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BOROUGH OF PALISADES PARK
BOARD OF ADJUSTMENT
MONDAY, MARCH 19, 2018
COMMENCING AT 7:00 P.M.

IN THE MATTER OF: : TRANSCRIPT
: OF
: PROCEEDINGS

APPLICATION NO. 17-14 :
STEVEN TESTINO :
433-435 Highland Avenue :
Block 211; Lots 19&20 :

APPLICATION NO. 17-16 :
GUY SABAN :
33- 3rd Street :
BLOCK 312; LOT 8 :

APPLICATION NO. 17-18 :
LOIS GRATO :
210 Glen Avenue :
BLOCK 16, LOT 606 :

APPLICATION NO. 17-17 :
BERGEN KR LLC :
400 Bergen Boulevard :
Block 420; Lots 23&24 :

APPLICATION NO. 18-01 :
DANIEL LEE :
134 Grand Avenue :
BLOCK 607; LOT 1 :

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

JOSEPH FERGUSON, CHAIRMAN
PAUL ALBANESE, VICE CHAIRMAN
ANDY NAM, MEMBER
VINCENT CARNOVALE, MEMBER
SEUNG YOON, MEMBER
DAVID TERRANOVA, MEMBER
LEFTERI LEFTERIOU, ALTERNATE MEMBER

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13 ELENI LAMBRINIDES, BOARD CLERK/SECRETARY
14 MICHAEL KAUKER, BOARD PLANNER
15 STEVE COLLAZUOL, BOARD ENGINEER

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1 CHAIRMAN FERGUSON: Okay. I call the
 2 meeting to order.
 3 Paul, do you want to lead us in the
 4 flag salute?
 5 (Whereupon, Vice Chairman Albanese
 6 leads the Recitation of the Pledge of
 7 Allegiance.)
 8 CHAIRMAN FERGUSON: Roll call for
 9 attendance.
 10 MS. LAMBRINIDES: Mr. Ferguson?
 11 CHAIRMAN FERGUSON: Here.
 12 MS. LAMBRINIDES: Mr. Albanese?
 13 VICE CHAIRMAN ALBANESE: Here.
 14 MS. LAMBRINIDES: Mr. Terranova?
 15 MR. TERRANOVA: Here.
 16 MS. LAMBRINIDES: Mr. Kim?
 17 (No response.)
 18 MS. LAMBRINIDES: Mr. Nam?
 19 MR. NAM: Here.
 20 MS. LAMBRINIDES: Ms. Yoon?
 21 MS. YOON: Here.
 22 MS. LAMBRINIDES: Mr. Carnovale?
 23 MR. CARNOVALE: Here.
 24 MS. LAMBRINIDES: Ms. Tarabocchia?
 25 (No response.)

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1 MR. LEFTERIOU: Yes.
 2 CHAIRMAN FERGUSON: Okay. Next -- if I
 3 can find it. We're going to have some
 4 memorializations.
 5 Case No. 17-14, Steven Testino, 433-435
 6 Highland Avenue.
 7 Can I get a motion to accept the --
 8 VICE CHAIRMAN ALBANESE: I'll make the
 9 motion we accept.
 10 MR. CARNOVALE: Second.
 11 CHAIRMAN FERGUSON: Now, you can't vote
 12 on this one. Right? Okay.
 13 Everybody else is good? Okay. Roll
 14 call vote?
 15 MS. LAMBRINIDES: Mr. Ferguson?
 16 CHAIRMAN FERGUSON: Yes.
 17 MS. LAMBRINIDES: Mr. Albanese?
 18 VICE CHAIRMAN ALBANESE: Yes.
 19 MS. LAMBRINIDES: Mr. Terranova?
 20 MR. TERRANOVA: Yes.
 21 MS. LAMBRINIDES: Mr. Nam?
 22 MR. NAM: Yes.
 23 MS. LAMBRINIDES: Ms. Yoon?
 24 MS. YOON: Yes.
 25 MS. LAMBRINIDES: Mr. Carnovale?

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1 MS. LAMBRINIDES: Mr. Lefteriou.
 2 MR. LEFTERIOU: Here.
 3 CHAIRMAN FERGUSON: Don't disrupt the
 4 meeting.
 5 First we're going to pay some bills all
 6 from escrow. Kauker, \$910.00; Rocciola, \$970.00; The
 7 Record, \$23.10; and Diane Testa's law firm, \$2400.00.
 8 Can I get a motion to pay the bills?
 9 VICE CHAIRMAN ALBANESE: I'll make a
 10 motion to pay the bills.
 11 MR. CARNOVALE: Second.
 12 CHAIRMAN FERGUSON: Roll call vote?
 13 MS. LAMBRINIDES: Mr. Ferguson?
 14 CHAIRMAN FERGUSON: Yes.
 15 MS. LAMBRINIDES: Mr. Albanese?
 16 VICE CHAIRMAN ALBANESE: Yes.
 17 MS. LAMBRINIDES: Mr. Terranova?
 18 MR. TERRANOVA: Yes.
 19 MS. LAMBRINIDES: Mr. Nam?
 20 MR. NAM: Yes.
 21 MS. LAMBRINIDES: Ms. Yoon?
 22 MS. YOON: Yes.
 23 MS. LAMBRINIDES: Mr. Carnovale?
 24 MR. CARNOVALE: Yes.
 25 MS. LAMBRINIDES: Mr. Lefteriou?

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1 MR. CARNOVALE: Yes.
 2 MS. LAMBRINIDES: And Mr. Lefteriou
 3 recused.
 4 MR. LEFTERIOU: Yup.
 5 CHAIRMAN FERGUSON: Okay. Next we have
 6 Case No. 17 -- 17-16, Guy Saban, 330 3rd Street
 7 memorialization.
 8 I'll make a motion that we memorialize
 9 it.
 10 MR. CARNOVALE: Second.
 11 CHAIRMAN FERGUSON: Roll call vote.
 12 Everybody can vote here.
 13 MS. DeCARLO: MaryAnn can't.
 14 CHAIRMAN FERGUSON: MaryAnn can't.
 15 MS. DeCARLO: Yeah.
 16 CHAIRMAN FERGUSON: Okay. And who?
 17 MS. DeCARLO: She's not here.
 18 CHAIRMAN FERGUSON: Okay. Just the
 19 one.
 20 MS. DECARLO: Right, that's here, yeah.
 21 CHAIRMAN FERGUSON: Roll call vote.
 22 MS. LAMBRINIDES: Mr. Ferguson.
 23 CHAIRMAN FERGUSON: Yes.
 24 MS. LAMBRINIDES: Mr. Albanese?
 25 VICE CHAIRMAN ALBANESE: Yes.

