

BOROUGH OF PALISADES PARK
 BOARD OF ADJUSTMENT
 MONDAY, NOVEMBER 19, 2018
 COMMENCING AT 6:58 P.M.

IN THE MATTER OF: : TRANSCRIPT
 : OF
 : PROCEEDINGS

APPLICATION NO. 18-05
 K. YOO LLC
 317 EAST EDSALL BOULEVARD
 BLOCK 412; LOT 14

APPLICATION NO. 18-03
 DUZGAN
 423 BERGEN BOULEVARD
 BLOCK 419; LOT 7 & 8

APPLICATION NO. 13-07
 KING SPA
 329 COMMERCIAL AVENUE

APPLICATION NO. 17-12
 HEIDI LEE
 338 10TH STREET
 BLOCK 418; LOT 9

APPLICATION NO. 18-09
 DERVO DEVELOPERS, LLC
 145 EAST EDSALL BOULEVARD
 BLOCK 325; LOT 22

APPLICATION NO. 18-08
 LOFARO & SONS, LLC
 333 8TH STREET
 BLOCK 406; LOT 14

APPLICATION NO. 15-06
 BERGEN ADULT DAY CARE, INC
 131 East Brinkerhoff Avenue
 BLOCK 323; LOT 20

.....

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 201-641-1812

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1 B E F O R E:

2 THE BOROUGH OF PALISADES PARK BOARD OF ADJUSTMENT
 THERE BEING PRESENT:

3 JOSEPH FERGUSON, CHAIRMAN

4 PAUL ALBANESE, VICE CHAIRMAN

5 ANDY NAM, MEMBER

6 SEONG YOON, MEMBER

7 DAVID TERRANOVA, MEMBER

8 VINCENT CARNOVALE, MEMBER

9 LEFTERI LEFTERIOU, ALTERNATE MEMBER #1

10 MIRJANA TARABOCCHIA, ALTERNATE MEMBER #2

11

12

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

14 ELENI LAMBRINIDES, BOARD CLERK/SECRETARY

15 MICHAEL KAUKER, BOARD PLANNER

16 STEVE COLLAZUOL, BOARD ENGINEER

17 JUDD ROCCIOLA, BOARD TRAFFIC ENGINEER

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1 CHAIRMAN FERGUSON: Call the meeting to

2 order.

3 Paul, you want to lead us in the flag

4 salute?

5 VICE CHAIRMAN ALBANESE: Yes.

6 (Whereupon, Vice Chairman Albanese

7 leads the Recitation of the Pledge of

8 Allegiance.)

00:00 9 CHAIRMAN FERGUSON: Roll call.

00:00 10 MS. LAMBRINIDES: Mr. Ferguson?

00:00 11 CHAIRMAN FERGUSON: Here.

00:00 12 MS. LAMBRINIDES: Mr. Albanese?

00:00 13 VICE CHAIRMAN ALBANESE: Here.

14 MS. LAMBRINIDES: Mr. Terranova?

15 (No response.)

16 MS. LAMBRINIDES: Mr. Kim?

17 (No response.)

18 MS. LAMBRINIDES: Mr. Nam?

19 MR. NAM: Here.

20 MS. LAMBRINIDES: Ms. Yoon?

21 MS. YOON: Yes.

00:00 22 MS. LAMBRINIDES: Mr. Carnovale?

00:00 23 MR. CARNOVALE: Here.

00:00 24 MS. LAMBRINIDES: Ms. Tarabocchia?

00:00 25 (No response.)

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1 I N D E X (continuing)

2 E X H I B I T S

3 No. Description Ident/Evid

4 **APPLICATION NO. 18-05**
K. YOO LLC

5 **317 EAST EDSALL BOULEVARD**
BLOCK 412; LOT 14

6

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HEIDI LEE

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LOFARO & SONS, LLC

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BLOCK 406; LOT 14

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00:00 1 MS. LAMBRINIDES: Mr. Lefteriou?

00:00 2 MR. LEFTERIOU: Here.

00:00 3 CHAIRMAN FERGUSON: Okay.

00:04 4 First order of business, we're going to

00:04 5 pay some bills. I have two bills, one for

00:04 6 44-and-change for The Record.

00:04 7 And I have a bill from our board

00:04 8 attorney for Aqua Terra which is \$4500.00.

00:04 9 Can I get a motion to pay the bills?

00:04 10 VICE CHAIRMAN ALBANESE: Make a motion

00:04 11 to pay the bills.

00:04 12 CHAIRMAN FERGUSON: There's a motion.

00:04 13 Second?

00:04 14 MR. CARNOVALE: Second.

00:04 15 CHAIRMAN FERGUSON: Roll call vote.

00:04 16 MS. LAMBRINIDES: Mr. Ferguson?

00:04 17 CHAIRMAN FERGUSON: Yes.

00:04 18 MS. LAMBRINIDES: Mr. Albanese?

00:04 19 VICE CHAIRMAN ALBANESE: Yes.

00:03 20 MS. LAMBRINIDES: Mr. Nam?

00:03 21 MR. NAM: Yes.

00:03 22 MS. LAMBRINIDES: Ms. Yoon?

00:03 23 MS. YOON: Yes.

00:03 24 MS. LAMBRINIDES: Mr. Carnovale?

00:03 25 MR. CARNOVALE: Yes.

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00:-03 1 MS. LAMBRINIDES: Mr. Lefteriou?
 00:-03 2 MR. LEFTERIOU: Yes.
 00:-03 3 CHAIRMAN FERGUSON: Okay. Next we're
 00:-03 4 going to -- wait a minute, we have no
 00:-03 5 memorializations.
 00:-03 6 MS. TESTA: Minutes?
 00:-03 7 CHAIRMAN FERGUSON: Minutes, yes.
 00:-03 8 Minutes of the previous meeting. Everybody's
 00:-03 9 received the minutes of the previous meeting.
 00:-03 10 Everyone has an opportunity to review them.
 00:-03 11 Can I get a motion to approve the
 00:-03 12 minutes?
 00:-03 13 MR. CARNOVALE: Motion.
 00:-03 14 CHAIRMAN FERGUSON: There's a motion.
 00:-03 15 VICE CHAIRMAN ALBANESE: Second.
 00:-03 16 CHAIRMAN FERGUSON: Roll call vote.
 00:-03 17 MS. LAMBRINIDES: Mr. Albanese?
 00:-03 18 VICE CHAIRMAN ALBANESE: Yes.
 00:-03 19 MS. LAMBRINIDES: Mr. Ferguson?
 00:-03 20 CHAIRMAN FERGUSON: Yes.
 00:-03 21 MS. LAMBRINIDES: Mr. Nam?
 00:-03 22 MR. NAM: Yes.
 00:-03 23 MS. LAMBRINIDES: Ms. Yoon?
 00:-03 24 MS. YOON: Yes.
 00:-03 25 MS. LAMBRINIDES: Mr. Lefteriou?

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00:-02 1 publication.
 00:-02 2 We've provided copies of that to the
 00:-02 3 Board Secretary for tonight's meeting.
 00:-02 4 Basically in a nutshell, there was a
 00:-02 5 request in 2017 for an extension for Bergen Adult Day
 00:-02 6 Care. That request was not, let's call it, as clear
 00:-01 7 and specific as it should have been. And the reason
 00:-01 8 that the request was made at that time, in addition
 00:-01 9 to the reasons under the Permit Extension Act, is
 00:-01 10 that there were other approvals from other agencies
 00:-01 11 that were required for Bergen Adult Day Care.
 00:-01 12 Those approvals included the review by
 00:-01 13 the Department of Health, which occurred and was
 00:-01 14 approved in 2016, and then the drawings, similar to
 00:-01 15 schools, have to be reviewed by the Department of
 00:-01 16 Community Affairs.
 00:-01 17 The Department of Community Affairs did
 00:-01 18 review those drawings and ultimately approved them in
 00:-01 19 July of '17. There was a request made in May of '17.
 00:-01 20 It was not articulated correctly, in my opinion.
 00:-01 21 There was a different attorney that handled that.
 00:-01 22 In June of 2017, this board determined
 00:-01 23 that there was insufficient information and denied
 00:-01 24 the request. I was actually here that evening on
 00:-01 25 another application.

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00:-03 1 MR. LEFTERIOU: Yes.
 00:-03 2 MS. LAMBRINIDES: Mr. Carnovale?
 00:-03 3 MR. CARNOVALE: Yes.
 00:-03 4 MS. LAMBRINIDES: Ms. Tarabocchia.
 00:-03 5 (Whereupon, Ms. Tarabocchia is now in
 00:-03 6 attendance at 7:00 p.m.)
 00:-03 7 CHAIRMAN FERGUSON: Okay.
 00:-03 8 First order of business, we're going to
 00:-03 9 get off the agenda a little bit tonight and we're
 00:-02 10 going to call 15-06 Bergen Adult Day Care Center.
 00:-02 11 Brian, you want to give us --
 00:-02 12 MR. CHEWCASKIE: Sure.
 00:-02 13 CHAIRMAN FERGUSON: -- put your
 00:-02 14 appearance in.
 00:-02 15 MR. CHEWCASKIE: Thank you.
 00:-02 16 For the record, Mr. Chairman, Brain M.
 00:-02 17 Chewcaskie, Gittleman, Muhlstock & Chewcaskie, on
 00:-02 18 behalf of the applicant, Bergen Adult Day Care, Inc.
 00:-02 19 I submitted to the board a detailed
 00:-02 20 letter dated November 5th of this -- of this year
 00:-02 21 which indicated the history.
 00:-02 22 Also, prior to submitting the letter I
 00:-02 23 did have an opportunity to speak to Ms. Testa, since
 00:-02 24 there was some litigation involving these matters, so
 00:-02 25 we did provide notice both to the 200 feet and

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00:-01 1 Therefore, what we did is that on
 00:-01 2 November 5th we've outlined the entire history, the
 00:00 3 original approval, what occurred, and we've provided
 00:00 4 copies of the letters that we received from the
 00:00 5 Department of Health and also the stamped first set,
 00:00 6 first page of the plan, from the Department of
 00:00 7 Community Affairs.
 00:00 8 So what we're asking for is for an
 00:00 9 extension of time. And I -- and maybe I just forgot
 00:00 10 one part. This matter was litigated, I did not
 00:00 11 handle it on behalf of the Applicant. It was
 00:00 12 resolved in a consent order entered into that the
 00:00 13 Board would consider this within 60 days.
 00:00 14 So we're within the 60-day period.
 00:00 15 We've provided the notice. We believe we've
 00:00 16 established a sufficient cause for the extension.
 00:00 17 And, therefore, we are requesting an extension to
 00:00 18 December of 2019 so this way we'd have the full year.
 00:00 19 Basically, based upon from what I've
 00:00 20 seen, is our construction drawings are ready, we
 00:00 21 probably will not need the full extension. But I
 00:00 22 just want to be careful and ask for the full year.
 00:00 23 So unless there are any questions --
 00:00 24 CHAIRMAN FERGUSON: Just one or two
 00:00 25 quick ones. So you're requesting a one-year

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00:00 1 extension. Is that correct?

00:00 2 MR. CHEWCASKIE: Yes.

00:00 3 One year, but for the entire year of

00:00 4 December 2019.

00:00 5 CHAIRMAN FERGUSON: Okay.

00:00 6 VICE CHAIRMAN ALBANESE: The whole

00:00 7 December?

00:00 8 CHAIRMAN FERGUSON: Okay.

00:00 9 MS TESTA: Right.

00:00 10 MR. CHEWCASKIE: December 31st of 2019.

00:00 11 CHAIRMAN FERGUSON: Okay. So I will

00:00 12 listen to my attorney to render a legal opinion.

00:00 13 MS TESTA: That was --

00:00 14 CHAIRMAN FERGUSON: Are we in --

00:00 15 MS. TESTA: Right. Because as

00:00 16 Mr. Chewcaskie mentioned, when the applicant came

00:00 17 before us last time requesting the extension, he

00:00 18 didn't put on the proofs that he has actually had

00:00 19 applied to the Department of Community Affairs and

00:00 20 that he needed approval from the Department of

00:00 21 Health. The board didn't have that information

00:00 22 because there is an ordinance -- or a statute, excuse

00:00 23 me, that states that if the applicant needs further

00:00 24 approvals from different governmental agencies, that

00:00 25 the board can extend the time, hold the time. So the

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00:00 1 board does have the jurisdiction, even without that

00:00 2 to extend the time, but that was the reason, right.

00:00 3 CHAIRMAN FERGUSON: So we're --

00:00 4 MS TESTA: Yes.

00:00 5 CHAIRMAN FERGUSON: -- legally we're in

00:01 6 good shape.

00:01 7 MS. TESTA: Yes.

00:01 8 CHAIRMAN FERGUSON: Any comments from

00:01 9 the board?

00:01 10 (No response.)

00:01 11 CHAIRMAN FERGUSON: Any comments from

00:01 12 the audience?

00:01 13 (No response.)

00:01 14 CHAIRMAN FERGUSON: Okay. So I will

00:01 15 make a motion that we grant the extension for one

00:01 16 year and one month to December 31st, 2019.

00:01 17 VICE CHAIRMAN ALBANESE: I'll second.

00:01 18 CHAIRMAN FERGUSON: Roll call vote.

00:01 19 MS. LAMBRINIDES: Mr. Ferguson.

00:01 20 CHAIRMAN FERGUSON: Yes.

00:01 21 MS. LAMBRINIDES: Mr. Albanese.

00:01 22 VICE CHAIRMAN ALBANESE: Yes.

00:01 23 MS. LAMBRINIDES: Mr. Nam.

00:01 24 MR. NAM: Yes.

00:01 25 MS. LAMBRINIDES: Ms. Yoon.

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00:01 1 MS. YOON: Yes.

00:01 2 MS. LAMBRINIDES: Mr. Carnovale.

00:01 3 MR. CARNOVALE: Yes.

00:01 4 MS. LAMBRINIDES: Ms. Tarabocchia.

00:01 5 MS. TARABOCCHIA: Yes.

00:01 6 MS. LAMBRINIDES: Mr. Lefteriou.

00:01 7 MR. LEFTERIOU: Yes.

00:01 8 CHAIRMAN FERGUSON: Thank you, Brian.

00:01 9 MR. CHEWCASKIE: Thank you,

00:01 10 Mr. Chairman, Members of the Board, and thanks for

00:01 11 your consideration this evening.

00:01 12 CHAIRMAN FERGUSON: Okay.

00:01 13 So now we'll go back on the agenda and

00:01 14 the first case up is going to be Case 18-05.

00:01 15 MS. TESTA: Okay. Mr. Chairman, before

00:01 16 we do that, there are a couple of requests for

00:01 17 adjournments --

00:01 18 CHAIRMAN FERGUSON: Oh, adjournments?

00:01 19 Okay.

00:01 20 MS TESTA: -- so we will take care of

00:01 21 those.

00:01 22 CHAIRMAN FERGUSON: Sure, might as

00:01 23 well.

00:01 24 MS. TESTA: Okay.

00:01 25 CHAIRMAN FERGUSON: So the first one is

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00:01 1 Case 18-03, 423 Bergen Boulevard. And he's asking

00:02 2 for an adjournment --

00:02 3 MS TESTA: Right.

00:02 4 CHAIRMAN FERGUSON: -- to the next

00:02 5 meeting.

00:02 6 MS. TESTA: Yes, that's correct.

00:02 7 CHAIRMAN FERGUSON: Okay. So can I get

00:02 8 a motion to grant the adjournment?

00:02 9 MS. TESTA: And he's requesting no

00:02 10 further notice. And he waives all time constraints.

00:02 11 VICE CHAIRMAN ALBANESE: I make a

00:02 12 motion we accept.

00:02 13 FEMALE AUDIENCE MEMBER: Well, can you

00:02 14 clarify that that's going to happen -- when is that

00:02 15 going to happen?

00:02 16 MS. TESTA: December 17th.

00:02 17 CHAIRMAN FERGUSON: December.

00:02 18 FEMALE AUDIENCE MEMBER: New notice,

00:02 19 December 17th.

00:02 20 CHAIRMAN FERGUSON: Right.

00:02 21 MS TESTA: Yes.

00:02 22 FEMALE AUDIENCE MEMBER: Are the plans

00:02 23 on file.

00:02 24 MS. TESTA: Yes.

00:02 25 CHAIRMAN FERGUSON: The plans are on

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00:02 **1** file.
 00:02 **2** FEMALE AUDIENCE MEMBER: Open to the
 00:02 **3** public?
 00:02 **4** MS. TESTA: Yes, certainly.
 00:02 **5** CHAIRMAN FERGUSON: Open to the public.
 00:02 **6** MS. TESTA: Yes, certainly. They
 00:02 **7** should be at the Borough Clerk's office or the
 00:02 **8** buildings department.
 00:02 **9** MS. LAMBRINIDES: Building department.
 00:02 **10** MS. TESTA: Building department.
 00:02 **11** FEMALE AUDIENCE MEMBER: One more time
 00:02 **12** with the date.
 00:02 **13** MS. TESTA: December 17th --
 00:02 **14** FEMALE AUDIENCE MEMBER: The 17th.
 00:02 **15** MS. TESTA: -- at 7:00 p.m.
 00:02 **16** CHAIRMAN FERGUSON: Okay.
 00:02 **17** FEMALE AUDIENCE MEMBER: Thank you.
 00:02 **18** CHAIRMAN FERGUSON: We're sorry for the
 00:02 **19** inconvenience.
 00:02 **20** Can I get a motion and second?
 00:02 **21** MR. LEFTERIOU: Second.
 00:02 **22** CHAIRMAN FERGUSON: Okay. Roll call
 00:02 **23** vote.
 00:02 **24** MS. LAMBRINIDES: Mr. Ferguson.
 00:02 **25** CHAIRMAN FERGUSON: Yes.

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00:03 **1** VICE CHAIRMAN ALBANESE: You got to ask
 00:03 **2** if anybody --
 00:03 **3** CHAIRMAN FERGUSON: Right. Well --
 00:03 **4** VICE CHAIRMAN ALBANESE: -- in the
 00:03 **5** audience has anything to say?
 00:03 **6** MS. TESTA: No.
 00:03 **7** CHAIRMAN FERGUSON: No.
 00:03 **8** VICE CHAIRMAN ALBANESE: Okay. I make
 00:03 **9** a motion.
 00:03 **10** MR. CARNOVALE: I second the motion.
 00:03 **11** CHAIRMAN FERGUSON: All right. There
 00:03 **12** is a motion and second to grant the adjournment.
 00:03 **13** Roll call vote?
 00:03 **14** MS. LAMBRINIDES: Mr. Ferguson.
 00:03 **15** CHAIRMAN FERGUSON: Yes for the
 00:03 **16** adjournment.
 00:03 **17** MS. LAMBRINIDES: Mr. Albanese.
 00:03 **18** VICE CHAIRMAN ALBANESE: Yes.
 00:03 **19** MS. LAMBRINIDES: Mr. Nam.
 00:03 **20** MR. NAM: Yes.
 00:03 **21** MS. LAMBRINIDES: Ms. Yoon?
 00:03 **22** MS. YOON: Yes.
 00:03 **23** MS. LAMBRINIDES: Mr. Carnovale.
 00:03 **24** MR. CARNOVALE: Yes.
 00:03 **25** MS. LAMBRINIDES: Ms. Tarabocchia.

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00:02 **1** MS. LAMBRINIDES: Mr. Albanese.
 00:02 **2** VICE CHAIRMAN ALBANESE: Yes.
 00:02 **3** MS. LAMBRINIDES: Mr. Nam?
 00:02 **4** MR. NAM: Yes.
 00:02 **5** MS. LAMBRINIDES: Ms. Yoon?
 00:02 **6** MS. YOON: Yes.
 00:02 **7** MS. LAMBRINIDES: Mr. Carnovale?
 00:02 **8** MR. CARNOVALE: Yes.
 00:02 **9** MS. LAMBRINIDES: Ms. Tarabocchia?
 00:02 **10** MS. TARABOCCHIA: Yes.
 00:02 **11** MS. LAMBRINIDES: Mr. Lefteriou?
 00:02 **12** MR. LEFTERIOU: Yes.
 00:02 **13** CHAIRMAN FERGUSON: Okay.
 00:02 **14** MS. TESTA: So that is Case 18-03,
 00:02 **15** Duzgan, 423 Bergen Boulevard will be adjourned until
 00:03 **16** the December 17th, 2018, meeting at 7:00 p.m.
 00:03 **17** There will be no further note to the
 00:03 **18** public or to the newspaper.
 00:03 **19** CHAIRMAN FERGUSON: Okay.
 00:03 **20** Next case is Case No. 13-07, King Spa,
 00:03 **21** 329 Commercial Avenue. And he is also asking for an
 00:03 **22** adjournment without notice.
 00:03 **23** MS. TESTA: Correct.
 00:03 **24** CHAIRMAN FERGUSON: Okay. So can I get
 00:03 **25** a --

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00:03 **1** MS. TARABOCCHIA: Yes.
 00:03 **2** MS. LAMBRINIDES: Mr. Lefteriou.
 00:03 **3** MR. LEFTERIOU: Yes.
 00:03 **4** MS. TESTA: Okay. So that's case
 00:03 **5** 13-07, King Spa, 329 Commercial Avenue, is being
 00:03 **6** adjourned to the December 17, 2018, meeting at
 00:03 **7** 7:00 p.m. There will be no further notice to the
 00:04 **8** public via mail or the newspaper, and the applicant
 00:04 **9** waives all statutory timeframes.
 00:04 **10** CHAIRMAN FERGUSON: Okay. Any more
 00:04 **11** adjournments?
 00:04 **12** MS. TESTA: No.
 00:04 **13** CHAIRMAN FERGUSON: Okay. So now we're
 00:04 **14** back on the agenda.
 00:04 **15** Case No. 18-05, K. Yoo, 317 East Edsall
 00:04 **16** Boulevard.
 00:04 **17** MR. ALAMPI: Thank you, Chairman.
 00:04 **18** (Whereupon, Mr. Terranova is now in
 00:04 **19** attendance at 7:08 p.m.)
 00:04 **20** CHAIRMAN FERGUSON: Let the record
 00:04 **21** reflect that Mr. Terranova has arrived on the scene
 00:04 **22** and he is taking his position on the dais.
 00:04 **23** Okay, Counselor?
 00:04 **24** Yes.
 00:04 **25** MS. LAMBRINIDES: Did I give you his

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1 proofs?

2 CHAIRMAN FERGUSON: Yes.

3 MS TESTA: Yes. Oh, I'm sorry, yes.

4 And also...

5 MS. LAMBRINIDES: Yes, we noted her.

6 CHAIRMAN FERGUSON: Okay.

7 MS. LAMBRINIDES: Maryann, I'm sorry.

8 Her.

9 MS. TARABOCCHIA: That's okay.

00:04 10 CHAIRMAN FERGUSON: Any other arrivals?

00:04 11 No? Okay.

00:04 12 Counselor, you want to put your

00:05 13 appearance in?

00:05 14 MR. ALAMPI: Thank you, Chairman, Board

00:05 15 Members, my name is Carmine Alampi. I have an office

00:05 16 in Hackensack. And I am representing the applicants

00:05 17 on this development.

00:05 18 We have provided notice to the public

00:05 19 and -- by certified mailing both property owners

00:05 20 within 200 feet, as well as a publication. There was

00:05 21 a little mix-up with our office and the

00:05 22 administrative office. We filed back in July. We

00:05 23 thought that we were going to be scheduled in the

00:05 24 October meeting, and so we had noticed the public and

00:05 25 some of the neighbors may have come down for that

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00:05 1 meeting.

00:05 2 But, ultimately, it seemed that that

00:05 3 package was lost, so we delivered a whole new

00:05 4 application with a courier.

00:05 5 CHAIRMAN FERGUSON: Right.

00:05 6 MR. ALAMPI: And everything is in

00:05 7 place. We, again, re-noticed and re-published for

00:05 8 tonight's meeting, and the application is to seek a

00:05 9 development of a three-unit townhouse configuration.

