

BOROUGH OF PALISADES PARK
ZONING BOARD OF ADJUSTMENT
MONDAY, JUNE 15, 2026
7:00 p.m.

----- TRANSCRIPT OF
PROCEEDINGS

Case No. 25-09

Robert Lee

317 9th Street

Block 410, Lot 17

Case No. 26-01

Bryan Ryu

324 East Palisades Boulevard

Block 414, Lot 10

Case No. 21-28

118 Union Associates

112-118 Union Street

Block 107 Lot 4,5

Case No. 24-21

Chris Kim

19 West Homestead Avenue

Block 601 Lot 23.01

B E F O R E:

BOROUGH OF PALISADES PARK BOARD OF ADJUSTMENT
THERE BEING PRESENT:

CHARLIE CHUNG, CHAIRMAN

SEONGHYE YOON, VICE CHAIRWOMAN (ABSENT)

ELEFTERIOS ELEFTERIOU, MEMBER

DAVID TERRANOVA, MEMBER

BRIAN KIM, MEMBER (ABSENT)

STEVEN BROGNA, MEMBER

AARON CHIESA, MEMBER (ABSENT)

SOPHIA KIM, ALTERNATE MEMBER 1 (ABSENT)

SOOKYUNG PARK, ALTERNATE MEMBER 2 (ABSENT)

LAURA A. CARUCCI, C.S.R., R.P.R., L.L.C.
CERTIFIED COURT REPORTERS
201-641-1812
LauraACaruccillc@gmail.com

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

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

TESTA & DeCARLO

BY: DIANE TESTA, ESQUIRE

865 Broad Avenue

Ridgefield, New Jersey 07657

Counsel for the Zoning Board of Adjustment

SOKOLICH & MACRI

BY: MARK J. SOKOLICH, ESQUIRE

1223 Anderson Avenue

Fort Lee, New Jersey 07024

(201) 224-4444

Counsel for the Applicant

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

REBEKAH KIM, BOARD SECRETARY

MICHAEL KAUKER, PP, AICP, BOARD PLANNER

CARL O'BRIEN, P.E., BOARD ENGINEER

I N D E X

<u>WITNESS</u>	<u>SWORN</u>	<u>TESTIMONY</u>
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Case No. 21-28

118 Union Associates

112-118 Union Street

Block 107 Lot 4,5

8

Case No. 24-21

Chris Kim

19 West Homestead Avenue

Block 601 Lot 23.01

14

Case No. 25-09

Robert Lee

317 9th Street

Block 410, Lot 17

16

Changsoo Park, AIA, LEED AP ND

18

Voir Dire Examination By Mr. Sokolich

19

Direct Examination By Mr. Sokolich

20

Board/Professional Questions

Mr. Terranova

43, 49

Chairman Chung

49, 50,

72

Mr. O'Brien

53

DAVID SPATZ, P.P.

57

Voir Dire Examination by Mr. Sokolich

58

Direct Examination by Mr. Sokolich

58

Board/Professional Questions

Mr. Kauker

64

I N D E X (Continuing)

<u>WITNESS</u>	<u>SWORN</u>	<u>TESTIMONY</u>
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Case No. 26-01

Bryan Ryu

324 East Palisades Boulevard

Block 414, Lot 10

79

ROBERT LEE, AIA, PE, LEED, NCARB	80	
----------------------------------	----	--

Voir Dire Examination by Mr. Sokolich		81
---------------------------------------	--	----

Direct Examination by Mr. Sokolich		82
------------------------------------	--	----

Board/Professional Questions		
------------------------------	--	--

Mr. Terranova		98
---------------	--	----

Chairman Chung		98
----------------	--	----

Mr. Kauker		106
------------	--	-----

Mr. O'Brien		112
-------------	--	-----

Public Questions		
------------------	--	--

Dina Matthews		113
----------------------	--	-----

345 10th Street

DAVID SPATZ, P.P.	117	
-------------------	-----	--

Direct Examination by Mr. Sokolich		118
------------------------------------	--	-----

Board/Professional Questions		
------------------------------	--	--

Mr. Kauker		
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I N D E X (Continuing)

E X H I B I T S

No. Description Ident/Evid

Case No. 24-21

Chris Kim

19 West Homestead Avenue

Block 601 Lot 23.01

A-1	Zoning Info and Site Plan, Last Revised 5/08/26	21
A-2	Elevations and Floor Plans, Last Revised 5/08/26	21
A-3	Floor Plans, Last Revised 5/08/26	21

Case No. 26-01

Bryan Ryu

324 East Palisades Boulevard

Block 414, Lot 10

A-1	Architectural Plans, dated 11/08/25	83
A-2	Existing Survey and Proposed Site Plan, dated 11/09/25	83
A-3	Floor Plans, dated 11/09/25	88
A-4	Proposed Second and Third Floor Plans, Dated 11/09/25	89
A-5	Proposed Elevations	90
A-6	Shade Study	93
A-7	Series of Four Photographs	118

1 MS. TESTA: Stand for the Pledge of
2 Allegiance.

3 (Whereupon, all rise for a Recitation
4 of the Pledge of Allegiance.)

5 MS. TESTA: Roll call.

6 BOARD SECRETARY KIM: Mr. Chung.

7 CHAIRMAN CHUNG: Here.

8 BOARD SECRETARY KIM: Ms. Yoon.

9 VICE CHAIRWOMAN YOON: Here.

10 BOARD SECRETARY KIM: Mr. Brogna.

11 MR. BROGNA: Here.

12 BOARD SECRETARY KIM: Mr. Chiesa?

13 MR. CHIESA: Here.

14 BOARD SECRETARY KIM: Mr. Elefteriou.

15 MR. ELEFTERIOU: Here.

16 BOARD SECRETARY KIM: Mr. Terranova.

17 MR. TERRANOVA: Here.

18 BOARD SECRETARY KIM: Mr. Sung.

19 MR. SUNG: Here.

20 MS. TESTA: In accordance with the Open
21 Public Meetings Act, notice of this meeting has been
22 posted on the Borough's bulletin board. Notice has
23 been provided to at least two official Borough
24 newspapers and filed with the Borough Clerk's office.

25 Chairman, we need a motion to approve

1 the minutes from the May meeting.

2 Oh, we didn't have a meeting that
3 night. That's okay. We didn't have a quorum, okay,
4 very good.

5 And then we have a couple of bills
6 here. The court reporter, in the amount of -- give
7 me a second.

8 Okay, the court reporter is \$736.00.

9 We have the advertisement, which is
10 \$59.04.

11 And Kauker & Kauker, \$2,100.00.

12 So, Chairman, just need a motion to
13 approve the payment of those bills.

14 CHAIRMAN CHUNG: Okay. Make a motion
15 to pay those bills.

16 Can I have a second, please?

17 MR. ELEFTERIOU: I'll second.

18 CHAIRMAN CHUNG: Thanks, Lefty.

19 Roll call.

20 BOARD SECRETARY KIM: Mr. Chung.

21 CHAIRMAN CHUNG: Yes.

22 BOARD SECRETARY KIM: Mrs. Yoon.

23 VICE CHAIRWOMAN YOON: Yes.

24 BOARD SECRETARY KIM: Mr. Brogna.

25 MR. BROGNA: Yes.

1 BOARD SECRETARY KIM: Mr. Chiesa.

2 MR. CHIESA: Yes.

3 BOARD SECRETARY KIM: Mr. Elefteriou.

4 MR. ELEFTERIOU: Yes.

5 BOARD SECRETARY KIM: Mr. Terranova.

6 MR. TERRANOVA: Yes.

7 BOARD SECRETARY KIM: Mr. Sung.

8 MR. SUNG: Yes.

9 MS. TESTA: Okay. And now we have no
10 resolutions.

11 So we two extensions on the agenda this
12 evening.

13 So we'll start first with Case
14 No. 21-28, 118 Union Association, 112-118 Union
15 Street, Block 107, Lot 4 and 5.

16 MR. SOKOLICH: Good evening, Chairman,
17 Members of the Board, Counsel.

18 Mark Sokolich on behalf of the first
19 extension request, 112-118 Union Associates, LLC.

20 The board may recall this was an
21 application for a multifamily residential building,
22 unanimously approved by the board. Within the 45-day
23 appeal period, litigation ensued and an appeal was
24 filed.

25 Happy to report that after a

1 considerable amount of time that the decision of this
2 board was affirmed based on the record below.

3 However, you can only imagine during
4 that appeal period the applicant was delayed.

5 So we're asking for an extension so
6 that our client can pull the permits and commence
7 with its construction.

8 MS. TESTA: Now, this is a resolution,
9 the approval by the board was for 28 units.

10 MR. SOKOLICH: 31.

11 MS. TESTA: No, it started out as 31,
12 but it was reduced to 28.

13 MR. SOKOLICH: That is correct.

14 MS. TESTA: Okay.

15 And then also, as I'm sure you're
16 aware, the resolution did state in it that the
17 applicant had to comply with all Borough ordinances
18 and just want to make sure that you're aware that
19 there is the affordable housing component now, it's a
20 20-percent set-aside.

21 MR. SOKOLICH: Wouldn't it be time of
22 rule, Counsel, whatever was in place at the time of
23 approval.

24 MS. TESTA: I don't --

25 MR. SOKOLICH: And I'm not debating it

1 with you.

2 MS. TESTA: Right, yeah.

3 MR. SOKOLICH: I'm just --

4 MS. TESTA: I don't -- Mike --

5 MR. SOKOLICH: If I can make a
6 suggestion.

7 MS. TESTA: Yes.

8 MR. SOKOLICH: We'll comply with
9 whatever the law requires us to comply with, that
10 would also include, if it's applicable, the time of
11 decision rule.

12 If that's not applicable, then so be
13 it.

14 MR. KAUKER: There was a provision or a
15 condition in the last resolution that it comply with
16 all Borough ordinances, which the affordable housing
17 ordinance is one of those which was in effect at that
18 time, so you have to provide 20 percent affordable.

19 MR. SOKOLICH: That language is a
20 stretch, though, Mike, to impose affordable housing.
21 I mean, that it complies with all -- I mean,
22 specifically when a building is -- well, when a
23 building is required to provide affordable -- okay,
24 all right.

25 So --

1 MR. KAUKER: I just think it should be
2 clear in the resolution that those units be provided.

3 MR. SOKOLICH: It would have been,
4 though, if it was a requirement, but, again, we will
5 -- we'll accept the extension and we will comply with
6 all Borough ordinances.

7 But, again, we'll comply with all laws
8 also including the time of rule.

9 If we're required to comply, then we'll
10 have to. We won't have much of a choice.

11 MR. KAUKER: I just have one question.

12 Is that -- do we know what that --
13 because this is obviously a large development, which
14 the Borough wants to take advantage of those
15 affordable housing units.

16 So, I mean, is it also an option that
17 -- I mean, what I would like to see is that
18 applicant, they know they need to provide the
19 20 percent.

20 MR. SOKOLICH: We don't know that,
21 respectfully.

22 When this application was presented to
23 the board, it was all for market-rate units. It
24 wasn't for affordable, correct.

25 MS. TESTA: Well, it would be -- right,

1 but whatever the affordable housing component at that
2 time, would have had to comply with.

3 Bit be it, you know, whether or not he
4 was able to pay money rather than provide the units,
5 the law has changed since.

6 MR. KAUKER: The other question, if
7 that's the case, does the board have to grant the
8 extension if it's not --

9 MS. TESTA: The board doesn't have to
10 grant the extension.

11 CHAIRMAN CHUNG: It's not an extension
12 yet.

13 MS. TESTA: Correct, right, yeah, no,
14 no, the board has --

15 MR. SOKOLICH: We accept, we accept
16 whatever the board decides.

17 CHAIRMAN CHUNG: So --

18 MR. SOKOLICH: Just that an extension
19 is not the place to impose new conditions on the
20 applicant. I mean --

21 MS. TESTA: No, we understand that.

22 MR. SOKOLICH: Respectfully, I have an
23 applicant to represent, Chairman, and I just have to
24 put that on the record.

25 MS. TESTA: Certainly.

1 CHAIRMAN CHUNG: Is that good? All
2 right.

3 MS. TESTA: Anybody have any questions?
4 (No Response.)

5 MS. TESTA: Let's open to the public.

6 CHAIRMAN CHUNG: Open to the public.
7 Any questions?

8 (No Response.)

9 CHAIRMAN CHUNG: No, okay.

10 MS. TESTA: Close to the public. You
11 have to make a motion to approve the extension, a
12 one-year extension.

13 CHAIRMAN CHUNG: I make a motion for a
14 one-year extension.

15 MR. BROGNA: I'll second it.

16 MS. TESTA: With the provision that
17 they comply with the affordable housing.

18 CHAIRMAN CHUNG: With them providing
19 affordable housing.

20 Can I have a second, please?

21 MR. BROGNA: I'll second it.

22 CHAIRMAN CHUNG: Thank you.

23 BOARD SECRETARY KIM: Mr. Chung.

24 CHAIRMAN CHUNG: Yes.

25 BOARD SECRETARY KIM: Mrs. Yoon.

1 VICE CHAIRWOMAN YOON: Yes.

2 BOARD SECRETARY KIM: Mr. Brogna.

3 MR. BROGNA: Yes.

4 BOARD SECRETARY KIM: Mr. Chiesa.

5 MR. CHIESA: Yes.

6 BOARD SECRETARY KIM: Mr. Elefteriou.

7 MR. ELEFTERIOU: Yes.

8 BOARD SECRETARY KIM: Mr. Terranova.

9 MR. TERRANOVA: Abstain.

10 BOARD SECRETARY KIM: Mr. Sung.

11 MR. SUNG: Yes.

12 MR. SOKOLICH: Chairman, thank you.

13 CHAIRMAN CHUNG: Thank you.

14 MR. SOKOLICH: Members of the Board,

15 thank you.

16 CHAIRMAN CHUNG: Thank you, sir.

17 MS. TESTA: The next is Case No. 24-21,

18 Chris Kim, 19 West Homestead Avenue, Block 601,

19 Lot 23.01, who's also requesting an extension.

20 This was for a duplex.

21 CHAIRMAN CHUNG: Are they here?

22 MS. TESTA: Yeah, I don't think --

23 they're not here.

24 MR. ELEFTERIOU: I have to recuse

25 myself on this.

1 MS. TESTA: Okay. So let the record
2 reflect Board Member Elefteriou is recusing himself
3 from this application.

4 (Whereupon, Mr. Elefteriou recuses
5 himself and steps off the dais.)

6 MS. TESTA: So we just need -- it's a
7 two-family duplex, so affordable housing wouldn't
8 comply here.

9 MR. KAUKER: No, just the development
10 fee. I'm not sure if it's exemption or not, but...

11 MS. TESTA: Right, yeah.

12 So open to the public.

13 CHAIRMAN CHUNG: Yeah, open to the
14 public.

15 Any questions?

16 (No Response.)

17 CHAIRMAN CHUNG: No? Okay.

18 Close that.

19 We're going to vote, right?

20 MS. TESTA: Yeah, make a motion.

21 CHAIRMAN CHUNG: I make a motion to
22 give an extension.

23 MR. BROGNA: I'll second.

24 CHAIRMAN CHUNG: Thanks, Steve.

25 BOARD SECRETARY KIM: Mr. Chung.

1 CHAIRMAN CHUNG: Yes.

2 BOARD SECRETARY KIM: Mrs. Yoon.

3 VICE CHAIRWOMAN YOON: Yes.

4 BOARD SECRETARY KIM: Mr. Brogna.

5 MR. BROGNA: Yes.

6 BOARD SECRETARY KIM: Mr. Chiesa.

7 MR. CHIESA: Yes.

8 BOARD SECRETARY KIM: Mr. Terranova.

9 MR. TERRANOVA: Yes.

10 BOARD SECRETARY KIM: Mr. Sung.

11 MR. SUNG: Yes.

12 CHAIRMAN CHUNG: Thank you.

13 MS. TESTA: Okay.

14 So the next one will be Mr. Sokolich's.

15 MR. KAUKER: We're going to be going in

16 order?

