

BOROUGH OF PALISADES PARK
 BOARD OF ADJUSTMENT
 MONDAY, JANUARY 27, 2020
 COMMENCING AT 7:09 P.M.

IN THE MATTER OF: :
 APPLICATION NO. 19-12 : TRANSCRIPT
 HOSU LEE & JEONG N. LEE : OF
 435 Highland Avenue : PROCEEDING
 Block 211; Lot 19 :
 APPLICATION NO. 19-18 :
 JAMES H. NOH :
 43 Henry Ave :
 Block 214; Lot 20 :
 APPLICATION NO. 19-19 :
 SOON HEE YOO :
 444 First Street :
 Block 305; Lot 10 :
 APPLICATION NO. 19-17 :
 25 CLEVELAND PLACE, LLC :
 126 Roff Avenue :
 Block 609; Lot 22 :
 APPLICATION NO. 19-14 :
 401 E. CENTRAL, LLC :
 401 E. Central Boulevard :
 Block 423; Lot 1 :
 B E F O R E :
 THE BOROUGH OF PALISADES PARK BOARD OF ADJUSTMENT
 THERE BEING PRESENT:
 PAUL ALBANESE, ACTING CHAIRMAN
 DAVID TERRANOVA, MEMBER
 SEUNG YOON, MEMBER
 LEFTERI LEFTERIOU, MEMBER
 SUK JUN MIN, ALTERNATE MEMBER
 LAURA A. CARUCCI, C.S.R., R.P.R., L.L.C.
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 STEVEN COLLAZUOL, BOARD ENGINEER
 MICHAEL KAUKER, BOARD PLANNER
 JUDD ROCCIOLA, BOARD TRAFFIC ENGINEER
 LAURA A. CARUCCI, C.S.R., R.P.R., L.L.C.
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1 ACTING CHAIRMAN ALBANESE: The meeting

2 will come to order. Salute the flag, please.

3 (Whereupon, all rise for a Recitation

4 of the Pledge of Allegiance.)

5 ACTING CHAIRMAN ALBANESE: Conditions

6 of the Sunshine Law have been met by a notice on the

7 bulletin board at borough hall and notice was sent to

8 the official newspapers.

9 MS. SCHOR: Paul, can you speak louder,

10 please, we can't hear.

11 ACTING CHAIRMAN ALBANESE: Is this on?

12 MS. SCHOR: No.

13 MS. TESTA: How is that?

14 ACTING CHAIRMAN ALBANESE: The light is

15 on.

16 (Laughter.)

17 ACTING CHAIRMAN ALBANESE: Conditions

18 of the Sunshine Law have been met by a notice on the

19 bulletin board at borough hall and notice was sent to

20 the official newspapers.

21 The first thing we're going to do

22 tonight is roll call.

23 MS. LAMBRINIDES: Mr. Ferguson?

24 (No response.)

25 MS. LAMBRINIDES: Mr. Albanese?

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1 ACTING CHAIRMAN ALBANESE: Here.

2 MS. LAMBRINIDES: Mr. Terranova?

3 MR. TERRANOVA: Here.

4 MS. LAMBRINIDES: Mr. Min?

5 MR. MIN: Here.

6 MS. LAMBRINIDES: Mr. Nam?

7 (No response.)

8 MS. LAMBRINIDES: Ms. Yoon?

9 MS. YOON: Here.

10 MS. LAMBRINIDES: Mr. Carnovale?

11 (No response.)

12 MS. LAMBRINIDES: Ms. Tarabocchia?

13 (No response.)

14 MS. LAMBRINIDES: Mr. Lefteriou?

15 MR. LEFTERIOU: Here.

16 ACTING CHAIRMAN ALBANESE: All right.

17 The next thing we're going to do is we're going to

18 have appointment of the chairman.

19 I'm going to appoint Joe Ferguson as

20 the Chairman again.

21 MS. TESTA: There's a motion.

22 Second?

23 ACTING CHAIRMAN ALBANESE: Can I get a

24 second?

25 MR. LEFTERIOU: Second.

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1 ACTING CHAIRMAN ALBANESE: Roll call,
2 please.
3 MS. LAMBRINIDES: Mr. Albanese.
4 ACTING CHAIRMAN ALBANESE: Yes.
5 MS. LAMBRINIDES: Mr. Terranova?
6 MR. TERRANOVA: Yes.
7 MS. LAMBRINIDES: Mr. Min?
8 MR. MIN: Yes.
9 MS. LAMBRINIDES: Ms. Yoon?
10 MS. YOON: Yes.
11 MS. LAMBRINIDES: Mr. Lefteriou?
12 MR. LEFTERIOU: Yes.
13 ACTING CHAIRMAN ALBANESE: The second
14 one is the appointment of vice chairman.
15 MR. LEFTERIOU: I nominate Pauly
16 Albanese as vice president -- vice chairman.
17 MR. TERRANOVA: Second.
18 ACTING CHAIRMAN ALBANESE: Roll call,
19 please.
20 MS. LAMBRINIDES: Mr. Albanese?
21 ACTING CHAIRMAN ALBANESE: Yes.
22 MS. LAMBRINIDES: Mr. Terranova?
23 MR. TERRANOVA: Yes.
24 MS. LAMBRINIDES: Mr. Min?
25 MR. MIN: Yes.

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1 MS. LAMBRINIDES: Ms. Yoon?
2 MS. YOON: Yes.
3 MS. LAMBRINIDES: Mr. Lefteriou?
4 MR. LEFTERIOU: Yes.
5 ACTING CHAIRMAN ALBANESE: The next
6 appointment is secretary and I appoint Eleni as the
7 secretary.
8 Do I have a second?
9 MR. LEFTERIOU: Second.
10 ACTING CHAIRMAN ALBANESE: Roll call,
11 please.
12 MS. LAMBRINIDES: Mr. Albanese.
13 ACTING CHAIRMAN ALBANESE: Yes.
14 MS. LAMBRINIDES: Mr. Terranova?
15 MR. TERRANOVA: Yes.
16 MS. LAMBRINIDES: Mr. Min?
17 MR. MIN: Yes.
18 MS. LAMBRINIDES: Ms. Yoon?
19 MS. YOON: Yes.
20 MS. LAMBRINIDES: Mr. Lefteriou?
21 MR. LEFTERIOU: Yes.
22 ACTING CHAIRMAN ALBANESE: The next
23 appointment is the borough attorney.
24 MS. TESTA: Board attorney.
25 ACTING CHAIRMAN ALBANESE: That's my

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1 next guess.
2 MS. TESTA: Yeah.
3 ACTING CHAIRMAN ALBANESE: I don't know
4 if you could get a raise.
5 I nominate Diane, please.
6 MR. LEFTERIOU: Second.
7 ACTING CHAIRMAN ALBANESE: Roll call.
8 MS. LAMBRINIDES: Mr. Albanese.
9 ACTING CHAIRMAN ALBANESE: Yes.
10 MS. LAMBRINIDES: Mr. Terranova?
11 MR. TERRANOVA: Yes.
12 MS. LAMBRINIDES: Mr. Min?
13 MR. MIN: Yes.
14 MS. LAMBRINIDES: Ms. Yoon?
15 MS. YOON: Yes.
16 MS. LAMBRINIDES: Mr. Lefteriou?
17 MR. LEFTERIOU: Yes.
18 ACTING CHAIRMAN ALBANESE: The next
19 appointment is the borough engineer.
20 I'd like to appoint Steve Collazuol,
21 please.
22 Can I have a second?
23 MR. LEFTERIOU: Second.
24 ACTING CHAIRMAN ALBANESE: Roll call,
25 please.

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1 MS. LAMBRINIDES: Mr. Albanese.
2 ACTING CHAIRMAN ALBANESE: Yes.
3 MS. LAMBRINIDES: Mr. Terranova?
4 MR. TERRANOVA: Yes.
5 MS. LAMBRINIDES: Mr. Min?
6 MR. MIN: Yes.
7 MS. LAMBRINIDES: Ms. Yoon?
8 MS. YOON: Yes.
9 MS. LAMBRINIDES: Mr. Lefteriou?
10 MR. LEFTERIOU: Yes.
11 ACTING CHAIRMAN ALBANESE: Next one is
12 the traffic engineer.
13 I would like to nominate Judd, that
14 wonderful man. Nominate you to be the traffic
15 engineer.
16 MR. ROCCIOLA: Thank you.
17 ACTING CHAIRMAN ALBANESE: Can I have a
18 second?
19 MR. LEFTERIOU: Second.
20 ACTING CHAIRMAN ALBANESE: Roll call,
21 please.
22 MS. LAMBRINIDES: Mr. Albanese.
23 ACTING CHAIRMAN ALBANESE: Yes.
24 MS. LAMBRINIDES: Mr. Terranova?
25 MR. TERRANOVA: Yes.

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1 MS. LAMBRINIDES: Mr. Min?
 2 MR. MIN: Yes.
 3 MS. LAMBRINIDES: Ms. Yoon?
 4 MS. YOON: Yes.
 5 MS. LAMBRINIDES: Mr. Lefteriou?
 6 MR. LEFTERIOU: Yes.
 7 ACTING CHAIRMAN ALBANESE: The next
 8 appointment is the planner, Mr. Kauker, I recommend.
 9 Can I have a second?
 10 MR. LEFTERIOU: Second.
 11 ACTING CHAIRMAN ALBANESE: Roll call,
 12 please.
 13 MS. LAMBRINIDES: Mr. Albanese.
 14 ACTING CHAIRMAN ALBANESE: Yes.
 15 MS. LAMBRINIDES: Mr. Terranova?
 16 MR. TERRANOVA: Yes.
 17 MS. LAMBRINIDES: Mr. Min?
 18 MR. MIN: Yes.
 19 MS. LAMBRINIDES: Ms. Yoon?
 20 MS. YOON: Yes.
 21 MS. LAMBRINIDES: Mr. Lefteriou?
 22 MR. LEFTERIOU: Yes.
 23 ACTING CHAIRMAN ALBANESE: All right.
 24 We got the attorney's report.
 25 MS. TESTA: Right, acceptance of the

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1 report. The report sets forth all the cases that
 2 were heard in 2019. This report will be sent to the
 3 mayor and council and also the planning board.
 4 ACTING CHAIRMAN ALBANESE: I make a
 5 motion we accept it.
 6 Is there a second?
 7 MR. LEFTERIOU: Second.
 8 ACTING CHAIRMAN ALBANESE: Roll call,
 9 please.
 10 MS. LAMBRINIDES: Mr. Albanese.
 11 ACTING CHAIRMAN ALBANESE: Yes.
 12 MS. LAMBRINIDES: Mr. Terranova?
 13 MR. TERRANOVA: Yes.
 14 MS. LAMBRINIDES: Mr. Min?
 15 MR. MIN: Yes.
 16 MS. LAMBRINIDES: Ms. Yoon?
 17 MS. YOON: Yes.
 18 MS. LAMBRINIDES: Mr. Lefteriou?
 19 MR. LEFTERIOU: Yes.
 20 ACTING CHAIRMAN ALBANESE: All right.
 21 Set up the meeting dates, the third Monday of each
 22 month. If there's a holiday on that Monday, it would
 23 be the following Monday.
 24 MS. TESTA: So the only holiday that we
 25 have that's coming --

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1 ACTING CHAIRMAN ALBANESE: President's
 2 Day.
 3 MS. TESTA: -- would be President's Day.
 4 So the meeting would be the fourth Monday, correct,
 5 which would be February 24th?
 6 ACTING CHAIRMAN ALBANESE: Is everybody
 7 okay with that?
 8 I make a motion we set the dates.
 9 MR. LEFTERIOU: Second.
 10 ACTING CHAIRMAN ALBANESE: Roll call,
 11 please.
 12 MS. LAMBRINIDES: Mr. Albanese.
 13 ACTING CHAIRMAN ALBANESE: Yes.
 14 MS. LAMBRINIDES: Mr. Terranova?
 15 MR. TERRANOVA: Yes.
 16 MS. LAMBRINIDES: Mr. Min?
 17 MR. MIN: Yes.
 18 MS. LAMBRINIDES: Ms. Yoon?
 19 MS. YOON: Yes.
 20 MS. LAMBRINIDES: Mr. Lefteriou?
 21 MR. LEFTERIOU: Yes.
 22 ACTING CHAIRMAN ALBANESE: The
 23 reorganization meeting is -- I'm going to make a
 24 motion that we conclude it. Okay?
 25 MS. TESTA: Yes.

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1 ACTING CHAIRMAN ALBANESE: Do I need a
 2 vote?
 3 MS. TESTA: Yup.
 4 ACTING CHAIRMAN ALBANESE: Need a vote
 5 on that.
 6 MS. TESTA: A vote to conclude the
 7 reorganization meeting.
 8 MS. LAMBRINIDES: Do we have a second
 9 on that?
 10 MS. TESTA: Yeah, you need a second.
 11 MR. LEFTERIOU: I'll second.
 12 MS. LAMBRINIDES: Mr. Albanese.
 13 ACTING CHAIRMAN ALBANESE: Yes.
 14 MS. LAMBRINIDES: Mr. Terranova?
 15 MR. TERRANOVA: Yes.
 16 MS. LAMBRINIDES: Mr. Min?
 17 MR. MIN: Yes.
 18 MS. LAMBRINIDES: Ms. Yoon?
 19 MS. YOON: Yes.
 20 MS. LAMBRINIDES: Mr. Lefteriou?
 21 MR. LEFTERIOU: Yes.
 22 ACTING CHAIRMAN ALBANESE: We need a
 23 roll call to start the regular meeting now.
 24 MS. LAMBRINIDES: Mr. Ferguson.
 25 (No response.)

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1 MS. LAMBRINIDES: Mr. Albanese?
 2 ACTING CHAIRMAN ALBANESE: Yes.
 3 MS. LAMBRINIDES: Mr. Terranova?
 4 MR. TERRANOVA: Yes.
 5 MS. LAMBRINIDES: Mr. Min?
 6 MR. MIN: Yes.
 7 MS. LAMBRINIDES: Mr. Nam?
 8 Ms. Yoon?
 9 MS. YOON: Yes.
 10 MS. LAMBRINIDES: Mr. Carnovale?
 11 Ms. Tarabocchia?
 12 Mr. Lefteriou?
 13 MR. LEFTERIOU: Yes, here.
 14 ACTING CHAIRMAN ALBANESE: All right.
 15 I make a motion for the minutes. Everybody read
 16 them?
 17 I would like to make a motion to accept
 18 them.
 19 MR. TERRANOVA: Second.
 20 MR. LEFTERIOU: Second.
 21 ACTING CHAIRMAN ALBANESE: Got a
 22 second?
 23 MR. TERRANOVA: Second.
 24 ACTING CHAIRMAN ALBANESE: Roll call,
 25 please.

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1 MS. LAMBRINIDES: Mr. Albanese.
 2 ACTING CHAIRMAN ALBANESE: Yes.
 3 MS. LAMBRINIDES: Mr. Terranova?
 4 MR. TERRANOVA: Yes.
 5 MS. LAMBRINIDES: Mr. Min?
 6 MR. MIN: Yes.
 7 MS. LAMBRINIDES: Ms. Yoon?
 8 MS. YOON: Yes.
 9 MS. LAMBRINIDES: Mr. Lefteriou?
 10 MR. LEFTERIOU: Yes.
 11 MS. TESTA: Okay. Payment of bills.
 12 We have payment to the court reporter of \$4,100.00,
 13 payment to North Jersey, \$40.00, and payment to Testa
 14 & DeCarlo of \$2,300.00.
 15 So you need a motion and a second.
 16 ACTING CHAIRMAN ALBANESE: Need a
 17 motion.
 18 MR. LEFTERIOU: Motion.
 19 ACTING CHAIRMAN ALBANESE: Second?
 20 MR. TERRANOVA: I'll second.
 21 ACTING CHAIRMAN ALBANESE: Roll call,
 22 please.
 23 MS. LAMBRINIDES: Mr. Albanese?
 24 ACTING CHAIRMAN ALBANESE: Yes.
 25 MS. LAMBRINIDES: Mr. Terranova?

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1 MR. TERRANOVA: Yes.
 2 MS. LAMBRINIDES: Mr. Min?
 3 MR. MIN: Yes.
 4 MS. LAMBRINIDES: Ms. Yoon?
 5 MS. YOON: Yes.
 6 MS. LAMBRINIDES: Mr. Lefteriou?
 7 MR. LEFTERIOU: Yes.
 8 ACTING CHAIRMAN ALBANESE: All right.
 9 On the agenda here we got the memorialization of
 10 19-12 Hosu Lee and whatever the -- what's that name?
 11 MS. TESTA: Jeong N. Lee.
 12 ACTING CHAIRMAN ALBANESE: Yeah, yeah.
 13 435 Highland Avenue.
 14 Can I get a motion, please?
 15 MR. LEFTERIOU: Motion.
 16 ACTING CHAIRMAN ALBANESE: Second?
 17 MR. MIN: I'll second.
 18 ACTING CHAIRMAN ALBANESE: Roll call,
 19 please.
 20 MS. LAMBRINIDES: Mr. Albanese?
 21 ACTING CHAIRMAN ALBANESE: Yes.
 22 MS. LAMBRINIDES: Mr. Terranova?
 23 MR. TERRANOVA: Abstain.
 24 MS. LAMBRINIDES: Mr. Min?
 25 MR. MIN: Yes.

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1 MS. TESTA: If we could just -- okay,
 2 I'm sorry, that's correct.
 3 MS. LAMBRINIDES: Ms. Yoon?
 4 MS. YOON: Yes.
 5 MS. LAMBRINIDES: Mr. Lefteriou?
 6 MR. LEFTERIOU: Yes.
 7 MS. TESTA: No, excuse me, this is the
 8 one that you recused yourself on.
 9 MR. LEFTERIOU: Oh.
 10 MS. TESTA: Yes. So if we could just
 11 do that over again, if somebody could make the
 12 motion.
 13 MR. MIN: I'll make the motion.
 14 MS. TESTA: And a second?
 15 MR. LEFTERIOU: Second.
 16 MS. TESTA: No, because you --
 17 MR. LEFTERIOU: I can't.
 18 MS. TESTA: You can't. And you cannot
 19 either.
 20 MS. YOON: Second.
 21 MS. TESTA: Ms. Yoon, okay. Ms. Yoon
 22 made the second.
 23 Roll call.
 24 MS. LAMBRINIDES: Mr. Albanese.
 25 ACTING CHAIRMAN ALBANESE: Yes.