00:06 10 This is a one- and two-family zone. So

00:06 11 we request a use variance to allow three units on the

00:06 12 site.

00:06 13 There are some variances relating to

00:06 14 the front and rear setback of the building from the

00:06 15 property line, but it's an oversized property. It's

00:06 16 almost 10,000 square feet in total.

00:06 17 And we have the presentation of our

00:06 18 consulting engineer, architect and the planning

00:06 19 consultant.

00:06 20 I'm not sure if our planner is here

00:06 21 yet --

00:06 22 CHAIRMAN FERGUSON: Okay.

00:06 23 MR. ALAMPI: -- she had a conflict, but

00:06 24 if she's not here we'll just take a short adjournment

00:06 25 not to hold you up, but I do expect her to be here

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00:06 1 within the next 45 minutes.

00:06 2 CHAIRMAN FERGUSON: Okay.

00:06 3 MR. ALAMPI: Lisa Phillips.

00:06 4 With that, Mr. Chairman, the

00:06 5 application seeks a variance for the coverage. The

00:06 6 building coverage that's allowed is 40 percent.

00:06 7 We're requesting just under 42 percent. It's a very

00:06 8 small deviation. But the front setback requirement

00:07 9 is 35 feet because you average the setback of the

00:07 10 adjacent property. We're providing a 20-foot

00:07 11 setback.

00:07 12 And, lastly, the building height is --

00:07 13 we called it out as three stories. The architect

00:07 14 said it's not really three stories. I always take

00:07 15 the most conservative view from any elevation. If

00:07 16 it's a walk-out, I'll call it a three-story just to

00:07 17 be safe, three stories, and a 31-foot height.

00:07 18 And, lastly, the rear setback is

00:07 19 11 feet instead of the required 25 feet.

00:07 20 Again, there are three units. Each

00:07 21 unit contains a two-car garage. There is a driveway

00:07 22 that services the property. And there will be

00:07 23 parking, parallel parking, in the driveway to create

00:07 24 a third car parking for each unit.

00:07 25 What I would like to bring to the

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00:07 1 board's attention is this is East Edsall Boulevard

00:08 2 and Bergen Boulevard. There is a traffic light on

00:08 3 the corner that controls the ingress and egress of

00:08 4 traffic. And we are moving the existing driveway

00:08 5 further away from the intersection.

00:08 6 Presently the existing house, the

00:08 7 driveway is closer to the top of the hill and closer

00:08 8 to the corner, so we are pulling the driveway down a

00:08 9 little bit, which I think is a significant

00:08 10 improvement.

00:08 11 With that, I am going to start with the

00:08 12 engineer, so he can give you the details of the size

00:08 13 of the property and the relocation of the driveway

00:08 14 and things like that.

00:08 15 CHAIRMAN FERGUSON: Okay.

00:08 16 MR. ALAMPI: Then we'll bring the

00:08 17 architect. I have Mr. Thomas Skrable.

00:08 18 MS. TESTA: Please raise your right

00:08 19 hand.

00:08 20 Do you swear that the testimony you

00:08 21 give in this application will be the truth, the whole

00:08 22 truth and nothing but the truth?

00:08 23 MR. SKRABLE: I do.

00:08 24 T O M S K R A B L E,

00:08 25 65 Ramapo Valley Road, Mahwah, New Jersey, having

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00:08 1 been duly sworn, testifies as follows:
 00:08 2 MS. TESTA: Please state and spell your
 00:08 3 name for the record.
 00:08 4 MR. SKRABLE: Tom Skrable,
 00:08 5 S-K-R-A-B-L-E. Business address is 65 Ramapo Valley
 00:08 6 Road in Mahwah.
 00:08 7 CHAIRMAN FERGUSON: Mr. Skrable, have
 00:09 8 you appeared before this board?
 00:09 9 MR. SKRABLE: Yes.
 00:09 10 CHAIRMAN FERGUSON: Recently? Because
 00:09 11 --
 00:09 12 MR. SKRABLE: Not -- actually, no, I'm
 00:09 13 sorry, I believe it was the planning board, not the
 00:09 14 zoning board, I'm sorry.
 00:09 15 CHAIRMAN FERGUSON: Counsel, you want
 00:09 16 to give him a brief --
 00:09 17 MR. ALAMPI: Sure. Very briefly.
 00:09 18 DIRECT EXAMINATION
 00:09 19 BY MR. ALAMPI:
 00:09 20 Q. Tom, you're a licensed engineer in the
 00:09 21 State of New Jersey, correct?
 00:09 22 A. Yes.
 00:09 23 Q. How long have you been licensed?
 00:09 24 A. I got my degree in '87, got my
 00:09 25 professional license in '92. I've been practicing in
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00:09 1 the industry since 1987.
 00:09 2 Q. Your license is still in good standing?
 00:09 3 A. Yes.
 00:09 4 Q. And you have appeared before many other
 00:09 5 zoning boards and planning boards throughout the
 00:09 6 Bergen County region?
 00:09 7 A. Yes.
 00:09 8 Q. And you've prepared the engineering
 00:09 9 site plan for this development as well?
 00:09 10 A. I did.
 00:09 11 MR. ALAMPI: Chairman?
 00:09 12 CHAIRMAN FERGUSON: We accept him.
 00:09 13 MR. ALAMPI: Thank you.
 00:09 14 THE WITNESS: Thank you very much.
 00:09 15 BY MR. ALAMPI:
 00:09 16 Q. Now, Tom, do you have the exhibit that
 00:09 17 you mounted up?
 00:09 18 A. I do. It's a copy of the plan that was
 00:09 19 submitted to the board mounted.
 00:09 20 MR. ALAMPI: Chairman, we have a plan
 00:09 21 that we submitted with the application. It's a
 00:09 22 one-sheet engineering plan, but we're going to mark
 00:10 23 the one that is mounted on the board as A-1 for
 00:10 24 tonight with today's date.
 00:10 25 CHAIRMAN FERGUSON: Okay.
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00:10 1 (Whereupon, Mounted Engineering Sheet
 00:10 2 is received and marked as Exhibit A-1 for
 00:10 3 identification.)
 00:10 4 BY MR. ALAMPI:
 00:10 5 Q. Tom, just give us the date of the plan
 00:10 6 and last revisions.
 00:10 7 A. There is no revisions on the drawing.
 00:10 8 The original signature date is near the lower
 00:10 9 right-hand corner. It's 4/18/18.
 00:10 10 Q. Tom, give us a general orientation, you
 00:10 11 could use the exhibit, where the property is located
 00:10 12 and what zone it's in? I believe it's in the A
 00:10 13 residential zone.
 00:10 14 A. The lot fronts on East Edsall
 00:10 15 Boulevard. I'm going to say that East Edsall runs
 00:10 16 east and west, just to make it easier as far as
 00:10 17 locations go. We're on the north side of East
 00:10 18 Edsall. There's a small lot between us and Bergen
 00:10 19 Boulevard. The lot is, as the attorney said, just
 00:10 20 under 10,000 square feet, 9,588, let's call it,
 00:10 21 square feet.
 00:11 22 The entire area, and our lot in
 00:11 23 particular, slopes basically from northeast to
 00:11 24 southwest, high point being obviously closer to
 00:11 25 Bergen Boulevard and then the hill runs away from
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00:11 1 there.
 00:11 2 So from an existing topographical and
 00:11 3 drainage perspective, everything on our lot runs down
 00:11 4 towards the street and to the west.
 00:11 5 Q. You indicate there is a small piece of
 00:11 6 property between us and Bergen Boulevard?
 00:11 7 A. Yes.
 00:11 8 Q. Do you know who owns that piece?
 00:11 9 A. I did not do the research myself. My
 00:11 10 understanding is it's a DOT piece.
 00:11 11 Q. Right. And it's just a sliver of land
 00:11 12 --
 00:11 13 A. Yes.
 00:11 14 Q. -- between the property line and the
 00:11 15 right-of-way of Bergen Boulevard?
 00:11 16 A. Yes.
 00:11 17 So if you look at our -- what I am
 00:11 18 calling the easterly property line, there is a bend
 00:11 19 in it. There is a small triangular piece that runs
 00:11 20 basically along half of -- the side of our lot, and
 00:12 21 then the back of our lot actually touches the
 00:12 22 right-of-way for Bergen Boulevard.
 00:12 23 Q. That's a vacant piece of property?
 00:12 24 A. Yes.
 00:12 25 Q. There's no activity on it?
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00:12 1 **A. No.**

00:12 2 **Q.** How is it maintained, do you know?

00:12 3 **A. It seems like somebody is mowing it. I**

00:12 4 **don't know if it's the property owner or not. But**

00:12 5 **it's not overgrown that I am aware of.**

00:12 6 **Q.** I'm sure it's not the DOT, right?

00:12 7 **A. I don't think so.**

00:12 8 **Q.** In any event, Tom, in the configuration

00:12 9 of the property there is a little irregularity to

00:12 10 the -- to what would otherwise be either a square or

00:12 11 a rectangle, correct?

00:12 12 **A. Yes.**

00:12 13 **Q.** Does that in any way, that angle of the

00:12 14 property line, affect the setback request that we

00:12 15 have?

00:12 16 **A. Well, it affects our side yard.**

00:12 17 **Basically the easterly side yard, if there wasn't the**

00:12 18 **bend in the property we would have the same side yard**

00:12 19 **in the front of the building, but obviously more**

00:12 20 **available in the rear. So it does cut into the**

00:13 21 **available usable area on our property.**

00:13 22 **Q.** But in effect, with the DOT sliver of

00:13 23 land, it's not even noticeable to the setback?

00:13 24 **A. No. It appears that our lot extends**

00:13 25 **all the way to the corner, even though technically we**

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00:13 1 **don't own that piece.**

00:13 2 **Q.** Along with this plan you visited the

00:13 3 site, didn't you?

00:13 4 **A. Yes.**

00:13 5 **Q.** Did you find any challenges on the

00:13 6 site?

00:13 7 **A. Well, I mean, there's -- there's a fair**

00:13 8 **amount of slope across the property as it exists now.**

00:13 9 **So the -- the proposed building, which**

00:13 10 **the architect will get into in a lot more detail, it**

00:13 11 **does step, to some extent, with the topography of the**

00:13 12 **lot.**

00:13 13 **Q.** Well, with that, did you have to deal

00:13 14 with the drainage on-site and the proposed runoff

00:13 15 created by this redevelopment?

00:13 16 **A. Yes.**

00:13 17 **As it exists now, there is a -- I'll**

00:13 18 **call it a ranch home on the lot. It's pretty spread**

00:13 19 **out. You can see all of the existing features on the**

00:13 20 **drawing are in that lighter tone. So the limit of**

00:14 21 **the existing building takes up, I would say, at least**

00:14 22 **80 percent of what we're proposing for the new**

00:14 23 **building. So it's a rather large, sprawling ranch,**

00:14 24 **even though it's only one, one-and-a-half stories.**

00:14 25 **There is no stormwater management**

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00:14 1 **control from that dwelling as it exists today that**

00:14 2 **I'm aware of.**

00:14 3 **What we're proposing to do is take all**

00:14 4 **of the runoff from our roof and put it in two**

00:14 5 **separate seepage pits, and the remainder of the lot,**

00:14 6 **where the parking areas are, will be curbed so that**

00:14 7 **in the area that we're not collecting will run off**

00:14 8 **into East Edsall Boulevard as it does today, but it**

00:14 9 **will not travel across the neighboring property.**

00:14 10 **So I think from a drainage perspective,**

00:14 11 **it's absolutely an improvement for the neighbor to**

00:14 12 **the west.**

00:14 13 **Q.** So the curb will act, sort of, as a dam

00:14 14 so any surface water across the driveway will be hit

00:15 15 by the curb and it will run into the street?

00:15 16 **A. Yes. And we're collecting the roof**

00:15 17 **runoff and that's 4,000 square feet of the lot, what**

00:15 18 **we're proposing.**

00:15 19 **So the bulk of the impervious area**

00:15 20 **we're collecting it. And the bit that we're not will**

00:15 21 **travel off-site and not onto the neighboring**

00:15 22 **property.**

00:15 23 **Q.** And you've mentioned previously that

00:15 24 you don't see any water collection facilities on-site

00:15 25 now; any manmade detention on-site?

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00:15 1 **A. I don't believe there is anything.**

00:15 2 **Q.** So it would appear the water would just

00:15 3 run off the site and downhill, correct?

00:15 4 **A. Come down the roof leaders and runs off**

00:15 5 **the site, yes.**

00:15 6 **Q.** Any other improvements that you propose

00:15 7 regarding drainage or infrastructure?

00:15 8 **A. There is, you know, accessory**

00:15 9 **improvements related to the residential development.**

00:15 10 **There is some walkways. There is a parking area.**

00:15 11 **As you mentioned, there is garage space**

00:15 12 **for each unit, and then we're showing three, what**

00:15 13 **we're calling, guest spaces along the westerly**

00:15 14 **property line.**

00:15 15 **Q.** Now, Tom, what I am really interested

00:15 16 in is where the existing driveway is today and where

00:16 17 you proposed the driveway. Can you show the board

00:16 18 with your hand or your ruler --

00:16 19 **A. Yes.**

00:16 20 **Q.** -- where the existing driveway is and

00:16 21 how close it is to the top of the intersection and

00:16 22 how many feet you're moving it?

00:16 23 **A. Again, the existing driveway and all**

00:16 24 **the other existing items are shown in that lighter**

00:16 25 **tone. It's labeled as macadam towards the easterly**

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00:16 **1 property line of the lot. It's about -- the easterly**
 00:16 **2 edge of the current driveway is 3-and-a-half or 4**
 00:16 **3 feet off the property line, and we're proposing to**
 00:16 **4 move it all the way to the other side.**
 00:16 **5 So we'll be 9 feet off the westerly**
 00:16 **6 property line. So the driveway is moving about**
 00:16 **7 45 feet to the west.**
 00:16 **8 Q. So 45 feet away from the corner?**
 00:16 **9 A. Yes.**
 00:16 **10 Q. Is that an improvement?**
 00:16 **11 A. Absolutely an improvement. It**
 00:16 **12 minimizes any conflicts with cars trying to get in**
 00:17 **13 and out of the driveway if there is a queue at the**
 00:17 **14 light.**
 00:17 **15 Any time you're at an intersection you**
 00:17 **16 want your residential driveways to be as far as**
 00:17 **17 possible just so they're not conflicting with the**
 00:17 **18 turning movements at the intersection, so it's**
 00:17 **19 definitely an improvement as far as traffic and**
 00:17 **20 circulation goes.**
 00:17 **21 Q. Okay. Any other features of the site**
 00:17 **22 plan that you would like to address with the site,**
 00:17 **23 any details that you want to bring up?**
 00:17 **24 A. All other utilities are available for**
 00:17 **25 the property. There is really nothing that would**
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00:17 **1 stand out from an engineering perspective for the**
 00:17 **2 proposed development.**
 00:17 **3 Q. Now, Tom, did you get a chance to look**
 00:17 **4 at the review letter of Collazuol Engineering?**
 00:17 **5 A. I did. That was the old one.**
 00:17 **6 Q. You have the packet?**
 00:17 **7 No, this is November, this is the new**
 00:17 **8 one.**
 00:17 **9 A. Actually, no.**
 00:17 **10 Q. Well, why don't you just take a few**
 00:17 **11 minutes to look at it. I think, Tom, it's dated**
 00:18 **12 November 15th?**
 00:18 **13 A. November 15th, correct.**
 00:18 **14 Q. Do you see any issues in the letter**
 00:18 **15 that we can't address or comply with?**
 00:18 **16 I'll ask Mr. Collazuol in a few**
 00:18 **17 minutes, his comments.**
 00:18 **18 But do you see any issues there?**
 00:18 **19 A. No, we can comply with all of these**
 00:18 **20 comments. The one that has to do with parking size,**
 00:18 **21 maybe I should read that just so the board is clear**
 00:18 **22 which one I'm talking about. It's No. 9 on page 2.**
 00:18 **23 MR. ALAMPI: Mr. Chairman, does**
 00:18 **24 everybody have this November 15th review letter?**
 00:18 **25 CHAIRMAN FERGUSON: I do.**
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00:18 **1 MR. ALAMPI: For the record, we will**
 00:18 **2 just make note it's a letter from Mr. Collazuol's**
 00:18 **3 office last week reviewing the parking and the**
 00:18 **4 relocations of the driveway.**
 00:18 **5 CHAIRMAN FERGUSON: Counsel, just so**
 00:19 **6 you know, what we do here on the board is that he**
 00:19 **7 puts his presentation on, we ask questions. Then we**
 00:19 **8 kick it to our experts.**
 00:19 **9 MR. ALAMPI: Sure.**
 00:19 **10 CHAIRMAN FERGUSON: So I'm sure**
 00:19 **11 Mr. Collazuol --**
 00:19 **12 MR. ALAMPI: Witness by witness?**
 00:19 **13 CHAIRMAN FERGUSON: Witness by witness.**
 00:19 **14 MR. ALAMPI: Right. Okay. We'll get**
 00:19 **15 to him.**
 00:19 **16 CHAIRMAN FERGUSON: We're going to get**
 00:19 **17 to his comments, okay?**
 00:19 **18 MR. ALAMPI: Okay.**
 00:19 **19 BY MR. ALAMPI:**
 00:19 **20 Q. Anything else to add, Tom?**
 00:19 **21 A. The one comment which I think I should**
 00:19 **22 at least try to address is the guest spaces.**
 00:19 **23 Mr. Collazuol is recommending that they should be**
 00:19 **24 22 feet in length. We are looking at some other**
 00:19 **25 options for the layout of those spaces. We also have**
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00:19 **1 a letter from your traffic consultant which talks**
 00:19 **2 about the ability to turn a vehicle around in the**
 00:19 **3 parking area.**
 00:19 **4 CHAIRMAN FERGUSON: Right.**
 00:19 **5 THE WITNESS: Right now you could get**
 00:19 **6 out of there, but it wouldn't be a one-move maneuver,**
 00:19 **7 it would be a multiple-move maneuver.**
 00:19 **8 CHAIRMAN FERGUSON: Okay.**
 00:19 **9 THE WITNESS: So we are looking at what**
 00:19 **10 we can do to clean that up. Obviously it's not**
 00:19 **11 addressed on the plan yet, but that is something**
 00:19 **12 we're concerned about.**
 00:19 **13 CHAIRMAN FERGUSON: Right.**
 00:19 **14 MR. ALAMPI: Thank you. I have nothing**
 00:20 **15 further of the engineer.**
 00:20 **16 CHAIRMAN FERGUSON: I just have a**
 00:20 **17 couple of questions.**
 00:20 **18 Did I hear you -- did you say that your**
 00:20 **19 guest parking is on the westerly side of the property**
 00:20 **20 on the property line of the neighbor?**
 00:20 **21 THE WITNESS: Yes.**
 00:20 **22 CHAIRMAN FERGUSON: Okay. Well, you**
 00:20 **23 know, I'm very uneasy allowing people getting out of**
 00:20 **24 their car right on a neighbor's property.**
 00:20 **25 So I'm wondering, and I am just asking**
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00:20 1 this, if we moved the whole project 3 feet to the
 00:20 2 east; in other words, we're going to pick up the
 00:20 3 whole thing and move it 3 feet and give some space
 00:20 4 between where you're going to park your cars and your
 00:20 5 neighbor, you see any problem with that?
 00:20 6 THE WITNESS: No, I actually did do a
 00:21 7 sketch just to show that we could shift it 3 feet.
 00:21 8 It's not a full site plan, but it -- it doesn't
 00:21 9 impact us other than the setback on the opposite
 00:21 10 side, obviously.
 00:21 11 CHAIRMAN FERGUSON: Right.
 00:21 12 THE WITNESS: So it's certainly
 00:21 13 something we can do. I think that's a very good
 00:21 14 comment. And that in conjunction with providing a
 00:21 15 little more room to turn a vehicle around is what we
 00:21 16 would try to accomplish as well.
 00:21 17 CHAIRMAN FERGUSON: Okay. Now, are you
 00:21 18 going to put on an architect now?
 00:21 19 MR. ALAMPI: I am.
 00:21 20 CHAIRMAN FERGUSON: Okay. Any board
 00:21 21 members have any questions for the engineer?
 00:21 22 VICE CHAIRMAN ALBANESE: We're going to
 00:21 23 move it over 3 feet; right, Joe?
 00:21 24 CHAIRMAN FERGUSON: What is it?
 00:21 25 VICE CHAIRMAN ALBANESE: For this
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00:21 1 parking here.
 00:21 2 CHAIRMAN FERGUSON: Yeah.
 00:21 3 VICE CHAIRMAN ALBANESE: Move it over 3
 00:21 4 feet.
 00:21 5 CHAIRMAN FERGUSON: Yes. We're going
 00:21 6 to move the whole --
 00:21 7 MR. ALAMPI: We're going to move the
 00:21 8 building 3 feet.
 00:21 9 CHAIRMAN FERGUSON: Right.
 00:21 10 MR. ALAMPI: And that would give us a
 00:21 11 little larger driveway and we can move the parking as
 00:21 12 well and give them a little more maneuver space.
 00:21 13 CHAIRMAN FERGUSON: Right.
 00:21 14 MR. ALAMPI: We can do that.
 00:21 15 CHAIRMAN FERGUSON: Are you clear on
 00:21 16 that?
 00:21 17 VICE CHAIRMAN ALBANESE: Yes.
 00:21 18 CHAIRMAN FERGUSON: Just for the
 00:21 19 audience, just so we -- if you have any questions,
 00:22 20 we're going to -- we kick it to -- each expert who
 00:22 21 testified, we ask, our experts ask, and then we give
 00:22 22 it to the residents, in case there is any here, any
 00:22 23 residents here that want to ask questions to this
 00:22 24 witness. We're only directing the questions to this
 00:22 25 witness and not to the architect or the planner,
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00:22 1 right?
 00:22 2 But we go through our experts first
 00:22 3 because that gives us an opportunity maybe you get
 00:22 4 your answer -- questions answered that way. So if we
 00:22 5 have no questions from the board, we'll go with
 00:22 6 Steve, our engineer.
 00:22 7 MR. COLLAZUOL: Tom, the width of the
 00:22 8 driveway is not dimensioned where it meets East
 00:22 9 Edsall Boulevard. I scaled about 26 feet. Would you
 00:22 10 estimate that's correct?
 00:22 11 THE WITNESS: Yes.
 00:22 12 MR. COLLAZUOL: I think that is
 00:22 13 referred to on the plan by the architect, so they
 00:23 14 would be coordinated, correct?
 00:23 15 For a project like this, under the RSIS
 00:23 16 standards, is that adequate or is that oversized?
 00:23 17 THE WITNESS: I think it's probably a
 00:23 18 couple of foot oversized. And that's one of the
 00:23 19 things we were looking at as far as shifting the
 00:23 20 parking over because we do have the ability to narrow
 00:23 21 the driveway slightly.
 00:23 22 And, again, we're trying to provide
 00:23 23 more room to maneuver in that space.
 00:23 24 MR. COLLAZUOL: Thank you.
 00:23 25 On the letter we wrote, Item No. 11
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00:23 1 refers to curbs and sidewalks along both East Edsall
 00:23 2 Boulevard and Bergen Boulevard.
 00:23 3 I notice on the plan the entrances to
 00:23 4 the units are towards Bergen Boulevard and you show
 00:23 5 sidewalks out to the edge of pavement.
 00:23 6 In complying with the report, would you
 00:23 7 then show a proposed curb along the edge of pavement
 00:23 8 existing on Bergen Boulevard and then a sidewalk to
 00:23 9 which those pedestrians' accesses would meet.
 00:24 10 And for the benefit of the safety since
 00:24 11 this is a highway, could you provide a guide rail
 00:24 12 between the sidewalk and the curb along there as to
 00:24 13 protect pedestrians along that way.
 00:24 14 THE WITNESS: The guide rail is not in
 00:24 15 your letter yet, correct?
 00:24 16 MR. COLLAZUOL: Correct.
 00:24 17 THE WITNESS: Well, I would defer to
 00:24 18 our attorney. I can't speak to the applicant on
 00:24 19 that. I believe we were consenting to the curb and
 00:24 20 sidewalk, so I'm assuming we would then also consent
 00:24 21 to the guide rail. But, again, I can't speak for my
 00:24 22 client on that one.
 00:24 23 MR. ALAMPI: Steve, what is directly to
 00:24 24 the north of this property? Is there another house
 00:24 25 there?
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00:24 1 MR. COLLAZUOL: I believe that's a
 00:24 2 residence.
 00:24 3 MR. ALAMPI: What do they have?
 00:24 4 MR. COLLAZUOL: I think if you look at
 00:24 5 the planner's overhead you will be able to tell what
 00:24 6 the next property is.
 00:24 7 THE WITNESS: I think it's a
 00:24 8 residential structure.
 00:24 9 MR. COLLAZUOL: Uh-huh.
 00:25 10 Ultimately you would assume that some
 00:25 11 day in the future there would be sidewalks on that
 00:25 12 side of the road connecting pedestrians from one side
 00:25 13 to the other, so you would -- I believe you would be
 00:25 14 obligated to meet the corner as well with your curbs
 00:25 15 from East Edsall Boulevard as well as from Bergen
 00:25 16 Boulevard. Am I correct?
 00:25 17 THE WITNESS: Again, there is no
 00:25 18 engineering reason why we couldn't do it. I just --
 00:25 19 I can't agree with -- I have not spoken with my
 00:25 20 client about it, I'm sorry.
 00:25 21 MR. COLLAZUOL: I would suggest that
 00:25 22 the board get an answer to that question because that
 00:25 23 is the -- the obligation typically of the developer
 00:25 24 that the property frontages -- frontage or frontages
 00:25 25 be improved with curbs and sidewalks.