17 CHAIRMAN CHUNG: Yeah.

18 MS. TESTA: Yes.

19 CHAIRMAN CHUNG: It's the top one.

20 MR. SOKOLICH: Pardon me, Chairman.

21 I was getting yelled at by my client

22 for building affordable housing units.

23 MS. TESTA: Case No. 25-09, Robert Lee,

24 317 9th Street.

25 MR. SOKOLICH: Thank you.

1 Mark Sokolich on behalf of the
2 applicant here.

3 I believe, Diane, at the last meeting I
4 presented the Affidavit of Service.

5 MS. TESTA: Yes.

6 MR. SOKOLICH: And just while we're on
7 that topic, we're not going to do -- my office wasn't
8 going to do green cards going forward.

9 MS. TESTA: Correct.

10 MR. SOKOLICH: Are you okay with that?

11 MS. TESTA: Yes, you don't need them.

12 MR. SOKOLICH: Okay. Great.

13 MS. TESTA: Just the white receipts.

14 MR. SOKOLICH: Thank you.

15 MS. TESTA: Or some proof that it's
16 certified.

17 MR. SOKOLICH: I always knew that was
18 the rule, but for whatever reason I --

19 MS. TESTA: You feel strange not doing
20 it at first.

21 MR. SOKOLICH: You feel strange not
22 doing it at first, for sure.

23 MS. TESTA: But then it's --

24 MR. SOKOLICH: But if I don't look at
25 another green card for the rest of my career, I'll be

1 okay with that.

2 MS. TESTA: And we really don't want
3 them either.

4 MR. SOKOLICH: You can't file them,
5 they're sticking out.

6 MS. TESTA: Very bulky.

7 MR. SOKOLICH: Yes, they're very bulky.

8 MS. TESTA: Yes.

9 Please raise your right hand.

10 Do you swear the testimony you'll
11 provide in this application will be the truth, the
12 whole truth and nothing but the truth?

13 MR. PARK: Yes, I do.

14 P E T E R C H A N G S O O P A R K, AIA, LEED AP ND
15 580 Sylvan Avenue, Suite 2C, Englewood Cliffs,
16 New Jersey 07632, having been duly sworn,
17 testifies as follows:

18 MS. TESTA: Please state your name for
19 the record and your business address.

20 MR. PARK: Peter Changsoo Park,
21 P-E-T-E-R, C-H-A-N-G-S-O-O, P-A-R-K.

22 My address is 580 Sylvan Avenue,
23 Suite 2C, Englewood Cliffs, New Jersey 07632.

24 MS. TESTA: Thank you.

25

1 VOIR DIRE EXAMINATION

2 BY MR. SOKOLICH:

3 Q. Peter, just to go through your
4 credentials, you're a licensed architect in the State
5 of New Jersey?

6 A. Yes.

7 Q. For how long?

8 A. Almost --

9 MS. TESTA: You're back, I'm sorry.
10 Yeah, you're back. 317, this is 317 9th Street.

11 MR. ELEFTERIOU: Oh, I thought you were
12 doing 19, that's why I recused myself.

13 MR. SOKOLICH: Only -- only if you're
14 in favor of the application, Lefty, we want you back.
15 If you're opposed, please get back there.

16 MR. ELEFTERIOU: I'll just sit in the
17 back.

18 BY MR. SOKOLICH:

19 Q. How long have you been licensed?

20 A. More than 12 years.

21 Q. 12 years.

22 And your license is in good standing?

23 A. Yes, it is.

24 Q. Have you had the opportunity in the
25 past to design one, two, three, four-family

1 residences for other clients?

2 A. Yes, it is.

3 Q. Have you ever appeared before a zoning
4 or planning board before?

5 A. Yes, it is.

6 Q. Have your credentials been accepted by
7 those boards as an expert in the field of
8 architecture?

9 A. Yes, it is -- they are.

10 MR. SOKOLICH: Chairman, I would offer
11 Mr. Park or would you like a little more detail.

12 MS. TESTA: I think we're good.

13 CHAIRMAN CHUNG: No, that's fine.

14 MR. SOKOLICH: Thank you.

15 CHAIRMAN CHUNG: Thank you.

16 DIRECT EXAMINATION

17 BY MR. SOKOLICH:

18 Q. So your credentials have been accepted
19 as an expert in the field of architecture, Peter.
20 I'm going to pre-mark your plans so I don't interrupt
21 you.

22 A. Yeah.

23 MR. SOKOLICH: So, Diane, with your
24 permission as A-1, that will be the first page of
25 Mr. Park's set, which is entitled, "Zoning Info and

1 Site Plan," last revised May 8.

2 (Whereupon, Zoning Info and Site Plan,
3 Last Revised May 8, 2026 is received and
4 marked as Exhibit A-1 for identification.)

5 MR. SOKOLICH: With your permission,
6 I'll mark as A-2 the second page of his packet, which
7 is elevations and floor plans.

8 Again, last revised May 8, 2026.

9 (Whereupon, Elevations and Floor Plans,
10 Last Revised May 8, 2026 is received and
11 marked as Exhibit A-2 for identification.)

12 MR. SOKOLICH: Am I going too fast.

13 MS. TESTA: No, you're good.

14 MR. SOKOLICH: And then finally, A-3 is
15 floor plans. Again, last revised May 8, 2026.

16 (Whereupon, Floor Plans, Last Revised
17 May 8, 2026 is received and marked as Exhibit
18 A-3 for identification.)

19 BY MR. SOKOLICH:

20 Q. So A-1, 2 and 3, Peter, you just heard
21 me describe them, they were all prepared directly by
22 you?

23 A. Yes, it is.

24 Q. And those plans are, what we would
25 call, the architectural bundle that depict what?

1 How many unit residence at this
2 property?

3 A. Yes, three.

4 Right now, the existing one is one.

5 Q. The residence now.

6 But the proposal?

7 A. Proposal is three, three units.

8 Q. Okay. So as you refer to A-1 on the
9 right side, we have what I refer to as the
10 architectural site plan.

11 If you can just describe the size of
12 the property and the existing conditions. We know
13 it's a residence, but topographic conditions, are
14 there environmental problems, that type of --

15 A. Yes, it is.

16 317 9th Street is 85 by 100 feet site.

17 So total square footage is 8,500 square
18 feet and then the topographically as other side, the
19 9th Street is higher side and then the 8th Street,
20 the west side is sloping down.

21 The grading is almost like around 13-
22 to 15-feet differences existing condition.

23 So based on that, the -- our
24 neighborhood side is like 321 9th Street, they have
25 another triplex house.

1 So we are carefully -- you know,
2 studied about their resolution and then we just, you
3 know, following that.

4 Q. On the property are you aware of any
5 environmental conditions, be it wetlands, be it
6 abandoned oil tanks, anything that we need to
7 disclose to the board?

8 A. Not at all.

9 Q. Okay. And just by way of background,
10 I'll ask you this now, when last we appeared here,
11 there was a neighbor or two that was present,
12 correct?

13 A. Yes, it is.

14 Q. We had elected at that time to not
15 proceed and allow us to meet with those neighbors for
16 purposes of, perhaps, revising our plans and adding
17 conditions to our proposal, is that correct?

18 A. Yes, correct.

19 Q. Did you meet with both of those
20 neighbors?

21 A. Yes, I met them.

22 Q. I believe you met with both of them at
23 my office at one point, if I'm not mistaken?

24 A. Yes, it is.

25 Q. The plans that we marked as A-1, -2 and

1 -3, do they incorporate the items that you had
2 discussed with the neighbor to relieve them of some
3 of the concerns that they had?

4 A. Yes, it is. Mostly --

5 Q. We'll get to them, but these plans
6 reflect that?

7 A. Yes, it is.

8 Q. Okay. Is there anything else that you
9 want to talk about with regard to existing
10 conditions?

11 A. Existing conditions, yeah, right side
12 we have a triplex house is on the left side, 313.

13 There's another single-family house in
14 there and then the biggest feature in this house is
15 east side is around 14 feet higher than the west
16 side. So it affects to the average height.

17 Q. So that's a pretty substantial and
18 material topographic condition?

19 A. Yes.

20 Q. Okay. And the foundation, the
21 footprint that you depict now on this plan, is that
22 the footprint of the existing residences?

23 A. Yes, it is.

24 Q. Which is not small. It's almost as
25 wide as that which we're proposing, correct?

1 A. Yes, yes, it is.

2 Q. Okay. So we then move on A-1 to the
3 left side and we now get to -- and by the way, all
4 improvements that you just talked about are scheduled
5 to be demolished?

6 A. Yes, yes.

7 Q. We now move to the left side of A-1,
8 which depicts, I believe, the new improvements,
9 correct?

10 A. Yes, it is.

11 Q. During the course of your testimony
12 when we talk about this architectural site plan, also
13 point out some of the revisions that you've made in
14 discussions with those neighbors, because I'd like to
15 put those on the record.

16 A. Okay.

17 So the site is AA zone, it's a
18 residential district and then our site, as I
19 mentioned before, is 85 by 100 size. So it's 8,500
20 square feet.

21 So lot frontage we have 85 feet. So
22 they are required 50 feet.

23 Dwelling unit, you know, town requires
24 two duplex, but, you know, this one we are proposing
25 the triplex, so we need variances and the lot area

1 required 2,500, but we have 2,833 square feet.

2 Maximum coverage is 40 percent, but,
3 you know, actually duplexes are 2,500.

4 Q. Focus on your architectural plan. Talk
5 to me about where you -- why you situated the
6 building here, the points of ingress and egress and
7 also the driveway.

8 A. Yeah, driveway or access point is from
9 9th Street and then there we are subdivide -- we are
10 just divide three units facing to the 9th Street and
11 then the other side, 8th Street side, is more like,
12 you know, backyard side.

13 Q. Understood.

14 And just talk about your thought
15 process on where you situated the building here.
16 What was some of your considerations?

17 A. My consideration is based on the
18 existing condition. The existing condition is, as
19 you see here, there's a big drop, the contour drops,
20 they have a retaining wall here.

21 So our new building back side is really
22 sitting on the existing, you know, footprint, I mean,
23 the -- of the, you know, the retaining wall.

24 Q. Understood.

25 A. Yeah, and then that's why the contour

1 is really big drop in the back side.

2 Q. And some of the adjustments that --
3 because this is the second version of this plan you
4 submitted to the board, correct?

5 A. Yes, it is.

6 Q. So could you just discuss with the
7 board some of the adjustments that you've made to
8 your architectural site plan to accommodate some of
9 the concerns that you had heard?

10 A. Yes.

11 So our neighbor, 313 9th Street, the
12 owner is really concerned about the water flooding,
13 because north side is higher, they're located in the
14 south side.

15 So they -- that's why they're really
16 concerned about the backyard being a flooding, you
17 know, problem.

18 So they're proposing the small
19 retaining wall, not the really tall. It's around one
20 or two feet, you know, high, you know, retaining wall
21 alongside of their, you know, property line.

22 Q. Do you now depict that retaining wall?

23 A. Yes, we -- we're proposing all
24 retaining wall alongside of our backyard.

25 Q. What else have you done?

1 A. And then they want to cut out their own
2 tree, you know, because the branches are covered
3 with, you know, this 317, you know, 9th Street side.

4 So even if the roots or trunk is on
5 their side, you know, they want to cut it off so --

6 Q. Where is that tree?

7 A. So this tree.

8 So we're going to cut it off and then
9 after cutting off --

10 Q. At the applicant's expense?

11 A. At the applicant's expense.

12 Q. And at the neighbor's request?

13 A. Exactly.

14 Q. Now, that triggers, I believe,
15 compliance with ordinances.

16 We might have to either contribute to a
17 tree fund or alternatively plant or whatever the
18 option is, in fact, the applicant is willing to
19 comply with that?

20 A. Exactly.

21 And then the blacktop is -- consists of
22 their side and also that is continuously penetrating
23 into our side, so they want to remove all of them and
24 then they want to upgrading with, you know, pebble
25 stone and also cobblestone, you know, curb on their

1 side.

2 Q. Now, if you remove that asphalt, I
3 presume that would then be removal of impervious
4 coverage, correct?

5 A. Yes.

6 Q. Which I trust can only help the
7 drainage?

8 A. Exactly.

9 Q. But is that request to remove that
10 asphalt at of the applicant?

11 A. Applicant.

12 Q. And the applicant -- excuse me, of the
13 neighbor?

14 A. Yes.

15 Q. And the applicant is willing to comply?

16 A. Exactly.

17 Q. What else is on that site plan?

18 A. And also they have a stump that is
19 exactly in between their property and the 317
20 property.

21 They want to cut it off and then, you
22 know, improving their landscaping after we demo that.

23 Q. And what else? I believe there's
24 fencing?

25 A. Yeah, and the back side there's

1 existing fencing.

2 You know, it's really run down
3 situation. So we're going to replacing everything as
4 new looking white vinyl tiles -- vinyl, you know,
5 fencing.

6 Q. And that, I believe, was the request of
7 the neighbor directly behind, correct?

8 A. Exactly.

9 Q. And just so that we're on the same
10 page, the neighbor was the neighbor directly behind
11 that faces, I believe, 8th Street?

12 A. Yes.

13 Q. And then, of course, the neighbor that
14 was directly adjacent?

15 A. Yes.

16 Q. Are there any other adjustments or
17 revisions you would make to that architectural site
18 plan?

19 A. Not at all.

20 Q. Okay. And just so -- because I want to
21 be clear, the entry points we can deal with during
22 the floor plans, I think it will be easier to
23 explain.

24 Do you want to go there now?

25 A. Yes.

1 Q. So if we turn the page to A-2 --

2 MS. TESTA: Mark, before --

3 MR. SOKOLICH: Yes, ma'am.

4 MS. TESTA: Just the -- just to go over
5 what you're doing with regards to the property owners
6 to the left of this.

7 MR. SOKOLICH: And we've reflected them
8 on the plans also.

9 MS. TESTA: Okay.

10 So putting up a small retaining wall
11 alongside the property?

12 MR. SOKOLICH: Correct.

13 MS. TESTA: Cutting down the tree.

14 Now, where is the tree located?

15 MR. SOKOLICH: At the border of 313 9th
16 Street and our property.

17 THE WITNESS: Just in front of their
18 garage.

19 MS. TESTA: And you're removing the
20 asphalt that's in the rear of the property? There's
21 like a --

22 MR. SOKOLICH: So there's asphalt that
23 spills over the property line --

24 MS. TESTA: Right.

25 MR. SOKOLICH: -- a portion on their's

1 and a larger portion on ours --

2 MS. TESTA: Yes.

3 MR. SOKOLICH: -- that's all being
4 removed and replaced with --

5 MS. TESTA: With what?

6 THE WITNESS: With our side is grass.

7 MS. TESTA: Grass.

8 THE WITNESS: And then their side is
9 going to be pebble stone, small --

10 MS. TESTA: Small.

11 THE WITNESS: -- small pebbles, small
12 stone.

13 MS. TESTA: Okay.

14 THE WITNESS: Pebbles, yes.

15 MS. TESTA: Okay. And then improving
16 the landscape next to -- also on the same neighbor,
17 you're going to improve their landscaping by putting
18 what?

