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BOROUGH OF PALISADES PARK
BOARD OF ADJUSTMENT
MONDAY, FEBRUARY 25, 2019
COMMENCING AT 6:58 P.M.

.....
IN THE MATTER OF: : TRANSCRIPT
: OF
APPLICATION NO. 18-11 : PROCEEDINGS
HILLSIDE, LLC :
463 Roff Avenue :
Block 313, Lot 22 :
APPLICATION NO. 19-01 :
JACK SUNG AN :
65 Brinkerhoff Terrace :
Block 209, Lot 16 :
APPLICATION NO. 18-09 :
DERVO DEVELOPERS, LLC :
145 E. Edsall Boulevard :
Block 325, Lot 22 :
APPLICATION NO. 13-07 :
KING SPA :
329 COMMERCIAL AVENUE :
APPLICATION NO. 18-03 :
DUZGAN :
423 BERGEN BOULEVARD :
BLOCK 419; Lot 7&8 :
APPLICATION NO. 18-10 :
DHANA REALTY :
411 5th Street :
Block 324, Lot 33 :
APPLICATION NO. 19-02 :
DRC DEVELOPMENT CORP. :
441 E. BRINKERHOFF AVENUE :
BLOCK 427; LOT 1 :
APPLICATION NO. 19-03 :
ARDESHIR MOHTARAM :
201 FIFTH STREET :
BLOCK 701; LOTS 12 & 12.01 :
.....

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1 B E F O R E:
THE BOROUGH OF PALISADES PARK BOARD OF ADJUSTMENT
2 THERE BEING PRESENT:

3 JOSEPH FERGUSON, CHAIRMAN

4 PAUL ALBANESE, VICE CHAIRMAN (recused on Case No.
19-02)

5 ANDY NAM, MEMBER

6 VINCENT CARNOVALE, MEMBER

7 LEFTERI LEFTERIOU, MEMBER

8 SEUNG YOON, MEMBER

9 DAVID TERRANOVA, MEMBER (arrived at 7:03 p.m.)

10 SUK JUN MIN, ALTERNATE

11 MIRJANA TARABOCCHIA, ALTERNATE

12
13 A P P E A R A N C E S:

14 DIANE TESTA, ESQ.
15 Counsel for the Board

16
17 CLEARY, GIACOBBE, ALFIERI, JACOBS, LLC
BY: BRIAN M. CHEWCASKIE, ESQ.
955 State Highway 34, Unit 200
18 Matawan, New Jersey 07747
Counsel for Dhana Realty

19
20 MARC D. MACRI, P.C.
BY: MARC D. MACRI, ESQ.
21 2160 North Central Road
Fort Lee, New Jersey 07024
22 Counsel for DRC Development Corp..

23
24 A L S O P R E S E N T:

ELENI LAMBRINIDES, BOARD SECRETARY
25 MICHAEL KAUKER, BOARD PLANNER
STEVE COLLAZUOL, BOARD ENGINEER

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APPLICATION NO. 18-10		
DHANA REALTY		
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Block 324, Lot 33		
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1 CHAIRMAN FERGUSON: Okay. We'll call
2 the meeting to order.

3 Paul, do you want to lead us in the
4 flag salute?

5 VICE CHAIRMAN ALBANESE: Yes, sir.

6 (Whereupon, all stand for a Recitation
7 of the Pledge of Allegiance led by Vice
8 Chairman Albanese.)

9 CHAIRMAN FERGUSON: Okay. Roll call.

10 MS. LAMBRINIDES: Mr. Ferguson?

11 CHAIRMAN FERGUSON: Here.

12 MS. LAMBRINIDES: Mr. Albanese?

13 VICE CHAIRMAN ALBANESE: Here.

14 MS. LAMBRINIDES: Mr. Terranova?

15 (Absent.)

16 MS. LAMBRINIDES: Mr. Min?

17 MR. MIN: Here.

18 MS. LAMBRINIDES: Mr. Nam?

19 MR. NAM: Here.

20 MS. LAMBRINIDES: Ms. Yoon?

21 MS. YOON: Here.

22 MS. LAMBRINIDES: Mr. Carnovale?

23 MR. CARNOVALE: Here.

24 MS. LAMBRINIDES: Ms. Tarabocchia?

25 MS. TARABOCCHIA: Here.

1 MS. LAMBRINIDES: Mr. Lefteriou?

2 MR. LEFTERIOU: Here.

3 CHAIRMAN FERGUSON: Okay. First order
4 of business is we have a new board member. She's
5 been here for four years, but Ms. Yoon will now be
6 sworn in for her new term.

7 (At this time in the proceeding, Ms.
8 Testa administers the oath to Ms. Yoon to be sworn in
9 for her new term as a board member.)

10 (Applause.)

11 MS. TESTA: Do roll call once again now
12 that she is sworn.

13 MS. LAMBRINIDES: Again? Okay.

14 One more time. Mr. Ferguson?

15 CHAIRMAN FERGUSON: Yes.

16 MS. LAMBRINIDES: Mr. Albanese?

17 VICE CHAIRMAN ALBANESE: Here.

18 MS. LAMBRINIDES: Mr. Terranova?

19 (No response.)

20 MS. LAMBRINIDES: Mr. Min?

21 MR. MIN: Here.

22 MS. LAMBRINIDES: Mr. Nam?

23 MR. NAM: Here.

24 MS. LAMBRINIDES: Ms. Yoon?

25 MS. YOON: Here.

1 MS. LAMBRINIDES: Mr. Carnovale?

2 MR. CARNOVALE: Here.

3 MS. LAMBRINIDES: Ms. Tarabocchia?

4 MS. TARABOCCHIA: Here.

5 MS. LAMBRINIDES: Mr. Lefteriou?

6 MR. LEFTERIOU: Here.

7 CHAIRMAN FERGUSON: Okay.

8 First order of business, we'll be
9 paying some bills, and that is Judd Rocciola, \$155;
10 the Court Reporter, \$1626; the New Jersey Media, \$20,
11 \$30.80; Kauker & Kauker, \$154 -- no, \$1547; and Diana
12 Testa, \$3700.

13 VICE CHAIRMAN ALBANESE: Make a motion
14 we pay the bills.

15 CHAIRMAN FERGUSON: There's a motion.
16 Could I get a second?

17 MR. CARNOVALE: I second.

18 CHAIRMAN FERGUSON: Roll call.

19 MS. LAMBRINIDES: Mr. Ferguson?

20 CHAIRMAN FERGUSON: Yes.

21 MS. LAMBRINIDES: Mr. Albanese?

22 VICE CHAIRMAN ALBANESE: Yes.

23 MS. LAMBRINIDES: Mr. Min?

24 MR. MIN: Yes.

25 MS. LAMBRINIDES: Mr. Nam?

1 MR. NAM: Yes.

2 MS. LAMBRINIDES: Ms. Yoon?

3 MS. YOON: Yes.

4 MS. LAMBRINIDES: Mr. Carnovale?

5 MR. CARNOVALE: Yes.

6 MS. LAMBRINIDES: Ms. Tarabocchia?

7 MS. TARABOCCHIA: Yes.

8 MS. LAMBRINIDES: Mr. Lefteriou?

9 MR. LEFTERIOU: Yes.

10 CHAIRMAN FERGUSON: Okay.

11 Next we have the minutes of the

12 previous meeting. We all had a copy of them. Is

13 there any corrections in the minutes?