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1 MS. LAMBRINIDES: Mr. Terranova?
 2 MR. TERRANOVA: Abstain.
 3 MS. LAMBRINIDES: Mr. Min?
 4 MR. MIN: Yes.
 5 MS. LAMBRINIDES: Ms. Yoon?
 6 MS. YOON: Yes.
 7 MS. LAMBRINIDES: Mr. Lefteriou?
 8 MR. LEFTERIOU: Abstain.
 9 ACTING CHAIRMAN ALBANESE: All right.
 10 The next memorialization is 19-18 James
 11 H. Noh, 43 Henry Avenue, Block 214, Lot 20.
 12 MS. TESTA: And everybody is able to
 13 vote on this one.
 14 ACTING CHAIRMAN ALBANESE: I make a
 15 motion for memorialization.
 16 MR. TERRANOVA: I'll second.
 17 ACTING CHAIRMAN ALBANESE: Roll call.
 18 MS. LAMBRINIDES: Mr. Albanese.
 19 ACTING CHAIRMAN ALBANESE: Yes.
 20 MS. LAMBRINIDES: Mr. Terranova?
 21 MR. TERRANOVA: Yes.
 22 MS. LAMBRINIDES: Mr. Min?
 23 MR. MIN: Yes.
 24 MS. LAMBRINIDES: Ms. Yoon?
 25 MS. YOON: Yes.

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1 MS. LAMBRINIDES: Mr. Lefteriou?
 2 MR. LEFTERIOU: Yes.
 3 ACTING CHAIRMAN ALBANESE: All right.
 4 The first one we're going to hear tonight is 19-19,
 5 444 First Street.
 6 Are you ready?
 7 MR. SOKOLICH: I am, Chairman. Good
 8 evening, Mark Sokolich on behalf of the first
 9 applicant before you this evening, which relates to
 10 premises, as the Chair points out, 444 First Street
 11 designated as Lot 10, Block 305.
 12 Chairman, just by very brief opening
 13 remarks, my client is Soon Hee Yoo. We're going to
 14 be as expeditious as we can in light of your busy
 15 agenda. We had presented counsel with the Affidavit
 16 of Service, which we're hopeful is in order.
 17 MS. TESTA: Yes. Just before you
 18 begin, Mayor.
 19 MR. SOKOLICH: Yes, ma'am.
 20 MS. TESTA: There are five members this
 21 evening and you do need a use variance, so it's up to
 22 you if you wish to proceed.
 23 MR. SOKOLICH: We'd rather not, if
 24 that's okay with the board since we need five
 25 affirmative votes.

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1 ACTING CHAIRMAN ALBANESE: Right.
 2 MR. SOKOLICH: But Chairman, is it okay
 3 if we proceed and then other board members I guess
 4 would listen to the --
 5 ACTING CHAIRMAN ALBANESE: Well, they
 6 would be here and then, you know, it would be a waste
 7 of time because you're going to have to go over it
 8 again.
 9 MR. SOKOLICH: Understood.
 10 And besides I'm horrible to listen to
 11 live, could you imagine me on tape? Jokes don't get
 12 any better than that.
 13 I thought that was funny.
 14 MS. TESTA: It's up to you or rely on
 15 the members to read the transcript. It's up to the
 16 board.
 17 MR. SOKOLICH: Oh, I misunderstood.
 18 MS. TESTA: No, no. The board members
 19 do read the transcript.
 20 ACTING CHAIRMAN ALBANESE: If the
 21 members that are not here can read it.
 22 MR. SOKOLICH: I don't want to be --
 23 Chairman, I'll be very frank with you. I don't want
 24 to be the guy to compel volunteers to have to endure
 25 listening to the tape.

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1 ACTING CHAIRMAN ALBANESE: If you want
 2 to proceed, proceed; if not, we'll hold it over until
 3 next month.
 4 MS. TESTA: Well, they do get the
 5 written transcript, so it's up to you.
 6 MR. SOKOLICH: May we expeditiously
 7 present, if that's okay with you? As long as it's
 8 okay with the Chair, I'm okay.
 9 ACTING CHAIRMAN ALBANESE: Yes, yes,
 10 yes.
 11 MR. SOKOLICH: But we will not take an
 12 affirmative vote, Counsel, correct?
 13 MS. TESTA: That's correct.
 14 And with the provision that the board
 15 members read the transcript by next meeting. If they
 16 don't, then it would have to be carried.
 17 MR. SOKOLICH: Got it, understood.
 18 MS. TESTA: Or you would have to
 19 present again.
 20 MR. SOKOLICH: Take the chance then,
 21 right?
 22 Got it.
 23 So Chairman and Members of the Board,
 24 as I point out, the applicant is Soon Hee Yoo. We
 25 presented counsel with what we believe to be notice,

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1 which vests jurisdiction with the board.
2 It's an application concerning a parcel
3 of property which is in your AA Zone, single and
4 two-family.

5 The curve ball on this application is
6 it is an undersized lot. There are other undersized
7 lots in the area. The presentation will consist of a
8 proposal to construct a two-family, but of the
9 six-over-six variety on this undersized lot.

10 Without any further ado, we would ask
11 Mr. Cocoros to be sworn in and I will briefly elicit
12 testimony from him concerning the proposal.

13 MS. TESTA: Do you swear that the
14 testimony you will give in this application will be
15 the truth, the whole truth and nothing but the truth,
16 so help you God?

17 MR. COCOROS: I do.
18 VASSILIOS COCOROS,
19 467 Sylvan Avenue, Englewood Cliffs, New Jersey
20 07632, having been duly sworn, testifies as
21 follows:

22 MS. TESTA: State your name for the
23 record, please.

24 MR. COCOROS: Vassilios,
25 V-A-S-S-I-L-I-O-S, Cocoros, C-O-C-O-R-O-S.

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1 did you not --

2 MR. SOKOLICH: I'm sorry I'm speaking
3 so quickly.

4 BY MR. SOKOLICH:

5 **Q.** -- the zoning and site plan ordinances
6 here in Palisades Park?

7 **A. Yes.**

8 **Q.** I'm going to -- I premarked two sets of
9 -- two pages of plans. A-1, which is entitled
10 "Elevation, Site Plan and Zoning" and that is last
11 revised August 23, 2019 and I've premarked as A-2,
12 what you call "floor plans," which is likewise last
13 revised August 23, 2019. These are what we would
14 call the architectural set, both pages were prepared
15 by you?

16 **A. Yes.**

17 (Whereupon, Plan entitled "Elevation,
18 Site Plan and Zoning," last revised August 23,
19 2019 is received and marked as Exhibit A-1 for
20 identification.)

21 (Whereupon, Floor Plans, Last Revised
22 August 23, 2019 is received and marked as
23 Exhibit A-2 for identification.)

24 BY MR. SOKOLICH:

25 **Q.** Wherever you deem most appropriate
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1 MR. SOKOLICH: Chairman, I trust Mr.
2 Cocoros has been here.

3 MS. TESTA: Yes, numerous times.

4 ACTING CHAIRMAN ALBANESE: Yes.

5 MR. SOKOLICH: Thank you.

6 DIRECT EXAMINATION

7 BY MR. SOKOLICH:

8 **Q.** So Bill, your credentials have been
9 accepted as an expert in the field of architecture.

10 Just before we get into your plan, if
11 you can just for the board, the scope of your
12 engagement was?

13 **A. To design a two-family**
14 **six-over-six-type dwelling on the existing property**
15 **444 First Street.**

16 **Q.** And in conjunction with your
17 preparation of those architectural plans, I trust
18 you've conducted a physical inspection of the
19 property?

20 **A. Yes.**

21 **Q.** You've also taken into account the
22 adjacent and neighboring uses in the area of the
23 subject property?

24 **A. Yes.**

25 **Q.** You familiarized yourself and reviewed,
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1 focusing, if you would, on what we call the
2 architectural survey, if you could just describe the
3 existing conditions, Bill, and the proposed layout of
4 the new six-over-six two-family.

5 **A. Sure.**

6 **The existing property which is located**
7 **on the east side of First Street between East**
8 **Palisades Boulevard and Edsall Boulevard. The**
9 **property itself is 37-and-a-half-feet wide. It's**
10 **100-feet deep.**

11 **It's a preexisting nonconforming**
12 **condition. The lot area is 3,750 square feet and**
13 **it's located in the AA zone, which does allow for**
14 **two-family dwellings.**

15 **However, the lot size for a two-family**
16 **is 50 by 100.**

17 **In this case, since we don't have 50 by**
18 **100, we propose an up-and-down or six-over-six-type**
19 **two-family dwelling, which has been developed on**
20 **similar lots throughout the borough with similar**
21 **setbacks and similar coverages.**

22 **In regards to the footprint and in**
23 **regards to the program basically, two three-bedroom**
24 **apartments on top of each other. The building itself**
25 **is proposed at 31-feet wide by 57-feet deep, set back**
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1 20 feet from the street.
 2 The right yard setback is 3 feet 3
 3 inches and the left yard setback is 3 feet 3 inches
 4 or 3.25 feet.
 5 We do have a zoning table to go over
 6 the variances. The first one is the preexisting lot
 7 size condition where 5,000 square feet is required,
 8 we have 3,750 square feet and a lot width of
 9 37-and-a-half feet, so that is a variance.
 10 The dwelling units, we are allowed in
 11 regards to the dwelling units, it's usually
 12 2-and-a-half-thousand square feet per unit, we're at
 13 1,875 square feet per unit.
 14 Building coverage, we have a variance,
 15 we're at 47.12 percent or 17 -- 1767 square feet.
 16 Front yard setback, we do meet the
 17 front yard requirement. Side yard setbacks, since
 18 this is not a duplex, a 5-foot minimum is required.
 19 We have proposed at this time 3 feet 3
 20 inches on each side and a combined of 6-and-a-half
 21 feet. So the side yard minimum and side yard
 22 combined does require a variance.
 23 Rear yard setback, we're at 23 feet
 24 where 25 feet is required.
 25 Building height, two-and-a-half
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1 stories, 25 feet for a non-duplex. We're at three
 2 stories, 31.75 feet.
 3 Q. Now, Bill, upon reflection and having
 4 reviewed your own plans, you've taken into
 5 consideration the side yards requested and the
 6 height.
 7 I believe there were two revisions
 8 you'd like to articulate, correct?
 9 A. Sure.
 10 There were some concerns with one of
 11 the adjacent properties. What we could do is we
 12 could do a 3-foot-1 setback on the left-hand side and
 13 then maintain a 4-foot setback on the right-hand
 14 side, which would narrow the building approximately 8
 15 inches.
 16 Q. When you said "left" and "right,"
 17 that's as we face the building from the street?
 18 A. As we face the building from the
 19 street.
 20 So I guess that would be the -- the
 21 north side would be the left-hand side and the south
 22 side would be the right-hand side. So I guess the
 23 south portion would be increased to a 4-foot setback.
 24 Q. And building height?
 25 A. And building height, we can bring the
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1 building down 1 foot. We could adjust the roof
 2 height and it will maintain a slight positive pitch
 3 away from the driveway. That's one of the concerns
 4 especially in this area as all the water comes down
 5 the hill down this block. So we can -- we can bring
 6 the roof height down to 30 feet 9 inches.
 7 Q. So the zoning schedule that appears on
 8 A-1 is accurate with the exception of the revisions
 9 that you just articulated, which are the two side
 10 yards where you're increasing the one side, the right
 11 side?
 12 A. Correct, and also our coverage would
 13 come down.
 14 Q. And the coverage would come down. And
 15 also, you're reducing the height by 1 foot, correct?
 16 A. Correct.
 17 Q. But that doesn't take us out of that
 18 (d) scenario, because we still exceed the maximum
 19 under the ordinance by 10, correct?
 20 A. As far as -- yes, yes.
 21 Q. Bill, you also have the elevations on
 22 A-1. If you could just describe the building
 23 materials that you plan on implementing.
 24 A. Sure.
 25 It's an all-brick structure. We do
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1 have bays that will be either cement stucco or a
 2 precast-type finish to complement the brick that we
 3 do.
 4 We also have a deck at the rear, which
 5 is typical for these type of setups on the
 6 six-over-six.
 7 The roof, itself, we do keep a 4-on-12
 8 pitch that will be adjusted slightly, approximately
 9 3-and-a-half-on-12 pitch to meet the height.
 10 In addition, we would slightly bring
 11 the building down to the ground a little bit without
 12 having the driveway go down from the sidewalk.
 13 So and the materials will be
 14 commensurate throughout, it will be the same on all
 15 four sides. It will be an all-brick structure with
 16 the precast or stucco bays at the front and the small
 17 bay in the back.
 18 Q. And are there any -- is there any
 19 formal stormwater management on-site now or anything
 20 that you're aware of?
 21 A. No.
 22 Q. Okay. And is there one proposed for
 23 the new dwelling?
 24 A. Yes.
 25 At this time we have a chamber system
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1 at the rear, StormTech, two chambers so that will
2 carry all the rainwater from the roof to the back of
3 the property.

4 However, if this is approved, we would
5 have to submit to the borough engineer a perc test to
6 show that a system would work and also a drainage
7 calculation.

8 Q. But whatever system you proposed on A-1
9 and depicted on A-1, you do recognize and the
10 applicant recognizes that's subject to the approval
11 of the board and Mr. Collazuol and were the board to
12 act favorably on the application, correct me if I'm
13 wrong, a condition of approval would, in fact, be
14 Mr. Collazuol's approval of our plan?

15 A. Correct, yes.

16 Q. As it pertains to utilities?

17 A. Yes.

18 Q. I'm going to now turn you to A-2.

19 Now, Bill, just so we're clear for the
20 board, does your amendment to the side yard, the left
21 and right side yard, does that impact your elevations
22 or your floor plans materially? I trust not --

23 A. No.

24 Q. -- correct? Okay.

25 If you would, just briefly take the

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1 board through the floor plans.

2 A. The ground floor, second -- you know,
3 the ground floor, first floor, second floor.

4 The ground floor is typically a two-car
5 garage in the front.

6 The utility room, the back we have
7 recreation room, we have a powder room here.

8 The first floor is the primary unit
9 where you have the living room, dining room, kitchen,
10 eating area in the back with access to the deck and
11 then on the left-hand side we have a bedroom section,
12 it's a three-bedroom setup, two full bathrooms, one
13 being an ensuite to the master, which has an
14 oversized shower and there's a hall bathroom that has
15 a tub, shower, a sink and a toilet.

16 Second floor is basically the same
17 thing, except you're going up another flight of
18 stairs. We have a three-bedroom configuration, two
19 full bathrooms. At the front we have a small balcony
20 over the front entry canopy.

21 Q. And there's one set of stairs on the
22 exterior to enter the house, correct?

23 A. Yes.

24 Q. And once you get up to that top, you'll
25 enter one main door and you'll be in the vestibule,

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1 you'll have the option to staying on the main-floor
2 apartment or proceeding up to the second-floor
3 apartment, correct?

4 A. Correct.

5 Q. And below those stairs are also an area
6 for trash receptacles?

7 A. Yes, we have a trash area.

8 In addition the staircase, itself, is a
9 5-foot-wide staircase. It starts 2 foot 8 inches
10 away from the building line. So in the case of the
11 left-hand side, we'll have 4 feet to the building and
12 then another 2 foot 8 inches to the staircase. So
13 you have a 6 foot 8 measured to the stairs at the
14 front.

15 Q. Understood.

16 Again, you've articulated what the
17 variance relief is taking into consideration it is an
18 undersized lot. I believe three of the variances
19 being sought are existing conditions that the
20 applicant has no control over, lot width, lot depth,
21 lot size?

22 A. Correct.

23 Q. Number one.

24 Number two, you've also placed onto the
25 record the revisions to the side yard and also to the

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1 reduction of 1 foot in the height. You've gone
2 through the elevations and the floor plans.

3 Is there anything else that you would
4 like to add?

5 A. Except that this is the typical
6 dwelling that we do propose on this size lot and with
7 the improvements and the modifications, it's actually
8 a little bit less intense than a typical -- a typical
9 six-over-six that's been built.

10 MR. SOKOLICH: Thank you.

11 Chairman, I offer Mr. Cocoros.

12 And just for the record, we have
13 Mr. Spatz, a planner, on deck who's going to briefly
14 testify to the variances also.

15 ACTING CHAIRMAN ALBANESE: Steve, do
16 you have anything?

17 MR. COLLAZUOL: Yes. Hi, Bill.

18 MS. TESTA: If I could first since it's
19 a new year and you just got reappointed, do you swear
20 that the comments that you will -- I guess I'll swear
21 in all three of our board experts.

22 Raise your right hand. Do you swear
23 that the comments that you will make with regards to
24 your opinion on the applications before the
25 Zoning Board of Adjustment of the Borough of

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1 Palisades Park in the year 2020 will be the truth,
2 the whole truth and nothing but the truth, so help
3 you God?

4 MR. COLLAZUOL: I do.

5 STEVE COLLAZUOL,

6 Having been duly sworn, testifies as follows:

7 MR. ROCCIOLA: I do.

8 JUDD ROCCIOLA,

9 Having been duly sworn, testifies as follows:

10 MR. KAUKER: I do.

11 MICHAEL KAUKER,

12 Having been duly sworn, testifies as follows:

13 ACTING CHAIRMAN ALBANESE: Steve.

14 MR. COLLAZUOL: Thank you.

15 Congratulations.

16 Bill, we had in the completeness report

17 required -- requested an additional topographic

18 survey. Should the board look favorably on this,

19 will you be providing that additional topographic

20 survey?

21 THE WITNESS: Yes.

22 MR. COLLAZUOL: I do note on the A-1

23 sheet, the site plan, there appears to be a curb

24 adjacent to the adjoining property's driveway. Is

25 that curb, in fact, a curb along that driveway edge

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1 and if so, will it remain?

2 THE WITNESS: No, the curb according to

3 the survey is on our property.

4 So I guess we would -- we can finish

5 the edge so the curb could probably come out and we

6 can saw cut the driveway and put a finished edge and

7 delineate our walkway and the adjacent property so we

8 can align our grade with the adjacent grade so it

9 doesn't impact them negatively.

10 MR. COLLAZUOL: Okay. Will you provide

11 a detail for that then?

12 THE WITNESS: We could do that.

13 MR. COLLAZUOL: Okay. It appears that

14 the -- with the limited topography there's a low

15 point in the rear yard.

16 THE WITNESS: Yes.

17 MR. COLLAZUOL: And it looks like that

18 area or the rear yard needs to drain and would you be

19 putting a lawn inlet in?