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1 MS. LAMBRINIDES: Mr. Terranova?
 2 MR. TERRANOVA: Yes.
 3 MS. LAMBRINIDES: Mr. Nam?
 4 MR. NAM: Yes.
 5 MS. LAMBRINIDES: Ms. Yoon?
 6 MS. YOON: Yes.
 7 MS. LAMBRINIDES: Mr. Carnovale?
 8 MR. CARNOVALE: Yes.
 9 MS. LAMBRINIDES: And Mr. Lefteriou?
 10 MR. LEFTERIOU: Yes.
 11 MS. LAMBRINIDES: Is he on --
 12 MS. DeCARLO: He can't vote on it.
 13 MS. LAMBRINIDES: You can't vote, okay.
 14 CHAIRMAN FERGUSON: Next we have -- we
 15 have something that came before the board probably
 16 over a year ago and it was misclassified. So I would
 17 like to do a resolution tonight to correct the
 18 misclassification.
 19 I have asked Diane Gloria which is from
 20 affordable housing which is what this little problem
 21 is. You can do it from there or -- and just explain
 22 to me and the board what the misclassification was.
 23 MS. GLORIA: Good evening, Ladies and
 24 Gentlemen. My name is Diane Gloria. I'm the housing
 25 director for the Borough of Palisades Park through an
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1 interlocal through the Borough of Paramus.
 2 So I am the woman who you speak to for
 3 any affordable housing situations that come up within
 4 the town and for us to fulfill our obligation.
 5 Within this resolution you did approve
 6 the unit correctly, but in a unit that is a family
 7 building you cannot arbitrarily pick one unit to be
 8 designated as a senior unit. Either the whole
 9 building is a family unit, which is 18 and older,
 10 which would allow a senior in there, but by the
 11 designation you gave it, you restrict that unit to a
 12 senior only.
 13 And the law says you can't do that.
 14 So you were correct to approve it as a
 15 unit, it will count as a unit, but we do have to drop
 16 the designation of it being solely for a senior.
 17 CHAIRMAN FERGUSON: Okay.
 18 MS. GLORIA: Is there any questions?
 19 CHAIRMAN FERGUSON: Anybody have any
 20 questions?
 21 (No response.)
 22 CHAIRMAN FERGUSON: Any questions from
 23 the audience?
 24 (No response.)
 25 CHAIRMAN FERGUSON: Okay. So I have
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1 asked our attorney, Diane Testa, who cannot be with
 2 us tonight, to draw up a resolution. And I'll move
 3 the resolution now changing the misclassification.
 4 MS. LAMBRINIDES: Joe, did you want to
 5 tell us the address of that? Do we know the address
 6 of that for the file.
 7 CHAIRMAN FERGUSON: Oh, yeah, it's 10th
 8 Street, right? 520-540 Bergen Boulevard.
 9 So I make a motion.
 10 Second?
 11 VICE CHAIRMAN ALBANESE: Second.
 12 CHAIRMAN FERGUSON: Roll call vote?
 13 MS. LAMBRINIDES: Mr. Ferguson.
 14 CHAIRMAN FERGUSON: Yes.
 15 MS. LAMBRINIDES: Mr. Albanese?
 16 VICE CHAIRMAN ALBANESE: Yes.
 17 MS. LAMBRINIDES: Mr. Terranova?
 18 MR. TERRANOVA: Yes.
 19 MS. LAMBRINIDES: Mr. Nam?
 20 MR. NAM: Yes.
 21 MS. LAMBRINIDES: Ms. Yoon?
 22 MS. YOON: Yes.
 23 MS. LAMBRINIDES: Mr. Carnovale?
 24 MR. CARNOVALE: Yes.
 25 MS. LAMBRINIDES: Mr. Lefteriou?
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1 MR. LEFTERIOU: Yes.
 2 CHAIRMAN FERGUSON: Okay. Now we're
 3 going to move -- oh, the minutes.
 4 MS. LAMBRINIDES: Joe, the minutes.
 5 CHAIRMAN FERGUSON: So we're going to
 6 approve the minutes. There was a mistake on the
 7 minutes only on the cover sheet. It wasn't anything
 8 in the body, just the cover sheet that had the wrong
 9 month. So I'll move to accept the minutes of the
 10 previous meeting with the --
 11 VICE CHAIRMAN ALBANESE: I'll make a
 12 motion we accept the minutes.
 13 CHAIRMAN FERGUSON: Right. Second?
 14 MR. CARNOVALE: Second.
 15 CHAIRMAN FERGUSON: Roll call vote?
 16 MS. LAMBRINIDES: Mr. Ferguson?
 17 CHAIRMAN FERGUSON: Yes.
 18 MS. LAMBRINIDES: Mr. Albanese?
 19 VICE CHAIRMAN ALBANESE: Yes.
 20 MS. LAMBRINIDES: Mr. Terranova?
 21 MR. TERRANOVA: Yes.
 22 MS. LAMBRINIDES: Mr. Nam?
 23 MR. NAM: Yes.
 24 MS. LAMBRINIDES: Ms. Yoon?
 25 MS. YOON: Yes.
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1 MS. LAMBRINIDES: Mr. Carnovale?
 2 MR. CARNOVALE: Yes.
 3 MS. LAMBRINIDES: Mr. Lefteriou?
 4 MR. LEFTERIOU: Yes.
 5 CHAIRMAN FERGUSON: Okay. Now, I guess
 6 that's everything. Here's the -- we're going to go
 7 off the agenda a little bit and I'm going to call
 8 Case No. 17-18, Lois Grato, 210 Glen Avenue.
 9 I'm doing this because I understand the
 10 mayor has another pressing meeting and I want to
 11 accommodate the mayor of Fort Lee.
 12 MR. SOKOLICH: Thank you, Chairman.
 13 Hi, guys.
 14 MS. LAMBRINIDES: Hi, how are you?
 15 MR. SOKOLICH: Good.
 16 Chairman, thank you. For the record,
 17 Mark Sokolich on behalf of the first applicant before
 18 you tonight, Lois Grato, relating to premises known
 19 as 210 Glen Avenue here in the Borough of Palisades
 20 Park, identified as Lot 16, Block 606.
 21 For the record, we had presented an
 22 affidavit of service confirming that this evening's
 23 application was duly noticed, the notice published
 24 and proof of both certified mailing and publication
 25 was provided with that affidavit.