14 VICE CHAIRMAN ALBANESE: I make a

15 motion we accept the minutes.

16 CHAIRMAN FERGUSON: Okay. There is a

17 motion. Is there a second?

18 MR. CARNOVALE: Second.

19 CHAIRMAN FERGUSON: Roll call vote.

20 MS. LAMBRINIDES: Mr. Ferguson?

21 CHAIRMAN FERGUSON: Yes.

22 MS. LAMBRINIDES: Mr. Albanese?

23 VICE CHAIRMAN ALBANESE: Yes.

24 MS. LAMBRINIDES: Mr. Min?

25 MR. MIN: Yes.

1 MS. LAMBRINIDES: Mr. Nam?

2 MR. NAM: Yes.

3 MS. LAMBRINIDES: Ms. Yoon?

4 MS. YOON: I'll abstain. I wasn't
5 here.

6 MS. LAMBRINIDES: Mr. Carnovale?

7 MR. CARNOVALE: Yes.

8 MS. LAMBRINIDES: Ms. Tarabocchia?

9 MS. TARABOCCHIA: Yes.

10 MS. LAMBRINIDES: And Mr. Lefteriou?

11 MR. LEFTERIOU: Yes.

12 CHAIRMAN FERGUSON: Okay. Now we have
13 a series of memorializations. And let me just --
14 okay. First one is Case Number 18-09, Dervo
15 Developers, LLC, 145 East Edsall Boulevard. Can I
16 get a motion?

17 VICE CHAIRMAN ALBANESE: Make a motion
18 for memorialization.

19 CHAIRMAN FERGUSON: Can I get a second?

20 MR. CARNOVALE: Second.

21 CHAIRMAN FERGUSON: Roll call.

22 MS. TESTA: Mr. Min and Ms. Yoon should
23 both abstain on this one.

24 MS. LAMBRINIDES: Mr. Ferguson?

25 CHAIRMAN FERGUSON: Yes.

1 MS. LAMBRINIDES: Mr. Albanese?
2 VICE CHAIRMAN ALBANESE: Yes.
3 MS. LAMBRINIDES: Mr. Min?
4 MR. MIN: Abstain.
5 MS. LAMBRINIDES: Mr. Nam?
6 MR. NAM: Yes.
7 MS. LAMBRINIDES: Ms. Yoon?
8 MS. YOON: Abstain.
9 MS. LAMBRINIDES: Mr. Carnovale?
10 MR. CARNOVALE: Yes.
11 MS. LAMBRINIDES: Ms. Tarabocchia?
12 MS. TARABOCCHIA: Yes.
13 MS. LAMBRINIDES: Mr. Lefteriou?
14 MR. LEFTERIOU: Yes.
15 CHAIRMAN FERGUSON: Okay.
16 Next we have Case Number 18-03, Duzgan,
17 that's 423 Bergen Boulevard. Can I get a motion?
18 VICE CHAIRMAN ALBANESE: I make a
19 motion for memorialization.
20 MR. CARNOVALE: Second.
21 CHAIRMAN FERGUSON: Roll call vote.
22 MS. TESTA: Same two should be
23 abstained.
24 MS. LAMBRINIDES: Mr. Ferguson?
25 CHAIRMAN FERGUSON: Yes.

1 MS. LAMBRINIDES: Mr. Albanese?
2 VICE CHAIRMAN ALBANESE: Yes.
3 MS. LAMBRINIDES: Mr. Min?
4 MR. MIN: Yes.
5 MS. LAMBRINIDES: Mr. Nam?
6 MR. NAM: Yes.
7 MS. LAMBRINIDES: Ms. Yoon?
8 MS. YOON: Abstain.
9 MS. LAMBRINIDES: Mr. Carnovale?
10 MR. CARNOVALE: Yes.
11 MS. LAMBRINIDES: Ms. Tarabocchia?
12 MS. TARABOCCHIA: Yes.
13 MS. LAMBRINIDES: Mr. Lefteriou?
14 MR. LEFTERIOU: Yes.
15 (Whereupon, Mr. Terranova has arrived.)
16 MS. LAMBRINIDES: Hi. Dave is here.
17 Dave Terranova.
18 CHAIRMAN FERGUSON: Okay. Next we have
19 Case Number 13-07, King Spa, 329 Commercial Avenue.
20 VICE CHAIRMAN ALBANESE: Make a motion
21 for memorialization.
22 CHAIRMAN FERGUSON: Second?
23 MR. LEFTERIOU: Second.
24 CHAIRMAN FERGUSON: Roll call.
25 MS. LAMBRINIDES: That was you?

