

1 1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25 BOROUGH OF PALISADES PARK PLANNING BOARD WEDNESDAY, JUNE 24, 2026 7:07 P.M. IN THE MATTER OF:) Case #26-SP05) Change of Use) Seonock Kim (MCO USA LLC)) 391 Commercial Avenue) Block 109.1, Lot 1) Case #25-SP14) Site Plan) Hillcrest Builders, LLC) 450 East Edsall Boulevard) Block 420, Lot 16) Case #26-SP02) Site Plan) Shi Hyun Park) 321 Hillside Avenue) Block 203, Lot 1) Case #26-SP04) Change of Use) Mario Velasquez Teletor) 331 Broad Avenue) Block 217, Lot 17) Case #26-SP06) Change of Use) Sun Ae Kim) 216 Broad Avenue #B-1) Block 602, Lot 20) Case #26-SP07) Change of Use) Super Burgers & Shakes) 410 Bergen Boulevard) Block 420, Lot 25) TRANSCRIPT OF PROCEEDINGS B E F O R E: THE BOROUGH OF PALISADES PARK PLANNING BOARD, THERE BEING PRESENT: ARLENE STAR, CHAIRWOMAN (LATE ARRIVAL) CHRIS AUFIERO, VICE CHAIRMAN C. PAUL KIM, MAYOR CHRISTOPHER KWAK, COUNCILMAN JUSTIN KANG, MEMBER MIRJANA TARABOCCHIA, MEMBER EDWIN HAN, MEMBER SOPHIA JANG, MEMBER (ABSENT) JUSTIN JEONG, MEMBER (ABSENT) LAURA A. CARUCCI, C.S.R., R.P.R., L.L.C. 201-641-1812	3 1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25 INDEX AGENDA Case #25-SP14, Site Plan Hillcrest Builders, LLC 450 East Edsall Boulevard Block 420, Lot 16 STEPHEN KOESTNER, P.E., LS 12 Direct Examination by Mr. Sokolich 13 Cross-Examination by Mr. Bern 32 Redirect Examination by Mr. Sokolich 39 Board/Professional Questions Mayor Kim 22, 30 CARL O'BRIEN, PE, PP, CME, CPWM 26, 103, 156, 185 Board/Professional Questions 39, 40, Mayor Kim 74, 99, 124 VASSILIOS COCOROS, AIA 44 23 Direct Examination by Mr. Sokolich 45 Cross-Examination by Mr. Bern 81 Redirect Examination by Mr. Sokolich Board/Professional Questions Mayor Kim 59, 79 Councilman Kwak 78 Acting Chairman Aufiero 80 MICHAEL KAUKER, PP, AICP 60, 189 Board/Professional Questions Mayor Kim 60, 98, 101 LOUIS LUGLIO, PE 88 Direct Examination by Mr. Sokolich 88 Cross-Examination by Mr. Bern 116 Redirect Examination by Mr. Sokolich 120 Board/Professional Questions Mayor Kim 96 Mr. O'Brien 99 Councilman Kwak 114 LAURA A. CARUCCI, C.S.R., R.P.R., L.L.C. 201-641-1812
2 1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25 APPEARANCES: NOH & KANG, LLP BY: CHANG NOH, ESQUIRE 460 Bergen Boulevard Suite 301 Palisades Park, New Jersey 07650 Counsel for the Planning Board LAW OFFICES OF MARK J. SOKOLICH BY: MARK J. SOKOLICH, ESQUIRE 1223 Anderson Avenue Fort Lee, New Jersey 07024 Counsel for the Applicant Hillcrest Builders, LLC BERN & ASSOCIATES LLC BY: DOUGLAS BERN, ESQUIRE 39 Park Place #204 Englewood, New Jersey 07631 Counsel for the Objector Neil Rubinstein KIM, CHOI & KIM, P.C. BY: DONGSUNG KIM, ESQUIRE 460 Bergen Boulevard, Unit 206 Palisades Park, New Jersey 07650 Counsel to the Applicant, Case # ALSO PRESENT: REBEKAH KIM, BOARD SECRETARY MICHAEL KAUKER, PP, AICP Board Planner CARL O'BRIEN, PE, PP, CME, CPWM Board Engineer LAURA A. CARUCCI, C.S.R., R.P.R., L.L.C. 201-641-1812	4 1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25 INDEX (continuing) AGENDA Case #25-SP14, Site Plan Hillcrest Builders, LLC 450 East Edsall Boulevard Block 420, Lot 16 (CONTINUED) DAVID SPATZ, PP 129 Voir Dire Examination by Mr. Sokolich 129 Direct Examination by Mr. Sokolich 130 CHARLES BALDANZA, RA, PE, PP 140 Voir Dire Examination by Mr. Bern 141 Direct Examination by Mr. Bern 143 Cross Examination by Mr. Sokolich 157 Board/Professional Questions Mayor Kim 151, 163 Ms. Tarabocchia 171 Public Comment Neil Rubenstein 176 176 462 and 464 11th Street Board/Professional Questions Mayor Kim 178 LAURA A. CARUCCI, C.S.R., R.P.R., L.L.C. 201-641-1812

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1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25 INDEX (Continuing) EXHIBITS No. Description Ident/Evid Case #25-SP14, Site Plan Hillcrest Builders, LLC 450 East Edsall Boulevard Block 420, Lot 16 (Exhibits Retained by Counsel.) A-20 Site Grading Ground Floor Plan, Last Revised 4/09/26 15 A-21 Landscape and Lighting Plan, Last Revised 4/09/26 28 A-22 Elevations Plan, Last Revised 4/07/26 45 A-23 Rendering 50 A-24 Rendering 50 A-25 Elevations Plan, Last Revised 4/07/26 53 A-26 First Floor Plan, Last Revised, 4/07/26 57 A-27 Aerial with Site Plan Superimposed 90 A-28 Four Photograph Photoboard 130 LAURA A. CARUCCI, C.S.R., R.P.R., L.L.C. 201-641-1812	1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25 8 MAYOR KIM: Here. BOARD SECRETARY KIM: Mrs. Star? (No Response.) BOARD SECRETARY KIM: Mr. Aufiero? ACTING CHAIRMAN AUFIERO: Here. BOARD SECRETARY KIM: Mrs. Tarabocchia? MS. TARABOCCHIA: Here. BOARD SECRETARY KIM: Ms. Jang? (No Response.) BOARD SECRETARY KIM: Mr. Kang? MR. KANG: Here. BOARD SECRETARY KIM: Mr. Han? MR. HAN: Here. BOARD SECRETARY KIM: Councilman Kwak? COUNCILMAN KWAK: Present. ACTING CHAIRMAN AUFIERO: And now we'll do the minutes. We all hopefully read the minutes from last month. Can I have a motion to accept those minutes? MR. KANG: I'll make the motion to accept the minutes. COUNCILMAN KWAK: I'll second. ACTING CHAIRMAN AUFIERO: Roll call? LAURA A. CARUCCI, C.S.R., R.P.R., L.L.C. 201-641-1812

9 1 BOARD SECRETARY KIM: Mayor Kim? 2 MAYOR KIM: Yes. 3 BOARD SECRETARY KIM: Mr. Aufiero? 4 ACTING CHAIRMAN AUFIERO: Yes. 5 BOARD SECRETARY KIM: Mrs. Tarabocchia? 6 MS. TARABOCCHIA: Yes. 7 BOARD SECRETARY KIM: Mr. Kang? 8 MR. KANG: Yes. 9 BOARD SECRETARY KIM: Mr. Han? 10 MR. HAN: Yes. 11 BOARD SECRETARY KIM: Councilman Kwak? 12 COUNCILMAN KWAK: Yes. 13 ACTING CHAIRMAN AUFIERO: Okay. 14 Next I would need a motion to pay the 15 bills. 16 MS. TARABOCCHIA: I make a motion to 17 pay the bills. 18 MR. NOH: Second? 19 MR. KANG: I'll second. 20 MR. NOH: Roll call? 21 BOARD SECRETARY KIM: Mayor Kim? 22 MAYOR KIM: Yes. 23 BOARD SECRETARY KIM: Mr. Aufiero? 24 ACTING CHAIRMAN AUFIERO: Yes. 25 BOARD SECRETARY KIM: Mrs. Tarabocchia? LAURA A. CARUCCI, C.S.R., R.P.R., L.L.C. 201-641-1812	11 1 was settlement terms that were reached and the 2 Applicant appears before you for site plan approval 3 to construct a multifamily residential dwelling 4 that's contemplated in that settlement. 5 We have been before the board, I 6 believe, twice at this point. 7 When last here there were a couple of 8 issues that were raised and a one point in the 9 hearing we elected to go back and revise our plans to 10 hopefully assuage some of the concerns and some of 11 the comments that were made either by the board or 12 the engaged professionals. 13 With that said, for this evening's 14 purposes we intend on briefly presenting the 15 testimony of Mr. Koestner, brief, as the engineer. 16 Briefly the testimony of Bill Cocoros, 17 our traffic engineer. 18 Also briefly, and then finally our 19 planning testimony. 20 So if the Chair -- unless the Chair has 21 any questions of I, we would ask to be permitted to 22 present our first witness. 23 MR. BERN: May I enter my appearance on 24 this matter? 25 I represent a neighbor at 462-464 11th LAURA A. CARUCCI, C.S.R., R.P.R., L.L.C. 201-641-1812
10 1 MS. TARABOCCHIA: Yes. 2 BOARD SECRETARY KIM: Mr. Kang? 3 MR. KANG: Yes. 4 BOARD SECRETARY KIM: Mr. Han? 5 MR. HAN: Yes. 6 BOARD SECRETARY KIM: Councilman Kwak? 7 MR. O'BRIEN: Yes. 8 ACTING CHAIRMAN AUFIERO: Now we are 9 going to continue with Case #25SP-14, Hillcrest 10 Builders, L.L.C. 450 East Edsall Boulevard, 11 Block 420, Lot 16. 12 MR. SOKOLICH: Chairman, Mayor, Members 13 of the Board, Engaged Professionals, Public, Mark 14 Sokolich on behalf of the applicant, Hillcrest 15 Builders, L.L.C. 16 Just by way of review, Chairman, if I 17 may, the application before you is actually the -- is 18 part of a global settlement that was reached with the 19 Borough of Palisades Park. It provides a 20 percent 20 set aside for affordable housing. 21 As the Chair points out, the address is 22 450 East Edsall, Lot 16, Block 420. It is located in 23 your AHD-2 zoning district. 24 As part of the application package 25 submitted, an exhibit to that applications package LAURA A. CARUCCI, C.S.R., R.P.R., L.L.C. 201-641-1812	12 1 Street. I think we've appeared previously. 2 And I want to reiterate we are going to 3 ask some questions tonight, if the board would 4 indulge us. 5 And we have several witness -- 6 MR. NOH: Sir, what is your name? 7 MR. BERN: Douglas Bern. 8 MR. NOH: Your law firm? 9 MR. BERN: Bern and Associates in 10 Englewood. 11 And I'm representing Neil Rubinstein 12 and N&R Scientific owner of two properties about 13 9 feet away from this project on 11th Street. Okay. 14 Thank you. 15 MR. NOH: Mr. Koestner, would you 16 please raise your right hand, sir? 17 Do you swear to tell the truth and 18 nothing but the truth, pertaining to this 19 application, so help you God? 20 MR. KOESTNER: I do. 21 S T E V E N L. K O E S T N E R, P.E., L.S. 22 61 Hudson Street, Hackensack, New Jersey, having 23 been duly sworn, testifies as follows: 24 MR. NOH: Would you please state your 25 name and spell your last name for the record? LAURA A. CARUCCI, C.S.R., R.P.R., L.L.C. 201-641-1812

13 1 MR. KOESTNER: Certainly. 2 Steven L. Koestner, S-T-E-V-E-N 3 K-O-E-S-T-N-E-R, 61 Hudson Street, Hackensack, New 4 Jersey. 5 I'm a professional engineer and land 6 surveyor. 7 DIRECT EXAMINATION 8 BY MR. SOKOLICH: 9 Q. Steve, you are the site plan engineer 10 for the Applicant, are you not? 11 A. I a m . 12 Q. And, in fact, you were present during 13 the prior two public hearings concerns this 14 application? 15 A. That's correct. 16 Q. And this is for a multifamily dwelling 17 at 450 East Edsall with a 20 percent affordable 18 housing set aside. 19 A. East Edsall Boulevard, yes. 20 Q. East Edsall, excuse me. 21 And you are also familiar with the 22 terms of the settlement that are an exhibit to the 23 application, correct? 24 A. I a m . 25 Q. And you familiarized yourself with that LAURA A. CARUCCI, C.S.R., R.P.R., L.L.C. 201-641-1812	15 1 I'm going to date it today, June 24th. 2 (Whereupon, Site Grading Ground Floor 3 Plan, Last Revised April 9th, 2026 is marked 4 as Exhibit A-20 for identification.) 5 BY MR. SOKOLICH: 6 Q. Steve, I just marked the plan as A-20, 7 you entitled it "Site Grading Plan Ground Floor," 8 with a last revised date of April 9th, 2026. 9 Did you prepare that plan? 10 A. It was prepared under my supervision, 11 yes. 12 Q. Okay. 13 And would you just indicate to the 14 Board what that plan purports to represent and what 15 changes are on that plan from prior to this? 16 A. Yes, we had the same footprint for the 17 six-story proposed multifamily dwelling. 18 We did make some revisions as 19 Mr. Sokolich has indicated most of those relatively 20 minor in scope, but I'll go over them. 21 We're added the dimensions of the 22 parking stalls 9-by-18 some and some are -- two have 23 two compact spaces here 8-by-18 and 8-foot-6-by-18. 24 We've also added four EV parking 25 spaces, four on the ground floor parking and four on LAURA A. CARUCCI, C.S.R., R.P.R., L.L.C. 201-641-1812
14 1 document? 2 A. I have. 3 Q. Last time we were present there were a 4 few comments that were made by the board, perhaps the 5 public, and we had agreed to reflect some of those 6 changes on the plan and come back at the next 7 meeting. 8 Is that correct? 9 A. It is. 10 Q. So I'm going to the mark the plan 11 that's -- and by the way the plans that you're about 12 to talk about and testify to, to the best of your 13 knowledge, was submitted to the board in advance of 14 this evening's hearing? 15 A. Yes. 16 Q. By at least ten days? 17 A. Correct. 18 MR. SOKOLICH: I'm going to jump -- 19 Counsel, I ran out of -- I didn't track, I'm going to 20 just jump to A-20. 21 We'll start there, if that's okay, as 22 the second hearing. 23 MR. NOH: Fine. 24 MR. SOKOLICH: So I'm going to start at 25 A-20 and we'll start there. LAURA A. CARUCCI, C.S.R., R.P.R., L.L.C. 201-641-1812	16 1 the above level parking. 2 We rearranged the ADA spaces. They are 3 now at the dividing line, I'll say, the midpoint of 4 the lower parking area on this point of the building. 5 The borough engineer has asked us to 6 grade those so they would comply with ADA 7 requirements. We have shown the proposed grades. 8 The drainage has remained the same. We 9 have eight dry wells centered under the parking area. 10 We have a trench drain that is at the 11 ingress and egress point. And that water -- any 12 water that would be collected there from either under 13 the building or adjacent -- immediately adjacent to 14 the building would be directed to those dry wells and 15 primarily the roof water as well will be directed to 16 those eight dry wells underneath the building. 17 Let me see, we've got the ADA -- the 18 ADA and the EV those are -- oh, yes, and there was 19 also concern about a fire hydrant. There's no fire 20 hydrant in the immediate vicinity. 21 And the revised plan does show a fire 22 hydrant just opposite the northwesterly corner of the 23 site. And that is on the East Edsall Boulevard. 24 And those are the bulk of the changes. 25 Q. And you addressed the fire hydrant. LAURA A. CARUCCI, C.S.R., R.P.R., L.L.C. 201-641-1812

17 1 There was issues that were raised last time with 2 regard to the sewerage before we connect to be camera 3 inspected. 4 For the record -- 5 A. Yes. 6 Q. -- could you just indicate to the board 7 what you intend on doing to respond to that concern? 8 A. Yes. 9 Which it'll be televised and recorded 10 and ensure that they're in good shape, decent shape 11 to be able to handle the expected flow from this 12 project. 13 The sewer -- and actually at about 14 50-feet or so west of the project, so there would be 15 a pump from the building lower level, up to that 16 sewer and then gravity from the sewer to the 17 remainder of the Palisades Park sewer system. 18 Q. Okay. 19 Also concern was raised, and I believe 20 Counsel was present for this issue amongst others, 21 but about the stability of the properties to the 22 rear. 23 You're familiar with that? 24 A. I am. 25 Q. And what representation can you place LAURA A. CARUCCI, C.S.R., R.P.R., L.L.C. 201-641-1812	19 1 A. And it should be, yes. 2 It would be and it should be. Yes. 3 Q. Do you see any reason why this 4 Applicant couldn't put in the appropriate safeguards, 5 under the direction of the Borough and its engineers, 6 to ensure that the adjacent building remains stable? 7 A. I do not. 8 This is not the first time this kind of 9 thing has been done and there are adequate provisions 10 for this to be -- remain stable. 11 Q. Which is my next question, is this a 12 condition that's extraordinary or is this something 13 that you -- I don't want to say customary, but 14 something that you're confronted with from time to 15 time? 16 A. Yes. 17 We are confronted with it and it's -- 18 it's a function of the hill. We're cutting into the 19 hillside. 20 So this is what we have to do to 21 maintain these grades. 22 Q. Now, Steve, tonight there are two other 23 witnesses. There's an architect, and then there's -- 24 who's going to handle the architectural stuff. 25 And there's Lou Luglio who's going to LAURA A. CARUCCI, C.S.R., R.P.R., L.L.C. 201-641-1812
18 1 on the record and request be a condition of any 2 action of the board that would address that concern? 3 A. Yeah. The -- 4 Q. Anything we can do. 5 A. Right, anything we have to do is 6 certainly true. 7 We have grade differentials here, most 8 of the grade differential is in this northwesterly 9 corner, I'll call it, that midpoint. 10 You got about -- we go from 298, let's 11 say, and down to 294 existing. 12 We're going to cut down to 290, we have 13 a 7-foot grade differential here. 14 We have a greater differential in the 15 northwesterly corner, and proper engineering 16 procedures will be followed to ensure that that slope 17 is maintained stable in its present condition. 18 Q. In fact, I am told that the new 19 recently instituted protocols here in -- in Palisades 20 Park, prior to the issuance of the building permit is 21 to submit an engineering certification or plan 22 regarding the stability of adjacent properties, if 23 that issue is present for a particular application. 24 In fact will that protocol be followed 25 by the Applicant? LAURA A. CARUCCI, C.S.R., R.P.R., L.L.C. 201-641-1812	20 1 handle the traffic. 2 So I'm purposely not asking you certain 3 questions because they're going to address it. 4 But is there -- what about disposal of 5 trash? Did you address that or access to the trash 6 or is that Billy? 7 A. Well, we've noted it and Billy's plan 8 -- our architects plan does note that there is a 9 trash room in the lower level towards the northerly 10 portion of that building. 11 And we provided for access to the trash 12 room directly from East 12th Street or from 12th 13 Street as improved. 14 And there'll be a curb cut there. 15 Q. Excellent. 16 Is there anything else that you would 17 like to add, keeping in mind that I have the 18 architect and the traffic consultant on deck? 19 A. We have five parking spaces, they may 20 not have been shown before and the traffic engineer 21 will address those as well. 22 Q. You know with regard to those parking 23 spaces, I believe the terms of settlement reached and 24 which were approved by court indicated that the 25 applicant was permitted to construct, not a minimum LAURA A. CARUCCI, C.S.R., R.P.R., L.L.C. 201-641-1812

21 1 number of parking spaces, up to ten. 2 A. That's correct. 3 Q. Is that your understanding? 4 A. Yes, sir. 5 Q. Up to ten as is practicable? 6 A. Correct. 7 Q. Right? 8 So if it's not practicable, doesn't 9 have to do any. 10 But right now the present iteration of 11 these plans are five parking spaces, not only for the 12 use of the building, but more so for use of the 13 neighborhood and the area, correct? 14 A. Correct. 15 Q. Okay. 16 A. And we -- we put as many as we can. 17 We leave space for the trash access. 18 We also leave space at the -- for maneuverability 19 from the egress entrance to the lower level. 20 Q. Again, not a requirement, but that's at 21 least the hopes of being able to provide five more 22 parking spaces in the area? 23 A. To address that concern, yes. 24 MR. SOKOLICH: Thank you, Steve. 25 Chairman, I don't have any other LAURA A. CARUCCI, C.S.R., R.P.R., L.L.C. 201-641-1812	23 1 MAYOR KIM: And one more question, 2 you're are not the engineer, right? You're just -- 3 THE WITNESS: I am the engineer. 4 MR. SOKOLICH: Engineer. 5 MAYOR KIM: You are. 6 I've heard there is some big tanks, 7 they're not seepage pits, but they're big tanks that 8 actually retain water. 9 And then it slowly releases it 10 depending how the soil is drying out its old water. 11 Do you know what that's called? 12 THE WITNESS: We call them seepage 13 pits. 14 MAYOR KIM: No seepage pits is a cement 15 round cylinder thing with holes in it. 16 I'm talking about that looks like a 17 tank, a real tank enclosed I think and the water -- 18 MR. SOKOLICH: Excuse me a minute. 19 MAYOR KIM: -- and the water is retained 20 in the tank underground until the rest of the soil 21 starts to dissipate the water and then the -- the 22 tank will start to release the water. 23 Billy, have you ever heard about that 24 before? 25 MR. COCOROS: I think we did it on LAURA A. CARUCCI, C.S.R., R.P.R., L.L.C. 201-641-1812
22 1 questions of Mr. Koestner. 2 MAYOR KIM: Your last subject matter 3 which was the five parking spaces on the street 4 parking lots. 5 This is public property, correct? 6 THE WITNESS: Yes, this is a public 7 street, 12th Street. 8 MAYOR KIM: It's a public parking 9 space, correct? 10 THE WITNESS: Correct. 11 MAYOR KIM: Municipal. 12 THE WITNESS: Municipal, well, it's a 13 town, a borough street. 14 MAYOR KIM: Okay. Good. 15 THE WITNESS: A Borough street, yes. 16 Correct. 17 MAYOR KIM: Could we see a color visual 18 of the building, is there something -- 19 MR. SOKOLICH: We do, architect on 20 deck, Mayor. 21 MAYOR KIM: Okay. Got it. 22 MR. SOKOLICH: And we actually have a 23 handout for you tonight because that was one of the 24 concerns that was raised. 25 I'll take it. LAURA A. CARUCCI, C.S.R., R.P.R., L.L.C. 201-641-1812	24 1 Prospect, it's -- I think it's -- what is it 2 retention -- 3 MAYOR KIM: Yes, retention tanks. 4 MR. COCOROS: -- where it slowly 5 releases instead of having gravel, it's like a -- 6 it's a holding tank, we did it on Prospect because we 7 have soil conditions there. 8 THE WITNESS: I'm not sure what the 9 difference is. 10 What we designed here is what we call 11 seepage pits and they're porous. 12 MR. SOKOLICH: Well, we designed that. 13 THE WITNESS: Yes. 14 Of course, yes. 15 And what we designed we have done the 16 calculation. 17 (Brief Pause.) 18 MAYOR KIM: I'm sorry about that. 19 So you were saying? 20 So you guys, those tank will not be 21 used for this? 22 THE WITNESS: Yes, what I propose, we 23 propose, is perforated tanks beneath the surface of 24 the parking lot -- 25 MAYOR KIM: Perforated tanks, what I LAURA A. CARUCCI, C.S.R., R.P.R., L.L.C. 201-641-1812

25

1 mean --

2 THE WITNESS: And that water would

3 naturally flow out into the stone bed surrounding

4 those tanks --

5 (Simultaneous Speaking.)

6 MAYOR KIM: Is it like a --

7 THE WITNESS: -- and eventually into

8 the ground itself.

9 MAYOR KIM: Is it called a seepage pit?

10 THE WITNESS: It's called a seepage

11 pit.

12 MAYOR KIM: Oh, the round ones, all

13 right.

14 THE WITNESS: That's what we propose.

15 MAYOR KIM: Did you guys do a perc

16 test?

17 THE WITNESS: It would be subject to

18 soil logs and perc test, correct.

19 MR. SOKOLICH: And it's satisfaction,

20 Mayor, of any reasonable condition imposed by your

21 engineers.

22 ACTING CHAIRMAN AUFIERO: Any other

23 questions from the board for this witness?

24 Any the borough engineer would like to

25 add to --

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1 MR. O'BRIEN: The -- as far as the form

2 water goes, he nailed everything.

3 It'll be dependent upon perc tests. He

4 has it designed a certain way.

5 If the perc tests come back and it

6 satisfies the design, we're good.

7 If it comes back and the perc tests

8 don't work as well, he's going to have to redesign

9 something else, it'll be on-site.

10 The likelihood of that having to come

11 back before the board is not likely.

12 We could probably handle that through

13 building department review.

14 ACTING CHAIRMAN AUFIERO: Okay.

15 MR. O'BRIEN: If it winds up changing

16 footprints and foundations and stuff, then that's

17 when it would come back.

18 But I think we could handle that

19 amongst ourselves.

20 The utilities, we talked about, they're

21 going to have th TV, the camera, the sanitary sewer

22 line.

23 Should I discuss with you about the

24 hammerhead turns with the --

25 MR. SOKOLICH: No, that'll be --

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1 MR. O'BRIEN: That'll be traffic?

2 MR. SOKOLICH: If you don't mind, Carl,

3 that's going to be --

4 MR. O'BRIEN: Yes, that's fine.

5 MR. SOKOLICH: -- our traffic guy.

6 MR. O'BRIEN: So just so the board

7 knows, Hal can't be here tonight, he asked to me talk

8 about the traffic aspect.

9 I have his memo --

10 ACTING CHAIRMAN AUFIERO: Okay.

11 MR. O'BRIEN: -- so I'll be working off

12 of his memo with that information.

13 ACTING CHAIRMAN AUFIERO: Okay.

14 MR. O'BRIEN: And you --

15 Mark, I'm sorry, did you guys talk

16 about lighting, landscaping, all that stuff last

17 time?

18 MR. SOKOLICH: We didn't, but we can

19 with this witness if you'd like.

20 MR. O'BRIEN: Yes.

21 Can you get into your lighting and

22 landscaping a little bit.

23 How -- how they're going to affect the

24 onsite and how it may affect offsite as well.

25 MR. SOKOLICH: So I'm going mark as --

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1 I'm going to mark, if I may, Counsel, as A-21 today's

2 date the 24th of June 2026, last revised April --

3 what is that date, I can't read this font.

4 THE WITNESS: April 9th.

5 MR. SOKOLICH: April 9, 2026 again

6 prepared by you.

7 THE WITNESS: Correct.

8 (Whereupon, Landscape and Lighting Plan

9 dated April 9, 2026 is marked as Exhibit A-21

10 for identification.)

11 MR. SOKOLICH: All right.

12 BY MR. SOKOLICH:

13 Q. Mr. O'Brien had inquired as to

14 landscape and lighting and actually those concerns --

15 a couple of questions were raised at the last

16 hearing, if you would --

17 A. Yeah.

18 Q. -- Steve?

19 A. Yeah, we have a landscape and lighting

20 plan. It's our sheet six and there is the plan

21 legend the lower right-hand corner. We're calling

22 for junipers, coneflower and mint julep as well.