20 You do have T overflows shown at the

21 rear corners for any overflows from additional

22 storms, so we recommend a --

23 THE WITNESS: We would do a couple of

24 --

25 MR. COLLAZUOL: -- a lawn inlet.

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1 The other thing is, the additional
2 topographic information shows that the rear yard is
3 the low point. To prevent flooding, it appears you
4 might need to address that in some way, such as
5 regrade the rear yard positively so if it did
6 overflow, it would flow out to First Street.

7 THE WITNESS: The only thing with that,
8 I guess we would have to create retaining walls that
9 might create an impact on the neighbors.

10 MR. COLLAZUOL: Right. So if you would
11 address that if the board approved this, review that
12 plan then.

13 I have nothing further, Chairman.

14 Thank you.

15 ACTING CHAIRMAN ALBANESE: Judd?

16 MR. ROCCIOLA: No comment.

17 ACTING CHAIRMAN ALBANESE: Mr. Kauker?

18 MR. KAUKER: I have no comment on the
19 architect.

20 ACTING CHAIRMAN ALBANESE: Any of the
21 board members have any questions?

22 (No response.)

23 ACTING CHAIRMAN ALBANESE: Anybody in
24 the audience?

25 Give your name and address.

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1 MR. SONG: My name is Ha-Dong Song. I
2 live at 433B near the property he mentioned.

3 First of all --

4 THE COURT REPORTER: Sir, please spell
5 your name.

6 MR. SONG: H-A dash D-O-N-G, last name
7 is Song, S-O-N-G. Living at 433B as in "boy" First
8 Street, which is maybe across the street and maybe
9 two houses left side.

10 First of all, go into details, I think
11 when I look at -- this is the first time I'm hearing
12 this kind of a hearing about this drawing, but when I
13 look at this, it looks like somebody has -- we have
14 regulation rules with 5,000 square feet to build
15 two-family houses.

16 MR. SOKOLICH: Is there a question, Mr.
17 Chairman?

18 MR. SONG: No, no. When I look at the
19 letter --

20 ACTING CHAIRMAN ALBANESE: Excuse me,
21 excuse me, you only got to talk on what the --

22 MR. SONG: No, no, no, let me -- when I
23 read -- I got this document from the lawyer.

24 ACTING CHAIRMAN ALBANESE: Listen to
25 me.

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1 MR. SONG: Yeah, okay.
 2 ACTING CHAIRMAN ALBANESE: Whatever he
 3 spoke on, you can talk about that. You can't go into
 4 something else.
 5 MR. SONG: First, if you give me those
 6 copies, I need time to review it as a neighbor.
 7 MS. TESTA: They were on file.
 8 MR. SONG: We need it, because
 9 according to the letter I received just a few days
 10 ago, according to this one the property size is much
 11 smaller for the two-family, this is number one;
 12 number two, basically height is 25 feet is height
 13 limitation, this is a rule by this town, but he's
 14 going to build around 6.75 feet higher than, which
 15 means a total of --
 16 MR. SOKOLICH: Mr. Chairman, I don't
 17 want to be rude to the public, but I believe it's
 18 questions at this point.
 19 MS. TESTA: Right.
 20 MR. SONG: No, I want to give you the
 21 fact of this one.
 22 MS. TESTA: But no, no, that's the
 23 reason why the application is here before the board.
 24 The zoning board has the right to grant variances.
 25 At this point, though, do you have a
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1 question for the architect? There will be a chance
 2 later on for you to talk, but right now it's just
 3 questions for the testimony he gave tonight.
 4 MR. SONG: To be fair, it has to be
 5 fair.
 6 ACTING CHAIRMAN ALBANESE: Listen to
 7 me.
 8 MR. SONG: Yeah, sure, sure.
 9 ACTING CHAIRMAN ALBANESE: If you got
 10 any questions for the architect --
 11 MR. SONG: Yes, okay, let me -- now,
 12 anything, for example, to -- anything make the
 13 decision --
 14 ACTING CHAIRMAN ALBANESE: Talk to him.
 15 MR. SONG: Okay. When I review this
 16 one, it's going to take time.
 17 Normally we have to get a plan first to
 18 review it as a neighbor.
 19 ACTING CHAIRMAN ALBANESE: Do you have
 20 any questions of the architect?
 21 MR. SONG: So can you give -- Chairman,
 22 can you give me time so I can look at details and
 23 everything then?
 24 How long I take, I don't know, but can
 25 you give a time I can review it.
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1 MR. SOKOLICH: The plans are -- you're
 2 hijacking my application, sir.
 3 MR. SONG: No, no.
 4 MR. SOKOLICH: The plans have been on
 5 file.
 6 (Whereupon, the Chairman strikes the
 7 gavel to regain order.)
 8 ACTING CHAIRMAN ALBANESE: Listen, if
 9 you have questions for the architect, ask him. You
 10 can't go on to --
 11 MR. SONG: Let me ask you, let me ask
 12 you then, let me ask you, what's the height of the
 13 building first of all?
 14 What's the height of your building?
 15 THE WITNESS: Well, as proposed now
 16 after our modification is 30 feet 9 inches.
 17 MR. SONG: No, it's --
 18 THE WITNESS: No, no --
 19 MR. SOKOLICH: Again --
 20 (Whereupon, the Chairman strikes the
 21 gavel to regain order.)
 22 THE WITNESS: Let me answer, let me
 23 answer.
 24 ACTING CHAIRMAN ALBANESE: Listen, one
 25 person at a time.
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1 THE WITNESS: Originally what was
 2 proposed, 31 feet 9 inches. We modified that to be
 3 30 feet 9 inches.
 4 MR. SONG: Yes, which is 5 feet higher
 5 than other one.
 6 So it's not a -- because it's not --
 7 it's not a positive effect to the neighbors. It's a
 8 negative effect to the neighbors, number one.
 9 Number two, what's the width of the
 10 property? According to the letter, it's 3,000 --
 11 total is 3,750, which is according to zoning rule
 12 here you should have 5,000, which is wider, but you
 13 have a narrow and the height, according to your
 14 revision, 5 feet higher.
 15 MR. SOKOLICH: What's the question,
 16 sir?
 17 MR. SONG: So my question is: We have
 18 under the rules, zoning rules here, we -- to make a
 19 neighbor, this building is making at least equal or
 20 better or negative?
 21 When I look at this whole revision, the
 22 effect is negatively.
 23 MR. SOKOLICH: But that's not --
 24 MR. SONG: No, no, I'm --
 25 MR. SOKOLICH: You got to let me talk
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1 too and I don't want to be rude.
 2 (Whereupon, the Chairman strikes the
 3 gavel to regain order.)
 4 ACTING CHAIRMAN ALBANESE: If you got a
 5 specific question you want to ask him about the
 6 building.
 7 MR. SONG: Right.
 8 ACTING CHAIRMAN ALBANESE: You can't go
 9 into arguments with him.
 10 MR. SONG: Right, okay.
 11 ACTING CHAIRMAN ALBANESE: Okay? You
 12 have a question, you ask him. You asked him about
 13 the height.
 14 Anything else you want to ask him?
 15 MR. SONG: But can I give more --
 16 ACTING CHAIRMAN ALBANESE: No, no.
 17 It's not a question --
 18 MS. TESTA: At a later point. Right
 19 now it's just questions.
 20 MR. SOKOLICH: At the end, I promise at
 21 the end.
 22 ACTING CHAIRMAN ALBANESE: Let me ask
 23 the people that live around there first. Okay?
 24 MR. SCHOR: What?
 25 ACTING CHAIRMAN ALBANESE: Yeah, let me

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1 just see if people that live around the area --
 2 MR. SCHOR: Oh, go head, sure.
 3 ACTING CHAIRMAN ALBANESE: Anybody else
 4 who lives around the area?
 5 Get up, sir.
 6 MR. KO: Okay. I got this letter --
 7 MS. TESTA: Please state your name.
 8 MR. KO: Yeah, okay. My name is Corey,
 9 C-O-R-E-Y, last name K-O. I live at 425 First
 10 Street.
 11 Okay. I -- when I received this
 12 letter, I couldn't believe my eyes. It's way, way
 13 oversize.
 14 MS. TESTA: Again, you have to direct
 15 your questions to the architect on what he commented
 16 on, his testimony.
 17 MR. KO: Yeah, yeah.
 18 I don't want to detail all the
 19 dimensions or the design height, but it's over, this
 20 is way oversize.
 21 THE WITNESS: That's your opinion.
 22 MR. SOKOLICH: Is that a question?
 23 MR. KO: Yeah, oversize, yeah.
 24 ACTING CHAIRMAN ALBANESE: Sir, sir.
 25 MR. KO: Yeah.

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1 ACTING CHAIRMAN ALBANESE: I understand
 2 what you're trying to get at, but you have to ask him
 3 a specific question on what they did.
 4 MR. KO: All right.
 5 For example, the height, you know, he
 6 mentioned the height that's supposed to be 2.5, but
 7 this is three level, complete three level. The total
 8 height dimension is 31.75, supposed to be 25 feet.
 9 THE WITNESS: Yeah.
 10 MR. KO: Yeah, that's the example.
 11 THE WITNESS: That's why we're here,
 12 we're here for the variance for that reason, one of
 13 the reasons.
 14 MR. KO: Yeah, yeah, it's too high.
 15 THE WITNESS: Okay.
 16 MR. KO: Yeah, that's only one example,
 17 but overall it's way, way oversized.
 18 ACTING CHAIRMAN ALBANESE: Okay. Next.
 19 MS. SCHOR: Marsha Schor.
 20 ACTING CHAIRMAN ALBANESE: No, whoa,
 21 whoa, whoa, give your name.
 22 MS. SCHOR: Marsha Schor, S-C-H-O-R,
 23 Henry Avenue.
 24 Do you have any side doors?
 25 THE WITNESS: Yes.

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1 MS. SCHOR: Why?
 2 THE WITNESS: You have access to the
 3 basement, the side door.
 4 MS. SCHOR: Excuse me?
 5 THE WITNESS: The side door is access
 6 for the basement.
 7 MS. SCHOR: What do you have in the
 8 basement?
 9 THE WITNESS: The basement, it's a
 10 finished basement.
 11 MS. SCHOR: Excuse me?
 12 THE WITNESS: Finished basement, we
 13 have a side door.
 14 MS. SCHOR: Do you have a bathroom with
 15 a bathtub?
 16 THE WITNESS: No, it's a powder room.
 17 MS. SCHOR: Powder room?
 18 THE WITNESS: Yes.
 19 MS. SCHOR: Why do you need the side
 20 door?
 21 That makes it all of a sudden eligible
 22 for two illegal tenants. Why must it have the side
 23 doors?
 24 THE WITNESS: We're allowed to have
 25 doors in the basement.

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1 MS. SCHOR: Not always. Six-over-six,
 2 no. It's usually only one room in the back. I've
 3 been to your meetings, too.
 4 THE WITNESS: Yeah, there's nothing in
 5 the rules about having a side door.
 6 MS. SCHOR: No, but there's nothing in
 7 the rules that say you have to have them, is there?
 8 You haven't had them in the past. You've -- this
 9 board has made you take them off. Do you remember?
 10 THE WITNESS: Not for a side door, no.
 11 MS. SCHOR: Oh, yes.
 12 MS. BRAUER: Oh, yes.
 13 MS. SCHOR: Do you want to see the
 14 memorializations? Or you don't bother to read those?
 15 ACTING CHAIRMAN ALBANESE: Marsha,
 16 sweetheart, do you have a specific question?
 17 MS. SCHOR: I did, I asked him.
 18 On a six-over-six, you're supposed to
 19 have one back room, not two and you don't need side
 20 doors because you can go in from upstairs, correct?
 21 Why if you have a six-over-six do you
 22 need doors on the side? Only for illegal, these
 23 other tenants that are going to live there.
 24 MR. SOKOLICH: Marsha, you're presuming
 25 it's for an illegal tenant.

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1 MS. SCHOR: I am.
 2 MR. SOKOLICH: This was -- this --
 3 Billy meets with the applicant, right?
 4 A woman that plans on living here full
 5 time and these were the accommodations that she was
 6 hopeful and has directed us to request of the board.
 7 MS. SCHOR: She's requesting --
 8 MR. SOKOLICH: She doesn't -- but let
 9 me just respond. She does not have respectfully the
 10 nefarious intent that you're suggesting that she's
 11 going to create an illegal apartment, but we get your
 12 concern.
 13 MS. SCHOR: Yes.
 14 MR. SOKOLICH: We can go back to the
 15 client and speak to her about it, but that's not her
 16 intentions.
 17 MS. SCHOR: No, the idea is this board
 18 before has said no full bathrooms and six-over-six or
 19 any and no side doors. Correct?
 20 ACTING CHAIRMAN ALBANESE: You got to
 21 have an access out on the side.
 22 MS. SCHOR: How about in the back then?
 23 MR. SOKOLICH: Marsha, I'll confer with
 24 my client.
 25 MS. SCHOR: You damn well better.

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1 MR. SOKOLICH: Well, be nice about it,
 2 please.
 3 MS. SCHOR: I can't be nice. He knows
 4 damn well what goes on.
 5 THE WITNESS: We've never removed the
 6 side doors.
 7 MS. SCHOR: Yes, you have.
 8 MS. BRAUER: Yes, you have.
 9 (Whereupon, the Chairman strikes the
 10 gavel to regain order.)
 11 ACTING CHAIRMAN ALBANESE: We're not
 12 going to argue here.
 13 Next?
 14 MS. BRAUER: Susan Brauer, B-R-A-U-E-R.
 15 With regard to what the Chairman just
 16 said, you need access to the outside. So does the
 17 guy on the second floor who has no access to the back
 18 yard jump out the window or does he burn to death?
 19 Paul, it's not making sense, all right.
 20 You said the basement has to have access to the
 21 outside. They can go upstairs through that. You
 22 don't need two side doors, it's not necessary.
 23 ACTING CHAIRMAN ALBANESE: Well,
 24 because if they put a door up there, you'll get mad.
 25 MS. BRAUER: What?

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1 ACTING CHAIRMAN ALBANESE: They put a
 2 door, they'll jump out. That's what -- she was
 3 getting mad with the door.
 4 Come on, you know, you're talking about
 5 something that it doesn't make sense.
 6 MS. BRAUER: No, I'm talking about --
 7 ACTING CHAIRMAN ALBANESE: You're
 8 saying that you're worried about if they're going to
 9 put another family in.
 10 MS. BRAUER: Yes. I'm not worried
 11 about it, I know it's going to happen.
 12 ACTING CHAIRMAN ALBANESE: Okay, that's
 13 fine.
 14 Next, anybody else? Next.
 15 MS. BRAUER: Obviously they don't live
 16 in this town.
 17 MR. SOKOLICH: We will take it under
 18 advisement as I always do.
 19 MR. DEMPSEY: Mr. Chairman, my name is
 20 Chris Dempsey. I live at 316 10th Street.
 21 Mr. Song and Mr. Ko made a valid point.
 22 They need time to review the documentation that's
 23 presented to this board and the point is that I have
 24 to make is that Mr. Song and Mr. Ko are probably
 25 hardworking individuals that don't have the time to

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1 access government hours between the hours of 8:30 and
2 4:30, they probably work.

3 So in order for them to access these
4 things or to make it right, is take time off of work.

5 In order to make it right for everybody
6 and freedom to the whole Palisades Park, put it on a
7 website.

8 MS. TESTA: Okay. Again, we are ruled
9 by the law. The law states that it's 10 days that
10 the applicant must file and the documents have to be
11 on file here in the borough clerk's office or the
12 building department for public review and we are
13 bound, we cannot make the procedure more stringent
14 than what the law allows us to.

15 MR. DEMPSEY: Ma'am, I have one point,
16 I just have one point. The whole world lives off the
17 internet. There's no reason why we can't make it
18 public.

19 MS. TESTA: We cannot -- that's
20 something that the --

21 MR. DEMPSEY: These are public
22 documents.

23 MS. TESTA: But, again, the town cannot
24 make the law more stringent than what it is. That's
25 something that the legislature New Jersey would have

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1 to do. We cannot enforce it.

2 MR. DEMPSEY: Fine.

3 ACTING CHAIRMAN ALBANESE: I'm going to
4 see if there's anybody else.

5 Anybody else?

6 MR. SONG: Thank you very much, give me
7 one more chance. Okay?

8 ACTING CHAIRMAN ALBANESE: Go ahead.

9 MS. TESTA: And again, just questions
10 for the architect. Later on you'll have an
11 opportunity.

12 MR. SONG: As neighbor at least can I
13 have my opinion?

14 MS. TESTA: Later on.

15 MR. SOKOLICH: Later, later. Questions
16 now and then opinion later.

17 MS. TESTA: Yes.

18 ACTING CHAIRMAN ALBANESE: Yes, ma'am.

19 MS. CHUNG: My name is Grace Chung. I
20 have a question to you.

21 THE COURT REPORTER: Your address,
22 please?

23 MS. CHUNG: My address?

24 THE COURT REPORTER: Yes.

25 MS. CHUNG: 420 Lincoln Street.

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1 THE COURT REPORTER: And spell your
2 last name, please.

3 MS. CHUNG: C-H-U-N-G.

4 THE COURT REPORTER: Thank you.

5 MS. CHUNG: Chung. I have this letter.

6 According to this, I wonder the architect has common
7 sense.

8 I'm sorry to use this word, because
9 everything is over, everything is here.

10 THE WITNESS: Yeah, it's an undersized
11 lot.

12 MR. SOKOLICH: Because it's an
13 undersized lot.

14 MS. CHUNG: Yeah. And then I have some
15 questions about the lawyer and the board.

16 MR. SOKOLICH: I am --

17 MS. CHUNG: And even the architect, how
18 dare you propose this to us.

19 MR. SOKOLICH: Mr. Chairman, is there a
20 question? At this point --

21 (Whereupon, the Chairman strikes the
22 gavel to regain order.)