1 MS. TESTA: Mr. Lefteriou.

2 MS. LAMBRINIDES: Okay. Mr. Ferguson?

3 CHAIRMAN FERGUSON: Yes.

4 MS. LAMBRINIDES: Mr. Albanese?

5 VICE CHAIRMAN ALBANESE: Yes.

6 MS. LAMBRINIDES: Mr. Terranova? We're
7 memorializing. I think you have to abstain.

8 MR. TERRANOVA: Yes, abstain.

9 MS. LAMBRINIDES: Mr. Min?

10 MR. MIN: Yes.

11 MS. LAMBRINIDES: Mr. Nam?

12 MR. NAM: Yes.

13 MS. LAMBRINIDES: Ms. Yoon?

14 MS. YOON: Abstain.

15 MS. LAMBRINIDES: Mr. Carnovale?

16 MR. CARNOVALE: Yes.

17 MS. LAMBRINIDES: Ms. Tarabocchia?

18 MS. TARABOCCHIA: Yes.

19 MS. LAMBRINIDES: And Mr. Lefteriou?

20 MR. LEFTERIOU: Yes.

21 CHAIRMAN FERGUSON: Okay. Next we have
22 Case Number 18-11, Hillside, LLC, 463 Roff Avenue.

23 VICE CHAIRMAN ALBANESE: Make a motion
24 we memorialize that.

25 CHAIRMAN FERGUSON: We've got a motion.

1 Can I get a second?

2 MR. LEFTERIOU: Second.

3 CHAIRMAN FERGUSON: Roll call vote.

4 MS. LAMBRINIDES: Mr. Ferguson?

5 CHAIRMAN FERGUSON: Yes.

6 MS. LAMBRINIDES: Mr. Albanese?

7 VICE CHAIRMAN ALBANESE: Yes.

8 MS. LAMBRINIDES: Mr. Terranova?

9 MR. TERRANOVA: Abstain.

10 MS. LAMBRINIDES: Mr. Min?

11 MR. MIN: Yes.

12 MS. LAMBRINIDES: Mr. Nam?

13 MR. NAM: Yes.

14 MS. LAMBRINIDES: Ms. Yoon?

15 MS. YOON: Abstain.

16 MS. LAMBRINIDES: Mr. Carnovale?

17 MR. CARNOVALE: Yes.

18 MS. LAMBRINIDES: Ms. Tarabocchia?

19 MS. TARABOCCHIA: Yes.

20 MS. LAMBRINIDES: Mr. Lefteriou?

21 MR. LEFTERIOU: Yes.

22 CHAIRMAN FERGUSON: Okay.

23 MS. TESTA: One more.

24 CHAIRMAN FERGUSON: One more. Case

25 Number 19-01, Jack Sung An, 65 Brinkerhoff Terrace.

1 VICE CHAIRMAN ALBANESE: Make a motion.
2 CHAIRMAN FERGUSON: Make a motion?
3 MR. CARNOVALE: I second.
4 CHAIRMAN FERGUSON: Motion and second.
5 Roll call vote.
6 MS. LAMBRINIDES: Mr. Ferguson?
7 CHAIRMAN FERGUSON: Yes.
8 MS. LAMBRINIDES: Mr. Albanese?
9 VICE CHAIRMAN ALBANESE: Yes.
10 MS. LAMBRINIDES: Mr. Terranova?
11 MR. TERRANOVA: Abstain.
12 MS. LAMBRINIDES: Mr. Min?
13 MR. MIN: Yes.
14 MS. LAMBRINIDES: Mr. Nam?
15 MR. NAM: Yes.
16 MS. LAMBRINIDES: Ms. Yoon?
17 MS. YOON: Abstain.
18 MS. LAMBRINIDES: Mr. Carnovale?
19 MR. CARNOVALE: Yes.
20 MS. LAMBRINIDES: Ms. Tarabocchia?
21 MS. TARABOCCHIA: Yes.
22 MS. LAMBRINIDES: Mr. Lefteriou?
23 MR. LEFTERIOU: Yes.
24 CHAIRMAN FERGUSON: Okay. That's the
25 motions.

1 Now, we have one case tonight that has
2 asked for an adjournment, that would be Case No.
3 19-03.

4 MS. TESTA: Ardeshir Mohtaram.

5 CHAIRMAN FERGUSON: Mohammed?

6 MS. TESTA: Mohtaram.

7 MS. LAMBRINIDES: Mohtaram.

8 CHAIRMAN FERGUSON: Mohtaram? Okay.

9 4201 5th Street.

10 MS. TESTA: 201.

11 CHAIRMAN FERGUSON: Oh, 201 5th Street.

12 Okay. So he's put a letter in,

13 correct?

14 MS. TESTA: Yes. He requested an
15 adjournment. They may be amending their plans, so
16 they're looking for additional time.

17 VICE CHAIRMAN ALBANESE: Do we have to
18 vote on it?

19 MS. TESTA: Yes.

20 VICE CHAIRMAN ALBANESE: I'll make a
21 motion.

22 MS. TESTA: Right. That there be no
23 further notice; however, if the plans are
24 substantially changed, it would have to be
25 re-noticed.

1 VICE CHAIRMAN ALBANESE: I'll make a
2 motion we accept the letter.

3 MR. CARNOVALE: I second that motion.

4 CHAIRMAN FERGUSON: Roll call.

5 MS. LAMBRINIDES: Mr. Ferguson?

6 CHAIRMAN FERGUSON: Yes.

7 MS. LAMBRINIDES: Mr. Albanese?

8 VICE CHAIRMAN ALBANESE: Yes.

9 MS. LAMBRINIDES: Mr. Terranova?

10 MR. TERRANOVA: Yes.

11 MS. LAMBRINIDES: Mr. Min?

12 MR. MIN: Yes.

13 MS. LAMBRINIDES: Mr. Nam?

14 MR. NAM: Yes.

15 MS. LAMBRINIDES: Ms. Yoon?

16 MS. YOON: Yes.

17 MS. LAMBRINIDES: Mr. Carnovale?

18 MR. CARNOVALE: Yes.

19 MS. LAMBRINIDES: Ms. Tarabocchia?

20 MS. TARABOCCHIA: Yes.

21 MS. LAMBRINIDES: Mr. Lefteriou?

22 MR. LEFTERIOU: Yes.

23 MS. TESTA: So that's Case No. 19-03,
24 201 5th Street. It's being adjourned from tonight to
25 the -- what's the date in March? March 18th, 2019,

1 7:00 p.m. There will be no further notice at this
2 time.

3 CHAIRMAN FERGUSON: Okay. So that
4 brings us up to tonight and that would be Case No.
5 18-10, Dhana Realty, 411 5th Street.

6 Brian, I believe that's yours.

7 MR. CHEWCASKIE: That's correct, Mr.
8 Chairman. For the record, Brian M. Chewcaskie,
9 Cleary, Giacobbe, Alfieri and Jacobs, on behalf of
10 the Applicant, Dhana Realty.

11 We were here on January 28th. The
12 board heard testimony from Mr. Cocoros. The board
13 had some concerns about the side yard and roof. We
14 submitted revised plans on February 14th. The side
15 yards were increased from 6 to 7 feet. The roof
16 pitch was lowered approximately half a foot or so.

17 CHAIRMAN FERGUSON: Right.

18 MR. CHEWCASKIE: Rather than me take up
19 the time of the board, I have Mr. Cocoros who can
20 confirm the revisions to the plans, so I would ask
21 him to be recalled.

22 CHAIRMAN FERGUSON: Okay.

23 MR. CHEWCASKIE: Bill, can you come up?

24 And if we can, I don't remember if we
25 marked the original set as A-1, but if we could, and

1 then the revised set A-2, which is revised through, I
2 believe, February 14th.

3 (Whereupon, original plan set is
4 received and marked as Exhibit A-1 for
5 identification.)

6 (Whereupon, revised plan set is
7 received and marked as Exhibit A-2 for
8 identification.)

9 CHAIRMAN FERGUSON: Okay. You want to
10 swear him in?

11 MS. TESTA: Please raise your right
12 hand. Do you swear the testimony that you will give
13 in this application will be the truth, the whole
14 truth and nothing but the truth?

15 MR. COCOROS: I do.

16 V A S S I L I O S C O C O R O S,

17 467 Sylvan Ave, Englewood Cliffs, New Jersey,

18 having been duly sworn, testifies as follows:

19 MS. TESTA: State your name, spell it
20 for the record.

21 THE WITNESS: Sure. Vassilios,
22 V-A-S-S-I-L-I-O-S, Cocoros, C-O-C-O-R-O-S, 467 Sylvan
23 Ave, Englewood Cliffs, New Jersey.