19 MR. SOKOLICH: Removal of the stump
20 and?

21 THE WITNESS: Stump and also they have
22 some planting.

23 So we have to replace their planting.

24 MS. TESTA: And some plantings, okay.

25 THE WITNESS: Yes.

1 MS. TESTA: And then the neighbor
2 behind on 8th, that property is on 8th Street
3 replacing the fence in the rear --

4 MR. SOKOLICH: Correct.

5 THE WITNESS: Yes.

6 MS. TESTA: -- with a vinyl fence?

7 THE WITNESS: Yes.

8 MR. SOKOLICH: And just, Counsel, full
9 disclosure, the request there is a 6-foot-high vinyl
10 fence.

11 I don't know if that -- I don't know if
12 that's not in compliance, Mike, I'm sorry, with the
13 fence --

14 MS. TESTA: Yes.

15 MR. SOKOLICH: -- 6-foot to the rear was
16 requested by a neighbor that expressed concern.

17 I mean, I'll ask for a waiver or a
18 variance if it isn't, but I don't know if that
19 violates...

20 MR. KAUKER: The height is 6-foot.

21 MR. SOKOLICH: 6-foot.

22 MR. KAUKER: In the rear yard.

23 MR. SOKOLICH: Rear yard. I'm sorry --

24 MR. KAUKER: You're not talking about
25 the distance from the property line?

1 MR. SOKOLICH: No, no, no, the actual
2 height of the fence.

3 MR. KAUKER: And it's in the rear yard?
4 I think that's okay, but I'll check.

5 MR. SOKOLICH: I think it -- if it -- I
6 don't even -- you don't even have -- if it's 4 feet,
7 we would ask the board for consideration to grant
8 that minor variance --

9 MS. TESTA: You're looking for --

10 MR. SOKOLICH: -- as part of this
11 application, yes.

12 MS. TESTA: Okay.

13 MR. SOKOLICH: If it's 6-foot, then we
14 won't need the variance.

15 MS. TESTA: Thank you.

16 MR. SOKOLICH: Thank you.

17 BY MR. SOKOLICH:

18 Q. So, Peter, with you and the board's
19 permission, I'm going to turn you over to A-2.

20 Now, A-2 I'm going to turn to, because
21 it will give us -- now, we haven't gone through
22 variances, we have a planner on deck.

23 For the moment I just want to focus on
24 the improvements. So in the upper left-hand corner
25 are the elevations.

1 A. Yes.

2 Q. Please describe to the board the entry
3 points for each proposed unit --

4 A. Right.

5 Q. -- and also the garages for each
6 proposed unit --

7 A. Yes.

8 Q. -- vehicle and pedestrian access.

9 A. Okay. So as you look at the number one
10 drawing, east elevation, that is facing to 9th
11 Street.

12 So car going to be, you know, accessed
13 from 9th Street and they have all their own garage,
14 inside garage.

15 And then the left unit is accessed by
16 the stair.

17 Center unit, they have their own
18 entrance door in the center.

19 And then right side unit, they have a
20 stair.

21 And then, yeah, people and car is every
22 -- you know, the traffic is accessed from 9th Street.

23 Q. So there's two vehicles that are able
24 to park in the driveway and two in the garage?

25 A. Exactly.

1 Q. Okay. And where is -- as I'm looking
2 at this, we'll go from left to right. The entrance
3 to the left unit is here to the side?

4 A. Exactly.

5 Q. The entrance to the middle unit is
6 ground level here?

7 A. Ground level, yes.

8 Q. Almost dead center of proposed project
9 and asymmetrical to the left unit is the right unit
10 with entry points on the side?

11 A. Correct, correct.

12 Q. What does the picture below represent,
13 which I believe you're calling the east elevation?

14 A. Yes.

15 Q. That shows the topographic change, does
16 it not?

17 A. Exactly, yeah.

18 So east -- north elevation showing that
19 the west side is 9th Street and then the other one is
20 really around 14-feet high, naturally existing
21 contour is differences.

22 So that's why we're proposing the
23 basement level and the first and second floor, but
24 they are -- you know, have some gap in the big
25 contour gaps.

1 So we're proposing the subbasement
2 underneath. It's going to be used by own sole
3 garage.

4 Q. Now, that room below that's below grade
5 --

6 A. Storage, I'm sorry.

7 Q. It will be used for storage?

8 A. Storage.

9 Q. And you'd be willing to accept any
10 conditions this board would place on it to make sure
11 that it remains storage?

12 A. Yes.

13 Q. And not, for example, another bedroom?

14 A. No, no.

15 Q. Something to that effect?

16 A. No.

17 Q. If the topographic condition that you
18 depict on A-2 didn't exist, would you even have that,
19 that level? You wouldn't dig through the ground --

20 A. No.

21 Q. -- the house would end here, correct?

22 A. Yes, correct.

23 Q. And that level also skews the height to
24 the rear?

25 A. Yes.

1 Q. As we go down further, we look at the
2 north elevation, which is essentially the other side
3 of the building.

4 A. Yes.

5 Q. That too has the same condition?

6 A. Yes, that side is the same -- similar
7 condition, yes.

8 It's plus, minus, but we have similar
9 condition.

10 Q. Okay. If you can just speak to the
11 rear elevation.

12 A. Yeah, rear elevation, as you see,
13 there's only center unit has accessible to, you know,
14 the storage spaces on the -- you know, from the
15 ground and then other than that they have a side
16 entry doors here and here.

17 Q. Okay. All right.

18 And in the lower right-hand concern,
19 what does this depict?

20 A. This is a subbasement. It's a storage
21 unit.

22 As you see, there's no closet, nothing
23 there.

24 Q. No water, no bathroom?

25 A. No water, no bathroom.

1 Only storage space.

2 Q. Understood.

3 Is there -- is your -- well, we'll get
4 to that floor plan.

5 Does your floor pan show stairways to
6 that from within the unit?

7 A. No, only they're accessible from the
8 outside.

9 Q. Okay. That's an important point.
10 So there's no bathroom, there's no
11 running water and to access what you're calling the
12 storage units, they're not accessible from, for
13 example, the floor above it, it's only from the
14 exterior?

15 A. Exactly.

16 Q. I'm going to turn you now to your final
17 architectural plan.

18 If you would, in summary fashion, Peter
19 take the board through your floor plan?

20 A. Right.

21 So going to the basement floor plan, so
22 as you see the front side there's a two-car garage
23 area and then there's going to -- you know, access to
24 the unit, the upper level.

25 And then they have three to four step

1 down for accessible to the basement, you know.

2 Basement used -- solely used for
3 recreation and also home office, you know, function.

4 They have only, you know, the powder
5 room. There is the basement.

6 And then the first floor, we -- there
7 is -- consist of living spaces, kitchen and dining
8 spaces with one powder room.

9 And the second floor, they're
10 consisting of three bedrooms and three baths and then
11 we have rooftop units in the attic spaces, so that is
12 around 3 to 400 square feet, yeah.

13 THE COURT REPORTER: I'm sorry, how
14 much square feet?

15 THE WITNESS: The rooftop?

16 The rooftop going to be -- it's around
17 500 square feet, yeah.

18 BY MR. SOKOLICH:

19 Q. That includes the exterior as well,
20 does it not?

21 A. Not included.

22 Q. Just the interior, okay.

23 Is there anything else that you would
24 like to describe?

25 But there are three bedrooms that are

1 proposed?

2 A. Three bedrooms, yes.

3 Q. Peter, is there anything else that you
4 would like to add with regard to your architectural
5 -- you know what I didn't ask you, flipping back to
6 A-2, the architectural treatment, the exterior of
7 what's proposed.

8 A. Yes.

9 We are actually proposed to gray metal
10 siding and also stucco mainly.

11 So color is really kind of we're going
12 to introduce as a neutral tone and also a little bit
13 of black trim, you know, matching to a contemporary
14 looking.

15 And then, you know, we have a bunch of
16 complaints that another triplex unit in the 320 --
17 I'm sorry -- 321 9th Street, that covered with all
18 black bricks and everything is black, so there's a
19 lot of complaints.

20 So, you know, we want to introduce as,
21 you know, just natural looking.

22 Q. Now, David is going to talk about the
23 variances, he's on deck, but with regard to the
24 height of this proposed structure, especially as you
25 see it from 9th Street, is it comparable in height to

1 the residence that's immediately to the right of it?

2 A. Yes, exactly, that is truly similar
3 height.

4 Q. Okay. It's not identical?

5 A. Yeah.

6 It's not identical, yeah.

7 And also, I got comments from the
8 engineer that our average height is really kind of
9 combining the first page is how we calculate the
10 average height.

11 So average height is really based on
12 the four corners of the building and also another
13 four corners of the midpoint.

14 So we combine everything and divide it
15 and that's why we got the average height.

16 So, again, because of the existing
17 contour line is almost like 14 feet height
18 difference, that's why our height suggestion -- I
19 mean, proposed height turning up 39.97 feet.

20 Q. Peter, anything else you would like to
21 add?

22 A. I think that's it.

23 MR. SOKOLICH: Chairman, I offer
24 Mr. Park, with the understanding that Mr. Spatz is on
25 deck.

1 CHAIRMAN CHUNG: Thank you very much.

2 Thank you.

3 Any questions, Members?

4 MR. TERRANOVA: Yes.

5 How many trees are we removing?

6 THE WITNESS: Tree going to be, I think
7 one -- it's going to be two trees -- three trees
8 removal.

9 MR. TERRANOVA: Three?

10 THE WITNESS: Three trees because of
11 construction and also one tree requested by the
12 neighbor also, you know, in front of their garage
13 building.

14 So four trees and the one tree stump.

15 BY MR. SOKOLICH:

16 Q. But three on our property, one is more
17 on the --

18 A. More their, yeah, property.

19 Q. Correct.

20 A. Tree stump is in between ours.

21 MR. TERRANOVA: All three are going to
22 be removed, right.

23 THE WITNESS: Yeah.

24 MR. TERRANOVA: Is that what you said?

25 THE WITNESS: Yeah.

1 MR. TERRANOVA: And what's the need for
2 a triplex and not just put a duplex?

3 Just because it's 85-foot wide?

4 THE WITNESS: 85 by 100.

5 So it's an oversized lot, and also
6 there's another triplex building on the -- just right
7 next to our property.

8 MR. TERRANOVA: Understood.

9 It still zoned two-family, you know?
10 And the height, do we need the -- the roof deck on
11 the top?

12 Can we lower the height a little? I
13 realize what you explained to me with the average and
14 everything, but it's still kind of high. Can you
15 remove that?

16 THE WITNESS: So you're talking about
17 the -- you're questioning about the deck?

18 MR. TERRANOVA: The roof deck.

19 MR. SOKOLICH: The height.

20 The roof deck.

21 MR. TERRANOVA: The top.

22 THE WITNESS: Oh, the roof deck, the
23 height.

24 We're introducing garage level 8-foot
25 high.

1 And then first floor, second floor
2 introducing 9 foot, so 9-foot ceiling is more like a
3 modern-living, you know, it's kind of a standard, you
4 know, so --

5 MR. TERRANOVA: So --

6 THE WITNESS: -- in terms of new
7 development.

8 MR. TERRANOVA: So you'd rather leave
9 the 9 footers and you can remove the roof deck to
10 lower the height a little?

11 MR. SOKOLICH: May I have one minute?

12 MR. TERRANOVA: Sure.

13 (Whereupon, a brief recess is held.)

14 MR. SOKOLICH: We -- remember we --
15 conferring with the architect, and I know that
16 nothing stands -- every application stands on its own
17 merit. It's identical to the rooftops that are next
18 door.

19 BY MR. SOKOLICH:

20 Q. Are they set back, Peter?

21 A. Yes.

22 Q. Is there any chance we can set them
23 back further or perhaps shrink them so they're not as
24 intrusive, they're not as...

25 A. As you see this side elevation, this is

1 the front side.

2 Our rooftop unit is set back almost
3 like -- how much? Almost like...

4 Q. Can you reduce --

5 A. More than 10 feet.

6 Q. Can you reduce the size of the interior
7 square footage so it's set back even more?

8 I can tell you now, the answer is going
9 to be yes.

10 You just have to say how much.

11 A. Yeah, because of the stair-wise, you
12 know -- yes, I think we can push it down a little bit
13 more, you know.

14 Q. How many feet?

15 A. Around 3 to 4 feet.

16 Q. So you can recess it, I don't know if
17 that's responsive enough, but 3 to 4 feet back?

18 A. Yeah, back.

19 Q. All right.

20 MR. TERRANOVA: How much would that
21 reduce the height?

22 BY MR. SOKOLICH:

23 Q. And height, what could we do as far as
24 the height of the building is concerned?

25 A. The height is -- we have an 8-foot high

1 for the attic spaces, so --

2 Q. But the board is asking to reduce the
3 height.

4 MR. TERRANOVA: The whole building?
5 BY MR. SOKOLICH:

6 Q. What steps can we take to reduce the
7 height?

8 A. Maybe we can do 7-feet-6 or 7 feet.
9 You know, that is the attic space. Anyway this is
10 not livable space.

11 So, you know, it can be used, you know,
12 for their recreation purpose.

13 Q. And you said it was 8 feet on the
14 basement level, 9 and 9?

15 A. Basement is, we have 10 foot because we
16 have a really big gap between the, you know --

17 Q. Can we reduce the basement area where
18 it's 10-foot to 8-foot, so we can take 2 foot off of
19 that average?

20 A. No, we can't do that.

21 There's the garage side, so --

22 Q. No?

23 A. Actually, the living space in the back,
24 as you see, in the garage side it's better to keep
25 the 8-foot high, but the other side, you can reduce

1 that, you know, right now we have, you know, 10-foot
2 ceiling, but we can reduce that.

3 Q. To what? You have to be specific,
4 Peter.

5 MR. TERRANOVA: Overall, after all
6 that, how much would the building height come down?

7 THE WITNESS: Overall -- so we are
8 trying to figure out around 37 feet.

9 At least maybe we can reduce it to --
10 maybe the second floor, we can reduce that and then
11 the attic space, we can reduce as well.

12 MR. TERRANOVA: So you're basically
13 lowering it 3 feet, is that what you're saying?

14 THE WITNESS: Yeah, around.

15 MR. SOKOLICH: Around -- yeah, and when
16 -- you know, Dave, I don't mean to say around, and
17 I'm being evasive, I really don't.

18 MR. TERRANOVA: I understand.

19 BY MR. SOKOLICH:

20 Q. But if you reduced it by, call it, 2 to
21 3 feet, you'd be considerably lower than the property
22 next to you, correct?

23 A. Yes, it is, definitely.

24 Right now our study is really -- we
25 carefully studied about our neighborhood: 321 9th

1 Street, they're existing triplex height, you know,
2 triplex, you know, raised this.

3 We saw their resolution and then we
4 studied it and then we applied it to ours.

5 CHAIRMAN CHUNG: So what was it?
6 What was the height on that?

7 THE WITNESS: The height is -- they
8 have 39.3 feet.

9 MR. SOKOLICH: But, again, I'm more
10 sensitive to referring to other applications, because
11 we acknowledge that they all stand on their own
12 merit, Chairman.

13 CHAIRMAN CHUNG: Absolutely.

14 MR. SOKOLICH: We're only doing it just
15 for comparison purposes.

16 So I just don't want to offend anybody,
17 by saying, well, they got it.

18 We're here by ourselves, we get it.

19 But we can't ignore the fact that
20 there's a structure that's next to us.

21 MR. TERRANOVA: What's the -- what's
22 the height of the structure to the left of you?

23 THE WITNESS: Left side, that is a
24 two-story building.

25 MR. TERRANOVA: Okay.

1 That's all I needed to know.

2 THE WITNESS: I think the garage and
3 the basement, yeah, two-and-a-half stories.

4 BY MR. SOKOLICH:

5 Q. But to be clear, Peter, you can reduce
6 it by 2 to 3 feet, correct?

7 A. 2 to 3, yes.

8 CHAIRMAN CHUNG: Anybody else?
9 Members.

10 (No Response.)

11 CHAIRMAN CHUNG: I have a question.
12 Can you go back to the last page,
13 please?

14 The second page, that one right there.

15 THE WITNESS: Yes.

16 CHAIRMAN CHUNG: Take a look at the
17 west elevation on the top, top right, top right.

18 THE WITNESS: Yeah.

19 CHAIRMAN CHUNG: That one.

20 So you are -- that one's facing
21 8th Street, right?

22 THE WITNESS: Yes.

23 CHAIRMAN CHUNG: Yes, okay.

24 That looks like a hotel to me, it's
25 huge. There's five floors.

1 MR. SOKOLICH: Chairman, that's because
2 of the topographic condition.

3 CHAIRMAN CHUNG: I understand that.

4 MR. SOKOLICH: We wouldn't build that
5 --

6 CHAIRMAN CHUNG: So I'm not trying to
7 compare next door, 321.

8 THE WITNESS: Yes.

9 CHAIRMAN CHUNG: I asked you, remember
10 the last time you were here, I asked, 321, 321 don't
11 have that.

12 MR. SOKOLICH: Doesn't have what, I'm
13 sorry.

14 CHAIRMAN CHUNG: No.

15 321 doesn't have that.