23 ACTING CHAIRMAN ALBANESE: Miss.

24 MR. SOKOLICH: You really, you need to
25 ask a question. There's a protocol.

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1 ACTING CHAIRMAN ALBANESE: If you have
2 a specific question on what he testified --

3 MR. SOKOLICH: The first question, yes,
4 he has common sense.

5 ACTING CHAIRMAN ALBANESE: There will
6 be a time later when you can get up and give your
7 opinion.

8 MR. SONG: Opinion.

9 MS. CHUNG: Okay. The ordinance of the
10 Borough of Palisades Park prescribes the minimum
11 5,000.

12 THE WITNESS: That's for a duplex.

13 MR. SOKOLICH: That's for a duplex,
14 ma'am.

15 THE WITNESS: We're here for a
16 six-over-six.

17 MR. SOKOLICH: Something different.

18 MS. CHUNG: Okay. And everything, each
19 one of this I have a question to you, is it okay,
20 let's say I have money, I would like to build big
21 house --

22 ACTING CHAIRMAN ALBANESE: Miss, Miss,
23 please, listen to me. I understand what you're
24 saying.

25 There will be a time for you to get up

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1 and speak like that.
 2 Now it's just if you got a specific
 3 question you want to ask, that's it. Otherwise we'll
 4 be here until August.
 5 Anybody else?
 6 (No response.)
 7 ACTING CHAIRMAN ALBANESE: Anybody
 8 else?
 9 (No response.)
 10 ACTING CHAIRMAN ALBANESE: Okay.
 11 MR. SOKOLICH: Chairman, we call
 12 Mr. Spatz.
 13 Thank you, Bill.
 14 MS. TESTA: Please raise your right
 15 hand.
 16 Do you swear that the testimony you
 17 will give in this application will be the truth, the
 18 whole truth and nothing but the truth, so help you
 19 God?
 20 MR. SPATZ: Yes, I do.
 21 D A V I D S P A T Z,
 22 60 Friend Terrace, Harrington Park, New jersey,
 23 having been duly sworn, testifies as follows:
 24 MS. TESTA: State your name for the
 25 record.

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1 MR. SPATZ: David Spatz, S-P-A-T-Z.
 2 MS. TESTA: I guess we'll mark this
 3 A-3.
 4 MR. SOKOLICH: Please, thank you.
 5 Thank you, Diane.
 6 (Whereupon, Photo Exhibit is received
 7 and marked as Exhibit A-3 for identification.)
 8 DIRECT EXAMINATION
 9 BY MR. SOKOLICH:
 10 **Q.** So, David, just by way of background,
 11 you are a chosen -- your chosen profession is that of
 12 planning, yes?
 13 **A. Correct.**
 14 **Q.** And your credentials have been accepted
 15 before this very board and multiple other boards in
 16 Bergen County as an expert in the field of planning?
 17 **A. Yes, many times before this board, yes.**
 18 MR. SOKOLICH: Chairman, I trust that
 19 the board accepts.
 20 MS. TESTA: Yes.
 21 ACTING CHAIRMAN ALBANESE: Yes, we do.
 22 MR. SOKOLICH: Thank you, Counsel.
 23 Thank you, Chairman.
 24 BY MR. SOKOLICH:
 25 **Q.** Before we -- because I don't want to

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1 interrupt you during the course of your testimony,
 2 David, we've premarked an exhibit as A-3, which
 3 consists of a series of four photographs?
 4 **A. Yes.**
 5 **Q.** I presume you've taken all of these
 6 photographs?
 7 **A. Yes.**
 8 **Q.** And if you would just identify each of
 9 them clockwise starting in the upper left-hand
 10 corner. This is the subject site?
 11 **A. Right.**
 12 **Yes, the top left-hand photograph is of**
 13 **the subject property.**
 14 **Q.** Upper right?
 15 **A. Right, the right-hand side top**
 16 **photograph is looking to the right of our property.**
 17 **It's a series of two-family homes.**
 18 **Q.** Lower right?
 19 **A. Lower right is directly across the**
 20 **street. Again, a series of two-family homes.**
 21 **And then the bottom left is looking to**
 22 **the left of our property, there's a single-family**
 23 **home.**
 24 **And then, again, a series of two-family**
 25 **homes. We're surrounded primarily by two-family**

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1 **homes.**
 2 **Q.** And you'll be referring to that, David,
 3 during the course of your testimony?
 4 **A. Correct.**
 5 **Q.** I understand.
 6 But you took those photos, you did not
 7 crop them or modify them in any way and they are
 8 accurate depictions of what's in the four corners of
 9 that --
 10 **A. Yes, exactly.**
 11 **Q.** And last question before I release you
 12 to do your planning assessment, could you just
 13 explain to the board and also the attending members
 14 of the public what the scope of your engagement was?
 15 Why did Mrs. Yoo hire you?
 16 **A. To review the site plans, visit the**
 17 **property, look at the surrounding neighborhood,**
 18 **review the municipal ordinances and master plan and**
 19 **then provide planning testimony for the board.**
 20 **Q.** And would that also include taking into
 21 consideration the size of the -- the size of the
 22 proposed dwelling in relationship -- from a planning
 23 standpoint in relationship to, for example, the
 24 adjacent properties and properties in the area?
 25 **A. Yes, taking into account the size of**

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1 our property, the topography of the property, as well
2 as the development on the adjoining property.

3 Q. And, last, now really the last
4 question, and may I trust that you as a licensed
5 planner must take into account the size of the lot
6 and in this case we're talking about an undersized
7 lot?

8 A. Correct, that goes into how we review
9 it, yes.

10 Q. And as a consequence in the matter of
11 an undersized lot, there are many -- there are
12 variances that are being sought, but they're actually
13 preexisting nonconformities that we list as variances
14 to be clear to the public, but they're conditions
15 that we don't really have much control over?

16 A. In terms of lot size and width, yes,
17 those are preexisting conditions. We aren't able to
18 acquire property on either side of us to make our lot
19 conforming because those lots are fully developed and
20 it would make them nonconforming if we were to
21 acquire property. So there's no chance of increasing
22 the size of our lot.

23 Q. So with nothing further, David,
24 wherever you deem most appropriate.

25 A. Okay. So we are a two-family home in a
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1 lot as we've indicated is undersized in terms of area
2 and width. We have no ability to acquire other
3 property to enlarge our property, so that limits what
4 we can do in terms of the setback.

5 The use is permitted within the zone.
6 We have a conforming front yard setback, so we have a
7 consistent streetscape on First Street on our side of
8 the street. As to side yards, one of the side yards
9 has been increased this evening to create a greater
10 setback from the adjoining property.

11 Again, we have a lot that is narrower
12 than what is permitted. The building, itself, has
13 been scaled down to meet that smaller lot size. If
14 we had a conforming lot width, our setbacks would be
15 conforming, but again, as you can see they are
16 consistent with the development on the adjacent
17 property.

18 We have interior garages within the
19 building. The building has to be wide enough to
20 accommodate those garages that makes it a little bit
21 wider, but again, our setbacks are only approximately
22 1 foot off what is required within the zone.

23 In terms of the rear yard, we're
24 nonconforming by 2 feet, however, there is a detached
25 garage to the rear of our property that's being
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1 zone that permits two families. We need one (d)
2 variance for height and then several bulk variances,
3 some of which have been modified based on earlier
4 testimony from Mr. Cocoros.

5 So looking at the one (d) variance as
6 to height, we exceed the height limitation of your
7 zone by one-half story and now a little less than 6
8 feet.

9 The property, itself, slopes from south
10 to north. More importantly looking at our height is
11 all of the surrounding homes are two-family -- are
12 three stories, two-family homes that are similar in
13 height to what we're proposing.

14 So what we're proposing is in character
15 with the surrounding properties. The height is not
16 caused by the undersized nature of the property, it's
17 caused by to some extent the topography, but more
18 importantly we are built in consistency with the
19 surrounding neighborhood.

20 The property, Second Street to the rear
21 of us has similar topography to our property and the
22 slight increase in height will not have any negative
23 impact on those and, again, the properties behind us,
24 likewise two-family, three-story in height buildings.

25 Looking at the bulk variances then, the
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1 eliminated.

2 So there's actually a greater rear yard
3 setback than what currently exists. Likewise,
4 there's a greater setback on the side yard on that
5 side as well.

6 Looking at the coverage, you have two
7 ways of calculating it, square footage, as well as
8 percentage. In terms of square footage, we actually
9 meet what your ordinance allows. We do exceed the
10 limitation by 7 percent, but that's mitigated by the
11 fact that we have improved drainage conditions on the
12 property. Currently the site does not have any
13 on-site drainage facilities. We are adding them to
14 the site. So the building is a little bit bigger
15 than what is permitted, but the drainage is there to
16 handle that slightly larger building. Again, the
17 building size is related to the lot coverage.

18 So I think that on balance the positive
19 criteria is met both for the height variance, the (d)
20 variance as well as the (c) variances.

21 Looking at the negative criteria, I
22 don't think there is anything that rises to the level
23 of being substantially negative. We are consistent
24 with the neighborhood development, two-families are
25 permitted within the zone. The setbacks are similar
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1 to what currently exists on our property improved in
2 terms of removing the garage in the rear yard. As
3 can be seen from the photographs, the two-family
4 homes all have similar side yard and front yard
5 setbacks to what's being proposed. You have a
6 conforming amount of parking being provided on the
7 site.

8 **And on balance, I think that the**
9 **positive impact of what we're proposing far outweighs**
10 **anything that would be considered negative and I**
11 **think that the variances that we're seeking can be**
12 **granted.**

13 **Q.** Thank you, David.
14 MR. SOKOLICH: Chairman, I offer our
15 planner.

16 ACTING CHAIRMAN ALBANESE: Steve?
17 MR. COLLAZUOL: No comments for the
18 planner.

19 ACTING CHAIRMAN ALBANESE: Mike?
20 MR. KAUKER: Yeah, just one question.

21 Your testimony was very thorough. I think you've
22 answered pretty much all the questions I have. But
23 just to sum up, if I'm correct, is it your opinion,
24 Mr. Spatz, that the proposed building is one that
25 fits on the subject property?

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1 MR. KAUKER: Thank you.
2 I have no further questions.
3 ACTING CHAIRMAN ALBANESE: Any of the
4 members have any questions or anything?
5 (No response.)

6 ACTING CHAIRMAN ALBANESE: No
7 questions? We'll open it up to the public.

8 MS. BRAUER: Susan Brauer. So the
9 applicant has to come back next month because you
10 need a (c) variance?

11 THE WITNESS: We need a (d) variance,
12 which means --

13 MS. BRAUER: I'm sorry.

14 THE WITNESS: Yes, which needs five
15 affirmative votes. There are only five members
16 tonight.

17 MS. BRAUER: So that these people who
18 need to look at the plans longer have another month
19 to do so.

20 THE WITNESS: They're still on file
21 and, yes, they can certainly come in. If the hearing
22 is closed, you know, I don't know what comments they
23 can make, but they can at least come and take a look
24 at the plans.

25 MS. BRAUER: All right. So maybe it's
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1 And, secondly, that the building is one
2 that is appropriate in terms of its size for the
3 site?

4 THE WITNESS: Yes, definitely.

5 The building has been scaled down in
6 size in terms of its width. To meet the narrower
7 property, the rear is only off by 2 feet and it's
8 actually larger than what currently exists because of
9 the removal of the garage. The lot coverage is
10 mitigated by the drainage. So I think the building
11 itself has been designed to acknowledge the
12 topography, but also especially to acknowledge that
13 the lot is narrower than what is permitted within the
14 zone.

15 MR. KAUKER: Okay. And then is it
16 true, there also is another type of housing that's
17 permitted in this zone, which is a duplex; is that
18 correct? You're not proposing one, but I believe
19 that a duplex is permitted to have a height of 28
20 feet; is that correct?

21 THE WITNESS: Yes, duplexes are
22 permitted within the zone. We're having a
23 six-over-six, again, because the lot itself is
24 narrower than what is required within the zone, so
25 we've designed it to meet that narrower condition.

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1 something being really courteous if you addressed
2 that so they know that they have another month to
3 look at everything.

4 THE WITNESS: Yes, the plans are still
5 on file, they remain on file until the next hearing.
6 So absolutely they can come and take a look at them.

7 It's not going to be open for more
8 testimony because the hearing will be closed, but
9 they can at least look at the plans.

10 MS. BRAUER: Well, if you didn't vote,
11 why would the hearing be closed? If you didn't vote,
12 you can't vote until next time, why would the hearing
13 be closed?

14 MR. SOKOLICH: Actually --

15 MS. BRAUER: Because this would have
16 all been --

17 MR. SOKOLICH: I'm going to get into
18 that. He's the planner. It's not really within the
19 purview of his expertise.

20 David, thank you.

21 THE WITNESS: Correct, it's a legal
22 question.

23 MS. BRAUER: Well, if it's a legal
24 question, the legal person --

25 MR. SOKOLICH: And I'm not a witness,
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1 so we'll take that up. But do you have questions of
 2 the planner, ma'am?
 3 MS. BRAUER: I just asked him, but you
 4 did speak to him during the course of his response.
 5 So I'm just responding to you.
 6 MR. SOKOLICH: Do you have a planning
 7 question for the planner?
 8 MS. BRAUER: Yes. Do you plan on
 9 passing this without any review next month?
 10 MR. SOKOLICH: It's not a planning
 11 question.
 12 THE WITNESS: I have nothing to do with
 13 that.
 14 MS. BRAUER: But he just made a
 15 statement that you told him to make. So I think it's
 16 very irregular at this point.
 17 ACTING CHAIRMAN ALBANESE: Anybody
 18 else?
 19 That gentleman.
 20 MR. CHUNG: Sungman Chung, C-H-U-N-G,
 21 420 Lincoln Street. This is the first time I'm here
 22 at the meeting. Just one question.
 23 THE WITNESS: Certainly.
 24 MR. CHUNG: You as a planner, you know
 25 the size and that size and then you are going to
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1 build the size, right?
 2 So, definitely, the building is bigger
 3 than that size, you know that.
 4 THE WITNESS: The building is -- has
 5 been scaled down in size particularly in terms of
 6 width and coverage to acknowledge the fact that the
 7 lot itself is narrower. It's not a full-size
 8 building, it's not a duplex as a number of the other
 9 buildings. It's one unit over the other so that it
 10 could be a narrower building. That acknowledges the
 11 fact that it is an undersized lot. The use is
 12 permitted.
 13 MR. CHUNG: So the use is permitted?
 14 THE WITNESS: Yes.
 15 MR. CHUNG: You suggested the size of
 16 the building?
 17 THE WITNESS: I had nothing to do with
 18 the design of the building. I'm responding to what
 19 was proposed and what is submitted to the board.
 20 MR. CHUNG: So you know the
 21 regulations, whatever and take the design, this
 22 bigger and then you come to here to convince us to
 23 build a bigger house?
 24 THE WITNESS: I provided testimony to
 25 support the project, yes.
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1 ACTING CHAIRMAN ALBANESE: Anybody
 2 else?
 3 MR. SONG: You're going to give us
 4 later opinion, right?
 5 MS. TESTA: Yes.
 6 ACTING CHAIRMAN ALBANESE: Yeah,
 7 opinions, yes.
 8 MR. SONG: This is the first time, so I
 9 don't know what the procedure is, that's why.
 10 ACTING CHAIRMAN ALBANESE: Later on you
 11 can ask him any questions, say whatever you want, but
 12 we got to get through this. Okay? I'm sorry.
 13 MR. SONG: No problem, I understand.
 14 MS. TESTA: Do you have any other
 15 witnesses?
 16 MR. SOKOLICH: I have no further
 17 witnesses. May I approach procedurally?
 18 MS. TESTA: Uh-huh.
 19 (Whereupon, off-the-record discussion
 20 is held.)
 21 MR. SOKOLICH: Chairman, I think what
 22 we'll do, because this gentleman indicated that he
 23 didn't have enough time to review it, I think he
 24 indicated he didn't have enough time to review it, we
 25 want to be fair here, we want to hear everyone's
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1 opinion.
 2 So we'll ask that we carry this matter
 3 until the next available board meeting. There will
 4 be no further testimony.
 5 If they need to make comments on the
 6 plans now having been given the opportunity to review
 7 it, they'll be free to make those comments.
 8 I'm not re-presenting my witnesses.
 9 I'll provide my concluding remarks and hopefully
 10 we'll be done at that point.
 11 ACTING CHAIRMAN ALBANESE: Do you
 12 understand that?
 13 In other words, nothing is going to be
 14 done. Next month they're going to come here, you can
 15 ask them whatever questions you want to ask.
 16 MR. SONG: So opinion session is today?
 17 ACTING CHAIRMAN ALBANESE: Nothing is
 18 being done tonight.
 19 MR. SOKOLICH: Next time, but now you
 20 have time to review the plans, which was a nice
 21 gesture.
 22 ACTING CHAIRMAN ALBANESE: Review the
 23 plans and then when you come in next month --
 24 MR. SONG: To save the time of
 25 everybody and to save the time, okay, basically I
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1 know it's a neighbor, this representing Soon Hee Yoo,
 2 which is four blocks -- house -- which is our town.
 3 I understand her position, I understand
 4 her position. I live on the same street, but I try
 5 to be fair, try to what the benefit of the neighbor,
 6 what's the benefit of the Palisades Borough. Okay.
 7 Now, looking long term, if I may be
 8 owner, maybe I try, but it's not -- not good, because
 9 not good for, first of all, three things.
 10 MR. SOKOLICH: But Mr. Chairman, are we
 11 doing this now? Because if we're doing it now --
 12 pardon me. If we're doing it now, let's conclude it
 13 now.
 14 MR. SONG: Three things --
 15 MS. TESTA: We're going to --
 16 ACTING CHAIRMAN ALBANESE: Sir, what
 17 you're asking now, you ask next month, because next
 18 month you're going to be here and go through the same
 19 thing.
 20 MR. SONG: The reason I'm bringing my
 21 opinion --
 22 ACTING CHAIRMAN ALBANESE: No, we don't
 23 want --
 24 MR. SOKOLICH: Mr. Chairman, may I?
 25 Counsel, do we need to re-notice?

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1 MS. TESTA: No.
 2 Make a motion. There will be a motion
 3 at this point to carry this case to February 24th,
 4 2020 at 7 p.m.
 5 ACTING CHAIRMAN ALBANESE: I'll make a
 6 motion that we hold this over until next month.
 7 MR. SONG: Next month?
 8 MS. TESTA: Yes. This will give you an
 9 opportunity, because you had expressed that you
 10 wanted to review the plans, that you didn't have
 11 enough time. This is going to give you a month to
 12 look at the plans.
 13 MR. SONG: No, but I want to give at
 14 least --
 15 MS. TESTA: No, we have other cases.
 16 We need a motion.
 17 ACTING CHAIRMAN ALBANESE: I made a
 18 motion that we -- do I have a second?
 19 MR. LEFTERIOU: Second.
 20 MS. TESTA: Roll call.
 21 ACTING CHAIRMAN ALBANESE: Roll call,
 22 please.
 23 MS. TESTA: And there will be no
 24 further notice to the residents or to the newspaper.
 25 MS. LAMBRINIDES: Mr. Albanese?