23 We have five junipers m 32 coneflower

24 and ten mint julep plants and around the property.

25 Q. Now, Steve, with regard to landscaping

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29 1 the Applicant would submit to a landscape review by 2 the borough, any action this board took a condition 3 would be satisfying whoever is in responsible charge 4 of landscape design here in the borough that we 5 satisfy all of those conditions -- 6 A. Yes. 7 Q. -- as far as what type of species, how 8 robust the species are. 9 Is that correct? 10 A. Yes, that's typical. 11 Q. What about lighting? 12 A. And lighting the same, we would have 13 the one footcandle in the garage area, minimal 14 coverage throughout. 15 And we have that lighting proposed 16 ISOLUX diagram built into this plan as well. 17 Some of the lighting detail 18 specifications on right-hand side that of plan. 19 Q. Excellent. 20 Thank you, Steve. 21 MR. SOKOLICH: Chairman, I offer 22 Mr. Koestner. 23 But thereto -- I'm sorry. 24 BY MR. SOKOLICH: 25 Q. Thereto if there's comment about LAURA A. CARUCCI, C.S.R., R.P.R., L.L.C. 201-641-1812	31 1 ACTING CHAIRMAN AUFIERO: Any other 2 questions from the board regarding this witness? 3 (No Response.) 4 ACTING CHAIRMAN AUFIERO: Then I'd like 5 to make a motion the open it to the -- actually, 6 Mike, would you have anything to comment? 7 MR. KAUKER: I don't have anything of 8 the engineer. 9 ACTING CHAIRMAN AUFIERO: Okay. 10 Then I would like to make a motion to 11 open it up to public. 12 COUNCILMAN KWAK: I'll make a motion. 13 MR. KANG: I'll second it. 14 ACTING CHAIRMAN AUFIERO: All in favor? 15 (Whereupon, all present members respond 16 in the affirmative.) 17 ACTING CHAIRMAN AUFIERO: Anybody from 18 the public regarding this witness? 19 MR. BERN: Thank you. 20 I have a few questions mostly on the 21 site. 22 And I appreciate that the Applicant is 23 now going to TV the sewer lines and provide data on 24 the retaining wall. 25 MR. NOH: For the record would you just LAURA A. CARUCCI, C.S.R., R.P.R., L.L.C. 201-641-1812
30 1 lighting, in fact those will be satisfied by the 2 Applicant? 3 A. Yes. 4 MAYOR KIM: What is the max length of a 5 vehicle or width of the vehicle that could pass 6 through the entrance and... 7 THE WITNESS: The maximum height? 8 MAYOR KIM: Height of the vehicle -- 9 THE WITNESS: Oh the height of the 10 vehicle. 11 MAYOR KIM: -- or the length of the 12 vehicle. 13 THE WITNESS: Yes, it's -- 14 MR. SOKOLICH: Bill -- 15 THE WITNESS: -- an architectural 16 question. 17 MR. SOKOLICH: Go ahead. 18 MAYOR KIM: Oh, I'm sorry. 19 MR. SOKOLICH: Mayor, we can put him up 20 now -- 21 MAYOR KIM: No, that's okay. 22 I'll do it later. 23 Sorry about that. 24 MR. SOKOLICH: He's on deck. 25 MAYOR KIM: Sorry about that. LAURA A. CARUCCI, C.S.R., R.P.R., L.L.C. 201-641-1812	32 1 please state your name one more time? 2 MR. BERN: I'm sorry. 3 MR. NOH: Douglas? 4 MR. BERN: I previously entered my 5 appearance, but it's Douglas Bern B-E-R-N, Bern 6 Associates in Englewood. 7 MR. NOH: On behalf of the client? 8 MR. BERN: On behalf of N&R Scientific 9 and Neil Rubenstein, the owner -- 10 MR. NOH: Thank you. 11 MR. BERN: -- owner of the property at 12 462-464 11th Street. 13 MR. NOH: Thank you. 14 MR. BERN: A neighbor. 15 Thank you. 16 CROSS EXAMINATION 17 BY MR. BERN: 18 Q. Mr. Koestner, can you tell me where the 19 water lines are going to be placed because there 20 aren't any presently, correct? 21 A. We have it, we have gas at the 22 borderline on East -- 23 MR. SOKOLICH: You know what, Steve -- 24 THE WITNESS: -- Edsall Boulevard. 25 MR. SOKOLICH: Steve, wait please. LAURA A. CARUCCI, C.S.R., R.P.R., L.L.C. 201-641-1812

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1 THE WITNESS: I'm sorry.
2 (Brief Pause.)
3 MR. SOKOLICH: All right.
4 Go ahead.
5 THE WITNESS: There's an existing water
6 line on East Edsall Boulevard, that it will be
7 connected to.
8 BY MR. BERN:
9 Q. In the municipal right-of-way?
10 A. Correct.
11 Q. Okay. And the sewer lines, where are
12 they going to be placed?
13 A. The sewer line also in East Edsall
14 Boulevard uphill of the site and we would run a
15 pressure line to that.
16 Q. Do you know what size lines you're
17 proposing and the material?
18 A. I do not have that specification, no.
19 Q. When will you have that? You didn't
20 submit that for your TWA?
21 A. No. No, there's no TWA submitted yet
22 that would be done later.
23 Q. Okay. So you don't know the answer to
24 that.
25 When will you -- when do you plan to
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1 submit that?
2 A. Well, upon approval if the board sees
3 fit to approve the application we'll submit a TWA
4 application as well as spec out the pump size and the
5 size of the line running from the building to the
6 sewer in East Edsall Boulevard.
7 Q. Yes, it's a concern of -- of the
8 adjoining property owner who's presently on septic
9 there.
10 So we would like to know the size lines
11 you're planning on installing, the capacity?
12 You have a pump, you mentioned, in the
13 garage?
14 A. It would be a pump, yes.
15 Q. Do you have a generator for the pump?
16 A. There would -- yes, we have a
17 generator, an emergency generator that would be used
18 in the case of a failure, a normal power failure.
19 Q. Okay.
20 With regard to stormwater the adjoining
21 property owner has stormwater that flows off the
22 hill.
23 There's property in front of him and
24 then it passes over his property and goes onto these
25 premises.
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1 How do you expect to collect that
2 stormwater?
3 A. The storm water from the adjacent
4 properties would be directed around the building and
5 towards 12th Street.
6 Q. You're going to have, according to your
7 testimony at the previous meeting, you're not
8 anticipated having a retaining wall between the two
9 properties.
10 Is that correct?
11 A. Yes.
12 Presently the building is the retaining
13 wall.
14 Q. The building is a retaining wall?
15 A. The building, yes.
16 Q. How high is the building before you get
17 to an opening, fenestration or an opening where the
18 parking deck is?
19 MR. SOKOLICH: I think -- Doug, I'm
20 sorry, I think that might be best for Billy.
21 MR. BERN: Okay.
22 It might answer the Mayor's questions
23 also about headlights, that sort of thing, which you
24 may have been anticipating the impact of that, so...
25 MR. SOKOLICH: I didn't mean to
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1 interrupt you, but I think --
2 MR. BERN: Yes, okay.
3 MR. SOKOLICH: -- Billy can address
4 this.
5 MR. BERN: Okay.
6 Then Mr. Cocoros can answer that.
7 BY MR. BERN:
8 Q. We were interested in the TWA, what
9 kind of study have you done with respect to drainage
10 offsite?
11 I know you have data about your
12 particular site, offsite drainage where it goes after
13 it leaves your site. Any idea?
14 A. No.
15 We've taken into account the increase
16 in runoff from the site, but have not --
17 (Simultaneous Speaking.)
18 Q. Which includes runoff --
19 A. -- the depth we collect offsite --
20 Q. --- does that -- do those calculations
21 include runoff from above your site?
22 A. No.
23 Q. Okay. Well, you're downhill from other
24 properties and some impervious surface and
25 11th Street which is obviously impervious.
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37 1 You might want to look at that. 2 We raised a question last time about 3 fire truck access into the garage. 4 Has that been addressed at all? 5 A. I think the architect will address the 6 height of a vehicle -- 7 Q. Yes. 8 A. -- that can enter that garage. 9 Q. So are -- is your testimony now that a 10 fire vehicle could access the garage in case there 11 were an issue with a car? 12 MR. SOKOLICH: That's going to be a 13 question for Mr. Cocoros, Doug. 14 BY MR. BERN: 15 Q. Let's turn to the lighting plan, what 16 kind of spillage would you anticipate would occur 17 from the parking deck onto our property from the 18 lighting? 19 A. There is minimal spillage the parking 20 deck's, of course, the ground floor is well below 21 your client's property. 22 And the second floor is closed, so 23 there'd be very minimal spillage, typically what the 24 codes allow are one footcandle to the property line. 25 And that's what we would maintain. LAURA A. CARUCCI, C.S.R., R.P.R., L.L.C. 201-641-1812	39 1 MR. BERN: Okay. That's all I have, 2 utilities, lighting plan, landscape plan. 3 And we're interested in a TWA and the 4 sizing of the -- the lateral that you install there 5 because we anticipate some further development on our 6 property at some point. 7 MR. SOKOLICH: A couple of follow up, 8 if I may? 9 REDIRECT EXAMINATION 10 BY MR. SOKOLICH: 11 Q. Have you ever had a circumstance where 12 you've applied for a TWA permit before you've gone 13 through the approval process at a board? 14 A. No, not in my -- 15 Q. Okay. So -- 16 A. -- experience. 17 Q. So wouldn't it be highly unordinary if 18 you applied for a TWA permit at this point? 19 A. It would be. 20 Q. Why would an applicant go through that 21 expense if he didn't get through this juncture, 22 number one -- 23 A. Typically it's done at the end. 24 Q. -- number one. 25 Number two, you said you're familiar LAURA A. CARUCCI, C.S.R., R.P.R., L.L.C. 201-641-1812
38 1 Q. So you'll adhere to that standard? 2 A. Correct. 3 Q. With regard to the landscape plan, any 4 plantings anticipated between the two lots? 5 We had asked about that at the last 6 time because from our properties and whatever happens 7 to our properties will be looking into your parking 8 deck, which I'm sure Mr. Cocoros will -- 9 MR. SOKOLICH: Is it a -- 10 MR. BERN: -- render a beautiful parking 11 deck, but nonetheless it's on -- 12 MR. SOKOLICH: Is it a request for 13 landscaping? 14 MR. BERN: Yeah. 15 MR. SOKOLICH: There's a request for 16 landscaping in this file. 17 MR. BERN: We would like to have 18 landscaping as a buffer, yes. 19 MR. SOKOLICH: Okay. 20 MR. BERN: We raised that last time. 21 MR. SOKOLICH: I will confer with the 22 applicant in the regard. 23 MR. BERN: All right. 24 MR. SOKOLICH: And have an answer for 25 you. LAURA A. CARUCCI, C.S.R., R.P.R., L.L.C. 201-641-1812	40 1 with the settlement agreement, right? 2 A. Correct. 3 Q. So you're also then familiar with the 4 unconditional representation of the borough that the 5 sanitary sewer capacity for the development on the 6 property, and there is no infiltration or in-flows of 7 groundwater or stormwater into a sanitary system 8 which would limit or impair the developer's ability 9 to secure a TWA. 10 So you're relying on that 11 representation made by the borough, correct? 12 A. Yes. 13 Q. And it would be premature to do a TWA 14 at this point? 15 A. I believe so at this point. 16 MAYOR KIM: Our engineer, what's a TWA? 17 MR. SOKOLICH: Treatment works 18 approval. 19 MR. O'BRIEN: For sanitary sewer. 20 MR. BERN: Right. 21 ACTING CHAIRMAN AUFIERO: Anybody else 22 from the audience have any comments? 23 (No Response.) 24 ACTING CHAIRMAN AUFIERO: Okay. 25 Then you'd like to call your next LAURA A. CARUCCI, C.S.R., R.P.R., L.L.C. 201-641-1812

41 1 witness. 2 MR. SOKOLICH: Thank you, Chairman. 3 We call Bill Cocoros. 4 ACTING CHAIRMAN AUFIERO: I make a 5 motion to close the public hearing for this witness. 6 COUNCILMAN KWAK: I'll make the motion. 7 MR. KANG: I'll second. 8 MAYOR KIM: All in favor? 9 (Whereupon, all present members respond 10 in the affirmative.) 11 MAYOR KIM: Mr. Chairman, I just want 12 to ask our engineer, while he's prepared, in this 13 kind of type of capacity residence what is -- should 14 be the normal range of the specs of the stormwater 15 drain pipes and also the sewer lines. 16 What do you expect? 17 MR. O'BRIEN: So -- what do I expect? 18 Well, he designed his stormwater. 19 We're okay with his stormwater as long as the 20 percolation tests pass. 21 MAYOR KIM: Perc. 22 MR. O'BRIEN: If the perc does not pass 23 then you got to change it. 24 As far as the storm -- I'm sorry -- 25 sanitary sewer goes their sanitary sewer, there's a LAURA A. CARUCCI, C.S.R., R.P.R., L.L.C. 201-641-1812	43 1 The demand of everything flows -- 2 literally flows through the BCUA. 3 MAYOR KIM: But in your -- in your 4 study in your due diligence the spec of these pipe 5 are sufficient, correct? 6 MR. O'BRIEN: Well, we will need -- we 7 will need to see the -- 8 MAYOR KIM: The perc? 9 MR. O'BRIEN: We will -- no, we will 10 need to see the sewer pipe, and see how it is, 11 because if the sewer pipe is the deteriorating -- if 12 it's deteriorated that's going to have to be 13 renovated so it's either going to have to be lined or 14 increased in some -- 15 MAYOR KIM: Who's going to renovate 16 that? 17 MR. O'BRIEN: I would most likely say 18 it'd be something to do with the developer. 19 MAYOR KIM: Okay. 20 MR. O'BRIEN: They're tying into the 21 system, so it would have to be up to them. 22 MAYOR KIM: All right. 23 MR. O'BRIEN: You know, so -- 24 MAYOR KIM: Thank you. 25 MR. O'BRIEN: -- but, let's see that LAURA A. CARUCCI, C.S.R., R.P.R., L.L.C. 201-641-1812
42 1 couple things here: One, we can review it and 2 approve it on our end for structural capacity flow 3 and everything, but at the end of the day the 4 treatment works approval permit, which is what 5 they're going to have to apply for -- 6 MAYOR KIM: TWA. 7 MR. O'BRIEN: -- at the end. 8 They need -- that's for the accepting 9 agency to make sure that they have enough capacity to 10 handle that sanitary sewer flow. 11 MAYOR KIM: Wait, so TWA is run by the 12 agency? 13 MR. O'BRIEN: It's run by the sewer 14 authority -- 15 MR. KAUKER: BCUA. 16 MR. O'BRIEN: -- the BCUA, yes. 17 MAYOR KIM: BCUA. 18 MR. O'BRIEN: Yes, there it's BCUA. 19 So they'll submit to the BCUA. 20 BCUA will say we can handle X amount of 21 gallons per -- per hour, per day and you're providing 22 this much to us, so check, we're good or they're 23 going to say, we cannot, and you need to decrease 24 your number of units. 25 So that's -- that's really what it is. LAURA A. CARUCCI, C.S.R., R.P.R., L.L.C. 201-641-1812	44 1 videotape first and see how -- how it all -- 2 MAYOR KIM: The same camera? 3 MR. O'BRIEN: Yes. 4 MAYOR KIM: All right. 5 Thank you. 6 MR. O'BRIEN: Thanks. 7 MAYOR KIM: Go ahead. 8 ACTING CHAIRMAN AUFIERO: Next up? 9 MR. COCOROS: Sworn in? 10 MR. SOKOLICH: Please. 11 MR. NOH: Mr. Cocoros, would you please 12 raise your right hand, sir. 13 Do you swear to tell the truth and 14 nothing but the truth, pertaining to the application, 15 so help you God? 16 MR. COCOROS: I do. 17 V A S S I L I O S C O C O R O S, AIA 18 467 Sylvan Avenue, Englewood Cliffs, New Jersey 19 07632, having been duly sworn, testifies as 20 follows: 21 MR. NOH: Please state your name and 22 spell your last name for the record. 23 MR. COCOROS: Sure. 24 Vassilios, V-A-S-S-I-L-I-O-S, Cocoros, 25 C-O-C-O-R-O-S, 467 Sylvan Avenue, Englewood Cliffs, LAURA A. CARUCCI, C.S.R., R.P.R., L.L.C. 201-641-1812

45 1 New Jersey 07632. 2 Name of the firm VCA Group, LLC. 3 MR. NOH: Thank you, sir. 4 MR. COCOROS: Thank you. 5 DIRECT EXAMINATION 6 BY MR. SOKOLICH: 7 Q. Bill, you are the architect engaged by 8 the Applicant? 9 A. Yes. 10 Q. You have been designing the 11 architectural and preparing the architectural plans 12 throughout the entire process? 13 A. Yes. 14 Q. You were present during the prior 15 public hearings? 16 A. Yes, I was. 17 Q. You were present at the last public 18 hearing where certain questions were raised by the 19 board and at that point we had agreed to fine tune 20 our plans to address some of those answers? 21 A. Yes. 22 (Whereupon, Elevations Plan, Last 23 Revised April 7, 2026 is marked as Exhibit 24 A-22 for identification.) 25 LAURA A. CARUCCI, C.S.R., R.P.R., L.L.C. 201-641-1812	47 1 where we have a trash area with a trash chute, room 2 for dumpsters, and then we have a double door that 3 the dumpster could be wheeled out and picked up by a 4 garage truck or a trash service. 5 Q. Bill, there was concerns regarding the 6 height of the garage, the width of the garage, do you 7 have a response to that? 8 A. Yes, we -- you know basically we have 9 about 11 feet clear which is typical of where you 10 need enough room for your mechanical pipes and any 11 sort of drain line, especially roof leaders and the 12 sanitary line from the floors above. 13 At the garage doors, we have a 10-foot 14 opening, one with a 12-inch column between. 15 The masonry height of those garage 16 doors -- garage entrances is 9 feet, however there'll 17 be a notice and possibly chains with a PVC bumper to 18 keep anything over 7-and-a-half feet from going 19 inside of there. 20 Typically we try to avoid having 21 anything big that would interfere with any of the 22 pipes above that. 23 In regards to fire access, a fire truck 24 would be probably parked in front of the building on 25 12th Street and also on East Edsall Boulevard. LAURA A. CARUCCI, C.S.R., R.P.R., L.L.C. 201-641-1812
46 1 BY MR. SOKOLICH: 2 Q. I have marked as A-22, I've dated it 3 today, June 24th, a copy of plans that you entitled, 4 "Elevations" last revised April 7, 2026 prepared by 5 you, correct? 6 A. Yes. 7 Q. Could you just indicate what changes 8 are reflected on A-22 -- 9 A. A-22 -- 10 Q. -- and address some of those concerns? 11 A. -- has the schematic site plan which is 12 also on the ground floor plan that indicates the 13 parking on the street that Steve mentioned and we 14 adjusted the driveway entrance into the building, to 15 parking area, and also adjusted a portion adjacent to 16 the elevators to an create additional handicap 17 parking space and a better access into the lobby from 18 the parking area. 19 Those areas will be ADA compliant in 20 regards to ingress and egress into the lobby from the 21 street level, and also from the garage level, which 22 is slightly lower than the -- than the lobby level 23 itself. 24 In addition to that, we show the trash 25 area which is also indicated on the ground floor plan LAURA A. CARUCCI, C.S.R., R.P.R., L.L.C. 201-641-1812	48 1 In addition to that, there would be a 2 siamese connection that the pumper could hook up to 3 and accommodate the building. 4 In regards to fire safety, yes -- 5 Q. Go ahead, I'm sorry. 6 A. Yes, the building itself, is full 7 automatically -- has an automatic sprinkler system 8 with its own dedicated water lines from the 9 extension. 10 Q. Does that include the parking decks, 11 Bill? 12 A. Yes, it would be a dry system in the 13 parking deck. 14 Q. So parking deck and all the -- and the 15 residential floors are sprinklered, correct? 16 A. Yes. 17 Q. And your testimony as a licensed 18 architect is that any meaningful fire isn't going to 19 be fought from within the building, it's going to be 20 fought from either 12th Street or on Edsall, correct? 21 A. Yes, the fire department will stage 22 their, you know -- 23 Q. Correct? 24 A. -- big equipment. 25 Q. Correct, like any other fire? LAURA A. CARUCCI, C.S.R., R.P.R., L.L.C. 201-641-1812

49 1 A. Correct. 2 And in addition to that, on the 3 interior we'll be providing areas of refuge that are 4 closed off from the main building with fire-rated 5 doors that will create a safe space for anybody in 6 the building for -- so the fire department can take 7 them out safely. 8 Q. Okay. 9 You reviewed with the board the three 10 ADA spaces and the EV spaces also, Bill? 11 A. Yes, we have basically four EV spaces. 12 There's two charging stations that can accommodate 13 two cars. 14 And those are located on the ground 15 floor and we also located them close to the front of 16 the building so if they have to get pulled out they 17 could be pulled out easy from that portion. 18 Q. Anything else you want to talk about 19 with A-22 or did you touch upon all the changes? 20 A. We were saying, you know, the 21 elevations are -- are black and white however we did 22 submit the -- the colored rendering of the building. 23 Q. Okay. 24 Anything else you want to point out? 25 A. No, I -- also you see on the front LAURA A. CARUCCI, C.S.R., R.P.R., L.L.C. 201-641-1812	51 1 A-24. 2 Are these renderings as to the exterior 3 treatment of the proposed building? 4 A. Yes. 5 Q. All right. 6 Would you take a moment and explain to 7 the board what the thought process is as far as the 8 aesthetics of the building, if you will? 9 A. Sure. 10 We tried to break up in different 11 materials where we basically have, like, brick base 12 and then we have a stucco or panelized system above 13 that. 14 We also have an accent feature where 15 the entranceway is. 16 In addition to that we try to go with 17 more traditional colors instead of the typical grays 18 and dark colors, so we're basically going with a 19 reddish brick, some gray and gray accents, but light 20 gray that would compliment the red brick. 21 Q. I think it would also be fair to say 22 that the Applicant would be open to suggestions if 23 the board had a particular preference one way or the 24 other, but -- 25 A. Of course. LAURA A. CARUCCI, C.S.R., R.P.R., L.L.C. 201-641-1812
50 1 elevation we have our openings into the parking area. 2 One of the concerns was regarding 3 headlights. This is the front, however the back is 4 similar. 5 We have basically a 3-foot-high masonry 6 wall which would block the headlights. 7 In addition to that it also creates a 8 guardrail so nobody falls over and it will be a 9 masonry block wall that will be reinforced so if a 10 car hits it, it will be, you know, basically keep it 11 from falling over the edge, especially on the second 12 floor level. 13 Q. But the headlights would be blocked? 14 A. Yes. 15 (Whereupon, Rendering is marked as 16 Exhibit A-23 for identification.) 17 (Whereupon, Rendering is marked as 18 Exhibit A-24 for identification.) 19 BY MR. SOKOLICH: 20 Q. Okay. I'm going to -- you also had me 21 distribute a series of two renderings which we're 22 going to, with the board's permission, mark as A-23 23 and A-24. 24 I will date them today 6/24. 25 Bill, I'm going to show you A-23 and LAURA A. CARUCCI, C.S.R., R.P.R., L.L.C. 201-641-1812	52 1 Q. -- that's the proposal at the moment? 2 A. Yes. 3 Q. Right? 4 But we're not 100 percent wed to it, if 5 nothing changes that's the way it would be, but -- 6 A. Yes. 7 Q. -- we are open to that? 8 A. Correct. 9 We also have some little pop-ups where 10 we have the -- the bays on the building, kind of give 11 it a little more if an accent, especially on the 12 corner of 12th and East Edsall Boulevard. 13 Q. Billy, we spoke about the EV spaces, 14 the height, the width of the garage. 15 We discussed the access to the lobby, 16 correct? 17 A. Yes. The trash room. 18 Q. The trash room, excuse me. 19 And you explained the rendering, 20 correct? 21 A. Yes. 22 Q. Is this rendering to scale? 23 A. It's actually generated from a 24 computer-scaled CAD file. 25 Q. Got it. LAURA A. CARUCCI, C.S.R., R.P.R., L.L.C. 201-641-1812

53 1 A. So -- 2 Q. So it might not be to the centimeter, 3 but it's a good depiction as to what it would -- 4 A. Yes, the portions are an actual -- 5 Q. Okay. 6 A. -- an actual proportion of the 7 building. 8 Q. Is there anything else you'd like to 9 add? 10 A. I -- I guess I could show the rear of 11 the building -- 12 Q. Please? 13 A. -- showing the -- the parking area? 14 Q. I'm going to mark this A-25 with the 15 Board's permission -- is this the page? 16 A. Yes. 17 (Whereupon, Elevations Plan, Last 18 Revised April 7, 2026 is marked as 19 Exhibit A-25 for identification.) 20 BY MR. SOKOLICH: 21 Q. So A-25, Bill, is also entitled 22 elevations, last revised April 7th, 2026 again 23 prepared by you. 24 A. Yes. 25 Q. Could you just indicate what changes LAURA A. CARUCCI, C.S.R., R.P.R., L.L.C. 201-641-1812	55 1 3-foot-high-masonry wall that will block the 2 headlights. 3 And that's really only applicable in 4 the last three bays because the rest of them are 5 basically submerged and they will be hidden anyway. 6 In regards to spillage from the parking 7 deck, the only thing you'll see, it'll be almost like 8 a house where you have basically lights within the 9 building, itself, there's nothing on the outside 10 except maybe some safety lights along that portion of 11 the back that would be shielded so they wouldn't go 12 beyond the -- you know, beyond the property line as 13 Steve mentioned we would maintain that one footcandle 14 requirement. 15 Q. Bill, the -- what you just described, 16 the condition with the building behind us and the 17 linear feet away and you know putting in safeguards 18 to make sure we don't -- is that a condition you're 19 not familiar with or is that something that would 20 come up for us regularly where there's a building in 21 proximity to the one that's being constructed? 22 A. Yes, especially -- especially on hills 23 we've done a few of them in Edgewater. 24 We've done -- you know, we've done a 25 few of them where we had an engineer involved. LAURA A. CARUCCI, C.S.R., R.P.R., L.L.C. 201-641-1812
54 1 are there? 2 A. So you can see here the -- it's 3 basically we fine tuned the grading. 4 You can see in the rear -- right 5 elevation which is basically looking east. 6 In the middle of the building where the 7 corner is, is the highest point where we're 8 excavating which is basically about 20 feet away from 9 Mr. Rubenstein's building. 10 At that point we have approximately 11 about 15 feet of excavation in that area. 12 And as Steve mentioned before that will 13 be designed and reviewed by a structural engineer so 14 as we don't impact any adjacent structures while the 15 excavation for the -- for the parking deck and the 16 building are going on. 17 And as you go towards the south you 18 could see it drops off about 4 feet from that portion 19 so the corner on the right side of the drawing, 20 you're basically -- the garage level is a little bit 21 higher than the actual grade back there. 22 And we have a same treatment with the 23 fenestration, you know, openings for the mechanicals 24 for nonmechanical ventilation of the parking decks. 25 And those will also have at least a LAURA A. CARUCCI, C.S.R., R.P.R., L.L.C. 201-641-1812	56 1 Q. And all adequately secured and 2 following the direction of both the team engineer as 3 well as the borough's engineer that supervises this 4 -- 5 A. Yes. 6 Q. -- correct? 7 But is this some alien notion that you 8 seem to -- that's insurmountable to -- 9 A. No. 10 Q. -- to safeguard? 11 A. No, the plan will be submitted by a 12 professional engineer, a P.E., signed and sealed. 13 That'll be submitted to the building department and 14 also submitted to the board engineer for their 15 review. 16 Q. And -- 17 A. And then if it's approved, you know, 18 they will proceed with that. 19 Q. And you're also familiar with the new 20 protocol with the building department here in 21 Palisades Park whenever there's a building in 22 proximity to another building, adequate plans and 23 representations and certifications have to be 24 provided by a structural engineer? 25 A. Yes. LAURA A. CARUCCI, C.S.R., R.P.R., L.L.C. 201-641-1812