24 MS. TESTA: Thank you.

25 CHAIRMAN FERGUSON: Go ahead.

1 DIRECT EXAMINATION

2 BY MR. CHEWCASKIE:

3 Q. Mr. Cocoros, you testified on
4 January 28th with respect to this application?

5 A. Uh-huh, yes.

6 Q. Subsequent to that you had the
7 opportunity to revise the drawings; is that correct?

8 A. Yes, we did.

9 Q. Could you tell the board what revisions
10 you made?

11 A. Sure. We reduced the roof pitch height
12 down to 3 on 12. We were 4 on 12, which resulted in,
13 since the building is not that deep it only resulted
14 in a 6-inch decrease of the building because the way
15 it's measured it's a midpoint measurement from the
16 peak. So it went down 6 inches, but the bigger thing
17 is we actually brought the side yard from 7 feet from
18 6 feet. And in doing that, we brought the building
19 footprint down to 2,944 square feet or 39.25 percent.

20 So basically we shrunk the building a
21 little bit, brought the roof pitch down, and the
22 basic configuration is based on placement of the
23 driveway, given the fact that the water goes from
24 north to south on 5th Street and we would like to
25 keep the driveways level for those purposes. But the

1 main thing was changing the width of the building and
2 lowering the height slightly.

3 Q. So simply stated, the variances for
4 side yard and for the roof height have been reduced,
5 and you also reduced the building coverage on the
6 site?

7 A. Correct.

8 Q. Any other revisions?

9 A. No.

10 Q. Okay.

11 MR. CHEWCASKIE: That's all I have for
12 Mr. Cocoros, Mr. Chairman.

13 CHAIRMAN FERGUSON: Okay. I just have
14 one quick question. We had a discussion about the
15 decks in the back. Remember that discussion?

16 THE WITNESS: I may have forgotten.

17 CHAIRMAN FERGUSON: No? Okay.

18 Well, we had a discussion because I
19 think the decks were oversized, according to the town
20 ordinance.

21 THE WITNESS: The only thing is the
22 rear yard -- part of the deck itself is only -- we
23 have 29'4" rear setback. The decks themselves are 16
24 feet from the back property line.

25 Like I said, I can talk to the client

1 if you want to reduce them, but we feel that the way
2 this property is built, we're not going all the way
3 to the back to avoid the impact on the new walls. We
4 would like to keep that deck because we feel we'll be
5 using the deck more than using the backyard because
6 it is almost a story-and-a-half built up.

7 CHAIRMAN FERGUSON: Right. But what is
8 the ordinance for the deck in the back? I'll help
9 you. It's 10-by-12.

10 THE WITNESS: Typically it's 10-by-12,
11 but that's usually what we have for a typical lot, we
12 usually put the building -- the back of the building
13 at a 25-foot setback. Then we go back approximately,
14 I think, 10 feet into that setback. So we have 13
15 feet left over for the rear -- I'm sorry, 15 feet to
16 the back of the deck.

17 Right now here we have 16 feet to the
18 deck. We would like to keep it, we could maybe take
19 a foot off if we had to, you know, to, I guess, ease
20 the intrusion in the backyard.

21 Is the client okay with that?

22 CHAIRMAN FERGUSON: Yes? No?

23 THE WITNESS: If I go 15-by-12, let's
24 say 15-by-12.4, that would be --

25 CHAIRMAN FERGUSON: Let's do that.

1 THE WITNESS: Okay.

2 CHAIRMAN FERGUSON: All right? All
3 right.

4 MR. CHEWCASKIE: So we'll amend the
5 application to be 15-by-12.

6 That's all I have for Mr. Cocoros. The
7 board requested some planning testimony.

8 CHAIRMAN FERGUSON: Yes.

9 MR. CHEWCASKIE: I do have David Spatz
10 here as the planner.

11 CHAIRMAN FERGUSON: Okay.

12 MR. CHEWCASKIE: David did prepare a
13 photo exhibit, if we can mark that as A-3, and then
14 if I could have Mr. Spatz sworn.

15 CHAIRMAN FERGUSON: Okay.

16 (Whereupon, photo exhibit is received
17 and marked as Exhibit A-3 for identification.)

18 MS. TESTA: Raise your right hand. Do
19 you swear that the testimony you will give in this
20 application will be the truth, the whole truth and
21 nothing but the truth?

22 MR. SPATZ: Yes, I do.

23 D A V I D S P A T Z,

24 having been duly sworn, testifies as follows:

25 MS. TESTA: State your name for the

1 record, please.

2 THE WITNESS: David Spatz, S-P-A-T-Z.

3 MS. TESTA: Thank you.

4 DIRECT EXAMINATION

5 BY MR. CHEWCASKIE:

6 Q. Mr. Spatz, before we start your
7 testimony, we handed out an exhibit that was marked
8 as A-3?

9 A. That is correct, yes.

10 Q. Was that something that you prepared?

11 A. Yes. They're photos that I took, and
12 it's an exhibit with four photographs on it.

13 Q. Do they accurately depict the condition
14 of the area with that -- where the photos were taken?

15 A. Yes. Yes, they do.

16 Q. Okay. Now, if you would continue with
17 your testimony.

18 A. Certainly. Quickly, I will use the
19 exhibit. The top left-hand photograph is of the
20 subject property. The top right-hand photograph is
21 looking to the right of our property to the north.
22 The bottom left photograph is looking to the south
23 from our property to the left. And then the final
24 photograph is of across the street showing the ramp
25 off of 46 which is a little bit to the north of our

1 property.

2 So we're located in the AA zone which
3 does permit two-family dwellings and our lot conforms
4 to both the lot area and width requirements of the
5 zone. We do need one (d) variance which is building
6 height. We're at three stories and 33.9 feet where
7 two-and-a-half and 28 feet is allowed. The height,
8 as was discussed, has been reduced from the original
9 submission.

10 And then there are three (c) variances.
11 Maximum building coverage, we were at 29,000 -- 2944
12 square feet where 2500 is permitted. Front yard
13 setback and then side yards, and it was described,
14 the building coverage and the side yards have been
15 improved from the previous submission.

16 So looking quickly at the height
17 variance, we do exceed the height limitation by
18 one-half story, but now less than 6 feet. And the
19 height variance is caused, I think, primarily by the
20 slope of the property.

21 As was described earlier, the newer
22 two-family dwellings in the vicinity on 5th and on
23 4th Street, they're all three stories in height.
24 That is the typical size for a two-family now. So
25 we're consistent with the neighborhood building

1 heights.

2 4th Street, which is behind, to the
3 west of our property is at a much lower elevation, so
4 really any dwelling on this property would have a
5 height impact, but it is certainly no greater at the
6 height we're proposing than would be any other
7 development.

8 Looking at the bulk variances, the
9 dwelling itself provides a conforming front yard
10 setback. Only the front steps project into the
11 setback. The setback is similar to the dwellings on
12 either side of us. The building has been designed to
13 provide a conforming amount of parking in the
14 dwelling on the driveway.

15 In order to get the conforming
16 driveway, the building is a little wider than what is
17 permitted. As was described, it has been increased
18 over the original submission. We do have a
19 conforming rear yard. And as was discussed this
20 evening, that's being increased by reducing the size
21 of the deck.