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00:26 1 make a right-hand turn to go down Edsall.
 00:26 2 THE WITNESS: Sure.
 00:26 3 VICE CHAIRMAN ALBANESE: You know? And
 00:26 4 the sidewalk is right there and, you know...
 00:26 5 MR. ALAMPI: I don't have a problem
 00:26 6 with it.
 00:26 7 VICE CHAIRMAN ALBANESE: You know what
 00:26 8 I'm saying? I think that's a good idea to put that
 00:26 9 there.
 00:26 10 MR. ALAMPI: Yeah, and I think we're in
 00:26 11 agreement. The client is here and he's nodding his
 00:26 12 head.
 00:26 13 VICE CHAIRMAN ALBANESE: Okay.
 00:26 14 MR. ALAMPI: We'll agree with it.
 00:26 15 We'll work out the details and submit it to
 00:27 16 Mr. Collazuol, but we can do that.
 00:27 17 CHAIRMAN FERGUSON: Okay.
 00:27 18 MR. ALAMPI: And I do understand people
 00:27 19 are coming out of the front door and down the steps.
 00:27 20 VICE CHAIRMAN ALBANESE: Just standing
 00:27 21 there waiting for a bus.
 00:27 22 MR. ALAMPI: You know you're right
 00:27 23 there, right on the highway.
 00:27 24 CHAIRMAN FERGUSON: Yes.
 00:27 25 It's a bad corner. Okay.

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00:25 1 (Whereupon, off-the-record discussion
 00:25 2 is held between the applicant expert and
 00:25 3 applicant's attorney.)
 00:25 4 CHAIRMAN FERGUSON: Counsel, is your
 00:25 5 client here?
 00:25 6 MR. ALAMPI: He is.
 00:25 7 CHAIRMAN FERGUSON: Okay.
 00:26 8 MR. ALAMPI: I think we can agree,
 00:26 9 Chairman. I understand what Mr. Collazuol's
 00:26 10 recommending. We certainly intended to do sidewalk
 00:26 11 and curbing around the perimeter of the property.
 00:26 12 CHAIRMAN FERGUSON: Right.
 00:26 13 MR. ALAMPI: If Mr. Collazuol feels a
 00:26 14 guide rail is important --
 00:26 15 CHAIRMAN FERGUSON: Right.
 00:26 16 MR. ALAMPI: -- although other
 00:26 17 neighbors that are right in the area may not have it,
 00:26 18 we have no problem either -- Steve, either bollards,
 00:26 19 a guide rail, what would be permitted?
 00:26 20 MR. COLLAZUOL: Well, I think the idea
 00:26 21 of a guide rail is more streamlined so that if a car
 00:26 22 was to go off the road, it would be guided back onto
 00:26 23 the road.
 00:26 24 VICE CHAIRMAN ALBANESE: Yes, but on in
 00:26 25 the corner, Tom, a lot of cars go to the right to

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00:27 1 MR. CARNOVALE: Question.
 00:27 2 CHAIRMAN FERGUSON: Go ahead, Vinny.
 00:27 3 MR. CARNOVALE: I'll address it to
 00:27 4 Mr. Collazuol.
 00:27 5 Shifting, because of the parking on the
 00:27 6 left side of the thing, if we push the building
 00:27 7 closer to Bergen Boulevard, what is our setback going
 00:27 8 to be, Steve?
 00:27 9 MR. COLLAZUOL: Well, I was going to
 00:27 10 ask that question, too, of Tom.
 00:27 11 The units aren't numbered on his plan,
 00:27 12 but if we go from Edsall to the north, units 1, 2 and
 00:27 13 3. Unit 1 is shown to have a 7-foot side yard
 00:27 14 perpendicular to the lot line.
 00:27 15 But along the line that's parallel to
 00:27 16 Bergen Boulevard you show an additional 7-foot to
 00:27 17 what looks to be like a -- a wall projection.
 00:28 18 If we go back to Unit No. 1 where your
 00:28 19 elevation of 97.0 is shown, I scale 5 feet at that
 00:28 20 location.
 00:28 21 MR. CARNOVALE: So, Joe, my -- I mean
 00:28 22 Steve, minus the three they want to kick the
 00:28 23 building, what do you got left there.
 00:28 24 MR. COLLAZUOL: Well, at that point
 00:28 25 then that would be 2 feet.

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00:28 **1** MR. CARNOVALE: What about in the --
 00:28 **2** MR. COLLAZUOL: The other becomes
 00:28 **3** approximately 4 feet.
 00:28 **4** THE WITNESS: The architect can expand
 00:28 **5** on this, but it's my understanding that that's a
 00:28 **6** second floor -- that's an overhang. That's why it's
 00:28 **7** not dimensioned as the actual side yard.
 00:28 **8** But you're correct, it is a 2-foot jog.
 00:28 **9** MR. COLLAZUOL: So the answer to your
 00:28 **10** question, Vince, the -- if the building was moved
 00:28 **11** easterly by 3 feet, that side yard perpendicular
 00:28 **12** would then be 4 feet.
 00:28 **13** MR. CARNOVALE: On the first unit?
 00:28 **14** MR. COLLAZUOL: Yes.
 00:28 **15** MR. CARNOVALE: What about where the
 00:28 **16** property has a -- it's not square -- it's not a
 00:28 **17** rectangular property --
 00:28 **18** MR. COLLAZUOL: Right.
 00:28 **19** MR. CARNOVALE: -- where the line dives
 00:29 **20** to the -- where the property dives to the west.
 00:29 **21** MR. COLLAZUOL: Yes. There's a 7-foot
 00:29 **22** marked to Unit No. 2 there.
 00:29 **23** MR. CARNOVALE: The corner of Unit No.
 00:29 **24** 2.
 00:29 **25** MR. COLLAZUOL: Yes. That's 7 feet.

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00:30 **1** the door.
 00:30 **2** CHAIRMAN FERGUSON: Right.
 00:30 **3** MR. CARNOVALE: Steve, what is -- the
 00:30 **4** state or the county or whoever owns Bergen Boulevard,
 00:30 **5** what's their right-of-way there, before it hits these
 00:30 **6** people's property.
 00:30 **7** MR. COLLAZUOL: The designated
 00:30 **8** right-of-way width is 80 feet.
 00:30 **9** MR. CARNOVALE: Okay. What is the
 00:30 **10** width of Bergen Boulevard? I don't know.
 00:30 **11** MR. COLLAZUOL: I would estimate the
 00:30 **12** width of Bergen Boulevard is around 40, 42 feet. It
 00:30 **13** is four lanes.
 00:30 **14** CHAIRMAN FERGUSON: Okay.
 00:30 **15** MR. CARNOVALE: Okay. So...
 00:30 **16** MR. COLLAZUOL: From the edge of the
 00:30 **17** pavement on Bergen Boulevard to this property line or
 00:30 **18** the street line or the highway line, it's
 00:30 **19** approximately 17 feet.
 00:30 **20** MR. CARNOVALE: And you're saying on
 00:30 **21** the other side the same.
 00:30 **22** MR. COLLAZUOL: Yes. Plus or minus.
 00:30 **23** MR. CARNOVALE: So physically the
 00:30 **24** building won't be 4 feet from Bergen Boulevard, it
 00:30 **25** will be the 17, plus the four.

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00:29 **1** MR. CARNOVALE: So minus the three they
 00:29 **2** want to kick -- minus -- so that'll give them 4 foot?
 00:29 **3** MR. COLLAZUOL: That would be 4 foot
 00:29 **4** plus or minus.
 00:29 **5** THE WITNESS: It would probably be 4
 00:29 **6** foot and a couple inches because we're now moving it
 00:29 **7** perpendicular to the property line.
 00:29 **8** CHAIRMAN FERGUSON: I just threw that
 00:29 **9** out, Vinny, just to give the person on the easterly
 00:29 **10** side of that 7 more --
 00:29 **11** MR. CARNOVALE: That wasn't --
 00:29 **12** CHAIRMAN FERGUSON: -- I mean, if the
 00:29 **13** board feels like they want to leave it the way it,
 00:29 **14** then leave it the way it is.
 00:29 **15** But I think you're better off moving
 00:29 **16** it.
 00:29 **17** VICE CHAIRMAN ALBANESE: What about if
 00:29 **18** he put a fence in.
 00:29 **19** CHAIRMAN FERGUSON: What?
 00:29 **20** VICE CHAIRMAN ALBANESE: They can't get
 00:29 **21** out?
 00:29 **22** MR. CARNOVALE: You can't open the
 00:29 **23** door.
 00:29 **24** CHAIRMAN FERGUSON: Right.
 00:30 **25** VICE CHAIRMAN ALBANESE: You can't open

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00:30 **1** MR. COLLAZUOL: Yes.
 00:31 **2** MR. CARNOVALE: Okay.
 00:31 **3** CHAIRMAN FERGUSON: You're good, Vin.
 00:31 **4** MR. CARNOVALE: I -- they were talking
 00:31 **5** about redoing that. If there's any other way to fix
 00:31 **6** that problem of opening the door and hitting the
 00:31 **7** people next door's property line, like, Pauly said --
 00:31 **8** CHAIRMAN FERGUSON: That's why I said,
 00:31 **9** move it.
 00:31 **10** VICE CHAIRMAN ALBANESE: Yeah, we move
 00:31 **11** it over 3 feet.
 00:31 **12** CHAIRMAN FERGUSON: Move it over 3
 00:31 **13** feet.
 00:31 **14** VICE CHAIRMAN ALBANESE: Well, that
 00:31 **15** first unit there, you got the room is 16 foot 10,
 00:31 **16** right? On the first -- the recreation room is 16 --
 00:31 **17** MR. ALAMPI: You're looking at the
 00:31 **18** architectural plan?
 00:31 **19** THE WITNESS: Yes.
 00:31 **20** VICE CHAIRMAN ALBANESE: Okay?
 00:31 **21** THE WITNESS: The architect could
 00:31 **22** probably answer that. I don't -- that's not my
 00:31 **23** expertise. Sorry.
 00:31 **24** VICE CHAIRMAN ALBANESE: All right.
 00:31 **25** CHAIRMAN FERGUSON: All right?

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00:31 1 MR. ALAMPI: I know what you're going
 00:31 2 to ask him, about the size of the room.
 00:31 3 VICE CHAIRMAN ALBANESE: Yes. If you
 00:31 4 make it smaller, this way instead of 4 feet off of
 00:31 5 Bergen Boulevard you got 5-and-a-half feet, you know
 00:31 6 what I mean?
 00:31 7 MR. ALAMPI: Let's see when he gets up.
 00:31 8 VICE CHAIRMAN ALBANESE: Okay.
 00:31 9 MR. ALAMPI: You'll get a better
 00:31 10 answer.
 00:32 11 CHAIRMAN FERGUSON: You good, Vin.
 00:32 12 MR. CARNOVALE: Yes.
 00:32 13 CHAIRMAN FERGUSON: Steve?
 00:32 14 MR. COLLAZUOL: Yes, I am fine
 00:32 15 otherwise.
 00:32 16 CHAIRMAN FERGUSON: Thank you.
 00:32 17 Judd?
 00:32 18 MR. ROCCIOLA: Judd Rocciola, traffic
 00:32 19 engineer.
 00:32 20 The parking spaces for the guests that
 00:32 21 you show, that is all you're proposing for the
 00:32 22 guests, that looks like it could be another space to
 00:32 23 the north in front of the two that are along the west
 00:32 24 side. You don't intend that to be part of your
 00:32 25 parking cap?

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00:33 1 Because first of all, the zoning
 00:33 2 doesn't allow backing out into the street. So you
 00:33 3 have to -- I think you have to demonstrate, the board
 00:33 4 has to be confident that you're going to be able to
 00:33 5 -- cars will be able to turn around so they don't
 00:33 6 have to back out into the street, because they're
 00:33 7 going to need a variance for that. And I think that
 00:33 8 may help you out, plus the 3 feet, when you're
 00:33 9 looking at it.
 00:34 10 If you can come up with -- what
 00:34 11 Mr. Collazuol was talking about the sidewalks, but
 00:34 12 along Bergen Boulevard you're going to need a DOT
 00:34 13 permit.
 00:34 14 THE WITNESS: Correct.
 00:34 15 MR. ROCCIOLA: Just to let the board
 00:34 16 know, that guide rail may not be approved because
 00:34 17 that is not the real intent for guide rail. And the
 00:34 18 DOT may not approve it.
 00:34 19 So it should be contingent only if the
 00:34 20 DOT approves the guide rail.
 00:34 21 CHAIRMAN FERGUSON: Well --
 00:34 22 MR. ROCCIOLA: And you need a permit
 00:34 23 for the sidewalk as well, and curb.
 00:34 24 THE WITNESS: And as was mentioned, we
 00:34 25 have 17 feet there between the property line and the

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00:32 1 THE WITNESS: Along the side of the
 00:32 2 garage; is that what you mean?
 00:32 3 MR. ROCCIOLA: Along the -- on the --
 00:32 4 opposite the garage, yeah.
 00:32 5 In other words, I'm just wondering, on
 00:32 6 the architect's plan there's only -- there's three
 00:32 7 cars showing. I guess that identifies --
 00:32 8 THE WITNESS: That's all we're
 00:32 9 proposing right now.
 00:32 10 MR. ROCCIOLA: That's all you're
 00:32 11 proposing.
 00:32 12 THE WITNESS: Yes, yes.
 00:32 13 MR. ALAMPI: In the driveway.
 00:32 14 MR. ROCCIOLA: As you -- you talked
 00:32 15 about, I have some issues about turning around on the
 00:32 16 site. Adding 3 feet is going to help make K-turns.
 00:33 17 When you look at doing some
 00:33 18 modification, take a look at having one parking space
 00:33 19 up against the building where you don't show a car
 00:33 20 now, and then an open space which you stripe out for
 00:33 21 maneuvering. And then the other parking space closer
 00:33 22 to the street and the driveway.
 00:33 23 I think that allows cars to back out
 00:33 24 easier into the middle of the yard to make their
 00:33 25 K-turns to get out.

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00:34 1 edge of pavement. We could pull the side -- if the
 00:34 2 guardrail were not approved for some reason, we could
 00:34 3 shift the sidewalk back and at least get it away from
 00:34 4 the street, so we have some room and some options as
 00:34 5 far as --
 00:34 6 MR. ROCCIOLA: But you'll have to meet
 00:34 7 the DOT standards on locating the guide rail anyway.
 00:34 8 Locating the sidewalk as well. So you'll have to
 00:34 9 talk to the DOT on that.
 00:35 10 MR. ALAMPI: So, Chairman, we agree
 00:35 11 it's subject to the DOT.
 00:35 12 CHAIRMAN FERGUSON: Right.
 00:35 13 MR. ALAMPI: And they may modify what
 00:35 14 we're agreeing to. They may even prohibit it.
 00:35 15 CHAIRMAN FERGUSON: Right.
 00:35 16 MR. ALAMPI: But I think what Judd is
 00:35 17 saying is we'll make that a requirement subject to
 00:35 18 DOT.
 00:35 19 CHAIRMAN FERGUSON: Subject to. Right.
 00:35 20 MR. ALAMPI: But if the DOT does not --
 00:35 21 it does not defeat the application.
 00:35 22 CHAIRMAN FERGUSON: Okay.
 00:35 23 MR. ALAMPI: The application will go
 00:35 24 forward.
 00:35 25 MR. ROCCIOLA: And just, the other

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00:35 1 comment I had, I think, was Mr. Collazuol mentioned,
 00:35 2 too, for the dimension for the driveway.
 00:35 3 THE WITNESS: Yes. We'll clarify that.
 00:35 4 MR. ROCCIOLA: Okay.
 00:35 5 CHAIRMAN FERGUSON: Thank you.
 00:35 6 MR. ROCCIOLA: That's it.
 00:35 7 MR. ALAMPI: Judd, I wasn't following
 00:35 8 you. Where would another vehicle be parked?
 00:35 9 MR. ROCCIOLA: If you look at --
 00:35 10 MR. ALAMPI: The plan that I am looking
 00:35 11 at shows three cars in the driveway.
 00:35 12 MR. ROCCIOLA: Take a look at the
 00:35 13 architectural plan. See the two cars on the left
 00:35 14 side in the architectural plan.
 00:35 15 MR. ALAMPI: Yes.
 00:35 16 MR. ROCCIOLA: Split them. Move the
 00:35 17 one up against --
 00:35 18 MR. ALAMPI: Move it --
 00:35 19 MR. ROCCIOLA: -- further north.
 00:35 20 MR. ALAMPI: Move it further.
 00:35 21 MR. ROCCIOLA: Yes. So you have an
 00:35 22 empty spot in between which is maneuvering, when you
 00:36 23 back out of the garage --
 00:36 24 MR. ALAMPI: Right, that will give you
 00:36 25 about 15 feet of --

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00:36 1 THE WITNESS: Sure.
 00:36 2 MR. KAUKER: And I think the second
 00:36 3 question I had was answered. I had a question with
 00:36 4 respect to the rear yard setback. You showed 11 feet
 00:36 5 and it looks like there is a bump-out.
 00:36 6 But I think from what I just heard,
 00:36 7 it's actually an overhang.
 00:36 8 THE WITNESS: Those are second floor
 00:36 9 overhangs, yes.
 00:36 10 MR. KAUKER: On the second floor?
 00:36 11 THE WITNESS: Yes.
 00:36 12 MR. KAUKER: Okay. I have no other
 00:36 13 questions.
 00:37 14 CHAIRMAN FERGUSON: Okay. Anybody in
 00:37 15 the audience have any questions.
 00:37 16 Okay. Can I get your name and address?
 00:37 17 MS. TRONT: I'm Angela Tront,
 00:37 18 T-R-O-N-T, 311 East Edsall Boulevard.
 00:37 19 My question is I am the resident to the
 00:37 20 -- to the west of this project.
 00:37 21 So you're proposing -- and that
 00:37 22 property is elevated approximately 6 or 7 feet above
 00:37 23 my property. There currently is an old rock wall
 00:37 24 that was hand built 40 years ago with a fence on top
 00:37 25 of it.

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00:36 1 MR. ROCCIOLA: It's just better located
 00:36 2 for all the garages.
 00:36 3 MR. ALAMPI: Okay.
 00:36 4 MR. ROCCIOLA: It's sort of an average
 00:36 5 location.
 00:36 6 MR. ALAMPI: We can do that, sure.
 00:36 7 MR. ROCCIOLA: I think it makes it
 00:36 8 easier so they're not going to back out into the
 00:36 9 street.
 00:36 10 MR. ALAMPI: Okay.
 00:36 11 CHAIRMAN FERGUSON: You were late
 00:36 12 coming. His planner is detained a little bit, but
 00:36 13 she's on her way.
 00:36 14 MR. KAUKER: Okay.
 00:36 15 CHAIRMAN FERGUSON: But do you want to
 00:36 16 wait for the planner, that's fine. If you have some
 00:36 17 questions --
 00:36 18 MR. KAUKER: I just have two questions.
 00:36 19 CHAIRMAN FERGUSON: Sure.
 00:36 20 MR. KAUKER: I think -- because I think
 00:36 21 one was answered already, but just actually a
 00:36 22 comment.
 00:36 23 When you revise the parking layout if
 00:36 24 you can just show the dimensions of the parking
 00:36 25 spaces on the plan?