57 1 Q. In fact will the Applicant do this 2 here? 3 A. Of course, yes. 4 Q. Okay. 5 Anything else that you would like to 6 add with regard to A-25, I believe we're up to. 7 A. No, it's just, you know, basically 8 we're just fine tuned the elevations to, you know, 9 show to different material, you know, to sort of 10 different -- 11 Q. Got it? 12 A. -- tones of it. 13 If you go to the next sheet you'd see 14 the ground floor plan. 15 Q. Is there changes? 16 A. No, just the trash area and garage. 17 Q. So we can -- why don't we mark this 18 quick -- 19 MR. SOKOLICH: I'm going to mark this, 20 Counsel, with your permission as A-26. 21 (Whereupon, First Floor Plan, Last 22 Revised April 7, 2026 is marked as Exhibit 23 A-26 for identification.) 24 BY MR. SOKOLICH: 25 Q. Billy, the plan is entitled "First LAURA A. CARUCCI, C.S.R., R.P.R., L.L.C. 201-641-1812	59 1 A. No. 2 MR. SOKOLICH: Okay. 3 Chairman, I offer Mr. Cocoros. 4 ACTING CHAIRMAN AUFIERO: Any questions 5 from any of the board members? 6 MAYOR KIM: Yes, I got a couple. 7 First one is you said, Billy, that the 8 brick was red? 9 THE WITNESS: Yes. 10 MAYOR KIM: The board, including 11 myself, would like to see samples of your -- what you 12 guys plan to use, including the material of the white 13 panels. 14 THE WITNESS: Certainly. 15 MAYOR KIM: And also there's a rear 16 side, middle brownish panel. 17 When you said reddish, as you know 18 there's so many different types of bricks of red, 19 right? 20 THE WITNESS: Yeah. 21 MAYOR KIM: So we'd like to see a 22 sample. 23 And, secondly, I just want to figure 24 this out and help me out, Kauker and our engineer, 25 there is just 45 dwelling units total, right, 26 LAURA A. CARUCCI, C.S.R., R.P.R., L.L.C. 201-641-1812
58 1 Floor Plan," Last Revised April 7, 2026. 2 A. You see these -- towards the middle, to 3 the right of the trash room we have the vestibule. 4 We have a mailroom and trash room. 5 There's outside access from the trash 6 room to a dropped curb that has a dedicated striped 7 area so we can park there so the trash gets taken out 8 from the trash room. 9 Q. Which was a concern raised at the last 10 meeting? 11 A. Yes. 12 And then towards the middle on the 13 other side of the elevators we have the additional 14 handicap space with the better access into the lobby. 15 And then we have the hallway -- the -- 16 I'm sorry -- the driveway into the building. 17 And then we have the -- the four 18 EV spaces. 19 In addition, I crosshatch I show the 20 overrun area where you can make a K-turn to back -- 21 to get out of 12th Street. 22 And Lou Luglio is going to be 23 explaining that. 24 Q. Correct. 25 Anything else you'd like to add? LAURA A. CARUCCI, C.S.R., R.P.R., L.L.C. 201-641-1812	60 1 one-bedroom; 17 two-bedrooms, two three-bedrooms. 2 But the total amount of parking spaces, 3 excluding the credit, comes out to -- EV credit comes 4 out to 53. 5 Now, if you just do the basic math what 6 we did Monday with the different applicant -- 7 THE WITNESS: Uh-huh. 8 MAYOR KIM: -- just -- just for safe 9 thought process, I'm sure -- I don't know the law, 10 but we have how many units here? We got 26 -- 11 MR. SOKOLICH: 45. 12 MAYOR KIM: -- 34, so this is 34. 13 So that's 60 -- 60 -- so we have 66 14 bedrooms, am I correct? 15 I didn't use my punch -- I didn't punch 16 myself, so 66 bedrooms, but we have 53 parking 17 spaces? 18 MR. KAUKER: Right. 19 Similar to the application on Monday 20 night, the number of parking spaces were determined 21 previously and they were made part of this settlement 22 agreement and it was based upon a ratio of 1.17 23 parking spaces per unit. 24 MAYOR KIM: Well, did the Monday 25 application they -- they lucked -- you know, these LAURA A. CARUCCI, C.S.R., R.P.R., L.L.C. 201-641-1812

61 1 guys lucked out because they actually had enough 2 parking spaces. 3 MR. KAUKER: Well, regardless -- well, 4 I think they have -- 5 MAYOR KIM: I know you told me -- 6 MR. KAUKER: -- they have to provide -- 7 they're providing 53. 8 MAYOR KIM: Right. 9 But then you're telling me on the 10 Monday's application we're comparing right now, is 11 that both of them are mandated by court, correct? 12 MR. KAUKER: They are. 13 MAYOR KIM: How many parking spaces they 14 have, right? 15 MR. KAUKER: Correct. 16 MAYOR KIM: But it seems like the 17 Monday application actually was mandated by Court to 18 have more parking spaces. 19 If you just calculate how many bedrooms 20 they had. 21 MR. KAUKER: Well, that's based upon 22 the number of units. 23 They had more units and the they also 24 had the retail components as well. 25 MAYOR KIM: I'm not talking about the LAURA A. CARUCCI, C.S.R., R.P.R., L.L.C. 201-641-1812	63 1 MAYOR KIM: Appreciate it. 2 MR. SOKOLICH: -- because every 3 application is different, but I hear you, Mayor. 4 MR. KAUKER: Yeah, if -- 5 MAYOR KIM: No, I'm just trying to 6 figure this out. 7 MR. SOKOLICH: Understood. Understood. 8 MAYOR KIM: And this answer would 9 probably satisfy half of the -- here, the -- the 10 crowd and the public audience. 11 MR. KAUKER: Yeah, I don't recall what 12 the ratio of parking was in that application. 13 MAYOR KIM: Well, just forget about 14 that part -- 15 MR. KAUKER: I thought they were all 16 generally about the same. 17 MAYOR KIM: -- why would the -- right. 18 But why would the court adjudicator and 19 Fair Share Housing and the Judge decide to give them 20 a good break over here, but the other ones, they 21 ended up actually fulfilling enough parking spaces as 22 our imagination per bedroom, they had more than 23 enough parking spaces per bedroom. 24 MR. KAUKER: So you're saying when you 25 add up the number of bedrooms? LAURA A. CARUCCI, C.S.R., R.P.R., L.L.C. 201-641-1812
62 1 units, but the fact that how many bedrooms per 2 parking space, they had enough. 3 MR. KAUKER: The way that the parking 4 or the number of parking spaces was determined, 5 typically like, for example, the RSIS does base the 6 parking on the bedroom, so if there's one bedroom, 7 two bedrooms, three bedrooms there's a different 8 parking requirement. 9 What the Court did and the Special 10 Adjudicator did was came up with a ratio of parking 11 regardless of the number of beds. 12 MAYOR KIM: Are you telling me the 13 ratio of 1.17 is the same for Monday's application? 14 MR. KAUKER: No, it's not. 15 MAYOR KIM: No, that's what I'm trying 16 to say. 17 MR. KAUKER: It's -- it's -- yeah -- 18 MAYOR KIM: How come these guys -- 19 MR. KAUKER: -- it's different. 20 MAYOR KIM: -- got a great deal and 21 those guys actually getting the parking spaces? 22 MR. SOKOLICH: Better lawyers? 23 (Laughter.) 24 MR. KAUKER: I -- I think -- 25 MR. SOKOLICH: No, you know what -- LAURA A. CARUCCI, C.S.R., R.P.R., L.L.C. 201-641-1812	64 1 MAYOR KIM: Yes, bedrooms from the 2 Monday application they had enough parking spaces. 3 You betcha. 4 MR. KAUKER: And then so you're saying 5 -- 6 MAYOR KIM: This one - 7 MR. KAUKER: -- so you're doing it based 8 upon the bedrooms, so there's more -- 9 MAYOR KIM: I'm just giving -- you 10 know, you know, of course it's -- 11 MR. KAUKER: I understand. 12 MAYOR KIM: -- from the judgement from 13 there, right? 14 MR. KAUKER: Yes. 15 MAYOR KIM: But my point is why? Why 16 is it different? Why is it -- 17 MR. SOKOLICH: What's the reasoning for 18 it. 19 MAYOR KIM: He said it was better 20 attorney. I'm sure that's right too. 21 MR. KAUKER: No. 22 MR. SOKOLICH: I was only kidding. I 23 was only kidding. 24 MR. KAUKER: I think part of it they 25 required more parking in that application also LAURA A. CARUCCI, C.S.R., R.P.R., L.L.C. 201-641-1812

65 1 because they had a commercial component. 2 There's no commercial component here. 3 So -- 4 MAYOR KIM: Well, the commercial -- 5 commercial had enough. They were reserving a lot of 6 parking spaces for the residents and guests, which 7 they could actually lend -- rent and also there was 8 enough. 9 We just got to figure out where is 10 where. 11 MR. KAUKER: Yes, I got -- I don't 12 recall what the total requirement was, but I believe 13 the reason is -- because I think the parking was 14 basically -- I think it might have been 1.17 parking 15 spaces per residential unit. 16 MR. SOKOLICH: Which is -- yes. 17 MR. KAUKER: And I think that might 18 have been -- 19 MAYOR KIM: Well, this says 1.17. 20 MR. KAUKER: -- might have been across 21 the board. 22 MAYOR KIM: This is 1.17. 23 MR. KAUKER: But those -- but, for 24 example, 15 Grand and 21 Grand had commercial 25 components. LAURA A. CARUCCI, C.S.R., R.P.R., L.L.C. 201-641-1812	67 1 and -- and you're not bound by every other town, but 2 these parking ratios have been going from 1.7 to 1.5 3 to 1.3 to 1.2. 4 And a lot of that has to do with either 5 mass transportation or car sharing. I mean there's 6 just a lot of other things that have been happening 7 in society in these days where you know when we -- 8 when we approve -- we have multiple buildings, when 9 we've approved pursuant to the ordinance we end up 10 with 100 extra parking spaces. 11 Based on the our planner, based on the 12 negotiations with the Court -- and I am not cramming 13 this down anyone's throat. I'm just saying there 14 were a lot of bright minds in that room that reached 15 this ratio. 16 And we believe the 1.17 would 17 adequately address -- 18 Billy, do you agree with that? 19 THE WITNESS: Yes, also I said I'm not 20 a planner, but there is a bus stop up on Bergen 21 Boulevard that's close enough to take into 22 consideration in regards to the parking requirement. 23 MAYOR KIM: So was the other applicant, 24 the bus stops probably closer to their's than yours. 25 MR. SOKOLICH: And that's why our ratio LAURA A. CARUCCI, C.S.R., R.P.R., L.L.C. 201-641-1812
66 1 So the number of parking spaces was 2 increased for those developments. 3 MAYOR KIM: I got it, you just said 4 that twice. 5 MR. KAUKER: Yeah, yeah. 6 MAYOR KIM: My response to you engineer 7 -- Borough planner, is that in my recollection, and 8 correct me if I'm wrong, guys. 9 You guys were here two days ago, there 10 were enough parking spaces. 11 ACTING CHAIRMAN AUFIERO: Right. 12 MAYOR KIM: We just got to figure out 13 where's where because they were reserving too much 14 for their own instead of the other stuff and the gym 15 and everything else there, right? 16 The restaurant. 17 MR. SOKOLICH: Mayor, if I -- if I may 18 just interject one thought? 19 I -- apples to orange, if you were to 20 subtract the spaces from Monday night that are 21 allocated to the retail, and the remaining spaces 22 divided by the units that that Applicant sought, 23 you're going to come up with a ratio that's either 24 equal to or very similar to 1.17. 25 These multifamily dwellings, every town LAURA A. CARUCCI, C.S.R., R.P.R., L.L.C. 201-641-1812	68 1 is probably the same. 2 MR. KAUKER: Well, if -- the number of 3 parking spaces that we came up with -- well, I didn't 4 come up with it, but that the Court came up with, was 5 based upon a study, I believe it was done by Rutgers 6 University, and they came up with a parking standard 7 from that report which was suggested by the Court 8 Adjudicator, the Special Adjudicator. 9 And I believe it was 1.17 like I said. 10 I understand your question, you're 11 saying -- you're adding up the total number of 12 bedrooms for this project and obviously -- and that 13 exceeds -- 14 MAYOR KIM: I did the same thing over 15 there. Right. Right. 16 MR. KAUKER: -- that. 17 And the total number of bedrooms for 18 the other project doesn't exceed it. 19 But I forget because I remember they 20 had a certain number of parking spaces that were 21 assigned solely for the residential units, I don't 22 remember what it is off the top of my head. 23 MAYOR KIM: There were enough. There 24 were enough for the residents. 25 And they allocated a certain amount of LAURA A. CARUCCI, C.S.R., R.P.R., L.L.C. 201-641-1812

69 1 -- a decent amount of numbers, was it 117 or 2 something like that. 3 COUNCILMAN KWAK: 112 was for the 4 commercial space and three visitor parking that was 5 not designated -- 6 MAYOR KIM: Uh-huh. 7 COUNCILMAN KWAK: -- I believe 186, 176 8 was the residential component. 9 MAYOR KIM: Right. 10 ACTING CHAIRMAN AUFIERO: But it was 11 also 175 -- 12 MR. KAUKER: Yeah, so I don't know what 13 the -- what -- I can't recall what the number of 14 bedrooms were, the bedroom distribution in the 15 project, but -- 16 MAYOR KIM: Let me -- 17 MR. KAUKER: -- I understand what you're 18 asking, but... 19 MAYOR KIM: Board, we can't really go 20 against what the Judge said -- 21 MR. KAUKER: No. 22 MAYOR KIM: -- but I'm trying to find 23 logic in this calculation, how did it end up this way 24 and the other way, right? 25 MR. KAUKER: If you look at it on a per LAURA A. CARUCCI, C.S.R., R.P.R., L.L.C. 201-641-1812	71 1 there be if there is any or... 2 MR. SOKOLICH: The visitor parking is 3 subsumed in the 53 that we're providing. 4 COUNCILMAN KWAK: In the 53. 5 MR. SOKOLICH: And that's why that five 6 were important in the front too the -- 7 COUNCILMAN KWAK: Correct. 8 MR. SOKOLICH: -- that we're going to 9 hopefully bring -- 10 MAYOR KIM: I mean obviously, even 11 though this is for the public, you know, we're really 12 far away from other residents, you know, and you guys 13 are going to end up using this. It is what it is. 14 But I mean how many guests parking are 15 there inside? 16 MR. SOKOLICH: It's subsumed in the 17 number of 53. 18 There's no separately -- correct, 19 Bill -- 20 THE WITNESS: Right. 21 MR. SOKOLICH: -- there's no separately 22 segregated visitor parking spaces -- 23 THE WITNESS: No. 24 MR. SOKOLICH: -- otherwise they park on 25 the street. LAURA A. CARUCCI, C.S.R., R.P.R., L.L.C. 201-641-1812
70 1 unit basis, there's at least one parking space for 2 each unit -- 3 COUNCILMAN KWAK: Per unit. 4 MR. KAUKER: -- but -- but, again, there 5 were no distinction made for the number of bedrooms. 6 So the parking requirement at 1.17 was 7 the same as if it were a one-bedroom or two-bedroom 8 or three-bedroom unit. 9 But I understand what you're asking, 10 you're saying when you calculate the number of 11 bedrooms in each unit, that number exceeds -- 12 MAYOR KIM: The ratio should be the 13 same, if the number of -- whatever that is. 14 But anyways there's nothing we can do 15 with the court. 16 But right now, you know, I just want 17 everybody to know, you know, simple math is 13 -- 13 18 spaces are lacking in this application. 19 The other application, I swear they had 20 plenty of parking spaces, they just didn't know what 21 to do with it. 22 COUNCILMAN KWAK: Can I also add onto 23 the Mayor's point was -- can I ask, you know, Mayor 24 Sokolich, Counsel Sokolich, what is the designation 25 in terms of the parking, how many visitor spots will LAURA A. CARUCCI, C.S.R., R.P.R., L.L.C. 201-641-1812	72 1 THE WITNESS: Yes, whatever -- if 2 something opens they'll park there. 3 MAYOR KIM: See, Monday's application 4 they had a designated number of parking spaces, maybe 5 because it was commercial? 6 MR. SOKOLICH: Mayor, I -- I got to 7 tell you, I don't know that Monday's application is 8 all that far from what you're looking at here. 9 And I think where the confusion might 10 be might be with that retail component because I'm 11 not very curious also. 12 MAYOR KIM: Maybe - maybe -- maybe 13 you're right, maybe the commercial does create some 14 -- 15 MR. SOKOLICH: Because they were all 16 kind of settled -- were hey settled at the same -- 17 I'm sorry. I don't mean to talk to you this way. 18 MR. KAUKER: They were. And my 19 recollection -- 20 MR. SOKOLICH: Were they settled the 21 same time? 22 MR. KAUKER: And my recollection was 23 the parking requirement was the same for all of -- we 24 came up with a parking requirement and applied that 25 requirement to -- LAURA A. CARUCCI, C.S.R., R.P.R., L.L.C. 201-641-1812

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1 MR. SOKOLICH: Yes, and I'm not
2 debating it. I just --
3 MR. KAUKER: -- all of these so --
4 MAYOR KIM: Okay.
5 MR. KAUKER: -- I'm looking -- I'm
6 looking right now.
7 MR. SOKOLICH: What matter was that,
8 Mike?
9 Do you remember the name?
10 MR. KAUKER: It was --
11 MR. SOKOLICH: Was it Fan Associates?
12 MR. KAUKER: -- Fan Associate.
13 MR. SOKOLICH: It was Fan Associates.
14 MR. KAUKER: Yes.
15 MR. SOKOLICH: So it was one docket
16 number away from us and it was settled at the same
17 time.
18 I would find it hard to believe a
19 different ratio was used, but I don't want to speak
20 out of turn, Mayor, I don't --
21 MAYOR KIM: At the end of the day we
22 can't go over the Court decision.
23 I'm going to have to go to my office
24 right there and bring out the application with my
25 notes.

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1 But I just want to let you guys know on
2 this application if you just thought that comfortably
3 one bed per -- equals per parking space, it's not
4 here.
5 But it is what it is. We're trying to
6 fix what's wrong.
7 Thank you.
8 Oh, one more thing, Engineer, you
9 talked about TWA, right?
10 MR. O'BRIEN: Yes.
11 MAYOR KIM: And it's run by the BCUA
12 and this is a treatment works approval.
13 Do they also take care of the
14 stormwater as well?
15 MR. O'BRIEN: No, that's separate
16 issue.
17 That's through DEP, Department of
18 Environmental Protection, if they even need to go to
19 DEP, but I don't believe they do, so that would go
20 directly through us at the borough.
21 MAYOR KIM: So the borough should know
22 the specs of the stormwater drainage.
23 MR. O'BRIEN: Yes.
24 So as part of their design, they need
25 to provide the percolation test, perc test, that'll

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1 govern everything.
2 MAYOR KIM: What do you mean? I'm
3 worried 44444about the capacity of the drain coming
4 out.
5 MR. O'BRIEN: Yes, so they cannot --
6 when they do their design, when the stormwater leaves
7 the site, it can't leave at a faster rate than what
8 it's going right now.
9 So they would have to -- if they're
10 doing a drain pipe that's discharging out, it would
11 have to go out a slower rate than what it's going out
12 at right now.
13 MAYOR KIM: Who is going to be sure
14 that with width and the length, whatever, the spec of
15 the stormwater line, you're going to be sure that
16 we're not going to be in trouble flooding, correct?
17 MR. O'BRIEN: Yeah, that's -- so what
18 it is, their engineer designs it, signs and seals it.
19 We review it, check it.
20 They also have to submit to Bergen
21 County soils for Bergen County soil erosion permits
22 as well.
23 So us -- we review it on the borough
24 side. The county's going to review it on the soil
25 conservation side.

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1 So you have two entities actually
2 reviewing a -- the design engineer's plans.
3 And if something is not right they're
4 going to have to fix it and come up with some other
5 design.
6 MAYOR KIM: Okay.
7 Because we have old stormwater drains.
8 We're trying to update it, for example, on the Grand
9 Avenue from 6-inch to 12-inch.
10 MR. O'BRIEN: Right.
11 MAYOR KIM: Right.
12 So just make sure that --
13 MR. O'BRIEN: Yeah, so what they're
14 doing here by using the seepage pits they're
15 controlling the stormwater onsite.
16 MR. SOKOLICH: We're independent.
17 MAYOR KIM: Every single build up needs
18 a seepage pit including the residential.
19 MR. SOKOLICH: But we're independent of
20 your stormwater system, aren't we, Carl?
21 MR. O'BRIEN: Yes, so you're -- you're
22 independent, but you have an overflow that's going
23 into us.
24 So under the situation where they hit
25 capacity for a really intense storm, it would

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77 1 overflow into your storm system that's the typical 2 design on how this is. 3 During the review process of the -- of 4 the calculations, we're going to determine if that's 5 adequate enough for you as the borough. 6 MR. SOKOLICH: We have no further 7 questions of Mr. Cocoros. 8 ACTING CHAIRMAN AUFIERO: Any other 9 questions? 10 COUNCILMAN KWAK: I just got one 11 question for the architect, just in terms of 12 clarifying for the garbage disposal service and 13 trash, I know that we have a sloped -- you know, they 14 have to go into the -- into the trash fence area in 15 the back outside. 16 In terms of when it -- in terms of pick 17 up day are they pulling it out or are they -- is the 18 fence two sided -- 19 THE WITNESS: Yes, we will be able to 20 pull that out. 21 COUNCILMAN KWAK: -- which it could come 22 out to 12th Street also. 23 THE WITNESS: It will be pulled out to 24 12th Street, you know, they can back the -- they can 25 back the truck into it. LAURA A. CARUCCI, C.S.R., R.P.R., L.L.C. 201-641-1812	79 1 MAYOR KIM: Architect, just one more 2 concerning the light pollution the neighbor over 3 there, do you guys address the light pollution? 4 MR. SOKOLICH: We did. 5 MAYOR KIM: We did? Good. 6 MR. SOKOLICH: We were talking about it 7 with the 3-foot wall, right, Bill? 8 THE WITNESS: Yeah, 3-foot wall will 9 hide the -- the headlights. 10 In addition you know we do have like a 11 valance, you know, from the slab and you know the 12 lights themselves inside will be -- there won't be 13 any spillage outside of the building footprint. 14 MR. SOKOLICH: Thank you, Bill. 15 MAYOR KIM: All right. 16 ACTING CHAIRMAN AUFIERO: Would the 17 trash be privately hauled away or... 18 THE WITNESS: No, I think we're -- I 19 think it's still going to be done -- 20 MR. SOKOLICH: Public. 21 THE WITNESS: -- public, you know, 22 municipal. 23 MAYOR KIM: We -- we have to do it. 24 ACTING CHAIRMAN AUFIERO: Okay. 25 MAYOR KIM: Unfortunately. LAURA A. CARUCCI, C.S.R., R.P.R., L.L.C. 201-641-1812
78 1 COUNCILMAN KWAK: They're going to have 2 to go around and then -- 3 THE WITNESS: Yeah, it -- you know, 4 I've seen it down before they basically come down 5 back up into the -- into 12th Street and then they 6 leave, the back of the truck will be close to where 7 the -- you know, where that open area is in front of 8 the double doors. 9 COUNCILMAN KWAK: Correct, I just 10 wanted to avoid, God forbid, let's say its icy day or 11 something and the guy doesn't have a grip -- 12 THE WITNESS: Sliding. 13 COUNCILMAN KWAK: -- you still got 14 parking out there, you know what I mean? So -- 15 THE WITNESS: Yeah. Yeah, start 16 sliding down -- 17 COUNCILMAN KWAK: -- that's why I'm just 18 -- 19 (Simultaneous Speaking.) 20 MR. SOKOLICH: Absolutely. 21 THE WITNESS: Start sliding down the -- 22 COUNCILMAN KWAK: -- you know -- 23 MR. SOKOLICH: Absolutely. 24 COUNCILMAN KWAK: -- avoiding liability 25 falls to the building, that's the problem. LAURA A. CARUCCI, C.S.R., R.P.R., L.L.C. 201-641-1812	80 1 ACTING CHAIRMAN AUFIERO: I think the 2 building looks good, Bill, it's nice to get a 3 different break from a black-colored building with 4 white. 5 I think it'll blend -- blend nice in 6 that area. 7 THE WITNESS: Thank you. 8 ACTING CHAIRMAN AUFIERO: I think 9 you've come along. 10 Any other questions from the board 11 members? 12 (No Response.) 13 ACTING CHAIRMAN AUFIERO: I would like 14 to make a motion to open the next portion up to the 15 public. 16 MAYOR KIM: I make a motion. 17 COUNCILMAN KWAK: I'll second. 18 MAYOR KIM: All in favor? 19 (Whereupon, all present members respond 20 in the affirmative.) 21 ACTING CHAIRMAN AUFIERO: Anybody from 22 the public regarding the architect's testimony? 23 MR. BERN: Yes. 24 Thank you. 25 LAURA A. CARUCCI, C.S.R., R.P.R., L.L.C. 201-641-1812

