Certainly.  
 09:08PM **5** I'm sorry I don't have a photo exhibit,  
 09:08PM **6** but I can describe the area.  
 09:08PM **7** Looking to the right of our side which  
 09:08PM **8** is to the east is a new two-family home. The  
 09:08PM **9** existing structure fronts on Henry.  
 09:08PM **10** So adjacent to us is a two-family home  
 09:08PM **11** and then an older two-family home adjacent to that.  
 09:08PM **12** Directly on the opposite side of Henry  
 09:08PM **13** Street is a newer two-family home.  
 09:08PM **14** And then on the opposite corner of  
 09:08PM **15** Henry and Columbus is a two-family home as well.  
 09:08PM **16** So there's a substantial number of  
 09:08PM **17** two-family homes in our immediate vicinity and of  
 09:08PM **18** course it is a permitted use within the AA zone.  
 09:08PM **19** As described, the lot, itself, fully  
 09:08PM **20** conforms to the zone requirements. We need -- there  
 09:08PM **21** are no D variances. We need C variances as was also  
 09:08PM **22** described for rear yard, street, side yard, lot  
 09:08PM **23** coverage and building height.  
 09:08PM **24** Looking at those bulk variances, the  
 09:09PM **25** proposed two-family structure has been reduced from

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09:10PM **1** that case, it would be conforming in terms of the  
 09:10PM **2** side yard as it relates to the adjacent property.  
 09:10PM **3** We are removing a detached garage on  
 09:10PM **4** our property which will actually open up that area  
 09:10PM **5** and provide a greater setback for the rear and side  
 09:10PM **6** than currently exists, so that would be an  
 09:10PM **7** improvement.  
 09:10PM **8** In terms of the building coverage, we  
 09:10PM **9** exceed the allowable building coverage by 610 square  
 09:10PM **10** feet.  
 09:10PM **11** As was mentioned, drainage improvements  
 09:10PM **12** are being provided on the site which will mitigate  
 09:10PM **13** the slightly larger building and, therefore, that  
 09:10PM **14** provides a public benefit both to the subject site,  
 09:10PM **15** as well as to the adjacent properties and that the  
 09:10PM **16** drainage is contained on the site.  
 09:10PM **17** So I think the positive criteria exists  
 09:11PM **18** for the C variances we're seeking.  
 09:11PM **19** In terms of negative criteria, I don't  
 09:11PM **20** believe anything is substantially negative. We are a  
 09:11PM **21** permitted use within the zone. We are consistent  
 09:11PM **22** with the adjacent properties, as well as the other  
 09:11PM **23** properties in the neighborhood which are newer  
 09:11PM **24** two-family homes.  
 09:11PM **25** It was described that another

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09:11PM **1** two-family home is being constructed in the area.

09:11PM **2** In terms of the setbacks, we are

09:11PM **3** consistent again with the setbacks in the area.

09:11PM **4** Removing the detached garage on Columbus will provide

09:11PM **5** greater setbacks to the properties adjacent to us on

09:11PM **6** that side.

09:11PM **7** Other changes being made to the

09:11PM **8** property in terms of removing the balcony so that,

09:11PM **9** again, will provide greater setbacks with the

09:11PM **10** surrounding properties. Landscaping will be provided

09:11PM **11** where possible to further screen those parking --

09:11PM **12** those setbacks.

09:11PM **13** In terms of the parking, we have a

09:11PM **14** conforming amount of parking on the site. The

09:12PM **15** orientation of the building right now, it fronts on

09:12PM **16** Henry, but the garage has access to Colombia.

09:12PM **17** We're turning our building on the side,

09:12PM **18** but the access will remain on Columbus -- excuse

09:12PM **19** me -- because there is an existing driveway and

09:12PM **20** you're not permitted to park a certain distance from

09:12PM **21** the corner on Henry and Columbus, at the most, one

09:12PM **22** parking space in front of the building will be lost

09:12PM **23** for our driveway.

09:12PM **24** But, again, we are providing a

09:12PM **25** conforming amount of parking on the site.

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09:12PM **1** So I believe that the positive criteria

09:12PM **2** exists for our C variances and that outweighs

09:12PM **3** anything that could be considered negative, and I

09:12PM **4** believe it would be appropriate to approve the

09:12PM **5** variances that we're seeking.

09:12PM **6** CHAIRMAN FERGUSON: Okay.

09:12PM **7** Anybody on the board?

09:12PM **8** MR. GRALA: The only thing is I agree

09:12PM **9** with Eric about the address. Our ambulance, our

09:12PM **10** fire, our police, they're getting lost on some of

09:13PM **11** these houses that get turned.

09:13PM **12** Not the older, but the younger guys.

09:13PM **13** If they're going to look for 117 Henry, they're going

09:13PM **14** to pass Columbus and have to back up.