16 THE WITNESS: They have only one.

17 CHAIRMAN CHUNG: One basement, not
18 subbasement.

19 So I would being it one down.

20 BY MR. SOKOLICH:

21 Q. Eliminate the storage.

22 A. Yeah, we can, yeah, we can eliminate
23 the storage.

24 CHAIRMAN CHUNG: Eliminate the bottom
25 one.

1 MR. SOKOLICH: Chairman, we would
2 completely eliminate the bottom.

3 CHAIRMAN CHUNG: Yes.

4 MR. SOKOLICH: I mean to be completely
5 frank, we did it because it was there and we figured
6 storage for long-term storage, but we can certainly
7 eliminate it.

8 CHAIRMAN CHUNG: No, eliminate that
9 one, because --

10 MR. SOKOLICH: It's done.

11 CHAIRMAN CHUNG: Okay.

12 MR. SOKOLICH: Done.

13 And we can put some sort of limestone
14 break so it's not just --

15 CHAIRMAN CHUNG: There you go.

16 MR. SOKOLICH: We get it.

17 CHAIRMAN CHUNG: Build a retaining wall
18 or something.

19 THE WITNESS: Right.

20 MR. SOKOLICH: Then there's no
21 temptation for someone to live there, which was never
22 the intention.

23 CHAIRMAN CHUNG: Thank you, sir. Thank
24 you. Appreciate that.

25 All right. Thank you.

1 Professionals?

2 Mike, what do you got?

3 MR. KAUKER: Nothing of the architect.

4 CHAIRMAN CHUNG: Carl?

5 MR. O'BRIEN: Yes, I have a couple of
6 things.

7 Mark, you got our letter from May 15th?

8 MR. SOKOLICH: I do, Carl.

9 Let me just pull it out.

10 MR. O'BRIEN: Okay. It's the typical
11 stuff that we talked about at the board before with
12 everything.

13 Most of it goes back to stormwater.

14 So conditional upon approval all the
15 stormwater management requirements have to be met,
16 soil testing, design, maintenance manual, everything
17 tied with that would have to be taken care of.

18 We would review that during the
19 building department review period when they pull the
20 permits.

21 When they go to dig their test pits,
22 they'll contact us so that we make sure we're out
23 there to make sure we see the same thing that's out
24 there.

25 If, for whatever reason, I know they're

1 showing a certain design right now for their
2 stormwater management system, if the soils come back
3 poorly, they would have to redesign it and do
4 something else, a shallower design, perhaps, maybe a
5 little longer, but there's options for them to remedy
6 their stormwater.

7 The other thing, you talked about the
8 walls, so I'm good with that.

9 And then you talked about you're doing
10 work on the neighboring property.

11 Do you have a signoff from the
12 neighbors?

13 MR. SOKOLICH: We'll get them.

14 MR. O'BRIEN: You will? Okay.

15 MR. SOKOLICH: We'll get them.

16 MR. O'BRIEN: Yeah, before any work is
17 done on the neighboring property, I recommend getting
18 some type of signoff just you don't want someone
19 doing this, pointing back and forth.

20 MR. SOKOLICH: Completely agree.

21 MR. O'BRIEN: And then the utilities,
22 your responsible for your utility connections, make
23 sure you get your Will Serve Letters and all of that.

24 THE WITNESS: Yeah.

25 MR. O'BRIEN: You know, there are

1 concerns locally with some of the utility companies
2 --

3 THE WITNESS: Yes.

4 MR. O'BRIEN: -- because they're very
5 busy or you not be able to accommodate for water
6 pressure or whatnot.

7 THE WITNESS: Yes.

8 MR. O'BRIEN: Just make sure you have
9 that in hand.

10 THE WITNESS: Right.

11 MR. O'BRIEN: And then soil erosion,
12 make sure you have your soil erosion permits --

13 THE WITNESS: Yes.

14 MR. O'BRIEN: You'll have to apply to
15 Bergen County Soils for that.

16 THE WITNESS: Yeah.

17 MR. O'BRIEN: When you submit to the
18 building department, I'd recommend having a copy of
19 the submission in hand so that they know that it's
20 going through soils as well.

21 THE WITNESS: Yes.

22 MR. O'BRIEN: Other than that, those
23 are my main concerns.

24 Thank you.

25 MR. SOKOLICH: I can also represent to

1 the board, Chairman --

2 CHAIRMAN CHUNG: Yes, sir.

3 MR. SOKOLICH: -- that every single
4 utility condition -- well, all the conditions in the
5 Colliers review letter will be complied with, in
6 particular drainage, stormwater and utilities.

7 We won't take a step until it's signed
8 off by Carl and his team.

9 CHAIRMAN CHUNG: Thank you.

10 THE WITNESS: I have one question.

11 So the township requires 2-inches rain
12 or 3-inches rain.

13 MR. O'BRIEN: I believe it's two
14 inches, but for design purposes I like a little bit
15 more just to make sure that you can accommodate --

16 THE WITNESS: Yeah.

17 MR. O'BRIEN: -- any of the overflow.

18 MR. SOKOLICH: It shall be provided.

19 MR. O'BRIEN: Yes.

20 MR. SOKOLICH: You heard that, Peter?

21 THE WITNESS: Yeah.

22 CHAIRMAN CHUNG: All right. Thank you.

23 MR. O'BRIEN: I'm good.

24 CHAIRMAN CHUNG: All right. Thank you.

25 Anybody in the public?

1 (No Response.)

2 CHAIRMAN CHUNG: No? Okay. We're
3 going to close that and --

4 MR. SOKOLICH: We call Mr. Spatz,
5 Chairman, with your permission.

6 CHAIRMAN CHUNG: Thank you.

7 MR. SOKOLICH: I had -- I hope the
8 board still has them, the photographs from -- you
9 guys do?

10 Thank you.

11 MS. TESTA: I have it.

12 Please raise your right hand.

13 Do you swear the testimony you will
14 provide in this application will be the truth, the
15 whole truth and nothing but the truth?

16 MR. SPATZ: Yes, I do.

17 D A V I D S P A T Z, PP,

18 60 Friend Terrace, Harrington Park, New Jersey,
19 having been duly sworn, testifies as follows:

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

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

23 My business address is 60 Friend
24 Terrace in Harrington Park, New Jersey.

25

1

2 VOIR DIRE EXAMINATION

3 BY MR. SOKOLICH:

4 Q. David, you are the planner engaged by
5 the applicant, Mr. Robert Lee, correct?

6 A. Yes, I was.

7 Q. And you were engaged for purposes of
8 conducting a planning assessment?

9 A. Correct.

10 Q. You've appeared before this board
11 multiple times? You've been accepted as an expert in
12 the field of planning?

13 A. Many, many times.

14 Q. And I trust that that expertise remains
15 intact?

16 A. Yes.

17 DIRECT EXAMINATION

18 BY MR. SOKOLICH:

19 Q. If you would please bring the board
20 through the scope of your analysis, the variances
21 that are being sought and what we believe to be the
22 planning basis therefore?

23 A. Certainly.

24 My work involved visiting the property,
25 preparing a photo exhibit, reviewing the master plan

1 and the zoning ordinance. And then preparing my
2 testimony for this evening.

3 So we have a photo exhibit, which was
4 handed out at the April meeting when we first
5 started, series of four photographs was marked A-4.

6 The top left-hand photograph is of the
7 subject property, which is a two-story dwelling.

8 The top right is looking to the right.

9 To the north of our property is a
10 three-family dwelling, which is four stories, three
11 stories and then the roof deck.

12 And then the rear, because it has the
13 same topographic conditions, has an extra floor below
14 that.

15 The bottom left is looking to the left
16 or to the south of us and there's a similar dwelling
17 next to us and then a series of two families.

18 And then the bottom right is looking
19 directly across the street from us, which is also a
20 series of two-family homes, many of them have the
21 roof decks as well.

22 So we're in the AA zone, which does not
23 permit three-family dwellings. We need the use
24 variance.

25 The lot conforms to the lot area width

1 and depth requirements of the zone.

2 There is one additional D variance,
3 which is for building height, which we've modified
4 this evening. There are no other variances required
5 for what we're proposing.

6 So looking particularly at our
7 D variances, I think the site is particularly
8 well-suited for what we're proposing at 8500 square
9 feet, it's actually 3500 square feet larger than what
10 you require for a two-family dwelling.

11 If you use increments of 2500 per unit,
12 we're 1,000 square foot larger than that, so we can
13 certainly accommodate that.

14 The lot adjacent to us at 321, exactly
15 the same lot as ours and that contains a three-family
16 as well.

17 Looking at the Municipal Land Use Law,
18 we looked at the purposes of zoning and those support
19 the special reasons.

20 We meet a number of those purposes.
21 Purpose A, which is promoting the public health,
22 safety, morals and general welfare providing a
23 residential structure in a residential zone. It
24 meets all current building codes, drainage
25 improvements are being provided, which will benefit

1 the site, as well as off-site.

2 Purpose E is establishing appropriate
3 population densities.

4 Again, because our lot is a thousand
5 square foot larger than the increments of 2500 per
6 unit, I think can certainly support that and provides
7 a density that can be fitting -- that can fit on the
8 property and, again, it is identical in size to the
9 three-family directly adjacent to us to the north.

10 And then lastly, Purpose I, which is
11 promoting good civic design and arrangement and I
12 believe that's the case.

13 We're replacing a structure that is in
14 fair condition. We have severe topographical
15 conditions on the property. We have a unique
16 neighborhood in that there are -- there's a
17 three-family home directly next to us. So I think we
18 meet that started by how the project has been
19 designed and, again, we've made some modifications, I
20 think, particularly the fact that there are the side
21 yards, rear yard, front yards are all conforming, I
22 think is important.

23 Looking towards the height variance in
24 particular, the caselaw indicates that what we need
25 to look to is consistency with the neighborhood and I

1 think what we're proposing is certainly consistent
2 with the neighborhood.

3 The adjacent property next to us, 321
4 is a newer structure, is three stories in height at
5 the street level with the recessed roof deck, we're
6 exactly the same. The height as we originally
7 proposed it, was identical.

8 We're reducing that by an additional
9 two feet. So even though the adjacent property next
10 to us is at a higher elevation slightly because the
11 road slopes upward, we will be 2 feet lower than what
12 that struck is and I think it certainly fits in the
13 neighborhood. The properties across the street from
14 us also at a higher elevation, they are at a similar
15 height to what we are proposing.

16 So I think in terms of the height
17 variance, I think that can be granted and, again,
18 just noting that we meet the setback requirements on
19 all sides of the building, as well as the lot
20 coverage standards, so there are no bulk variances
21 required beyond the use variance and the building
22 height.

23 Next we'll look at the negative
24 criteria for those D variances and I don't think
25 anything rises to the level of being substantially

1 negative. We are consistent with the neighborhood
2 where the larger lot similar in size to us also has a
3 three-family, so we are providing a consistent
4 development pattern in the neighborhood. There are a
5 number of two families on smaller lots than us,
6 approximately 5,000 square foot lots.

7 So in terms of the density, we are
8 consistent with the neighborhood.

9 Again, we meet all the setback
10 standards. We've made improvements which benefit the
11 neighbors behind us and to left of us. We've worked
12 with them to make those improvements that satisfy
13 their concerns and needs.

14 In terms of the building height, we are
15 now two feet lower than what we have initially
16 proposed. So I believe an appropriate amount of
17 light, air and open space is provided.

18 As was described earlier, there's a
19 conforming amount of parking for each of the units
20 both in the garage, as well as on the driveway.

21 So on balance, I think the positive
22 criteria exists for our D variances. It outweighs
23 greatly any of the negative criteria that might exist
24 and I think it's appropriate to grant the variances.

25 MR. SOKOLICH: Chairman, thank you.

1 I offer Mr. Spatz.

2 CHAIRMAN CHUNG: Thank you.

3 Members?

4 (No Response.)

5 CHAIRMAN CHUNG: No? Okay.

6 Mike?

7 MR. KAUKER: Yeah, just a

8 clarification.

9 What's the building height we're
10 requesting now?

11 THE WITNESS: We originally proposed
12 39.97. We're going down to 37.97.

13 MR. KAUKER: 37.97.

14 THE WITNESS: Right.

15 MR. KAUKER: You may have testified --

16 MR. TERRANOVA: I thought he said two
17 to 3 feet. He didn't say three. He said two to
18 three.

19 THE WITNESS: Right, 39 to 37.

20 MS. TESTA: Yeah.

21 THE WITNESS: Right.

22 MR. TERRANOVA: He said two to 3 feet
23 it was coming down, so it could be 38, right.

24 MR. SOKOLICH: No, Dave, the other way.

25 MS. TESTA: 36.

1 MR. TERRANOVA: 36.

2 MS. TESTA: Yeah, that's with 3 feet.

3 MR. TERRANOVA: So two at 9-7 are
4 37.97.

5 MS. TESTA: Right.

6 MR. TERRANOVA: Got it.

7 THE WITNESS: Potentially.

8 MR. TERRANOVA: Got it.

9 MR. KAUKER: But in terms of what we're
10 looking at here, it would be 37.97.

11 MS. TESTA: Yeah.

12 MR. KAUKER: If you say 36.9, you would
13 have to comply with that.

14 THE WITNESS: Correct.

15 MR. KAUKER: So we're looking at 37.97.

16 THE WITNESS: Correct.

17 MR. KAUKER: And forgive me if I missed
18 that in your testimony, but you indicated that this
19 is consistent with the height of other buildings in
20 the area.

21 THE WITNESS: Yes, the three-family
22 directly adjacent to us is close to the 39 feet.

23 I did the testimony for that one, so I
24 know what the height is.

25 We are now actually going to be 2 feet

1 lower than that building. The properties across the
2 street are also four stories with that recessed roof
3 deck.

4 Their elevation is slightly higher, so
5 they are still taller than our building will be.

6 So we are certainly consistent with the
7 newer development in the neighborhood.

8 MR. KAUKER: Okay.

9 And just last question, are there any
10 other lots in the neighborhood that are of a similar
11 size to this one and the other ones? The question
12 being: I mean, could we see additional three family
13 --

14 MR. SOKOLICH: Good question.

15 We don't think so.

16 THE WITNESS: Yeah, no, these are the
17 only two that we at one point created that. All of
18 the others are your typical 50-by-100 lots.

19 MR. KAUKER: All right.

20 Thank you. I have nothing else.

21 CHAIRMAN CHUNG: Thank you.

22 Carl?

23 MR. O'BRIEN: I have nothing for the
24 planner.

25 Thank you.

1 CHAIRMAN CHUNG: Public?

2 (No Response.)

3 CHAIRMAN CHUNG: No, okay.

4 All right. Then time to vote.

5 MR. SOKOLICH: If I may, Chairman?

6 CHAIRMAN CHUNG: Yeah, please.

7 MR. SOKOLICH: Just I just wanted to
8 point out to the board, I'm down here a lot, I know
9 the directive is don't appear with these types of
10 applications all the time, every board, you know, you
11 understand the idiosyncrasies and I completely
12 respect that and I'd like to think that you know that
13 I respect that.

14 But in this circumstance we have a lot
15 that's 3,500 square feet larger than the minimum lot
16 size comparable to the house directly next door.
17 This applicant did not come in and say, hey, I want a
18 three-family and I'm not going to budge.

19 In fact, what it did is it pulled back
20 at the last application to provide itself with an
21 opportunity to meet with two neighbors who, by the
22 way, are not here this evening and there's a reason
23 for that, because we've agreed to comply with all the
24 conditions that they've requested.

25 So that, coupled with the fact that

1 this property is particularly fitted and suited for a
2 three-family, that coupled with the fact that that
3 height reduction that we've agreed to, that coupled
4 with the fact that we'd be completely willing to
5 abandon that lowest level and put some sort of a
6 decorative band there, Chairman, so it's not just a
7 straight brick run, we get it, that coupled with the
8 fact that the height that we're now proposing is
9 either equal to or, in fact, lower than most of the
10 newer residences either next to it or across the
11 street from it.