81 1 CROSS EXAMINATION 2 BY MR. BERN: 3 Q. Bill, how tall is the building? 4 A. The building is six stories and 61 -- 5 Q. I'm sorry? 6 A. -- about 62 feet and that was based -- 7 62-feet high, that was based on the four corners of 8 the building measured to the flat roof and that was 9 also part of the settlement. 10 Q. And the parapet walls? 11 A. The parapet wall is 3-feet high. 12 Q. So the total would be 65? 13 A. To the parapet. 14 Q. To the parapet? 15 A. Yes. 16 But I said, you know, typically they 17 measure to the flat roof. 18 Q. Any appurtenances on the roof? Any -- 19 A. We do have a little -- 20 Q. -- HVAC, anything like that? 21 A. Yes, the HVAC units on the roof, but 22 they'll be located in the center so you won't be able 23 to see them since the height and also the parapet 24 will screen them. 25 Q. Are you going to be sound attenuating LAURA A. CARUCCI, C.S.R., R.P.R., L.L.C. 201-641-1812	83 1 this portion here is cut out with a balcony and a 2 sliding glass door that goes out to that balcony? 3 Q. And how far out does that deck go from 4 -- 5 A. No, it's within the building footprint, 6 we recessed the wall of the -- of the balcony so they 7 don't hang out past the building -- the building 8 footprint -- 9 Q. Okay. 10 A. They're within the building. 11 Q. Our building starts about 18 feet over 12 -- 13 A. Uh-huh. 14 Q. -- where your's is going to be located, 15 behind you? 16 A. Well, we have 9 feet and then -- yeah, 17 18 feet, you're right. 18 Q. What are we going to be looking at? 19 Are we going to be looking at a sheer wall? 20 Are we going to be looking at an 21 opening of the parking deck? 22 A. Well, you see back here on the rear 23 elevation, you're going to basically be seeing the 24 upper portion, the second level of the parking deck. 25 And then you have the openings into the LAURA A. CARUCCI, C.S.R., R.P.R., L.L.C. 201-641-1812
82 1 those? 2 A. I don't think we have -- I mean I think 3 they're far enough away, high enough, you know, you 4 know, we could put a screen around them that would 5 help, you know, minimize the noise, I guess, but like 6 I said they're -- they're up high and they -- you 7 know, they're -- they're quite set into the building. 8 Q. Any use of the roof proposed by 9 tenants? 10 A. None. 11 Q. There's no access for -- 12 A. No. 13 Q. -- the residents -- 14 A. No. We just have basically -- 15 Q. -- to use the roof? 16 A. -- it's a flat, you know, flat membrane 17 roof. 18 Q. Okay. And no decks -- 19 A. We do have balconies. 20 Q. -- nothing facing the rear? 21 A. We have two -- we have balconies in the 22 rear in two apartments on the back section. 23 Q. Do you have an elevation of the rear? 24 A. Yes. 25 On Sheet A2 you see here there's -- LAURA A. CARUCCI, C.S.R., R.P.R., L.L.C. 201-641-1812	84 1 parking. 2 And like I said, you know, we mentioned 3 before landscaping, you know, we could put something 4 -- we could put a small retaining wall to kind of 5 contain the berm and we can do a row of plantings to 6 kind of separate the two -- 7 Q. I think that would be helpful. 8 A. -- the two buildings. 9 Q. Any fans operating in the parking deck 10 for exhaust or anything like that? 11 A. No, we set it up so it basically has 12 enough openings to meet the mechanical code to avoid 13 fans within, you know, within the building itself. 14 So it's basically natural ventilation. 15 MR. SOKOLICH: What's the landscaping, 16 Doug, exactly? 17 MR. BERN: Where is it? It would go 18 between, Billy just -- 19 MR. SOKOLICH: All right. 20 MR. BERN: -- identified the location. 21 MR. SOKOLICH: Okay. Excuse me 22 BY MR. BERN: 23 Q. You have a wall or some kind of 24 containment? 25 A. Well, so this is a berm, we'd have to LAURA A. CARUCCI, C.S.R., R.P.R., L.L.C. 201-641-1812

85 1 do maybe 2 foot, let's say, landscape wall to kind of 2 create like a planting box for that portion so maybe 3 we can come out 3 or 4 feet from the property line. 4 Then we'll have maybe a 2-and-a-half or 5 3 -- you know a 2-and-a-half-foot-high wall. 6 And then we can put the -- either 7 arborvitae or something within that line to kind of 8 separate the two properties. 9 Q. How does access to the parking deck 10 work? Where are the staircases? And where will 11 there be foot traffic -- 12 A. If you go -- 13 Q. -- and people moving around? 14 A. Sure. 15 The ground floor here for the ground 16 floor parking level is accessed off 12th Street, 17 there's also entrances from the lobby into the 18 parking deck. 19 And then there's also the ramp from 20 12th -- East Edsall Boulevard that goes up to the 21 second level of the parking deck. 22 And that portion to can see here, 23 that's accessed via the ramp. 24 And then there's a lobby with the 25 elevators that comes in from that parking area. LAURA A. CARUCCI, C.S.R., R.P.R., L.L.C. 201-641-1812	87 1 dedicated striped area so nobody parks there so the 2 trash can be brought out to 12th Street which then 3 could be picked up by the garbage trucks. 4 Q. Is that municipal or private? 5 A. Municipal. 6 Q. So no dumpsters or dumpsters there? 7 A. Oh, there's dumpsters inside, you know, 8 there's a couple of ways you can do this, there's 9 dumpsters or they could use cans. 10 But the dumpsters are probably the 11 easiest way to go because we have the trash chutes 12 for convenience of the tenants. 13 Q. All right. Thank you. 14 A. Thank you. 15 MR. RUBENSTEIN: Excuse me, what about 16 the parking do we know -- 17 MR. BERN: That was already described 18 -- 19 MR. RUBENSTEIN: No, the parking. 20 ACTING CHAIRMAN AUFIERO: Any other 21 questions from the audience? 22 MR. RUBENSTEIN: What's the ratio I 23 don't... 24 MR. SOKOLICH: We call Lou Luglio. 25 CHAIRWOMAN STAR: I'll make a motion to LAURA A. CARUCCI, C.S.R., R.P.R., L.L.C. 201-641-1812
86 1 So, basically, there's two level -- 2 there's two levels of parking each with their own 3 separate entrances into the parking area. 4 Q. How is access controlled? Are there 5 gates or anything like that? 6 A. Probably a gate set in those -- 7 Q. Like fob operated or something like 8 that? 9 A. Yeah, I guess has -- yeah, I guess it's 10 like tenants get a certain key and they -- they're 11 able to -- 12 MALE AUDIENCE MEMBER: Butterfly 13 system. 14 BY MR. BERN: 15 Q. And can you remind me where -- I know 16 the member asked where the trash is kept and where 17 it's picked it? 18 A. Sure. 19 If you go to the ground floor, that was 20 one of the adjustments we made as per the board's 21 comments. 22 The trash room with a trash chute and 23 dumpsters. They're basically a double door so we can 24 take the trash out. 25 There's a little drop curb with a LAURA A. CARUCCI, C.S.R., R.P.R., L.L.C. 201-641-1812	88 1 close this portion for the audience. 2 MR. KANG: I'll make the motion. 3 COUNCILMAN KWAK: I'll second it. 4 MR. SOKOLICH: Pardon me, Chairman, I 5 didn't -- 6 MAYOR KIM: All in favor? 7 (Whereupon, all present members respond 8 in the affirmative.) 9 MR. SOKOLICH: -- mean to get ahead of 10 you on that. 11 MR. NOH: Do you swear to tell the 12 truth, and nothing but the truth, pertaining to this 13 application, so help you God? 14 MR. LUGLIO: Yes, I do. 15 L O U I S L U G L I O, P.E., 16 160 Hillcrest Avenue, Leonia, New Jersey, having 17 been duly sworn, testifies a s follows: 18 MR. NOH: Please state your name and 19 spell your last name for the record. 20 MR. LUGLIO: It's Louis Luglio, 21 L-U-G-L-I-O. 22 MR. NOH: Thank you, sir. 23 DIRECT EXAMINATION 24 BY MR. SOKOLICH: 25 Q. All right, Lou -- LAURA A. CARUCCI, C.S.R., R.P.R., L.L.C. 201-641-1812

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1 MR. SOKOLICH: May I Chairman?
 2 ACTING CHAIRMAN AUFIERO: Yes.
 3 BY MR. SOKOLICH:
 4 Q. Lou, you are the traffic engineer
 5 engaged by this applicant, correct?
 6 A. Yes.
 7 Q. Okay. And you were engaged for
 8 purposes of reviewing the ingress and egress and
 9 providing testimony all that relates to traffic,
 10 right.
 11 A. That's correct.
 12 Q. And in particular parking, parking on
 13 12th Street?
 14 A. That's right.
 15 Q. You were present at the last public
 16 hearing, correct?
 17 A. Yes, I was.
 18 Q. And there was some concerns that were
 19 raised, I believe, by Mr. Simoff, who had provided us
 20 with a report, did he not?
 21 A. Yes, he did.
 22 Q. I don't want to interrupt you, but
 23 wherever you think most appropriate -- now also, if I
 24 may, as A-26 [sic] --
 25 MR. SOKOLICH: Counsel, with your
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1 permission, I'm going to mark as A-26 [sic] --
 2 MR. NOH: Yes.
 3 MR. SOKOLICH: -- the exhibit that I
 4 just distributed.
 5 (Whereupon, Aerial with Site Plan
 6 Superimposed is marked as Exhibit A-27 for
 7 identification.)
 8 BY MR. SOKOLICH:
 9 Q. Lou, could you just indicate to the
 10 board what A-26 represents?
 11 A. So A-26 represents a base is an aerial
 12 of the site superimposed is the site plan that
 13 outlines the parking spaces along 12th Street that
 14 are proposed and also access to the parking garage
 15 itself.
 16 Q. So -- and this is a document that you
 17 generated I think a little bit with GoogleEarth and a
 18 little bit with superimposing the site plan, correct?
 19 A. That's right.
 20 Q. All right.
 21 MR. SOKOLICH: And A-26 [sic] okay with
 22 you Counsel.
 23 MR. NOH: Yes.
 24 BY MR. SOKOLICH:
 25 Q. So A-26 [sic] I'm going to date it
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1 today, Lou, wherever you believe most appropriate if
 2 you could please provide your testimony relating to
 3 the issues that were raised by the Board last time.
 4 A. Sure.
 5 Again on A-26 if you look at, in front
 6 of the proposed sidewalk and the building and the
 7 garage in the blue we have five on-street parking
 8 spaces.
 9 There's three of those parking spaces
 10 are separated by a cross hatched striped area, that
 11 first area in the middle of A-26 is right up against
 12 where the trash containers would be pulled out.
 13 And then there's another one to the
 14 south or to the left in front of the two parking
 15 spaces and that's just to provide clear distance for
 16 vehicles that are traveling south on 12th Street and
 17 making the right turn into the parking garage.
 18 What we also did is a couple of things,
 19 one at the -- on the right hand side of A-26 we'd
 20 like to post dead-end signs on both sides of the
 21 roadway.
 22 This would indicate that this is not --
 23 obviously not a through street, if some one were
 24 traveling down East Edsall by mistake they would see
 25 these signs and they would be able to turn around
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1 even before turning right into 12th Street.
 2 Q. And that was a concern raised at the
 3 last meeting I believe, correct, Lou?
 4 A. That's correct.
 5 Q. The other point that Mr. Simoff raised
 6 was the hammerhead or half a hammerhead turnaround
 7 area.
 8 What we did, if I could refer back to
 9 the architectural plan, so that's A --
 10 THE WITNESS: This is A-26 you want
 11 this as A-26?
 12 MR. SOKOLICH: No.
 13 Yeah, Counsel, I'm going to amend that.
 14 His exhibit is A-27 if that's
 15 acceptable, not 26.
 16 MR. NOH: Okay.
 17 MR. SOKOLICH: A-27.
 18 Go ahead, Lou.
 19 A-26 is the last plan we marked with
 20 Billy.
 21 THE WITNESS: That is correct.
 22 So if you could see on the
 23 architectural plan it also identifies the five
 24 parking spaces with the striped area for the trash,
 25 but in addition to the south side or the left side of
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93 1 the proposed driveway there's an additional striped 2 area that was expanded out to the south so that we 3 could provide for additional area for a vehicle to 4 turn around. 5 Now with the addition of the two 6 dead-end signs, the only vehicles that we anticipate 7 to actually turn around would be the five parking 8 spaces that are -- that are proposed on 12th Street. 9 And that is because, obviously, they're parked on 10 that east -- sorry -- on the west side of the street 11 and the only way to get back out is to make that 12 turnaround. 13 Again the do-not-enter signs on 14 12th Street would prohibit or prevent vehicles from 15 traveling down 12th Street, not knowing that they 16 can't turn around. 17 But even if they did, this proposed 18 turnaround -- and we indicated that on A-27 with the 19 four point or four vehicles number one to number two, 20 the vehicle pulls all the way forward, from two to 21 three it backs up, and then three to four it 22 basically completes the K-turn and comes back out. 23 Now this is smaller than what is a 24 traditional half hammerhead, mainly because this is 25 the amount of space -- this is the amount of room LAURA A. CARUCCI, C.S.R., R.P.R., L.L.C. 201-641-1812	95 1 based on your expertise is workable, is appropriate 2 because considering it's only addressing five 3 vehicles, put if the inclination is well they don't 4 want the vehicles, that's fine we don't have to do 5 those parking spaces, but this was to accommodate 6 those spaces, which we don't have to build and we 7 need to remain practical. 8 Is that fair? 9 A. That's all fair, that is correct. 10 Q. Okay. 11 But do you see any reason why what you 12 depict on A-27 couldn't work? 13 A. I see no reason why it couldn't work, 14 no. 15 Q. And is that because it's -- it's 16 basically for service by very limited vehicles which 17 are these five? 18 A. That's correct. 19 Now if we had provided m 50 or 20 -- 20 Q. Right. 21 A. -- vehicle on-street parking spaces 22 then that might be a different story. 23 But basically five that are going to be 24 turning around at some point during the day is not a 25 significant number, but there's also enough room from LAURA A. CARUCCI, C.S.R., R.P.R., L.L.C. 201-641-1812
94 1 that we really have in this area. 2 If we continue to go south or even east 3 we have some very rough terrain and grade that we 4 would have to deal with, plus this -- there's steep 5 slopes, plus there's also a need to be sensitive of 6 the area -- 7 BY MR. SOKOLICH: 8 Q. So -- 9 THE WITNESS: -- from an environmental 10 standpoint as well. 11 BY MR. SOKOLICH: 12 Q. So to develop those areas would be, for 13 lack of a better term, not practicable? 14 A. No practical. 15 Q. All right. 16 A. That's correct. 17 Q. So with regard to these parking spaces 18 that are on 12th Street per the terms of the 19 settlement, there's not an obligation to provide 20 these spaces, there's an obligation not to exceed ten 21 and there's an obligation to construct them as 22 practicable, right? 23 A. That's exactly right. 24 Q. So I think your testimony is that the 25 hammerhead that you proposed is not ideal, but it -- LAURA A. CARUCCI, C.S.R., R.P.R., L.L.C. 201-641-1812	96 1 a turning template standpoint, for a vehicle to make 2 that K-turn and come back out. 3 Q. Understood. 4 Anything else that you would like to 5 add from the last meeting, Lou? 6 A. No, I think that was the -- those are 7 the only points that we had to come back for. 8 MR. SOKOLICH: Chairman, I offer 9 Mr. Luglio. 10 MAYOR KIM: Question, so the middle box 11 over here. 12 THE WITNESS: Yes. 13 MAYOR KIM: The yellow. 14 That's where the trash is? 15 THE WITNESS: That's right. 16 MAYOR KIM: And this is for the space 17 for the turn for the hammerhead. 18 THE WITNESS: Yes. 19 Just to have enough clear space so 20 that, number one, the hammerhead, but also for a 21 vehicle making the right turn into the parking 22 garage, we want to be able to have enough clear 23 distance. 24 MAYOR KIM: The only sidewalk is on the 25 vicinity of the building, correct? LAURA A. CARUCCI, C.S.R., R.P.R., L.L.C. 201-641-1812

97 1 THE WITNESS: That's right. 2 MAYOR KIM: Now, what is -- what is -- 3 what is this over here? It seems like it's a loading 4 dock. 5 THE WITNESS: That's the adjacent 6 property. 7 MAYOR KIM: Adjacent property? 8 THE WITNESS: Yeah. 9 MAYOR KIM: It a loading dock, it seems 10 like, or is it a parking spaces? I'm not really 11 sure. 12 And you see this over here. 13 THE WITNESS: Yes. 14 MAYOR KIM: Whose -- whose parking lot 15 is this on the street over here? 16 THE WITNESS: That's, again, the other 17 property to the north. 18 MAYOR KIM: What -- the ownership of 19 this property, I would like to identify this 'cause 20 it seems like if it's a box this -- this parking 21 space doesn't belong to you? 22 THE WITNESS: No. 23 MAYOR KIM: No? 24 MR. SOKOLICH: Our -- our property, 25 Mayor, and our parking spaces are contained within LAURA A. CARUCCI, C.S.R., R.P.R., L.L.C. 201-641-1812	99 1 partially on their property and partially in the 2 public right-of-way. 3 MAYOR KIM: Okay. 4 MR. KAUKER: If I remember correctly. 5 MAYOR KIM: Okay. 6 And them, engineer, I have a question 7 for you. 8 MR. O'BRIEN: Sure. 9 MAYOR KIM: This mini small hammerhead, 10 if you reverse, right, this is a garage that has a -- 11 MR. O'BRIEN: Oh, I have questions. 12 MAYOR KIM: Oh, okay. All right. 13 MR. O'BRIEN: I'm right there with you, 14 Mayor. 15 MAYOR KIM: Yeah. 16 ACTING CHAIRMAN AUFIERO: I believe the 17 Borough engineer's also going to be speaking on 18 behalf of Hal -- 19 MR. O'BRIEN: Yes. 20 ACTING CHAIRMAN AUFIERO: -- is that 21 correct? 22 MR. O'BRIEN: So I'll be -- I'll be 23 behalf of Hal Simoff who prepared the memo dated 24 April 20th, going over his comments a little bit. 25 First one we're going to work page LAURA A. CARUCCI, C.S.R., R.P.R., L.L.C. 201-641-1812
98 1 this white little box. 2 MAYOR KIM: Right. 3 Kauker, Michael? 4 MR. KAUKER: Yes, sir. 5 MAYOR KIM: Could you -- do you know 6 the identification who the ownership of this parking 7 lot is? 8 MR. KAUKER: You mean in the street? 9 MAYOR KIM: Yes. 10 MR. SOKOLICH: It might be Windsor. 11 MR. KAUKER: I believe that -- 12 MAYOR KIM: No, Windsor is kind of far 13 off. 14 MR. KAUKER: I think it -- there is a 15 townhome development that's right across the street 16 that utilized it -- 17 THE WITNESS: Yeah. 18 MR. KAUKER: -- because I know that 19 came up in -- in another application. 20 MAYOR KIM: Okay. 21 MR. KAUKER: As to who owns it? I'm 22 not sure if the -- 23 MAYOR KIM: There is a building 24 structure. 25 MR. KAUKER: I think the spaces are LAURA A. CARUCCI, C.S.R., R.P.R., L.L.C. 201-641-1812	100 1 right to left for you. 2 So your first parking stall, a little 3 close to the ADA ramp should be 25-feet offset. 4 So I don't know how those -- how that 5 laid out with your parking. 6 Your cars are parked there, it's not -- 7 it's not delineated with what size cars you have or 8 your parking stalls. 9 Are these 18-feet long? Are they 10 20-foot -- 11 MR. SOKOLICH: Hold on, Carl, can we -- 12 go ahead, Lou. 13 THE WITNESS: So -- so you're going 14 from right to left. 15 MR. O'BRIEN: Right to left. 16 THE WITNESS: Okay. 17 So the first parking spaces with the 18 ADA ramp. 19 MR. O'BRIEN: It should be 25-feet off 20 the ADA ramp. 21 THE WITNESS: If we had to eliminate, 22 then we would eliminate that first parking space. 23 MR. O'BRIEN: Well, that's by code. 24 MAYOR KIM: But that's not part of the 25 deal. LAURA A. CARUCCI, C.S.R., R.P.R., L.L.C. 201-641-1812

101 1 MR. O'BRIEN: But that's -- 2 MR. SOKOLICH: No, it was. It's most 3 certainly part of the deal, we're not obligated to -- 4 MAYOR KIM: You're supposed to have -- 5 MR. SOKOLICH: -- to provide these 6 spaces. 7 MR. O'BRIEN: So -- so by code you need 8 to be 25-feet off the intersection. 9 MAYOR KIM: I got you. 10 What about the parking spaces, wasn't 11 this part of the deal that we were negotiating, 12 Mr. Kauker. 13 MR. KAUKER: I'm sorry. 14 What was -- 15 MAYOR KIM: The five parking spaces, 16 street parking spaces. 17 MR. KAUKER: Right. 18 MAYOR KIM: The Counsellor Mark -- 19 Mayor Mark Sokolich said that these five parking -- 20 public parking spaces is not part of the negotiation, 21 they cannot -- 22 MR. KAUKER: Well, yeah, I can answer 23 that. 24 The settlement agreement says they're 25 supposed to be, I believe, 53 parking spaces and then LAURA A. CARUCCI, C.S.R., R.P.R., L.L.C. 201-641-1812	103 1 And I'll -- if I can find the language 2 I'll -- I'll -- 3 MR. SOKOLICH: 3.5. 4 MR. KAUKER: Let me see, where it is? 5 I just had it out. 6 MR. SOKOLICH: But we're hopeful that 7 we can, just we need a little latitude with the -- 8 MAYOR KIM: ADA. 9 MR. O'BRIEN: So what -- so what you 10 need to do is you need to space it out, actually 11 engineer this out so that you have your parking 12 spaces sized appropriately. 13 Right now with all due respect to this, 14 it's a cartoon picture. I need real dimensions, real 15 -- a real plan layout to see what your parallel 16 parking is going to be there. 17 MAYOR KIM: So -- 18 MR. O'BRIEN: -- tie that in -- tie 19 that in with your trash pick up, so your yellow box 20 with the trash pick up in the middle, how is the 21 trash going to be accessed? Are you pulling down 22 this street head on? Are you backing up into 12th? 23 What -- what is the operations for that trash pick up 24 there. 25 THE WITNESS: So on -- on A-26 the LAURA A. CARUCCI, C.S.R., R.P.R., L.L.C. 201-641-1812
102 1 there can be no more than ten parking spaces 2 provided, it doesn't say a minimum it says there's 3 just a maximum of no more than 10 in 12th Street. 4 MR. SOKOLICH: To the extent 5 practicable. 6 MAYOR KIM: So five -- say that again, 7 public parking spaces? 8 MR. KAUKER: It -- 9 MAYOR KIM: Say that again. 10 MR. KAUKER: There was no minimum 11 requirement, there was just a -- limited it to a 12 total of ten. 13 MAYOR KIM: We were talking about this 14 in our negotiations. 15 MR. KAUKER: We talked about a bunch of 16 different things with respect to providing the 17 parking on both sides of the street. 18 MAYOR KIM: I get it, but then -- 19 MR. KAUKER: You know. 20 MAYOR KIM: -- I remember five, but 21 they're saying that we knock that out, we're not 22 obligated. 23 Is that true? 24 MR. KAUKER: According to the 25 settlement agreement. LAURA A. CARUCCI, C.S.R., R.P.R., L.L.C. 201-641-1812	104 1 parking space dimensions or the parking spaces are -- 2 are shown on A-26. 3 They're basically 9-by-20 space 4 allocations. 5 The parking -- I'm sorry -- the 6 stripping for the trash area is depicted also. 7 MR. O'BRIEN: Yup. 8 THE WITNESS: The way that we 9 anticipated this was either the bins would be pulled 10 out and rolled to East Edsall Boulevard or the 11 vehicle would back up into 12th and pick up and then 12 leave. 13 MR. O'BRIEN: Okay. 14 So you're using the yellow area in 15 between, let's say, car three and four as a temporary 16 storage area for garbage. 17 And then you're going to pull those 18 garbage cans out to Edsall? 19 THE WITNESS: We're going to pull them 20 out not -- not temporary storage, basically so that 21 it's not blocked, right, when you need to take the 22 bins out, that's why the stripping is there. 23 So that it's not blocked. 24 MR. SOKOLICH: It's not -- it's not -- 25 it's not going to be stored in the cross-hatched LAURA A. CARUCCI, C.S.R., R.P.R., L.L.C. 201-641-1812

105 1 section. 2 THE WITNESS: Right. 3 MR. SOKOLICH: Management is going to 4 roll out like 100 other buildings. 5 MR. O'BRIEN: Management -- 6 MR. SOKOLICH: Hold on. 7 MR. O'BRIEN: Okay. 8 MR. SOKOLICH: Management is going the 9 roll out the bins, it's going to be picked up 10 municipally and management is going to put it back 11 into the internal storage area. 12 There's not going to be a staging area 13 on public property, I have a feeling I see where this 14 is at least trying to go, it's going to be brought 15 out when it's ready and it'll be brought back in and 16 it'll be kept clean and certainly managed a lot 17 better than the other properties that are depicted in 18 the aerial, that much I can assure everyone. 19 MAYOR KIM: Okay. 20 So these this yellow box -- block is 21 just a loading and leave it -- the loading area. 22 That's it. 23 MR. SOKOLICH: It's an access point. 24 MR. O'BRIEN: Yea, it's a -- it's a -- 25 MR. SOKOLICH: To get to the -- LAURA A. CARUCCI, C.S.R., R.P.R., L.L.C. 201-641-1812	107 1 That's an operational -- 2 MAYOR KIM: Well, that -- we contract 3 our garage pick up from Westphal so... 4 MR. O'BRIEN: So that would have to be 5 discussed with the pick-up company on how it is. 6 Again getting to -- moving -- now 7 moving far left with your hammerhead area, which Hal 8 brought up extensively with it, so your testimony 9 said that it was not practicable to do anything 10 there. 11 Is it not practical or is it cost 12 effective? 13 THE WITNESS: It - 14 MR. SOKOLICH: Well -- hold on. 15 Carl, with all due respect in order to 16 develop, you are looking at incredibly steep slope 17 immediately to the east of this property. 18 I mean we're not suggesting that we're 19 going to build and start putting up girders and 20 rebuild from the bottom of a cliff to buy ourselves 4 21 or 5 feet. 22 That's why the terms of this settlement 23 are read as is practicable. 24 MR. O'BRIEN: Okay. 25 MR. SOKOLICH: Those are important LAURA A. CARUCCI, C.S.R., R.P.R., L.L.C. 201-641-1812
106 1 MR. O'BRIEN: -- it's a don't block the 2 box so. 3 THE WITNESS: Exactly. 4 MR. O'BRIEN: Okay. 5 Understood. 6 And everything will be kept inside and 7 on trash pick-up days they'll be pulled out. 8 THE WITNESS: That's correct. 9 MR. SOKOLICH: But that's true, right, 10 Lou? I mean that's a critical -- 11 THE WITNESS: Yes. 12 MR. SOKOLICH: -- question, right? 13 THE WITNESS: Yup. 14 MR. O'BRIEN: So -- and it's -- this is 15 going to be private pick up or municipal pick up? 16 MR. SOKOLICH: Municipal. 17 (Whereupon, Chairwoman Star is now in 18 attendance at 8:25 p.m.) 19 MR. O'BRIEN: Municipal pick up. 20 So then -- so then for municipal pick 21 up it would have to be determined by the municipal 22 trash how are they going to access this. 23 Are they going to back up or are they 24 going to pick it up open Edsall and walk down to the 25 pick-up area, bring it out to Edsall. LAURA A. CARUCCI, C.S.R., R.P.R., L.L.C. 201-641-1812	108 1 words, number one. 2 Number two, the agreement also goes on 3 to say that there's nothing going to be imposed on 4 this developer which is going to generate an 5 additional cost or an unreasonable cost. 6 If we were to have to fill in around 7 there, between the steep slope, between the rock 8 outcroppings, between the sensitivity of the area, 9 that would be a burden that's being placed on this 10 Applicant which would abrogate the intent of the 11 settlement, respectfully. 12 We know this is not a perfect 13 condition. We concede that. That's fine. Don't put 14 the parking spaces in. 15 But it just seems like if there was a 16 little latitude we could at least get some parking 17 for the public. 18 I mean am I stating this correctly? 19 THE WITNESS: Absolutely. 20 MAYOR KIM: Wait, wait, wait, wait. 21 So, Counsel, did you say that you don't 22 mind getting these public parking spaces out? 23 MR. SOKOLICH: I don't. 24 MAYOR KIM: Should we do that? 25 MR. SOKOLICH: We can. LAURA A. CARUCCI, C.S.R., R.P.R., L.L.C. 201-641-1812