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00:37 1 When you're -- and you're proposing to
 00:37 2 put the parking along that wall.
 00:37 3 Now, is this still going to be elevated
 00:37 4 or are you doing this down at...
 00:37 5 THE WITNESS: No, we're actually
 00:37 6 cutting that area down lower in order to provide safe
 00:38 7 access for the street for vehicles. Right now it's
 00:38 8 too steep.
 00:38 9 So, for example, the existing elevation
 00:38 10 on our property by Unit 3 garage is elevation 95.
 00:38 11 That's the existing grade today.
 00:38 12 What we're proposing for that garage
 00:38 13 floor is 91.5. So that's going to be 3-and-a-half
 00:38 14 foot lower than it is today.
 00:38 15 MS. TRONT: Because currently it's
 00:38 16 grade level, what is there now. It's a ranch. It's
 00:38 17 grade level.
 00:38 18 THE WITNESS: Right.
 00:38 19 MS. TRONT: Okay. So the garage is
 00:38 20 going to be below? Am I addressing that properly.
 00:38 21 THE WITNESS: No, it's not really --
 00:38 22 it's a first floor garage --
 00:38 23 MS. TRONT: Right.
 00:38 24 THE WITNESS: -- but because we have
 00:38 25 three units that are attached --

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00:38 1 MS. TRONT: Right.
 00:38 2 THE WITNESS: -- you need to have more
 00:38 3 or less the same elevation across that entire floor.
 00:38 4 There is a small step in each garage, but it's --
 00:38 5 it's only 6 inches.
 00:38 6 So for us to build that structure and
 00:38 7 have it be -- not be totally buried on the high side,
 00:39 8 we have to remove material and drop it down a little
 00:39 9 bit on the low side.
 00:39 10 So, again, we're at 95 now, that garage
 00:39 11 floor is going to be 3-and-a-half foot lower.
 00:39 12 So there's still a need for a wall
 00:39 13 along the property line, but it will be small and
 00:39 14 it's going to replace what's there now. So that
 00:39 15 stone wall comes out --
 00:39 16 MS. TRONT: Okay.
 00:39 17 THE WITNESS: -- a new, you know,
 00:39 18 engineered wall goes in.
 00:39 19 MS. TRONT: So it's going to be lower.
 00:39 20 THE WITNESS: Lower.
 00:39 21 MS. TRONT: So this property is no
 00:39 22 longer going to be 7 feet above me, it's going to
 00:39 23 come down to --
 00:39 24 THE WITNESS: Yes. If it's 7 above you
 00:39 25 now, it's going to be 4 above you, something along
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00:39 1 those lines. So it's still going to be higher than
 00:39 2 you, but not as much.
 00:39 3 CHAIRMAN FERGUSON: Steve?
 00:39 4 MR. COLLAZUOL: Yes, I'm getting
 00:39 5 confused, because I thought the parking line -- the
 00:39 6 edge of the line of the parking, where the three
 00:39 7 visitor spaces are shown, is going to be moved away
 00:39 8 from the line by 3 feet --
 00:39 9 THE WITNESS: It is. It is.
 00:39 10 MR. COLLAZUOL: So now there's an
 00:39 11 existing rubble wall shown along the line, and you
 00:40 12 were showing a proposed wall at the lot line, but now
 00:40 13 it's my understanding that you're going to continue
 00:40 14 to build that wall, yet you're going to have the
 00:40 15 parking 3 feet away.
 00:40 16 THE WITNESS: Yes, because we still
 00:40 17 need to maintain the parking elevation so that the
 00:40 18 people now that are getting out of their car have
 00:40 19 somewhere to -- they're going to stand on that 3 feet
 00:40 20 which has to be in the same elevation as our parking.
 00:40 21 So we still need to raise it -- we still need to
 00:40 22 build a wall, to some extent.
 00:40 23 MR. COLLAZUOL: And the wall will still
 00:40 24 disturb the rubble wall.
 00:40 25 THE WITNESS: It will, I'm sorry?
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00:40 1 MR. COLLAZUOL: It will still disturb
 00:40 2 the rubble wall during construction.
 00:40 3 THE WITNESS: Yes, yes.
 00:40 4 MR. COLLAZUOL: So, eventually, in that
 00:40 5 area then you're going to be removing that rubble
 00:40 6 wall and build the interlocking block wall.
 00:40 7 THE WITNESS: Yes, that's what I meant
 00:40 8 to say. I'm sorry if I --
 00:40 9 MR. COLLAZUOL: No, I think you did say
 00:40 10 that. But I'm just making it clear.
 00:40 11 THE WITNESS: Okay.
 00:40 12 MR. ROCCIOLA: There's no fence.
 00:40 13 MR. COLLAZUOL: Pardon me, as Judd just
 00:40 14 pointed out, you will have to have a fence up top of
 00:40 15 that wall.
 00:40 16 MR. ALAMPI: Sure.
 00:40 17 THE WITNESS: Yes. There's probably
 00:40 18 going to be a walkway there, a fence, railing; we'll
 00:40 19 work that out with you guys.
 00:40 20 But you're right, absolutely something
 00:41 21 has to be on top.
 00:41 22 CHAIRMAN FERGUSON: I've just got,
 00:41 23 Steve, I'm just a little concerned about the
 00:41 24 drainage. They're putting -- how many pits are they
 00:41 25 putting in and what is the capacity and do we have to
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00:41 1 add some or -- because I want to protect the people
 00:41 2 that are on the east side of the development.
 00:41 3 MR. COLLAZUOL: Right.
 00:41 4 MS. TRONT: The west side.
 00:41 5 CHAIRMAN FERGUSON: The west side,
 00:41 6 you're right. I'm sorry.
 00:41 7 MR. COLLAZUOL: Certainly. Certainly.
 00:41 8 We all do.
 00:41 9 Tom did show the drainage calculations
 00:41 10 for the roof. We've indicate that we'd like to see
 00:41 11 him address the drainage for the driveway as well.
 00:41 12 And, of course, just based on
 00:41 13 percolation tests --
 00:41 14 CHAIRMAN FERGUSON: Right.
 00:41 15 MR. COLLAZUOL: We have to see if the
 00:41 16 soil can accept the runoff.
 00:41 17 THE WITNESS: Based on that comment,
 00:41 18 we'll be adding probably a trench drain at the mouth
 00:41 19 of the driveway and another pit.
 00:41 20 CHAIRMAN FERGUSON: And another pit?
 00:41 21 So how many pits are we going to have there?
 00:41 22 THE WITNESS: Three total.
 00:41 23 CHAIRMAN FERGUSON: Three total?
 00:41 24 Is that enough, Steve?
 00:41 25 MR. COLLAZUOL: Yes, it seems to be.
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00:41 **1** CHAIRMAN FERGUSON: Is that right?
 00:41 **2** MR. COLLAZUOL: Yes.
 00:41 **3** CHAIRMAN FERGUSON: Because I want to
 00:41 **4** be over not under.
 00:42 **5** MR. COLLAZUOL: Oversized? Yes.
 00:42 **6** CHAIRMAN FERGUSON: Okay. Are they
 00:42 **7** going to be 1,000?
 00:42 **8** THE WITNESS: They're 1,000 and there's
 00:42 **9** also -- the stone around it gives you as much volume
 00:42 **10** and storage as the pit basically.
 00:42 **11** CHAIRMAN FERGUSON: Yes.
 00:42 **12** THE WITNESS: With 1,000-gallon tank
 00:42 **13** you can basically do 2500 gallons.
 00:42 **14** CHAIRMAN FERGUSON: Okay.
 00:42 **15** THE WITNESS: And we're going to do
 00:42 **16** three of those.
 00:42 **17** CHAIRMAN FERGUSON: All right.
 00:42 **18** VICE CHAIRMAN ALBANESE: The fence
 00:42 **19** you're going to put up on that wall, it's going to go
 00:42 **20** the whole length of the property?
 00:42 **21** THE WITNESS: We have to finalize
 00:42 **22** exactly what that configuration is going to be, what
 00:42 **23** the walkway should look like.
 00:42 **24** We're going to move it over 3 feet, but
 00:42 **25** we're going to give people an area to step out of

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00:43 **1** MS. TRONT: Right, they're going to
 00:43 **2** lower it.
 00:43 **3** VICE CHAIRMAN ALBANESE: They're going
 00:43 **4** to put the fence -- you know, before you know it,
 00:43 **5** you're going to hit the window. You know, I guess
 00:43 **6** they can put a little 4-foot fence, you know, so make
 00:43 **7** it a solid one, you know, those plastic fences they
 00:43 **8** got, but solid where the lights won't affect her.
 00:43 **9** MR. ALAMPI: Yes, a vinyl fence.
 00:43 **10** VICE CHAIRMAN ALBANESE: Yes, a vinyl
 00:43 **11** fence.
 00:43 **12** CHAIRMAN FERGUSON: Okay.
 00:43 **13** MR. ALAMPI: We understand that.
 00:43 **14** VICE CHAIRMAN ALBANESE: Okay. Good.
 00:43 **15** CHAIRMAN FERGUSON: Anybody else.
 00:43 **16** MR. ALAMPI: We can screen it.
 00:43 **17** CHAIRMAN FERGUSON: Anybody else in the
 00:43 **18** area?
 00:43 **19** (No response.)
 00:43 **20** CHAIRMAN FERGUSON: All right,
 00:43 **21** counselor.
 00:43 **22** MR. ALAMPI: Thank you.
 00:43 **23** CHAIRMAN FERGUSON: You have one more
 00:43 **24** witness?
 00:43 **25** MR. ALAMPI: I have my architect.

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00:42 **1** their car onto the walkway.
 00:42 **2** VICE CHAIRMAN ALBANESE: I understand
 00:42 **3** that, but, I mean, the fence you're going to put
 00:42 **4** there, I mean, her house, are the lights from the
 00:42 **5** cars, you know, are you going to put a solid fence
 00:42 **6** there, like, you know, one of them plastic fences,
 00:42 **7** solid, so the lights don't --
 00:42 **8** CHAIRMAN FERGUSON: So the lights don't
 00:42 **9** shine on there.
 00:42 **10** THE WITNESS: We can make it solid. No
 00:42 **11** reason we couldn't.
 00:42 **12** VICE CHAIRMAN ALBANESE: Okay. Because
 00:42 **13** I don't think, you know, the headlights into her
 00:42 **14** house, you know...
 00:42 **15** THE WITNESS: Yes.
 00:42 **16** CHAIRMAN FERGUSON: Okay.
 00:42 **17** THE WITNESS: I hadn't gotten that far
 00:42 **18** yet, but that's a good idea.
 00:43 **19** CHAIRMAN FERGUSON: Yeah.
 00:43 **20** VICE CHAIRMAN ALBANESE: Well, that's
 00:43 **21** what I'm saying because, you know...
 00:43 **22** MS. TRONT: Well, that's what currently
 00:43 **23** it's a solid fence.
 00:43 **24** VICE CHAIRMAN ALBANESE: Well, they're
 00:43 **25** going to lower it.

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00:43 **1** CHAIRMAN FERGUSON: Okay. Why don't we
 00:43 **2** take a five-minute break before the architect and
 00:43 **3** then we'll come back in five minutes.
 00:43 **4** (Whereupon, a brief recess is taken.)
 00:43 **5** CHAIRMAN FERGUSON: Back on the record.
 00:53 **6** MR. ALAMPI: So, Chairman, I made a
 00:53 **7** mistake.
 00:53 **8** CHAIRMAN FERGUSON: Okay.
 00:53 **9** MR. ALAMPI: My planner actually is not
 00:53 **10** going to get here tonight. I thought she was just
 00:53 **11** going to be late.
 00:53 **12** But we have to make some design changes
 00:53 **13** --
 00:53 **14** CHAIRMAN FERGUSON: Yes.
 00:54 **15** MR. ALAMPI: -- and some details anyway.
 00:54 **16** CHAIRMAN FERGUSON: Right.
 00:54 **17** MR. ALAMPI: So I don't think you would
 00:54 **18** conclude it --
 00:54 **19** CHAIRMAN FERGUSON: No.
 00:54 **20** MR. ALAMPI: -- you'd carry it. So
 00:54 **21** we'll have Lisa for the next meeting.
 00:54 **22** CHAIRMAN FERGUSON: So you want to put
 00:54 **23** your next witness on?
 00:54 **24** MR. ALAMPI: I do.
 00:54 **25** CHAIRMAN FERGUSON: Okay.

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00:54 1 MR. ALAMPI: We're going to finish with
 00:54 2 that. And I'm going to let my engineer go home.
 00:54 3 You have no more questions for him.
 00:54 4 CHAIRMAN FERGUSON: No more questions,
 00:54 5 right? You straight?
 00:54 6 VICE CHAIRMAN ALBANESE: The public.
 00:54 7 CHAIRMAN FERGUSON: No, we asked the
 00:54 8 public already.
 00:54 9 MS. TESTA: And they're coming back
 00:54 10 next month.
 00:54 11 CHAIRMAN FERGUSON: They're going to
 00:54 12 come back next month, so we're not going to -- okay.
 00:54 13 So just for the record, after you put
 00:54 14 your next witness on --
 00:54 15 MS. LAMBRINIDES: For the record.
 00:54 16 CHAIRMAN FERGUSON: Oh, okay. Let me
 00:54 17 have a roll call for attendance.
 00:54 18 MS. LAMBRINIDES: Mr. Alampi is
 00:54 19 throwing us off.
 00:54 20 MR. ALAMPI: I'm a stranger in this
 00:54 21 county.
 00:54 22 MS. LAMBRINIDES: I know. Have a seat.
 00:54 23 Mr. Ferguson?
 00:54 24 CHAIRMAN FERGUSON: I'm back.
 00:54 25 MS. LAMBRINIDES: Mr. Albanese.

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00:55 1 bring our architect forward.
 00:55 2 MS. LAMBRINIDES: Mr. Terranova, my
 00:55 3 apologies. How are you? Welcome.
 00:55 4 That's because you're behind me.
 00:55 5 Sorry.
 00:55 6 MR. TERRANOVA: Yes.
 00:55 7 MS. TESTA: Please raise your right
 00:55 8 hand.
 00:55 9 Do you swear the testimony you will
 00:55 10 give in this application will be the truth, the whole
 00:55 11 truth and nothing but the truth?
 00:55 12 MR. KIM: Yes.
 00:55 13 S U N G S O O K I M,
 00:55 14 650 East Palisade Avenue, Englewood Cliffs, New
 00:55 15 Jersey, having been duly sworn, testifies as
 00:55 16 follows:
 00:55 17 MS. TESTA: Please state your name,
 00:55 18 spell it for the record.
 00:55 19 MR. KIM: Sung Soo Kim, S-U-N-G, S-O-O,
 00:55 20 and last name Kim, K-I-M. Office is 650 East
 00:55 21 Palisade Avenue, Englewood Cliffs.
 00:55 22 CHAIRMAN FERGUSON: Mr. Kim, have you
 00:55 23 been here before?
 00:55 24 MR. KIM: Yes, I have.
 00:55 25 CHAIRMAN FERGUSON: You've been here

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00:54 1 VICE CHAIRMAN ALBANESE: Here.
 00:54 2 MS. LAMBRINIDES: Mr. Nam.
 00:54 3 MR. NAM: Here.
 00:54 4 MS. LAMBRINIDES: Ms. Yoon.
 00:54 5 MS. YOON: Here.
 00:54 6 MS. LAMBRINIDES: Mr. Carnovale.
 00:54 7 MR. CARNOVALE: Here.
 00:54 8 MS. LAMBRINIDES: Ms. Tarabocchia.
 00:54 9 MS. TARABOCCHIA: Here.
 00:54 10 MS. LAMBRINIDES: Mr. Lefteriou?
 00:54 11 MR. LEFTERIOU: Here.
 00:54 12 CHAIRMAN FERGUSON: Okay. So just for
 00:54 13 the record, counselor, you're going to put one more
 00:54 14 witness on.
 00:54 15 MR. ALAMPI: We're going to put our
 00:54 16 architect on.
 00:54 17 CHAIRMAN FERGUSON: Right.
 00:55 18 MR. ALAMPI: We know that we're going
 00:55 19 to add some details to the plans --
 00:55 20 CHAIRMAN FERGUSON: Right.
 00:55 21 MR. ALAMPI: -- and we'll call our
 00:55 22 planner for the December meeting.
 00:55 23 CHAIRMAN FERGUSON: December meeting.
 00:55 24 Okay. Thank you.
 00:55 25 MR. ALAMPI: With that, we're going to

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00:55 1 before and testified?
 00:55 2 MR. KIM: Yes, I do.
 00:55 3 CHAIRMAN FERGUSON: Recently?
 00:55 4 MR. ALAMPI: Just two questions.
 00:55 5 CHAIRMAN FERGUSON: Go ahead.
 00:55 6 DIRECT EXAMINATION
 00:55 7 BY MR. ALAMPI:
 00:55 8 Q. You're a licensed architect in the
 00:55 9 State of New Jersey?
 00:55 10 A. Yes. Licensed architect.
 00:55 11 Q. And you have been testifying before the
 00:55 12 zoning board and planning board of Palisades Park?
 00:55 13 A. Yes.
 00:56 14 CHAIRMAN FERGUSON: Okay. We accept
 00:56 15 him.
 00:56 16 MR. ALAMPI: Thank you.
 00:56 17 BY MR. ALAMPI:
 00:56 18 Q. Mr. Kim, you're the architect, the
 00:56 19 project architect --
 00:56 20 A. Yes, sir.
 00:56 21 Q. -- for this three-unit project,
 00:56 22 correct?
 00:56 23 A. Right.
 00:56 24 Q. You know the property?
 00:56 25 A. Yes.

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00:56 1 Q. You've visited the property?
 00:56 2 A. **Yes, a lot of times.**
 00:56 3 Q. And you've made the design of the floor
 00:56 4 plan, correct?
 00:56 5 A. **Yes.**
 00:56 6 Q. Now, you heard the board make a
 00:56 7 recommendation that we should shift the building by 3
 00:56 8 feet towards Bergen Boulevard, to shift it to make
 00:56 9 the driveway wider.
 00:56 10 Can this be done?
 00:56 11 A. **Yes, we can do that.**
 00:56 12 Q. Okay. But, I would like you to
 00:56 13 concentrate on the Bergen Boulevard side, now the
 00:56 14 building comes closer to the property line?
 00:56 15 A. **Right.**
 00:56 16 Q. Okay. Could you just go through your
 00:56 17 plans for us and we'll mark as A-2 tonight, A-2 with
 00:56 18 today's date.
 00:56 19 (Whereupon, Architectural Plan dated
 00:56 20 June 26th, 2018 is received and marked as
 00:56 21 Exhibit A-2 for identification.)
 00:56 22 By MR. ALAMPI:
 00:56 23 Q. And tell us the date of your plan. I
 00:56 24 see June 26th, 2018?
 00:56 25 A. **That's correct.**
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00:56 1 Q. Any revisions?
 00:56 2 A. **No.**
 00:57 3 Q. So explain to us the layout of the
 00:57 4 footprint, how many units, what the square footage is
 00:57 5 of the units.
 00:57 6 A. **So we have three units. Each unit has**
 00:57 7 **what is called ground floor. You could say ground**
 00:57 8 **floor. And the other side from Bergen Boulevard can**
 00:57 9 **say basement.**
 00:57 10 **So this floor we put in two-car**
 00:57 11 **garages, recreation room and a one bathroom and a**
 00:57 12 **staircase and utility room for each unit.**
 00:57 13 Q. Now, Mr. Kim, from the west elevation
 00:57 14 it is ground level?
 00:57 15 A. **Right.**
 00:57 16 Q. On the east elevation by Bergen
 00:57 17 Boulevard is it totally below the ground or halfway?
 00:57 18 A. **No, halfway.**
 00:57 19 Q. Okay.
 00:57 20 A. **So each unit, Unit A is about 1,100**
 00:57 21 **square feet for each floor and the second one, 1,200**
 00:58 22 **square foot each floor, and the other one, the last**
 00:58 23 **one, designate Unit A, 1,100 square foot for each**
 00:58 24 **floor.**
 00:58 25 **So total 3,300 unit wall and three and**
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00:58 1 **the second one, bigger one, is about 3,600 square**
 00:58 2 **feet.**
 00:58 3 Q. So the middle unit is a little bit
 00:58 4 wider?
 00:58 5 A. **Yes, sir.**
 00:58 6 **Because if we want to have a bigger,**
 00:58 7 **right, for the second floor bedroom, so make it more**
 00:58 8 **wider for this middle one.**
 00:58 9 Q. And it creates more light and air
 00:58 10 inside the unit?
 00:58 11 A. **Yes.**
 00:58 12 Q. Okay. And the orientation of the
 00:58 13 building is the front door entranceway is on Bergen
 00:58 14 Boulevard, but all of the activity will be on the
 00:58 15 west side by the driveway, correct?
 00:58 16 A. **Right.**
 00:58 17 **The main entrance for car is west side**
 00:58 18 **and main entrance for people going from Bergen**
 00:59 19 **Boulevard.**
 00:59 20 Q. Bring us through each apartment, each
 00:59 21 unit, second, main floor and the upper floor; how
 00:59 22 many bedrooms or whatever, show us.
 00:59 23 A. **We showing three bedroom for each unit**
 00:59 24 **and --**
 00:59 25 Q. You have it on the plan, correct?
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00:59 1 A. **Yes.**
 00:59 2 Q. So the second sheet, that shows the
 00:59 3 living area?
 00:59 4 A. **Yes. On the second sheet we showing**
 00:59 5 **living area, open kitchen and one small powder room.**
 00:59 6 Q. This is all an open plan, open floor
 00:59 7 plan?
 00:59 8 A. **Yes, sir.**
 00:59 9 Q. And above this will be the bedrooms?
 00:59 10 A. **Yes. All this floor we have three**
 00:59 11 **bedroom.**
 00:59 12 Q. Okay.
 00:59 13 A. **And the two bedroom.**
 00:59 14 Q. Okay. So there is a master bath and --
 00:59 15 a master bathroom with a master bath?
 01:00 16 A. **Yes.**
 01:00 17 Q. And then two bedrooms?
 01:00 18 A. **Two bedrooms the one bedroom.**
 01:00 19 Q. Anything else, any other features? Can
 01:00 20 you explain what type of materials you're going to
 01:00 21 use?
 01:00 22 A. **That --**
 01:00 23 Q. So this is a rendering. We'll just
 01:00 24 call this A-3. This is a rendering. I don't know if
 01:00 25 you could write on the plastic.
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01:00 1 (Whereupon, Rendering is received and
 01:00 2 marked as Exhibit A-3 for identification.)
 01:00 3 THE WITNESS: This appear from Bergen
 01:00 4 Boulevard, so we showing two-and-a-half story from
 01:00 5 the side.
 01:00 6 BY MR. ALAMPI:
 01:00 7 Q. Contemporary style?
 01:00 8 A. Yes, sir.
 01:00 9 Q. What is the material you used?
 01:00 10 A. The main material is brick and stucco
 01:00 11 and partially we using wood, cedar.
 01:00 12 Q. So this is a gray brick --
 01:00 13 A. Yes.
 01:00 14 Q. -- that you're using, and cedar?
 01:00 15 A. Yes.
 01:00 16 Q. Okay. And it's a flat roof then?
 01:00 17 A. It's flat roof.
 01:00 18 Q. Okay. And this material you're going
 01:00 19 to use on all four sides?
 01:01 20 A. Yes.
 01:01 21 Q. Similarly?
 01:01 22 A. Similarly main, yeah, we only use
 01:01 23 brick, stucco and cedar for this project.
 01:01 24 Q. Okay. Any other features, Mr. Kim?
 01:01 25 Anything else you want to show us? I know you have a
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01:01 1 model here.
 01:01 2 A. Yes.
 01:01 3 This is model, so the main idea for
 01:01 4 this project is part of the condition of the
 01:01 5 property. This property has angled at the corner of
 01:01 6 Bergen Boulevard area. But that's why each unit step
 01:01 7 back to follow this property line. Also this
 01:01 8 property, just across from the commercial area and
 01:01 9 residential area, so more like a transition as part
 01:01 10 in this area.
 01:01 11 Q. That's why you used a contemporary
 01:01 12 style?
 01:01 13 A. Well, we use only express our idea to
 01:01 14 follow how much from this side and follow some other
 01:01 15 element.
 01:01 16 Q. Okay. And what is directly across the
 01:01 17 street? You said commercial; what type of
 01:02 18 commercial?
 01:02 19 A. There is a -- I believe there is some
 01:02 20 restaurant and a supermarket, a small one, liquor
 01:02 21 store.
 01:02 22 Q. Okay. So you took advantage of the
 01:02 23 configuration of the property to design the building?
 01:02 24 A. Right.
 01:02 25 Q. And then you stepped them back?
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01:02 1 A. Step back, also the topography is going
 01:02 2 up from East Edsall Boulevard, behind this, so this
 01:02 3 -- each unit has a moving back down to East Edsall
 01:02 4 Boulevard to follow the topography.
 01:02 5 Q. And the engineer indicated on the west
 01:02 6 side you will actually be lowering the grade by 3 or
 01:02 7 4 feet --
 01:02 8 A. Yes.
 01:02 9 Q. -- is that your plan?
 01:02 10 A. Yes.
 01:02 11 MR. ALAMPI: I have nothing further.
 01:02 12 BY MR. ALAMPI:
 01:02 13 Q. Show us where the air conditioning
 01:02 14 condensers, the units will be.
 01:02 15 Are they by the driveway?
 01:02 16 A. Yes. We showing this unit from the
 01:03 17 ground floor, for Unit No. 1 we have two condenser
 01:03 18 next to this corner area. And the other one from
 01:03 19 Bergen Boulevard, one is this corner from Bergen
 01:03 20 Boulevard side and the other one behind this
 01:03 21 property, back side of the property (indicating).
 01:03 22 CHAIRMAN FERGUSON: So -- are you done,
 01:03 23 counselor?
 01:03 24 MR. ALAMPI: Go ahead, Chairman.
 01:03 25 CHAIRMAN FERGUSON: Well, so the air
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01:03 1 conditioning units are going to be not on the
 01:03 2 property that is west of that?
 01:03 3 THE WITNESS: Not really, no.
 01:03 4 CHAIRMAN FERGUSON: Not really or not,
 01:03 5 it wouldn't be --
 01:03 6 THE WITNESS: Well, I'm pointing to the
 01:03 7 west side, but this is kind of far away from --
 01:03 8 MR. CARNOVALE: It's far away, Joe.
 01:03 9 CHAIRMAN FERGUSON: You think they're
 01:03 10 far away?
 01:03 11 MR. ALAMPI: It's about -- it's over
 01:03 12 30 feet away from the property line? Yes?
 01:03 13 THE WITNESS: Yes, 35 feet.
 01:03 14 CHAIRMAN FERGUSON: Thirty-five feet?
 01:03 15 Okay.
 01:03 16 So --
 01:03 17 MR. CARNOVALE: It might be more, Joe.
 01:03 18 CHAIRMAN FERGUSON: What.
 01:04 19 MR. CARNOVALE: If they shift the
 01:04 20 building it'll be even more.
 01:04 21 CHAIRMAN FERGUSON: Good.
 01:04 22 MR. CARNOVALE: It'll be 38, so it's
 01:04 23 cool.
 01:04 24 CHAIRMAN FERGUSON: The further the.
 01:04 25 So let me just say, I notice on the
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01:04 **1** plans that behind the garages -- get ready, Paul -- I
 01:04 **2** see bathtubs between each -- behind each garage.
 01:04 **3** THE WITNESS: You mean the bathroom
 01:04 **4** behind the --
 01:04 **5** CHAIRMAN FERGUSON: Yes. You got --
 01:04 **6** yes. Well, here's the deal. We agree that it's good
 01:04 **7** to have a sink there and a urinal, right?
 01:04 **8** But, you know, me personally, I don't
 01:04 **9** see the need to have bathtubs, because when I see
 01:04 **10** bathtubs in the ground floor it's almost like they're
 01:04 **11** inviting something else going in there.
 01:04 **12** So I would appreciate if you could
 01:05 **13** remove the bathtub. You can keep the -- you know,
 01:05 **14** the sink and the toilet, I have no problem with that.
 01:05 **15** But as far as the bathtubs go, we gotta
 01:05 **16** remove the bathtubs.
 01:05 **17** THE WITNESS: Yes. We can do that.
 01:05 **18** CHAIRMAN FERGUSON: Okay.
 01:05 **19** MR. ALAMPI: I understand, Chairman,
 01:05 **20** the conversion of these --
 01:05 **21** CHAIRMAN FERGUSON: There you go. See
 01:05 **22** --
 01:05 **23** MR. ALAMPI: -- to apartments.
 01:05 **24** But having said that, we have two full
 01:05 **25** baths on the upper floor.