12 This is a, what we would submit to be,
13 a reasonable deviation from the standard of stay away
14 with three families. We believe this is particularly
15 suited. It will aesthetically improve the
16 neighborhood.

17 The architect has made a great effort
18 in an appropriate design, not dark like the one next
19 to it, it's broken up. Spent a considerable amount
20 of time accommodating those that needed to be
21 accommodated and this applicant will comply in all
22 respects with the Colliers letter, submit whatever
23 stormwater, what utilities are required. We would
24 just ask respectfully that the board consider acting
25 favorably on this application.

1 Thank you, Chairman, and members of the
2 board.

3 CHAIRMAN CHUNG: Thank you. Thank you.

4 Okay. Going to get rid of the
5 subbasement, right?

6 MR. SOKOLICH: Yes, sir.

7 CHAIRMAN CHUNG: Okay.

8 Thank you very much.

9 And lower two feet.

10 MR. SOKOLICH: Yes.

11 CHAIRMAN CHUNG: 37.97.

12 MR. SOKOLICH: Correct.

13 CHAIRMAN CHUNG: Thank you, do all
14 that, appreciate that.

15 I make a motion to approve the
16 application.

17 Can I have a second, please?

18 (No Response.)

19 CHAIRMAN CHUNG: No, no second?

20 MS. TESTA: Okay. Does somebody want
21 to make a motion --

22 CHAIRMAN CHUNG: Okay.

23 MS. TESTA: Does anybody -- there's no
24 -- we need a second to approve it or if somebody
25 wants to make a motion to deny?

1 MR. TERRANOVA: I'll make a motion to
2 deny.

3 MR. SOKOLICH: May I interrupt?

4 I know it's inappropriate, but may I
5 interrupt?

6 Can I be afforded the opportunity to
7 call the client and maybe discuss removal of the
8 rooftop if that would make it more amenable to the
9 board.

10 MS. TESTA: It's up to the board.

11 Does the board want to permit the
12 applicant to --

13 MR. SOKOLICH: That then reduces the
14 site by 6, 7, 8, 9 feet and I can do it right now, if
15 that's possible.

16 Is that something the board would
17 consider.

18 MS. TESTA: Is the board okay with
19 that?

20 MR. ELEFTERIOU: Yes.

21 MS. TESTA: You're okay with it?

22 CHAIRMAN CHUNG: Yes.

23 MS. TESTA: Okay.

24 MR. SOKOLICH: May I?

25 MS. TESTA: Yes.

1 CHAIRMAN CHUNG: Yeah, brief.

2 MR. SOKOLICH: Thank you.

3 MS. TESTA: Yeah, take two minutes.

4 (Whereupon, a short recess is held.)

5 MS. TESTA: Back on the record.

6 CHAIRMAN CHUNG: Okay.

7 MR. SOKOLICH: Chairman, I'm sorry.

8 So we've had an opportunity to reach
9 the client who came to every hearing, unable to come
10 tonight because he had a procedure today and we'd
11 like to amend the application to remove the rooftops,
12 which now reduces the height considerably.

13 And, Peter, how many feet does that
14 reduce the average by?

15 We were at 37. What would the height
16 be now if you were to eliminate the rooftop?

17 MR. PARK: So rooftop height is really
18 based on the average point of the roof. There is a
19 gable roof.

20 So in that case maybe we can reduce
21 down almost like two or 3 feet, 2 or 3 feet.

22 MR. SOKOLICH: Numbers, Peter, we need
23 numbers for the board.

24 MR. PARK: Yeah. So we can reduce
25 36 feet, you know, 11.

1 So I think we can reduce it 3 feet.
2 You know, so I mean, actually the height is really
3 based on the mid point of the bulkhead.

4 MR. SOKOLICH: But the request of the
5 application will be the residence will be
6 considerably less in height than what was proposed if
7 we eliminate the total rooftop component, the
8 building and the exterior deck, correct?

9 MR. PARK: Yes, yes, yes, it is.

10 MR. SOKOLICH: Chairman.

11 Which -- and then -- would it then be
12 considerably less than the residence to the right of
13 it?

14 MR. PARK: Yes, that is -- exactly,
15 that's almost like at least -- at least 5 feet, you
16 know, less than their height, yeah.

17 CHAIRMAN CHUNG: Okay. So what do you
18 mean by you're removing the rooftop?

19 MR. PARK: They have -- rooftop is
20 really -- rooftop calculation is there's a gable, you
21 know, there is a second floor ceiling to the top of
22 the ridge, you know, in the base point is we
23 calculate, you know, the rooftop height.

24 CHAIRMAN CHUNG: The rooftop, you have
25 a bathroom there too, right?

1 MR. PARK: Where.

2 CHAIRMAN CHUNG: The rooftop, you have
3 a bathroom.

4 MR. PARK: We have -- we have actually
5 not the bathroom, we have -- yeah, we have a bar
6 area.

7 MS. TESTA: Right, all that's being
8 eliminated.

9 MR. SOKOLICH: But that's all being
10 eliminated.

11 MR. PARK: All removed.

12 MS. TESTA: So that would bring it down
13 3 feet, you're saying.

14 MR. PARK: Yeah, almost like -- I mean,
15 based on the calculation, you know, zoning
16 calculation, you know, so almost like 3 to 4 feet
17 it's going to be.

18 MR. TERRANOVA: Three more feet or --

19 MR. PARK: 3 to 4 feet down, you know,
20 yes.

21 CHAIRMAN CHUNG: So you'll be going
22 down to --

23 MR. TERRANOVA: 35.

24 CHAIRMAN CHUNG: 34 --

25 MR. PARK: Yeah, almost like -- so

1 3 feet is 36.97.

2 MS. TESTA: Oh, because you're going
3 back up to 39.

4 MR. TERRANOVA: That's what I was
5 asking, so three more or is it three from -- that's
6 not enough.

7 MS. TESTA: Yeah, so 36.97.

8 MR. TERRANOVA: We're only taking off a
9 foot.

10 CHAIRMAN CHUNG: Doesn't make sense.

11 MR. SOKOLICH: See, Peter, there's -- I
12 don't want to confuse the board, okay, we've reduced
13 the height by two feet, which brought us down to, I
14 think, the 37 --

15 MR. PARK: 37.97.

16 MR. SOKOLICH: Correct.

17 We're now eliminating an entire story.
18 You're saying that only a foot comes off of that
19 average height?

20 MR. PARK: No, it's going to be around
21 32 feet, you know, if you eliminate the entire thing.

22 CHAIRMAN CHUNG: Correct, that's the
23 answer we're looking for. So what's the height
24 that's proposed? It was 39.97. Would 33 feet be a
25 fair answer?

1 MR. PARK: So we have to add up half of
2 the gable roof height, you know, for the --

3 MR. SOKOLICH: Oh, I see what he's
4 saying, Chairman. Now I understand.

5 MR. PARK: We cannot eliminate the --

6 MR. SOKOLICH: I got it.

7 So while we're eliminating an entire
8 floor, we're now putting a roof.

9 MS. TESTA: Yes.

10 MR. SOKOLICH: So now we're going to
11 end up -- we might be going down 7 or 8 feet because
12 we're eliminating the rooftop, but now we got to
13 meet, I believe, at the midpoint of the roof.

14 So that puts us back up at 3, 4 feet,
15 but --

16 CHAIRMAN CHUNG: So what's the
17 midpoint.

18 MR. SOKOLICH: What's the midpoint,
19 Peter and --

20 MR. PARK: So, yeah --

21 MR. SOKOLICH: -- and being a certain of
22 it not to exceed number, because we're going to need
23 to comply with that.

24 MR. PARK: So maybe we can reduce down,
25 yeah, around 3 feet, you know, three to 4 feet.

1 MR. SOKOLICH: Total height?

2 MR. PARK: Total height is going to be,
3 yeah, 35, 35.

4 MR. SOKOLICH: 35, Chairman.

5 But now I understand it. It's not a
6 complete net loss of 7 or 8 feet, because now we have
7 to measure to the roof.

8 MS. TESTA: Right.

9 MR. SOKOLICH: But this now -- this
10 application is amended to reflect that the lowest
11 level will no longer be used for storage and there
12 will be some sort of an architectural break to make
13 it nicer and there will be no rooftops and just three
14 stories of livable space.

15 We're hopeful that the board is
16 amenable to that.

17 MS. TESTA: Okay. Anybody from the
18 public want to be heard on the amendment?

19 (No Response.)

20 MS. TESTA: Okay.

21 Now, it's the board.

22 CHAIRMAN CHUNG: The board.

23 Well, I made the call, I approved it
24 before and I continue doing that.

25 I make a motion.

1 MS. TESTA: So motion by the Chairman
2 with the --

3 CHAIRMAN CHUNG: 35 feet.

4 MS. TESTA: -- with the amendments.

5 VICE CHAIRWOMAN YOON: I'll second.

6 CHAIRMAN CHUNG: Second.

7 Thank you.

8 BOARD SECRETARY KIM: Mr. Chung.

9 CHAIRMAN CHUNG: Yes, I'm going to vote
10 with 35 feet to the midpoint, eliminate the rooftop
11 and get rid of -- eliminate the subbasement.

12 MR. SOKOLICH: Yes, sir.

13 MS. TESTA: And all of the components
14 of the negotiations with the neighbors.

15 CHAIRMAN CHUNG: Right.

16 BOARD SECRETARY KIM: Ms. Yoon.

17 VICE CHAIRWOMAN YOON: Yes.

18 BOARD SECRETARY KIM: Mr. Brogna.

19 MR. BROGNA: Yes.

20 BOARD SECRETARY KIM: Mr. Chiesa.

21 MR. CHIESA: Yes.

22 BOARD SECRETARY KIM: Mr. Elefteriou.

23 MR. ELEFTERIOU: No.

24 BOARD SECRETARY KIM: Mr. Terranova.

25 MR. TERRANOVA: No.

1 BOARD SECRETARY KIM: Mr. Sung.

2 MR. SUNG: Yes.

3 MR. SOKOLICH: Chairman, Members, thank
4 you, appreciate it.

5 And I appreciate your reference and
6 thank you for that interruption.

7 I believe it passed, correct, Diane?

8 MS. TESTA: Yes.

9 MR. SOKOLICH: Thank you. Thank you,
10 folks.

11 Five minutes.

12 MS. TESTA: Yup, we'll take a
13 five-minute break.

14 CHAIRMAN CHUNG: Yes.

15 MR. SOKOLICH: Thank you.

16 MS. TESTA: We have to go into closed
17 session.

18 Do we want to go into closed session or
19 do you want to do that after?

20 Okay, if you don't need a break.

21 We're going to go into closed session,
22 so everybody is going to have to step outside for
23 five minutes.

24 It's regarding the litigation.

25 We need a motion to go into closed.

1 MR. ELEFTERIOU: Motion to go into
2 closed.

3 CHAIRMAN CHUNG: I second.

4 MS. TESTA: All in favor?

5 (Whereupon, all members respond in the
6 affirmative.)

7 MS. TESTA: Opposed.

8 (No Response.)

9 (Whereupon, Closed Executive Session is
10 held from 8:10 p.m. to 8:18 p.m.)

11 MR. SOKOLICH: Mark Sokolich on behalf
12 of the applicant Bryan Ryu, 324 East Palisade Avenue
13 designated as Lot 10, Block 414.

14 The property is in the AA zoning
15 district. The request is for a two-family
16 residential dwelling.

17 When last before this board by way of
18 summary, we had presented the Affidavit of Service.

19 I don't believe we started testimony.
20 In fact, we did not start testimony, but it provided
21 us with an option to confer with the neighbor that
22 expressed some concern about the improvement that we
23 were presenting.

24 In this intervening period, a shade
25 study was prepared, which we've distributed to the

1 board and we'll talk about this evening. We've also
2 given that study to the neighbor.

3 So with that --

4 FEMALE AUDIENCE MEMBER: No, I don't
5 have that study.

6 I'm sorry.

7 MALE AUDIENCE MEMBER: I gave it to her
8 before.

9 FEMALE AUDIENCE MEMBER: I don't have
10 it.

11 You showed it to me. You never gave me
12 a copy.

13 MR. SOKOLICH: We'll make sure we
14 provide a copy again.

15 So with that, we have two witnesses,
16 architect and the planner. With your permission,
17 we'd like to get started.

18 CHAIRMAN CHUNG: Yes, please.

19 MS. TESTA: And I did received the
20 Affidavit of Service both in the certified mailing
21 and the newspaper and the board has jurisdiction.

22 Please raise your right hand.

23 Do you swear the testimony you'll
24 provide in this application will be the truth, the
25 whole truth and nothing but the truth?

1 MR. LEE: Yes.

2 R O B E R T L E E, AIA, PE, LEED, NCARB

3 42 Clinton Place, Hackensack, New Jersey 07601,

4 having bee duly sworn, testifies as follows:

5 MS. TESTA: Please state your name and
6 business address for the record.

7 MR. LEE: My name is Robert Lee,
8 architect and engineer in Hackensack, New Jersey, 42
9 Clinton Place, Hackensack, New Jersey.

10 THE COURT REPORTER: Please state your
11 name again, sir.

12 THE WITNESS: Robert Lee, L-E-E.

13 THE COURT REPORTER: Thank you.

14 THE WITNESS: I'm a licensed architect
15 and engineer in the State of New Jersey in good
16 standing.

17 VOIR DIRE EXAMINATION

18 BY MR. SOKOLICH:

19 Q. Mr. Lee, you are the architect engaged
20 by this applicant, correct?

21 A. That's correct.

22 Q. Could you just talk a little bit about
23 your credentials, your license, for how long and have
24 you had applications similar to this in the past?

25 A. Yeah, I've had multiple applications

1 similar to this nature in this town and I have been
2 practicing since 1997, Penn State Architectural
3 Engineering.

4 Q. Have your credentials been accepted
5 before other boards --

6 A. Yes.

7 Q. -- as an expert -- let me -- as an
8 expert in the field of architecture?

9 A. Yes.

10 Q. Have you appeared before this board
11 before?

12 A. Yes.

13 Q. Have you been accepted as an expert in
14 the field of architecture?

15 A. Yes.

16 CHAIRMAN CHUNG: Thank you.

17 MR. SOKOLICH: Thank you, Chairman.

18 DIRECT EXAMINATION

19 BY MR. SOKOLICH:

20 Q. So your credentials have been accepted
21 as an expert in the field of architecture and just so
22 I don't interrupt you, Mr. Lee, during the course of
23 your testimony, I'm going to mark a series of plans
24 A-1, which is your cover page, which has a date of --
25 where am I? November 8, 2025. A-2, which is

1 entitled, "The Existing Survey and Proposed Site
2 Plan," we have a date of November 9, 2025.

3 (Whereupon, Architectural Plans, dated
4 November 8, 2025 is received and marked as
5 Exhibit A-1 for identification.)

6 (Whereupon, Existing Survey and
7 Proposed Site Plan, dated November 9, 2025 is
8 marked as Exhibit A-2 for identification.)

9 BY MR. SOKOLICH:

10 Q. Why don't we start there and we'll mark
11 the rest in a minute.

12 So you prepared, I believe, what we've
13 marked as A-1 and we're relying on the survey, which
14 is A-2, correct?

15 A. That's correct.

16 Q. All right. So referring to A-1, could
17 you just describe what's on that page and the relief
18 that's being sought by the applicant?

19 A. Currently the applicant's property is
20 located -- I'm sorry -- it's at 324 East Palisades
21 Boulevard, Palisades Park, New Jersey.

22 And currently it is a two-family,
23 existing two-family home fully compliant with 5,000
24 square foot of lot area and we are proposing the same
25 two-family duplex in nature to modernize the existing

1 lower and upper two-family into typical two-family
2 duplex conditions.

3 Mostly we're fully compliant except for
4 height issues and we'll go through that.

5 The lot frontage is 50 feet, obviously
6 existing 50 feet and we are maintaining the 50
7 exactly and 20 front yard setback has been exactly
8 maintained as 20 feet, which is also conforming.
9 Minimum side yard on one and both sides, they are
10 also conforming with the 6 feet and 12 foot.