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1 ACTING CHAIRMAN ALBANESE: Yes.
 2 MS. LAMBRINIDES: Mr. Terranova?
 3 MR. TERRANOVA: Yes.
 4 MS. LAMBRINIDES: Ms. Yoon?
 5 MS. YOON: Yes.
 6 MS. LAMBRINIDES: Mr. Min?
 7 MR. MIN: Yes.
 8 MS. LAMBRINIDES: Mr. Lefteriou?
 9 MR. LEFTERIOU: Yes.
 10 MR. SOKOLICH: Chairman, thank you.
 11 Counsel, Members of the Board, thank you. Goodnight.
 12 The February date, Diane, was?
 13 MS. TESTA: Yes, February 24, 2020,
 14 7 p.m. this matter will be heard, continued on that
 15 date.
 16 MR. SOKOLICH: Thank you so much.
 17 Happy New Year.
 18 MS. TESTA: Yes, you too.
 19 FEMALE AUDIENCE MEMBER: What's the
 20 date?
 21 ACTING CHAIRMAN ALBANESE: Next month.
 22 MR. SONG: What date?
 23 MS. TESTA: February 24th.
 24 ACTING CHAIRMAN ALBANESE: February
 25 24th.

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1 MS. TESTA: It's the fourth Monday.
 2 You won't get any mail.
 3 MS. LAMBRINIDES: You can go downstairs
 4 and look at the plans before then.
 5 ACTING CHAIRMAN ALBANESE: All right.
 6 The next one is -- yeah, we're going to have a
 7 five-minute recess.
 8 (Whereupon, a short recess is held.)
 9 ACTING CHAIRMAN ALBANESE: All right.
 10 We'll call the meeting to order.
 11 Roll call, please.
 12 MS. LAMBRINIDES: Mr. Ferguson.
 13 Mr. Albanese?
 14 ACTING CHAIRMAN ALBANESE: Here.
 15 MS. LAMBRINIDES: Mr. Terranova?
 16 MR. TERRANOVA: Here.
 17 MS. LAMBRINIDES: Mr. Min?
 18 MR. MIN: Here.
 19 MS. LAMBRINIDES: Mr. Nam?
 20 Ms. Yoon?
 21 MS. YOON: Here.
 22 MS. LAMBRINIDES: Mr. Carnovale?
 23 Ms. Tarabocchia?
 24 Mr. Lefteriou?
 25 MR. LEFTERIOU: Here.

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1 ACTING CHAIRMAN ALBANESE: Okay. Diane
 2 has a --
 3 MS. TESTA: Mr. Ramundo.
 4 MR. RAMUNDO: Good evening. Good
 5 evening, Ms. Testa.
 6 MS. TESTA: Good evening.
 7 MR. RAMUNDO: Happy belated New Year.
 8 MS. TESTA: Yes, you too.
 9 I think there was some confusion with
 10 regards to plans for two of your cases, 265 10th
 11 Street --
 12 MR. RAMUNDO: That's right, 265 10th
 13 Street and I believe there was another application
 14 which was published and noticed, which was on 7th
 15 Street.
 16 MS. TESTA: 213 7th Street.
 17 MR. RAMUNDO: 213 7th Street.
 18 MS. TESTA: Okay.
 19 MR. RAMUNDO: So I did notice, I did
 20 publish. A lot of the surrounding neighbors were
 21 here and I apologized, I said that while I was away
 22 last week, the builder was also away, he forgot to
 23 get them in before he left, the plans, that is.
 24 So with that, he's going to submit the
 25 plans because we wanted to get them in at least 10
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1 days before the hearing. They'll be like 20 days
 2 before the hearing now.
 3 MS. TESTA: Okay, good. And the
 4 application also?
 5 MR. RAMUNDO: And the applications as
 6 well.
 7 MS. TESTA: Okay. So you're going to
 8 --
 9 MR. RAMUNDO: So if we can, we can
 10 carry those. I just would respectfully request that
 11 the notice requirement be waived for those two
 12 applications. If we can make an announcement here
 13 that those two applications will be carried to
 14 February.
 15 MS. TESTA: Okay. So we would -- Mr.
 16 Ramundo is requesting a motion to carry 265 10th
 17 Street, which is Block 413, Lot 11 and also 213 7th
 18 -- well, I guess we should do each one individually,
 19 carry to the February 24th, 2020 hearing. He's
 20 already noticed by publication and also by newspaper
 21 for tonight's meeting. So he's requesting that the
 22 matter be carried to the February 24th meeting and
 23 that no further notice be necessary.
 24 ACTING CHAIRMAN ALBANESE: I'll make a
 25 motion.
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1 MR. LEFERIOU: I'll second it.
 2 MS. LAMBRINIDES: Okay. So this is the
 3 10th Street application, right?
 4 MS. TESTA: Yes.
 5 MS. LAMBRINIDES: We're doing it
 6 separate.
 7 MS. TESTA: 265 10th Street.
 8 MS. LAMBRINIDES: Mr. Albanese?
 9 ACTING CHAIRMAN ALBANESE: Yes.
 10 MS. LAMBRINIDES: Mr. Terranova?
 11 MR. TERRANOVA: Yes.
 12 MS. LAMBRINIDES: Ms. Yoon?
 13 MS. YOON: Yes.
 14 MS. LAMBRINIDES: Mr. Min?
 15 MR. MIN: Yes.
 16 MS. LAMBRINIDES: Mr. Lefteriou?
 17 MR. LEFERIOU: Yes.
 18 MS. TESTA: So 265 10th Street, again,
 19 Block 413, Lot 11, Case No. 19-21 is going to be
 20 carried to February 24, 2020 at 7 p.m. No further
 21 notice --
 22 MR. RAMUNDO: Thank you.
 23 MS. TESTA: -- of the applicant.
 24 And then you have the same request I
 25 guess for 213 7th Street?
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1 MR. RAMUNDO: That's correct, yes.
 2 MS. TESTA: Block 702, Lot 10. Again,
 3 Mr. Ramundo is requesting that it be carried to the
 4 February 24th, 2020 hearing at 7 p.m. No further
 5 notice.
 6 ACTING CHAIRMAN ALBANESE: I make a
 7 motion.
 8 MR. LEFERIOU: I second.
 9 MS. LAMBRINIDES: Mr. Albanese.
 10 ACTING CHAIRMAN ALBANESE: Yes.
 11 MS. LAMBRINIDES: Mr. Terranova?
 12 MR. TERRANOVA: Yes.
 13 MS. LAMBRINIDES: Ms. Yoon? Ms. Yoon?
 14 MS. YOON: Yeah, yes.
 15 MS. LAMBRINIDES: Mr. Min?
 16 MR. MIN: Yes.
 17 MS. LAMBRINIDES: Mr. Lefteriou?
 18 MR. LEFERIOU: Yes.
 19 MS. TESTA: So 213 7th Street, Block
 20 702, Lot 10, Case No. 19-20 is being carried to
 21 February 24, 2020 at 7 p.m. No further notice will
 22 be provided by the applicant.
 23 MR. RAMUNDO: Thank you very much.
 24 MS. TESTA: You're welcome.
 25 ACTING CHAIRMAN ALBANESE: 19-17, 25
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1 Cleveland Place, 126 Roff Avenue.
 2 MS. TESTA: Yes.
 3 MR. DEMPSEY: I'm sorry to interrupt.
 4 Mr. Ramundo I believe was postponing two of his
 5 cases. I'm just curious, 401 East Central?
 6 ACTING CHAIRMAN ALBANESE: No, no.
 7 MS. TESTA: After this case.
 8 MR. DEMPSEY: It's after this case?
 9 ACTING CHAIRMAN ALBANESE: It's after
 10 this.
 11 MS. TESTA: Yes.
 12 MR. DEMPSEY: Thank you, that's what I
 13 wanted to understand. Thank you.
 14 ACTING CHAIRMAN ALBANESE: Because this
 15 is small compared to that one. We're going to be
 16 here all night with that one.
 17 MR. MACRI: Good evening, Mr. Chairman,
 18 Members of the Board. My name is Marc Macri. I
 19 represent 126 -- excuse me, 25 Cleveland Place who is
 20 the owner of 126 Roff Avenue here in the borough.
 21 We're here this evening seeking the
 22 board's approval to demolish the existing dwelling
 23 and construct a six-over-six two-family dwelling.
 24 This is an undersized lot. There's no property
 25 surrounding us that we can acquire nor can we make
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1 our lot conforming and that's why we're here this
 2 evening.
 3 With me I have Mr. Vassilios Cocoros,
 4 our architect and Mr. David Spatz, our professional
 5 planner.
 6 I would like to begin by having
 7 Mr. Cocoros sworn in.
 8 MS. TESTA: Yes. Do you have your --
 9 MR. MACRI: I handed it in in November.
 10 MS. TESTA: Okay.
 11 MR. MACRI: I have a copy if you want a
 12 copy.
 13 MS. LAMBRINIDES: I have it.
 14 MS. TESTA: You have it, okay, never
 15 mind.
 16 MR. MACRI: I actually have some more
 17 green cards.
 18 MS. TESTA: I don't need those.
 19 Please raise your right hand.
 20 Do you swear that testimony you will
 21 give in this application will be the truth, the whole
 22 truth and nothing but the truth?
 23 MR. COCOROS: I do.
 24 VASSILIOS COCOROS,
 25 467 Sylvan Avenue, Englewood Cliffs, New Jersey
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1 07632, having been duly sworn, testifies as
 2 follows:
 3 MS. TESTA: Please state your name for
 4 the record.
 5 MR. COCOROS: Sure. Vassilios,
 6 V-A-S-S-I-L-I-O-S, Cocoros, C-O-C-O-R-O-S.
 7 MR. MACRI: Thank you.
 8 Mr. Chairman, I'm assuming you're going
 9 to accept Billy as a professional --
 10 ACTING CHAIRMAN ALBANESE: Yes.
 11 MS. TESTA: Uh-huh.
 12 MR. MACRI: Thank you.
 13 DIRECT EXAMINATION
 14 BY MR. MACRI:
 15 **Q.** Mr. Cocoros, can you please describe
 16 what our proposal is this evening?
 17 **A. Sure.**
 18 **It's to construct a six-over-six**
 19 **two-family dwelling on the existing property, which**
 20 **is 126 Roff Avenue.**
 21 **It is located on the east side of Roff**
 22 **Avenue, two properties south of East Homestead**
 23 **Avenue.**
 24 **The property, itself, has a big**
 25 **topographic difference from the street up to the back**
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1 **of the property.**
 2 **At the sidewalk level we have**
 3 **approximately 110 to 111 feet as in elevation. At**
 4 **the back of the property it's 124.8. It's almost a**
 5 **15-foot difference from front to back.**
 6 **So we propose a six-over-six dwelling.**
 7 **We have 3 feet 3 inches on the left-hand side and**
 8 **since the property is irregular on the right-hand**
 9 **side, we have the front 4 feet and then it goes to 3**
 10 **feet, 2-and-one-eighth of an inch at the rear right**
 11 **corner.**
 12 **The building, itself, at the front is**
 13 **32 -- 33 feet 2 inches wide and 32 feet wide at the**
 14 **rear and it's 56 feet 8 inches.**
 15 **The building, itself, is setback 23**
 16 **feet 4 inches from the front. In the back we have a**
 17 **20-foot rear yard setback. The building, itself, has**
 18 **a staircase, it's an L-shape that you come up from**
 19 **the driveway level and then you have a run of**
 20 **approximately 11 feet 4 inches to the entry platform.**
 21 **You can see it here at the front.**
 22 **Instead of a typical staircase going**
 23 **down, what we did is to minimize the excavation on**
 24 **the property, we terraced the basement up higher from**
 25 **the garage.**
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1 So the garage, itself, has an
2 approximately 12-foot ceiling and that we still have
3 an approximately 2-foot pitch, 1-and-a-half-foot
4 pitch from the sidewalk up to the driveway level and
5 then the garage is 4 feet lower than the basement.

6 The basement is a typical 7 foot 10 basement.
7 The dwelling, itself, is on three
8 levels. This is truly a two-and-a-half-story
9 dwelling. We've set it where the existing grade at
10 the rear left corner meets the -- just below the

11 first floor so our foundation can up to the ground
12 line, we have the first floor almost walk out at the
13 rear, I guess that would be the rear right of the
14 building. We do have a retaining wall at the back to
15 create a small yard area at the back, which is almost
16 at the walkout level from the first floor.

17 The property does slightly go down from
18 left to right, so we -- I'm sorry, from right to
19 left, so we do have a positive pitch to provide
20 drainage out towards the front and the drainage could
21 also be tied into the proposed seepage pits in the
22 driveway, which is the lowest point on the property
23 considering how high it goes up in the back.

24 The dwelling, itself, does require
25 variances in regards to the preexisting nature of the
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1 existing property size, including lot width and lot
2 area. We're not proposing a duplex. We're proposing
3 a six-over-six. The height, itself, is close to
4 what's allowed. We're at 26 feet and a half inch.
5 We could bring that down a little bit.

6 However, I do have -- since the
7 building itself is narrow, I do have a 4-on-12 pitch.
8 Anything less than that becomes an issue with the
9 HVAC equipment in there. It could be reduced, but we
10 would like to keep the 3 -- the 4-on-12 pitch. I
11 mean, we could have done it artificially by raising
12 the grade at the corner, but we tried to keep it as
13 honest as we could.

14 So there's two things that bring the
15 height up, is the existing grade, there's a 15-foot
16 difference from front to back and try and fit it
17 within the existing grade not to disturb the
18 neighbors' property on either side of us.

19 So the configuration, itself, is set up
20 like a typical six-over-six on these type of
21 properties. The front we have 41 feet point -- 41.29
22 feet, at the back we have 37.71 feet.

23 Q. I just want to draw your attention to
24 the left side yard. Is it possible to increase the
25 proposed side yard of 3 -- excuse me, 3 feet 3 inches
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1 to 4 feet?

2 A. Yes.

3 MR. MACRI: Mr. Chairman, we had a
4 discussion with one of the neighbors.

5 What they had asked us to do is
6 increase the side yard on the left side from 3.25
7 feet to 4 feet, which we're going to do.

8 Ms. Testa, we also agreed to install a
9 white PVC fence around the property.

10 MS. TESTA: What's the height?

11 BY MR. MACRI:

12 Q. Height of the fence, what's permitted,
13 5 feet?

14 A. Well, I guess it would be the rear and
15 the side, because it's a little tight on the
16 right-hand side, because we're going to have -- it's
17 going to be 3 feet 1 inches, which is still in line
18 with a typical setback on a six-over-six and also the
19 impact behind us, those neighbors, that's their
20 backyard, so their house is at least 25 feet away
21 from where we are.

22 So we can provide a vinyl fence on the
23 -- basically the left-hand side, which would be the
24 north side.

25 Q. And the rear yard?

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1 A. Yeah, we can do an L, we can make an L
2 come back.

3 MR. MACRI: Ms. Testa, we also had
4 permission from the neighbor to remove the existing
5 chain link fence on the left side.

6 MS. TESTA: And just the side yard on
7 the left, you're increasing that to?

8 MR. MACRI: 4 feet.

9 THE WITNESS: Oh, and also this one
10 here does not have a side door. We actually, since
11 the grade goes up, we do have a door at the rear of
12 the house in the basement.

13 BY MR. MACRI:

14 Q. There's no side door on the left side
15 and the right side, right?

16 A. Correct. There's one.

17 Q. Is there a bathroom in the basement,
18 Billy?

19 A. We have a powder room.

20 MR. MACRI: Mr. Chairman, we have no
21 side doors, a rear door and a powder room only in the
22 basement.

23 THE WITNESS: And it's 2-and-a-half
24 stories.

25 MR. MACRI: And 2-and-a-half stories
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1 and 1 foot and a half inch over the height and which,
2 again, as Mr. Cocoros explained, we could raise the
3 grade, but we're just trying to give you a true plan.

4 ACTING CHAIRMAN ALBANESE: Steve, do
5 you have anything?

6 MR. COLLAZUOL: Yes. Bill, in the rear
7 of the site, you're showing the wall is set back 5
8 feet.

9 THE WITNESS: Yes.

10 MR. COLLAZUOL: And having it return on
11 the left-hand side. It looks like the wall is going
12 to be a little more than 3-and-a-half feet in the
13 rear left.

14 Do you think that that will require a
15 geogrid that will -- and why did you set it back 5
16 feet from the rear property line.

17 THE WITNESS: Right now we have about 3
18 foot. I guess we could go 4 feet. I know that -- I
19 was trying to avoid undermining anything behind this.
20 I guess we could go 4 feet, you know, to kind of give
21 it a little -- it does need the geogrid.

22 MR. COLLAZUOL: All right. Now, you
23 have to have access to that rear property. Is there
24 any landscaping plan in that area? How would you
25 maintain if it was landscaped?

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1 footing on the -- at the end wall there so we're not
2 having frame up against -- frame and brick up against
3 earth.

4 MR. COLLAZUOL: The left corner,
5 though, would be about 3-and-a-half feet or a little
6 better than that and it's right up against the line.

7 THE WITNESS: Well, the left is going
8 to be -- you know, I guess for the left now would
9 have a 4-foot side yard setback. Right now I have 3
10 inches off the line, I can probably go up maybe 6
11 inches. You know, and like I said, and that wall, I
12 guess we'll see when we have the actual topo when
13 we're actually building it, we'll see what the grade
14 is. It might have to be an actual masonry wall with
15 like an L-shaped footing depending on the height. If
16 it's under 3 feet, we just do a keystone as part of
17 the rest of the application.

18 MR. COLLAZUOL: If the board would
19 approve that, would you provide that detail in the
20 plans?

21 THE WITNESS: Yes.

22 MR. COLLAZUOL: Okay, thank you. I
23 have nothing else.

24 MR. MACRI: I have no further
25 questions.

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1 THE WITNESS: It's only 3 feet high.
2 You know, it would be landscaped, you know, right --
3 I mean, for a regular-size person. For me, it might
4 be a little bit high, but it's like, you know, you
5 have 3 foot. If it's 3 foot 4, it's up to here on
6 me, it's okay. So it can be maintained.

7 MR. COLLAZUOL: Would you be able to
8 access it from the right-hand side of the property,
9 because you have the wall returning to the building
10 corner?