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1 The application, Chairman, is
 2 relatively simple. When I say "simple," I don't mean
 3 not important. Simple in a sense that there's one
 4 source or one area of relief that's sought by the
 5 applicant and that's for permission for my client to
 6 operate her family run and, essentially, small real
 7 estate operation from one, perhaps two rooms on the
 8 ground floor or the lower level of her existing
 9 residence at 210 Glen Avenue.
 10 By way of background in anticipation of
 11 tonight, the application was filed, a series of
 12 exhibits were likewise presented with the
 13 application, which included confirmation that taxes
 14 are paid, the proposed form of public notice, the
 15 listing of property owners, the property survey, so
 16 forth and so on.
 17 Typically, we present an expert first
 18 to go through the plan, but if the Chair is okay with
 19 this, we would ask Ms. Grato to come forward just to
 20 talk about her business for a few minutes --
 21 CHAIRMAN FERGUSON: Sure.
 22 MR. SOKOLICH: -- if that would be okay
 23 with you?
 24 CHAIRMAN FERGUSON: Sure, that would be
 25 fine.

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1 MR. SOKOLICH: We call Lois Grato.
 2 Sorry, Bill.
 3 MS. DeCARLO: Mr. Chairman, I have
 4 reviewed the proof of publication and the mailings
 5 and find them to be in order.
 6 CHAIRMAN FERGUSON: Okay.
 7 MS. DeCARLO: The board does have
 8 jurisdiction.
 9 MR. SOKOLICH: Thank you, Counsel.
 10 CHAIRMAN FERGUSON: Do you want to
 11 swear her in.
 12 MS. DeCARLO: Do you swear or affirm
 13 that the testimony you will give this evening is the
 14 truth and nothing but the truth?
 15 MS. GRATO: I do.
 16 L O I S G R A T O,
 17 210 Glen Avenue, Palisades Park, New Jersey,
 18 having been duly sworn, testifies as follows:
 19 MR. SOKOLICH: Thank you.
 20 MS. DeCARLO: Please state your name
 21 and spell your name, please, for the record.
 22 MS. GRATO: Lois Grato, L-O-I-S
 23 G-R-A-T-O. I've lived in Palisades Park my whole
 24 life and at this address. My company's a very small
 25 real estate company. I'm literally the only

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1 full-time employee, if you want to call me an
 2 employee. I don't have any other employees. I have
 3 nine other people who hang their license with me.
 4 They're either retired or part time or they have
 5 other full-time jobs.
 6 CHAIRMAN FERGUSON: Right.
 7 DIRECT EXAMINATION
 8 BY MR. SOKOLICH:
 9 Q. You're supposed to let your lawyer ask
 10 a couple of questions.
 11 A. Sorry.
 12 Q. All right. So you stole the thunder.
 13 No, no, stay there, Lois.
 14 A. Okay.
 15 Q. I'm only kidding you.
 16 So you've touched upon your business.
 17 You're a licensed broker in the State of New Jersey?
 18 A. I am.
 19 Q. And presently where's your office?
 20 A. It's at 695 Bergen Boulevard in
 21 Ridgefield.
 22 Q. And you heard my brief introduction
 23 that indicated that you'd like to use a couple of
 24 small areas in your existing two-family house to
 25 operate your real estate business, correct?

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- 1 **A. Yes.**
 2 **Q.** And in order for the board to make a
 3 knowledgeable determination relating to that request,
 4 it's important that they understand your business and
 5 how it operates. Who -- and how many full-time
 6 employees are there?
 7 **A. Just myself.**
 8 **Q.** And you indicated that you also have
 9 sales associates. How many of them?
 10 **A. I have nine.**
 11 **Q.** And are they full-time?
 12 **A. None of them.**
 13 **Q.** Do they ever or how often do they
 14 appear at your existing office?
 15 **A. Nearly never.**
 16 **Q.** And is it this type of -- what's your
 17 specialty? What do you focus on, this particular
 18 real estate office?
 19 **A. I primary work with new construction**
 20 **with builders and builders in town, really.**
 21 **Q.** Do you have occasion to meet with new
 22 clients and have appointments in an office or is that
 23 generally done on-site?
 24 **A. On-site.**
 25 **Q.** On-site.

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- 1 **upstairs.**
 2 **So the house looks like a ranch when**
 3 **you look at it. So I have a driveway down the side**
 4 **and you can see the side door, that's where it would**
 5 **be if anyone ever came in.**
 6 **Q.** So I'm going to ask you, if you don't
 7 mind, Lois, just to -- oh, hours of operation, I
 8 mean, is it pretty much when the market is hot, you
 9 work; when the market isn't, you're working less, is
 10 that the type of thing?
 11 **A. Correct.**
 12 **Q.** Would you ever have occasion to meet
 13 anybody at this home office, for lack of a better
 14 term, after hours?
 15 **A. No.**
 16 **Q.** And, again, typically you indicated
 17 that most of that work is done electronically,
 18 correct?
 19 **A. Yes.**
 20 **Q.** In your present office, do people come
 21 in? Do the agents come in on a day-to-day basis or
 22 they...
 23 **A. No.**
 24 **Q.** They don't?
 25 **A. I've even -- I've even called the**

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- 1 So, for example, you sell a home or you
 2 rent an apartment or you rent an office, that
 3 paperwork, generally speaking, with the protocol and
 4 a business plan that you abide by, that's done at the
 5 site, itself, and not in an office per se?
 6 **A. Correct.**
 7 **Q.** And do you have occasion to meet
 8 clients at your office?
 9 **A. It's very rare today.**
 10 **Q.** And when you say "today," why? What's
 11 replaced that?
 12 **A. Everything is electronic signature,**
 13 **DocuSignature. We never even meet the clients**
 14 **sometimes.**
 15 **Q.** So you don't have -- rare is the
 16 occasion when you meet with a perspective purchaser
 17 or perspective tenant or perspective seller at your
 18 existing office?
 19 **A. Correct.**
 20 **Q.** And just if you can talk about the
 21 house a little bit before Billy gets into the plans,
 22 what kind of a home is it? Is it a one- or
 23 two-family home?
 24 **A. It's a two-family, but I live there by**
 25 **myself, so I'm literally there, I have one person**