11 Rear yard is 25 foot. We are also
12 maintaining the total conformance of there. Maximum
13 building coverage is also in conformance. However,
14 we are seeking one variance that is critical for this
15 application is the height and because the nature of
16 this location, it's very unique in a way that there
17 is 5 to 7 foot of a drop going towards the east to
18 westward from the north to southward.

19 So in a two-directional dimension, we
20 are looking at nearly close to 7 to 8 foot drop in
21 the lot, so which we are having difficulty in terms
22 of fitting all programs that --

23 Q. And that topographical drop will be
24 shown on your elevations when we get there, correct?

25 A. Yes.

1 Q. So you also have a rendering. This is
2 a rendering of the residence were the board to act
3 favorably on it. If you can just provide some
4 testimony as to your thought processes to the design?

5 A. Yes.

6 It's a typical two-family duplex
7 residential. However, one standout feature that we
8 do have is at the upper level we do have an
9 observation area deck.

10 It's very nice looking towards the
11 westward and beautiful sunset and a high top of the
12 hill.

13 The client would wish to walk out to
14 the balcony and enjoy the sunset.

15 So we do have an upper observation deck
16 that's present on top of our --

17 Q. I'm going to turn you to what we
18 pre-marked as A-2.

19 Now, this is the existing survey and
20 proposed site plan.

21 Could you just speak to what the
22 existing conditions are on-site. Is there -- you
23 spoke about the topography. All of the improvements
24 on the property now are proposed to be demolished,
25 correct?

1 A. That's correct.

2 Q. Okay. Is there anything else you want
3 to report to the board with regard to the property?
4 Are there any environmental concerns we need to
5 disclose?

6 A. No.

7 Q. But the topographic conditions you
8 already hit upon, correct?

9 A. That's correct.

10 Q. And it is an existing two-family
11 residential dwelling?

12 A. That's correct.

13 Q. To the right of A-2 is what we refer to
14 as the architectural site plan.

15 If you can just speak to the points of
16 ingress for cars and why you situated the building
17 the way you situated it?

18 A. The way it's situated is obviously we
19 do need to provide at least four parking spaces in
20 front of the building in the driveway, have proper
21 coverage for such space and we are proposing also
22 indoor parking garage, two per each unit.

23 So this will allow us to park a total
24 of eight -- I'm sorry -- eight cars total at any
25 given time. That will also -- we do also have the

1 rear mudroom and bathroom in order to -- and the
2 laundry room and the utility room on the first floor.

3 Q. How about trees? What trees are being
4 proposed to be removed? Are they depicted on the
5 site plan?

6 A. Yes, it is.

7 It's pretty much where -- I mean, there
8 are a few, because obviously we have newer stormwater
9 retention system and detention system. They're much
10 more robust. It's going to prevent any kind of
11 outflow of the water and it's going to tremendously
12 enhance the --

13 Q. How many trees are being removed?

14 A. Three of them.

15 Q. Three of them, okay.

16 And the applicant will comply with
17 anything as far as replanting and contribution?

18 A. Absolutely.

19 Q. I'm going to now turn you, we're now on
20 your floor plans, correct?

21 A. Yes.

22 Q. So I'm going to mark as A-3 -- and I
23 believe this is Page 4 in your packet.

24 You listed it as A-100-00 and, again,
25 this has a date of November 9, 2025.

1 Can you just take the board through the
2 residence starting on the lowest level?

3 (Whereupon, Floor Plans, dated
4 November 9, 2025 is received and marked as
5 Exhibit A-3 for identification.)

6 THE WITNESS: The first floor we do
7 have two-car garage -- I'm sorry, in the lowest level
8 we do have two-car garage and storage, utility room,
9 bathroom and we call the recreation room or mudroom
10 and then that will be a duplicate of the adjacent
11 space for the unit and on the proposed first floor we
12 do have a living room, powder room, office and the
13 kitchen and dining and we have a staircase leading up
14 to --

15 BY MR. SOKOLICH:

16 Q. But there's a deck off of the dining
17 area, correct?

18 A. That's correct.

19 Q. Could you speak to that?

20 A. The deck is sized at 10-feet-by-10-feet
21 approximately and that will conform to the
22 requirements, the maximum.

23 Q. How does one access the deck? Is it
24 only accessed internally or can you go upstairs to
25 the exterior?

1 A. It is internal, internal access.

2 Q. Only?

3 A. Yes.

4 Q. Anything else that you would like to
5 speak to on the proposed first floor?

6 A. That's it.

7 Q. Let me turn to the next page. With the
8 board's permission, I believe we're up to A-4. This
9 page is entitled, "Proposed Second and Third Floor
10 Plans." It's your page A-101-00, dated November 9,
11 2025.

12 If you can start on the second floor,
13 please?

14 (Whereupon, Proposed Second and Third
15 Floor Plans, Dated November 9, 2025 is
16 received and marked as Exhibit A-4 for
17 identification.)

18 THE WITNESS: The second floor, as we
19 walk up the staircase, we do have Bedroom No. 1,
20 Bedroom No. 2 and Bedroom No. 3, which also consists
21 of part of master bedroom and we have two bathrooms
22 and a closet and a washer/dryer.

23 BY MR. SOKOLICH:

24 Q. Next floor.

25 A. Next floor would be the third floor,

1 which will be a family room and we do have a powder
2 room and a terrace where it's a walkout terrace as an
3 observation deck looking at the westward direction.

4 Q. And of course your final plan on the
5 architectural, we'll mark as A-5, right?

6 I believe this is your final plan, A-5.
7 It's your page A-200-00. It's entitled "Proposed
8 Elevations." I believe this is where it shows the
9 topographic condition you spoke of earlier?

10 A. Yes.

11 (Whereupon, Proposed Elevations are
12 marked as Exhibit A-5 for identification.)

13 BY MR. SOKOLICH:

14 Q. So if you can just go clockwise and
15 explain the situation of the house and the exterior
16 treatments that you propose.

17 A. Yes.

18 The total height of the structure
19 varies in three-dimensional directions here.

20 Initially we were going from east to
21 westwardly direction drop of approximately 5 foot and
22 we have south to north and the north to south drop of
23 about 7 to 8 feet.

24 Now, in order to accommodate that, we
25 did try to change the elevation to offset in a way.

1 In the process of doing that, we want to modernize
2 the look of that structure by creating the upper
3 observation deck and equalizing the drop in a certain
4 way, because we thought that it would look kind of
5 awkward.

6 So having that such a creative way to
7 visually offset and we do have that brick veneer and
8 the stucco wall with various different finishes that
9 accommodate the elevation differentials, so it won't
10 be oddly looking.

11 There's a lot of challenges that we
12 faced architecturally and structurally and
13 geographically and our intent is to manage the look
14 of the structure by employing different type of
15 modern structure design.

16 So having said all that, it came out to
17 be a little bit higher than what was expected, but
18 there are partially contributing to that.

19 So when you look at height, in our
20 original intent it indicates 39 feet.

21 It actually is the worst, the worst
22 case of 39 feet from the lowest to the highest on
23 this uneven lot.

24 But when we go into the average height
25 of the highest and lowest location, we're looking at

1 around 35 feet, 34 to 35 foot.

2 That would be the true height of this
3 structure, which it won't be too much of difference
4 from most of the -- most of the structure currently
5 being --

6 Q. Last time you were here --

7 A. -- constructed.

8 Q. Thank you.

9 Last time we were here we heard a
10 concern about the impact of the sunlight that it
11 would have on the adjacent property, correct?

12 A. Yes.

13 Q. And have you performed a study of some
14 sort to determine what that impact would be?

15 A. So we have met with the adjacent owner
16 and she has brought up a very valid point of her
17 right to enjoy the proper sunlight and ambient air.
18 Obviously she has by code the setback and fully
19 compliant with all the setback requirement, she does
20 naturally get all the rights that she deserves.
21 However, her concern was our height of the structure
22 is larger than what was initially planned as a
23 planning board because we are seeking the variance.
24 She wanted us to go back and verify that that does
25 not create additional burden on her receiving

1 possibly the natural sunlight.

2 Q. So you conduct a shade study, correct?

3 A. Right.

4 MR. SOKOLICH: Okay. So I marked it as
5 A-5 [sic].

6 I'm going to date it today, which is, I
7 believe, June 15, correct, June 15, 2026 and, in
8 fact, a copy of the shade study was distributed to
9 the board.

10 THE WITNESS: That's correct.

11 (Whereupon, Shade Study is marked as
12 Exhibit A-6 for identification.)

13 BY MR. SOKOLICH:

14 Q. So if you would take the Shade Study
15 and perhaps explain to the board in your own words
16 what it represents.

17 A. Basically the Shade Study is addressing
18 her concern.

19 Do we give her enough sunlight? That
20 is the main question.

21 And we answered it through verification
22 of the code, New Jersey state code said they are
23 entitled to sunlight, but it doesn't really say how
24 much sunlight specifically for how much duration, but
25 in a good, normal design we provide minimum of two

1 hours of a direct sunlight and throughout all season,
2 at all times. So --

3 Q. Now, when you say that -- when you --
4 let me ask the question, please.

5 When you say two hours of direct, is
6 that something that's customary, is that a goal, is
7 that something that's standard?

8 A. It's not a state code, but it's good
9 design practice.

10 Q. Okay.

11 A. That is recommended.

12 Q. Does that mean the other 8, 9, 10 hours
13 of daylight is completely dark or is it ambient
14 light?

15 A. Of course, there is plenty of ambient
16 light, just not that it's direct and as the earth is
17 turning, the sun is going and a lot of variations,
18 different factors.

19 Q. So what did this study -- what did this
20 study that we've marked as A-5 show you?

21 A. It's a sunlight exposure study that we
22 typically do for --

23 Q. Sunlight -- excuse me, sunlight
24 exposure study, I apologize.

25 A. And then so we did conduct it and she

1 is receiving more than enough of that.

2 Now, obviously it's -- it is something
3 that we have provided. The reason for that is
4 because when we are providing the entire height, in
5 the worst case scenario it would be 39 at the peak of
6 this structure, but the reality is you will be
7 interrupted for a very -- a smaller portion of the
8 entire structure.

9 So the specific -- the specific of a
10 Shade Study indicates precisely where a height of the
11 structure is and how far she's away from her windows
12 and that particular study indicates that she is okay.

13 Q. So what I need you to do, if you would,
14 is go through this report. Page 1 is the cover.
15 Page 2, what does that depict?

16 A. It's current mass structural accuracy
17 of the -- in order to model, a computerized model,
18 because it's very difficult to do in a timely basis.

19 Q. Understood.

20 A. So we had to model and this is what you
21 see. What you see is what we have structure to the
22 right and the left is what she has and her window is
23 the major subject of concern, as you can see the
24 window facing towards our structure.

25 So as the sun goes over, you can see in

1 the first -- the shot, you can see that it's been
2 shaded, but at the second shot you can see the sun is
3 overflowing into her windows in that direction and as
4 well as it comes back to the other side and you can
5 see that it causes a gap again and at different times
6 in July --

7 Q. Are you on a different page?

8 A. -- versus December.

9 The second page would be during the
10 summer.

11 The first page we saw was winter
12 conditions. That would be most severe condition.

13 So she had some shading situation. But
14 at different times she has different type of shading
15 factors.

16 Yes, she will be subject to that, the
17 structural blockage, but overall she did maintain
18 enough hours that is called from the design standard
19 as a good acceptable design.

20 Q. Were there any adjustments that have
21 been requested to be made?

22 A. Adjustments by whom?

23 Q. Revisions to the improvements, were
24 there any requests to be made to revise the
25 improvements that we're proposing?

1 A. Proposing request by whom?

2 MALE AUDIENCE MEMBER: By the neighbor.

3 BY MR. SOKOLICH:

4 Q. Okay. So is there anything else that
5 you would like to add with regard to this?

6 But the conclusion that you reached,
7 because I just want to be clear, the conclusion that
8 we've reached in the sunlight study is that there
9 will be a minimum of two hours daylight per day,
10 correct?

11 A. Yes.

12 Q. And that's a standard that maybe it's
13 not public, but that's one that is a goal, if you
14 would, and good design, that's your testimony?

15 Is there anything else you would like
16 to add?

17 A. That's it.

18 MR. SOKOLICH: Okay. Thank you,
19 Chairman.

20 I offer the architect, Mr. Lee.

21 CHAIRMAN CHUNG: Thank you.

22 Members, anything?

23 FEMALE AUDIENCE MEMBER: Do I get to
24 say anything?

25 MS. TESTA: Not yet.

1 CHAIRMAN CHUNG: We'll give you a
2 chance.

3 FEMALE AUDIENCE MEMBER: No problem.

4 CHAIRMAN CHUNG: Thank you, ma'am.
5 We appreciate it.
6 Thank you.

7 MR. TERRANOVA: Is there a tub in the
8 basement?

9 Is there a tub in the basement?

10 MS. TESTA: Is there a full bath in the
11 basement.

12 THE WITNESS: Yes.

13 MR. TERRANOVA: You need to remove
14 that. Remove the shower.

15 CHAIRMAN CHUNG: You have a shower
16 there too?

17 THE WITNESS: Yes.

18 BY MR. SOKOLICH:

19 Q. So it's the policy of this board not to
20 have a full basement in the bathroom [sic], so is it
21 not the request of the applicant to amend this
22 application so it would be a half bath?

23 A. Absolutely.

24 Q. That's a yes?

25 A. Yes.

1 MR. TERRANOVA: Okay. So for this
2 sunlight study, are you trying to explain to the
3 board that with the height, the additional height on
4 top that there's basically no loss in sunlight, like
5 it basically would be the same.

6 Is that what you're basically telling
7 us?

8 THE WITNESS: No, I'm sorry.

9 There is blockage, but it's not totally
10 contributed through the height of the extra elements
11 that we have added, but they do have enough air and
12 the light and also direct sunlight, more than two
13 hours, that's what we're trying to prove.

14 There is a difference by having new
15 structure, because the new structure naturally is
16 much higher than the old structure.

17 MR. TERRANOVA: Right.

18 But you're basically telling me that if
19 you remove the roof deck, that there is really no
20 detriment, like there's not much sunlight that she's
21 losing, is that what you're basically trying to tell
22 us with this study.

23 THE WITNESS: Yeah, I mean, yes.

24 MR. TERRANOVA: Okay. And just for a
25 question: You have December and July with the deck

1 on the top, but you didn't have July, you just have
2 December without the terrace on the top.

3 Just wondering why we didn't see the
4 alternative for July?

5 THE WITNESS: I mean, it's the same
6 difference, because the geometry and the way the sun
7 turns, it doesn't really contribute to blockage of
8 her windows.

9 That's what we're trying to
10 demonstrate.

11 MR. TERRANOVA: Okay. Speaking of, the
12 deck on the top because the height is obviously an
13 issue, you have a recreation room on the bottom and
14 you have decks on the back, why would we need the top
15 at all, the terrace, the family room?

16 THE WITNESS: I mean, I suppose we
17 don't need if we don't want it, but it's such a
18 beautiful area where we can walk out and enjoy.

19 MR. TERRANOVA: Understood.

20 THE WITNESS: You know, the westwardly
21 direction sunset, it's very -- it's a valuable asset,
22 you know, to the town.

23 It has such a good location.

24 MR. TERRANOVA: I get it.

25 If I ask you to remove that, how much

1 would that bring the height of the building down.

2 THE WITNESS: About at least 5 foot.

3 MR. TERRANOVA: 5 foot?

4 THE WITNESS: Yes. I mean, if that's
5 necessary, we will do that.

6 MR. TERRANOVA: So come down basically
7 34 feet?

8 MR. SOKOLICH: I think, Robert, you
9 have to take a look at that a little more carefully,
10 but because it would be the reduction of the rooftop,
11 but then you have to add back in the roof, the same
12 equation as the last applicant, right?

13 MR. TERRANOVA: Same difference as the
14 other guy.

15 MR. SOKOLICH: Same difference as the
16 other -- I appreciate your candor and you're an
17 honest man and I completely respect that, but you got
18 to be certain, you know, and I know you would never
19 want to be wrong, so I --

20 THE WITNESS: We're in a very difficult
21 position, because we want to make sure our neighbors
22 are happy, the town is happy and the client is happy.