22 The last bulk variance is the building
23 coverage. We do meet the percentage coverage
24 requirement of the zone, but you have a separate
25 standard for -- by square foot, and we're only 444

1 square feet above that coverage. And I think that's
2 mitigated by the additional landscaping that is being
3 provided.

4 So I think the criteria for both the
5 (d) and the (c) variances are met.

6 Looking lastly at negative criteria,
7 we're in character with the surrounding residential
8 uses, compatible with the development. And as I
9 indicated earlier, we are permitted within the AA
10 zone so we do not need a use variance.

11 The building provides a conforming rear
12 yard. Only the front steps project into the front
13 yard setback so there is no impact on light, air and
14 open space. The side yards were improved over the
15 previous submission. And landscaping, additionally,
16 will be provided to buffer.

17 There is a conforming amount of parking
18 provided on the site to service the units. There is
19 no parking already provided on the opposite side of
20 the street, so we're not eliminating any needed
21 parking. As we are close to the ramp off of 46, it's
22 important to provide conforming parking on the site,
23 so we're doing that.

24 And therefore, I think on balance, the
25 positive impact outweighs anything that might be

1 considered negative.

2 Q. Just to recap, Mr. Spatz, the height
3 variance is necessitated as a result of the
4 topography of the property, correct?

5 A. That's correct. The slope of the
6 property causes the variance. But even with that
7 height we're consistent with the neighborhood
8 development.

9 Q. And even though the lot is larger, we
10 do meet the minimum standards for the setbacks as you
11 have indicated in your testimony?

12 A. That's correct. The building both in
13 terms of front and rear and the side yards have been
14 improved to reduce the impact on the surrounding
15 properties.

16 MR. CHEWCASKIE: Mr. Chairman, that's
17 all I have for Mr. Spatz.

18 CHAIRMAN FERGUSON: Yes, I just have
19 one quick question. I am interested in the side
20 yards.

21 THE WITNESS: Yes.

22 CHAIRMAN FERGUSON: Because the last
23 meeting I said I want to take 2 feet off and there
24 was a discussion and we decided on 1 foot. But I'm
25 just curious what is required for a duplex, a 75-foot

1 front, right? You're putting a duplex; what is the
2 requirements on the side yards?

3 THE WITNESS: The requirements of side
4 yard are 14.4.

5 CHAIRMAN FERGUSON: Right. Now, that
6 14, is that per side or is that --

7 THE WITNESS: No. There's no combined.
8 It's basically, yes, it's 14.4 for each side.

9 CHAIRMAN FERGUSON: Okay. So you're
10 telling me that if you have a 75-foot lot, right, you
11 want to put a duplex on it, that you need, if you
12 were going to do it legal without coming before the
13 board, you would need 14.33 on each side?

14 THE WITNESS: Correct.

15 CHAIRMAN FERGUSON: Doesn't sound
16 right.

17 MR. CHEWCASKIE: The calculation
18 doesn't make sense because you're increasing the side
19 yard by the --

20 THE WITNESS: For every foot over.

21 MR. CHEWCASKIE: For every foot over.
22 So if you look at it in this context, and that was
23 the purpose I asked the question meeting the minimum
24 standards, on a 75-foot lot you need a much greater
25 side yard than you would for a 50-foot lot because

1 combined, you're almost at 29 feet. So your lot
2 would be 47 feet for your dwelling.

3 CHAIRMAN FERGUSON: Okay. Okay.

4 So I just wanted to get that out. All
5 right. You have anything else, Brian?

6 MR. CHEWCASKIE: That's all we have,
7 Mr. Chairman. That's our case.

8 CHAIRMAN FERGUSON: Okay. There's --
9 well, before we -- let's go to the -- do you have
10 anything?

11 MR. COLLAZUOL: It's my understanding
12 that Mr. Cocoros agreed to comply with all the
13 conditions of the engineer's report from the last
14 hearing. Although they're not shown on the plan,
15 this plan that was dated February 14th, he agreed to
16 make those changes prior to the issuance of a
17 building permit.

18 CHAIRMAN FERGUSON: Yes, Mr. Cocoros?

19 MR. COCOROS: Yes.

20 MR. COLLAZUOL: If it's approved.

21 CHAIRMAN FERGUSON: Okay.

22 Mr. Kauker?

23 MR. KAUKER: I don't really have any
24 specific questions of the planner or the architect,
25 but just obviously the reason why the applicant is

1 here is because they require a (d)(6) which is a
2 height variance.

3 CHAIRMAN FERGUSON: Right.

4 MR. KAUKER: The applicant, I believe,
5 discussed the reasons why he thought that it was
6 consistent. Obviously in order for the board to
7 grant the variance, the (d)(6) variance, you guys
8 would need to make a finding that the proposed height
9 is consistent with the height of other structures in
10 the area. That's essentially the burden of proof
11 that the applicant has to show.

12 So if the board is satisfied that they
13 have addressed that, then the board could grant that
14 height variance.

15 CHAIRMAN FERGUSON: Okay.

16 MR. KAUKER: You know, other than that,
17 I don't really have any other additional comments.

18 CHAIRMAN FERGUSON: Okay. Any board
19 members have any questions?

20 (No response.)

21 CHAIRMAN FERGUSON: Okay. So I'll make
22 a motion to accept the --

23 MR. CHEWCASKIE: Mr. Chairman, just
24 before we do that, do we need to open to the public?

25 MS. TESTA: Yes.

1 CHAIRMAN FERGUSON: Is there anybody in
2 the public?

3 (No response.)

4 VICE CHAIRMAN ALBANESE: There's nobody
5 in the public here.

6 CHAIRMAN FERGUSON: Okay. Is there
7 anything? No?

8 (No response.)

9 CHAIRMAN FERGUSON: I didn't think so.
10 Okay. So now I'll make a motion to
11 approve the application. We would need \$2,000 for
12 the Tree Preservation Fund. And the plans that you
13 have just recently submitted, we'll go with those
14 plans; however, we're going to reduce it by 1 foot,
15 the deck by 1 foot.