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- 1 **commission to let them know that if someone came to**
 2 **my office that needed to see a file, that they could**
 3 **reach me by my phone, because I'm never in the office**
 4 **--**
 5 **Q.** Okay. And these --
 6 **A. -- and no one is.**
 7 **Q.** And these agents they're for the most
 8 part part-time, retirees, folks that are familiar
 9 with the neighborhood and wanted to continue with a
 10 second career, that type of thing?
 11 **A. Yes.**
 12 **Q.** I'm going to ask you, if you could,
 13 come forward to this plan that's on the board.
 14 **MR. SOKOLICH:** Counsel, I marked as A-1
 15 with your permission?
 16 **MS. DeCARLO:** Yes.
 17 (Whereupon, Architectural Plan
 18 "Proposed Office within Portion of Existing
 19 Two-Family Dwelling" dated 11/27/17 is
 20 received and marked as Exhibit A-1 for
 21 identification.)
 22 **BY MR. SOKOLICH:**
 23 **Q.** This is an architectural plan that's
 24 been prepared by Bill Cocoros of the VCA Group. It
 25 is dated November 27, 2017, entitled "Proposed Office

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1 within Portion of Existing Two-Family Dwelling."
 2 But you were describing, Lois, in your
 3 words, if you can just describe -- first of all, the
 4 lower portion of the page, is there where Glen Avenue
 5 is?

6 **A. Yes.**

7 **Q.** And where is the driveway that you
 8 referred to?

9 **A. The driveway is down this side of the**
 10 **house (indicating).**

11 **Q.** So as you face the house to the left?

12 **A. To the left. So this -- there would be**
 13 **an awning and a side door right here (indicating).**
 14 **So if you came in, ultimately this is really**
 15 **underneath my steps before you get upstairs to the**
 16 **floor where I live on.**

17 **So I have two -- I have a garage here**
 18 **and then this room was changed from a garage to a**
 19 **room (indicating). And I have a door that closes off**
 20 **the rest of the house here. And up the stairs,**
 21 **there's another door that closes off upstairs**
 22 **(indicating). So it really is just this area and in**
 23 **there, if I ever needed it.**

24 **Q.** And where do people park now who use
 25 the house and where would you suspect they would park

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1 at the office for those rare occasions?
 2 Well, first of all, you don't need a
 3 parking space, because the space you used for your
 4 home is, in fact, the space you'd use for the office?

5 **A. Correct.**

6 **Q.** We'd be killing two birds with the
 7 proverbial one stone.

8 But if somebody came to visit you, that
 9 rare occasion, where do you suspect they'd park?

10 **A. My driveway fits at least three cars in**
 11 **it. And I have a 75 frontage -- the front of the**
 12 **house and we have really good parking on our block,**
 13 **so that -- you know, it's very ample, the parking.**

14 **Q.** And I noticed on the floor plan that
 15 Billy prepared, which is the cross-hatched section,
 16 which is essentially two rooms. One is 9 foot 10
 17 inches by 17 foot and change and the other room is 20
 18 feet, 8 inches by approximately 14 feet, 7 inches.

19 **A. Correct.**

20 **Q.** I don't see in that layout a series of
 21 desks and accommodations for multiple people, because
 22 that's not the design of this, correct?

23 **A. Correct.**

24 **Q.** The design of this is so that you have
 25 an area that you can designate as your office, you

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1 can use it as your official office with a brokerage
 2 in New Jersey, correct?

3 **A. Uh-huh.**

4 **Q.** But it's not designed to have people go
 5 there on a day-to-day basis and use it?

6 **A. Not at all.**

7 **Q.** Is there anything else that -- by the
 8 way, how long are you in business?

9 **A. Seven years.**

10 **Q.** And your license is in good standing?

11 **A. It is.**

12 **Q.** Anything else that you would like to
 13 add? Anything else you want the board -- what about
 14 lighting? Do you plan on changing any lighting?

15 **A. Nothing.**

16 **Q.** Nothing?

17 How about signage? Do you plan on
 18 putting a sign that says Grato Real Estate or --

19 **A. I don't plan on that.**

20 **Q.** Okay.

21 **A. If -- if the commission wants me to do**
 22 **it, I can put letters on the side door, on my storm**
 23 **door, but I don't have any intention to do that**
 24 **unless they tell me to do it.**

25 **Q.** So, hypothetically, were this board to

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1 act favorably on this application tonight, and let's
 2 just presume that you retrofitted those two rooms,
 3 you made it the office that you want and we fast
 4 forward, let's say, 30 days from now, anybody
 5 standing in front of your house today, would there be
 6 any discernable difference if we were standing in
 7 front of your house 30 days from now and looking at
 8 your home?

9 **A. No.**

10 **Q.** So there wouldn't be any additions, no
 11 sign, no lights, no nothing?

12 **A. Nothing.**

13 MR. SOKOLICH: Mr. Chairman, I offer
 14 Ms. Grato.

15 CHAIRMAN FERGUSON: Any board members
 16 have any questions?

17 (No response.)

18 CHAIRMAN FERGUSON: Anybody in the
 19 audience have any questions at all?

20 (No response.)

21 CHAIRMAN FERGUSON: Okay. Lois, you're
 22 excused.

23 Do you have another witness?

24 MR. SOKOLICH: Billy for 30 seconds,
 25 Chairman.

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1 CHAIRMAN FERGUSON: Yeah, well, you're
2 probably going to need more than 30 seconds.

3 MR. SOKOLICH: Okay. Bill, come on up.

4 MS. DeCARLO: Do you swear or affirm
5 that the testimony you will give to the board
6 regarding this application is the truth, the whole
7 truth and nothing but the truth.

8 MR. COCOROS: I do.

9 VASSILIOS COCOROS,
10 467 Sylvan Avenue, Englewood Cliffs, New Jersey,
11 having been duly sworn, testifies as follows:

12 MS. DeCARLO: Please state your name
13 and spell it, please.

14 MR. COCOROS: Vassilios,
15 V-A-S-S-I-L-I-O-S, Cocoros, C-O-C-O-R-O-S, 467 Sylvan
16 Avenue, Englewood Cliffs, New Jersey.