11 THE WITNESS: Yes, you could walk along
12 the top wall. You know, you're not going to just
13 jump up on it.

14 MR. COLLAZUOL: And then on the
15 left-hand side, it looks like it's about 12 to 14
16 feet in length, that also is going to be retaining
17 the earth from the property next door, correct?

18 THE WITNESS: Correct.

19 MR. COLLAZUOL: So if you can talk to
20 the people to left.

21 THE WITNESS: Right there it's only a
22 2-foot-high wall and that was just basically to bring
23 the grade down so we could have a normal foundation
24 there. The back, rear right corner of the building
25 we're going to have to do a -- basically a reverse

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1 ACTING CHAIRMAN ALBANESE: Judd?

2 MR. ROCCIOLA: No comments.

3 ACTING CHAIRMAN ALBANESE: Anybody on
4 the board, any questions?

5 (No response.)

6 ACTING CHAIRMAN ALBANESE: Anybody in
7 the audience?

8 Yes, give your name to the young lady
9 here.

10 MS. ALVAREZ: Maria Alvarez, I live at
11 540 -- 534 Fourth Street, but this is my parent's
12 home, which is 130 Roff Avenue.

13 How tall is the fence going to be on
14 the left side?

15 MR. MACRI: What do you prefer?

16 MS. ALVAREZ: Whatever the board
17 allows.

18 MR. MACRI: What's permitted?

19 ACTING CHAIRMAN ALBANESE: I think it
20 might be 4 feet. Unless they go for a variance and
21 want it higher. I think it's a 4-foot fence. They
22 can put a 4-foot fence there without a variance.

23 MS. ALVAREZ: Yeah, 4 feet is like --
24 I'm 5 foot, so 4 feet is about this high
25 (indicating).

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1 ACTING CHAIRMAN ALBANESE: I guess so,
 2 48 inches.
 3 MS. ALVAREZ: Isn't that kind of short?
 4 MR. MACRI: What do you prefer?
 5 MS. ALVAREZ: Can you do 6?
 6 MR. MACRI: Mr. Chairman, can I amend
 7 the application to include a 6-foot-vinyl fence?
 8 We'll do 5-foot solid, 1-foot lattice.
 9 MS. ALVAREZ: Okay.
 10 MS. TESTA: Is this property right next
 11 --
 12 MR. MACRI: This is the property on the
 13 left-hand side. This is the neighbor we spoke to
 14 regarding --
 15 MS. TESTA: Okay.
 16 ACTING CHAIRMAN ALBANESE: You want a
 17 higher fence?
 18 MS. ALVAREZ: Uh-huh, for a little bit
 19 more privacy.
 20 ACTING CHAIRMAN ALBANESE: Then they
 21 got to ask for a variance for that.
 22 MR. MACRI: Yeah, I'm going to amend
 23 the application to ask for a 6-foot fence, 5-foot
 24 solid, 1-foot lattice.
 25 Is that okay?

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1 MS. ALVAREZ: Yeah, that's fine.
 2 ACTING CHAIRMAN ALBANESE: You're okay
 3 with that, 6 foot?
 4 MS. ALVAREZ: Then he said for the
 5 record that he's going to try to move that to 4 feet,
 6 not --
 7 MR. MACRI: We are, we put that on the
 8 record. The left side yard is increased to 4 feet.
 9 MS. ALVAREZ: Okay.
 10 ACTING CHAIRMAN ALBANESE: Going to get
 11 4 foot.
 12 MS. ALVAREZ: Okay.
 13 MS. TESTA: Now, is this fence going to
 14 be in the rear also?
 15 MR. MACRI: Well, it's going to be an
 16 L-shaped fence, all the way around. It will be the
 17 same size all the way around.
 18 ACTING CHAIRMAN ALBANESE: Marc, are
 19 you going around the whole house?
 20 MR. MACRI: No, it's only on the
 21 left-hand side.
 22 MS. TESTA: Left-hand.
 23 ACTING CHAIRMAN ALBANESE: Okay, that's
 24 good.
 25 And you're satisfied?

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1 MS. ALVAREZ: That's fine.
 2 ACTING CHAIRMAN ALBANESE: And she's a
 3 friend of mine, you better put a nice fence up.
 4 MR. MACRI: It's going to be a white
 5 fence, PVC.
 6 ACTING CHAIRMAN ALBANESE: I don't
 7 care, it better be nice.
 8 MR. MACRI: It's 5 feet, 1 foot of
 9 lattice on top.
 10 ACTING CHAIRMAN ALBANESE: Six foot.
 11 MS. TESTA: No, 5 foot.
 12 MR. MACRI: Five-foot solid, 1 foot of
 13 lattice on top.
 14 ACTING CHAIRMAN ALBANESE: You got it.
 15 MS. TESTA: And the left side you're
 16 increasing to 4 feet?
 17 MR. MACRI: Four feet.
 18 ACTING CHAIRMAN ALBANESE: Okay.
 19 Anybody else have any questions?
 20 (No response.)
 21 ACTING CHAIRMAN ALBANESE: All right.
 22 Your next --
 23 MR. MACRI: Mr. Spatz. The handout
 24 we're going to mark P-1.
 25 THE WITNESS: The only thing is the

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1 minimum setback at the rear corner is going to be 3
 2 feet, 1-and-one-eighth.
 3 MS. TESTA: What's that?
 4 THE WITNESS: The setback at the rear
 5 corner will be 3 feet, 1-and-one-eighth.
 6 Is that okay?
 7 MS. TESTA: And that's on what side?
 8 THE WITNESS: The rear --
 9 MR. MACRI: Rear right.
 10 THE WITNESS: -- right corner.
 11 MS. TESTA: The rear right corner. It
 12 will be 3 feet on-eighth of an inch?
 13 THE WITNESS: Correct.
 14 MS. TESTA: I guess mark it, I guess
 15 the first will be A-1 and this will be A-2. Do you
 16 want to mark it or --
 17 MR. MACRI: Since it was part of the
 18 record...
 19 MS. TESTA: Right, I was going to say
 20 -- right.
 21 MR. MACRI: We'll mark that P-1, that's
 22 fine.
 23 MS. TESTA: A-1?
 24 MR. MACRI: A-1 and we'll mark David's
 25 exhibit.

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1 MS. TESTA: A-2.
2 (Whereupon, Architectural plan is
3 received and marked as Exhibit A-1 for
4 identification.)

5 (Whereupon, Photo Exhibit is received
6 and marked as Exhibit A-2 for identification.)

7 MS. TESTA: Please raise your right
8 hand.

9 Do you swear the testimony you will
10 make in this application will be the truth, the whole
11 truth and nothing but the truth, so help you God?

12 MR. SPATZ: Yes, I do.

13 D A V I D S P A T Z,
14 60 Friend Terrace, Harrington Park, New jersey,
15 having been duly sworn, testifies as follows:

16 MS. TESTA: State your name for the
17 record, please.

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

19 MR. MACRI: Mr. Chairman, you accept
20 him as an expert?

21 MS. TESTA: Yes.

22 DIRECT EXAMINATION

23 BY MR. MACRI:

24 Q. Mr. Spatz, can you please describe the
25 existing conditions and the neighborhood conditions

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1 to the board and why this board can grant the
2 variances in which we seek to have this application
3 approved?

4 A. Okay.

5 We've provided a photo exhibit that's
6 been marked A-2. The top left-hand photograph is of
7 the subject property. The top right-hand photograph
8 is looking to the right of our property.

9 It's a two-family home that fronts on
10 the neighboring street and there's a significant rise
11 from our property to that property.

12 The bottom left-hand photograph is
13 looking to the left of our property. Single-family
14 home and then a newer two-family home.

15 And then the bottom right is directly
16 across the street, which is a larger two-family home
17 as well.

18 So we are proposing a two-family home
19 in the AA Zone, which is a permitted use. The lot as
20 was described is undersized in terms of lot area and
21 lot width. We do not need any (d) variance for this
22 application, just several (c) variances and I'll go
23 over them.

24 As for the lot area and lot width and
25 this affects the lot area per unit, we have an

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1 undersized piece of property. The lots as can be
2 seen on the photographs are developed on either side
3 of us and to the rear there's no ability to acquire
4 property to enlarge ours to make ours conforming
5 without making those properties nonconforming.

6 So we have the lot that's there, the
7 building has been described as a six-over-six, again,
8 to accommodate the narrower lot than what is
9 permitted in the zone.

10 The side yards are slightly less than
11 what is required. As was testified to this evening,
12 the one on the left-hand side, which is against the
13 side yard of the adjacent property is being increased
14 to 4 feet. The other side yard is actually against
15 the rear yard of the adjacent building.

16 So there is a much larger setback at
17 that point. In addition, that dwelling is at a
18 significantly higher elevation, so the narrower side
19 yard really won't have any effect on that whatsoever.

20 The building as I've indicated has been
21 designed to provide a conforming amount of parking.
22 The building is a little wider to get the cars in
23 there. Although, it's still been designed to fit
24 within the property, itself.

25 The lot coverage exceeds what is
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1 permitted, but only in terms of percentage. In terms
2 of square footage, it actually is conforming.

3 As was indicated, drainage is being
4 provided on the property to support the slightly
5 larger building that's there.

6 In addition, topographical conditions
7 on the property indicate how the building was
8 designed and does particularly affect the building
9 height, but even though there is a significant change
10 of grade, the building has been designed at a
11 two-and-a-half-story, which is permitted within the
12 zone and we are only slightly over 1 foot taller than
13 what is permitted within the zone.

14 So we certainly fit in within the
15 neighborhood. And as can be seen, the two-family
16 homes are all larger than what we are proposing. So
17 we certainly, I think, fit in within the zone.

18 Looking at the negative criteria, I
19 don't think there's anything that's substantially
20 negative. We're consistent with the neighborhood
21 development pattern both in terms of use, in terms of
22 bulk and in terms of height. The setbacks are
23 consistent with what is currently permitted, exists
24 on the property, as well as the adjacent properties
25 and the two-family homes that are there. The height

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1 **limitation is only minimally above what is permitted**
 2 **within the zone and is still consistent with the**
 3 **surrounding properties. A conforming amount of**
 4 **parking is being provided on-site, both within the**
 5 **garage, as well as the driveway. So there's no**
 6 **impact on the surrounding properties. And on**
 7 **balance, I would say that the positive impact far**
 8 **outweighs anything that would be considered negative**
 9 **and I think the variances could be granted.**

10 MR. MACRI: Thank you, Mr. Spatz.
 11 No further questions.
 12 ACTING CHAIRMAN ALBANESE: Steve?
 13 MR. COLLAZUOL: I'm sorry, I have just
 14 a question of the architect.
 15 Bill, I'm sorry to bring you back up,
 16 but you show these two walls coming into the
 17 Borough's right-of-way.
 18 Could you further explain those?
 19 MR. COCOROS: I'm aligning with the
 20 terrace up there, I'm basically aligning with the
 21 property. What I can do is maybe set it back and
 22 create a little jog. I do have to meet the neighbors
 23 wall, you know, with an encroachment, because the
 24 neighbor's wall encroaches, which most of the walls
 25 do on that side, but I don't know if I can set --

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1 bring our retaining wall back and then just jog it
 2 back where the property line is. I can't go -- you
 3 know, I can't go over their property.
 4 MR. COLLAZUOL: Would that be reverse
 5 of the return that you're -- invert the return?
 6 MR. COCOROS: Yeah, you basically turn
 7 it 90 degrees.
 8 MR. COLLAZUOL: Right. And keep it
 9 along the right-of-way line?
 10 MR. COCOROS: Yeah.
 11 MR. COLLAZUOL: Okay.
 12 MR. COCOROS: And then there will be
 13 some encroachment at the -- let's say where the --
 14 where it returns back maybe about 5 foot into the
 15 property --
 16 MR. MACRI: Yeah, it would be parallel
 17 to the property line. That would be the only
 18 encroachment.
 19 MR. COLLAZUOL: Right, that would be
 20 supporting and tying into the wall to the south,
 21 right, and the north?
 22 MR. MACRI: And the north.
 23 MR. COLLAZUOL: That's fine, thank you.
 24 ACTING CHAIRMAN ALBANESE: Mike?
 25 MR. KAUKER: The testimony by the

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1 planner covered and addressed all the comments in my
 2 memorandum, so I really have no additional questions.
 3 ACTING CHAIRMAN ALBANESE: Judd, you
 4 don't have anything?
 5 MR. ROCCIOLA: No.
 6 ACTING CHAIRMAN ALBANESE: Anybody on
 7 the board, any members?
 8 (No response.)
 9 ACTING CHAIRMAN ALBANESE: Open it up
 10 to the public. Yes?
 11 MS. BRAUER: Susan Brauer.
 12 Who owns this property?
 13 MR. MACRI: My client is 25 Cleveland
 14 Place, LLC.
 15 MS. BRAUER: And who owns 25 Cleveland
 16 Place?
 17 MR. MACRI: Michael Broderick.
 18 ACTING CHAIRMAN ALBANESE: Yes?
 19 MS. ALVAREZ: Looking at the house,
 20 right now there's a big wall there that holds the
 21 dirt of my mom's house. You're leaving that wall
 22 there?
 23 MR. MACRI: Right.
 24 MR. COCOROS: Yeah.
 25 ACTING CHAIRMAN ALBANESE: Anybody

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1 else?
 2 (No response.)
 3 ACTING CHAIRMAN ALBANESE: No?
 4 (No response.)
 5 MR. MACRI: I need four affirmative
 6 votes.
 7 MS. TESTA: Right.
 8 MR. MACRI: I know I'm entitled to a
 9 full complement of the board. I don't know if I take
 10 the chance or I come back and have a full complement.
 11 MS. TESTA: It's up to you.
 12 MR. MACRI: I know you can't poll the
 13 board.
 14 MS. TESTA: No.
 15 MR. MACRI: Does a board member have
 16 any questions they want to ask of either one of my
 17 experts?
 18 (No response.)
 19 MR. MACRI: See if there's a motion?
 20 MS. TESTA: Do you want to sum up?
 21 MR. MACRI: Yeah, I can sum up.
 22 I believe we put forth a very strong
 23 application. We did comply with the request to have
 24 a door in the rear, not on the side. We are good
 25 neighbors, we're moving a house -- we're shifting a

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1 house, adding a fence. Our height is only 1 foot and
 2 a half of an inch higher than what's permitted.
 3 As Mr. Cocoros testified earlier, we
 4 could raise the grade artificially to increase it,
 5 but we're not. We do meet the positive and negative
 6 criteria test. I don't see any reason why the board
 7 wouldn't vote for this, but again, it's -- we're
 8 being good neighbors, we're complying.
 9 I rather come back with the full
 10 complement of the board and not take a chance. If
 11 two board members vote against it, I lose the entire
 12 application.
 13 MS. TESTA: Okay. So a motion --
 14 ACTING CHAIRMAN ALBANESE: We'll see
 15 you next month.
 16 MS. TESTA: A motion by the applicant
 17 to carry the case --
 18 MR. MACRI: Strictly for a vote.
 19 MS. TESTA: -- to February 24th, 2020.
 20 ACTING CHAIRMAN ALBANESE: I'll make
 21 that motion.
 22 MR. LEFTERIOU: I'll second.
 23 MS. TESTA: And there will be no
 24 further notice to the public.
 25 MR. MACRI: Thank you.
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1 MS. TESTA: Roll call.
 2 MS. LAMBRINIDES: Mr. Albanese?
 3 ACTING CHAIRMAN ALBANESE: Yes.
 4 MS. LAMBRINIDES: Mr. Terranova?
 5 MR. TERRANOVA: Yes.
 6 MS. LAMBRINIDES: Ms. Yoon?
 7 MS. YOON: Yes.
 8 MS. LAMBRINIDES: Mr. Min?
 9 MR. MIN: Yes.
 10 MS. LAMBRINIDES: Mr. Lefteriou?
 11 MR. LEFTERIOU: Yes.
 12 ACTING CHAIRMAN ALBANESE: Okay. The
 13 next one is 401 East Central Boulevard, Block 423,
 14 Lot 1.
 15 Is that you again Mr. Ramundo.
 16 MR. RAMUNDO: Yes, good evening. May I
 17 approach?
 18 MS. TESTA: Yes, please.
 19 MR. RAMUNDO: I said make Ms. Testa
 20 happy tonight.
 21 MS. TESTA: Yes.
 22 Jurisdiction has been met. The
 23 affidavit and publication and the proof of mailing.
 24 The board has jurisdiction.
 25 MR. RAMUNDO: Thank you.
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1 MS. TESTA: Please raise your right
 2 hand.
 3 Do you swear that the testimony you
 4 will give in this application will be the truth, the
 5 whole truth and nothing but the truth, so help you
 6 God?
 7 MR. COCOROS: I do.
 8 VASSILIOS COCOROS,
 9 467 Sylvan Avenue, Englewood Cliffs, New Jersey
 10 07632, having been duly sworn, testifies as
 11 follows:
 12 MS. TESTA: Please state your name for
 13 the record.
 14 MR. COCOROS: Vassilios,
 15 V-A-S-S-I-L-I-O-S, Cocoros, C-O-C-O-R-O-S.
 16 MR. RAMUNDO: I'll just make some brief
 17 introductory remarks and I'll have Mr. Cocoros
 18 testify.
 19 He's been sworn and accepted as an
 20 expert here many, many, many, many times.
 21 FEMALE AUDIENCE MEMBER: We can't
 22 understand you. Speak up, project.
 23 MR. RAMUNDO: Okay. Good evening,
 24 Mr. Chairman, Ms. Testa, Honorable Board Members,
 25 professionals, Members of the Public. Good evening,
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1 my name is Marc Ramundo from the Law Offices of Marc
 2 Ramundo right up the block on the boulevard, 416 East
 3 Central Boulevard which happens to be directly
 4 diagonal from the subject application.
 5 I'm here -- I'm sorry?
 6 Okay. I'm here representing the
 7 applicant who is actually 401 East Central, LLC by
 8 and through it's managing member who is Yungman Kim
 9 (phonetic), his daughter Pearl is behind me at the
 10 back row, she's here as well. They're the owners of
 11 the property at 401 East Central Boulevard,
 12 designated again as Block 423, Lot 1.
 13 The applicant comes before this board
 14 respectfully requesting site plan approval and
 15 certain variances to allow the construction of a new
 16 -- right now it's actually an existing house that's
 17 demolished and proposed to erect and construct a new
 18 mid-rise multifamily structure.
 19 Plans have been submitted. The plans
 20 have been revised. I think when I came here back in
 21 October or November, I believe the application at
 22 that time sought 15 -- I'm sorry, 19 -- 18, 18 units.
 23 The architect Mr. Cocoros, who will testify about the
 24 revisions that have been made, because the applicant
 25 felt that the prior proposal requested too many
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1 parking variances with the number of units.
2 So we've revised it down, we've tapered
3 it down. I believe the number of units have been
4 lowered and as well as the parking variances have
5 been lowered part and parcel of the revision.