16 So I'll make that motion. Can I get a
17 second?

18 VICE CHAIRMAN ALBANESE: I'll second
19 the motion.

20 CHAIRMAN FERGUSON: The two alternates
21 don't need to respond on this one?

22 MS. TESTA: Mr. Terranova wasn't here
23 last time, last meeting.

24 MR. CHEWCASKIE: That is correct, based
25 upon my notes.

1 MS. TESTA: Yes. Okay. So the
2 alternates would vote, I'm sorry.

3 CHAIRMAN FERGUSON: The alternates will
4 vote. Roll call vote.

5 MS. LAMBRINIDES: Okay. Mr. Ferguson?

6 MS. TESTA: You need a second.

7 VICE CHAIRMAN ALBANESE: I seconded.

8 CHAIRMAN FERGUSON: All right. Yes.

9 MS. LAMBRINIDES: Mr. Albanese?

10 VICE CHAIRMAN ALBANESE: Yes.

11 MS. LAMBRINIDES: Mr. Terranova?

12 MR. TERRANOVA: Abstain.

13 MS. LAMBRINIDES: Mr. Min?

14 MR. MIN: Yes.

15 MS. LAMBRINIDES: Mr. Nam?

16 MR. NAM: Yes.

17 MS. LAMBRINIDES: Ms. Yoon?

18 MS. YOON: Abstain.

19 MS. LAMBRINIDES: Mr. Carnovale?

20 MR. CARNOVALE: Yes.

21 MS. LAMBRINIDES: Ms. Tarabocchia?

22 MS. TARABOCCHIA: Yes.

23 MS. LAMBRINIDES: Mr. Lefteriou?

24 MR. LEFTERIOU: Yes.

25 MR. CHEWCASKIE: Thank you, Mr.

1 Chairman. Thank you all for your consideration.

2 CHAIRMAN FERGUSON: Okay. Is there
3 something you want to say?

4 VICE CHAIRMAN ALBANESE: Yes. Well,
5 just introduce it and then I'll recuse myself.

6 MS. TESTA: Right. Thank you.

7 VICE CHAIRMAN ALBANESE: That's yours.

8 CHAIRMAN FERGUSON: It's Case No. --
9 we're good. Okay. So this case number is Case No.
10 19-02, DRC Development Corp., 441 East Brinkerhoff
11 Avenue.

12 VICE CHAIRMAN ALBANESE: Mr. Chairman,
13 I would like to excuse myself from this application
14 because it's a relative and I got relatives next
15 door, my sister is across the street.

16 CHAIRMAN FERGUSON: Okay. You're
17 excused.

18 MS. TESTA: Okay. Let the record
19 reflect Vice Chairman Albanese has recused himself
20 from this proceeding and is leaving.

21 MR. MACRI: Mr. Chairman, are we going
22 to get a five-minute break?

23 CHAIRMAN FERGUSON: Do you want a
24 five-minute break?

25 MR. MACRI: Just five quick minutes.

1 CHAIRMAN FERGUSON: You need five
2 minutes? All right. We're going to take a
3 five-minute break.

4 (Whereupon, a short recess is held.)

5 CHAIRMAN FERGUSON: Okay. Roll call.

6 MS. LAMBRINIDES: Again, Mr. Ferguson?

7 CHAIRMAN FERGUSON: I'm here.

8 MS. LAMBRINIDES: Mr. Albanese left.

9 Mr. Terranova?

10 MR. TERRANOVA: Here.

11 MS. LAMBRINIDES: Mr. Min?

12 MR. MIN: Here.

13 MS. LAMBRINIDES: Mr. Nam?

14 MR. NAM: Here.

15 MS. LAMBRINIDES: Ms. Yoon?

16 MS. YOON: Here.

17 MS. LAMBRINIDES: Mr. Carnovale?

18 MR. CARNOVALE: Here.

19 MS. LAMBRINIDES: Ms. Tarabocchia?

20 MS. TARABOCCHIA: Here.

21 MS. LAMBRINIDES: Mr. Lefteriou?

22 MR. LEFTERIOU: Here.

23 CHAIRMAN FERGUSON: Okay, we're ready.

24 You want to call your first witness?

25 MR. MACRI: Good evening, Mr. Chairman,

1 Members of the Board. My name is Marc Macri. I
2 represent the Applicant, DRC Development Corp., in
3 connection with the property located at 441 East
4 Brinkerhoff Avenue.

5 We're here this evening seeking the
6 board's approval to demolish an existing
7 two-and-a-half story existing three-family residence
8 and replace it with a brand new three-unit
9 development.

10 With me this evening I have two expert
11 witnesses, I have Mr. Cocoros and Mr. Spatz. I'll
12 begin by having Mr. Cocoros sworn in, please.

13 MS. TESTA: Okay. Please raise your
14 right hand. Do you swear that the testimony you will
15 give in this application will be the truth, the whole
16 truth and nothing but the truth?

17 MR. COCOROS: I do.

18 V A S S I L I O S C O C O R O S,

19 467 Sylvan Ave, Englewood Cliffs, New Jersey,
20 having been duly sworn, testifies as follows:

21 MS. TESTA: State your name for the
22 record.

23 THE WITNESS: Vassilios,

24 V-A-S-S-I-L-I-O-S, Cocoros, C-O-C-O-R-O-S.

25 CHAIRMAN FERGUSON: Okay. Take it

1 away.

2 MR. MACRI: Thank you.

3 DIRECT EXAMINATION

4 BY MR. MACRI:

5 Q. Mr. Cocoros, can you please explain
6 what exists on the property today and what we
7 propose?

8 A. Okay. There's an older dilapidated
9 house on the property. We're proposing a new
10 three-unit dwelling facing -- fronting onto
11 Brinkerhoff and two end units on 14th Street. The
12 property itself is slightly -- it's pretty much level
13 except it goes up in the back a little bit. Sorry, I
14 lost my easel.

15 So we're looking at, this is
16 Brinkerhoff Terrace located one house to the west of
17 14th Street, close to the border of Fort Lee. We
18 propose to demolish the existing structure on the
19 property and construct a three-unit townhouse. The
20 main building itself is 56 feet deep and 64'8" wide.

21 We have a 5'2 setback on either side;
22 however, there is no bay windows on the side. The
23 building, on the front portion we have actually set
24 back the garage wall approximately 6 feet, so we can
25 accommodate two parking spaces in front of each unit

1 in addition to a two-car garage for each unit.

2 We also set them up where there is
3 enough distance from the front of the garage doors to
4 the proposed side yard line which is in line with the
5 existing sidewalk where you can do a K turn to pull
6 out so you're not backing out onto Brinkerhoff
7 Avenue. We're about a block away from -- a
8 block-and-a-half away from Bergen Boulevard.

9 The dwelling itself sits on three
10 levels. As the property goes up as you go to the
11 left, so we are stepping up the garages to follow
12 that grade, so the right unit has more steps to the
13 front than the left unit. At the back, basically
14 walk-out grade from the basement like a typical
15 duplex. At the back you have three decks off of each
16 and a typical duplex configuration of 9 feet deep by
17 12 feet wide.

18 The units themselves are basically, the
19 two outside units are set up with the typical duplex
20 with three bedrooms each. At the outside unit, the
21 setback of the 6 feet provides an additional parking
22 area for adequate parking for each unit. There's a
23 typical configuration on the ground floor.

24 First floor is the main living space.
25 The living room, dining room, kitchen eating area in

1 the back with a powder room. Staircase in the front
2 which brings you down to the sidewalk. The middle
3 unit is a little bit bigger, so we were able to get a
4 small family room adjacent to the kitchen and eating
5 area. However, the deck is the same size for that
6 middle unit.

7 Top floor is the bedroom level. Each
8 has a three-bedroom configuration. The master is in
9 the back because of the street. The middle unit is a
10 little bit wider; however, it's still only a
11 three-bedroom. However, we are able to get a
12 three-bath configuration for that middle unit. The
13 outside units are basically three bedrooms and two
14 bathrooms upstairs.