17 MS. DeCARLO: Thank you.

18 DIRECT EXAMINATION

19 BY MR. SOKOLICH:

20 Q. Billy, you are the licensed architect
21 for Ms. Grato?

22 A. Yes.

23 Q. And you prepared architectural plans,
24 did you not?

25 A. Yes.

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1 **is the north side. And there's a driveway that leads**
2 **to the backyard, which has a turnaround area and**
3 **access to the existing one-car garage.**
4 **That driveway is wide enough to**
5 **accommodate a car and room for somebody to walk down**
6 **along the building to get into th existing man door**
7 **that's there now.**

8 Q. And the two rooms that you've
9 cross-hatched to the office, how are those rooms used
10 now, if you know?

11 A. **I think right now the hall is basically**
12 **a hallway. There's a closet, coat closet. And the**
13 **other room, I think is almost like a family room**
14 **that's connected to the garage and there's a sliding**
15 **glass door out to the backyard.**

16 Q. And those rooms now if they were to be
17 devoted to this limited office that we're proposing,
18 in fact, wouldn't then be available to the
19 residential occupants, correct?

20 A. **Correct.**

21 Q. So that would arguably diminish the
22 intensity of the residential use?

23 A. **Correct.**

24 Q. And maybe the net effect, I mean, I
25 leave that to the board's consideration and to yours,

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1 Q. You conducted an inspection of the
2 improvement that's there now?

3 A. Yes.

4 Q. You walked through the interior of the
5 premises also?

6 A. **Yes, I did.**

7 Q. You were present during Lois'
8 testimony?

9 A. **Yes, I was.**

10 Q. And you agree with it?

11 A. **Yes, I do.**

12 Q. So we premarked your plan as A-1, which
13 is essentially the floor plan of the existing
14 two-family dwelling, what you call the lower level,
15 correct?

16 A. **Correct.**

17 Q. And there's a cross-hatched area, which
18 I'm given to understand is the area that Ms. Grato
19 proposes to use as her office area?

20 A. **Yes.**

21 Q. In your words, if you could just
22 describe, one, how you get into it, and two, the
23 rooms themselves?

24 A. **The property, which is located on the**
25 **east side of Glen has the driveway to the left, which**

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1 but the net effect might be indiscernible; is that a
2 fair statement?

3 A. **Yes.**

4 Q. Okay. Because Ms. Grato resides at
5 this residence?

6 A. **Yes.**

7 Q. Okay. You heard Ms. Grato testify no
8 signs. You're in agreement with that?

9 A. **Yes.**

10 Q. You don't plan on putting any
11 additional illumination of signage, correct?

12 A. **No. The existing lights at the side**
13 **door, which will remain and the existing light above**
14 **the sliding glass door that's going to remain.**

15 Q. And you're an architect licensed in
16 this area where you've been practicing a while now,
17 Bill. It's got to be over 20 years, right?

18 A. **Yes.**

19 Q. I believe you also develop and buy and
20 sell real estate from time to time?

21 A. **Used to.**

22 Q. Used to. Didn't work out well for you?

23 A. **No.**

24 Q. Well, you now have a broker like
25 Ms. Grato.

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1 Having said that, you're familiar with
2 the protocol, are you not, on buying and selling real
3 estate?

4 **A. Yes.**

5 **Q.** And you've dealt with the Grato firm as
6 well. And it is a true statement that a lot of it is
7 done electronically, as opposed to face to face,
8 correct?

9 **A. Yes. And the actual site, the field
10 that the -- in the field where the dwellings are
11 being sold and looked at.**

12 **Q.** And in light of the low intensity of
13 this specific real estate business, right, and in
14 light of the fact that there is a long driveway to
15 the left of the premises, and in light of the fact
16 that the width of the property, I believe, is 65
17 feet?

18 MS. GRATO: It's 75 feet.

19 **A. It's 75, I think it's -- the depth is
20 deeper than usual.**

21 **Q.** Right. So those conditions, do you
22 have an opinion as to whether or not this low
23 intensity real estate office would have a detrimental
24 impact on the neighborhood from a parking
25 perspective?

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1 **A. No, it can handle -- the way it's being
2 proposed to be operated, it could easily handle the
3 -- her office there.**

4 **Q.** Okay. And just last series of
5 questions, as far as the construction, is there a lot
6 to do to effectively convert these two rooms from a
7 residential use to the low intensity commercial use
8 that's proposed?

9 **A. No. There's an existing door.
10 Everything is basically separated out already.
11 In addition, the area where the hall
12 and the proposed office area in the back has a rated
13 ceiling on there because that was previously a
14 garage.**

15 **Q.** Anything else?

16 And last question: I asked Ms. Grato
17 this, I'm going to ask you this: Were the board to
18 act favorably on the application, if I were looking
19 at that house this evening and then 30 days from now
20 after those two rooms become an office, I were to
21 likewise stand in front of the house, would there be
22 any difference from the view that I have from today
23 versus 30 days from now?

24 **A. No.**

25 **Q.** Would anybody, naked eye, be able to

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1 determine that there's an office there?

2 **A. No.**

3 MR. SOKOLICH: Mr. Chairman, I offer
4 Mr. Cocoros.

5 CHAIRMAN FERGUSON: Mr. Cocoros, you're
6 in front of the board for a use variance?

7 THE WITNESS: Yes.

8 CHAIRMAN FERGUSON: Right. Is there
9 any other variances that you're requiring?

10 THE WITNESS: No, not that I know of.

11 The building, itself, is --

12 CHAIRMAN FERGUSON: It would seem -- it
13 would seem that we might have a little disagreement
14 with that.

15 I don't want to take -- Judd. I -- I
16 believe that our expert is of the opinion -- if I'm
17 misspeaking, Judd, let me know -- that he needs a
18 parking variance or a --

19 MR. ROCCIOLA: Yes. Judd Rocciola.
20 That's my opinion, because it's a use variance and
21 the code requires one space for 200 square feet.

22 I believe that you need a variance for
23 two parking spaces. So, technically, that should be
24 included if the board agrees, your attorney agrees.