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1 CHAIRMAN FERGUSON: It seems fine.
2 Okay. No problem.
3 Paul, you got anything?
4 VICE CHAIRMAN ALBANESE: Well, I was
5 thinking of, I was talking to Vinny here.
 01:06 **6** When you move that over, it's 4 feet,
 01:06 **7** but you've got 17 feet before you get to the curb,
 01:06 **8** right? So it's actually 41 feet.
 01:06 **9** THE WITNESS: Right, right.
 01:06 **10** VICE CHAIRMAN ALBANESE: Okay. I was
 01:06 **11** thinking if you made that room smaller, I thought it
 01:06 **12** was closer to Bergen Boulevard.
 01:06 **13** But 21 feet's fine.
 01:06 **14** MR. ALAMPI: Thank you, Pauly.
 01:06 **15** CHAIRMAN FERGUSON: Okay. Steve, do
 01:06 **16** you have anything.
17 MR. COLLAZUOL: No comment for the
18 architect.
19 CHAIRMAN FERGUSON: You're good.
20 MR. ROCCIOLA: I'm good.
21 MR. KAUKER: I'm good.
 01:06 **22** CHAIRMAN FERGUSON: You're good?
 01:06 **23** Anybody in the audience?
 01:06 **24** Anybody in the audience?
 01:06 **25** (No response.)

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01:05 **1** CHAIRMAN FERGUSON: Yeah, that's fine.
 01:05 **2** MR. ALAMPI: We have a powder room on
 01:05 **3** the main floor --
 01:05 **4** CHAIRMAN FERGUSON: That's not a
 01:05 **5** problem.
 01:05 **6** MR. ALAMPI: So we can live with a
 01:05 **7** powder room in the basement.
 01:05 **8** CHAIRMAN FERGUSON: Whatever you want
 01:05 **9** -- right.
 01:05 **10** MR. ALAMPI: We can live with that.
 01:05 **11** CHAIRMAN FERGUSON: Okay.
 01:05 **12** Any board members? Paul?
 01:05 **13** VICE CHAIRMAN ALBANESE: Yes, but he
 01:05 **14** said tub. We also mean no shower.
 01:05 **15** CHAIRMAN FERGUSON: We also mean no
 01:05 **16** shower also.
 01:05 **17** VICE CHAIRMAN ALBANESE: You know, you
 01:05 **18** say no tub...
 01:05 **19** CHAIRMAN FERGUSON: All right. No tub.
 01:05 **20** MR. ALAMPI: We're calling it a powder
 01:05 **21** room.
 01:05 **22** CHAIRMAN FERGUSON: Calling it a powder
23 room.
24 MR. ALAMPI: And it will not have any
25 bathing facility.

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01:06 **1** CHAIRMAN FERGUSON: No?
 01:06 **2** Okay. So, counselor, you're going to
 01:06 **3** sum up at the next meeting, I assume?
 01:06 **4** MR. ALAMPI: I am, Chairman.
 01:06 **5** CHAIRMAN FERGUSON: Okay.
 01:06 **6** MR. ALAMPI: The planning consultant
 01:06 **7** will be here at the next meeting.
 01:06 **8** CHAIRMAN FERGUSON: Right.
 01:06 **9** MR. ALAMPI: We'll make the adjustments
 01:06 **10** on the plan that you requested tonight.
 01:06 **11** CHAIRMAN FERGUSON: Right.
 01:06 **12** Particularly that -- in regards to the parking. It's
 01:06 **13** very important, the parking.
 01:06 **14** MR. ALAMPI: We will be making those
 01:06 **15** changes.
 01:06 **16** CHAIRMAN FERGUSON: Okay.
 01:06 **17** MR. ALAMPI: And I'll ask the architect
 01:06 **18** to eliminate the tub in the lower level --
 01:06 **19** CHAIRMAN FERGUSON: Right.
 01:06 **20** MR. ALAMPI: -- basement, we'll do that.
 01:06 **21** CHAIRMAN FERGUSON: And feel free
 01:07 **22** during the course of this month to meet with our
 01:07 **23** experts or call these experts, particularly our
 01:07 **24** parking, Mr. Rocciola, because we can to iron all
 01:07 **25** this out before the meeting. Right?

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01:07 **1** MR. ALAMPI: We will.
 01:07 **2** As a matter of fact, when we make the
 01:07 **3** various revisions and put the dimensions, I will ask
 01:07 **4** that -- we'll e-mail it electronically to
 01:07 **5** Mr. Rocciola so he has enough time to look at them.
 01:07 **6** CHAIRMAN FERGUSON: Okay. And also I
 01:07 **7** think, in order to err on the side of caution, I
 01:07 **8** think that we would like to see the applicant post an
 01:07 **9** additional \$1,500.00 for our experts.
 01:07 **10** MR. ALAMPI: Diane, do you send us a
 01:07 **11** letter to that effect?
 01:07 **12** MS. TESTA: Yes.
 01:07 **13** CHAIRMAN FERGUSON: Okay?
 01:07 **14** MS. LAMBRINIDES: So we need a motion
 01:07 **15** to continue.
 01:07 **16** MS. TESTA: Right, to carry it. There
 01:07 **17** will be no further notice required of the applicant.
 01:08 **18** And the applicant, I assume, will waive all time.
 01:08 **19** MR. ALAMPI: We'll waive the time for
 01:08 **20** review of this application beyond December 31, 2018.
 01:08 **21** VICE CHAIRMAN ALBANESE: I make the
 01:08 **22** motion.
 01:08 **23** MR. CARNOVALE: I second the motion.
 01:08 **24** CHAIRMAN FERGUSON: Roll call vote.
 01:08 **25** MS. LAMBRINIDES: Mr. Ferguson.

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01:09 **1** MS. LAMBRINIDES: Do you have your
 01:09 **2** proof?
 01:09 **3** CHAIRMAN FERGUSON: Okay. Counselor,
 01:09 **4** do you have your...
 01:09 **5** MR. LEE: Yes. I have the affidavit of
 01:09 **6** publication, affidavit of service, list of the
 01:09 **7** mailing and the return receipts.
 01:09 **8** THE COURT REPORTER: Your appearance,
 01:09 **9** please.
 01:09 **10** MR. LEE: My name is Daniel Lee
 01:09 **11** representing the applicant.
 01:09 **12** May I proceed?
 01:09 **13** CHAIRMAN FERGUSON: Yes, you may
 01:09 **14** absolutely proceed.
 01:09 **15** MR. LEE: Good evening, Mr. Chairman
 01:09 **16** and members of the board. My name is Daniel Lee
 01:09 **17** representing the applicant.
 01:09 **18** This is a modification application of
 01:10 **19** the resolution that was granted back in October of
 01:10 **20** last year.
 01:10 **21** CHAIRMAN FERGUSON: Right.
 01:10 **22** MR. LEE: The construction had
 01:10 **23** commenced and the structure is already framed out.
 01:10 **24** And back in October we were granted side yard
 01:10 **25** variances.

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01:08 **1** CHAIRMAN FERGUSON: Yes.
 01:08 **2** MS. LAMBRINIDES: Mr. Albanese.
 01:08 **3** VICE CHAIRMAN ALBANESE: Yes.
 01:08 **4** MS. LAMBRINIDES: Mr. Terranova?
 01:08 **5** MR. TERRANOVA: Yes.
 01:08 **6** MS. LAMBRINIDES: Mr. Nam?
 01:08 **7** MR. NAM: Yes.
 01:08 **8** MS. LAMBRINIDES: Ms. Yoon?
 01:08 **9** MS. YOON: Yes.
 01:08 **10** MS. LAMBRINIDES: Mr. Carnovale?
 01:08 **11** MR. CARNOVALE: Yes.
 01:08 **12** MS. LAMBRINIDES: Ms. Tarabocchia?
 01:08 **13** MS. TARABOCCHIA: Yes.
 01:08 **14** MS. LAMBRINIDES: Mr. Lefteriou.
 01:08 **15** MR. LEFTERIOU: Yes.
 01:08 **16** MR. ALAMPI: Thank you very much.
 01:08 **17** Thank you. Happy Thanksgiving.
 01:08 **18** CHAIRMAN FERGUSON: Thank you.
 01:08 **19** MS. LAMBRINIDES: Thank you, same to
 01:08 **20** you.
 01:08 **21** CHAIRMAN FERGUSON: Okay. Next up will
 01:08 **22** be -- let me just get my scrupulous notes out -- will
 01:08 **23** be Case 17-12 Heidi Lee. You're already there son of
 01:09 **24** a gun.
 01:09 **25** MR. LEE: Son of a gun.

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01:10 **1** CHAIRMAN FERGUSON: Yes.
 01:10 **2** MR. LEE: Now, in this
 01:10 **3** modification/amendment we're seeking to do, have a 2
 01:10 **4** feet extension to the background --
 01:10 **5** CHAIRMAN FERGUSON: Right.
 01:10 **6** MR. LEE: To the back yard, I'm sorry,
 01:10 **7** and the architect will explain why we're doing that.
 01:10 **8** CHAIRMAN FERGUSON: Right.
 01:10 **9** MR. LEE: And also about 2 feet height
 01:10 **10** variance. Again, the architect will explain why
 01:10 **11** we're seeking that.
 01:10 **12** CHAIRMAN FERGUSON: Okay.
 01:10 **13** MR. LEE: When the structure has
 01:10 **14** already been framed out.
 01:10 **15** CHAIRMAN FERGUSON: Okay. You want to
 01:10 **16** put your architect on?
 01:10 **17** MR. LEE: Yes. My first witness is
 01:10 **18** Mr. Robert Lee from Lumen Architectural Services.
 01:10 **19** MS. TESTA: Please raise your right
 01:10 **20** hand.
 01:10 **21** Do you swear that the testimony you
 01:10 **22** will give in this application will be the truth, the
 01:10 **23** whole truth and nothing but the truth?
 01:10 **24** MR. R. LEE: Yes.
 01:10 **25**

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01:11 1 ROBERT LEE,
 01:11 2 263 Broad Avenue, 2nd floor, Palisades Park, New
 01:11 3 Jersey, having been duly sworn, testifies as
 01:11 4 follows:
 01:11 5 MS. TESTA: Please state your name,
 01:11 6 spell it for the record.
 01:11 7 MR. R. LEE: My name is Robert Lee,
 01:11 8 L-E-E.
 01:11 9 THE COURT REPORTER: Your business
 01:11 10 address?
 01:11 11 MR. R. LEE: 263 Broad Avenue, 2nd
 01:11 12 floor, Palisades Park.
 01:11 13 THE COURT REPORTER: Thank you.
 01:11 14 DIRECT EXAMINATION
 01:11 15 BY MR. LEE:
 01:11 16 Q. Okay. Mr. Lee, can you state your
 01:11 17 professional background, please.
 01:11 18 A. Yes. I am the professional architect
 01:11 19 and engineer.
 01:11 20 I am currently licensed as an architect
 01:11 21 and engineer in the State of New Jersey. And I am
 01:11 22 the principal in charge in handling this building
 01:11 23 design and overseeing the production of the drawings.
 01:11 24 Q. Have you testified here before?
 01:11 25 A. Yes, I have.
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01:12 1 CHAIRMAN FERGUSON: We will accept him
 01:12 2 as an expert.
 01:12 3 MR. LEE: I move to qualify Mr. Lee as
 01:12 4 an expert witness, your Honor -- Mr. Chairman.
 01:12 5 CHAIRMAN FERGUSON: We're good.
 01:12 6 MS. TESTA: We're good.
 01:12 7 MR. LEE: Thank you.
 01:12 8 BY MR. LEE:
 01:12 9 Q. So let's go, let's start with the
 01:12 10 drawing that was mounted here.
 01:12 11 A. Yes.
 01:12 12 Q. Is this your drawing --
 01:12 13 A. Yes.
 01:12 14 Q. -- that was submitted to the board of
 01:12 15 adjustment?
 01:12 16 A. Yes.
 01:12 17 CHAIRMAN FERGUSON: Let's mark it as
 01:12 18 A-1, please.
 01:12 19 MS. TESTA: Give me the date of that,
 01:12 20 please.
 01:12 21 (Whereupon, Architectural Plan
 01:12 22 Revised 10/24/2018 is received and marked as
 01:12 23 Exhibit A-1 for identification.)
 01:12 24 BY MR. LEE:
 01:12 25 Q. What's the date of the drawing?
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01:12 1 A. Date of the drawing first revision by
 01:12 2 building department is 10/24/2018.
 01:12 3 Q. Now, let's start with the backyard
 01:12 4 variance application. So why don't you explain what
 01:12 5 we're doing and what this is here.
 01:12 6 A. The original application that was
 01:12 7 approved, we had 2-foot bump-out in the rear yard,
 01:12 8 which means normally what we represent the bump-out
 01:13 9 as from the foundation wall you have a 2-foot
 01:13 10 cantilever to make a traditional bump-out that you'd
 01:13 11 normally see.
 01:13 12 CHAIRMAN FERGUSON: Right.
 01:13 13 THE WITNESS: What had happened was we
 01:13 14 took the entire length of the bump-out.
 01:13 15 CHAIRMAN FERGUSON: Right.
 01:13 16 THE WITNESS: Although it's 2 foot, and
 01:13 17 we met the rear yard requirement of the 25 feet --
 01:13 18 CHAIRMAN FERGUSON: Right.
 01:13 19 THE WITNESS: -- because it's the
 01:13 20 entire length, the building department want us to
 01:13 21 come back here, just get the blessing, to make sure
 01:13 22 that it is okay.
 01:13 23 CHAIRMAN FERGUSON: Right.
 01:13 24 THE WITNESS: So it is traditional to
 01:13 25 put bump-out; however, it's the entire length of the
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01:13 1 rear yard, and it is now, if you do not consider this
 01:13 2 as an ordinary bump-out, then we will have a --
 01:13 3 require a variance of 2 foot which is now 23 foot.
 01:13 4 However, still the foundation wall --
 01:13 5 CHAIRMAN FERGUSON: Right.
 01:13 6 THE WITNESS: -- to the rear yard
 01:13 7 property line is 25 regardless as it was originally
 01:14 8 intended and that has not been changed.
 01:14 9 Okay. That was our number one request.
 01:14 10 CHAIRMAN FERGUSON: All right.
 01:14 11 MR. LEE: Any questions on that point.
 01:14 12 MR. CARNOVALE: Yes.
 01:14 13 Sir, you cantilevered the whole first
 01:14 14 floor out?
 01:14 15 THE WITNESS: Yes.
 01:14 16 MR. CARNOVALE: What about the second
 01:14 17 floor.
 01:14 18 THE WITNESS: It comes out together.
 01:14 19 MR. CARNOVALE: So you expect, you
 01:14 20 cantilevered the whole house out 2 feet.
 01:14 21 THE WITNESS: Yes.
 01:14 22 MR. CARNOVALE: May I ask how, why, or
 01:14 23 the carpenter was...
 01:14 24 THE WITNESS: Well, it was -- we
 01:14 25 originally had in mind to create that bay window look
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01:14 1 alike; however, it's just that was more feasible to
 01:14 2 have it all straight across, so that we are
 01:14 3 requesting that be permitted.
 01:14 4 MR. CARNOVALE: The house is framed
 01:14 5 already.
 01:14 6 THE WITNESS: Yes.
 01:14 7 MR. CARNOVALE: Joe, do you understand
 01:14 8 what happened.
 01:14 9 CHAIRMAN FERGUSON: Yes, I understand.
 01:14 10 MR. CARNOVALE: So they cantilevered
 01:14 11 the whole house, this floor and this floor out 2 feet
 01:15 12 versus bump-outs where the windows were cut.
 01:15 13 CHAIRMAN FERGUSON: Right.
 01:15 14 MR. CARNOVALE: All right. As long as
 01:15 15 everybody's clear. I just wanted to clarify.
 01:15 16 THE WITNESS: It's 25 feet to the
 01:15 17 ground.
 01:15 18 MR. CARNOVALE: Yes, I understand.
 01:15 19 THE WITNESS: So the bump-out starts on
 01:15 20 the first floor.
 01:15 21 MR. CARNOVALE: Yes. And it goes up to
 01:15 22 the roof.
 01:15 23 MR. LEE: Across the wall on the rear
 01:15 24 yard.
 01:15 25 CHAIRMAN FERGUSON: So are you -- so we

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01:16 1 CHAIRMAN FERGUSON: Yes. We
 01:16 2 understand.
 01:16 3 VICE CHAIRMAN ALBANESE: It should be 2
 01:16 4 feet, too.
 01:16 5 MR. LEE: Well, that's what happened.
 01:16 6 A mistake occurred somewhere along the way and we are
 01:16 7 here to correct the situation.
 01:16 8 CHAIRMAN FERGUSON: Let's talk about
 01:16 9 the height now.
 01:16 10 BY MR. LEE:
 01:16 11 **Q.** Let's explain the second variance.
 01:16 12 **A.** **The height was a slight oversight from**
 01:16 13 **our office. We indicated it as -- again, the drawing**
 01:16 14 **didn't change. No condition has been changed.**
 01:16 15 **However, on the original application we**
 01:16 16 **had it 28 feet, rather than 25 feet. Mix-up came in**
 01:16 17 **when about when it was duplex as in -- as we were**
 01:16 18 **making application for two-family home. Duplex have**
 01:16 19 **normally 28 feet. Two-family home still considered a**
 01:16 20 **single-family, right, so it is under 25 feet.**
 01:17 21 **So that was slightly mishap on our**
 01:17 22 **office. And the drawing has not changed, but 25 feet**
 01:17 23 **was corrected in a bubble and it was indicated as --**
 01:17 24 **28 feet was corrected to 25 feet. Therefore, it**
 01:17 25 **would require variance same, 25 feet.**

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01:15 1 don't have any more confusion, are you looking for a
 01:15 2 variance or are you looking for clarification? What
 01:15 3 are you looking for.
 01:15 4 MR. LEE: I'm looking for a variance,
 01:15 5 we're looking for a 2-foot variance --
 01:15 6 CHAIRMAN FERGUSON: You're looking for
 01:15 7 a variance.
 01:15 8 MR. LEE: -- in the rear yard setback.
 01:15 9 CHAIRMAN FERGUSON: Okay.
 01:15 10 THE WITNESS: However, not from the
 01:15 11 foundation. From the first floor.
 01:15 12 MR. LEE: Whatever it is, 2 feet. The
 01:15 13 end result will be the same.
 01:15 14 MR. CARNOVALE: Sir, how much does the
 01:15 15 foundation stick up from the ground?
 01:15 16 THE WITNESS: About 3 feet.
 01:15 17 MR. CARNOVALE: Three feet. So nobody
 01:15 18 could walk underneath that 2 foot, it's just
 01:15 19 basically --
 01:15 20 THE WITNESS: No, it's a dead space.
 01:15 21 VICE CHAIRMAN ALBANESE: It's like a --
 01:15 22 MR. CARNOVALE: So, Joe, they have the
 01:16 23 foundation up to here (indicating) and then they
 01:16 24 pushed the house out 2 foot from there up to the
 01:16 25 roof, so as long as the board members understand.

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01:17 1 MR. CARNOVALE: What is the height of
 01:17 2 the actual structure, sir? Did you do that.
 01:17 3 THE WITNESS: Currently we realize the
 01:17 4 fault and we corrected it to 25 feet.
 01:17 5 So currently the structure does not
 01:17 6 exceed 25 feet. But we want to make the record clear
 01:17 7 that our intention was 27.25 feet rather than 25
 01:17 8 feet.
 01:17 9 We are officially requesting a
 01:17 10 variance, although we don't require it now, we think
 01:18 11 it's provisionally a good thing to do because in case
 01:18 12 if there was a water issues we have ability to
 01:18 13 regrade the area.
 01:18 14 MR. CARNOVALE: Sir, may I ask a
 01:18 15 question?
 01:18 16 MR. LEE: We do have experiencing water
 01:18 17 issues now.
 01:18 18 THE WITNESS: Well, yes. So we have
 01:18 19 ability to regrade the area so the window well has
 01:18 20 more natural light exposure.
 01:18 21 BY MR. LEE:
 01:18 22 **Q.** Are we experiencing the drainage
 01:18 23 issues, water issues now? Is that part of the reason
 01:18 24 why we're looking for a height variance?
 01:18 25 **A.** **It helps, yes.**

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01:18 1 MR. CARNOVALE: Sir, may I -- Joe, may
 01:18 2 I ask a question.
 01:18 3 Okay. Sir, when you go for your final
 01:18 4 survey it'll show an exact height. Just to give you
 01:18 5 a head's up, I understand that six over six for
 01:18 6 one-family is 25, duplex is 28.
 01:18 7 THE WITNESS: Yes.
 01:18 8 MR. CARNOVALE: You re-modified the
 01:18 9 little box there where it now says 25.
 01:18 10 THE WITNESS: Right.
 01:18 11 MR. CARNOVALE: But if your structure
 01:18 12 should exceed 25, you're going to get stuck.
 01:18 13 THE WITNESS: Exactly right.
 01:18 14 MR. CARNOVALE: So do you think it
 01:19 15 would have been wise to have a -- almost a final
 01:19 16 survey or a height calculation from yourself or your
 01:19 17 engineer or somebody.
 01:19 18 THE WITNESS: Right.
 01:19 19 MR. CARNOVALE: Because let's say your
 01:19 20 house comes out to be 26.4 inches. You're stuck
 01:19 21 again.
 01:19 22 THE WITNESS: I have -- I have
 01:19 23 certainly had some cases where we are over a few
 01:19 24 inches and then we have to do some last minute
 01:19 25 maneuvers, but in order to avoid all that unnecessary

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01:19 1 headache, we want to have enough margin so that we
 01:19 2 have ability to regrade the area slightly and then
 01:19 3 have the margin of error just in case the framer
 01:19 4 didn't do exactly.
 01:19 5 MR. CARNOVALE: What kind of roof do
 01:19 6 you have on here, sir.
 01:19 7 THE WITNESS: It's a pitched roof. A
 01:19 8 normal pitched roof.
 01:19 9 MR. CARNOVALE: But is it a hip roof,
 01:19 10 gable roof, what is it.
 01:19 11 THE WITNESS: It's a gable.
 01:19 12 MR. CARNOVALE: It's a gable. And
 01:19 13 you're -- you're --
 01:19 14 THE WITNESS: Gabel and a hip.
 01:19 15 MR. CARNOVALE: So you're assuming it
 01:19 16 will be under 25 feet. If it's over a couple inches
 01:19 17 you're going to raise the rear yard.
 01:19 18 THE WITNESS: Right. We specked it out
 01:19 19 at 25 when we realized that we had an error, so --
 01:20 20 but however, we want to still feel comfortable at
 01:20 21 27.25 because our original application stated such.
 01:20 22 MR. CARNOVALE: Oh, so you're looking
 01:20 23 for 27.25.
 01:20 24 CHAIRMAN FERGUSON: Listen, we're
 01:20 25 getting too far away. You want two variances.