15 CHAIRMAN FERGUSON: Mr. Cocoros, could
16 you speak up a little bit?

17 THE WITNESS: Sure.

18 CHAIRMAN FERGUSON: Take the mic over
19 to you.

20 THE WITNESS: Each unit -- each unit --
21 each unit itself is a three-bedroom.

22 CHAIRMAN FERGUSON: Right.

23 THE WITNESS: On the top floor on the
24 outside units we have two bathrooms and the middle
25 unit has three full bathrooms. So we tried to keep

1 it a typical duplex as far as the amenities and the
2 configuration.

3 CHAIRMAN FERGUSON: Okay. That's it?

4 THE WITNESS: Yes. The structure is
5 all brick. There's no bay windows in the front and
6 no bay windows in the side. We set it up where we
7 currently maximize the parking on the property and
8 also the turnaround capability on Bergen Boulevard --
9 on Brinkerhoff.

10 CHAIRMAN FERGUSON: Right. Well, we
11 have a report from Judd Rocciola saying that the
12 parking meets the requirements and he doesn't have
13 any issue with the parking.

14 THE WITNESS: Okay.

15 CHAIRMAN FERGUSON: I just got a
16 couple. Let's go to the decks. That's my new
17 favorite subject. I see that the decks are 9-by-12.

18 MR. MACRI: Yes.

19 CHAIRMAN FERGUSON: I guess you're
20 permitted 10-by-12; is that what you're doing, or --

21 THE WITNESS: Yes. Keeping in typical
22 duplex fashion, we do regular duplex we do them
23 combined, so it's like a 9-and-a-half foot,
24 9-and-a-half foot, so I tried to keep it at a typical
25 duplex configuration.

1 CHAIRMAN FERGUSON: Okay. And the side
2 yards?

3 THE WITNESS: Side yards are 5'2".

4 CHAIRMAN FERGUSON: Right.

5 THE WITNESS: You're allowed 5-foot for
6 a non-duplex structure, but to mitigate the fact that
7 it's 5'2", we actually put no bay windows on the
8 sides. So the building itself is clean, no
9 protrusions in there. Part of the reason was to
10 actually get enough width to get a two-car garage for
11 each unit.

12 CHAIRMAN FERGUSON: All right. Now,
13 how about the height?

14 THE WITNESS: The height, right now
15 it's set up with a 4 on 12 roof pitch, and we would
16 do the same thing; however, we would bring down the
17 pitches to 3 on 12, and this configuration might be
18 difficult to get mechanicals because on the side
19 we're actually coming in towards the middle with the
20 rest of the way, so it might be a little difficult to
21 do.

22 CHAIRMAN FERGUSON: How about the air
23 conditioning units?

24 THE WITNESS: AC units are located in
25 the back in the center.

1 CHAIRMAN FERGUSON: In the center?

2 THE WITNESS: Yes.

3 CHAIRMAN FERGUSON: They're not on the
4 sides?

5 THE WITNESS: Yes, they're not on the
6 sides at all.

7 CHAIRMAN FERGUSON: Okay. That's all
8 I've got. Any board members have anything?

9 MR. CARNOVALE: How about drainage?

10 MS. YOON: How about the tub in the
11 basement?

12 CHAIRMAN FERGUSON: What?

13 MS. YOON: Tub in the basement.

14 CHAIRMAN FERGUSON: A tub in the
15 basement. Hold it. Let's look at the plans. You
16 got tubs in the basement?

17 THE WITNESS: Yes, we do.

18 CHAIRMAN FERGUSON: You do?

19 THE WITNESS: Yes.

20 CHAIRMAN FERGUSON: How many times --
21 you come here every --

22 MR. MACRI: This is an old plan. It
23 just takes time to get here. I was actually going to
24 tell you we're going to voluntarily remove the tubs
25 and voluntarily offer \$2,000 towards the Tree

1 Preservation Fund.

2 CHAIRMAN FERGUSON: Okay.

3 MR. MACRI: I didn't get a chance to
4 speak yet, Mr. Chairman.

5 CHAIRMAN FERGUSON: As long as you're
6 up with the donation and removing of the tubs --

7 MR. MACRI: Leave that to me, don't
8 yell at the architect. It's up to me. Sorry. My
9 fault.

10 CHAIRMAN FERGUSON: Okay.

11 THE WITNESS: We do have a stormwater
12 plan that we did. I guess it would be reviewed by
13 the engineer. That was when we did split it up and
14 we have chambers in the back and the front to help
15 break up the lot so it's not concentrated in one
16 place.

17 CHAIRMAN FERGUSON: Okay. So you're
18 going to remove the tubs, you're going to donate
19 \$2,000 to the tree fund.

20 Steve, you have anything?

21 MR. COLLAZUOL: Well, yes. There's
22 basically no fill on the S1 where you have the sewer
23 lateral behind the right-of-way line, that is fine.
24 But the note in the first two is referring to it
25 being in the street.

1 THE WITNESS: Okay.

2 MR. COLLAZUOL: If you just remove that
3 fact that you wouldn't want that sewer to be in the
4 public right-of-way, you want it to stay on private
5 property.

6 And then there is a -- with respect to
7 the stormwater, the note that the property owner is
8 responsible for the maintenance of the retention
9 systems which is shown in our report. And the
10 maximum height of the wall on the right, it appears
11 to be 3 feet, but if you can place on the drawing
12 what the maximum height of the wall will be.

13 THE WITNESS: Okay.

14 MR. COLLAZUOL: So that the contractor
15 knows that it shouldn't exceed that height.

16 Nothing further, Mr. Chairman.

17 CHAIRMAN FERGUSON: That's it. Okay.

18 MR. COLLAZUOL: Except for, you know,
19 the notes that indicate that the soil report should
20 be adhered to.

21 CHAIRMAN FERGUSON: You're going to
22 comply with the note?

23 MR. MACRI: There's no drainage, so
24 PERC test, yes.

25 CHAIRMAN FERGUSON: Okay. You want to

1 put your next witness on?

2 MR. MACRI: Yes, please. I would like
3 to have David Spatz sworn in.

4 MS. TESTA: Please raise your right
5 hand. Do you swear that the testimony you will give
6 in this application will be the truth, the whole
7 truth and nothing but the truth?

8 MR. SPATZ: Yes, I do.

9 D A V I D S P A T Z ,

10 having been duly sworn, testifies as follows:

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

13 THE WITNESS: David Spatz, S-P-A-T-Z.

14 DIRECT EXAMINATION

15 BY MR. MACRI:

16 Q. Mr. Spatz, you're familiar with the
17 property located at 441 East Brinkerhoff?

18 A. I am, yes.

19 Q. And the surrounding neighborhood?

20 A. Correct.

21 Q. Could you explain to the board the
22 existing conditions and the reasons which we relied
23 upon to grant the variances which we seek?

24 A. Okay. What is proposed is a three-unit
25 building, a townhouse configuration, which is not

1 permitted in a AA zone so we do require a use
2 variance. The lot itself exceeds the lot area width
3 and depth requirements of the zone.