25 MR. SOKOLICH: We would, Mr. Chairman,

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1 amend the application to make that request --

2 CHAIRMAN FERGUSON: Right. Okay.

3 MR. SOKOLICH: -- but just to be clear
4 the -- and technically speaking, yes, because each
5 apartment would probably require a minimum of two
6 parking spaces, the office -- is it your
7 computation, Mr. Rocciola, that the office would
8 require two?

9 MR. ROCCIOLA: Two.

10 MR. SOKOLICH: It is. So that, I
11 believe, would be a total maximum of six, albeit the
12 tandem spaces.

13 How many cars, Lois, fit in the
14 driveway?

15 MS. GRATO: Three, maybe four.

16 MR. SOKOLICH: Three, maybe four? So
17 we would amend the application to make that request.
18 I would only ask that the board bear in mind that the
19 -- one, that Ms. Grato uses for residence is also one
20 that's commercial.

21 CHAIRMAN FERGUSON: No, I understand.
22 No, I understand.

23 The -- but it wasn't listed on --

24 Mr. Sokolich, it wasn't listed on the original --

25 MR. SOKOLICH: It was not, only the use

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1 variance was.
 2 CHAIRMAN FERGUSON: Okay. So -- but
 3 you have the catchall?
 4 MR. SOKOLICH: We do.
 5 CHAIRMAN FERGUSON: I haven't gotten
 6 that yet.
 7 MR. SOKOLICH: We do.
 8 CHAIRMAN FERGUSON: You do have the
 9 catchall?
 10 MR. SOKOLICH: Yes, sir.
 11 CHAIRMAN FERGUSON: Okay. You know
 12 what the catchall is.
 13 Anybody on the board have any
 14 questions?
 15 (No response.)
 16 CHAIRMAN FERGUSON: Anybody in the --
 17 oh, go ahead.
 18 We'll take my experts first, then we'll
 19 go -- go ahead, Steve.
 20 MR. COLLAZUOL: Bill, on your plan you
 21 show existing driveway to the rear of the building.
 22 Is that providing for a turnaround?
 23 THE WITNESS: It looks like there's a
 24 turnaround area. There's a garage under the building
 25 that's existing, that's connected to the space that
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1 we have.
 2 There's also a covered porch that's
 3 open underneath that you can basically do, like, a
 4 turnaround in the backyard to access the garage and
 5 be able to come out the driveway.
 6 MR. COLLAZUOL: The existing garage,
 7 what's that going -- it's going to remain as a
 8 garage?
 9 THE WITNESS: Yes.
 10 MR. COLLAZUOL: With about a 13-foot
 11 depth?
 12 THE WITNESS: No, the garage, itself,
 13 is approximately 20 feet. I'm sorry -- 21 feet 4
 14 inches deep. It's separated out with block. There's
 15 a fire-rated wall between the office space. There's
 16 also a door that's a fire-rated door.
 17 And the garage certainly goes out to
 18 the back. You can see where the slider goes that's
 19 where the second garage was previously.
 20 MR. COLLAZUOL: Where's the garage
 21 door?
 22 THE WITNESS: If you look at where it
 23 says existing driveway in the back?
 24 MR. COLLAZUOL: Yes. Oh, that's the
 25 overhead door?
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1 THE WITNESS: Yes.
 2 MR. COLLAZUOL: I see. Okay.
 3 The last question I have is: The wall
 4 between the existing garage and the proposed office
 5 area, does that require to be fire rated?
 6 THE WITNESS: That's fire-rated
 7 already.
 8 MR. COLLAZUOL: It's already?
 9 THE WITNESS: Yes.
 10 MR. COLLAZUOL: Thank you.
 11 THE WITNESS: The ceiling is also.
 12 MR. COLLAZUOL: Thank you.
 13 CHAIRMAN FERGUSON: Judd, do you have
 14 anything else to add?
 15 MR. ROCCIOLA: No, sir.
 16 CHAIRMAN FERGUSON: Mr. Kauker, do you
 17 have anything you want to add?
 18 MR. KAUKER: Nothing.
 19 CHAIRMAN FERGUSON: Okay. Now we're
 20 going to give it to the audience.
 21 Susan, your name and address?
 22 MS. BRAUER: Susan Brauer.
 23 Let's say Ms. Grato is extremely
 24 successful and decides she wants to move to Alpine or
 25 Beverley Hills or something and sells the house, what
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1 happens to the zoning on that house?
 2 CHAIRMAN FERGUSON: Counselor?
 3 MR. SOKOLICH: In my humble opinion, it
 4 would -- the variances that this -- you've heard the
 5 term "run with the land" and if this board were to
 6 grant the relief that Ms. Grato was seeking, those
 7 approvals would run with the land.
 8 However, if any successor in interest
 9 were to materially deviate from what we're
 10 representing, then it would be a violation and they
 11 would have to cease and desist.
 12 So allow me to give you examples of
 13 that.
 14 CHAIRMAN FERGUSON: Sure.
 15 MR. SOKOLICH: Someone else buys this
 16 house, a real estate broker. We'll keep the example
 17 simple. And he or she has three full-time employees.
 18 No good. Another real estate broker buys this house
 19 and he or she insists on constant meetings day in,
 20 day out with perspective clients. It's a violation.
 21 We're making representations to the
 22 board of a specific way in which Ms. Grato conducts
 23 her business. It's a very fine line. It's a very
 24 narrow definition. Our opinion would be if any
 25 successor in interest deviates from that, they
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1 wouldn't be able to take advantage of the approvals
 2 that we're hopeful to obtain.
 3 CHAIRMAN FERGUSON: Anybody else?
 4 MR. SOKOLICH: But great question.
 5 CHAIRMAN FERGUSON: Yeah. Any
 6 questions from anyone?
 7 (No response.)
 8 CHAIRMAN FERGUSON: Okay. Do you have
 9 anything else?
 10 MR. SOKOLICH: I do not, Mr. Chairman.
 11 CHAIRMAN FERGUSON: All right. So I'm
 12 going to make a motion to approve the application
 13 with a second.
 14 VICE CHAIRMAN ALBANESE: I'll second.
 15 CHAIRMAN FERGUSON: Roll call vote.
 16 MS. LAMBRINIDES: Mr. Ferguson.
 17 CHAIRMAN FERGUSON: Yes.
 18 MS. LAMBRINIDES: Mr. Albanese?
 19 VICE CHAIRMAN ALBANESE: Yes.
 20 MS. LAMBRINIDES: Mr. Terranova?
 21 MR. TERRANOVA: Yes.
 22 MS. LAMBRINIDES: Mr. Nam?
 23 MR. NAM: Yes.
 24 MS. LAMBRINIDES: Ms. Yoon?
 25 MS. YOON: Yes.