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01:20 1 MR. LEE: Correct.
 01:20 2 CHAIRMAN FERGUSON: You want one for
 01:20 3 the rear, you want a 2-foot variance for the height.
 01:20 4 MR. LEE: Correct.
 01:20 5 CHAIRMAN FERGUSON: Right? That's all
 01:20 6 you're looking for.
 01:20 7 MR. LEE: Yes, sir.
 01:20 8 CHAIRMAN FERGUSON: Any board members
 01:20 9 have any questions.
 01:20 10 MR. TERRANOVA: What was the reason for
 01:20 11 going straight up 2 feet out instead of just bumping
 01:20 12 it out.
 01:20 13 THE WITNESS: The reason for it being
 01:20 14 straight, because we intend to have that bay window
 01:20 15 like look. But we didn't see the aesthetical value
 01:20 16 of the bay window at the rear side. But the building
 01:20 17 department look at it more of a straight extension
 01:20 18 rather than --
 01:20 19 MR. LEE: It was a mistake on our part.
 01:20 20 It was a mistake. Okay. It was a mistake, u8 n
 01:20 21 straight out mistake. That's what it was.
 01:20 22 CHAIRMAN FERGUSON: Okay. That's fine.
 01:21 23 Steve?
 01:21 24 MR. COLLAZUOL: Yes. I have a report
 01:21 25 dated November 19th and it addresses the report that

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01:21 1 was previously submitted on September 18th when this
 01:21 2 matter came before the board.
 01:21 3 Many of the comments of that report
 01:21 4 have not been addressed. And during the interim
 01:21 5 period, the building department sent our office to
 01:21 6 inspect a water problem on the site.
 01:21 7 CHAIRMAN FERGUSON: Right.
 01:21 8 MR. COLLAZUOL: And a drainage plan in
 01:21 9 concept was submitted which we indicated in a memo
 01:21 10 was not acceptable, and so many of the items of this
 01:21 11 September 18th letter report have not been addressed.
 01:21 12 So I would urge the board to recommend
 01:21 13 that they be provided because there is discussions
 01:21 14 this evening about water, drainage, possibly some
 01:21 15 adjustment to the height. The grading plan was never
 01:21 16 submitted, the utility plan was never submitted. And
 01:21 17 there has not been a grading -- there's a retaining
 01:22 18 wall that's proposed that has not been shown properly
 01:22 19 prior to construction.
 01:22 20 So I think there are some missing
 01:22 21 pieces that have not been satisfied. So if the board
 01:22 22 were to approve these two variances we'd ask them to
 01:22 23 be in strict conformance with the report of September
 01:22 24 18th and November 19th.
 01:22 25 CHAIRMAN FERGUSON: Counselor.

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01:22 1 MR. LEE: Yes, sir. We received the
 01:22 2 latest letter -- well, our engineer's office has sent
 01:22 3 the drainage plan to Mr. Collazuol's office a few
 01:22 4 weeks ago, to which Mr. Collazuol's office replied we
 01:22 5 need more items or more studies, a percolation test
 01:22 6 and all that.
 01:22 7 And we had performed our percolation
 01:22 8 test and had -- I believe Mr. Martin's office has
 01:22 9 sent -- Mr. Martin -- let me put it this way. Our
 01:22 10 engineer, Mr. Martin, now has the percolation test
 01:22 11 results and he's revising his drainage plan in
 01:23 12 accordance with the latest percolation test, so it is
 01:23 13 in the works.
 01:23 14 CHAIRMAN FERGUSON: Okay. But here's
 01:23 15 the deal. He's our engineer. We're going to listen
 01:23 16 to our engineer. So when we make the motion to grant
 01:23 17 the two variances, we want to include all of the
 01:23 18 comments that --
 01:23 19 MR. LEE: Understood.
 01:23 20 CHAIRMAN FERGUSON: Otherwise...
 01:23 21 MR. LEE: Understood. No problem at
 01:23 22 all.
 01:23 23 CHAIRMAN FERGUSON: Otherwise it's a no
 01:23 24 go.
 01:23 25 MR. LEE: It was always our intention
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01:24 1 under 10 percent.
 01:24 2 MR. KAUKER: Okay.
 01:24 3 CHAIRMAN FERGUSON: Okay. Anything
 01:24 4 else?
 01:24 5 Judd, do you have anything?
 01:24 6 MR. ROCCIOLA: No.
 01:24 7 CHAIRMAN FERGUSON: Any board members?
 01:24 8 (No response.)
 01:24 9 CHAIRMAN FERGUSON: Any audience
 01:24 10 members have any questions?
 01:24 11 (No response.)
 01:24 12 CHAIRMAN FERGUSON: Do you have any
 01:24 13 more witnesses?
 01:24 14 MR. LEE: We have a planner.
 01:24 15 CHAIRMAN FERGUSON: Okay. Let's get
 01:24 16 him on.
 01:24 17 MR. LEE: Mr. Harry Tuvel, our second
 01:24 18 witness. State your name.
 01:24 19 MS. TESTA: Raise your right hand.
 20 Do you swear that the testimony you
 21 will give in this application will be the truth, the
 22 whole truth and nothing but the truth?
 23 MR. TUVEL: I do.
 24 H A R R Y T U V E L,
 25 Having been duly sworn, testifies as follows:
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01:23 1 to comply with that. No problem at all with that
 01:23 2 issue.
 01:23 3 CHAIRMAN FERGUSON: Okay. Steve?
 01:23 4 MR. COLLAZUOL: That would be
 01:23 5 acceptable if it's followed.
 01:23 6 However, it wasn't followed previously,
 01:23 7 with strict conformance to following it this time.
 01:23 8 MR. LEE: We will comply with all the
 01:23 9 requests which were raised by the town engineer.
 01:23 10 CHAIRMAN FERGUSON: Diane, make sure
 01:23 11 that's in the resolution.
 01:23 12 MS. TESTA: Yes.
 01:23 13 CHAIRMAN FERGUSON: Okay.
 01:23 14 MR. KAUKER: Just one question
 01:24 15 regarding the height. You're absolutely positive
 01:24 16 that the height of the building will be no greater
 01:24 17 than the 27.25.
 01:24 18 THE WITNESS: That was our intention
 01:24 19 and it was framed out that way. And --
 01:24 20 MR. LEE: We're positive on that.
 01:24 21 MR. KAUKER: Okay. The reason why I'm
 01:24 22 asking, it's important because it's on the cusp of
 01:24 23 being a (d) variance you're seeking.
 01:24 24 Right now it's a (c).
 01:24 25 MR. LEE: We're positive. It will be
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1 MS. TESTA: State your name, spell it
 01:24 2 for the record, please.
 01:24 3 MR. TUVEL: Harry Tuvel, T-U-V-E-L.
 01:24 4 CHAIRMAN FERGUSON: We accept Harry.
 01:24 5 He's been here many times. Too many times, actually.
 01:25 6 VICE CHAIRMAN ALBANESE: He better sit
 01:25 7 over here.
 01:25 8 DIRECT EXAMINATION
 01:25 9 BY MR. LEE:
 01:25 10 **Q.** Mr. Tuvel, let's go through the
 01:25 11 positive and negative criteria.
 01:25 12 **A. Yes.**
 01:25 13 **As we know, this was a previously**
 01:25 14 **approved application and we're back here this evening**
 01:25 15 **as -- for an amendment for two additional variances;**
 01:25 16 **one being the height variance which your planner has**
 01:25 17 **pointed out as long as it's under 10 percent --**
 01:25 18 CHAIRMAN FERGUSON: Right.
 01:25 19 THE WITNESS: -- remains a (c)
 01:25 20 variance.
 01:25 21 And the second is the rear yard
 01:25 22 variance that we talked about with the cantilevered
 01:25 23 section of the rear portion of the building.
 01:25 24 I'd like to point out that in terms of
 01:25 25 the rear yard variance here, this building backs up
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01:25 **1** against Bergen Boulevard, so there is no additional
 01:25 **2** -- it doesn't abut another rear yard, so I believe
 01:25 **3** that the rear yard variance is mitigated by the fact
 01:25 **4** that you don't have another rear yard that you're --
 01:25 **5** that you're butting up against so that -- I think
 01:25 **6** it's mitigated by that, that you don't have another
 01:26 **7** rear yard where someone could be -- would feel that
 01:26 **8** that would be a detriment.
 01:26 **9** CHAIRMAN FERGUSON: Okay.
 01:26 **10** THE WITNESS: Same as far as the height
 01:26 **11** goes. It's under 10 percent. We think that being
 01:26 **12** able to have positive drainage from the garage out to
 01:26 **13** the street would be -- also would be -- mitigate the
 01:26 **14** fact that you have a variance.
 01:26 **15** And in terms of the height variance,
 01:26 **16** you know, as you know in town, in Palisades Park, you
 01:26 **17** have a 25-foot requirement for a conventional
 01:26 **18** two-family and you have a 28-foot requirement.
 01:26 **19** CHAIRMAN FERGUSON: It's confusing.
 01:26 **20** THE WITNESS: But, essentially, the
 01:26 **21** massing of each of those types of structures is
 01:26 **22** essentially the same.
 01:26 **23** But, again, because that requirement
 01:26 **24** exists, we are here for the variance.
 01:26 **25** So I believe that we essentially are
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01:26 **1** extending our previous proofs in terms of the
 01:26 **2** negative criteria. It's still a (c)(2) variance. I
 01:26 **3** think that it's a flexible (c) where the board has
 01:27 **4** the ability to balance the positive and negative
 01:27 **5** aspects here. I don't believe that there is any
 01:27 **6** substantial detriment to the zone plan or the zone
 01:27 **7** ordinance that would be presented by the granting of
 01:27 **8** these two additional variances to the previously
 01:27 **9** approved plans.
 01:27 **10** CHAIRMAN FERGUSON: Any board members
 01:27 **11** have anything? Experts have anything.
 01:27 **12** MR. COLLAZUOL: Just one comment,
 01:27 **13** Mr. Chairman.
 01:27 **14** CHAIRMAN FERGUSON: Yes.
 01:27 **15** MR. COLLAZUOL: On the as-built that
 01:27 **16** Mr. Martin submitted, Harry, he shows the rear yard
 01:27 **17** offset at 25.6 and he shows roof peak, so I assume
 01:27 **18** that the building was framed at that time.
 01:27 **19** So would you check, all of you, your
 01:27 **20** figures, because you are asking for a 23-foot rear
 01:27 **21** yard setback, yet the as-built shows 25.6.
 01:27 **22** THE WITNESS: Well, maybe he mentioned
 01:28 **23** that in the foundation.
 01:28 **24** MR. COLLAZUOL: Maybe he did. I'm just
 01:28 **25** asking you to check.
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01:28 **1** MR. LEE: Yes, that's what he did.
 01:28 **2** THE WITNESS: Yes, that's what he did.
 01:28 **3** That's what he did, to that 3-foot section that is at
 01:28 **4** the foundation.
 01:28 **5** MR. COLLAZUOL: Okay. Thank you.
 01:28 **6** CHAIRMAN FERGUSON: Thank you.
 01:28 **7** THE WITNESS: Yeah.
 01:28 **8** CHAIRMAN FERGUSON: Judd, you're good?
 01:28 **9** MR. ROCCIOLA: I don't have anything.
 01:28 **10** CHAIRMAN FERGUSON: You're good?
 01:28 **11** MR. KAUKER: I have nothing for him.
 01:28 **12** CHAIRMAN FERGUSON: Anybody in the
 01:28 **13** audience have anything?
 01:28 **14** (No response.)
 01:28 **15** CHAIRMAN FERGUSON: Okay. So I'll make
 01:28 **16** a motion to approve the two variances; one for the
 01:28 **17** rear yard, one for height.
 01:28 **18** You're going to take all of Steve
 01:28 **19** Collazuol's comments, we would like to see them
 01:28 **20** proposed, built. And I'll make that motion.
 01:28 **21** VICE CHAIRMAN ALBANESE: Second.
 01:28 **22** CHAIRMAN FERGUSON: Roll call vote.
 01:28 **23** MS. LAMBRINIDES: Mr. Ferguson.
 01:28 **24** CHAIRMAN FERGUSON: Yes.
 01:28 **25** MS. LAMBRINIDES: Mr. Albanese.
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01:28 **1** VICE CHAIRMAN ALBANESE: Yes.
 01:28 **2** MS. LAMBRINIDES: Mr. Terranova.
 01:28 **3** MR. TERRANOVA: No.
 01:28 **4** MS. LAMBRINIDES: Mr. Nam.
 01:28 **5** MR. NAM: Yes.
 01:28 **6** MS. LAMBRINIDES: Ms. Yoon.
 01:28 **7** MS. YOON: Yes.
 01:28 **8** MS. LAMBRINIDES: Mr. Carnovale.
 01:28 **9** MR. CARNOVALE: No.
 01:28 **10** MS. LAMBRINIDES: Ms. Tarabocchia.
 01:28 **11** MR. LEFTERIOU: No.
 01:28 **12** MS. TARABOCCHIA: Yes.
 01:28 **13** CHAIRMAN FERGUSON: Wait.
 01:28 **14** MR. LEFTERIOU: I'm sorry.
 01:28 **15** CHAIRMAN FERGUSON: Okay. Let's --
 01:29 **16** before we do this, let's see, who are the alternates?
 01:29 **17** MR. LEFTERIOU: We are.
 01:29 **18** MS. TARABOCCHIA: I'm one.
 01:29 **19** MS TESTA: Right, the two.
 01:29 **20** CHAIRMAN FERGUSON: So we have one,
 01:29 **21** two, three, four, five, six. So one of the
 01:29 **22** alternates...
 01:29 **23** MS TESTA: Right, first alternative.
 01:29 **24** CHAIRMAN FERGUSON: Okay. Who's --
 01:29 **25** you're the first alternate.
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01:29 **1** MS. LAMBRINIDES: I don't know which
 01:29 **2** one.
 01:29 **3** MS. TESTA: I have it here. Let me
 01:29 **4** just look it up quickly. Okay.
 01:29 **5** Mr. Lefteriou is the first alternative.
 01:29 **6** CHAIRMAN FERGUSON: Okay. So let's
 01:29 **7** just recap, let's just recap the vote now.
 01:29 **8** MS. TESTA: Yes.
 01:29 **9** CHAIRMAN FERGUSON: I vote yes. Pauly
 01:29 **10** votes yes.
11 Vinny?
12 MR. CARNOVALE: No.
13 MS. LAMBRINIDES: Mr. Terranova voted
14 no. I didn't get --
15 CHAIRMAN FERGUSON: Mr. Terranova voted
16 no.
17 MS. LAMBRINIDES: Mr. Nam and Ms. Yoon
 01:29 **18** voted yes, Mr. Carnovale voted no.
 01:29 **19** And I believe Mr. Lefteriou was going
 01:29 **20** to vote no when I -- we got cut off.
 01:30 **21** CHAIRMAN FERGUSON: So you need -- you
 01:30 **22** need five affirmative votes?
 01:30 **23** MS. TESTA: No.
 01:30 **24** CHAIRMAN FERGUSON: No.
 01:30 **25** MS TESTA: It's not a use variance.

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01:30 **1** Well, it's a majority, so it's four.
 01:30 **2** CHAIRMAN FERGUSON: I just want to make
 01:30 **3** sure. Okay. So the motion passes.
 01:30 **4** MS. TESTA: Yes.
 01:30 **5** CHAIRMAN FERGUSON: Thank you.
 01:30 **6** MR. LEE: Okay. Thank you.
 01:30 **7** CHAIRMAN FERGUSON: Okay, counselor, I
 01:30 **8** think we're going to do Lofaro now.
 01:30 **9** We're going to take a five-minute break
 01:30 **10** and then we'll go.
 01:36 **11** (Whereupon, a brief recess is taken.)
 01:36 **12** CHAIRMAN FERGUSON: You ready, Paul?
13 VICE CHAIRMAN ALBANESE: I'm ready.
14 CHAIRMAN FERGUSON: Paul, we're going
15 to do one more and then we're going to go home.
16 VICE CHAIRMAN ALBANESE: Hurry up.
17 CHAIRMAN FERGUSON: All right.
18 We're back in. You want to take the
19 roll call for attendance?
20 MS. LAMBRINIDES: Mr. Ferguson?
21 CHAIRMAN FERGUSON: Here.
22 MS. LAMBRINIDES: Mr. Albanese?
23 VICE CHAIRMAN ALBANESE: Here.
24 MS. LAMBRINIDES: Mr. Terranova?
25 MR. TERRANOVA: Here.

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1 MS. LAMBRINIDES: Mr. Nam?
2 MR. NAM: Here.
3 MS. LAMBRINIDES: Ms. Yoon?
4 MS. YOON: Here.
5 MS. LAMBRINIDES: Mr. Carnovale?
6 MR. CARNOVALE: Here.
7 MS. LAMBRINIDES: Ms. Tarabocchia?
8 MS. TARABOCCHIA: Here.
9 MS. LAMBRINIDES: Mr. Lefteriou?
10 MR. LEFTERIOU: Here.
11 CHAIRMAN FERGUSON: Okay.
12 So the last case for the night is going
13 to be, is Case No. 18-08, Lofaro & Sons, LLC, 333 8th
14 Street.
15 Okay. Counsel, we took attendance.
 01:37 **16** MS. LAMBRINIDES: Mr. Macri, would you
 01:37 **17** like to enter your appearance, please.
 01:37 **18** MR. MACRI: Good evening, Mr. Chairman,
 01:37 **19** members of the board. My name is Marc Macri. I
 01:37 **20** represent the applicant, Lofaro & Sons, LLC, who are
 01:37 **21** the property owners of 333 8th Street here in the
 01:37 **22** borough.
 01:37 **23** We're here this evening seeking the
 01:37 **24** board's approval to grant permission to construct a
 01:37 **25** two-family side-by-side duplex which requires two

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01:37 **1** variances.
2 With me this evening I have
3 Mr. Vassilios Cocoros, our professional architect, as
4 well as Mr. David Spatz, our professional planner.
5 If I could have Mr. Cocoros sworn in,
6 we'll begin.
7 MS. TESTA: Please raise your right
8 hand.
9 Do you swear that the testimony you
10 will give in this application will be the truth, the
11 whole truth and nothing but the truth?
12 MR. COCOROS: I do.
13 VASSILIOS COCOROS,
14 Having been duly sworn, testifies as follows:
15 MS. TESTA: Please state your name,
16 spell it for the record.
17 MR. COCOROS: Vassilios,
 01:37 **18** V-A-S-S-I-L-I-O-S, Cocoros, C-O-C-O-R-O-S.
 01:37 **19** CHAIRMAN FERGUSON: Okay, counselor.
 01:37 **20** We'll take him as an expert.
 01:37 **21** He's been here many times.
 01:37 **22** MR. MACRI: Thank you, Mr. Chairman.
 01:38 **23** MR. COCOROS: Thank you.
 01:38 **24**
 01:38 **25** DIRECT EXAMINATION

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01:38 1 BY MR. MACRI:
 01:38 2 Q. Mr. Cocoros, to your right are the
 01:38 3 plans that were submitted to the board in
 01:38 4 anticipation of this evening's presentation.
 01:38 5 Is that correct?
 01:38 6 A. Yes.
 01:38 7 Q. Could you please explain to the board
 01:38 8 what we intend to construct on the property?
 01:38 9 MS. TESTA: You want to mark that as an
 01:38 10 exhibit?
 01:38 11 MR. MACRI: We'll mark it A-1?
 01:38 12 MS. TESTA: Just give us the date on
 01:38 13 it, please.
 01:38 14 (Whereupon, Architectural Plan,
 01:38 15 Original Date 5/28/18, Last Revised 9/5/18 is
 01:38 16 received and marked as Exhibit A-1 for
 01:38 17 identification.)
 01:38 18 THE WITNESS: This is last -- the
 01:38 19 original date was 5/28/18. Last revised 9/5/18.
 01:38 20 MS. TESTA: Thank you.
 01:38 21 CHAIRMAN FERGUSON: Okay.
 01:38 22 THE WITNESS: The existing property is
 01:38 23 50 by 100. It's located on the west side of 8th
 01:38 24 Street, three houses down from the corner of East
 01:38 25 Edsall Boulevard, or 150 feet from the -- I'm
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01:38 1 sorry -- two houses away from the corner of East
 01:38 2 Edsall Boulevard. The property, itself, is 50-feet
 01:39 3 wide by 100-feet deep, 5,000 square feet, which is a
 01:39 4 compliant lot. It's located up on the hill and on
 01:39 5 the downhill portion of 8th Street.
 01:39 6 From front to back there's an
 01:39 7 approximate drop off of 15 to 16 feet where we have
 01:39 8 on the front right at the sidewalk we have
 01:39 9 approximately 205, at the rear right we have
 01:39 10 approximately 188.
 01:39 11 So it's quite a drop off from front to
 01:39 12 back. The property also has a cross pitch of
 01:39 13 approximately 4 feet as you go from north to south.
 01:39 14 Looking at it, that would be from right to left.
 01:39 15 We're proposing a new side-by-side
 01:39 16 two-family dwelling on the property. We're proposing
 01:39 17 it to be set back 20 feet 2 inches, which is in line
 01:39 18 with the existing adjacent setbacks. The rear
 01:39 19 setback will be 25 feet and will have 6-foot setback
 01:39 20 on either side.
 01:39 21 The building, itself, will be a four
 01:39 22 level configuration; however, at the front it's set
 01:40 23 up as a three-level typical duplex. The one side
 01:40 24 will have more stairs than the other, and that's a
 01:40 25 function of the property having a cross pitch along
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01:40 1 the sidewalk and street on 8th.
 01:40 2 The driveways, themselves, are slightly
 01:40 3 higher. On the right-hand side it's almost level
 01:40 4 with the street at the right side of the driveway.
 01:40 5 The left driveway is approximately a foot-and-a-half
 01:40 6 higher than the sidewalk at the most extreme point,
 01:40 7 so there is no drainage, no water runs toward the
 01:40 8 driveways. There's positive pitch out to the
 01:40 9 sidewalk and to the street.
 01:40 10 We do have a retaining wall in the
 01:40 11 back. That will be 4-feet high and set back 3 feet 6
 01:40 12 inches from the back of the property. The building,
 01:40 13 itself, the rest of it falls within the existing
 01:40 14 grades of the property.
 01:40 15 The main reason we're here is for the
 01:40 16 height variance where we have four stories in the
 01:40 17 back and a total height which is measured from the
 01:41 18 mid point of the roof to the average grade, we have
 01:41 19 36 feet 8 inches. And I said -- and that was taken
 01:41 20 with only using a one 4-foot-high retaining wall. We
 01:41 21 didn't do a second interior retaining wall which
 01:41 22 would be allowed which would have brought our height
 01:41 23 down approximately another foot-and-a-half.
 01:41 24 Our roof pitch is also set at 3-on-12.
 01:41 25 Once we do a flat roof that's the least we can go
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01:41 1 with the roof pitch.
 01:41 2 The building, itself, is all brick. We
 01:41 3 do have bay windows that will be done in stucco or a
 01:41 4 precast finish. It's a four-level configuration.
 01:41 5 The basement or level which is behind
 01:41 6 the garage is typical. It's set up with the
 01:41 7 bathroom, recreation room, guest rooms, stairs to the
 01:41 8 first floor, the sub-basement, powder room, utility
 01:41 9 room, side door, and also a sliding glass door out to
 01:41 10 the back yard.
 01:42 11 Since we do drop off front to back at
 01:42 12 least a story-and-a-half, we do have a two-tiered
 01:42 13 deck; one off the basement and one off of the kitchen
 01:42 14 level. And also on this one here we put the mass to
 01:42 15 the back to take advantage of the view to the
 01:42 16 Meadowlands.
 01:42 17 MR. MACRI: Thank you.
 01:42 18 CHAIRMAN FERGUSON: That's it?
 01:42 19 MR. MACRI: That's it.
 01:42 20 CHAIRMAN FERGUSON: Okay.
 01:42 21 So up front I will tell you that I'm
 01:42 22 very concerned about the height of this, 67 and 37
 01:42 23 seems to be a lot, but let's just go through the
 01:42 24 sub-basements.
 01:42 25 THE WITNESS: I'm sorry.
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01:42 **1** CHAIRMAN FERGUSON: Okay. So I just
01:43 **2** want to go through the sub-basements.
01:43 **3** What is the -- you have the side door.
01:43 **4** That side door enters into the side of the building
01:43 **5** obviously and it goes down a flight and goes up into
01:43 **6** --
01:43 **7** THE WITNESS: Well, what we've done is
01:43 **8** on the side --
01:43 **9** CHAIRMAN FERGUSON: Right.
01:43 **10** THE WITNESS: -- we set it up where the
01:43 **11** actual door is at existing grade. The existing site,
01:43 **12** itself, has a -- at the middle of the building,
01:43 **13** itself, there's a couple of steps that bring you down
01:43 **14** to the lower backyard. What we've done is on the
01:43 **15** side we keep the grade existing and the door, itself,
01:43 **16** is basically between the lower level and the basement
01:43 **17** level.
01:43 **18** CHAIRMAN FERGUSON: So when you go in
01:43 **19** the door, right, are you going to go to -- down to
01:43 **20** the sub -- what I call the sub-basement, or are you
01:43 **21** going to go --
01:43 **22** THE WITNESS: Yes, you're going down to
01:43 **23** the sub-basement and the staircase -- you go -- you
01:43 **24** use the staircase, the main staircase which is
01:43 **25** stacked on top of each other to go up to the basement