109 1 MAYOR KIM: We could. 2 MR. SOKOLICH: But I would -- I would 3 -- 4 MAYOR KIM: If you want to do that -- 5 MR. SOKOLICH: -- I'm trying to -- 6 MAYOR KIM: If you want to do that we 7 really could 'cause you just told us -- 8 MR. SOKOLICH: I was trying truly to 9 accommodate the -- the neighborhood. 10 We don't need them, Mayor. We don't. 11 MAYOR KIM: You don't need them. 12 MR. SOKOLICH: We don't. 13 MAYOR KIM: Who else is going to use 14 this? 15 MR. SOKOLICH: The public. The people 16 that are scattered all around. 17 MAYOR KIM: What other public here 18 would come over here besides your -- your residents. 19 MR. SOKOLICH: You know these people 20 that are scattered on Edsall and down the block and 21 what have you and a visitor to the buildings would 22 use it. 23 And, again, that's not -- let me be 24 clear, that's not a cute response. I mean it. If 25 it's that troublesome we don't that have to do it. LAURA A. CARUCCI, C.S.R., R.P.R., L.L.C. 201-641-1812	111 1 THE WITNESS: I agree. 2 MR. SOKOLICH: Yes. 3 MR. O'BRIEN: As far as it goes right 4 now the parking layout now is probably the best 5 you're going to get, with some modifications here or 6 there, that you're going -- you can pick up those 7 five spaces, that's probably about it. 8 If you're thinking about picking up 10 9 spaces, 12 spaces, I would get that out of your mind, 10 it's not going to happen with across the street. 11 As far as the K-turn maneuvering, are 12 you free and clear of anything that's with -- the 13 parking garage that the drop gate, anything like that 14 where backing up on a K-turn, is it going to be a 15 hindrance? 16 THE WITNESS: No, we -- we steered 17 clear of that and if there is any potential issue as 18 we get into the design, we could also offset the gate 19 into the -- 20 MR. O'BRIEN: Can you pull it back a 21 little bit? 22 THE WITNESS: You could pull it back, 23 you know, 4 or 5 feet. 24 MR. O'BRIEN: Okay. And that would not 25 be an issue with everything so -- LAURA A. CARUCCI, C.S.R., R.P.R., L.L.C. 201-641-1812
110 1 But we were hoping that we could 2 salvage of a few of these spaces based on the 3 conditions -- 4 MAYOR KIM: This is in the best 5 interest of the public to have additional parking 6 spaces wherever it is, plain and simple, Counsellor. 7 THE WITNESS: Well, most likely we're 8 going to lose the number one car all the way to the 9 right just because of that code. 10 MR. O'BRIEN: Either lose it or with 11 the dimensions, slide it over a little bit. It -- I 12 think -- I think the -- the five parking spaces as 13 laid out could probably work out, you just have to be 14 -- get a little creative with the striping patterns, 15 that's all. 16 As far as -- so if you're parking on 17 the building side, across the street, I'm assuming 18 it's going to be striped -- I'm sorry -- signed for 19 no parking. 20 THE WITNESS: That's right. 21 MR. O'BRIEN: Yeah, because if you had 22 parking on the other side of the street doing this 23 K-turn would not work. 24 MAYOR KIM: Yes. 25 MR. O'BRIEN: So -- LAURA A. CARUCCI, C.S.R., R.P.R., L.L.C. 201-641-1812	112 1 THE WITNESS: That's right. 2 MR. O'BRIEN: -- basically just so the 3 -- Board Members, just so you understand, because of 4 the -- the way it's laid out because it's not a true 5 hammerhead here or half a hammerhead, they're getting 6 a little creative with their design and actually 7 utilizing the driveway -- 8 THE WITNESS: Right. 9 MR. O'BRIEN: -- area as part of their 10 K-turn. In going that -- 11 MAYOR KIM: That's What it is a K-turn. 12 MR. O'BRIEN: By doing that -- 13 MAYOR KIM: But it's K-turning towards 14 the entrance. 15 MR. O'BRIEN: It's K-turning into their 16 -- their parking garage. 17 So if the -- if the parking garage -- 18 whatchamacallit, gate is up -- is down, they're going 19 to have an issue. 20 So by offsetting it as the traffic 21 engineer stated by pulling it back a little bit, it 22 will actually help the situation. 23 But in order to do that you have to 24 utilize the driveway to get that. 25 MAYOR KIM: That's fine. LAURA A. CARUCCI, C.S.R., R.P.R., L.L.C. 201-641-1812

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1 MR. O'BRIEN: So they're picking up --

2 MAYOR KIM: We can see that.

3 MR. O'BRIEN: -- they're losing room on

4 one site because of rock outcropping and everything

5 and they're picking it up on the other side by

6 offsetting that gate.

7 MAYOR KIM: I mean is there any

8 mechanism, I mean modern day that we're living in, a

9 gate that doesn't open when it senses that there's a

10 car coming either, that doesn't work.

11 MR. O'BRIEN: I -- I can't answer that.

12 That's not my purview.

13 MR. SOKOLICH: Mayor, I'm almost

14 nervous to suggest this, but I did an application

15 recently in Edgewater on River Road where the ground

16 floor put a vehicle disc in.

17 MAYOR KIM: What is it again?

18 MR. SOKOLICH: A vehicle disc where you

19 pull the car in, it's a one-car garage and it's

20 actually a disc and it turns.

21 MAYOR KIM: Oh, it turns like this.

22 MR. SOKOLICH: And then -- yeah.

23 Please don't suggest that here.

24 MAYOR KIM: Well, that's -- that's --

25 that costs a lot of burden to your --

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1 MR. SOKOLICH: Yes.

2 MR. O'BRIEN: That's a great idea.

3 I believe that is all the comments from

4 Mr. Simoff.

5 MR. SOKOLICH: But we -- we, for the

6 record, absolutely consent to recessing the garage

7 gate, number one.

8 Number two, absolutely consent to

9 providing specific detail on the dimensions and all

10 that Mr. O'Brien had requested will be provided to

11 the board.

12 MAYOR KIM: And then the ADA access.

13 THE WITNESS: Yes, we will -- we will

14 provide a plan that is dimensioned including the

15 25-feet from the ADA at the corner of East Edsall and

16 12th.

17 MR. O'BRIEN: Yes, and if you can just

18 make sure that your traffic dimensions and plans

19 match that of the site plan too.

20 THE WITNESS: Yes. I'll -- I'll use

21 the site plan instead of having --

22 MR. O'BRIEN: And then just work off

23 that.

24 THE WITNESS: -- instead of having it

25 graphically.

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1 MR. SOKOLICH: Perfect.

2 COUNCILMAN KWAK: I just have a

3 question, Mayor Counsellor, I have a question

4 regarding the dead-end sign, sir.

5 This -- you know, Palisades Park,

6 unfortunately, has a lot of issues in terms of public

7 safety for speeding.

8 Now I do note that this is a very short

9 street, but we do have people who try to cut and zip,

10 you know, every which way around this town.

11 Would the developer -- would the owners

12 be amendable to changing the dead-end signs to

13 potentially those solar powered LED light-up ones

14 because at night, I understand that, you know, people

15 may be just zipping around, running very quickly and

16 speeding, just in case that they try to cut

17 somewhere --

18 MR. SOKOLICH: Yeah, I mean I --

19 COUNCILMAN KWAK: -- I just want to see

20 to mitigate public safety.

21 MR. SOKOLICH: We have no objection.

22 Hopefully it doesn't, though, cause a

23 nuisance for the residences across the way.

24 COUNCILMAN KWAK: Sure.

25 MR. SOKOLICH: Otherwise I don't think

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1 -- we have no objection to that.

2 COUNCILMAN KWAK: Thank you.

3 ACTING CHAIRMAN AUFIERO: Any other

4 Board Members any questions or comments?

5 (No Response.)

6 ACTING CHAIRMAN AUFIERO: Okay.

7 At this point I'd like to make a motion

8 to open it up to the public.

9 MAYOR KIM: I'll make a motion.

10 MS. TARABOCCHIA: I'll second.

11 MAYOR KIM: All in favor?

12 (Whereupon, all present members respond

13 in the affirmative.)

14 ACTING CHAIRMAN AUFIERO: Anybody from

15 the public have any concerns or comments --

16 MR. BERN: Just a couple of questions

17 if I might, to the traffic engineer.

18 CROSS EXAMINATION

19 BY MR. BERN:

20 Q. Can you explain to me how access is

21 going to work into the garage and who is going to

22 have a parking spaces there?

23 You have -- how many tandem spaces,

24 first of all, do you have?

25 A. I believe -- I think -- hold on.

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117 1 Yes, there is four tandem on each floor 2 for a total of eight. 3 Q. Four -- okay. So four sets of two 4 spaces each, correct? 5 A. That's right. 6 Q. And EV spaces you have also? 7 A. We have five -- 8 MAYOR KIM: Five. 9 THE WITNESS: -- EV spaces that we're 10 providing. 11 BY MR. BERN: 12 Q. Okay. 13 So with the number of apartments you 14 have and the constraints with the parking spaces, how 15 are the tandem spaces going to work? 16 A. The tandem spaces would have to be 17 assigned to one -- one units. 18 Q. Same household? 19 A. That's right. 20 Q. Interesting. 21 Okay, going to be very -- 22 (Simultaneous Speaking.) 23 A. Some -- some units may not have any 24 vehicle, right, so -- 25 Q. Yeah, that's what you -- LAURA A. CARUCCI, C.S.R., R.P.R., L.L.C. 201-641-1812	119 1 MR. BERN: For our -- for our business 2 also. 3 Yeah -- 4 MAYOR KIM: Oh. 5 MR. BERN: -- so there's over -- the 6 concern is the overflow parking. 7 MAYOR KIM: I got it. 8 But then concerning the commercial 9 traffic, including Amazon trucks and what deliveries, 10 how would you like to digest that? 11 THE WITNESS: They -- I mean in 12 reality, Amazon, UPS even, even U.S. mail, will most 13 likely stop along East Edsall, deliver their packages 14 and basically turn around and go back out East 15 Edsall. 16 MR. BERN: Is there a package room or 17 reception area there? 18 MR. SOKOLICH: Yes. 19 THE WITNESS: There is one at the 20 ground corner -- the ground floor in the lobby area. 21 It is right next to the trash room, to 22 the south or to the left of the trash room on A-26. 23 MR. BERN: Okay. Do we know -- maybe 24 the Mayor, the municipal people know, there are 25 limited times on these parking spaces as well as that LAURA A. CARUCCI, C.S.R., R.P.R., L.L.C. 201-641-1812
118 1 A. -- it's on average. 2 Q. -- you have to count on that. 3 Obviously -- 4 A. That is correct. 5 Q. -- as part of the design. 6 You may not be able to answer this, but 7 maybe for the Borough, what is the duration of 8 parking on the streets in this neighborhood? 9 MAYOR KIM: If it's metered, I think 10 the max is four hours. 11 MR. BERN: So, would we assume that 12 these new municipal spots will be the same timing? 13 MAYOR KIM: We're not sure if we're 14 going to put -- install meters, municipal meters 15 there or not yet. 16 MR. BERN: Okay. 17 Obviously we have concern being on 18 11th Street, we have -- you know we're still using it 19 for the original use, we have pick up and drop off 20 and deliveries and you know a lot of parking there is 21 going to be an imposition on the business. So. 22 MAYOR KIM: Did The Applicant explain 23 about deliveries? Amazon trucks? 24 MR. BERN: Yeah. 25 MAYOR KIM: Did they -- LAURA A. CARUCCI, C.S.R., R.P.R., L.L.C. 201-641-1812	120 1 the condominium -- 2 MAYOR KIM: I cannot say and that's -- 3 MR. BERN: -- association uses? 4 MAYOR KIM: -- that's the question that 5 I asked. 6 MR. BERN: We don't know. 7 MAYOR KIM: Yeah, it would -- they're 8 proposing that -- that those parking are dedicated 9 parking for the residential unit across the street. 10 MR. BERN: Okay. All right. 11 Thank you. 12 REDIRECT EXAMINATION 13 BY MR. SOKOLICH: 14 Q. I have a quick followUp for you, Lou. 15 If we were to assign a tandem space so 16 that -- so a tandem means we'd have the assign to 17 four apartments two spaces? 18 A. Yes. 19 Q. Right? 20 So when you subtract four from 53 that 21 leaves you with 49, but we have 41 -- 41 units so 22 still there would be more than -- 23 A. Right. 24 Q. -- one space per unit? 25 A. That's right. LAURA A. CARUCCI, C.S.R., R.P.R., L.L.C. 201-641-1812

121 1 Q. So we wouldn't have to count on not 2 providing an apartment with a parking space? 3 A. Right, we wouldn't have to count on it. 4 MAYOR KIM: I'm sorry. 5 I'm sorry. 6 What did you just say? 7 THE WITNESS: You would have at least 8 one parking space per unit. 9 MR. SOKOLICH: It would have at least 10 one parking space. 11 THE WITNESS: You have 53 total parking 12 spaces. 13 MAYOR KIM: Per -- per unit, even 14 though there's three bedroom or two bedroom or one 15 bedroom? 16 THE WITNESS: No, irregardless we're 17 not taking that into consideration. 18 MR. SOKOLICH: No, we're back to that 19 again. 20 THE WITNESS: Yeah. 21 MR. SOKOLICH: The -- the comment was 22 made that with the eight tandem if we assigned two 23 spaces to a household because you don't -- you can't 24 assign two different households to a tandem, right? 25 Then we would be in a position -- LAURA A. CARUCCI, C.S.R., R.P.R., L.L.C. 201-641-1812	123 1 MR. SOKOLICH: That you -- 2 MAYOR KIM: No, I got it. I got it. 3 MR. KAUKER: Yes. 4 MAYOR KIM: That's my -- that's my -- I 5 want to make sure of your questions. 6 MR. KAUKER: Yes. 7 ACTING CHAIRMAN AUFIERO: Okay. 8 Anybody else from the audience? 9 (No Response.) 10 ACTING CHAIRMAN AUFIERO: I would like 11 to make a motion to -- or I would like to, I guess, 12 make a motion to close that portion for the audience. 13 MAYOR KIM: Actually, I have one more. 14 Federal Express, United States Postal 15 Service, UPS, deliveries, trucks, they're going to 16 park right over here on the edge, right? 17 THE WITNESS: I -- I believe that 18 that's where they would park. 19 MAYOR KIM: Because There is a storage 20 facility -- the packaging receiving room there, 21 right. 22 THE WITNESS: That's right. 23 MAYOR KIM: Like Billy said, right? 24 So how would they make a U-turn? 25 THE WITNESS: Exactly. LAURA A. CARUCCI, C.S.R., R.P.R., L.L.C. 201-641-1812
122 1 THE WITNESS: Not have enough. 2 MR. SOKOLICH: -- not to have any 3 parking. 4 No, we wouldn't. 5 We'd still have at least one space for 6 the remaining units. 7 It's the only point I wanted to make. 8 THE WITNESS: Yeah. 9 So there's -- there's 53 total spaces. 10 MR. KAUKER: There's 53 total spaces, 11 eight -- 12 MR. SOKOLICH: Minus four. 13 MR. KAUKER: -- minus -- well, minus 14 eight because there's eight which gives you 45. 15 MR. SOKOLICH: Yes. 16 MR. KAUKER: And you have 45 units and 17 45 parking spaces so one per -- you have at least one 18 per unit. 19 MAYOR KIM: Okay. 20 MR. SOKOLICH: And you minus -- 21 MAYOR KIM: And whether it's how many 22 bedrooms? 23 MR. KAUKER: Doesn't -- doesn't matter. 24 MR. SOKOLICH: Again. 25 MAYOR KIM: Got it. LAURA A. CARUCCI, C.S.R., R.P.R., L.L.C. 201-641-1812	124 1 They'll do the same K-turn as they most 2 likely do today if they come down East Edsall they 3 have to make a turn to go back there. 4 MAYOR KIM: So -- 5 THE WITNESS: Maybe use part of 6 12th Street -- 7 MAYOR KIM: -- they're doing a K-turn. 8 THE WITNESS: -- and then come back 9 out. 10 MAYOR KIM: So they're doing a K-turn 11 over here as well? 12 THE WITNESS: Yes. 13 MAYOR KIM: There's no Hal Simoff, but 14 is this kind of similar situation with the K-turn, 15 guys, about delivery trucks on Edsall? 16 They're saying that they're going to do 17 the same process of K-turn where the dead-end sign 18 is. 19 MR. O'BRIEN: So what's going to have 20 to happen is if we're using a delivery truck like an 21 Amazon truck or something like that, we would need 22 the truck turning templates to make sure a K-turn 23 would work, might not be able to work, it might not 24 be pulling in and backing up or backing in and 25 pulling out, that would have to be up to the delivery LAURA A. CARUCCI, C.S.R., R.P.R., L.L.C. 201-641-1812

125 1 driver at that point. 2 I'm not sure a K-turn would work there 3 for one of -- 4 THE WITNESS: We -- we -- 5 MR. O'BRIEN: -- those larger trucks. 6 THE WITNESS: We -- I am not suggesting 7 that an Amazon truck or UPS would come all the way 8 down and -- 9 MR. O'BRIEN: I don't think they would 10 either. 11 THE WITNESS: -- and utilize this. 12 MAYOR KIM: Yeah, they won't. 13 THE WITNESS: What I'm saying that they 14 would actually utilize the intersection of 12th and 15 -- 16 MAYOR KIM: Of course. 17 THE WITNESS: -- and East Edsall to 18 make that turn -- 19 MR. SOKOLICH: But -- but, Lou -- 20 THE WITNESS: -- to go back out. 21 MR. SOKOLICH: -- like any other 22 building there's going to be a protocol that's 23 established after the first or second or third 24 delivery where you pull over to the side like the 25 other 140 cars on that block, they run in for their LAURA A. CARUCCI, C.S.R., R.P.R., L.L.C. 201-641-1812	127 1 location for their deliveries for -- for Amazon, for 2 FedEx or anything, I just don't see it happening, 3 unless they prove it with their K-turns, I don't -- I 4 think it would fail a K-turn. 5 MR. RUBENSTEIN: Amazon has small 6 delivery trucks. 7 MAYOR KIM: Our engineer's not here so 8 what do you recommend? 9 MR. O'BRIEN: They're -- I think they 10 -- they testified that it would wind up being 11 delivery along East Edsall, they would use the 12 frontage of that as their temporary parking for their 13 deliveries. 14 THE WITNESS: Yup, I think it would 15 happen along East Edsall. 16 MR. O'BRIEN: That -- it would really 17 be up to the delivery driver to what they to. 18 MAYOR KIM: To make a K-turn over here. 19 MR. SOKOLICH: Like the -- 20 MR. O'BRIEN: The -- 21 MS. TARABOCCHIA: Is there a -- 22 MR. SOKOLICH: They're not going to 23 make a K-turn. 24 We're not -- they're not -- 25 MR. O'BRIEN: They're just going to LAURA A. CARUCCI, C.S.R., R.P.R., L.L.C. 201-641-1812
126 1 two minutes, deliver their package and leave. 2 I mean I'm presuming that's how these 3 things end up working out. 4 THE WITNESS: Yes. 5 MR. SOKOLICH: They're not going to 6 drive all the way to the end. 7 THE WITNESS: No. 8 MR. O'BRIEN: I could agree with you, 9 Mark, I don't see them doing that. 10 I see them pulling along East Edsall 11 and using that as their delivery area and then 12 running in, running out. 13 THE WITNESS: And then using the 14 roadway, itself, to make the turns and go back out. 15 MR. O'BRIEN: Just -- just like how 16 Amazon delivers to your house, the same situation. 17 MR. SOKOLICH: Correct. Correct. 18 ACTING CHAIRMAN AUFIERO: Okay. 19 Good. Thank you. 20 MAYOR KIM: So yo think it's okay -- 21 MR. SOKOLICH: Thank you, Lou. 22 MAYOR KIM: -- To not identify the 23 K-turn there. 24 MR. O'BRIEN: I don't see it being 25 practical for a delivery truck to use 12th as the LAURA A. CARUCCI, C.S.R., R.P.R., L.L.C. 201-641-1812	128 1 pull along this side of the road. 2 MR. SOKOLICH: Make a K-turn, right. 3 They're going to pull along the 4 building, they're going to do their 30 second 5 delivery, they're going to get back in the truck -- 6 MAYOR KIM: And make a U-turn? 7 MR. SOKOLICH: -- and they can continue 8 on. 9 MR. O'BRIEN: Yes. 10 MAYOR KIM: Can they make a U-turn? 11 MR. O'BRIEN: If they make a U-turn or 12 they could -- 13 ACTING CHAIRMAN AUFIERO: There's no 14 way to control them. 15 MR. O'BRIEN: -- or they go straight, 16 whatever they got to do. 17 ACTING CHAIRMAN AUFIERO: Right. 18 THE WITNESS: That's the issue, there's 19 no way to control it. 20 ACTING CHAIRMAN AUFIERO: Can I have a 21 motion to close the public portion? 22 MR. KANG: I make a motion. 23 COUNCILMAN KWAK: I'll second. 24 ACTING CHAIRMAN AUFIERO: All in favor? 25 (Whereupon, all present members respond LAURA A. CARUCCI, C.S.R., R.P.R., L.L.C. 201-641-1812

129 1 in the affirmative.) 2 ACTING CHAIRMAN AUFIERO: I would just 3 like the record to reflect that the Chairperson 4 Arlene Star did arrive at 8:25 p.m. this evening. 5 Counsellor, next? 6 MR. SOKOLICH: We would ask Mr. Spatz 7 to be sworn in. 8 MR. NOH: Sir, do you swear to tell the 9 truth and nothing but the truth pertaining to this 10 application, so help you God? 11 MR. SPATZ: Yes, I do. 12 D A V I D S P A T Z, PP. 13 60 Friend Terrace in Harrington Park, New Jersey, 14 having been duly sworn, testifies as follows: 15 MR. NOH: Please state your name and 16 spell your last name for the record, please. 17 MR. SPATZ: Certainly. 18 David Spatz, S-P-A-T-Z. 19 My business address is 60 Friend 20 Terrace in Harrington Park, New Jersey. 21 VOIR DIRE EXAMINATION 22 BY MR. SOKOLICH: 23 Q. So, David, you are a licensed planner? 24 A. I am, yes. 25 Q. Your credentials have been accepted LAURA A. CARUCCI, C.S.R., R.P.R., L.L.C. 201-641-1812	131 1 I have a couple of questions. 2 A. Certainly. 3 It's a series of four photographs taken 4 in the area. 5 The top left-hand photograph is of the 6 subject property looking from East Edsall and then 7 you see 12th Street to the left of the photograph, 8 and then the subject property which has vehicle 9 storage right now. 10 The top right-hand photograph is 11 looking to the west along East Edsall and the 12 adjacent industrial commercial buildings. 13 The bottom left-hand photograph is 14 looking to the opposite side of 12th looking towards 15 the east is the Long Swamp and then there's apartment 16 buildings across the way. 17 And then the bottom right-hand 18 photograph is looking to the other side of East 19 Edsall and that is the Windsor Square multifamily 20 development. 21 Q. Thank you. 22 Now, David, you are familiar with the 23 fact that this is what I would refer to as a 24 builder's remedy type site plan. 25 A. Correct, yes. LAURA A. CARUCCI, C.S.R., R.P.R., L.L.C. 201-641-1812
130 1 here in Palisades Park multiple times in the past? 2 A. Many, many times. 3 Q. License is in good standing? 4 A. It is. 5 MR. SOKOLICH: So I would offer 6 Mr. Spatz as a professional planner. 7 David, I have premarked as A-28, I see 8 you corrected me, I've been off with my numbers the 9 whole night. 10 THE WITNESS: Yes, that's why -- 11 MR. SOKOLICH: You're never wrong 12 though. 13 THE WITNESS: -- I use a pencil. 14 (Whereupon, Four Photograph Photoboard 15 is marked as Exhibit A-28 for identification.) 16 DIRECT EXAMINATION 17 BY MR. SOKOLICH: 18 Q. June 24, 2026, these are a series of 19 four photographs -- 20 A. Yes. 21 Q. -- that we distributed to the board, 22 correct? 23 A. Yes. 24 Q. Could you just describe them, but 25 before you get started with your testimony after that LAURA A. CARUCCI, C.S.R., R.P.R., L.L.C. 201-641-1812	132 1 Q. Are you familiar with and have a copy 2 of the settlement agreement that was entered into 3 with the borough, correct? 4 A. I do, yes. 5 And I have reviewed it. 6 Q. And I trust that you reviewed it and 7 you understand it and you've compared to the plans 8 that we've submitted to the board? 9 A. Correct. 10 Q. All right. 11 So keeping that as back drop if you 12 would please provide your planning testimony and 13 referencing A-28 as you proceed. 14 A. Certainly. 15 As -- as notes there was a settlement 16 agreement based on that, the municipality adopted 17 Ordinance No. 2025-3 which created the AHD-2 zone 18 for this particular site. 19 The project, as has been described over 20 the last several meetings, fully complies with the 21 settlement agreement as well as the ordinance. 22 And there are no variances being 23 sought, but just to provide some testimony in terms 24 of the positive impact and any negative impacts, in 25 terms of positive, I think the site, itself, is LAURA A. CARUCCI, C.S.R., R.P.R., L.L.C. 201-641-1812

133 1 particularly well suited for what we're proposing. 2 That's why it has been selected. It's been vacant 3 for many years. 4 Currently being used for the storage of 5 vehicles as the photographs document. 6 The development where we remove this 7 condition, produce a now productive site which would 8 benefit the residents of Palisades Park as well as 9 the immediate vicinity. 10 We looked to the Municipal Land Use Law 11 for the purposes of zoning to support the positive 12 impact of what we're proposing. 13 And we meet a number of those purposes. 14 Purpose A which is promoting the public 15 health, safety, morals and general welfare, 16 eliminating a vehicle storage, making street 17 improvements, other utility improvements in the area, 18 providing affordable housing, those will all provide 19 a -- a public purpose. 20 The description of the building by the 21 engineer and the architect indicate a building code 22 compliance, fire safety compliance. It's been 23 reviewed, the drainage being provided will be 24 reviewed by multiple agencies as well as your 25 municipal engineer. So I think that purpose is met. LAURA A. CARUCCI, C.S.R., R.P.R., L.L.C. 201-641-1812	135 1 And, lastly, the development, I think, 2 would have certainly a positive impact on a tax base 3 beyond how this site is currently being used, and 4 there are those affordable housing. 5 So there's certainly sufficient amount 6 of public benefit from what we're proposing. 7 Looking at negative criteria, I don't 8 believe anything rises to the level of being 9 substantially negative. We are not seeking variance 10 so we don't have to meet that particular standard. 11 But the use is permitted in the zone. 12 The standards have been created particularly with 13 this zone and the building has been designed to meet 14 those standards. The building height, the density, 15 the number of units, the amount of parking spaces, 16 all are according to the ordinance. 17 Testimony was provided at previous 18 meetings as well as this evening on of number spaces, 19 the safety of the parking area, the turnaround area 20 to serve it. So I think that standard is met. 21 And in conclusion we do not need any 22 variances with it. 23 There is certainly a public benefit for 24 what we're proposing, no negative impacts. And I 25 believe it would be appropriate to grant site plan LAURA A. CARUCCI, C.S.R., R.P.R., L.L.C. 201-641-1812
134 1 Purpose E is establishing appropriate 2 population densities. The number of units fully 3 meets the settlement agreement and the Municipal 4 Ordinance. There are no variances being sought on 5 that. 6 And, again, we are providing affordable 7 housing as part of that settlement agreement. 8 Lastly, we also meet, I believe, 9 Purpose I which is promoting a desirable visual 10 environment as I think the photographs demonstrate 11 the site, itself, is currently unsightly. The road 12 is essentially unimproved, 12th Street all of those 13 improvements will be made. The site will be cleared 14 and developed with a municipal -- with a multifamily 15 building that has been designed by Mr. Cocoros. 16 And I think the board certainly took 17 notice of the design and -- and how that fits in with 18 the area. 19 Again the purpose of the district, as 20 stated in the ordinance, is to encourage and regulate 21 the development of mixed-income housing, promote the 22 inclusion of affordable housing units and provide 23 clear standards for building height setbacks and 24 parking. And our development fully meets that 25 purpose as well as all of the standards. LAURA A. CARUCCI, C.S.R., R.P.R., L.L.C. 201-641-1812	136 1 approval for the project. 2 Q. David, just to reconfirm at this time 3 there are no variances being sought, correct? 4 A. That is correct. 5 Q. But -- 6 A. We fully comply with the ordinance and 7 the settlement agreement. 8 Q. In fairness, though, the settlement 9 agreement does afford the Applicant the latitude to 10 request a variance if it were required, while we 11 reserve the right to do so, none are being requested 12 at this time. 13 A. That's correct. One of the conditions 14 of the settlement agreement is that variances can be 15 sought, but the building has been designed, the 16 building inside has been designed to fully comply 17 with the terms of the settlement agreement and no 18 variances are required. 19 Q. Thank you. 20 And it's your testimony that this plan 21 does comply in all respects with the terms of the 22 settlement agreement, not only literally, but in 23 spirit, with the terms of the settlement agreement? 24 A. Absolutely. 25 We fully meet the purposes as stated in LAURA A. CARUCCI, C.S.R., R.P.R., L.L.C. 201-641-1812