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1 MS. LAMBRINIDES: Mr. Carnovale?
 2 MR. CARNOVALE: Yes.
 3 MS. LAMBRINIDES: Mr. Lefteriou?
 4 MR. LEFTERIOU: Yes.
 5 CHAIRMAN FERGUSON: Thank you.
 6 MR. SOKOLICH: Chairman, Members of the
 7 Board, thank you very much for your consideration.
 8 Thank you.
 9 MS. GRATO: Thank you everyone.
 10 MR. SOKOLICH: Thank you, guys.
 11 CHAIRMAN FERGUSON: Okay. Next up,
 12 that would be 17-17, Bergen KR, LLC.
 13 Counsel, do you want to put your
 14 appearance in?
 15 MR. RAMUNDO: Yes.
 16 CHAIRMAN FERGUSON: Good to see you.
 17 MR. RAMUNDO: Good evening.
 18 Most respectfully with pleasure,
 19 Mr. Chairman, Marc Ramundo appearing today on behalf
 20 of the applicant, Bergen KR, LLC.
 21 With your permission, I'd like to just
 22 submit the proof of mailing. There's a bunch here.
 23 CHAIRMAN FERGUSON: Yeah.
 24 MS. LAMBRINIDES: Oh, wow.
 25 MR. RAMUNDO: The Trio if right behind

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1 us so I think it's about 190 notices.
 2 CHAIRMAN FERGUSON: Yes.
 3 So, Marc, as she's reviewing this, how
 4 many witnesses do you have tonight.
 5 MR. RAMUNDO: Just two, Mr. Chairman.
 6 We have the architect, Seung Kim and Lisa Phillips,
 7 our planner.
 8 CHAIRMAN FERGUSON: Okay.
 9 MR. RAMUNDO: We'll keep it nice and
 10 brief.
 11 CHAIRMAN FERGUSON: There you go.
 12 MR. RAMUNDO: Good evening, again,
 13 Mr. Chairman.
 14 MS. DeCARLO: Mr. Ramundo, it's
 15 voluminous. Can you just show me where the date is
 16 on here.
 17 MR. RAMUNDO: Sure, yeah. Exhibit D I
 18 have the publication from The Record and that was
 19 March 9th.
 20 So exactly -- we have the 10-day
 21 requirement.
 22 MS. DeCARLO: Okay. Great. And then
 23 the mailing.
 24 MR. RAMUNDO: The mailings were all
 25 what you just saw, and then Exhibit E would be the

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1 notice that went out.
 2 And this is the affidavit and she
 3 mailed it all on March 9th.
 4 This is the list, proof that taxes are
 5 paid and are current.
 6 MS. DeCARLO: Do you have these that
 7 are stamped or the white stamps or...
 8 MR. RAMUNDO: I have, let's see,
 9 everything that came in, the green cards, would be
 10 attached to them and I have copies.
 11 These are the white stamps right here.
 12 And we just mail these, staple them to it, when they
 13 come in.
 14 MS. DeCARLO: But I know Diane usually
 15 looks for the postmark here or is it just the
 16 affidavit.
 17 MR. RAMUNDO: Just the affidavit,
 18 because actually this one would be it, because we ran
 19 it through a meter.
 20 MS. DeCARLO: Okay.
 21 MR. RAMUNDO: But this one -- this one
 22 came back.
 23 MS. DeCARLO: That was the 13th.
 24 MR. RAMUNDO: So anything that came
 25 back, we just put it back -- back in --

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1 MS. DeCARLO: Okay. All right.
 2 CHAIRMAN FERGUSON: We are going to
 3 take a five-minute break.
 4 (Whereupon, a brief recess is taken.)
 5 CHAIRMAN FERGUSON: All right. We are
 6 back in session.
 7 Do you want to take a roll call for
 8 attendance?
 9 MS. LAMBRINIDES: Mr. Ferguson.
 10 CHAIRMAN FERGUSON: Here.
 11 MS. LAMBRINIDES: Mr. Albanese?
 12 VICE CHAIRMAN ALBANESE: Here.
 13 MS. LAMBRINIDES: Mr. Terranova?
 14 MR. TERRANOVA: Here.
 15 MS. LAMBRINIDES: Mr. Nam?
 16 MR. NAM: Here.
 17 MS. LAMBRINIDES: Ms. Yoon?
 18 MS. YOON: Here.
 19 MS. LAMBRINIDES: Mr. Carnovale?
 20 MR. CARNOVALE: Here.
 21 MS. LAMBRINIDES: Mr. Lefteriou?
 22 MR. LEFTERIOU: Here.
 23 CHAIRMAN FERGUSON: Okay. Counsel, I
 24 believe we're good. Is that correct?
 25 MS. DeCARLO: Yes. I've reviewed the

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1 publication and the notices and they're sufficient
 2 for jurisdiction.
 3 MR. RAMUNDO: Thank you.
 4 CHAIRMAN FERGUSON: Take it away.
 5 MR. RAMUNDO: Thank you very much.
 6 And once again, good evening,
 7 Mr. Chairman, Ms. DeCarlo, Honorable Board Members,
 8 Members of the Public. My name is Marc Ramundo. My
 9 offices are right up the hill on the corner of East
 10 Central Boulevard and Bergen Boulevard, which is 416
 11 Central Boulevard.
 12 I'm here tonight respectfully and
 13 humbly representing the applicant, Bergen KR, LLC,
 14 who is the tenant under a proposed lease agreement
 15 with the owner of the building located at 400 Bergen
 16 Boulevard.
 17 It's an existing commercial building on
 18 the corner of East Palisades and Bergen Boulevard. I
 19 think there's a Kuiken business in the front. This
 20 business would be in the rear of the building with
 21 the parking lot adjacent to it.
 22 So we have the two lots there, Block
 23 420, Lots 23 and 24. So you have the building and
 24 then the parking lot right behind it to incorporate
 25 all the parking for the -- for the proposed use.