23 MR. SOKOLICH: It's not easy all the
24 time, right?

25 THE WITNESS: It's not easy.

1 We try to convince our clients, but,
2 you know, it's such a valuable asset, they look
3 forward to it and I think it's good to have such a
4 space, but we look forward to that and if it's not
5 going to happen --

6 MR. SOKOLICH: What steps can you take,
7 Robert, if you were to maintain that rooftop, what
8 steps can you take to absolutely make sure that there
9 would be limited detrimental impact to the neighbor?
10 Can you make it smaller?

11 Can you reduce the height?

12 THE WITNESS: Yes. We can make it
13 smaller.

14 So in other words --

15 MR. SOKOLICH: Why don't you turn to
16 the rooftop on your plan.

17 THE WITNESS: That's a very good
18 suggestion.

19 MR. SOKOLICH: If it's possible.

20 THE WITNESS: So this is --

21 MR. SOKOLICH: You're on A-5 --

22 THE WITNESS: Yeah, A-5.

23 MR. SOKOLICH: -- correct?

24 In the lower right-hand corner -- upper
25 right-hand corner?

1 THE WITNESS: Yes, so this is an upper
2 area where you have a functioning space, the very top
3 and if -- what we can do is we can reduce that to as
4 if you were in a commercial building, you have a
5 staircase bulkhead, so just having access to the
6 roof. So --

7 MR. SOKOLICH: So no building, no
8 livable space?

9 THE WITNESS: No livable space.

10 MR. SOKOLICH: Excuse me, it would just
11 accommodate the entry point from the stairwell?

12 THE WITNESS: Yes, because that's their
13 objective. They just want to walk out --

14 MR. SOKOLICH: And approximately --

15 THE WITNESS: -- have nice, fresh air.

16 MR. SOKOLICH: Approximately what are
17 the dimensions of that structure?

18 THE WITNESS: It would be like the size
19 of the staircase coming out.

20 MR. SOKOLICH: 6-by-5, 6-by-7,
21 something?

22 THE WITNESS: That's like too tight for
23 --

24 MR. SOKOLICH: Right, understood.

25 THE WITNESS: I would say like about 5

1 by -- 5-by-10. Yeah, 5-by-10 or 5-by-12.

2 MR. SOKOLICH: Because the ceiling
3 height as you're going up, you would want to make
4 sure it clears it, right?

5 MR. TERRANOVA: Right.

6 So if I may, the -- so on Detail No. 1
7 there where you have the front elevation, basically
8 we're saying like the top height of that window might
9 be like the highest point and just have -- you would
10 just have like a basic 5-foot wide with a door and
11 that's it.

12 THE WITNESS: Right, right.

13 MR. TERRANOVA: Got you, okay.

14 MR. SOKOLICH: That's actually exactly
15 where the window is.

16 THE WITNESS: Nice little -- almost
17 like --

18 MR. TERRANOVA: Just to come out onto
19 the roof deck and you're getting rid of the -- got
20 you.

21 MR. SOKOLICH: And would that -- I
22 don't know -- I don't think you can attest to what
23 the impact on this sunshine study or the sunlight
24 study, that change would have, but it would only make
25 it better than what we're proposing?

1 THE WITNESS: Absolutely, that will
2 make it three to four times better, because that's
3 the whole magnitude that it's been changed, but we
4 can almost make it look like a chimney and make it a
5 nice architectural feature looking like a chimney.

6 MR. SOKOLICH: But you're removing the
7 mass of that structure, which is closest to the
8 neighbor's property, which is going to have a
9 beneficial impact on sunlight.

10 THE WITNESS: Absolutely.

11 MR. SOKOLICH: That's it.

12 THE WITNESS: Yeah, I think we can
13 create a nice creative structure that looks like a
14 chimney that people can just walk out and enjoy the
15 outdoor and then go down to the bedroom. You know,
16 people work very hard, they work hard every day --

17 MR. TERRANOVA: I understand.

18 So I guess we're not at really 34, you
19 have to come up with the calculation, but can we
20 assume it's more like three foot or so or two to
21 3 feet just like the last one that it will come down.

22 THE WITNESS: Yes, yes, that's correct.
23 That's very good.

24 Thank you.

25 CHAIRMAN CHUNG: Anybody else?

1 Members?

2 (No Response.)

3 CHAIRMAN CHUNG: No, okay.

4 Mike?

5 MR. KAUKER: Yeah, just a couple of
6 questions.

7 I didn't have an opportunity to look at
8 the shadow study, but it sounds like what you're
9 proposing is you're going to reduce the footprint of
10 the habitable or livable space on the rooftop
11 structure.

12 THE WITNESS: Correct.

13 MR. KAUKER: Is that correct?

14 So you're going -- I'm just trying to
15 figure out what it's going to look like. You're
16 going to have a stairwell going up that's going to
17 access a deck that you indicated is going to be about
18 5-feet-by-10-feet.

19 THE WITNESS: Yes.

20 MR. KAUKER: So how many feet would
21 that be in each direction from the side of the
22 building.

23 MR. SOKOLICH: So come here, come here,
24 Robert. No, no, on the elevation.

25 So you're talking about something like

1 this to access those stairs. Approximately how far
2 if you put the wall here, would you be from the side
3 of that building? Because right now it's proposed
4 that --

5 THE WITNESS: It be near the core, core
6 of the building.

7 MR. KAUKER: I don't mean to interrupt.
8 So what -- that was -- you should be an architect,
9 Mark.

10 So that's the stairwell that you're
11 proposing?

12 THE WITNESS: That's correct.

13 MR. KAUKER: 5-by-10.

14 THE WITNESS: Yes.

15 MR. KAUKER: And what would the height
16 -- so I was a little confused.

17 I thought you were talking about the
18 deck area would be 5-by-10, but that's the area where
19 the stairwell will be.

20 What will the height of that stairwell
21 be?

22 THE WITNESS: It's going to be code
23 requirement, maybe like 7-foot-6, almost 8 foot.

24 MR. KAUKER: So 7-foot-6 as opposed to
25 the roof structure now is?

1 THE WITNESS: It would be like 9.

2 MR. KAUKER: As proposed.

3 THE WITNESS: 9 foot.

4 That's also going to be smaller going
5 down a little bit.

6 MR. KAUKER: I'm trying to just
7 compare.

8 THE WITNESS: Actual structure will be
9 much lighter, so you have -- get another 6 inches.

10 MR. KAUKER: And the 9-foot -- if we
11 can work backwards for a minute, the 9-foot ceiling
12 height, as you mentioned before, would be how many
13 feet from each of the building, the front, back and
14 the sides?

15 Did it go right up to the building?

16 THE WITNESS: Yeah.

17 MR. KAUKER: Wall, façade or --

18 THE WITNESS: Because you will be at
19 the core, staircase core.

20 So it will be coming to the core of the
21 building.

22 MR. KAUKER: No, I get it.

23 I'm trying to compare what was
24 originally proposed.

25 THE WITNESS: Oh, originally, we're

1 coming all the way out.

2 MR. SOKOLICH: All the way to the
3 sides.

4 MR. KAUKER: So basically the
5 footprint, 100 percent of the rooftop covered.

6 THE WITNESS: No, not in length-wise,
7 but width-wise, yes.

8 So width-wise we're going to the side
9 of the building, yes, it's matching the side of the
10 building, but the length, the front and the back, we
11 are smaller.

12 MR. KAUKER: All right.

13 So the rooftop is going to be -- this
14 structure coming off the roof is going to be 5 feet,
15 in one direction by 10 feet.

16 THE WITNESS: Yes, sir.

17 MR. KAUKER: Okay.

18 And so I'm assuming that that's -- I
19 don't know what the dimensions to the building are,
20 but --

21 THE WITNESS: It has nothing to do with
22 the dimensions.

23 It's the staircase going up.

24 MR. KAUKER: And it's --

25 THE WITNESS: That's what's --

1 MR. KAUKER: It's a duplex, right? So
2 --

3 THE WITNESS: That's correct.

4 MR. KAUKER: So it's going to provide
5 access to both sides?

6 THE WITNESS: Yeah, so you have one on
7 this side and one on the other side.

8 So it's two staircases.

9 MR. KAUKER: Oh so there's two
10 staircases?

11 THE WITNESS: Yes.

12 So one staircase for the right side
13 unit, A; another one, B. Unit A, Unit B.

14 MR. KAUKER: Okay.

15 THE WITNESS: And the core of the
16 building --

17 MR. KAUKER: Yeah, I understand the
18 concept.

19 You're reducing the overall massing of
20 the structure --

21 THE WITNESS: Yes.

22 MR. KAUKER: Thereby reducing --

23 THE WITNESS: So at the point she will
24 have no effect in terms of that bulkhead will not
25 make any kind of a contribution to at any time on the

1 shade of that structure.

2 MR. KAUKER: All right.

3 And you're -- so you're conforming
4 there's going to be two, and it's going to be
5 5-foot-by-10-foot.

6 Okay, I got it now.

7 I appreciate it.

8 MR. SOKOLICH: Thank you for the
9 questions.

10 I just want to clarify one thing.

11 Approximately how many feet -- Mr. Lee,
12 right here.

13 So approximately how many feet from the
14 side of the building will you be going in just to
15 accommodate that 5-by-10?

16 THE WITNESS: 10.

17 MR. SOKOLICH: Approximately 8 to 10
18 foot?

19 THE WITNESS: 10 to 12 feet.

20 MR. SOKOLICH: So approximately what's
21 being proposed is 10 to 12 feet off of the side of
22 the building away from the neighbor on either side,
23 which is considerable.

24 And then front to back will be similar.

25 THE WITNESS: Front to back would be

1 even more.

2 MR. SOKOLICH: That's good.

3 Robert, good.

4 That's it.

5 MS. TESTA: So the staircase is going
6 to be the center here.

7 MR. TERRANOVA: Yeah.

8 So 5 foot and then 10 foot across.

9 CHAIRMAN CHUNG: Mike, you're good?

10 MR. KAUKER: Yeah.

11 CHAIRMAN CHUNG: Carl, anything.

12 MR. O'BRIEN: Thank you, Chairman.

13 Same comments as the other application.
14 Stormwater management, we'll need to deal with that
15 during building department review.

16 It might modify their design. It's all
17 spelled out in our memorandum, February 12th, you
18 guys should have a copy of that.

19 Any questions during the process with
20 the building department, if the board looks favorable
21 on your application, we're here to work with you.

22 You know, the utility is our concern as
23 well.

24 So we want to make sure that you have
25 the Will Serve Letter.

1 It doesn't look like there's any grade
2 -- at-grade changes. And then soil erosion, we would
3 need the paperwork from Bergen County Soils with
4 that.

5 The retaining walls would go through
6 building department, so we would review the retaining
7 walls through building department.

8 And that's it, Chairman.

9 CHAIRMAN CHUNG: All right. Thank you.
10 Thank you.

11 Anybody in the public?

12 Please.

13 MS. TESTA: Please state your name.

14 MS. MATTHEWS: Dina Matthews.

15 MS. TESTA: And your address.

16 MS. MATTHEWS: Dina Matthews 345 10th
17 Street.

18 CHAIRMAN CHUNG: 3.

19 MS. MATTHEWS: 345 10th Street.

20 CHAIRMAN CHUNG: Thank you.

21 MS. MATTHEWS: So I was prepared to
22 show you -- I'm not an architect first of all, so I
23 just have pictures so you have a clear visual, but
24 based on what was just proposed, maybe this doesn't
25 matter anymore, but I just wanted you to see my

1 concern was the fact that if this was -- this is my
2 house and this is -- and I'm going to pass it around,
3 because I didn't make copies, I'm sorry.

4 CHAIRMAN CHUNG: Wait a minute, you're
5 at 345 10th Street, right?

6 MS. MATTHEWS: I'm at the corner.

7 CHAIRMAN CHUNG: 10th Street.

8 MS. MATTHEWS: Yes, 10th Street.

9 I'm at the corner.

10 CHAIRMAN CHUNG: And you're at 324.

11 MS. MATTHEWS: But Central --

12 MS. TESTA: They're on --

13 MS. MATTHEWS: I mean, on West

14 Palisades.

15 I'm at the corner of Palisades and
16 10th.

17 CHAIRMAN CHUNG: Oh, okay.

18 MS. MATTHEWS: So the next block, yeah,
19 the next house. So --

20 CHAIRMAN CHUNG: All right, go ahead.

21 MS. MATTHEWS: Just so you see the
22 visual. This was my concern that if this went up,
23 this particular unit, this is the only source of
24 light for this unit, that's it.

25 So if the proposal, the original

1 proposal had gone through, this would have been
2 blocked, except for two hours maybe, depending on
3 what time -- I'm going to pass it down, but I just
4 wanted you to get a visual of what my concern was.
5 And you can pass it down.

6 MS. TESTA: Okay. So this is you?

7 MS. MATTHEWS: No.

8 MS. TESTA: This is you.

9 MS. MATTHEWS: Yes, that's me. So you
10 see that's --

11 MS. TESTA: Up here -- okay, that's
12 what it shows on the light study.

13 CHAIRMAN CHUNG: This is her house.

14 MS. TESTA: Yes, this is the area
15 that's not going to get the sunlight.

16 MS. MATTHEWS: That's the only source
17 of sunlight for that unit, but with the proposed
18 changed, maybe that changes.

19 VICE CHAIRWOMAN YOON: This is her
20 house.

21 CHAIRMAN CHUNG: No.

22 MS. TESTA: No.

23 CHAIRMAN CHUNG: That's her house.

24 MS. MATTHEWS: So this unit, if this
25 goes up, this unit will get basically dark.

1 MS. TESTA: Mark, did you see the --

2 MR. SOKOLICH: I did not.

3 MS. TESTA: If you could please show --

4 MS. MATTHEWS: I showed it to you the
5 first time.

6 MR. SOKOLICH: Oh, this is the same
7 stuff?

8 Got it.

9 But, ma'am, you will -- I mean, I think
10 we're going in the right direction, right?

11 MS. MATTHEWS: We are going in the
12 right direction.

13 MR. SOKOLICH: Okay.

14 MS. MATTHEWS: I feel better, but I
15 don't see anything on paper yet, so but, you know,
16 proposed.

17 So what's the next step, they're making
18 the proposal, they have to submit changes.

19 MR. SOKOLICH: So we've amended our
20 application verbally and then before the board
21 adopts, we would have plans submitted, but we're
22 hopeful that tonight we'll act on the application
23 subject to submitting revised plans that depict what
24 you just said.

25 THE WITNESS: Right away.

1 MS. MATTHEWS: And do I get to see --

2 MR. SOKOLICH: Yes.

3 MS. MATTHEWS: Oh, okay.

4 As long as I get to see and make sure
5 we're all on the same --

6 THE WITNESS: We'll have it delivered
7 personally.

8 MS. MATTHEWS: Thank you.

9 MS. TESTA: Anybody else have any
10 questions for the architect at this time?

11 (No Response.)

12 MR. SOKOLICH: David Spatz very
13 quickly.

14 MS. TESTA: Yup.

15 MR. SOKOLICH: David.

16 Thank you, Robert.

17 THE WITNESS: Thank you.

18 MS. TESTA: David, raise your right
19 hand.

20 Do you swear the testimony you will
21 provide in this application will be the truth, the
22 whole truth and nothing but the truth?

23 MR. SPATZ: Yes, I do.

24 D A V I D S P A T Z, PP.

25 60 Friend Terrace, Harrington Park, New Jersey,

1 having been duly sworn, testifies as follows:

2 MS. TESTA: Thank you.

3 MR. SPATZ: Just for the record, David
4 Spatz, S-P-A-T-Z.

5 My business address is 60 Friend
6 Terrace in Harrington Park, New Jersey.

7 MR. SOKOLICH: So, Chairman, as I'm --
8 David's been here a couple thousand times at this
9 point.

10 I presume his credentials have been
11 accepted as an expert in the field of planning.

12 DIRECT EXAMINATION

13 BY MR. SOKOLICH:

14 Q. I've just distributed for the record to
15 the board a series of four photographs, we're going
16 to mark as A-6 [sic], David?