137 1 the ordinance that was created following the 2 settlement agreement, the purposes stated in that are 3 fully complied with by what we're proposing. 4 Q. Thank you, David? 5 MR. SOKOLICH: I offer Mr. Spatz, 6 Mr. Chairman. 7 ACTING CHAIRMAN AUFIERO: Do any of the 8 Board Members have any comments or concerns for 9 Mr. Spatz? 10 (No Response.) 11 ACTING CHAIRMAN AUFIERO: None? Okay. 12 Can I have a motion to -- or maybe 13 the -- 14 MR. KAUKER: I don't have any 15 questions. 16 ACTING CHAIRMAN AUFIERO: No? 17 MR. KAUKER: No. 18 MR. O'BRIEN: None for engineering. 19 ACTING CHAIRMAN AUFIERO: Can I have a 20 motion to open this portion to the public? 21 COUNCILMAN KWAK: I'll make a motion. 22 MR. KANG: I'll second. 23 MAYOR KIM: All in favor? 24 (Whereupon, all present members respond 25 in the affirmative.) LAURA A. CARUCCI, C.S.R., R.P.R., L.L.C. 201-641-1812	139 1 court reporter five minutes? Is that possible? 2 ACTING CHAIRMAN AUFIERO: A five-minute 3 recess. 4 MAYOR KIM: You want a five-minute 5 break? Yes. 6 MR. SOKOLICH: Is that acceptable? 7 MAYOR KIM: I make a motion to have a 8 five-minute board break. 9 MR. SOKOLICH: Thank you. 10 MAYOR KIM: May I have a second? 11 COUNCILMAN KWAK: I'll second. 12 MR. KANG: I'll second. 13 MAYOR KIM: All in favor? 14 (Whereupon, all present members respond 15 in the affirmative.) 16 ACTING CHAIRMAN AUFIERO: Five minutes. 17 (Whereupon, a brief recess is held.) 18 ACTING CHAIRMAN AUFIERO: I'd like to 19 call the meeting back to order. 20 Mr. Mayor? 21 Okay. Thank you very much. 22 Can I have a motion to reopen the 23 meeting? 24 COUNCILMAN KWAK: I make a motion. 25 MS. TARABOCCHIA: I second. LAURA A. CARUCCI, C.S.R., R.P.R., L.L.C. 201-641-1812
138 1 ACTING CHAIRMAN AUFIERO: Anybody from 2 the public have any concerns or comments for 3 Mr. Spatz? 4 MR. BERN: No. 5 ACTING CHAIRMAN AUFIERO: None. 6 Can I have a motion to close the public 7 portion? 8 MR. SOKOLICH: The concludes our 9 application and presentation and testimony, 10 Mr. Chairman. 11 CHAIRWOMAN STAR: Wait. 12 COUNCILMAN KWAK: I'll make a motion. 13 MR. KANG: Second. 14 ACTING CHAIRMAN AUFIERO: All in favor? 15 (Whereupon, all present members respond 16 in the affirmative.) 17 MR. SOKOLICH: Sorry. 18 I had done that to you all night. 19 That concludes our witness and direct 20 presentation. 21 I believe Mr. Bern has a witness 22 however. 23 ACTING CHAIRMAN AUFIERO: Okay. 24 MR. BERN: I do. 25 MR. SOKOLICH: Perhaps we can give the LAURA A. CARUCCI, C.S.R., R.P.R., L.L.C. 201-641-1812	140 1 ACTING CHAIRMAN AUFIERO: All in favor? 2 (Whereupon, all present members respond 3 in the affirmative.) 4 MR. BERN: As I stated before, I 5 represent the owner of the adjoining property Neil 6 Rubenstein, N&R Scientific. They're at 462-464 11th 7 Street. 8 They're obviously directly impacted by 9 this property -- by this proposal and we've been here 10 before. We were here when they were at the Zoning 11 Board. We're here now at the Planning Board. 12 I have one witness to present tonight 13 Charles Baldanza. 14 If I could have him sworn in and we 15 could go through his credentials. 16 I don't know if he's appeared before 17 you before but... 18 MR. NOH: Sir, do you swear to tell the 19 truth and nothing but the truth pertaining to this 20 application, so help you God? 21 MR. BALDANZA: I do. 22 C H A R L E S B A L D A N Z A, RA, PE, PP 23 625 Westwood Avenue, Suite 204, River Vale, New 24 Jersey, having been duly sworn, testifies as 25 follows: LAURA A. CARUCCI, C.S.R., R.P.R., L.L.C. 201-641-1812

141 1 MR. NOH: Please state your name and 2 spell your last name for the record, sir. 3 MR. BALDANZA: Okay. Name is Charles 4 L. Baldanza, last name is spelled B-A-L-D-A-N-Z-A. 5 MR. NOH: Thank you. 6 THE COURT REPORTER: Your business 7 address? 8 MR. BALDANZA: My business address is 9 625 Westwood Avenue, Suite 204, River Vale, New 10 Jersey. 11 THE COURT REPORTER: Thank you. 12 VOIR DIRE EXAMINATION 13 BY MR. BERN: 14 Q. Charles, let's give the board the 15 benefit of your credentials. 16 Go slowly and let's do them one at a 17 time. 18 A. Okay. 19 I have a master degree in architecture 20 from NJIT. 21 I've had my own design firm since 2014, 22 so I'm a registered architect, a professional 23 engineer and professionals planner. 24 My licenses are all in good standing. 25 I regularly testify in front of boards throughout LAURA A. CARUCCI, C.S.R., R.P.R., L.L.C. 201-641-1812	143 1 DIRECT EXAMINATION 2 BY MR. BERN: 3 Q. Charles, you visited the site and 4 you're familiar with the layout? 5 A. Yes. 6 Q. You've reviewed the plans of the 7 Applicant? 8 A. Yes. 9 Q. And you heard testimony this evening -- 10 A. Yes. 11 Q. -- of the witnesses. 12 You've reviewed the board professional 13 reports to the extent that we have access to them, 14 correct? 15 A. Yes, I -- I reviewed the -- 16 particularly the Collier's letter February 17th, 17 2026. 18 Q. Okay. 19 And you're representing N&R Scientific 20 Neil Rubenstein the owner of the adjoining property? 21 A. Yes. 22 Q. And you're going to give the Board the 23 benefit of your observations and concerns as relates 24 to this proposal, which we know is the result of a 25 court settlement, but nonetheless we have some LAURA A. CARUCCI, C.S.R., R.P.R., L.L.C. 201-641-1812
142 1 northern New Jersey. 2 I have never been in Palisades Park 3 before, but first time's a charm I guess. 4 MR. SOKOLICH: We have no objection, 5 Counsel. 6 MR. NOH: Neither do I. 7 We'll accept you as an expert -- 8 MR. KAUKER: Is he providing testimony 9 under all three? 10 MR. BERN: He's testifying primarily as 11 an engineer. 12 I don't know if we need planning 13 testimony, but comment on the architecture as well, 14 if you -- if you have comments on that. 15 MR. BALDANZA: Okay. 16 MR. BERN: Is that satisfactory? 17 ACTING CHAIRMAN AUFIERO: Yeah, 18 planning is really -- 19 MR. SOKOLICH: We're familiar with 20 Mr. Baldanza's credentials. 21 He's highly respected. 22 If there's overlap from expertise to 23 expertise we have no objection. 24 MR. BERN: Thank you. 25 LAURA A. CARUCCI, C.S.R., R.P.R., L.L.C. 201-641-1812	144 1 concerns to talk about with regard to the site and 2 the development, correct? 3 A. Yes. 4 Q. Okay. 5 Why don't you first tell us, in terms 6 of the review of the documentation and the testimony 7 that you heard this evening from the Applicant's 8 witnesses, what you feel may be lacking and what 9 raises questions in your mind that you feel the board 10 would benefit from hearing additional information? 11 A. Okay. 12 If I may use the -- the plans that are 13 here. 14 MR. SOKOLICH: Yeah, of course. 15 You want that, Charles. 16 THE WITNESS: Okay. 17 MR. SOKOLICH: Is this the one you 18 want, do you want the site plan? 19 THE WITNESS: Yes. 20 So I'm going to start with -- you don't 21 have to help me. It's okay. 22 MR. SOKOLICH: You got it? 23 THE WITNESS: Yes. 24 Okay. So I have the -- the second page 25 this is -- this is the -- the survey, I wanted to LAURA A. CARUCCI, C.S.R., R.P.R., L.L.C. 201-641-1812

145 1 look at the survey. 2 So -- okay, so I met with 3 Mr. Rubenstein and his expressed his concerns that I 4 view and saw that he was talking about. 5 So Mr. Rubenstein owns this these two 6 buildings that are to the west of the proposed site. 7 And both of these buildings, which he 8 occupies for his business, there's CMUs so they're 9 masonry one-story buildings. 10 And they both have severe cracks in 11 their rear walls. 12 The rear walls are -- on the 13 architectural plans they're 9 foot off so we -- we 14 heard they're 8 to 9 foot off the property line. 15 And, of course, this is where the new 16 building is proposed. So I noticed several large 17 cracks in the rear, so there's extreme settlement 18 cracks in the these building. And also the floor 19 slab is cracked. 20 And I heard the testimony from the 21 engineer about the certification and the proper 22 engineering procedures, what I -- what I suggested 23 even before hearing that testimony was that, you 24 know, the process should involve my client, just due 25 to the nature of his existing buildings and his LAURA A. CARUCCI, C.S.R., R.P.R., L.L.C. 201-641-1812	147 1 pick on the surveyor or to protest it too many, but I 2 would have liked to see more grades along the rear 3 property line, over the property line so we could see 4 what the impact is. 5 I do see a few different grades, you 6 know, 305 -- there's even a 305. I believe that the 7 -- that the basement is 291. 8 I think good engineering practice would 9 be that there'd be 30 degree angle, without a soil 10 report I would have to assume 30 degree angle from 11 the bottom of footing to bottom of footing to ensure 12 stability. 13 Okay. I want to talk about a couple 14 other issues. We have, existing, again these 15 buildings have been here, I don't know how old they 16 are, but I would recommend -- I would under that they 17 would -- they must be at least 60 years old. 18 MR. RUBENSTEIN: 70. 19 THE WITNESS: So they've been there -- 20 70 years old. Okay. 21 So we have -- we have our roof leaders 22 drain down right at grade. So we have our roof 23 leaders draining down and, quite frankly, they go 24 wherever you would think water would go which would 25 be downhill. Okay? So we have a concentrated flow LAURA A. CARUCCI, C.S.R., R.P.R., L.L.C. 201-641-1812
146 1 concerns about -- and, frankly, I think there's valid 2 engineering concerns about the structure being build. 3 We didn't here about the foundations. 4 I don't know if there was a stormwater report. I 5 certainly have that seen one, whether piles are going 6 to be driven? What kind of equipment is going to be 7 in this 18-foot gap between buildings. 8 Remember there's an 18-foot gap, but 9 there's only 9 feet for them to work on. So there -- 10 so it is a very constrained space. 11 Again 6-foot building, we heard about 12 how high it is 60-plus feet. 13 And definitely my engineering 14 recommendation is that the process should involve 15 Mr. Rubenstein and his professionals to make sure -- 16 I believe the building should be monitored. I 17 believe that -- again, I don't want to get into the 18 engineering nuts and bolts. 19 And I would be anxious to see what the 20 Applicant's, you know, structural engineer came up 21 with, but -- but, again, I -- I do think it's a -- 22 it's a matter of engineering concern. 23 The -- the existing structure -- I 24 should also point out that there's a chimney, and 25 they're not depicted on the survey, I don't want to LAURA A. CARUCCI, C.S.R., R.P.R., L.L.C. 201-641-1812	148 1 of water and, you know, in looking at this and 2 evaluating this, I want to make sure that that flow 3 is not obstructed. We don't want to have a situation 4 where, you know -- and, again, even going to the 5 Collier's report, one of the comments was they wanted 6 to see the -- the grading outside the footprint of 7 the building, well, this is outside the footprint of 8 the building between the -- you know, 9 feet between 9 the property line. 10 We want to make sure that that existing 11 roof flow and stormwater flow is not in any way 12 obstructed or hindered or in anyway changed from the 13 existing condition because not only would that 14 provide a -- a real detriment to our property, but it 15 could also further undermine these walls and these 16 foundations of Mr. Rubenstein's building. 17 I do want to point out I -- I heard the 18 -- the testimony and I looked at the plans, the 19 Collier's report identifies this as not a major 20 development for stormwater. I would really have 21 thought really it would be good practice for there to 22 be, you know, a diagram or some kind of calculation 23 of the existing condition -- you see that it says 24 existing broken bituminous on, you know, at least a 25 large portion of the lot. LAURA A. CARUCCI, C.S.R., R.P.R., L.L.C. 201-641-1812

149 1 I understand that's there. That's 2 where all the cars park. 3 I don't know if that's impervious 4 existing right now. There certainly could be a 5 scenario that this would be a major stormwater 6 development. 7 And again I just think it would be good 8 engineering practice that that would be explored 9 before -- before the -- you know, before this went 10 too far due to the fact that if the requirements of a 11 major development were to apply it could potentially 12 change what the overall strategy on the project. 13 Those -- those were the principal 14 concerns that I had. 15 BY MR. BERN: 16 Q. Charles, you heard the testimony about 17 other impacts on the -- on our property with regard 18 to lighting. 19 Are we satisfied about the answer 20 regarding spillage onto the property and impacts of 21 the cars circulating in that parking deck? 22 A. Yeah. I -- I heard the testimony, I 23 believe -- I don't want to misrepresent -- I believe 24 the testimony was that the -- the one footcandle 25 would be visible, you know, if that's -- if that's LAURA A. CARUCCI, C.S.R., R.P.R., L.L.C. 201-641-1812	151 1 see that design. 2 And you know I would -- I would 3 recommend to Mr. Rubenstein that he would make sure 4 that, you know, he was part of the process to make 5 sure that -- that that was designed. 6 Q. So as a condition of approval that 7 should certainly be required by the board, correct? 8 A. Yes. 9 MAYOR KIM: What should be required by 10 the board? 11 MR. SOKOLICH: No, no. 12 We're not consenting to that yet, to be 13 clear. 14 MAYOR KIM: Well, that's my -- what 15 was. 16 MR. BERN: No, no, that's -- that's 17 what the -- 18 MR. SOKOLICH: The request is. 19 MR. BERN: -- the board engineer 20 discussed that earlier. 21 That's not something we're bringing up 22 that's new. 23 BY MR. BERN: 24 Q. Right, certification for the -- for the 25 structure of the wall? LAURA A. CARUCCI, C.S.R., R.P.R., L.L.C. 201-641-1812
150 1 the case then that's a condition of approval I would 2 think, I would think that would be acceptable but... 3 MR. SOKOLICH: And that's correct. 4 BY MR. BERN: 5 Q. And any other concerns about grading or 6 soil or they -- we don't have a retaining wall, but 7 we have the foundation of the adjacent building. 8 A. Correct, yes. 9 Q. And are we satisfied in terms of the 10 specifications for that? 11 A. As far as? 12 Q. As far as what -- how that has to be 13 evaluated and certified. 14 Any concerns about that? 15 A. I'm sorry. 16 Q. The wall? 17 A. The wall, well, we heard the wall -- 18 you know, we heard that they're going to retain a -- 19 a structural engineer, you know, if they were to get 20 approved. 21 Again from hearing Mr. Rubenstein's 22 concern it would seem that this is a condition of his 23 property. 24 My recommendation would be I would like 25 to see that report sooner than later, I would like to LAURA A. CARUCCI, C.S.R., R.P.R., L.L.C. 201-641-1812	152 1 A. Yes. 2 MR. SOKOLICH: Yes, that's -- that's no 3 problem. 4 MR. BERN: Yes. 5 MR. SOKOLICH: But that wasn't the 6 context that you said cooperation. 7 MR. BERN: No, I think he -- I mean 8 it's going to be public information. 9 MR. SOKOLICH: Understood. Understood. 10 MR. BERN: That's all that we're 11 looking for. 12 BY MR. BERN: 13 Q. Any other proposed conditions, if the 14 board approves this project? 15 A. Well, really I mean what -- what -- 16 what Mr. Rubenstein was -- was mentioning to me about 17 -- about his concerns about the parking and just how 18 it impacts 11th Street. 19 And if there's any, you know, he's 20 concerned about there being overflow, I could hear, 21 you know, the testimony from -- from the witnesses. 22 It's a unique situation where -- and I believe the 23 Mayor talked about that with the loading dock that's 24 -- that's not Mr. Rubenstein's loading dock, but he's 25 around the corner on 11th Street where you certainly LAURA A. CARUCCI, C.S.R., R.P.R., L.L.C. 201-641-1812

153 1 have a situation where we're introducing the -- you 2 know, parking, with people looking for parking 3 spaces, and with the existing uses like the 4 industrial use that Mr. Rubenstein has, and truck 5 deliveries and loading on 11th Street and we 6 discussed just the impact, you know, that possibly 7 could have on his operations. 8 Q. Any other -- any other issues with 9 regard to conserving the structural issues in 10 Mr. Rubenstein's building, the shoring or any other 11 detail that -- 12 A. Yeah, well, like I said we have the -- 13 I heard the testimony about the certification of 14 stability for the building permit being -- being 15 issued, you know, it's just something I suggested to 16 Mr. Rubenstein would be, you know, I mean I -- they 17 haven't provided anything, they said they're going to 18 provide it so, you know, I suggested that, you 19 know -- 20 Q. And the applicant did offer -- 21 A. That he be part of -- 22 Q. -- the landscaping? 23 A. -- that -- of that discussion. And, 24 you know, and at least have an opportunity to review 25 it. LAURA A. CARUCCI, C.S.R., R.P.R., L.L.C. 201-641-1812	155 1 THE WITNESS: Well -- 2 MR. RUBENSTEIN: Erosion behind the 3 building currently existing. 4 THE WITNESS: Well, I will -- I will 5 mention one thing about the sewerage is 6 Mr. Rubenstein's buildings on septic, so we have 7 preexisting septic. I heard the testimony and I saw 8 the plans about what they're planning on doing that 9 they're extending the pump station and that they will 10 be going right past 11th Street. And the question 11 then Mr. Rubenstein and I had discussed was I am 12 after all this is a planning board, whether anybody 13 was planning for the eventual development and 14 redevelopment of 11th Street or even the current -- 15 keeping the current uses, getting them off septic, if 16 there's any provisions being made with the TWA 17 application that they're going to be making, for the 18 expansion of area or if they were just going to be 19 focusing on -- literally on the needs of their own 20 without taking into account the neighborhood 21 considerations. 22 BY MR. BERN: 23 Q. Something for the board engineers, I 24 guess, to review as well? 25 A. Yes. LAURA A. CARUCCI, C.S.R., R.P.R., L.L.C. 201-641-1812
154 1 Q. Okay. 2 And the applicant offered landscaping 3 for the buffer between the buildings? 4 A. I did hear that, yes. 5 Q. And that should help mitigate the bulk 6 of the building as it affects our property, correct? 7 A. Well, I -- I didn't really hear the 8 specifics, so I -- I'm -- as a general rule I would 9 say more landscaping is better and certainly I heard 10 that the -- that that was going to be added. 11 I don't believe it's on the existing 12 plan. 13 Q. I believe the Applicant is offering a 14 landscape plan to the -- 15 MR. SOKOLICH: Which will include that. 16 BY MR. BERN: 17 Q. -- to be reviewed by the -- whoever it. 18 MR. SOKOLICH: On the board staff. 19 BY MR. BERN: 20 Q. Okay. On the board staff reviews it. 21 Do we have anything else? Any other 22 concerns? 23 A. No. 24 MR. RUBENSTEIN: Sewerage? Cesspool? 25 Sewage on the street? LAURA A. CARUCCI, C.S.R., R.P.R., L.L.C. 201-641-1812	156 1 MR. BERN: Nothing further? 2 Any question or -- 3 MR. O'BRIEN: It's not part of -- as 4 far as the borough goes, that's not part of the 5 borough's design, planning or anything at this time. 6 THE WITNESS: What's that? I'm sorry. 7 MR. O'BRIEN: The septic. 8 THE WITNESS: Okay. 9 MR. O'BRIEN: Converting from septic to 10 a borough pump station or anything in that area, that 11 has not been -- that's has not been discussed. 12 MAYOR KIM: You're saying that one 13 might develop later? 14 MR. BERN: Are all those buildings on 15 septic, do you know? 16 MR. O'BRIEN: I don't know. 17 MR. RUBENSTEIN: Can I say something? 18 I know you have attorneys here. 19 MR. SOKOLICH: No, no. We would 20 object. 21 MR. RUBENSTEIN: Come on, what am I 22 going to do? 23 MR. NOH: Counsellor? 24 MR. SOKOLICH: Yeah, so I have a few 25 questions. LAURA A. CARUCCI, C.S.R., R.P.R., L.L.C. 201-641-1812

157 1 CROSS EXAMINATION 2 BY MR. SOKOLICH: 3 Q. So, Charles, just to clarify something 4 you do a lot of this work? 5 A. Yes. 6 Q. Did you ever do a TWA permit 7 application prior to obtaining Planning Board 8 approval? 9 A. I don't know that I necessarily said 10 you were going to do a TWA before, what I was saying 11 was any consideration being taken into account -- 12 Q. I didn't ask you that. 13 Did you ever file a TWA application 14 with the appropriate agency before you got planning 15 or Zoning Board approval? 16 A. I don't recall that. 17 Q. All right. 18 So you're -- the initial part of your 19 testimony articulates these severe cracks in the 20 floor, in the wall. 21 I have to ask you, is this a safe 22 structure? 23 A. I don't -- I don't have any reason to 24 believe the structure is unstable to the point that 25 it's going to collapse. I -- I -- LAURA A. CARUCCI, C.S.R., R.P.R., L.L.C. 201-641-1812	159 1 to accommodate and take into account the structurally 2 unsound condition of your client's building, and we 3 now also have to take into account your lack of any 4 stormwater management on your property because I 5 think your position is we'll make sure -- hold on -- 6 A. Yeah. 7 Q. -- make sure Applicant you take care of 8 the water that we're running off onto your property 9 because we don't have any gutters or leaders or 10 seepage or any type -- 11 (Simultaneous Speaking.) 12 A. Well -- 13 Q. -- of retention on our site? 14 A. -- it's to be -- 15 Q. Do you -- I'm not done with the 16 question. 17 Do you find that fair? 18 A. I do find it fair because -- 19 Q. You do? Okay? 20 A. -- sometimes, you know, that's -- 21 that's what you need to do in order to develop this 22 property safely. 23 Q. All right. 24 So do you know the last septic system 25 that was built in Palisades Park? LAURA A. CARUCCI, C.S.R., R.P.R., L.L.C. 201-641-1812
158 1 Q. Is it stable? 2 A. It appears the cracks have been there 3 for quite some time. 4 Q. Because wouldn't you agree that it's an 5 unfair burden on this Applicant to now have to really 6 take incredibly high standards of safeguards because 7 with all due respect to Mr. Rubenstein, he hasn't 8 taken care of his building, if these cracks are 9 there. 10 A. I don't know that it's a matter of -- 11 maybe it's -- I don't think it's unfair because I did 12 hear that you're going to be filing a certification 13 of stability so -- 14 Q. Which we are. 15 A. So I don't think that's an unfair 16 burden. 17 Q. Which we are -- 18 A. I'm alerting you to the fact that we 19 have a special situation where we have some severe 20 cracks in a building that you're going to be getting 21 close to. 22 Q. So -- 23 A. I would think that would be in both of 24 our interests that you take that into account. 25 Q. So we have to take special safeguards LAURA A. CARUCCI, C.S.R., R.P.R., L.L.C. 201-641-1812	160 1 A. I don't know. 2 Q. I can tell you I don't think there's 3 been one in the last 40 or 50 years? 4 A. Okay. 5 Q. And thereto, I mean I think you're -- I 6 think you are taking the position that the utilities 7 that my client needs to design needs to take into 8 account expansion and redevelopment of other 9 buildings on the block in addition to his own. 10 You don't find that to be an onerous 11 burden on this Applicant? 12 A. I think plenty -- again, the idea is 13 this is a planning board we're here to discuss 14 planning. We're here to discuss, you know, future 15 development we're part of your -- part of a 16 neighborhood, we're all part of the neighborhood, 17 Mr. Rubenstein and you, and thinking about how this 18 was going to develop rather than just saying, hey, 19 I'm doing the to minimum and everybody can go shove 20 it. 21 Q. No, I got it, Charles, but good 22 neighbors don't spill off onto neighbors' properties 23 their water, right? 24 A. Well, the water's -- 25 (Simultaneous Speaking.) LAURA A. CARUCCI, C.S.R., R.P.R., L.L.C. 201-641-1812

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1 Q. Good neighbors -- right, I got it.
2 But good neighbors don't have septic
3 directly next door. I mean the building that -- the
4 owner and the building that you're representing here,
5 let's face it, is not in good condition. And we get
6 it. And we're going to have to be cognizant of that,
7 put I think what you're asking this Applicant to do
8 that you want to be involved in the design of the
9 utilities. You want the utility designed by the
10 Applicant to incorporate other buildings and take
11 into account Smart Growth in the area.
12 I don't know any ordinance in New
13 Jersey that would obligate him to do that.
14 And I can assure you the ordinances
15 here in Palisades Park don't obligate him to do that.
16 Your distinction of a major project for
17 stormwater I believe the criteria is whether or not
18 the property exceeds an acre in size.
19 This is below an acre would you not
20 agree?
21 A. I would agree, but I don't think you
22 asked the questions correctly because I think the
23 question is you receive a one-quarter acre of new
24 impervious surfaces and what I'm pointing out is
25 there has been no evidence that you're not.