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01:43 **1** level.
01:43 **2** CHAIRMAN FERGUSON: Okay. So going
01:43 **3** inside, you have an option of going up or down?
01:43 **4** THE WITNESS: When you go in the side
01:43 **5** door?
01:43 **6** CHAIRMAN FERGUSON: Right.
01:43 **7** THE WITNESS: You basically -- no, you
01:43 **8** can only go down.
01:43 **9** CHAIRMAN FERGUSON: You can only go
01:44 **10** down?
01:44 **11** THE WITNESS: Yes.
01:44 **12** CHAIRMAN FERGUSON: To the
01:44 **13** sub-basement.
01:44 **14** THE WITNESS: Correct.
01:44 **15** CHAIRMAN FERGUSON: Okay.
01:44 **16** THE WITNESS: Then there's a staircase
01:44 **17** that brings you up to the main basement.
01:44 **18** CHAIRMAN FERGUSON: To the main
01:44 **19** basement.
01:44 **20** THE WITNESS: Correct. So there's a
01:44 **21** connection in that sense.
01:44 **22** CHAIRMAN FERGUSON: Now, what is in the
01:44 **23** sub-basement?
01:44 **24** THE WITNESS: Sub-basement is
01:44 **25** recreation room, a sliding glass door. We have a

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01:44 **1** powder room, the staircases, the half stair which
01:44 **2** from the outside there's a full stair which takes you
01:44 **3** up to the basement level, and then we have a utility
01:44 **4** room.
01:44 **5** CHAIRMAN FERGUSON: Okay. So basically
01:44 **6** you had an apartment -- well, I don't want to say
01:44 **7** apartment. You have a room there with a powder room?
01:44 **8** THE WITNESS: Yes. And a utility room,
01:44 **9** yes.
01:44 **10** CHAIRMAN FERGUSON: And a utility room.
01:44 **11** THE WITNESS: Correct.
01:44 **12** CHAIRMAN FERGUSON: That's what's
01:44 **13** there.
01:44 **14** THE WITNESS: And a hallway.
01:44 **15** CHAIRMAN FERGUSON: Okay. And a
01:44 **16** hallway. Now, what goes -- what's behind the garage?
01:44 **17** THE WITNESS: Right -- behind the
01:44 **18** garage you have a typical layout. We have a
01:44 **19** recreation room, home office, a deck off the back of
01:44 **20** the home office which, since we have two -- the extra
01:44 **21** level in the back, supports the deck that is off the
01:44 **22** kitchen above.
01:44 **23** CHAIRMAN FERGUSON: Okay. And you have
01:44 **24** a powder room, a bathroom behind it?
01:44 **25** THE WITNESS: Oh, I'm sorry. I mean,

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01:44 **1** the left-hand side is raised, that one there we
01:45 **2** actually enter on the half level and go up to the
01:45 **3** basement. The basement floor is the closer stair,
01:45 **4** it's the closer run up to that -- up that floor.
01:45 **5** CHAIRMAN FERGUSON: Okay. So there's a
01:45 **6** bathroom, powder room behind the garages?
01:45 **7** THE WITNESS: Yes. A full bathroom
01:45 **8** behind the garage.
01:45 **9** CHAIRMAN FERGUSON: Okay. Does that
01:45 **10** bathroom have a tub?
01:45 **11** THE WITNESS: Yes, it does.
01:45 **12** CHAIRMAN FERGUSON: We don't, you know,
01:45 **13** tubs are out.
01:45 **14** THE WITNESS: All of them or just --
01:45 **15** CHAIRMAN FERGUSON: No, no, no. No,
01:45 **16** no. You can have a sink, you can have a, you know --
01:45 **17** a sink and also a -- not a urinal, but a --
01:45 **18** VICE CHAIRMAN ALBANESE: Water closet.
01:45 **19** CHAIRMAN FERGUSON: But no -- no tub.
01:45 **20** MR. MACRI: That's on the main floor?
01:45 **21** CHAIRMAN FERGUSON: No, no, no, no.
01:45 **22** Behind the garage.
01:45 **23** THE WITNESS: Oh, behind the garage.
01:45 **24** CHAIRMAN FERGUSON: You've been here
01:45 **25** before.

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01:45 **1** THE WITNESS: Yes.

01:45 **2** CHAIRMAN FERGUSON: Yes. Above that I

01:46 **3** don't care. Behind the garages, we just want, like,

01:46 **4** all of them to be a powder room with no tub.

01:46 **5** THE WITNESS: Okay.

01:46 **6** CHAIRMAN FERGUSON: Yes.

01:46 **7** FEMALE AUDIENCE MEMBER: Or walk-in

01:46 **8** shower.

01:46 **9** MR. MACRI: No tub and no shower.

01:46 **10** MS. TARABOCCHIA: What? No shower, no

01:46 **11** tub.

01:46 **12** CHAIRMAN FERGUSON: No shower, no tub.

01:46 **13** All right?

01:46 **14** MR. MACRI: So make it a powder room?

01:46 **15** Okay.

01:46 **16** CHAIRMAN FERGUSON: Let's go to the

01:46 **17** next floor then. What's on the next floor?

01:46 **18** THE WITNESS: That's the main room

01:46 **19** space.

01:46 **20** CHAIRMAN FERGUSON: Right.

01:46 **21** THE WITNESS: You have living room,

01:46 **22** dining room in the front. We have an entry platform

01:46 **23** at the front.

01:46 **24** At the back we have a kitchen/eat-in

01:46 **25** area, and the deck off the back of the kitchen. And

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01:46 **1** then we have a powder room and the living space in

01:47 **2** the front and the kitchen is back here in the back

01:47 **3** (indicating).

01:47 **4** There's a staircase that brings you up

01:47 **5** to the second floor which is the main top floor which

01:47 **6** is the bedroom level.

01:47 **7** CHAIRMAN FERGUSON: Right.

01:47 **8** THE WITNESS: The bedroom level is

01:47 **9** three bedrooms on each side, and we have the master

01:47 **10** on this one is in the back.

01:47 **11** CHAIRMAN FERGUSON: This seems to be a

01:47 **12** pretty large building.

01:47 **13** THE WITNESS: Yes. Well, yeah, 'cause

01:47 **14** we have the extra floor.

01:47 **15** CHAIRMAN FERGUSON: Right. It's just a

01:47 **16** general comment, it's a large building.

01:47 **17** THE WITNESS: I know. We're able to

01:47 **18** make the setbacks on that street, I guess it drops

01:47 **19** off but most of the houses are at the front that's

01:47 **20** how we --

01:47 **21** CHAIRMAN FERGUSON: Right, okay.

01:47 **22** That's the average. I get it, yes.

01:47 **23** But the building, itself, is a very

01:47 **24** large building.

01:47 **25** MR. MACRI: Yes. The topography

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01:47 **1** dictates the height.

01:47 **2** CHAIRMAN FERGUSON: How about the --

01:47 **3** you ready?

01:47 **4** THE WITNESS: In regard to helping

01:47 **5** bring the overall size of it down, there's a couple

01:47 **6** things we can do. We could get rid of the

01:47 **7** sub-basement completely.

01:47 **8** CHAIRMAN FERGUSON: Okay.

01:47 **9** THE WITNESS: If we can add a

01:47 **10** 3-foot-high wall in addition to the wall that we have

01:48 **11** there which would bring it down approximately a

01:48 **12** foot-and-a-half.

01:48 **13** CHAIRMAN FERGUSON: Right.

01:48 **14** THE WITNESS: And we may have room to

01:48 **15** bring down the -- the driveway would be another foot

01:48 **16** to 8 inches, so we'd still have enough to get the

01:48 **17** water out of the -- not to go down directly into the

01:48 **18** drive -- into the garage, and then we could get a net

01:48 **19** decrease in the height of approximately 2 feet or 2

01:48 **20** feet 2 inches, we have 8 inches because of the

01:48 **21** driveway dropping down and then 3 feet in the back

01:48 **22** would give us -- would give us the average

01:48 **23** foot-and-a-half.

01:48 **24** CHAIRMAN FERGUSON: Speaking just for

01:48 **25** myself, I would like to see the sub-basement go.

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01:48 **1** MR. MACRI: Mr. Chairman, if we get rid

01:48 **2** of the sub-basement, can we put the full bath behind

01:48 **3** the garage?

01:48 **4** CHAIRMAN FERGUSON: No.

01:48 **5** MR. MACRI: It just -- it becomes -- it

01:48 **6** has more utility value for the person to live there.

01:48 **7** They come home from work, they disrobe downstairs

01:48 **8** before they go upstairs in their dirty clothes. It

01:48 **9** has utility value and I'd ask your indulgence.

01:48 **10** CHAIRMAN FERGUSON: Yes. Well, I

01:49 **11** appreciate your comment, but I don't agree with it.

01:49 **12** My issue with it, right, with all the traffic in

01:49 **13** Palisades Park, okay, you can't move up and down the

01:49 **14** streets now, right? You come to the traffic lights.

01:49 **15** You can't make traffic lights. And the reason for

01:49 **16** that is, you know, is that there is a lot of

01:49 **17** conversions that people immediately use that as an

01:49 **18** apartment. I mean, you know, I'm not saying you're

01:49 **19** doing it.

01:49 **20** So me, my feeling is, I would vote no

01:49 **21** on an application that has a bathroom behind the

01:49 **22** garage.

01:49 **23** Now, my fellow board members, you know,

01:49 **24** majority rules. If they want to do it, that's up to

01:49 **25** them.

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01:49 **1** But for me, I would never vote for
 01:49 **2** something now when you've got bathrooms, a bathtub
 01:49 **3** and shower behind the garage. That's just me.
 01:49 **4** MR. CARNOVALE: Joe, can I ask a
 01:49 **5** question.
 01:50 **6** CHAIRMAN FERGUSON: Yeah, sure.
 01:50 **7** MR. CARNOVALE: Mr. Architect, what
 01:50 **8** happens to the garage floor to this street, negative,
 01:50 **9** positive pitch?
 01:50 **10** THE WITNESS: Right now it's higher.
 01:50 **11** MR. CARNOVALE: How much higher?
 01:50 **12** THE WITNESS: Trust me, like I say the
 01:50 **13** right side unit, I got the -- in front of the garage
 01:50 **14** door I have it 203.67, 8 inches.
 01:50 **15** MR. CARNOVALE: Right.
 01:50 **16** THE WITNESS: At the sidewalk area I
 01:50 **17** have approximately 204. So it's -- right now it's 4
 01:50 **18** inches. What we've done before is we've, you know,
 01:50 **19** lowered it a little bit, put a trench in on the
 01:50 **20** right-hand side and then the left-hand side was
 01:50 **21** slightly more. I mean, I would like to keep it up
 01:50 **22** there.
 01:50 **23** MR. CARNOVALE: Yes. I personally am
 01:50 **24** only one board member, but, you know, my pet peeve is
 01:50 **25** no negative pitch on the driveway. So I don't think

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01:50 **1** those extra couple inches on the height, I'd rather
 01:50 **2** see a positive pitch from the garage floor to the
 01:50 **3** sidewalk, on both driveways.
 01:50 **4** THE WITNESS: I think in that case we
 01:51 **5** can keep the house where it is if you build a 3-foot
 01:51 **6** retaining wall, get out the sliding glass door --
 01:51 **7** getting rid of that floor down below, the building,
 01:51 **8** itself, will look smaller.
 01:51 **9** MR. CARNOVALE: Right.
 01:51 **10** Now, let me ask you a question so
 01:51 **11** everybody understands. Maybe I'm wrong. To
 01:51 **12** eliminate the sub-basement, the grade naturally goes
 01:51 **13** down like this (indicating), correct?
 01:51 **14** THE WITNESS: Yes. If you look at the
 01:51 **15** side profile.
 01:51 **16** MR. CARNOVALE: Right.
 01:51 **17** So in other words, you're going to fill
 01:51 **18** in and build another wall.
 01:51 **19** THE WITNESS: Well, under the ordinance
 01:51 **20** you'll have to build a second retaining wall.
 01:51 **21** MR. CARNOVALE: Yes. I understand.
 01:51 **22** But how is the property now from the backyard is 25
 01:51 **23** feet?
 01:51 **24** THE WITNESS: Well, right now there is
 01:51 **25** -- yes, the backyard is 25 feet.

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01:51 **1** MR. CARNOVALE: So what's the rise from
 01:51 **2** the rear property line to the back of the building
 01:51 **3** now?
 01:51 **4** In other words, at the rear property
 01:51 **5** line and at the back of the building as proposed on
 01:51 **6** the blueprint.
 01:51 **7** THE WITNESS: It's open 8 inches.
 01:51 **8** MR. CARNOVALE: Only 8 inches.
 01:51 **9** THE WITNESS: Yes. But I made it
 01:51 **10** basically a flat backyard.
 01:51 **11** MR. CARNOVALE: Okay. So then -- and
 01:51 **12** are you altering the grade at all or it's a natural
 01:51 **13** slope from the way God made it or whatever?
 01:51 **14** THE WITNESS: I mean, it's a natural
 01:52 **15** slope. In the back here there is a block wall. And
 01:52 **16** setting our wall 36 inches away from it so it won't
 01:52 **17** surcharge on that wall.
 01:52 **18** MR. ALAMPI: Right.
 01:52 **19** THE WITNESS: And it's a 4-foot-high
 01:52 **20** retaining wall, which you're allowed to do.
 01:52 **21** MR. CARNOVALE: Right. I understand.
 01:52 **22** THE WITNESS: And we're not going
 01:52 **23** higher than, you know, the grade of the front.
 01:52 **24** Basically the side retaining wall and the back
 01:52 **25** retaining wall will dive into where it meets the

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01:52 **1** existing grade on the side.
 01:52 **2** MR. CARNOVALE: Right.
 01:52 **3** THE WITNESS: If we add the second
 01:52 **4** retaining wall it would basically bring it just in
 01:52 **5** front of the deck, so we have to make sure that we,
 01:52 **6** you know, coordinate with the borough engineer to
 01:52 **7** clear up the seepage pit --
 01:52 **8** MR. CARNOVALE: Right.
 01:52 **9** THE WITNESS: -- so there wouldn't be
 01:52 **10** any retaining wall in the seepage pit, and then we
 01:52 **11** could basically have steps down to the -- a 3-foot
 01:52 **12** step retaining wall and there would step down to the
 01:52 **13** terrace area behind the second retaining wall, which
 01:52 **14** we've done before.
 01:52 **15** MR. CARNOVALE: Okay. Well, I don't
 01:52 **16** really see a problem myself having the sub-basement.
 01:52 **17** I don't like elevating the backyard and building
 01:52 **18** another wall. I'm only one board member here. I
 01:52 **19** don't really see a problem with the sub-basement.
 01:53 **20** I would agree with the Chairman that
 01:53 **21** probably no bathtubs downstairs and maybe behind the
 01:53 **22** garage. I don't see a problem with the sub-basement.
 01:53 **23** I think playing with all of this to save a couple of
 01:53 **24** feet, like playing with the driveway, is detrimental
 01:53 **25** to whoever is going to buy the house or own the house