6 All of the apartments, which are
7 proposed I believe are just one-bedroom or studio
8 configurations.

9 DIRECT EXAMINATION

10 BY MR. RAMUNDO:

11 Q. Is that correct, Bill?

12 A. **No, it's set up where we have six
13 two-bedroom units and nine one-bedroom units.**

14 Q. And nine one-bedroom, six are two?

15 A. **Correct, that's 15 total proposed
16 units.**

17 Q. And as set forth by the plans of the
18 architect, as well as the testimony by our planner,
19 who's David Spatz, who is here and has testified
20 earlier tonight, provide testimony tonight as to the
21 conditions and criteria with the subject lot for the
22 following variances.

23 First and foremost it would be a use
24 variance because it was in the B zone. So we're
25 going to be trying to convert it back to multifamily

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1 residential. So we need a use variance. Lot size,
2 lot width, building coverage, impervious coverage,
3 front yard, left side yard, right side yard, rear
4 yard, height and parking?

5 So without further ado, let's have
6 Mr. Cocoros testify as to --

7 MR. KAUKER: Mr. Chairman, just one
8 point of clarification, because we recently received
9 two sets of plans.

10 THE WITNESS: Yes, these are last
11 revised 12 -- it's the one that has B-2 zone on
12 there.

13 MR. KAUKER: Okay. So but that bulk
14 table is not accurate, correct?

15 THE WITNESS: Well, it's a B-2 zone.
16 That's the one you have?

17 MR. KAUKER: There were two sets. One
18 set was for a mid-rise multiple family in the B-2
19 Zone. The other is for mid-rise multiple family in
20 the AA zone.

21 THE WITNESS: Yeah, the B-2 zone is the
22 correct one.

23 MS. TESTA: Why don't we mark that as
24 A-1.

25 MR. KAUKER: I just want to confirm
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1 that that notice is requesting a use variance,
2 because there was no indication that a use variance
3 was required on the plan or any other correspondence
4 that I've seen.

5 MR. RAMUNDO: That's correct, yes.

6 The notices that went out did notice
7 and set forth a use variance would be required using
8 the B-2 zone schedule, which I'll mark.

9 I'm sorry, I'll mark it as A-1.

10 MR. KAUKER: Okay. Is that noted on
11 the site plan, though?

12 THE WITNESS: Yes.

13 MR. KAUKER: That a use variance is
14 required?

15 THE WITNESS: Yes. On my -- the A-1
16 sheet zoning table.

17 BY MR. RAMUNDO:

18 Q. So without further ado, Mr. Cocoros,
19 please -- you've already been sworn in, so just
20 testify as to the existing conditions and what's
21 proposed.

22 A. **Sure.
23 Right now it's a vacant piece of the
24 property. The existing improvements have been
25 demolished on the property. It was set up as a -- I
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1 **think it was a two-family house with a detached
2 garage.**

3 **The property, itself, is located on the
4 -- I guess that would be the northwest corner of
5 Bergen Boulevard and East Central Boulevard. There's
6 also a -- it has three sides on it bounded by 11th on
7 the west. To the south is East Central Boulevard and
8 to the East is Bergen Boulevard. The property is a
9 trapezoid shape. It has 64.59 feet of frontage on
10 East Central Boulevard and it tapers to 45.99 feet at
11 the back. Along 11th Street, the property is 100
12 feet deep and on the angle along Bergen Boulevard
13 it's 101.46 feet deep. Total lot area is 5,505.46
14 square feet. It is located in the B-2 zone.**

15 **As far as lot area, there was no sizes
16 listed in the B-2 zone, but we do have a five and --
17 approximately a 5-and-a-half-thousand square foot lot
18 existing.**

19 **We're proposing a four-story structure
20 as you're looking at it Bergen Boulevard and a
21 five-story structure from 11th Street. It consists
22 of two levels of parking with three levels of
23 apartments above. There will be five apartments per
24 floor. We're going to have two two-bedrooms per
25 floor and three one-bedrooms per floor.**

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1 If you go to Sheet A-2. Sheet A-2, you
 2 can see the lower level plan, which has access from
 3 11th Street. So we have the first level of parking,
 4 so we have a total of 12 parking spaces. There's an
 5 entry lobby with an elevator that brings you up to
 6 the first floor, which is the lobby level, main lobby
 7 level and then we have the mechanical room and
 8 various other utility rooms for sprinklers,
 9 electrical power. At the lower level we'll also have
 10 a stormwater retention system, which will tie in all
 11 the roof liters in addition to the french drain for
 12 the entry driveway from 11th Street.

13 We also have a fire stair at the rear.
 14 I guess it would be the rear right corner of the
 15 building, which provides emergency access from the
 16 parking deck itself.

17 Sheet A-3 is the first floor level,
 18 which is basically the level off Bergen Boulevard and
 19 at the -- I guess it would be the front right corner.
 20 That's also a parking level. We have it set up for
 21 10 parking spaces. We also have a utility room, fire
 22 stair that's up from the apartments above. At the
 23 front we have an elevator lobby, entry vestibule. In
 24 addition, we have a staircase, which is a secondary
 25 staircase for the apartments for egress and a

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1 mechanical room for the elevator and a door from the
 2 parking area, itself.

3 Up above that on floors -- three floors
 4 above that are the apartments. We have in the back
 5 portion facing west to the Meadowlands, we have three
 6 apartments and then facing Bergen Boulevard towards
 7 the east we have two apartments. Each -- the
 8 one-bedrooms themselves are a set of approximately
 9 680 to 700 square feet. I'm sorry, 680 to about 690
 10 square feet. The two bedrooms are set up at 973
 11 square feet. Each two-bedroom has it's own bathroom,
 12 kitchen area, living area. So the apartments
 13 themselves are comfortable sizes. They're not
 14 undersized, they're not oversized.

15 The roof, itself, is flat. There's no
 16 access to it. We would basically have it set up as a
 17 typical mid-rise-type setup with a common corridor
 18 that is linked to the elevator lobby at the front
 19 corner, stairwell for emergency purposes and a
 20 secondary stairwell at the rear right. The building
 21 itself will be fully sprinklered. It would be in
 22 concrete or steel first and second level and the rest
 23 would be a frame structure with a masonry brick
 24 veneer in addition to panelized bay windows that
 25 would be a metal panel or precast material.

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1 The footprint, itself, is basically on
 2 the entire property, which was similar to the
 3 previous approval of a -- I think it was a four-story
 4 office building, which had two levels of parking
 5 also.

6 MR. DEMPSEY: What was that?

7 THE WITNESS: There was a previous
 8 approval for an office building on the property.

9 MR. DEMPSEY: There was a house on the
 10 property.

11 THE WITNESS: No, there was a previous
 12 approval in 2006 that had --

13 FEMALE AUDIENCE MEMBER: But after it's
 14 gone --

15 (Whereupon, Chairman strikes the gavel
 16 to regain order.)

17 ACTING CHAIRMAN ALBANESE: Wait, wait,
 18 we didn't open yet to the public. Let them finish.
 19 Okay? Because we got the rest of the people here.
 20 Okay? Everybody will be heard.

21 THE WITNESS: No, there was a previous
 22 approval for an office complex on the property.

23 MR. DEMPSEY: I just --

24 MS. TESTA: Bill, just continue with
 25 your testimony.

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1 There will be time.

2 THE WITNESS: Okay.

3 ACTING CHAIRMAN ALBANESE: Steve?

4 MR. COLLAZUOL: Yes, Mr. Chairman.

5 Bill, with respect to the key plan and I know there's
 6 been some talk of the different zones, you don't show
 7 the zone boundaries. Block 4017 as an example is in
 8 the AA zone. Properties up on Bergen Boulevard are
 9 in the B-2 zone. Will you be addressing where that
 10 zone boundary line is or will Mr. Spatz?

11 THE WITNESS: I thought it was
 12 basically along the back portion.

13 MR. COLLAZUOL: Well, could you to the
 14 board where the zone boundary between the AA Zone and
 15 the B-2 Zone is?

16 You're showing the properties within
 17 200 foot and the properties within 200 feet are in
 18 both zones, correct?

19 THE WITNESS: Yes, uh-huh.

20 Yeah, 11th Street, behind us on 11th
 21 Street is AA Zone. I think in the portion to the
 22 south of us, the triangle I guess is the park and I
 23 know it's a weird section where the front half is
 24 commercial and some of those properties behind there
 25 are residential.

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1 MR. COLLAZUOL: If you are providing
2 additional plans, if there's revisions, should the
3 board approve this project, would you illustrate the
4 zone boundaries on your plan?

5 THE WITNESS: Yes, we could do that.

6 MR. COLLAZUOL: The second point I'd
7 like to bring up for everybody's information, a
8 portion of 11th Street has been vacated. In 2005 an
9 ordinance was passed to vacate 11th Street and that
10 takes place from the lot line of the northern
11 property line of the subject property all the way
12 through to Bergen Boulevard. So on your key map
13 where you have the letters from the word "street"
14 S-T-R-E-E-T from R-E-E-T, that's within the vacated
15 portion of 11th Street.

16 THE WITNESS: So behind our --

17 MR. COLLAZUOL: Yes.

18 THE WITNESS: So basically it's a
19 dead-end?

20 MR. COLLAZUOL: Yeah, so 11th Street is
21 now a dead-end both on paper and physically.

22 THE WITNESS: Does that align with our
23 -- that would align with the back property line?

24 MR. COLLAZUOL: Yes, that aligns.

25 I can certainly furnish that, the

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1 ordinance, but I know Mr. Rocciola provided some
2 information that might be useful later on in that
3 dialogue.

4 We also understand that site and
5 adjacent to this, Lot 2 on the subject Block 423 is
6 owned by the same owners for Lot 17, 15 and 14 and
7 Block 418.

8 And we presume that they took title to
9 the vacated portion of 11th Street for your
10 information, because that may come up later on and be
11 useful.

12 But going to the site plan, itself,
13 later in the report that we've provided, Bergen
14 Boulevard is a state highway. Should you get
15 approval from this board and you would certainly be
16 required to get a DOT permit and subject to their
17 approval, you would be subject to, perhaps, an
18 entrance only and should that occur, I would presume
19 you have to return to the board for any major
20 modifications to your plan for the second-floor
21 parking area; is that understood?

22 THE WITNESS: We -- as far as the
23 entrance only, could it be entrance only, then one
24 egress out like separate?

25 MR. COLLAZUOL: I'm suggesting that

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1 DOT, you may have to go back and forth with them.
2 They may not allow a two-way entrance with right
3 turns and left turns in and out of the site. You
4 might have to put a pork chop in with a no left turn
5 out of the site.

6 THE WITNESS: I understand.

7 MR. COLLAZUOL: If there's anything
8 that deviates from what your plan has, I would think
9 you would have to return to this board. I just
10 wanted to make that clear.

11 ACTING CHAIRMAN ALBANESE: No left
12 turns in, that's what you're saying, right?

13 MR. COLLAZUOL: I know there will be
14 discussion about that later on.

15 Then turning to the site, you show
16 perimeter walls around the perimeter.

17 THE WITNESS: They're in approximately
18 I think 6 inches. That -- what would be done is we
19 would have to make it a strap footing to keep any
20 encroachment of the foundations into the actual
21 right-of-way.

22 MR. COLLAZUOL: These are structural
23 walls that will be part of the construction and
24 design for the building --

25 THE WITNESS: Yeah.

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1 MR. COLLAZUOL: -- foundation, right?

2 THE WITNESS: You have a 6-inch toe
3 which would be within the setback of the -- within
4 the right-of-way line and then there's a footing that
5 straps back to keep the -- it's an oversized footing
6 to keep the balance of the proposed wall.

7 MR. COLLAZUOL: Very good. You
8 received our report?

9 THE WITNESS: Yes.

10 MR. COLLAZUOL: And oblige to provide
11 all of the conditions in that report if this was
12 approved, correct?

13 THE WITNESS: Yes.

14 MR. COLLAZUOL: Okay. Thank you. I
15 have nothing else.

16 Oh, I'm sorry, there's one more thing.
17 As well East Central Boulevard is a county road. You
18 would submit to the county for an exemption, I
19 assume, because you have no entrance or exit,
20 entrance or exit proposed on East Central, but I
21 think you still have to go through the routine of
22 submitting and getting an exemption from them?

23 THE WITNESS: Understand.

24 MR. COLLAZUOL: Thank you.

25 ACTING CHAIRMAN ALBANESE: Judd?

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1 MR. ROCCIOLA: Yes. Judd Rocciola.
 2 My first comment is you're six space --
 3 six parking spaces short of RSIS?
 4 THE WITNESS: Yes.
 5 MR. ROCCIOLA: Are you going to provide
 6 any testimony as to the ability to accommodate that
 7 parking off-site on the street?
 8 Were any surveys done so that the board
 9 can decide whether or not to grant the variance?
 10 THE WITNESS: I guess -- I mean, if
 11 we're coming back, I guess I can look and see what's
 12 available on 10th Street if we can do anything as far
 13 as adjacent areas that are realistically possible,
 14 because I know we can't park on Bergen Boulevard.
 15 The only possibility is if we're doing a new curb and
 16 new paying along 10th Street, there might be some
 17 off-street -- some on-street parking provided.
 18 MR. COLLAZUOL: You mean 11th?
 19 MR. ROCCIOLA: You mean 11th?
 20 THE WITNESS: 11th, right, I'm sorry,
 21 11th Street.
 22 MR. ROCCIOLA: It's a survey you would
 23 need that's going to count how many spaces are taken
 24 up during peak times like in the evening when you
 25 need it, if there is available parking.

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1 MR. DEMPSEY: There isn't.
 2 MR. ROCCIOLA: So that's a survey that,
 3 you know, you would have to take and provide evidence
 4 that you can support that variance.
 5 Your parking plan includes a tandem
 6 parking space?
 7 THE WITNESS: Yes.
 8 MR. ROCCIOLA: That requires a
 9 variance. It's not permitted in Palisades Park. You
 10 haven't included that in your list.
 11 THE WITNESS: I guess we have to amend
 12 that.
 13 MR. ROCCIOLA: You have to decide if
 14 you want to grant the tandem parking space or not if
 15 you approve this.
 16 With respect to the driveway on Bergen
 17 Boulevard, I support Steve's comment that it's on a
 18 state highway, a state roadway so you need a state
 19 access permit. Because there's a left turn lane
 20 opposite the driveway way, I'm recommending a
 21 physical small island, I think Steve called it a pork
 22 chop so it's limited to right turns in, right turns
 23 out.
 24 THE WITNESS: A little triangle, I
 25 guess that would be?

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1 MR. ROCCIOLA: The DOT that's a
 2 standard. I don't know if you would be able to meet
 3 that. I think it's 75 square feet. I think you
 4 should present an approvable design to the board to
 5 make a decision on that.
 6 Again, the tandem parking is a little
 7 problematic, because it's tight. You have the
 8 utility room directly behind the car. Probably if it
 9 were done, I would recommend that has to be assigned
 10 to one specific tenant.
 11 THE WITNESS: Yeah, it would be one of
 12 the two-bedrooms could take that as an option. I
 13 mean, there's a chance you might have to use it, but
 14 let's say one of the two-bedroom units we could
 15 assign the space in front of it and the actual tandem
 16 space itself.
 17 MR. ROCCIOLA: Yeah, they'd have to
 18 have control of both spaces if the board approves it.
 19 And I think that's it.
 20 MR. RAMUNDO: I offer Mr. Cocoros for
 21 other questions.
 22 MR. KAUKER: I have one additional
 23 question. There is a multiple-family development
 24 that's located on the opposite side of Bergen
 25 Boulevard. I don't know if you're particular with

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1 that development or not, but in that first building,
 2 do you know how many units are in that structure?
 3 THE WITNESS: No, I know it's the one
 4 that was done maybe five, six years ago or something.
 5 MR. KAUKER: Yeah, it's relatively new,
 6 but it looks like it's about the same in terms of the
 7 property area. It looks like that where the first
 8 building is located it's about the same size.
 9 THE WITNESS: I'm not sure, I can find
 10 out.
 11 MR. DEMPSEY: Those are townhomes and
 12 there's multiple plots. It wasn't one plot of land.
 13 THE WITNESS: There was two phases,
 14 that's a garden apartment that was set up.
 15 MR. DEMPSEY: Those aren't apartments,
 16 those are townhomes.
 17 MR. KAUKER: Right. Yeah, Mr. Cocoros,
 18 if you could just find that out.
 19 If I can finish my question, please.
 20 I'm just concerned about that first
 21 building, because it's -- in terms of comparing
 22 apples to apples, that's a pretty good comparison.
 23 THE WITNESS: Okay.
 24 ACTING CHAIRMAN ALBANESE: What I'm
 25 concerned about also is this parking. You have --

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1 you need 28 spaces, you only have 22. I'm going to
 2 recommend that you do the six two-bedroom units, at
 3 least get rid of two of them. You wind up getting
 4 four spaces. So instead of you needing six spaces,
 5 you're only going to need two.
 6 THE WITNESS: What we can do is, we
 7 heard some of the concerns --
 8 ACTING CHAIRMAN ALBANESE: Right, you
 9 get -- six spaces, that's too much for that.
 10 THE WITNESS: Understood.
 11 ACTING CHAIRMAN ALBANESE: My
 12 recommendation would be, like I said, get rid of at
 13 least two two-bedroom units. That will bring you
 14 down to 13 units all total.
 15 MR. DEMPSEY: Mr. Chairman, with all
 16 due respect to the board, this application to me is
 17 not complete. There's an issue with tandem parking,
 18 there's an issue with the zoning.
 19 ACTING CHAIRMAN ALBANESE: That's what
 20 they're coming in for.
 21 MR. DEMPSEY: I understand.
 22 MS. TESTA: They're going to be coming
 23 back also.
 24 ACTING CHAIRMAN ALBANESE: They'll be
 25 coming back.