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1 Q. Okay.
2 A. I asked for a diagram. I asked for
3 something just to -- so we could be assured that
4 you're not.
5 Q. Not what?
6 A. Exceeding one-quarter acre which would
7 make it a major development for storm water.
8 Q. But isn't that answered already just by
9 virtue of the size of the property now? Isn't that
10 the standard --
11 A. Well, there's a two prong -- no, it's
12 not because there's a two prong -- there's a
13 two-prong question there. Okay?
14 One question is are you creating -- are
15 you disturbing more than one acre. Okay?
16 Now, I'll give you that.
17 Q. Go ahead, Charles. I'm sorry.
18 A. Or are you adding one-quarter acre of
19 impervious coverage that would make it a major
20 development for DEP standards.
21 Q. Okay.
22 A. That's my question.
23 Q. We would disagree with that
24 interpretation, but --
25 A. Okay.

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1 Q. -- I hear your position respectfully?
2 MR. SOKOLICH: Anything else, Steve?
3 We're good.
4 Thank you Charles.
5 THE WITNESS: Okay.
6 MAYOR KIM: I have a question.
7 ACTING CHAIRMAN AUFIERO: Yes, sir.
8 MAYOR KIM: Why would you mention the
9 crack when they didn't do construction?
10 THE WITNESS: I mention the cracks
11 because my -- my client has a building. He uses it
12 for his business --
13 (Simultaneous Speaking.)
14 MAYOR KIM: Well, what is his current
15 --
16 THE WITNESS: -- he's been there --
17 MAYOR KIM: -- situation -- I'm sorry.
18 The crack's there.
19 THE WITNESS: Yes.
20 MAYOR KIM: It's been there are for a
21 while?
22 THE WITNESS: Yes.
23 MAYOR KIM: It doesn't happen
24 overnight.
25 THE WITNESS: Yes.

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1 MAYOR KIM: So my question to you is,
2 why are you concerned that a crack that's probably to
3 have been remedied through maintenance --
4 THE WITNESS: Well, I don't want it to
5 get worse because of this construction.
6 It's probably been there a long time.
7 MAYOR KIM: Isn't it better to prevent
8 water from seeping in to all the open areas in order
9 to clear it, I think that's part of maintenance, no.
10 MR. RUBENSTEIN: Can you say something
11 since I'm the guy that has the cracks --
12 MAYOR KIM: I don't know.
13 MR. NOH: No, you have an attorney,
14 sir.
15 MR. RUBENSTEIN: Well --
16 MR. NOH: You have an attorney.
17 THE WITNESS: I will also say that so
18 -- Mr. Rubenstein, and I observed this, has patched
19 the cracks superficially to prevent water
20 infiltration.
21 The fact of the matter is there are
22 cracks there.
23 I could have also gone in there --
24 MAYOR KIM: What is the relevance?
25 THE WITNESS: What's that?

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165 1 MAYOR KIM: I don't know the relevance 2 right now. 3 Please explain, what does the current 4 situation cracks have to do with a future 5 development? 6 THE WITNESS: Well, because of alerting 7 everyone to the fact that you have a buildings that, 8 yes, it's not in the greatest condition but he 9 certainly has a right to be in it and we're -- we're 10 going to be constructing a very large building very 11 close to the property line. 12 So the point would be, it's not that 13 I'm asking them to fix the building, the Applicant. 14 I'm not saying you need to fix it. 15 What I'm saying is you need to monitor 16 it to make sure it doesn't get any worse. 17 Just provide the monitoring which can 18 be done by an engineering firm. It could be done by 19 an engineer hired by Mr. Rubenstein. It could be his 20 own engineer. 21 But the monitoring is done so we can -- 22 we can make sure that it's not getting further 23 destabilized and -- and -- and as I said you know 24 it's right at the base of this rather large drop off. 25 So the way it was constructed, I mean LAURA A. CARUCCI, C.S.R., R.P.R., L.L.C. 201-641-1812	167 1 -- on the cinderblock wall -- 2 THE WITNESS: Yes. 3 MAYOR KIM: -- the usual process, 4 correct me if I'm wrong, is they'll come to our 5 building department and complain or we put a 6 stipulation which is obvious, we don't even need to 7 put a stipulation on this. 8 If there's a damage that they can prove 9 is because of your building, isn't that a private 10 matter? 11 MR. SOKOLICH: But, Mayor, we need to 12 establish a baseline here because if we believe that 13 this building is in the condition that Mr. Baldanza 14 indicates that it's in, we need to know, and I think 15 that the Applicant -- this neighbor should agree to 16 provide us with an engineering report. We'll do a 17 video survey because now we're quite frankly 18 concerned about going on our property cause we 19 certainly don't want to assume the burden of 20 mismanagement on the adjacent building. 21 So I think we should be provided with 22 access, Doug, so we to do maybe a little filming and 23 understand exactly what's going on that there because 24 I will tell you apples to oranges -- and I'm not 25 accusing anyone -- if we didn't learn about these LAURA A. CARUCCI, C.S.R., R.P.R., L.L.C. 201-641-1812
166 1 the settling probably happened very earlier after it 2 was built, in my opinion. So I don't know that it's 3 moved. 4 But if you go and take that -- that 5 hill out and you put all kinds of heavy equipment 6 there without the proper planning and the proper 7 design, I mean it certainly can be done. 8 I'm not saying it can't be done, but -- 9 MR. BERN: Isn't it -- 10 MAYOR KIM: But in the Planning Board 11 even with good plans -- 12 THE WITNESS: Yeah. 13 MAYOR KIM: -- the neighboring resident 14 will come to us -- 15 THE WITNESS: Yes. 16 MAYOR KIM: -- they're worried. They 17 say, you know, this construction there's rumble, 18 might - might damage our infrastructure -- 19 THE WITNESS: Yes. 20 MAYOR KIM: -- in our home. 21 I get that. 22 But then we make sure the development, 23 you know, if there was a cause, if there's damage to 24 the neighbor's infrastructure, whatever, widows 25 broken because of a shade or there's a crack on the LAURA A. CARUCCI, C.S.R., R.P.R., L.L.C. 201-641-1812	168 1 structural cracks today I guarantee you we'd be 2 paying for them the day we started excavation. 3 And that wouldn't be fair. 4 MR. RUBENSTEIN: Would somebody let me 5 talk for a minute please. 6 MR. BERN: I want to say -- 7 MR. RUBENSTEIN: It's not complicated. 8 It's a very simple matter. 9 MR. BERN: Wait a second. 10 I want to say two things. 11 First, these properties were under 12 common ownership years ago so, you know, whatever the 13 arrangements was with the septic went along with the 14 common ownership. Okay? That's number one. So no 15 one's at fault here. 16 And, number two, this -- I think what 17 Mr. Baldanza is describing is something that would be 18 typically done in the event of other heavy 19 construction, blasting, or whatever so -- 20 MAYOR KIM: This is a private matter. 21 You sue each other for that, right? 22 MR. BERN: Yeah, yeah. 23 Well, we just want care taken because 24 the proximity of a large, large building here is 25 9 feet away from us. LAURA A. CARUCCI, C.S.R., R.P.R., L.L.C. 201-641-1812

169 1 So I think that's, you know, a 2 reasonable concern. That's what we're asking for. 3 And certainly you know anyone could 4 come and visit the property, takes photos, whatever, 5 prior to construction. 6 MAYOR KIM: Practical standards. 7 That's standard protocol. 8 ACTING CHAIRMAN AUFIERO: Especially he 9 after tonight's meeting, I'm sure extra care will be 10 taken by this developer -- 11 MAYOR KIM: I mean every single thing 12 they should take care -- 13 ACTING CHAIRMAN AUFIERO: -- to maintain 14 your -- 15 MAYOR KIM: -- of because there will be 16 a lawsuit -- 17 MR. BERN: -- basically unsafe 18 structure. 19 MR. RUBENSTEIN: It's not going to be a 20 lawsuit. 21 Can I just speak for a minute please? 22 There is no -- 23 MAYOR KIM: You'll get an opportunity, 24 sir, at the public participation. 25 MR. NOH: You have counsel representing LAURA A. CARUCCI, C.S.R., R.P.R., L.L.C. 201-641-1812	171 1 Counsel. 2 THE WITNESS: Yes. 3 MAYOR KIM: He's represented by 4 Counsel, I -- you know, I notice -- 5 MR. RUBENSTEIN: I'll fire the Counsel. 6 Can I speak? 7 MR. NOH: Sir, you have your attorney 8 present representing you. 9 He's going to have to speak on your 10 behalf. 11 MS. TARABOCCHIA: Excuse me, I have a 12 question, just for you and you're anticipating that 13 because of this construction there would be some kind 14 of blasting or digging, excavating that you feel that 15 might jeopardize the foundation of their structure 16 that they have spillage on to the Objector's 17 property. 18 Is that what you're stating? 19 THE WITNESS: Well, I'm just -- I'm 20 just suggesting that, again, it's not much different 21 than what was testified to that there's a 22 certification of stability going to be provided. 23 What I was suggesting was that -- 24 MAYOR KIM: Shush, guys, too many noise 25 in the back. LAURA A. CARUCCI, C.S.R., R.P.R., L.L.C. 201-641-1812
170 1 you, sir. 2 MR. BERN: Yes, after Mr. Baldanza 3 we'll hear from Mr. Rubenstein if that's okay. 4 MR. RUBENSTEIN: If you want -- 5 BY MR. BERN: 6 Q. All right. Charles, anything else? 7 There may be other questions of professionals -- 8 MR. RUBENSTEIN: My attorney, I'm 9 talking to you, would you please ask him about the 10 erosion, don't -- don't -- 11 ACTING CHAIRMAN AUFIERO: Sir, if 12 you're going to speak you have to stand up, state 13 your name, address and we're going to limit you to 14 about five minutes. 15 MAYOR KIM: But he's a public -- 16 MR. RUBENSTEIN: That's fine. 17 ACTING CHAIRMAN AUFIERO: No, he's 18 represented by -- 19 MAYOR KIM: He's got to be sworn in. 20 MR. SOKOLICH: He's represented by 21 Counsel. 22 BY MR. BERN: 23 Q. Charles, do you have any remarks about 24 the erosion behind the -- behind the building. 25 MAYOR KIM: He's represented by LAURA A. CARUCCI, C.S.R., R.P.R., L.L.C. 201-641-1812	172 1 THE WITNESS: -- due to the condition 2 of the buildings which I pointed out -- 3 MAYOR KIM: There's too much noise in 4 the back. 5 THE WITNESS: I believe that -- that 6 that my -- my client should be part of the process 7 due to the special arrangements, I don't -- I don't 8 believe that the building is going to fall down 9 tomorrow, but I -- but I am stating that there are 10 some structural issues and that just due to the 11 proximity I don't know the exact nature of the 12 foundation. I don't know if it's driving piles or 13 what they're doing or if there's any rocks that need 14 to be blasted or anything. 15 MAYOR KIM: What's the width of that 16 green area. 17 THE WITNESS: Well, it's 9 feet. 18 This is 9 feet off and then the 19 proposed is 9 feet to the property line. 20 So it's 18 feet. 21 MAYOR KIM: 18 feet. 22 THE WITNESS: It's 18 feet, but they 23 have 9 feet on their side so that -- so the 9 feet on 24 our side which is just like a sidewalk. 25 MAYOR KIM: Guys, I'm asking you guys LAURA A. CARUCCI, C.S.R., R.P.R., L.L.C. 201-641-1812

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1 keep it quiet.

2 Thank you.

3 THE WITNESS: So you know you -- you

4 hear 18 feet it's one thing, they're going to be

5 cutting trees and -- and then there's going to be --

6 but -- but I mean obviously they're not going to be

7 working on our side that -- that reduces it down to

8 9 feet.

9 So there's going to be an excavation

10 all the way down -- I mean I think we're at 300 --

11 we're more than 300, we're at 305 at this one spot

12 elevation here.

13 And they're going to be done at 291, I

14 believe, is their finished floor of their garage.

15 So there's quite a bit of excavation

16 and -- and that's where question two came up about

17 the erosion. I mean there is a situation here where

18 there's some retaining walls, you know, I understand

19 that they're going to be putting this new wall in.

20 And the only real issue I think just to

21 me is the means and methods by which they're going to

22 be constructing that and trying to ensure that it

23 doesn't have an -- an impact.

24 And, again, what I'm really just asking

25 or what I suggested was that -- that there be some

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1 transparency between the town and their experts that

2 -- that we're just aware of, you know, how -- how

3 this is going to come about.

4 MS. TARABOCCHIA: The property is

5 currently vacant.

6 The projected property is vacant.

7 THE WITNESS: Well, yes --

8 MS. TARABOCCHIA: So there's nothing

9 being --

10 THE WITNESS: Yes, I think they use it

11 for car storage.

12 MS. TARABOCCHIA: So the only thing

13 they're going to be doing is excavating to build

14 their foundation.

15 They're not blasting -- they're not

16 knocking another structure down.

17 THE WITNESS: They're not -- no,

18 they're not doing demolition.

19 MS. TARABOCCHIA: So there will be

20 spillage over.

21 THE WITNESS: Yeah, I mean again I

22 don't know, I heard something about some

23 outcroppings, but, you know, I don't know what has to

24 be removed because --

25 MR. SOKOLICH: That's on the cliff.

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1 THE WITNESS: Yeah.

2 ACTING CHAIRMAN AUFIERO: Okay.

3 MR. BERN: I have nothing further of

4 this witness.

5 ACTING CHAIRMAN AUFIERO: Okay.

6 MR. SOKOLICH: Nothing further.

7 ACTING CHAIRMAN AUFIERO: Mr. Sokolich?

8 MR. SOKOLICH: Nothing further,

9 Mr. Chairman.

10 Thank you.

11 MR. BERN: So you want to...

12 MR. RUBENSTEIN: Sure, why not.

13 MR. BERN: Wait.

14 MR. NOH: Actually he's represented by

15 you.

16 MR. BERN: Yeah.

17 But he's -- he's a property opener.

18 MR. SOKOLICH: Again, no objection to

19 him making a statement at the end, but he represented

20 by Counsel.

21 MR. BERN: Yes.

22 MR. SOKOLICH: So --

23 MAYOR KIM: When is he allowed to

24 speak, in the public portion?

25 MR. SOKOLICH: Correct.

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1 MR. NOH: No, he's represented by his

2 attorney so he cannot.

3 MR. BERN: Yeah, but he --

4 MAYOR KIM: No, I got it.

5 My question is two representations

6 don't exist at the same time.

7 My questions to the owner is can he

8 speak up at the public participation?

9 ACTING CHAIRMAN AUFIERO: Yes.

10 CHAIRWOMAN STAR: Yes.

11 MR. BERN: Okay.

12 We'll wait for that. Okay.

13 Thanks, Charles.

14 MR. BALDANZA: Thank you.

15 ACTING CHAIRMAN AUFIERO: Thank you.

16 Okay. Can I have a motion to open this

17 portion to the public?

18 COUNCILMAN KWAK: I'll make a motion.

19 MR. KANG: I'll second it.

20 ACTING CHAIRMAN AUFIERO: All in favor?

21 (Whereupon, all present members respond

22 in the affirmative.)

23 ACTING CHAIRMAN AUFIERO: Okay, sir,

24 state your name. Address and you're limited to --

25 MR. RUBENSTEIN: Neil Rubenstein.

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177 1 ACTING CHAIRMAN AUFIERO: -- three 2 minutes, sir. 3 MR. RUBENSTEIN: Sure. 4 Neil Rubenstein, 462-464 11th Street, 5 N&R Scientific. 6 I'd just like to make a couple of 7 things s clear, if I might. 8 There's severe erosion as I was just 9 pointing out on their property, not my property, 10 which is 9 feet away from my property, which over the 11 years has caused the cracking and so forth. 12 MR. SOKOLICH: 18 feet. 13 THE WITNESS: My property is 8 feet 14 from the property line. All right? 15 There is already exactly on their 16 property line there is already severe corrosion -- 17 erosion, which is why I wanted to have a retaining 18 wall there. 19 There is already a retaining wall 20 there. I have photographs of it, that was put in 50 21 or 60 years ago, that will be removed when they put 22 in the new building. That's number one. 23 Number two, again this was all going to 24 down to Long Swamp. This was also filled. This was 25 done 40 years ago when I was there. I was watching LAURA A. CARUCCI, C.S.R., R.P.R., L.L.C. 201-641-1812	179 1 MR. RUBENSTEIN: I'm sorry. 2 MAYOR KIM: Who is responsible for the 3 pumping station? 4 MR. RUBENSTEIN: I don't know. 5 I think it was done with Windsor. 6 Again I'm going back from memory from 7 being here for 50 years, you know, in this building 8 and in others. 9 So my concern is that -- and my 10 concern, again, is with the parking, everybody knows 11 there's not enough parking here. And everybody knows 12 that there's -- Mother's Day, what's going to happen? 13 The kids are going o come. Where are they going to 14 park? No place. They're going to come over to 11th 15 Street in front of my buildings. I'm going to be the 16 old man kicking people -- you know, yelling at the 17 kids on his lawn, get the hell off my lawn. 18 I don't want to do that. I'm 81 years 19 old. I had enough. I don't want to come out and 20 call the cops and tell them to move the cars or 21 whatever. 22 I still got a business running there. 23 I won't have it forever, but somebody else is going 24 to have something in this location. 25 You've got to take all of that into LAURA A. CARUCCI, C.S.R., R.P.R., L.L.C. 201-641-1812
178 1 them put the fill in. 2 So all of this was owned by the DeCarlo 3 family, water would come down, there's a big drop off 4 from 11th Street coming down here. 5 I want to make sure that it get handled 6 properly. It's very simple. I'm not looking to make 7 problem for anybody. 8 In terms of the sewerage in the street. 9 There -- my understanding is that on Edsall Boulevard 10 at the corner of 11th there is currently a pump 11 station, I believe it was put in when the Windsor 12 development was put in. 13 I think it goes up to -- up to Bergen 14 Boulevard. I don't think it goes down on 11th Street 15 down towards Fort Lee. 16 If they're going to increase the size 17 of that pumping station, I'm only asking that that 18 pumping station -- that the increase be enough so 19 that in the future if I or somebody else wants to get 20 rid of septic systems in these building and at my 21 expense put in a sewerage line going to this corner 22 that the work is already done. 23 Just common sense. 24 MAYOR KIM: Who -- who's responsible 25 for the pumping station? LAURA A. CARUCCI, C.S.R., R.P.R., L.L.C. 201-641-1812	180 1 consideration. 2 MAYOR KIM: We can't, sir. We can't. 3 MR. SOKOLICH: We can and we shall we 4 shall. 5 MAYOR KIM: Because Of the fact that -- 6 MR. RUBENSTEIN: Yeah, I heard all of 7 that. 8 MAYOR KIM: We're already in court. 9 MR. RUBENSTEIN: Yes, I've heard all 10 that. I've heard all that. 11 MAYOR KIM: We have no choice. 12 MR. RUBENSTEIN: I want this on the 13 record. I want it clear so that if somehow I decide 14 later, you know what, they screwed up in the courts I 15 want to take -- I want to take something to court, I 16 have got it on the record, which is why Charlie was 17 here today, as -- you know, and he's only seen the 18 property, you know, today. 19 ACTING CHAIRMAN AUFIERO: Okay, sir, 20 your ten minutes is up. 21 MR. RUBENSTEIN: Yeah. Okay. 22 He's get an excellent attorney. I love 23 his attorney when he -- like I said when he fought 24 Christie. 25 Aside from that you're a real pain in LAURA A. CARUCCI, C.S.R., R.P.R., L.L.C. 201-641-1812

181 1 the ass. 2 ACTING CHAIRMAN AUFIERO: All right. 3 Thank you. 4 MR. RUBENSTEIN: And everybody knows 5 it. Okay. 6 ACTING CHAIRMAN AUFIERO: Anybody else 7 from the public? 8 MAYOR KIM: He's making the big moolah, 9 right. 10 ACTING CHAIRMAN AUFIERO: Can I have a 11 motion to close the public? 12 COUNCILMAN KWAK: I'll make a motion. 13 MR. RUBENSTEIN: Oh, by the way -- 14 MR. NOH: Sorry, sir. 15 ACTING CHAIRMAN AUFIERO: Sorry, sir, 16 your time is up. 17 MR. RUBENSTEIN: One second. One 18 second. 19 ACTING CHAIRMAN AUFIERO: Your time is 20 done. 21 MR. RUBENSTEIN: All right. Fine. 22 My time -- so what are you going to do, 23 kick me out? 24 Here are pictures, I was going to -- I 25 got one for everybody. LAURA A. CARUCCI, C.S.R., R.P.R., L.L.C. 201-641-1812	183 1 MR. SOKOLICH: My conclusion is simple, 2 it has nothing to do really too much with the 3 application, it doesn't have anything to do with we 4 don't need variances. It has nothing to do with the 5 settlement reached. 6 It has something to do with the 7 character and the reputation of the individual that 8 owns this property and is going to develop this 9 property. 10 And I can assure you, Mr. Rubenstein, 11 you're not going to have the issues -- 12 MR. RUBENSTEIN: I'll sue you. 13 MR. SOKOLICH: -- stay with me, you're 14 not going to have the issues that you think you are 15 having. 16 MR. RUBENSTEIN: If he croaks and he 17 goes bankrupt -- 18 MR. SOKOLICH: Let me -- 19 MR. RUBENSTEIN: -- that's all my 20 concern is. 21 I'm not -- 22 MAYOR KIM: Sir, sir -- 23 MR. RUBENSTEIN: -- disparaging his -- 24 his character or yours. 25 MR. SOKOLICH: I'm not suggesting that LAURA A. CARUCCI, C.S.R., R.P.R., L.L.C. 201-641-1812
182 1 You can just see what the thing looks 2 like. That's all. 3 Instead of taking about it, you got 4 pictures. 5 MR. SOKOLICH: All right. 6 COUNCILMAN KWAK: I made a motion. 7 ACTING CHAIRMAN AUFIERO: We have a 8 motion. 9 MR. SOKOLICH: All right. 10 ACTING CHAIRMAN AUFIERO: Is there a 11 second to the motion? 12 MR. KANG: I'll second that motion. 13 All in favor? 14 (Whereupon, all present members respond 15 in the affirmative.) 16 ACTING CHAIRMAN AUFIERO: Mr. Sokolich, 17 anybody else? 18 MR. SOKOLICH: I have no one else. 19 I just had a brief closing remark, if 20 the board would indulge me. 21 I don't know if Doug had any closing 22 statement, if he did, you could go. 23 MR. BERN: I reviewed the conditions 24 we're just concerned with some of the conditions 25 being in the resolution. LAURA A. CARUCCI, C.S.R., R.P.R., L.L.C. 201-641-1812	184 1 you are. 2 I'm only suggesting that this is not 3 someone that's going the look to duck responsibility. 4 We are going to submit our plans. 5 Whatever Collier's directs us to do or 6 suggests that we need to do to make sure that we 7 maintain the structural soundness of all the 8 structures in the vicinity, we shall undertake to do. 9 We think we've presented a beautiful 10 building. It's going to benefit the area. I hope 11 it's contagious, quite frankly, and all the 12 properties in the area likewise start to Smart Growth 13 and redevelopment. 14 MR. RUBENSTEIN: I hope so too. 15 MR. SOKOLICH: But I mean you're going 16 to -- and I -- and I note that Mr. Rubenstein knows 17 that so -- an, of course, we're going to -- when we 18 have, to hey, Mr. Rubenstein this is what we're 19 doing. We're going to be good neighbors. We don't 20 want headache along the way. 21 And I would just ask that the board act 22 favorably on the application. 23 And thank you for your indulgence. 24 MR. RUBENSTEIN: Put in some sidewalks 25 up Edsall so your tenants are not going to slip -- LAURA A. CARUCCI, C.S.R., R.P.R., L.L.C. 201-641-1812

185 1 ACTING CHAIRMAN AUFIERO: Thank you, 2 Mr. Sokolich. 3 MR. RUBENSTEIN: -- on the ice going up 4 there. 5 ACTING CHAIRMAN AUFIERO: Sir, please 6 be quiet. 7 MR. RUBENSTEIN: Kick me out. 8 MAYOR KIM: Okay. All right. 9 ACTING CHAIRMAN AUFIERO: So I have a 10 motion on this application? 11 Motion to approve or deny? 12 Does our planner or engineer have any 13 feedback? 14 Planner, engineer, anything. 15 MR. O'BRIEN: Nothing. 16 MR. KAUKER: No. 17 ACTING CHAIRMAN AUFIERO: Okay. 18 Motion to approve this application? 19 MAYOR KIM: Before we make a motion, 20 engineer, you're our guide right now. 21 MR. O'BRIEN: Yes, sir. 22 MAYOR KIM: Any additional comments or 23 recommendations to the board? 24 MR. O'BRIEN: Our engineer report 25 speaks for itself. LAURA A. CARUCCI, C.S.R., R.P.R., L.L.C. 201-641-1812	187 1 area. 2 MAYOR KIM: No, not The hammerhead, we 3 were talking about the flooding. 4 MR. KOESTNER: The buffer zone. 5 MR. O'BRIEN: The buffer zone? That 6 would be up to the Applicant's engineer on how he 7 designs and grades the site. 8 MAYOR KIM: Okay. 9 MR. SOKOLICH: In addition, Mayor, 10 landscape on the berm that we agreed to separating 11 the buildings. 12 MR. NOH: Okay. 13 MR. SOKOLICH: We do consent to 14 compliance with Mr. -- with the Collier's review 15 letter and the other review letters of course. 16 MAYOR KIM: Okay. 17 So we didn't really talk about fire, 18 did we, too much? 19 MR. O'BRIEN: Fire goes to your fire 20 subcode official so whatever your fire subcode 21 official requires as part of the building department 22 review they're required to comply with. 23 MAYOR KIM: So if there's a problem 24 with the fire department they will have to come back 25 to us. LAURA A. CARUCCI, C.S.R., R.P.R., L.L.C. 201-641-1812
186 1 I would make that conditional upon 2 approval, that the Applicant meets all those 3 requirements which you typically do as part of your 4 resolution anyway. 5 I will handle everything through the 6 building department. 7 The couple of reports that they owe us, 8 they will provide us before they start construction. 9 Also the perc tests for the stormwater, 10 the sewer television of the -- televising the sewer 11 line, we're going to need to see that before they do 12 any activity. 13 MAYOR KIM: Did You guys hear that? 14 MR. O'BRIEN: We'll review those, make 15 an assessment of them, good, bad or indifferent, 16 we'll make a judgment call, recommendation, and move 17 forward with this. 18 It's standard process, we do it with 19 every application. 20 And your attorney just attaches n our 21 report as Exhibit A, B, C, whatever you want to... 22 MAYOR KIM: How about the -- you don't 23 recommend any retaining walls where we talked about 24 in the back, it's okay. 25 MR. O'BRIEN: All of that hammerhead LAURA A. CARUCCI, C.S.R., R.P.R., L.L.C. 201-641-1812	188 1 MR. O'BRIEN: Yes. 2 MAYOR KIM: So that will be a 3 stipulation. 4 MR. O'BRIEN: Yes, so the stipulation 5 is fire subcode is going to rule on whatever they 6 have to do with their fire alarms, hose hook-ups, 7 anything else like that. 8 MAYOR KIM: Fire trucks? 9 MR. O'BRIEN: Fire trucks and any -- 10 and if this refuse to do it during that, then the 11 building can then bring everything back here. 12 MAYOR KIM: Bring it back to us. 13 Now what about the garage disposal? We 14 use Westphal they have certain type of specs, trucks, 15 to pick up the garbage with, are we okay with that or 16 does Westphal do this -- 17 MR. O'BRIEN: So -- 18 MR. SOKOLICH: We would -- we would 19 stipulate to -- I'm sorry, Carl. 20 MR. O'BRIEN: Yeah, I -- I -- I am 21 going to agree with what -- I think what both 22 parties' attorneys said. 23 MR. SOKOLICH: We would stipulate to 24 whatever -- whatever they use, we -- the Applicant 25 will provide. LAURA A. CARUCCI, C.S.R., R.P.R., L.L.C. 201-641-1812