17 A. Yes.

18 (Whereupon, Series of Four Photographs
19 is marked as Exhibit A-7 for identification.)

20 BY MR. SOKOLICH:

21 Q. If you would just identify them for the
22 benefit of the record and then get into your report,
23 if you would.

24 A. Certainly.

25 The top left-hand photograph is of the

1 subject property, which is a two-family home.

2 The top right is looking to the right
3 of us, is a relatively newer two-family home.

4 Bottom left is looking to the left of
5 us. I believe this is the neighbor's home that's
6 going up towards 10th.

7 And then the bottom right is directly
8 across the street from us, which are older two-family
9 homes. They're located in the AA zone, which does
10 permit two-family dwellings.

11 We have one D variance, which is for
12 building height, which we've modified this evening.

13 And then one C variance for building
14 coverage.

15 Looking at the height variance, we look
16 for the special reasons for D variances to the
17 Municipal Land Use Law.

18 Again, we meet purpose A, which is
19 promoting public health, safety, morals and general
20 welfare. Regarding the newer home and removing an
21 older home, the newer home will meet all safety
22 concerns, more modern building codes. Drainage
23 improvements will be provided. Parking will be
24 provided on-site, which currently doesn't exist. So
25 I think we meet that standard.

1 Purpose E is establishing appropriate
2 population densities. There's a two-family home on
3 the property now. We're continuing that with a
4 two-family home. So there's no increase in density
5 on the property.

6 And then lastly, we meet Purpose I,
7 which is promoting the desirable visual environment.
8 We're removing an older home in fair condition,
9 building a newer home which meets, again, all
10 building codes, meets the newer home directly to the
11 next of us and the trend of newer two-family homes in
12 the area. We're able to do this and meet the
13 topographic conditions of the property. The
14 photographs indicate the property slopes to the right
15 and then also to the rear and that's the challenge in
16 developing it.

17 Looking particularly at the D variance
18 for building height, we need to look at consistency
19 with the neighborhood, I believe we are consistent.
20 The home directly next to us is a three-story
21 two-family home.

22 Across the street, likewise, are older
23 two-family homes. We have a three-family home --
24 three-story, excuse me, and we've reduced the roof
25 deck, we've eliminated the structure to have just a

1 bulkhead with staircase off to the roof so we are
2 consistent with the neighborhood and I believe the
3 D variance can be granted.

4 Looking at the bulk variance, we meet
5 all of the setback limitations of the zone, front,
6 rear and side yard.

7 In terms of coverage, we meet the
8 standard in terms of as your coverage is measured in
9 feet, we meet that standard.

10 We do not meet the percentage standard.
11 As was described, drainage improvements will be
12 provided on the site and will be the subject of
13 further review. That will reduce impacts both
14 on-site, as well as off-site. There will be
15 additional landscaping and fences, which will help
16 buffer those adjacent properties.

17 So I think in terms of the coverage,
18 the improvements being made to the site can handle
19 that and, again, we meet all of the setback standards
20 for the zone.

21 So I believe the C variance can be
22 granted.

23 In terms of the negative criteria, I
24 don't believe anything is substantially negative.
25 It's a two-family home now being replaced with a

1 newer more modern two-family home that meets all
2 building, safety, fire codes.

3 We've reduced the height of the
4 building to significantly reduce the impact on the
5 adjacent properties. The setbacks are conforming,
6 but there will be additional buffering with the new
7 landscaping being provided. The height is similar to
8 the newer home within the area.

9 Currently there is limited amount of
10 parking on-site. We are now providing a conforming
11 amount of parking on-site, which reduces impacts on
12 the street.

13 So on balance, I think the positive
14 criteria is met and it far outweighs what could be
15 considered negative and I believe it's appropriate to
16 grant the variances that we're seeking.

17 CHAIRMAN CHUNG: Thank you.

18 MR. SOKOLICH: Chairman, I have nothing
19 further.

20 CHAIRMAN CHUNG: Thank you, sir.

21 Thank you.

22 Okay. Member, what do we got?

23 Anything?

24 (No Response.)

25 CHAIRMAN CHUNG: Dave, no.

1 (No Response.)

2 CHAIRMAN CHUNG: Mike?

3 MR. KAUKER: I have nothing.

4 CHAIRMAN CHUNG: Carl?

5 MR. O'BRIEN: I have nothing.

6 MS. TESTA: Motion to open to the
7 public.

8 CHAIRMAN CHUNG: Open to the public.
9 Anybody from the public?

10 MS. TESTA: Anybody have any questions,
11 concerns with regards to this application.

12 (No Response.)

13 CHAIRMAN CHUNG: No, okay, we'll close
14 that.

15 MR. SOKOLICH: I have no -- it's late
16 and I don't want to burden the board as much as I
17 know you love hearing from me, I'll dispense with a
18 closing statement other than we just would like
19 appropriate consideration for the reduction in the
20 bulkhead.

21 We think we've all but ameliorated the
22 adverse effect on sunlight with the neighbor.

23 We want to thank the neighbor for
24 working with us. The proof is in the pudding once
25 those plans are done and I get that, ma'am.

1 But this is not an applicant that
2 simply tore a tin ear to those objections, appeared
3 here, has made the necessary adjustments and we're
4 hopeful that the board will act favorably on the
5 application.

6 CHAIRMAN CHUNG: So what was the height
7 on this, total height?

8 MR. TERRANOVA: Yeah, we need to
9 clarify the height.

10 MR. SOKOLICH: 37 with the smaller
11 structure, but keep in mind we're now talking about a
12 5-foot wide structure that's now 10 foot from the
13 side, which you'll see on the --

14 CHAIRMAN CHUNG: Okay. Well --

15 MR. SOKOLICH: But that's only for a
16 very small portion of the height, which is
17 approximately 5 feet wide, correct.

18 MALE AUDIENCE MEMBER: Correct.

19 MR. SOKOLICH: Which is then important
20 after that 5-foot portico, the height would then drop
21 down 6, 7, 8 feet.

22 MALE AUDIENCE MEMBER: Right.

23 MR. SOKOLICH: So without the portico,
24 this height is somewhere around 30 feet, but
25 technically with the top of the portico it brings us

1 to 37.

2 CHAIRMAN CHUNG: All right.

3 The architect, from basement to first
4 floor, how high is that.

5 MR. LEE: Basement to the first floor?

6 CHAIRMAN CHUNG: Yeah.

7 MR. LEE: 9 foot --

8 CHAIRMAN CHUNG: 9 foot, right?

9 9 foot, what.

10 MR. LEE: Floor to floor is 9-foot-0,
11 which means floor to ceiling would be about 8 foot.

12 MR. SOKOLICH: Just a simple answer.
13 What's the ceiling height?

14 MR. LEE: 8 foot.

15 MR. SOKOLICH: 8 foot, thank you.
16 That's it.

17 CHAIRMAN CHUNG: Thank you.

18 And the first to second?

19 MR. LEE: 9-foot-6-inches, because of
20 the structure.

21 MR. SOKOLICH: No, no, no, I don't want
22 to know structure. From floor to ceiling height,
23 what's the height?

24 MR. LEE: 9-foot-6.

25 MR. SOKOLICH: 9-foot-6.

1 CHAIRMAN CHUNG: 9-foot-6 for the
2 ceiling height.

3 MR. LEE: Yes.

4 CHAIRMAN CHUNG: Okay.

5 And the second to third?

6 MR. LEE: Third is 8-foot-6-inches --
7 no, I'm sorry, about 8 foot approximately.

8 MS. TESTA: And the first floor.

9 CHAIRMAN CHUNG: Basement to first
10 9 feet --

11 MS. TESTA: 8 feet.

12 CHAIRMAN CHUNG: 8 feet.

13 MR. LEE: It's 8 foot.

14 CHAIRMAN CHUNG: And second was
15 9-feet-6.

16 MR. LEE: 9-foot-6.

17 CHAIRMAN CHUNG: From the ceiling.
18 Don't you think it's a little high for that one.

19 MR. LEE: 9-foot-6?

20 CHAIRMAN CHUNG: Can you bring down
21 that one down to -- how low can you bring it down to,
22 how low.

23 MR. LEE: 9 foot. 9 foot.

24 MR. TERRANOVA: So it would be 8, 9 and
25 8.

1 CHAIRMAN CHUNG: 8, 9, 8.

2 MS. TESTA: 8, 9.

3 CHAIRMAN CHUNG: So in all completion,
4 8, 9, 8 and take the top off.

5 MR. TERRANOVA: So if you come down 6
6 inches, technically it should be 36 and a half feet,
7 yes.

8 MR. LEE: So the first floor we're
9 reducing a foot -- I'm sorry, I'm sorry, 6 inches,
10 9-foot-6-inches to 9 foot. I'm sorry.

11 CHAIRMAN CHUNG: And there is -- I'm
12 not a fan of the rooftop thing. Just get rid of it,
13 that third floor, the rooftop, get rid of that
14 completely.

15 MR. LEE: Get rid of it.

16 CHAIRMAN CHUNG: Yeah, get rid of it
17 completely.

18 MR. LEE: So the observation deck -- I
19 mean, there's no livable space, just walking up.

20 CHAIRMAN CHUNG: How are you going to
21 go up that? You're going to have like --

22 MR. SOKOLICH: Well, it's going to be
23 encased in the building, that's 5 feet.

24 MR. LEE: It's glass --

25 MR. SOKOLICH: That was what we were

1 going through before, Chairman.

2 MR. TERRANOVA: You're basically moving
3 the doors in to come up onto the --

4 MR. SOKOLICH: And that's it.

5 MR. TERRANOVA: To the core of the
6 building to reduce the --

7 CHAIRMAN CHUNG: Okay.

8 MR. SOKOLICH: And now that -- but,
9 Chairman, you make a good point. That core is now
10 10, 12 feet from the side of the building no where
11 near the neighbor.

12 CHAIRMAN CHUNG: Okay, okay, so it's
13 not going to be blocking the sun.

14 MR. SOKOLICH: No, it's centrally
15 located.

16 MR. TERRANOVA: You're giving more
17 light to come --

18 CHAIRMAN CHUNG: Okay.

19 MR. SOKOLICH: And that's why we talked
20 about the height at 37.

21 It's 37 because of that, but if you
22 eliminated that you're at 30.

23 So it's just that brief 5-foot width
24 just to get people up so they can enjoy the terrace
25 and that's it, but there's no other structure up

1 there.

2 CHAIRMAN CHUNG: In that case, you're
3 okay with that.

4 MS. MATTHEWS: Yes.

5 CHAIRMAN CHUNG: Okay. Good.

6 Thank you.

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

8 MR. LEE: And just for your
9 information, looking at it from the street level, you
10 probably won't even see any of this.

11 MS. TESTA: So the basement is going to
12 be 8 feet, the first floor 9, the second floor --

13 MR. LEE: 9-foot-6. 9-foot-6.

14 MS. TESTA: No, 9.

15 MR. SOKOLICH: 9, changes down to 9.

16 CHAIRMAN CHUNG: Make it 9 feet,
17 please.

18 MS. TESTA: Yeah, and the second floor
19 reduced to --

20 CHAIRMAN CHUNG: 8.

21 MR. LEE: Okay, yes, that's correct.

22 CHAIRMAN CHUNG: 8, 9, 8.

23 MS. TESTA: So that's reducing --

24 MR. TERRANOVA: So that's reducing the
25 height a little bit more.

1 MR. SOKOLICH: That's correct.

2 So it brings the height to
3 36-feet-8-inches, correct, 36-feet-8-inches.

4 MS. TESTA: Aren't we taking the
5 foot-and-a-half, no?

6 MR. LEE: We took 6 inches at --

7 MS. TESTA: The first floor.

8 MR. LEE: -- the first floor.

9 MS. TESTA: And then the second floor.

10 MR. LEE: The second floor is 8-foot
11 ceiling height, but we're going to remain 8-foot
12 ceiling.

13 MR. TERRANOVA: Right, it stays the
14 same.

15 MS. TESTA: Okay. I'm sorry.

16 MR. TERRANOVA: Only the 6 inches came
17 off.

18 MR. SOKOLICH: They skipped a floor,
19 Diane, before, that's why --

20 MS. TESTA: Yeah. So 36.6 is the
21 height.

22 MR. SOKOLICH: 36, 8.

23 MS. TESTA: Okay. 36, 8, I'm sorry.

24 CHAIRMAN CHUNG: Okay. All the
25 changes.

1 MR. TERRANOVA: And the shower in the
2 basement.

3 MS. TESTA: Right, removing the --

4 MR. SOKOLICH: Yes, yes, yes, powder
5 room in the basement, I'm sorry about that. I should
6 have pointed that out to him. That wasn't --

7 MS. TESTA: No problem.

8 MR. LEE: That was my fault.

9 Thank you.

10 CHAIRMAN CHUNG: With the changes, I
11 make a motion to approve the application.

12 Can I have a second, please?

13 VICE CHAIRWOMAN YOON: I'll second.

14 CHAIRMAN CHUNG: Roll call, please.

15 BOARD SECRETARY KIM: Mr. Chung?

16 CHAIRMAN CHUNG: Yes.

17 BOARD SECRETARY KIM: Ms. Yoon?

18 VICE CHAIRWOMAN YOON: Yes.

19 BOARD SECRETARY KIM: Mr. Brogna?

20 MR. BROGNA: Yes.

21 BOARD SECRETARY KIM: Mr. Chiesa?

22 MR. CHIESA: Yes.

23 BOARD SECRETARY KIM: Mr. Elefteriou?

24 MR. ELEFTERIOU: Yes.

25 BOARD SECRETARY KIM: Mr. Terranova?

1 MR. TERRANOVA: Yes.

2 BOARD SECRETARY KIM: Mr. Sung?

3 MR. SUNG: Yes.

4 CHAIRMAN CHUNG: Thank you.

5 MR. SOKOLICH: Chairman, Members of the
6 Board, thank you.

7 Sorry to take up so much time this
8 evening.

9 And I appreciate the second bite at the
10 apple.

11 Saved everybody a lot of time and
12 aggravation.

13 So thank you. Goodnight, everybody.

14 MS. TESTA: Goodnight.

15 Oh, wait, before you go --

16 MR. SOKOLICH: I'm going to Texas to
17 see Croatia play, so Croatia on Wednesday, please.

18 CHAIRMAN CHUNG: What time?

19 MR. SOKOLICH: The game is at 3:00.

20 CHAIRMAN CHUNG: When?

21 MR. SOKOLICH: On Wednesday.

22 MS. TESTA: Have fun.

23 Before we go, we just need a motion to
24 approve the consent order to withdraw our answer to
25 the lawsuit, 100 Grand Avenue.

1 CHAIRMAN CHUNG: Yeah, I make a motion
2 to withdraw.

3 MS. TESTA: Second.

4 MR. ELEFTERIOU: I'll second.

5 MS. TESTA: Okay. Roll call, please.

6 BOARD SECRETARY KIM: Mr. Chung?

7 CHAIRMAN CHUNG: Yes.

8 BOARD SECRETARY KIM: Ms. Yoon?

9 VICE CHAIRWOMAN YOON: Yes.

10 BOARD SECRETARY KIM: Mr. Brogna?

11 MR. BROGNA: Yes.

12 BOARD SECRETARY KIM: Mr. Chiesa?

13 MR. CHIESA: Yes.

14 BOARD SECRETARY KIM: Mr. Elefteriou?

15 MR. ELEFTERIOU: Yes.

16 BOARD SECRETARY KIM: Mr. Terranova?

17 MR. TERRANOVA: Yes.

18 BOARD SECRETARY KIM: Mr. Sung?

19 MR. SUNG: Yes.

20 MS. TESTA: You could abstain.

21 Then we need a motion to adjourn.

22 MR. ELEFTERIOU: Motion to adjourn.

23 MS. TESTA: All in favor.

24 (Whereupon, all members respond in the
25 affirmative.)

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CHAIRMAN CHUNG: Thank you.

MS. TESTA: Enjoy, have a good 4th.

(Whereupon, this meeting is concluded.

Time noted: 9:10 p.m.)

C E R T I F I C A T E

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

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

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

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