4 We have one additional (d) variance
5 which is for building height. Where we're at three
6 stories and 33 feet in height where two-and-a-half
7 and 28 are permitted. And then there are several (c)
8 variances, building coverage, lot area per unit,
9 combined side yard and then rear yard.

10 So looking at our two (d) variances,
11 the property, I think, itself is particularly
12 well-suited for what we're proposing, the three-unit
13 townhouse development, as it is 25-foot wider than
14 what is required in the zone. So if you would have
15 each unit requires 25 feet, we have the three units
16 on a 75-foot wide lot. I think the size of the
17 property can accommodate the larger building.

18 East Brinkerhoff Avenue and the
19 surrounding neighborhood contain a variety of uses,
20 lower density more towards the east and then higher
21 density and commercial uses towards the west. And
22 what we're proposing would provide a transition
23 between the higher intensity and the lower intensity
24 uses. There is an existing three-family dwelling on
25 the property now, so there is no increase in density

1 from what we're proposing.

2 The site also fronts on a larger
3 roadway that can absorb the additional traffic on the
4 one additional unit. We do meet the purposes of
5 zoning, several of them, which go towards meeting the
6 special reasons; purpose G is the provision of
7 sufficient space and appropriate locations for a
8 variety of uses, and I think this is an appropriate
9 location in that the property already contains the
10 three units as I indicated, and it's consistent with
11 the surrounding uses.

12 Provides needed housing within housing
13 are Purpose I for the promotion of the desirable
14 visual environment. We're removing a dilapidated
15 structure, replacing it with a brand new structure
16 that meets all building codes. The property, the
17 building has been designed to meet the topographic
18 conditions of the property.

19 As Mr. Cocoros indicated, the driveway
20 has been designed to allow vehicles that are on the
21 garage or on the -- on the driveway to execute a K
22 turn so that they can go front out onto East
23 Brinkerhoff which will benefit traffic conditions.

24 While we exceed the height limitation
25 by a half-story and 8 feet, the height variance, as I

1 have indicated, is caused primarily by the slope of
2 the property from north to south. We are similar in
3 heights to the newer residential development in the
4 vicinity, including the two-family dwelling directly
5 to our west. It's the church property directly
6 across the street. That building is, of course,
7 bigger than what we're proposing.

8 Looking at the positive criteria for
9 the bulk variances, we do provide similar setbacks to
10 what exist on the property. There is a shed at the
11 rear of the existing property that is being removed,
12 so there is actually a greater rear and side yard
13 being provided. And the setbacks and design are
14 consistent with the newer development in the
15 vicinity.

16 The building itself meets the
17 individual side yard setback requirements of the
18 zone, although not the combined side yards, and we
19 are similar to the side yards for the properties on
20 either side of us. The dwelling is a little larger
21 than what is permitted in the zone. We're about 1600
22 square feet over the lot coverage. But there would
23 be additional landscaping and fencing provided to
24 buffer those adjacent properties.

25 And the lot itself is just about 2500

1 square foot larger than what is required for a
2 two-family dwelling, so the lot area per unit
3 actually is only 16 square foot below what the AA
4 zone requires, so I think that fits.

5 Looking at the negative criteria, we
6 are in a conformity and consistent with the
7 surrounding land uses, including the two-family
8 structures. We have similar setbacks to what exists
9 on the property. There is, in fact, it's being
10 improved by the removal of the shed and the existing
11 building, so a sufficient amount of light, air and
12 open space is provided.

13 The parking meets both the Municipal
14 Ordinance as well as the Site Improvement Standards.
15 So I believe on balance, the positive impact from
16 what we're proposing far outweighs anything that
17 could be considered substantially negative.

18 CHAIRMAN FERGUSON: Thank you, Mr.
19 Spatz.

20 Any board members have anything?

21 (No response.)

22 CHAIRMAN FERGUSON: Steve?

23 MR. COLLAZUOL: No.

24 CHAIRMAN FERGUSON: How about you, Mr.
25 Kauker?

1 MR. KAUKER: I don't have any specific
2 questions, but again, the applicant is requesting two
3 (d) variances for this application, as Mr. Spatz
4 mentioned.

5 CHAIRMAN FERGUSON: Right.

6 MR. KAUKER: A (d)(1) use variance and
7 then a (d)(6) height variance.

8 CHAIRMAN FERGUSON: Okay. Do you want
9 to sum up or --

10 MR. MACRI: Yes, Mr. Chairman.

11 MS. TESTA: You have to open it to the
12 public.

13 CHAIRMAN FERGUSON: Oh, open it to the
14 public. No comments from the public?

15 (No response.)

16 CHAIRMAN FERGUSON: Okay. So I'm going
17 to make a motion to approve the application with the
18 proviso providing you listen to what Steve Collazuol
19 said, you're going to do the Tree Preservation Fund,
20 you're going to remove the tubs in the basement, and
21 that is my motion.

22 Could I get a second?

23 MR. CARNOVALE: I second.

24 CHAIRMAN FERGUSON: Roll call vote.

25 MS. LAMBRINIDES: Mr. Ferguson?

1 CHAIRMAN FERGUSON: Yes.

2 MS. LAMBRINIDES: Mr. Terranova?

3 MR. TERRANOVA: No.

4 MS. LAMBRINIDES: Mr. Min?

5 MR. MIN: Yes.

6 MS. LAMBRINIDES: Mr. Nam?

7 MR. NAM: Yes.

8 MS. LAMBRINIDES: Ms. Yoon?

9 MS. YOON: Yes.

10 MS. LAMBRINIDES: Mr. Carnovale?

11 MR. CARNOVALE: Yes.

12 MS. LAMBRINIDES: Ms. Tarabocchia?

13 MS. TARABOCCHIA: Yes.

14 MS. LAMBRINIDES: Mr. Lefteriou?

15 MR. LEFTERIOU: Yes.

16 CHAIRMAN FERGUSON: Thank you,

17 Counselor.

18 MR. MACRI: Thank you. Have a good

19 night.

20 CHAIRMAN FERGUSON: Okay. Motion to

21 adjourn.

22 MR. CARNOVALE: Second.

23 CHAIRMAN FERGUSON: Second. Okay. See

24 you next month, guys.

25 (Whereupon, the meeting is adjourned.)

1 Time noted: 7:46 p.m.)
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I, LAURA A. CARUCCI, C.C.R., R.P.R., a Notary Public of the State of New Jersey, Notary ID. #50094914, Certified Court Reporter of the State of New Jersey, and a Registered Professional Reporter, hereby certify that the foregoing is a verbatim record of the testimony provided under oath before any court, referee, board, commission or other body created by statute of the State of New Jersey.

I am not related to the parties involved in this action; I have no financial interest, nor am I related to an agent of or employed by anyone with a financial interest in the outcome of this action.

This transcript complies with regulation 13:43-5.9 of the New Jersey Administrative Code.

LAURA A. CARUCCI, C.C.R., R.P.R.
License #XI02050, and Notary Public
of New Jersey #50094914, Notary
Expiration Date December 3, 2023

Dated: _____