09:13PM **15** THE WITNESS: I think, as was said, the

09:13PM **16** post office usually determines that based on the

09:13PM **17** front door, so I'm sure that they will adjust that.

09:13PM **18** MR. GRALA: We have a few houses in

09:13PM **19** town that never did and it's a problem.

09:13PM **20** THE WITNESS: Yeah, yeah.

09:13PM **21** As a newer one, I'm sure they'll do it,

09:13PM **22** and I think the police department and the fire

09:13PM **23** department --

09:13PM **24** MR. GIBLIN: We'll notify all the

09:13PM **25** emergency services as to what the appropriate address

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09:13PM **1** is.

09:13PM **2** MR. GRALA: Right.

09:13PM **3** CHAIRMAN FERGUSON: Okay. So I too

09:13PM **4** agree with Eric.

09:13PM **5** And they're publishing a 125 yearbook

09:13PM **6** and they asked me for some comments and I gave them.

09:13PM **7** And here's the problem: I lived on

09:13PM **8** Highland Avenue for many years. No one uses their

09:14PM **9** driveways. It's absolutely true they don't want to

09:14PM **10** be bothered.

09:14PM **11** So if you go to them and say to them,

09:14PM **12** hey, why don't you park in the driveway? I have just

09:14PM **13** as much right to park in the street than you do,

09:14PM **14** right?

09:14PM **15** So the board cannot rule that -- you

09:14PM **16** know, what neighbors are doing that I personally

09:14PM **17** don't agree, but I can't rule them in that way.

09:14PM **18** I mean, as far as I know, you meet the

09:14PM **19** standards, you meet everything that's -- that you're

09:14PM **20** requesting.

09:14PM **21** But there's no doubt there is a

09:14PM **22** problem. There's a problem with the illegals.

09:15PM **23** Everybody knows there's thousands of them all over

09:15PM **24** town.

09:15PM **25** This board doesn't address that, but

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09:15PM **1** there's obviously thousands of them all over town.

09:15PM **2** Everybody is making money.

09:15PM **3** But, again, this isn't the jurisdiction

09:15PM **4** of this board.

09:15PM **5** So I'm going to make a motion to accept

09:15PM **6** the applications with eliminating two -- the one in

09:15PM **7** the front, one on the side. We're going to take the

09:15PM **8** bathroom out. We're going to --

09:15PM **9** MR. GIBLIN: You're going to make the

09:15PM **10** full bath a half bath, right, or take the bathroom

09:15PM **11** out?

09:15PM **12** MS. TESTA: Take the shower and the

09:15PM **13** bathtub out.

09:15PM **14** MR. GIBLIN: Yeah.

09:15PM **15** CHAIRMAN FERGUSON: Yeah, you can have

09:15PM **16** a sink and a toilet, but you can't have -- right.

09:15PM **17** All the recommendations from our

09:15PM **18** engineer who will be met; \$2,000.00 to the Tree

09:15PM **19** Preservation Fund.

09:15PM **20** And I think that's going to do it.

09:15PM **21** So that's my motion.

09:15PM **22** Can I get a second?

09:16PM **23** MR. ELEFTERIOU: Second.

09:16PM **24** CHAIRMAN FERGUSON: Roll call?

09:16PM **25** MS. IGUINA: Mr. Ferguson?

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09:16PM 1 CHAIRMAN FERGUSON: Yes.  
 09:16PM 2 MS. IGUINA: Mr. Elefteriou?  
 09:16PM 3 MR. ELEFTERIOU: Yes.  
 09:16PM 4 MS. IGUINA: Mr. Grala?  
 09:16PM 5 MR. GRALA: Yes.  
 09:16PM 6 MS. IGUINA: Mr. Kim?  
 09:16PM 7 MR. KIM: Yes.  
 09:16PM 8 MS. IGUINA: Mr. Terranova?  
 09:16PM 9 MR. TERRANOVA: Yes.  
 09:16PM 10 MS. IGUINA: Mr. Chung?  
 09:16PM 11 MR. CHUNG: Yes.  
 09:16PM 12 MS. IGUINA: Ms. Yoon?  
 09:16PM 13 MS. YOON: Yes.  
 09:16PM 14 CHAIRMAN FERGUSON: Okay.  
 09:16PM 15 MR. GIBLIN: Thank you very much.  
 09:16PM 16 CHAIRMAN FERGUSON: Counsel, good to  
 09:16PM 17 see you.  
 09:16PM 18 Anybody else?  
 09:16PM 19 I make a motion to adjourn. All in  
 09:16PM 20 favor?  
 09:16PM 21 (Whereupon, all present members respond  
 09:16PM 22 in the affirmative.)  
 09:16PM 23 (Whereupon, this meeting is concluded.  
 09:16PM 24 Time noted: 9:16 p.m.)  
 25

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CERTIFICATE

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

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

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

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

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