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01:53 1 or live in the house.
 01:53 2 So I'm one board member. I would have
 01:53 3 the driveways positive pitch towards the curb. I
 01:53 4 don't have a problem with the sub-basement. I guess
 01:53 5 if the Chairman wants to take a vote at this --
 01:53 6 CHAIRMAN FERGUSON: No. No, we're not
 01:53 7 polling the board.
 01:53 8 MR. CARNOVALE: I'm sorry?
 01:53 9 CHAIRMAN FERGUSON: We're not going to
 01:53 10 poll the board.
 01:53 11 MR. CARNOVALE: No, no.
 01:53 12 CHAIRMAN FERGUSON: What's going to
 01:53 13 happen is at the end of the testimony you'll make a
 01:53 14 motion allowing the sub-basement, do whatever you
 01:53 15 want to do, and the board's going to vote on it.
 01:53 16 MR. CARNOVALE: Right. Exactly.
 01:53 17 CHAIRMAN FERGUSON: Then we'll know
 01:53 18 where the votes are. I mean that's --
 01:53 19 MR. CARNOVALE: No. As I said, I'm one
 01:53 20 board member --
 01:53 21 CHAIRMAN FERGUSON: No, I understand.
 01:53 22 Vinny, make the motion.
 01:53 23 MR. CARNOVALE: Yeah, I'm not ready
 01:54 24 yet. They're not done. They're not done.
 01:54 25 CHAIRMAN FERGUSON: When it's over, you
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01:54 1 can make the motion and let the chips fall where they
 01:54 2 lay.
 01:54 3 Okay. So is that -- is your witness
 01:54 4 finished?
 01:54 5 MR. MACRI: Let me just confirm.
 01:54 6 CHAIRMAN FERGUSON: Okay. What's the
 01:54 7 dimensions of the rear yard.
 01:54 8 THE WITNESS: Rear yard's 25 feet.
 01:54 9 CHAIRMAN FERGUSON: Twenty-five feet.
 01:54 10 THE WITNESS: Right. Which is a no
 01:54 11 variance.
 01:54 12 CHAIRMAN FERGUSON: No variance. Okay.
 01:54 13 Any of the board members have anything?
 01:54 14 MR. TERRANOVA: Yes.
 01:54 15 Is there a structural reason for the
 01:54 16 height differences in each floor? You have a 9'3 on
 01:54 17 the sub-basement, a 7'11 on the next floor up, then 9
 01:55 18 feet and then 8 feet.
 01:55 19 THE WITNESS: I guess it was more not
 01:55 20 to fill -- fill the backyard because we have some
 01:55 21 fill there. We've done it before where we have
 01:55 22 surcharge with the gravel so we kept it -- we kept it
 01:55 23 at 9 foot 2 at the lower level because we have about
 01:55 24 4 feet that we're filling up in that back portion.
 01:55 25 The existing backyard, itself, is also level, so I
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01:55 1 was trying to avoid to overfill that area with
 01:55 2 additional gravel.
 01:55 3 MR. TERRANOVA: And if you remove the
 01:55 4 sub-basement you couldn't lower that for any reason,
 01:55 5 any one of those floors.
 01:55 6 THE WITNESS: Well, we have -- I mean
 01:55 7 if we take out the sub-basement, the building,
 01:55 8 itself, without having a negative pitch on one
 01:55 9 driveway of approximately a foot-and-a-half on the
 01:55 10 right-hand side and, you know, maybe a foot higher on
 01:55 11 the left-hand side of the right side unit, it goes
 01:55 12 the same from the street and from the back it will
 01:55 13 look the same, but if -- let's say if we take out the
 01:55 14 sub-basement, you won't see that extra floor as far
 01:55 15 as, like, windows and stuff like that.
 01:55 16 MR. TERRANOVA: Right.
 01:55 17 THE WITNESS: And if we do it at the
 01:55 18 second retaining wall it makes it look terraced and
 01:55 19 it actually -- even though the same -- the same
 01:56 20 elevation at the ridge and the soffits are the same,
 01:56 21 the actual -- the measured height is reduced and also
 01:56 22 the overall amount of brick that you see in the
 01:56 23 backyard is reduced. So it's almost fielder's
 01:56 24 choice.
 01:56 25 MR. TERRANOVA: Well, that's true, but
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01:56 1 you said even if you just moved the sub-basement
 01:56 2 you're coming down almost to four. But if you move
 01:56 3 another one foot off that second level --
 01:56 4 THE WITNESS: No, the one floor would
 01:56 5 be -- would be done by -- you know where the second
 01:56 6 tier retaining wall because it's a 3-foot-high wall,
 01:56 7 it's an average, so you basically take the 2, 3-foot
 01:56 8 increase at the corners and divide that by four and
 01:56 9 that would give you your eight to 16 -- I'm sorry,
 01:56 10 18-inch reduction in the building height.
 01:56 11 MR. TERRANOVA: Right, but so if that's
 01:56 12 the case you're already making, basically, the height
 01:56 13 lower, if you take the third level there and make
 01:56 14 that 8 feet you're lowering it another foot, no?
 01:56 15 The level down below, starting from the
 01:57 16 back, the lowest level sub-basement is 9 foot 3 high.
 01:57 17 THE WITNESS: Correct.
 01:57 18 MR. TERRANOVA: Then you have 7'11,
 01:57 19 then you have a 9 foot --
 01:57 20 THE WITNESS: Yes, 9 foot first floor.
 01:57 21 MR. TERRANOVA: Right.
 01:57 22 THE WITNESS: Which is a typical height
 01:57 23 on the first floor.
 01:57 24 MR. TERRANOVA: Obviously the height is
 01:57 25 the problem here, so I am trying to see if we could
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01:57 1 maybe knock off any more anywhere else to get the
 01:57 2 height lower.
 01:57 3 THE WITNESS: I would have to ask the
 01:57 4 client.
 01:57 5 MR. TERRANOVA: I mean it could be done
 01:57 6 is really what I'm asking. I mean obviously it's up
 01:57 7 to the client, but, you know, I mean, in terms of,
 01:57 8 you know, it's a pretty high variance.
 01:57 9 THE WITNESS: The planner is here and
 01:57 10 we do have a hardship with drop off of the property.
 01:57 11 MR. TERRANOVA: I understand.
 01:57 12 THE WITNESS: From the street, from the
 01:57 13 actual street it looks -- it would somewhat comply
 01:57 14 with the height variance, except the street, itself,
 01:57 15 also drops off on the angle. If you look at it from
 01:57 16 the right-hand side, it looks like a level lot, it
 01:58 17 would be totally compliant with the height.
 18 CHAIRMAN FERGUSON: Anything? You
 19 good.
 20 MR. TERRANOVA: Yeah.
 21 CHAIRMAN FERGUSON: Okay. Steve, you
 22 good.
 01:58 23 MR. COLLAZUOL: We have the report
 01:58 24 dated November 15th.
 01:58 25 Bill, did you get a copy of the report?
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01:59 1 back 6 feet it would alleviate any surcharge on the
 01:59 2 wall down below?
 01:59 3 MR. COLLAZUOL: I think that's the
 01:59 4 solution.
 01:59 5 THE WITNESS: The only thing is that we
 01:59 6 would have to keep the second wall then will be kind
 01:59 7 of harder to do because we would -- we'd have to
 01:59 8 figure out a way to get plastic tanks in the --
 01:59 9 MR. COLLAZUOL: Which brings me to
 01:59 10 point No. 3. You've got a single system in the back
 01:59 11 with two seepage pits in it. It's probably too close
 01:59 12 to the retaining wall. Typically those two pits are
 01:59 13 separated so there is no continuity between the
 01:59 14 trench area.
 01:59 15 THE WITNESS: That could be done.
 01:59 16 MR. COLLAZUOL: And then again, we've
 01:59 17 had numerous times where you'd be able to split the
 01:59 18 roof water and pick up the roof water and put a small
 01:59 19 system, a few small systems on the driveways in
 01:59 20 front, so that would give you some space in back,
 01:59 21 maybe change the systems from seepage pits to CULTEC.
 01:59 22 Separate them, reduce half the water going to the
 02:00 23 back, bring it to the front, and that suggestion
 02:00 24 might be a solution that would work well between what
 02:00 25 you have to do with the wall and the drainage.
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1 THE WITNESS: Yes.
 2 MR. COLLAZUOL: Okay. I would like to
 3 go over points No. 2 and 3. Borough ordinance
 4 indicates that a duplex is an alternate be separated
 5 by 6 feet. If they're not separated by 6 feet, you
 6 would require a variance.
 7 THE WITNESS: I'm sorry.
 8 MR. COLLAZUOL: Separation distance
 01:58 9 between tiered walls must be a minimum of 6 feet.
 01:58 10 THE WITNESS: Right now the actual --
 11 there's an existing wall down below that's not on our
 12 property. Well, actually it's on our property, but
 13 is that part of the wall or is that --
 14 MR. COLLAZUOL: I would think that's a
 15 wall that's included on the site.
 16 THE WITNESS: Even if it's existing?
 17 MR. COLLAZUOL: Yup.
 18 CHAIRMAN FERGUSON: Yes, sir.
 01:58 19 MR. COLLAZUOL: So I think you have to
 01:58 20 have a, you know, a different thought where you need
 01:58 21 to have 6-foot separation. I think if that wall is
 01:58 22 then 6 feet you don't have to do any influence study
 01:59 23 on the lower wall. Right now when you gut it, you
 01:59 24 would have to do so.
 01:59 25 THE WITNESS: We could move the wall
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02:00 1 THE WITNESS: That could be done.
 02:00 2 MR. COLLAZUOL: That's it.
 02:00 3 Nothing else.
 02:00 4 CHAIRMAN FERGUSON: Judd, you're good?
 02:00 5 MR. ROCCIOLA: Just a comment that the
 02:00 6 parking meets the RSIS standard.
 02:00 7 CHAIRMAN FERGUSON: Okay.
 02:00 8 MR. KAUKER: I have no questions of the
 02:00 9 architect.
 02:00 10 CHAIRMAN FERGUSON: Okay.
 02:00 11 MR. CARNOVALE: May I?
 02:00 12 CHAIRMAN FERGUSON: Yes.
 02:00 13 MR. CARNOVALE: Steve, so being that
 02:00 14 the ordinance says that one wall's got to be 6 foot
 02:00 15 away from the other wall would negate the fact that
 02:00 16 I'm building an extra wall and eliminating the
 02:00 17 sub-basement. Is that true?
 02:00 18 MR. COLLAZUOL: That would be another
 02:00 19 variance, I guess, for the retaining wall then.
 02:00 20 You want to pass that by me again,
 02:00 21 Vince?
 02:00 22 MR. CARNOVALE: Okay. You're saying
 02:00 23 that the town ordinance says that each wall's got to
 02:00 24 be separated by 6 horizontal feet or whatever.
 02:00 25 MR. COLLAZUOL: Yes.
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02:00 1 MR. CARNOVALE: Six feet apart.
 02:00 2 MR. COLLAZUOL: Right.
 02:00 3 MR. CARNOVALE: So now discussion has
 02:01 4 been spoken of building another wall, eliminating the
 02:01 5 sub-basement, but that would be almost physically
 02:01 6 impossible. There's no room back there.
 02:01 7 MR. COLLAZUOL: But that's not on the
 02:01 8 plan.
 02:01 9 MR. CARNOVALE: No, I understand. But
 02:01 10 the discussion was raised about that.
 02:01 11 MR. COLLAZUOL: Right, but that --
 02:01 12 since it's not on the plan I'm not considering that.
 02:01 13 Right now you should provide 6 feet
 02:01 14 between the walls; otherwise, they've got to ask for
 02:01 15 a variance.
 02:01 16 MR. CARNOVALE: Okay.
 02:01 17 MR. COLLAZUOL: And then the wall that
 02:01 18 is 6 feet away has to be adjusted in its height. It
 02:01 19 may not be a 4-foot wall, it might be a 5-foot wall.
 02:01 20 MR. CARNOVALE: So they would need a --
 02:01 21 THE WITNESS: A second wall. It would
 02:01 22 be three walls then, right? We have the existing
 02:01 23 wall, 6 feet, and then I guess we would build a
 02:01 24 4-foot wall. I mean --
 02:01 25 MR. COLLAZUOL: It depends on your
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02:01 1 grade if you could accomplish it if you keep that
 02:01 2 wall and maximum 4 feet which the duplex ordinance
 02:01 3 calls for, then you're satisfying the duplex
 02:01 4 ordinance and you would not need any variances or
 02:01 5 another wall.
 02:01 6 MR. CARNOVALE: Okay. I'm good with
 02:01 7 it.
 02:01 8 CHAIRMAN FERGUSON: You good, Steve?
 02:01 9 You good, Vin?
 02:01 10 MR. CARNOVALE: Yeah.
 02:01 11 CHAIRMAN FERGUSON: Okay.
 02:01 12 Counselor, you want to put your next
 02:01 13 witness on?
 02:02 14 MR. MACRI: Yes. I would like to call
 02:02 15 Mr. David Spatz.
 02:02 16 MS. TESTA: Raise your right hand.
 02:02 17 Do you swear that the testimony you
 02:02 18 will give in this application will be the truth, the
 02:02 19 whole truth and nothing but the truth?
 02:02 20 MR. SPATZ: Yes, I do.
 02:02 21 D A V I D S P A T Z,
 02:02 22 Having been duly sworn, testifies as follows:
 02:02 23 MS. TESTA: Please state your name and
 02:02 24 spell it for the record.
 02:03 25 MR. SPATZ: David Spatz, S-P-A-T-Z.
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02:03 1 CHAIRMAN FERGUSON: We accept
 02:03 2 Mr. Spatz.
 02:03 3 MR. MACRI: Thank you, Mr. Chairman.
 02:03 4 DIRECT EXAMINATION
 02:03 5 BY MR. MACRI:
 02:03 6 Q. Mr. Spatz, you're familiar with the
 02:03 7 property at 333 8th Street?
 02:03 8 A. Yes.
 02:03 9 Q. Can you please provide the board with
 02:03 10 reasons why the variances which we seek can be
 02:03 11 granted?
 02:03 12 A. Certainly.
 02:03 13 **Just to give an idea of the buildings,**
 02:03 14 **the existing building or the ones surrounding us, I**
 02:03 15 **have a photo exhibit which I've marked as A-2.**
 02:03 16 (Whereupon, Photoboard is received
 02:03 17 and marked as Exhibit A-2 for identification.)
 02:03 18 THE WITNESS: The top left-hand
 02:03 19 photograph is of the subject property.
 02:03 20 The top right-hand photograph is
 02:03 21 looking towards the east going up the hill on 8th.
 02:03 22 And there are two older two-family homes on our side
 02:03 23 of the street.
 02:03 24 The bottom left-hand photograph is
 02:03 25 looking to the left of our home. And it's a newer
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02:04 1 two-family home. And as you can see, it's got
 02:04 2 similar topographic conditions. And that has four
 02:04 3 stories. That building does have a sub-basement on
 02:04 4 it as you can see.
 02:04 5 And then the bottom right-hand
 02:04 6 photograph is looking across the street from us,
 02:04 7 which are also all two-family homes. And these are
 02:04 8 the ones directly across the street from us that are
 02:04 9 the road slopes up on that side, so they are higher
 02:04 10 than our properties behind us is -- lower, and you
 02:04 11 can see the cross slope that Bill was speaking about.
 02:04 12 So we do have a permitted use. It's
 02:04 13 eliminating a two-family home, replacing it with a
 02:04 14 newer two-family home, and that is a permitted use.
 02:04 15 We have only two variances at this
 02:04 16 time; building height, which is a (d) variance, and
 02:04 17 then building coverage which is a (c) variance.
 02:04 18 So looking at the height variance
 02:04 19 first, what we're proposing is consistent with the
 02:04 20 neighborhood.
 02:04 21 As you can see from the photographs,
 02:04 22 the newer two-family homes are all taller in height.
 02:04 23 The one directly next to us which is affected by the
 02:05 24 topography just like us, is really the same design as
 02:05 25 what was originally proposed on ours, which is three
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02:05 1 stories in the front, four stories in the rear.
 02:05 2 We do need that height variance which
 02:05 3 has been reduced somewhat from what was originally
 02:05 4 proposed. And as you can see from the drawings and
 02:05 5 from the photographs, the topographic conditions
 02:05 6 really are causing the variance.
 02:05 7 The homes directly behind us, we have a
 02:05 8 conforming rear yard and those homes are
 02:05 9 significantly lower.
 02:05 10 So that extra half story is not going
 02:05 11 to really affect those properties. They are
 02:05 12 significantly below us.
 02:05 13 As well, we are consistent with the
 02:05 14 neighborhood in terms of the height, so I think that
 02:05 15 the positive criteria are met for the height
 02:05 16 variance.
 02:05 17 Looking at the bulk variance, we meet
 02:05 18 all setback requirements for the zone. The only (c)
 02:05 19 variance we seek is for lot coverage. And we only
 02:06 20 exceed the lot coverage by 84 square feet, so it's a
 02:06 21 very small change.
 02:06 22 As Mr. Cocoros indicated, even though
 02:06 23 the building is slightly bigger than what is
 02:06 24 permitted within the zone, all drainage can be
 02:06 25 handled on property, on the property.

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02:06 1 There was discussion this evening for
 02:06 2 improvements to the drainage conditions, so I think
 02:06 3 that there is, again, a positive benefit from that.
 02:06 4 The coverages, again, are minimal.
 02:06 5 Looking at the negative criteria, I
 02:06 6 don't think there is anything that rises to the level
 02:06 7 of being substantially negative for either of the two
 02:06 8 variances. The height is consistent with the
 02:06 9 neighborhood. It's caused by the topography of the
 02:06 10 property.
 02:06 11 The setbacks are conforming. So there
 02:06 12 is sufficient amount of light, air and open space to
 02:06 13 those adjacent properties. The coverage is only
 02:06 14 exceeded minimally by 84 square feet. We have
 02:06 15 improved drainage situated on the property. The
 02:06 16 existing dwelling has a driveway that is pitched down
 02:07 17 towards the garage that is being corrected here.
 02:07 18 There is a conforming amount of parking
 02:07 19 on the property, so I think, on balance, the positive
 02:07 20 impact from we're proposing, the topographical
 02:07 21 conditions of the site that we're dealing with, that
 02:07 22 all outweighs anything that might be considered
 02:07 23 negative. And I think the variances could be
 02:07 24 granted.
 02:07 25 MR. MACRI: Thank you, Mr. Spatz.

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02:07 1 Mr. Chairman, I have no further
 02:07 2 witnesses.
 02:07 3 CHAIRMAN FERGUSON: Okay. Any board
 02:07 4 members have any questions?
 02:07 5 Steve, anything?
 02:07 6 MR. COLLAZUOL: No.
 02:07 7 CHAIRMAN FERGUSON: Judd? No?
 02:07 8 MR. ROCCIOLA: No.
 02:07 9 MR. KAUKER: I just have one question.
 02:07 10 In your testimony you talked briefly
 02:07 11 about the other building heights in the area, and I
 02:07 12 guess is it your opinion that the proposed height of
 02:07 13 the building would be consistent with the other
 02:07 14 buildings in the area?
 02:07 15 THE WITNESS: Yes. Absolutely.
 02:07 16 Certainly the newer ones in the photographs point
 02:07 17 that out.
 02:07 18 The building next to us, even though we
 02:07 19 are eliminating the sub-basement, that building does
 02:07 20 have a sub-basement, is four stories in the rear, and
 02:07 21 then the buildings across the street are at a higher
 02:08 22 elevation or of a similar height. So we are fully
 02:08 23 consistent with the neighborhood.
 02:08 24 MR. KAUKER: Thank you.
 02:08 25 I have no other questions.

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02:08 1 CHAIRMAN FERGUSON: Okay.
 02:08 2 Counsel, you want to sum up?
 02:08 3 MR. MACRI: Yes, Mr. Chairman. I'd
 02:08 4 like to amend our --
 02:08 5 CHAIRMAN FERGUSON: Oh, the public.
 02:08 6 I'm sorry. Anybody in the public have anything?
 02:08 7 (No response.)
 02:08 8 CHAIRMAN FERGUSON: No? Okay.
 02:08 9 MR. MACRI: Mr. Chairman, I would like
 02:08 10 to amend our application. We're going to eliminate
 02:08 11 the sub-basement. We're going to add a rear wall as
 02:08 12 discussed by Mr. Cocoros and Mr. Collazuol. The
 02:08 13 bathroom behind the garage will only be a powder
 02:08 14 room. There will be no shower or a tub. And the
 02:08 15 drainage as recommended by Mr. Collazuol will be
 02:08 16 split. There will be seepage pits in the rear and
 02:08 17 tanks in the front.
 02:08 18 CHAIRMAN FERGUSON: Now, do you need a
 02:08 19 variance for another wall? In the back?
 02:08 20 MR. MACRI: Yes, and we will amend the
 02:08 21 application to include a variance for the additional
 02:08 22 wall in the rear.
 02:08 23 CHAIRMAN FERGUSON: Yes.
 02:08 24 MR. COLLAZUOL: You're saying that a
 02:08 25 third wall requires a variance?

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02:09 1 CHAIRMAN FERGUSON: I'm asking.
 02:09 2 MR. COLLAZUOL: No, I don't believe it
 02:09 3 does.
 02:09 4 CHAIRMAN FERGUSON: Okay. So you're
 02:09 5 amending it?
 02:09 6 MR. MACRI: Yes.
 02:09 7 CHAIRMAN FERGUSON: Okay. Do you want
 02:09 8 to make a motion, Vinny, or --
 02:09 9 MR. CARNOVALE: No, I want to -- Steve?
 02:09 10 MR. COLLAZUOL: Yes.
 02:09 11 MR. CARNOVALE: Physically, is it
 02:09 12 possible for these people to build a third wall and
 02:09 13 what kind of backyard will they have? They'll meet
 02:09 14 the 25-foot rear backyard, but what is it going to
 02:09 15 be? The back of the house, 2 feet, wall, 4 feet,
 02:09 16 another wall, 6 feet, another wall? Could you run
 02:09 17 that by me? I am lost.
 02:09 18 THE WITNESS: Well, we're looking at
 02:09 19 this plan. It's my understanding is that Mr. Cocoros
 02:09 20 is going to look at separating from 3 foot 6 between
 02:09 21 the walls to 6 feet, and adjusting his grading such
 02:09 22 that he doesn't need the third wall. That's my
 02:09 23 understanding.
 02:09 24 MR. CARNOVALE: Well, if he withdraws
 02:09 25 his sub-basement --

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02:09 1 MR. MACRI: We're going to raise our
 02:09 2 rear wall.
 02:09 3 CHAIRMAN FERGUSON: What are you going
 02:09 4 to do?
 02:09 5 MR. COCOROS: Raise the rear wall which
 02:10 6 will require a variance for the height. You're only
 02:10 7 allowed to build 4 feet.
 02:10 8 MR. COLLAZUOL: I think you have to run
 02:10 9 through that, so if you want to ask for that variance
 02:10 10 for that height --
 02:10 11 MR. COCOROS: Yes. And so we'll raise
 02:10 12 our rear wall to eliminate --
 02:10 13 MR. CARNOVALE: So you don't need a
 02:10 14 third wall?
 02:10 15 MR. MACRI: Yes.
 02:10 16 MR. CARNOVALE: And you'll --
 02:10 17 obviously, Steve will tell you, he needs an
 02:10 18 engineering diagram for anything over 4 feet.
 02:10 19 THE WITNESS: Yes. Now, if we bring
 02:10 20 it, we'll comport to the 16 inches. It will be a net
 02:10 21 reduction of height of only 6 inches. It's average
 02:10 22 grade.
 02:10 23 But from the back it will look smaller
 02:10 24 regardless because we're getting rid of that floor
 02:10 25 down below. We're basically going to a 5-foot 4-inch

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02:10 1 high wall and then going to bring up our grades in
 02:10 2 the corner to 194 -- yes, 194 and 194.33.
 02:11 3 So when we average it out, it's going
 02:11 4 to be basically a eight -- 32 -- 2 foot 8.
 02:11 5 Yes, it will be an 8-inch reduction in
 02:11 6 the building height. So the building height then
 02:11 7 would be 36 feet. I'm sorry, yes, 36 feet even.
 02:11 8 MR. CARNOVALE: Right. So you will be
 02:11 9 eliminating the sub-basement and your net total
 02:11 10 reduction in height is --
 02:11 11 THE WITNESS: Is 8 inches.
 02:11 12 MR. CARNOVALE: -- 8 inches.
 02:11 13 CHAIRMAN FERGUSON: Run that past me
 02:12 14 again.
 02:12 15 MR. CARNOVALE: You want me to do it,
 02:12 16 Joe, or he can do it.
 02:12 17 CHAIRMAN FERGUSON: Let him do it.
 02:12 18 MR. CARNOVALE: Let him do it.
 02:12 19 CHAIRMAN FERGUSON: Yes.
 02:12 20 All right. So you want to restate your
 02:12 21 motion? What you're eliminating?
 02:12 22 MR. MACRI: All right. So the
 02:12 23 sub-basement will be eliminated. The rear wall will
 02:12 24 be increased by two courses, requiring a variance for
 02:12 25 the height. No powder room -- excuse me -- powder

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02:12 1 room only in the basement level which is behind the
 02:12 2 garage. And as recommended by Mr. Collazuol, the
 02:12 3 drainage would be split between front and rear.
 02:12 4 CHAIRMAN FERGUSON: You want to -- I
 02:12 5 will make that motion.
 02:12 6 Can I get a second?
 02:12 7 MR. CARNOVALE: On what, Joe?
 02:12 8 CHAIRMAN FERGUSON: Raising the wall.
 02:12 9 What he just --
 02:12 10 MS. TESTA: Right. On the amended
 02:12 11 application.
 02:12 12 CHAIRMAN FERGUSON: Yes.
 02:12 13 MS. TESTA: Eliminating the
 02:13 14 sub-basement, make a powder room in the basement,
 02:13 15 splitting the drainage between the front and the
 02:13 16 back, a variance for the height which would be
 02:13 17 36 feet. And then the wall, the second wall will be
 02:13 18 5 foot 4 inches.
 02:13 19 MR. MACRI: Two walls.
 02:13 20 MS. TESTA: Two walls.
 02:13 21 MR. COCOROS: Yes, the course is higher
 02:13 22 so it will be 5-feet-4-inches high.
 02:13 23 MS. TESTA: So there's two walls.
 02:13 24 MR. COCOROS: Well, there's one
 02:13 25 existing wall which is going to remain.

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02:13 1 MS TESTA: Right.
 02:13 2 MR. COCOROS: And the second wall will
 02:13 3 be 5-feet-4-inches high.
 02:13 4 MS. TESTA: Okay.
 02:13 5 CHAIRMAN FERGUSON: Okay. I make a
 02:13 6 motion.
 02:13 7 Do I hear a second?
 02:13 8 MR. CARNOVALE: I second.
 02:13 9 CHAIRMAN FERGUSON: Roll call vote?
 02:13 10 MS. LAMBRINIDES: Mr. Ferguson?
 02:13 11 CHAIRMAN FERGUSON: Yes.
 02:13 12 MS. LAMBRINIDES: Mr. Albanese?
 02:13 13 VICE CHAIRMAN ALBANESE: Yes.
 02:13 14 MS. LAMBRINIDES: Mr. Terranova?
 02:13 15 MR. TERRANOVA: No.
 02:13 16 MS. LAMBRINIDES: Mr. Nam?
 02:13 17 MR. NAM: Yes.
 02:13 18 MS. LAMBRINIDES: Ms. Yoon?
 02:13 19 MS. YOON: Yes.
 02:13 20 MS. LAMBRINIDES: Mr. Carnovale?
 02:13 21 MR. CARNOVALE: Yes.
 02:13 22 MS. LAMBRINIDES: Ms. Tarabocchia?
 02:13 23 MS. TARABOCCHIA: Yes.
 02:13 24 MS. LAMBRINIDES: Mr. Lefteriou?
 02:13 25 MR. LEFTERIOU: Yes.

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02:14 1 CHAIRMAN FERGUSON: Yes.
 02:14 2 MS. LAMBRINIDES: Mr. Albanese?
 02:14 3 VICE CHAIRMAN ALBANESE: Yes.
 02:14 4 MS. LAMBRINIDES: Mr. Terranova?
 02:14 5 MR. TERRANOVA: Yes.
 02:14 6 MS. LAMBRINIDES: Mr. Nam?
 02:14 7 MR. NAM: Yes.
 02:14 8 MS. LAMBRINIDES: Ms. Yoon?
 02:14 9 MS. YOON: Yes.
 02:14 10 MS. LAMBRINIDES: Mr. Carnovale?
 02:14 11 MR. CARNOVALE: Yes.
 02:14 12 MS. LAMBRINIDES: Ms. Tarabocchia?
 02:14 13 MS. TARABOCCHIA: Yes.
 02:14 14 MS. LAMBRINIDES: Mr. Lefteriou?
 02:14 15 MR. LEFTERIOU: Yes.
 02:14 16 CHAIRMAN FERGUSON: I make a motion we
 02:14 17 adjourn.
 02:14 18 MR. CARNOVALE: I second.
 02:14 19 CHAIRMAN FERGUSON: All in favor?
 20 (Whereupon, all board members respond
 21 in the affirmative.)
 22 (Whereupon, this meeting is adjourned.
 23 Time noted: 9:18 p.m.)
 24
 25

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02:13 1 MR. MACRI: Thank you very much.
 02:13 2 CHAIRMAN FERGUSON: Thank you,
 3 counselor.
 4 MR. MACRI: Have a great holiday,
 5 Thanksgiving.
 6 CHAIRMAN FERGUSON: We're going to make
 7 an announcement.
 02:14 8 MS. TESTA: Case No. 18-08 -- 18-09,
 02:14 9 excuse me, 18-09, Dervo Developers, LLC, 145 East
 02:14 10 Edsall Boulevard, Block 325, Lot 22 is being carried
 02:14 11 to the December 17, 2018, meeting at 7:00 p.m.
 02:14 12 No further notice will be required of
 02:14 13 the applicant.
 02:14 14 CHAIRMAN FERGUSON: Right.
 02:14 15 I'll make a motion.
 02:14 16 MS. TESTA: Right.
 02:14 17 And the applicant waives the time.
 02:14 18 CHAIRMAN FERGUSON: I make that motion.
 02:14 19 VICE CHAIRMAN ALBANESE: I second that
 02:14 20 motion.
 02:14 21 CHAIRMAN FERGUSON: Roll call vote on
 02:14 22 that.
 02:14 23 MS. LAMBRINIDES: Okay. I can only
 02:14 24 write so fast.
 02:14 25 Mr. Ferguson?

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CERTIFICATE

1
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 11 statute of the State of New Jersey.
 12 I am not related to the parties
 13 involved in this action; I have no financial
 14 interest, nor am I related to an agent of or employed
 15 by anyone with a financial interest in the outcome of
 16 this action.
 17 This transcript complies with
 18 regulation 13:43-5.9 of the New Jersey Administrative
 19 Code.
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201-641-1812

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