189 1 MAYOR KIM: Okay. You got two 2 stipulations, good. 3 The other thing, third stipulation I'd 4 like to add before we propose a pass, is the -- the 5 Applicant provide the sample of the exterior material 6 brick color. 7 MR. O'BRIEN: Oh, yes. The 8 architecturals. Yes. 9 MAYOR KIM: Yeah. We want to see that. 10 And we want to reserve the request 11 because that's one of the few things the Planning 12 Board could request. 13 And also signage, how is that? Signage 14 is okay too? 15 MR. O'BRIEN: I defer to Mike for 16 signage. 17 MR. KAUKER: Yes, they'd have to comply 18 with the requirements of the -- of the Borough. 19 MR. SOKOLICH: Oh, and solar -- 20 MAYOR KIM: So the building department. 21 MR. KAUKER: Yes. 22 MR. SOKOLICH: Solar dead-end sign. 23 MR. KAUKER: Well, they'd have to 24 comply with the signage requirements of the 25 ordinance. LAURA A. CARUCCI, C.S.R., R.P.R., L.L.C. 201-641-1812	191 1 MR. SOKOLICH: Understood. 2 We have them all over town also. 3 Understood. 4 MAYOR KIM: And, you know, we would 5 like to see the color of the -- you're going to show 6 us what -- 7 MR. SOKOLICH: We are. 8 MAYOR KIM: -- you are using to give us 9 an opportunity To recommend a different -- a little 10 but different type of shade -- 11 MR. SOKOLICH: And we're going to 12 provide you with samples, Mayor. 13 MAYOR KIM: -- if it's different than 14 what it is because business right now this color 15 diagram is pretty good. 16 It's pretty good. 17 So we want to see if this is going to 18 be the same please. 19 MR. SOKOLICH: We're going to get you 20 actual samples. 21 MAYOR KIM: Okay. Good. 22 Those are my stipulations with the 23 engineer. 24 Anybody else? 25 (No Response.) LAURA A. CARUCCI, C.S.R., R.P.R., L.L.C. 201-641-1812
190 1 If they don't they have to -- they 2 didn't request a variance. 3 MAYOR KIM: Okay. 4 MR. KAUKER: So the signage, I assume, 5 will comply. 6 MR. O'BRIEN: Yes. So as long as they 7 -- as long as they design -- excuse me -- as long as 8 they design their sign in accordance with the size 9 that's in your ordinance, they're fine. 10 The minute they go larger than that, 11 your building department will flag them and then it 12 will be either remedy it and bring it down in size or 13 if you really want to make the sign that big, go back 14 to the board. 15 MAYOR KIM: Okay. 16 Go ahead. 17 The signs we're looking at. 18 MS. TARABOCCHIA: No, the solar. 19 MR. SOKOLICH: Yes. 20 MAYOR KIM: Oh, and Also we would like 21 you to request a solar -- 22 MR. SOKOLICH: Yes. 23 MAYOR KIM: -- dead-end sign. 24 MR. SOKOLICH: Yes. 25 MAYOR KIM: Big enough to see, for -- LAURA A. CARUCCI, C.S.R., R.P.R., L.L.C. 201-641-1812	192 1 ACTING CHAIRMAN AUFIERO: All right. 2 Then do I have a motion? 3 MAYOR KIM: I'll make a motion. 4 MR. NOH: Motion to? 5 MAYOR KIM: Pass with the stipulations 6 that we just talked about including the engineer, 7 sign, everything that we just talked about. 8 ACTING CHAIRMAN AUFIERO: Oz. 9 Do I have a second. 10 MR. KANG: I second it with the same 11 stipulations. 12 ACTING CHAIRMAN AUFIERO: Okay. 13 Roll call? 14 BOARD SECRETARY KIM: Mayor Kim? 15 MAYOR KIM: Yes. 16 BOARD SECRETARY KIM: Mrs. Star? 17 ACTING CHAIRMAN AUFIERO: No. 18 CHAIRWOMAN STAR: I can't vote. 19 MAYOR KIM: She can't vote on this one. 20 BOARD SECRETARY KIM: She cannot vote 21 on this one. 22 Mr. Aufiero? 23 ACTING CHAIRMAN AUFIERO: Yes. 24 BOARD SECRETARY KIM: Mrs. Tarabocchia? 25 MS. TARABOCCHIA: Yes. LAURA A. CARUCCI, C.S.R., R.P.R., L.L.C. 201-641-1812

193 1 BOARD SECRETARY KIM: Mr. Kang? 2 MR. KANG: Yes, with the stipulations. 3 BOARD SECRETARY KIM: Mr. Han? 4 MR. HAN: Yes. 5 BOARD SECRETARY KIM: Councilman Kwak? 6 COUNCILMAN KWAK: Yes, again with the 7 stipulations and compliance with the engineers. 8 MR. SOKOLICH: Chairman, Mayor, 9 Councilman, Members of the Board, Engaged 10 Professionals, Counsel, thank you very, very much. 11 MAYOR KIM: Mayor. 12 MR. SOKOLICH: We're going to build you 13 a beautiful building. 14 We promise. 15 MAYOR KIM: It's always as pleasure and 16 I cannot afford you. 17 MR. SOKOLICH: Thank you. 18 MAYOR KIM: Thank you and Good luck. 19 MR. SOKOLICH: Thank you so much for 20 your consideration. 21 MAYOR KIM: Counsel, we have 22 15 minutes, we can try just one more or -- 23 CHAIRWOMAN STAR: Which one? 24 MAYOR KIM: Which one? 25 MALE AUDIENCE MEMBER: What time do you LAURA A. CARUCCI, C.S.R., R.P.R., L.L.C. 201-641-1812	195 1 to the July meeting. 2 MS. TARABOCCHIA: Can you announce each 3 case so that they'll know? 4 MR. NOH: Yes. I will do that. Yes. 5 So the Case #26-SP02, Site Plan, 6 Shi Hyun Park for 321 Hillside Avenue, Block 203, 7 Lot 1 8 We'll carry this over to the regular 9 meeting scheduled for July 22nd, at 7 p.m. in this 10 location 11 And we'll carry the notice please. 12 MALE AUDIENCE MEMBER: I didn't hear 13 the first part of that, so you're carrying 321 14 Hillside Avenue case? 15 MR. NOH: Not the -- yes, 321 Hillside. 16 MALE AUDIENCE MEMBER: You're not going 17 to start today? 18 MR. NOH: We can't. 19 We have to go up to 10:00 p.m. and we 20 can only do one more case. We will do change of use. 21 We'll carry this to -- 22 MAYOR KIM: I'm sorry, gentlemen, we 23 can't really predict how this long -- how long this 24 application would be. 25 MALE AUDIENCE MEMBER: Nobody could LAURA A. CARUCCI, C.S.R., R.P.R., L.L.C. 201-641-1812
194 1 end? 2 MAYOR KIM: At 10:00, 10, we're closing 3 down, which application are we doing? 4 We have a standard stop at 10 p.m. 5 We didn't know this was going to be 6 this long. We always close at 10. 7 (Whereupon, off-the-record discussion 8 is held.) 9 MR. NOH: Let the record reflect that 10 Chairperson Arlene Star is taking over meeting over 11 at 9:45 p.m. 12 CHAIRWOMAN STAR: Okay. 13 The next case we're going to hear is 14 Case -- 15 MR. NOH: Well, before that, we are 16 going to 10 p.m. today so rest of the cases we will 17 carry. 18 CHAIRWOMAN STAR: Okay. So I'll tell 19 them now. 20 MR. NOH: Yes. 21 CHAIRWOMAN STAR: Okay. 22 Before we begin that portion, we're 23 only going to hear this one case because we need to 24 stop at 10:00. 25 So all the other cases will be carried LAURA A. CARUCCI, C.S.R., R.P.R., L.L.C. 201-641-1812	196 1 expect that. I understand. 2 MAYOR KIM: Yes. 3 So I'm so sorry, see you guys just -- 4 sorry about that. 5 MR. NOH: Okay. 6 So that matter will be carried over to 7 our regular meeting of July 22nd, 7:00 p.m. and 8 notice will be carried too so there's no need to 9 renotece. 10 MALE AUDIENCE MEMBER: All right. 11 See in July. 12 MAYOR KIM: Okay. 13 MR. NOH: Okay. 14 And the next Case #26-SP05, Change of 15 Use, Seonock Kim (MCO USA LLC), 391 Commercial 16 Avenue, Block 109.1, Lot 1. 17 This will be carried to our regular 18 meeting of July 22nd, at 7:00 p.m. in this location. 19 And next case, Case #26-SP06, Change of 20 Use, Sun Ae Kim, 216 Broad Avenue, Unit #B-1, 21 Block 602, Lot 20. This will be carried to our next 22 regular meeting, scheduled for July 22nd, at 7 p.m. 23 in this location. 24 And Case #26-SP07, Change of Use, Super 25 Burgers & Shakes, 410 Bergen Boulevard, Block 420, LAURA A. CARUCCI, C.S.R., R.P.R., L.L.C. 201-641-1812

197 1 Lot 25, will be carried over to our next regular 2 meeting, scheduled on July 22 at 7 p.m. here. 3 So we need to make a motion to carry 4 these cases -- 5 COUNCILMAN KWAK: I make a motion. 6 MR. NOH: -- to the next regular 7 meeting. 8 And then for the site plan application 9 Case #26-SP02, the notice will be carried too so 10 there's not going to be a need for renotece. 11 So someone make a motion to carry, 12 Case #26-SP02, Case #26-SP05, Case #26-SP06, 13 Case #26-SP07 to the next regular meeting of 14 July 22nd, at 7:00 p.m. 15 COUNCILMAN KWAK: I'll make a motion. 16 VICE CHAIRMAN AUFIERO: I'll second 17 that motion. 18 MR. NOH: Roll call. 19 CHAIRWOMAN STAR: Roll call. 20 BOARD SECRETARY KIM: Mayor Kim? 21 MAYOR KIM: Yes. 22 BOARD SECRETARY KIM: Mrs. Star? 23 CHAIRWOMAN STAR: Yes. 24 BOARD SECRETARY KIM: Mr. Aufiero? 25 VICE CHAIRMAN AUFIERO: Yes. LAURA A. CARUCCI, C.S.R., R.P.R., L.L.C. 201-641-1812	199 1 beginning of the meeting. 2 Please proceed. 3 MR. VELASQUEZ TELETOR: My name is 4 Mario Velasquez and I live in 420 Highland Avenue, 5 Palisades Park. And I -- 6 CHAIRWOMAN STAR: Can you speak up just 7 little louder please? 8 MR. VELASQUEZ TELETOR: Okay. 9 So my name is Mario Velasquez. I live 10 in 420 Highland Avenue, Palisades Park. 11 And I try to open my business, it's the 12 second time I am here. 13 It's a convenience store at 331 Broad 14 Avenue. 15 MAYOR KIM: Bodega? 16 MR. VELASQUEZ TELETOR: Say again? 17 MAYOR KIM: Bodega? 18 MR. VELASQUEZ TELETOR: Convenience 19 store. 20 ACTING CHAIRMAN AUFIERO: Convenience 21 store. 22 MAYOR KIM: Bodega is a convenience 23 store. No? 24 MR. VELASQUEZ TELETOR: No, that's a 25 liquor store. LAURA A. CARUCCI, C.S.R., R.P.R., L.L.C. 201-641-1812
198 1 BOARD SECRETARY KIM: Mrs. Tarabocchia? 2 MS. TARABOCCHIA: Yes. 3 BOARD SECRETARY KIM: Mr. Kang? 4 MR. KANG: Yes. 5 BOARD SECRETARY KIM: Mr. Han? 6 MR. HAN: Yes. 7 BOARD SECRETARY KIM: Councilman Kwak? 8 COUNCILMAN KWAK: Yes. 9 CHAIRWOMAN STAR: All right. So now we 10 can move on, Case #26-SP04, Change of Use -- 11 MAYOR KIM: The lucky applicant. 12 CHAIRWOMAN STAR: -- Change of Use, 13 Mario Velasquez Teletor, 331 Broad Avenue. 14 MR. VELASQUEZ TELETOR: Thank you. 15 Thank you so much. 16 MR. NOH: For the record we previously 17 reviewed the site plan -- 18 MR. VELASQUEZ TELETOR: Yes. 19 MR. NOH: -- together with a copy of the 20 lease. 21 MR. VELASQUEZ TELETOR: Right. 22 MR. NOH: The board members should have 23 it -- 24 CHAIRWOMAN STAR: Yes. 25 MR. NOH: -- it was distributed at the LAURA A. CARUCCI, C.S.R., R.P.R., L.L.C. 201-641-1812	200 1 MAYOR KIM: No, bodega is not a liquor 2 store. 3 MR. VELASQUEZ TELETOR: Before, but now 4 it's -- 5 MAYOR KIM: It Is? 6 COUNCILMAN KWAK: It can be. Yes, it 7 can be. It can be. A bodega in New York City is a 8 convenience store with liquor store, but it's also 9 just a small little convenience store as well. 10 MAYOR KIM: It's a convenience store. 11 COUNCILMAN KWAK: It's different than 12 -- 13 MAYOR KIM: A bodega. 14 So bodega is a convenience store? 15 MR. O'BRIEN: Yes. 16 At this point it's not a liquor store, 17 correct. 18 MR. VELASQUEZ TELETOR: No. 19 CHAIRWOMAN STAR: No, no liquor. 20 MR. VELASQUEZ TELETOR: That's 21 convenience store. I try to set anything about the 22 convenience store. 23 CHAIRWOMAN STAR: Is he sworn in? 24 MR. NOH: Oh, I'm sorry I need to swear 25 you in, sir. LAURA A. CARUCCI, C.S.R., R.P.R., L.L.C. 201-641-1812

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1 MR. VELASQUEZ TELETOR: Okay.
2 MR. NOH: Thank you, Arlene.
3 Please raise your right hand, sir.
4 Do you swear or affirm that you will
5 tell the truth, the whole truth and nothing but the
6 truth so help you God.
7 MR. VELASQUEZ TELETOR: Yes, I do.
8 M A R I O V E L A S Q U E Z,
9 331 Broad Avenue, Palisades Park, New Jersey,
10 having been duly sworn, testifies as follows:
11 MR. NOH: State your name and spell
12 your last name for the record, sir.
13 MR. VELASQUEZ TELETOR: Okay.
14 My name is Mario Velasquez. My last
15 name is V-E-L-A-S-Q-U-E-Z.
16 And I live at 420 Highland Avenue,
17 Palisades Park, New Jersey.
18 MR. NOH: Thank you, sir.
19 Proceed.
20 MR. VELASQUEZ TELETOR: Thank you.
21 And I try to open my business the
22 convenience -- going to be convenience store.
23 I sell chips and candy and everything
24 about convenience store, just juice and prepackage
25 food. I don't -- I don't cook it right there.
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1 And I don't sell any -- any cooking or
2 any meal.
3 VICE CHAIRMAN AUFIERO: So you won't
4 have -- go ahead.
5 MR. KANG: So you're not going to cook
6 there?
7 MR. VELASQUEZ TELETOR: No.
8 MR. KANG: You said no cooking.
9 MR. VELASQUEZ TELETOR: No cook.
10 MR. KANG: And you're not going divide
11 the food and repackaging in there.
12 You're going to just sell the
13 prepackaged.
14 MR. VELASQUEZ TELETOR: Yes.
15 MR. KANG: Only prepackaged food?
16 MR. VELASQUEZ TELETOR: Right.
17 CHAIRWOMAN STAR: So you're not going
18 to have any tables where anybody can sit and eat?
19 MR. VELASQUEZ TELETOR: No.
20 CHAIRWOMAN STAR: No? Nothing like
21 that?
22 THE WITNESS: Nothing, just only for
23 sale.
24 CHAIRWOMAN STAR: Just buy it and leave
25 it.
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1 MR. VELASQUEZ TELETOR: Right.
2 COUNCILMAN KWAK: What are your
3 intended hours of operation?
4 MR. VELASQUEZ TELETOR: Seven to 11:30.
5 CHAIRWOMAN STAR: Seven to --
6 MS. TARABOCCHIA: Monday through Friday
7 or Monday through Sunday?
8 MR. VELASQUEZ TELETOR: Monday to
9 Sunday.
10 MS. TARABOCCHIA: Seven to 11:30?
11 CHAIRWOMAN STAR: Seven days?
12 MR. VELASQUEZ TELETOR: Seven to 11:30,
13 and I can -- I don't know how it is exactly the hours
14 for convenience store.
15 MS. TARABOCCHIA: Whatever the
16 ordinance is.
17 MR. VELASQUEZ TELETOR: And I tried to
18 take care my kids and my wife, she start to open and
19 then I come back to work and she's going to alternate
20 closing.
21 MS. TARABOCCHIA: So --
22 MR. VELASQUEZ TELETOR: My -- my wife.
23 MAYOR KIM: I have a question, why is
24 the Applicant here and not -- never mind, go ahead.
25 I'm sorry.
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1 VICE CHAIRMAN AUFIERO: I'm sure you
2 can find out from the building department --
3 MR. VELASQUEZ TELETOR: Okay. I can --
4 VICE CHAIRMAN AUFIERO: -- your hours of
5 operation, sir.
6 MR. VELASQUEZ TELETOR: Okay.
7 Thank you so much.
8 VICE CHAIRMAN AUFIERO: How many
9 employees will you be have having?
10 MR. VELASQUEZ TELETOR: Only me and my
11 wife.
12 VICE CHAIRMAN AUFIERO: Okay.
13 MS. TARABOCCHIA: You won't be selling
14 any type of vaping products?
15 THE WITNESS: No, I don't --
16 MS. TARABOCCHIA: That stuff.
17 MR. VELASQUEZ TELETOR: No, nothing.
18 MS. TARABOCCHIA: Or anything along
19 those lines --
20 MR. VELASQUEZ TELETOR: No.
21 MS. TARABOCCHIA: -- or...
22 CHAIRWOMAN STAR: Cigarette.
23 MS. TARABOCCHIA: Not cigarettes, I'm
24 talking about the hookah things --
25 VICE CHAIRMAN AUFIERO: Marijuana
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205 1 paraphernalia? 2 MS. TARABOCCHIA: No paraphernalia. 3 MAYOR KIM: We have a -- we have an 4 ordinance, you cannot sell anything to do with 5 marijuana, THC, fake THC, anything like that, 6 synthetic THC. 7 MR. VELASQUEZ TELETOR: No. 8 No, just pre-package food and candy and 9 juice and soda. 10 VICE CHAIRMAN AUFIERO: There'll be no 11 check cashing going on, correct? 12 THE WITNESS: No. 13 COUNCILMAN KWAK: No changes except for 14 the counter, that I see, correct, existing, existing, 15 existing. 16 MR. VELASQUEZ TELETOR: Yes. I don't 17 put anything change any construction. I leave 18 everything the same. 19 COUNCILMAN KWAK: Okay. 20 MR. VELASQUEZ TELETOR: Yes. 21 COUNCILMAN KWAK: The bathroom with the 22 mop sink are currently there -- 23 MR. VELASQUEZ TELETOR: Yes. 24 COUNCILMAN KWAK: -- in the same area, 25 correct? LAURA A. CARUCCI, C.S.R., R.P.R., L.L.C. 201-641-1812	207 1 MR. VELASQUEZ TELETOR: No. 2 VICE CHAIRMAN AUFIERO: No perishables. 3 COUNCILMAN KWAK: Are you going to have 4 a microwave there to heat up? 5 MR. VELASQUEZ TELETOR: No, sir. 6 MS. TARABOCCHIA: You have a walk-in 7 refrigerator I was just wondering what that would be 8 used for? 9 COUNCILMAN KWAK: For drinks maybe or 10 treats. 11 MS. TARABOCCHIA: Like ice cream and 12 stuff like that. 13 MR. VELASQUEZ TELETOR: Yeah. 14 Can I use for ice cream or... 15 MS. TARABOCCHIA: Like prepackaged ice 16 cream. 17 MR. VELASQUEZ TELETOR: Yeah. 18 MS. TARABOCCHIA: Then you have to have 19 that. 20 MR. VELASQUEZ TELETOR: Yes. 21 MS. TARABOCCHIA: Okay. 22 MAYOR KIM: How many employees, just 23 two, right? 24 MR. VELASQUEZ TELETOR: Yes, me and my 25 wife. LAURA A. CARUCCI, C.S.R., R.P.R., L.L.C. 201-641-1812
206 1 MR. VELASQUEZ TELETOR: Yeah. And same 2 -- I don't -- I don't change nothing. 3 MAYOR KIM: Is there any seating for 4 people to eat packaged food? 5 MR. VELASQUEZ TELETOR: No. No. 6 MS. TARABOCCHIA: Will you be selling 7 hot coffee? 8 MR. VELASQUEZ TELETOR: No, because we 9 don't have like the time to do because only me and my 10 wife and now we don't have, like, two employees. 11 MAYOR KIM: Are you selling sandwiches? 12 MR. VELASQUEZ TELETOR: No. No. 13 MAYOR KIM: So no food prepared -- 14 MR. VELASQUEZ TELETOR: Yes. 15 MAYOR KIM: -- In the premises? 16 MR. VELASQUEZ TELETOR: Yes, it's for 17 -- that is only prepackaged food that -- 18 MAYOR KIM: Only packaged food. 19 MR. VELASQUEZ TELETOR: Only 20 prepackaged food there because we don't have -- 21 MAYOR KIM: No vegetables. 22 MR. VELASQUEZ TELETOR: No. 23 MAYOR KIM: No tomatoes. 24 MR. VELASQUEZ TELETOR: No. 25 MAYOR KIM: No fish? LAURA A. CARUCCI, C.S.R., R.P.R., L.L.C. 201-641-1812	208 1 VICE CHAIRMAN AUFIERO: Any other 2 questions from the board? 3 MAYOR KIM: What time is your operating 4 hours? 5 MR. VELASQUEZ TELETOR: In -- 6 VICE CHAIRMAN AUFIERO: He's going to 7 find out from the building department. 8 CHAIRWOMAN STAR: He's going to find 9 out. 10 MAYOR KIM: Yes, we have a stipulation 11 that was it in the ordinance. 12 CHAIRWOMAN STAR: Any other questions 13 from the board? 14 (No Response.) 15 CHAIRWOMAN STAR: If not, make a motion 16 to open this to the public. 17 MR. KOESTNER: I'll make a motion. 18 CHAIRWOMAN STAR: Second? 19 MR. KANG: I'll second it. 20 CHAIRWOMAN STAR: Anybody from the 21 public have a question for this Applicant? 22 (No Response.) 23 CHAIRWOMAN STAR: No? 24 Okay. We'll close that portion. 25 And make a motion please? LAURA A. CARUCCI, C.S.R., R.P.R., L.L.C. 201-641-1812

209 1 MR. KOESTNER: I'll make a motion to 2 choose to the public. 3 BOARD SECRETARY KIM: Second? 4 VICE CHAIRMAN AUFIERO: I'll second. 5 CHAIRWOMAN STAR: All those favor? 6 (Whereupon, all present members respond 7 in the affirmative.) 8 CHAIRWOMAN STAR: And can we have a 9 motion to -- 10 VICE CHAIRMAN AUFIERO: I'll make a 11 motion -- 12 CHAIRWOMAN STAR: -- to accept this 13 application. 14 VICE CHAIRMAN AUFIERO: -- to pass the 15 application with the following stipulations: No 16 cooking onsite; no tables for any people off the 17 street; your hours conform with the building 18 department's stated hours of operation; and no check 19 cashing. 20 And you're business also no liquor 21 sales. 22 MR. VELASQUEZ TELETOR: Yes. That's 23 true. 24 COUNCILMAN KWAK: I'll second that and 25 concur with the same stipulations under Chris's LAURA A. CARUCCI, C.S.R., R.P.R., L.L.C. 201-641-1812	211 1 CHAIRWOMAN STAR: Anybody have any old 2 business? 3 (No Response.) 4 CHAIRWOMAN STAR: New business? 5 (No Response.) 6 CHAIRWOMAN STAR: Motion to adjourn? 7 MAYOR KIM: I make a -- oh, yes, just 8 before, let's make a standard before you indicated we 9 had to set a standard to provide -- to provide 10 drawings. 11 A lot of applicant for some reason 12 don't so. 13 ACTING CHAIRMAN AUFIERO: Do we have 14 memorializations? 15 MR. NOH: No memorializations. 16 MR. KOESTNER: I'll make a motion to 17 adjourn. 18 CHAIRWOMAN STAR: Second? 19 VICE CHAIRMAN AUFIERO: Second. 20 Goodnight everybody. 21 MR. NOH: All those favor? 22 (Whereupon, all present members respond 23 in the affirmative.) 24 (Whereupon, this meeting is concluded. 25 Time noted: 9:57 p.m.) LAURA A. CARUCCI, C.S.R., R.P.R., L.L.C. 201-641-1812
210 1 motion. 2 CHAIRWOMAN STAR: Okay. 3 Roll call. 4 BOARD SECRETARY KIM: Mayor Kim? 5 MAYOR KIM: Yes. 6 Good luck. 7 BOARD SECRETARY KIM: Mrs. Star? 8 CHAIRWOMAN STAR: Yes. 9 BOARD SECRETARY KIM: Mr. Aufiero? 10 VICE CHAIRMAN AUFIERO: Yes. 11 BOARD SECRETARY KIM: Mrs. Tarabocchia? 12 MS. TARABOCCHIA: Yes. 13 BOARD SECRETARY KIM: Mr. Kang? 14 MR. KANG: Yes. 15 Good luck. 16 MR. VELASQUEZ TELETOR: Thank you. 17 BOARD SECRETARY KIM: Mr. Han? 18 MR. HAN: Yes. 19 BOARD SECRETARY KIM: Councilman Kwak? 20 COUNCILMAN KWAK: Yes. With the 21 stipulations. 22 MR. VELASQUEZ TELETOR: Thank you. 23 COUNCILMAN KWAK: Good luck. 24 MR. VELASQUEZ TELETOR: Thank you so 25 much. LAURA A. CARUCCI, C.S.R., R.P.R., L.L.C. 201-641-1812	212 1 <u>C E R T I F I C A T E</u> 2 3 I, LAURA A. CARUCCI, C.C.R., R.P.R., a Remote 4 Online Notary Public, Notary ID. #1810618, Certified 5 Court Reporter of the State of New Jersey, and a 6 Registered Professional Reporter, hereby certify that 7 the foregoing is a verbatim record of the testimony 8 provided under oath before any court, referee, board, 9 commission or other body created by statute of the 10 State of New Jersey. 11 I am not related to the parties 12 involved in this action; I have no financial 13 interest, nor am I related to an agent of or employed 14 by anyone with a financial interest in the outcome of 15 this action. 16 This transcript complies with 17 regulation 13:43-5.9 of the New Jersey Administrative 18 Code. 19 20 21 22 23 24 25 LAURA A. CARUCCI, C.C.R., R.P.R. License #XI02050, and RON Notary Public Notary ID. #1810618, Notary Expiration Date May 27, 2028 LAURA A. CARUCCI, C.S.R., R.P.R., L.L.C. 201-641-1812

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