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1 MR. DEMPSEY: With notice?
 2 MS. TESTA: No. It's up to the --
 3 well, it's up to the board.
 4 MR. DEMPSEY: Well, all I'm saying is
 5 incomplete -- it's an incomplete application.
 6 ACTING CHAIRMAN ALBANESE: Like I'm
 7 recommending that they get rid of two apartments. So
 8 they got to come in next month to give us --
 9 MR. DEMPSEY: Mr. Chairman, I'll
 10 recommend again, I think what they're doing for the
 11 area and the parking is ridiculous, because I can't
 12 even park in front of my own home after 6 p.m. and
 13 they're going to bring this many people in?
 14 ACTING CHAIRMAN ALBANESE: Listen, I
 15 don't really want to cut you off, but you'll have all
 16 the time you want next month to talk like that.
 17 Okay?
 18 FEMALE AUDIENCE MEMBER: Can we talk
 19 next month?
 20 ACTING CHAIRMAN ALBANESE: Oh, yeah.
 21 If you want to ask anything of what he spoke about
 22 now, go right ahead, but next month you can -- after
 23 everything is done, you can say whatever you want.
 24 If you don't like it because the windows are too
 25 high, whatever, whatever you want to talk about.

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1 MS. TESTA: Did you open it to the
 2 public?
 3 ACTING CHAIRMAN ALBANESE: Yeah.
 4 MS. TESTA: Are you going to open it to
 5 the public?
 6 ACTING CHAIRMAN ALBANESE: Yes. Okay,
 7 anybody in the audience who would like to -- wait a
 8 minute, I got to hear my cousin.
 9 MS. MARTTINI: Cousin down the road,
 10 yes.
 11 Loretta Marttini, 435 East Brinkerhoff
 12 Avenue, Palisades Park. I own the property that's
 13 right across, all right?
 14 You said about an office building, they
 15 don't own that property on that side. You know where
 16 the hill is if you went there? That belongs to the
 17 town, I think. They never vacated that. They never
 18 vacated the hill going up to the restaurant.
 19 They vacated up to where it ends, but
 20 the rest is belonging to the town. Then there's
 21 another piece that goes over this way that belongs to
 22 the town. I mean, I know they gave away the whole
 23 parking lot to the restaurant, but nobody ever gave
 24 those other parts away. So why are they included in
 25 this? That's number one.

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1 You're going to come out and in and out
 2 on Bergen Boulevard. You have to have a sidewalk
 3 there. That's number one.
 4 Number two, all you could put there,
 5 how much exactly is the property that you could use?
 6 According to me, it's 48 by 100; is that right.
 7 THE WITNESS: It's actually 64 and a
 8 half in the front, 100 feet deep and 40 -- almost 46
 9 in the back.
 10 MS. MARTTINI: So say 46 by 100, I'm
 11 going by that. Now, you go -- you do that, most you
 12 can do is like they have across the street, six
 13 units, seven units, that's fine, but where you're
 14 going, 15, you ever go -- you don't go up there, so
 15 you don't know and neither do they. All winter long
 16 --
 17 THE WITNESS: We're going to be coming
 18 back. We heard some comments, we're going to be
 19 coming back.
 20 MS. MARTTINI: Well, I'll tell you what
 21 the problem is, all winter long the two sides are
 22 parked from 8th Street, 7th Street, 6th Street. Now,
 23 the guys got to come up the street --
 24 ACTING CHAIRMAN ALBANESE: Loretta, no,
 25 no, if you want to talk about what he said. Next

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1 month --

2 MS. MARTTINI: But he's saying --

3 ACTING CHAIRMAN ALBANESE: I don't care

4 what he says. Next month you can talk the way you're

5 talking.

6 MS. MARTTINI: But they're not vacating

7 those streets. Why are they including them in this

8 picture?

9 THE WITNESS: We didn't include any

10 part of the street. We didn't include the street at

11 all in our -- we just have a driveway off of 11th

12 Street, that's it.

13 MS. MARTTINI: A driveway off of 11th.

14 MR. DEMPSEY: There's a driveway, it

15 has to be vacated by the town is what she's trying to

16 tell you.

17 MS. MARTTINI: I'm telling you they

18 don't own that.

19 ACTING CHAIRMAN ALBANESE: Please, come

20 on, Loretta.

21 MS. TESTA: Yeah, Steve?

22 ACTING CHAIRMAN ALBANESE: Steve, she

23 told me to ask you.

24 MS. TESTA: Does this project include

25 any of the vacated or not vacated or is this --

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1 MR. COLLAZUOL: No, it does not propose

2 to use any of the vacated portions of 11th Street.

3 ACTING CHAIRMAN ALBANESE: They're

4 going to use their property.

5 MS. MARTTINI: He's saying come out on

6 11th. How are you going to come out on 11th when

7 there's a big piece that's not vacated?

8 ACTING CHAIRMAN ALBANESE: Loretta, the

9 property he's talking about is --

10 MR. COLLAZUOL: May I?

11 MS. TESTA: Yes.

12 MR. COLLAZUOL: I think the

13 misconstrued part is that Loretta believes 11th

14 Street is vacated in front of the subject premises,

15 it is not, it's a public thoroughfare in that

16 location.

17 MS. MARTTINI: Right, but the hill.

18 There's a piece beyond that property that was never

19 vacated either.

20 ACTING CHAIRMAN ALBANESE: Yeah, but

21 they're not using that.

22 MR. COLLAZUOL: I think you may be

23 mistaken. It has nothing to do with this project.

24 MS. MARTTINI: Well, he said coming out

25 of 11th Street. How do you come out 11th Street?

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1 MR. COLLAZUOL: You're coming out of

2 the dead-end portion of 11th Street. That's a

3 permitted and a public use.

4 MS. MARTTINI: Not the piece going up

5 the hill is not.

6 MR. COLLAZUOL: No, that's correct.

7 He's not trying to do that.

8 MS. MARTTINI: Where is he coming out

9 on 11th Street then?

10 MR. COLLAZUOL: Opposite the yellow

11 house on the other side of the street.

12 MS. MARTTINI: The yellow house on the

13 opposite side?

14 MR. COLLAZUOL: Yellow two-family on

15 the opposite side of 11th Street.

16 MS. MARTTINI: On Central Boulevard?

17 MR. COLLAZUOL: No, on 11th. There's a

18 little dead-end section 100 feet long.

19 MS. SCHOR: Wait, he has a picture.

20 MR. COLLAZUOL: Perhaps a picture would

21 help.

22 MS. MARTTINI: I don't know, because I

23 don't know what you're talking about a yellow house.

24 There's only one house on my block that was vacated.

25 THE WITNESS: Can I show her?

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1 MS. MARTTINI: Yeah, let's see.

2 THE WITNESS: This is 11th Street here,

3 right? Our driveway is going to come off of that.

4 MS. MARTTINI: That's my house, okay?

5 THE WITNESS: So our driveway is going

6 to be opposite that.

7 MS. MARTTINI: Okay. Your driveway

8 coming down here, all right, this part, that's not

9 vacated, that doesn't belong to this house.

10 THE WITNESS: You're allowed to have a

11 driveway off of --

12 MR. DEMPSEY: You're allowed to have an

13 egress.

14 THE WITNESS: Yeah, egress, yes.

15 MR. DEMPSEY: Thank you.

16 MS. MARTTINI: But this is not vacated.

17 MR. DEMPSEY: But there's more parking

18 taken away too.

19 MS. MARTTINI: That property doesn't

20 belong to you, doesn't belong to me, it belongs to

21 the town.

22 THE WITNESS: You can't access your

23 driveways either because you're accessing your

24 driveways off of 11th Street.

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1 the -- this, that's why they didn't vacate it all way
 2 through.
 3 THE WITNESS: Yeah, of course, it
 4 wouldn't have been fair to you guys. So we're doing
 5 the same thing you're doing across the street.
 6 ACTING CHAIRMAN ALBANESE: All right.
 7 Loretta, next month you can --
 8 MS. SCHOR: Can I ask a question?
 9 ACTING CHAIRMAN ALBANESE: Yes.
 10 MS. SCHOR: How many stories is on this
 11 building?
 12 THE WITNESS: Four on Bergen Boulevard
 13 and five on 11th Street.
 14 MS. SCHOR: And there's two parking and
 15 --
 16 THE WITNESS: Two parking and three
 17 apartments.
 18 ACTING CHAIRMAN ALBANESE: Anybody
 19 else?
 20 MS. SCHOR: Can I ask a question?
 21 ACTING CHAIRMAN ALBANESE: That young
 22 man raised his hand.
 23 MS. SCHOR: Oh, I'm sorry, go ahead.
 24 ACTING CHAIRMAN ALBANESE: Let's give
 25 him a chance.

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1 MR. CHAN: Hi, I'm Jeff Chan. I'm a
 2 homeowner at 314 10th Street.
 3 That's why impacted by this
 4 application. Thank you, Members of the Board, I
 5 appreciate this.
 6 I have a few questions that you may not
 7 have the answers to today, maybe the next
 8 presentation you may.
 9 Maybe it's something you can consider
 10 because I think this will impact our livelihood.
 11 You've heard a bit about our concerns about traffic
 12 and parking. I don't know if there's been a study
 13 about how many cars in the area, because these are
 14 two of the most busy streets in Palisades Park. You
 15 got Bergen, you got Central. The number of cars that
 16 pass through there. The anticipated entrance for the
 17 main parking area is coming through 11th, which is on
 18 Central, yeah, on Central. It's very tough right
 19 now. A lot of cars line up there at the light. It's
 20 very hard to make a left in. It's very hard to come
 21 out. That could be an issue.
 22 So I'm hoping that there is a traffic
 23 study on this. I don't know if this has been
 24 prepared.

THE WITNESS: That's what we're going
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1 to be working on for the next meeting.
 2 MR. CHAN: Okay. Two more questions or
 3 things to consider.
 4 I don't know if there's been a sun
 5 study. I myself have a garden in my backyard, some
 6 of my neighbors do as well. This is a nonconforming
 7 property. I'm not sure what the height is. It is --
 8 I think most of you are familiar with the topography
 9 of the area. This is the top of the hill. So you're
 10 building a building that's much higher than a
 11 conforming property. It will certainly cast a shadow
 12 on the neighboring properties. It will impact my
 13 livelihood, impact a lot of my neighbors here. This
 14 is out of the character. I know that's an opinion,
 15 but that's something to consider, has there been a
 16 sun study, because honestly if my garden is not
 17 getting sun, guess what, nothing is growing.
 18 Third issue, and this is -- and I'm a
 19 layperson, so I really don't know anything about
 20 this. Has there been an engineering study? Because
 21 you're going down pretty far, it's going to involve
 22 dynamite maybe.
 23 THE WITNESS: Well, we have to do a
 24 geotechnical report. If this is approved, we would
 25 have to do a full complement of the geotechnical

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1 reports, soil studies for two reasons, for seep --
 2 you know, for drainage and also for foundation
 3 testing to make sure we have the proper bearing.
 4 If there is any blasting involved, that
 5 would have to be done in accordance with code and we
 6 would have to survey all the adjacent properties to
 7 make sure that nothing would be damaged.
 8 MR. CHAN: Yeah, I agree.
 9 I think because of that, you know, and
 10 I echo what a person said earlier, that this is
 11 incomplete. I mean, for us to --
 12 THE WITNESS: That's usually done after
 13 if it's approved, the geotechnical stuff is done
 14 afterwards.
 15 I understand the traffic study. That's
 16 something we will definitely have to work with and
 17 get that out to the board and that will be also for
 18 the public to look at also.
 19 MR. CHAN: Okay, thank you.
 20 ACTING CHAIRMAN ALBANESE: Yes.
 21 MR. DEMPSEY: I would just like to add
 22 to what he said about the geotechnical study. That
 23 should be done prior to this approval, because that
 24 whole thing is a rock. There was no basement for
 25 that house. So you're going to tell me, the board's

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1 going to approve this, you guys are going to go ahead
 2 and do construction and then start using dynamite
 3 that will affect everybody's home in the area?
 4 I mean, that's ludicrous that you're
 5 saying that. You're going to wait until after the
 6 board approves it. That should be done prior to
 7 board approval, because now you're going to affect
 8 the foundation of my home, my investment, my
 9 neighbor's investments and you're going to tell me
 10 it's going to be done after. That should be done
 11 prior.
 12 It should not be approved if it doesn't
 13 pass.
 14 MR. RAMUNDO: There would be no
 15 blasting anyway.
 16 THE WITNESS: We don't really know. I
 17 don't want to say that there wouldn't. You know,
 18 it's not --
 19 MR. DEMPSEY: You can't guarantee that?
 20 THE WITNESS: I can't see what's
 21 underground. You know, I can't like see what's
 22 underground.
 23 Typically, like I said, has there ever
 24 been any time when we've done geotechnical before a
 25 project?

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1 Usually it's basically approved and it
 2 will be under the supervision of the engineer that
 3 would test the soil.
 4 MR. DEMPSEY: I work in construction, I
 5 know engineers make mistakes all the time. It needs
 6 to be done prior to approval.
 7 ACTING CHAIRMAN ALBANESE: Okay. Let's
 8 -- anybody else? Yes.
 9 MS. SCHOR: I have a question. You
 10 said it was approved for an office building. It was
 11 approved maybe 15 years ago.
 12 Steve Kim wanted to put an office
 13 building. No way was it near the magnitude that
 14 yours just came with now. That building was never --
 15 in fact, Mr. Kim didn't build a lot of buildings in
 16 this town that he bought.
 17 But it just sat there, but no one ever
 18 took that house down before, because I have a feeling
 19 that was the size that he was going to make his
 20 office building.
 21 ACTING CHAIRMAN ALBANESE: Next month
 22 you could do all the -- okay.
 23 MS. SCHOR: And you're not going to be
 24 chairman next month, are you?

ACTING CHAIRMAN ALBANESE: All right,
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1 that's it.
 2 Do you got anybody else, Marc?
 3 MS. TESTA: Anyone else to put on?
 4 MR. RAMUNDO: With -- in light of the
 5 comments that we received and the feedback from the
 6 public and the professionals, what I'm proposing to
 7 do is let's carry the meeting until February 24.
 8 In the interim, I will engage a traffic
 9 engineer, a traffic study. I believe, Mr. Luglio is
 10 who I usually use, Lou Luglio. He will comment on
 11 the parking, as well as the traffic.
 12 I was going to have Mr. Spatz testify,
 13 but I think it's just -- procedurally I think it's
 14 better that he testify last after the traffic witness
 15 presents his expert opinion.
 16 So I think for purposes of tonight,
 17 we'll stop. I believe Mr. Cocoros is also going to
 18 submit revised plans taking into account some of the
 19 comments of Mr. Collazuol, as well as our great
 20 chairman. We will make some modifications and make
 21 sure and you can quote me, that Billy said he will
 22 get them in 10 days before the hearing.
 23 ACTING CHAIRMAN ALBANESE: Yeah, Judd?
 24 MR. ROCCIOLA: Since we're talking
 25 about scheduling, I just wanted to let the board know

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1 I won't be here for the February meeting.
 2 MR. RAMUNDO: If there's -- all right.
 3 You also -- I think you also submit a report, right,
 4 prior to?
 5 MR. ROCCIOLA: The board has a copy of
 6 my report.
 7 MR. RAMUNDO: In case you want to amend
 8 it after we do our new submissions --
 9 MR. ROCCIOLA: I'll be gone all
 10 February.
 11 MR. RAMUNDO: Good for you, I'm
 12 jealous.
 13 ACTING CHAIRMAN ALBANESE: Do you want
 14 to do it in March when he comes back?
 15 MR. RAMUNDO: I think March -- I know
 16 my client is pretty --
 17 THE WITNESS: We could always present
 18 revisions and I guess the traffic report can be done
 19 at a second time.
 20 MR. RAMUNDO: I'd like to go forward in
 21 February at least with --
 22 MS. TESTA: Right, go forward and then
 23 if the board feels that we need the board's expert to
 24 be here, then it would be continued until March.

ACTING CHAIRMAN ALBANESE: Okay.
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1 MR. DEMPSEY: With notice?
 2 MS. TESTA: No.
 3 MR. DEMPSEY: So you're not going
 4 continue until March without notice?
 5 MS. TESTA: No, no, we're coming in
 6 February. The meeting is going to continue in
 7 February.
 8 MR. DEMPSEY: But if this is delayed
 9 prior to the meeting in February, will we get notice?
 10 MS. TESTA: No, no, they're going to
 11 come and they're going to put on their experts in
 12 February. If the board feels --
 13 MR. DEMPSEY: Regardless?
 14 MS. TESTA: Yeah.
 15 MR. DEMPSEY: Thank you.
 16 ACTING CHAIRMAN ALBANESE: They're
 17 addressing everything that was said.
 18 MR. DEMPSEY: I'm sorry?
 19 ACTING CHAIRMAN ALBANESE: They're
 20 addressing everything that was said tonight.
 21 MR. DEMPSEY: Good.
 22 MS. TESTA: So we need a motion to
 23 carry to --
 24 ACTING CHAIRMAN ALBANESE: I make a
 25 motion we carry to February.

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C E R T I F I C A T E

1
 2
 3
 4 I, LAURA A. CARUCCI, C.C.R., R.P.R., a Notary
 5 Public of the State of New Jersey, Notary
 6 ID.#50094914, Certified Court Reporter of the State
 7 of New Jersey, and a Registered Professional
 8 Reporter, hereby certify that the foregoing is a
 9 verbatim record of the testimony provided under oath
 10 before any court, referee, board, commission or other
 11 body created by 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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 of New Jersey # 50094914, Notary
 Expiration Date December 3, 2023

19 Dated:

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1 MS. TESTA: Right, to February 24th,
 2 2020, 7 p.m. and there be no further notice of the
 3 applicant.
 4 MR. LEFTERIOU: I'll second.
 5 MS. LAMBRINIDES: Mr. Albanese.
 6 ACTING CHAIRMAN ALBANESE: Yes.
 7 MS. LAMBRINIDES: Mr. Terranova?
 8 MR. TERRANOVA: Yes.
 9 MS. LAMBRINIDES: Ms. Yoon?
 10 MS. YOON: Yes.
 11 MS. LAMBRINIDES: Mr. Min?
 12 MR. MIN: Yes.
 13 MS. LAMBRINIDES: Mr. Lefteriou?
 14 MR. LEFTERIOU: Yes.
 15 MS. TESTA: Okay. So February 24th.
 16 MR. TERRANOVA: Motion to adjourn.
 17 MR. LEFTERIOU: Second.
 18 (Whereupon, the meeting is adjourned.)

19 Time noted: 9:22 p.m.)

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