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1 The applicant is here, Ms. Lee -- I'm
 2 sorry, Mrs. Kim. Mr. Lee is also there. I'm
 3 sorry -- Ms. Kim is here. She currently owns and
 4 operates a similar bar/restaurant here on Broad
 5 Avenue. She lives in town as well. She's operated
 6 the business here for, I believe, 11 years.
 7 And the intention here is, you know, if
 8 this board is so kind as to grant her the relief
 9 she's requesting, she will move the business up there
 10 and transfer her liquor license up there as well.
 11 So the applicant is respectfully and
 12 kindly requesting a (d)(1) use variance to allow for
 13 the karaoke component of the bar and restaurant
 14 business at 400 Bergen Boulevard, which -- because
 15 currently it's in the MC zone and the MC zone does
 16 allow for bar and restaurants as it is, but, again,
 17 it's just the karaoke component of it that's not the
 18 permitted use.
 19 However, in the MC zone, and I'll have
 20 Ms. Phillips, you know, further testify, it does
 21 allow for commercial/recreational activities and
 22 facilities like a bowling alley and other examples
 23 that Ms. Phillips will testify to today.

24 The applicant is also requesting a
 25 parking variance tonight and specifically the
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1 building's parking lot provides for 13 spaces as it
 2 is and where 22 would be required. And the applicant
 3 is proposing providing for valet parking for the
 4 entire -- during the hours of operation, the entire
 5 hours of operation to help alleviate, you know, any
 6 parking concerns that the borough may have. That's
 7 an added expense that she's willing to undertake and
 8 bear herself.
 9 And you'll also hear the testimony that
 10 the number of spaces will actually be less if you
 11 take into account the parking in the front of the
 12 building and also due to the valet component, we may
 13 be able to stack some cars in other areas along the
 14 driveway, but we'll have testimony with regard to
 15 that to make it seem that the parking issue has been
 16 thought about excessively and we're trying to address
 17 it to make it -- to minimize the impact.
 18 The applicant will have two experts
 19 tonight, as I mentioned, Mr. Seung Kim, who's the
 20 architect and also Ms. Lisa Phillips, who will
 21 testify more from the planning and -- planning aspect
 22 of it and zoning. After reviewing the master deed --
 23 I'm sorry -- master plan of the borough and also the
 24 current requirements of the town's zoning.

25 So without further ado, I would like to
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1 call Mr. Kim, the architect. We'd like, with the
2 board's permission and counsel's permission, I could
3 mark it as A-1 and date it.

4 MS. DeCARLO: Yes, please.

5 MR. RAMUNDO: I'll do that in the upper
6 left.

7 MS. DeCARLO: Do you swear or affirm
8 that the testimony you'll provide to the board
9 concerning this application is the truth, the whole
10 truth and nothing but the truth?

11 MR. KIM: Yes, I do.

12 S E U N G K I M,

13 Having been duly sworn, testifies as follows:

14 MS. DeCARLO: Say and spell your name
15 for the record, please.

16 MR. KIM: Yeah. My name is Seung,
17 S-E-U-N-G, W. Kim, K-I-M.

18 I'm a New Jersey registered architect.

19 And I've been doing testimony on this board for
20 almost, like, over 15 years.

21 CHAIRMAN FERGUSON: Yeah. We're going
22 to accept him.

23 Just if we can keep the volume up.

24 MR. KIM: Yes, sir.

25 CHAIRMAN FERGUSON: Because my hearing

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1 is not -- all right.

2 MR. KIM: So I mean as Mr. Ramundo just
3 stated from the beginning, the subject is located at
4 the intersection of East Central -- Central Boulevard
5 and Bergen Boulevard.

6 And this sort of like a complicated
7 location, some sort of complicated intersection of
8 the traffic over here.

9 So we inspected some issues on the old
10 traffic, but I think Lisa, the planner, will testify
11 to all of that, you know, the traffic problem.

12 But, you know, in my point of view, I
13 mean, I'll just explain what we're trying to propose
14 in this case. Basically this function of our
15 proposal is actually eating and drinking
16 establishment with the karaoke.

17 Actually, karaoke probably you can find
18 anywhere in Palisades Park, maybe 20 of them, maybe
19 30 of them. I think there's a lot of businesses
20 going in at the same time, but by the time that the
21 -- I mean, my client tried to put maybe -- actually
22 is competing with some other businesses and trying to
23 put this business with eating and drinking, plus some
24 kind of karaoke to try to create some of the -- I
25 mean improve her own business.

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1 So she decided this location could be
2 the -- maybe well-exposed to the -- you know, to the
3 street and all the people. So she decided this
4 location and this kind of business right here.

5 So basically I can explain the three
6 function of the space, as I said, eating and drinking
7 is basically eating and, you know, drinking and
8 karaoke.

9 So as I see, this is a large floor plan
10 that you can see on the site plan, but I just
11 enlarged the floor plan right over here.

12 The space, itself, if -- you know, we
13 created like some separate rooms for the private
14 dining and then we have provided some kind of an open
15 bar and all of the space has -- in all the karaoke
16 facilities, while they got served and then eating and
17 -- I mean, eating and then they can enjoy all the
18 karaoke. That's the main purpose of this business
19 itself.

20 So we created, like, a total of 11,
21 like, private rooms and one large karaoke bar is
22 right over here (indicating).

23 So you see the 11, you know, each
24 karaoke room with the eating and they can say the
25 four seating rooms. Actually, I provided cubicles,

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1 five private rooms for the four seaters and then
2 three -- two -- two rooms for the three seaters and
3 two rooms for the two seaters and six -- one room for
4 six seaters and seven -- one room for the seven
5 seaters.

6 So all together 11 rooms and all
7 seating requirements is almost, like, 56 seats all
8 together.

9 Also, I just missed on this one here,
10 the karaoke bar, I mean an open bar, so it shows
11 about 13 seats, all together it's 56 seats.

12 So, basically, the parking requirement
13 for this kind of facility is basically the -- from
14 the zoning, Palisades Park zoning, 2.5 seat per one
15 parking space.

16 So, basically, actually we need about
17 22 parking space in our property right here, but
18 actually we provide only 13.

19 Lisa will testify, you know, for the
20 details later on that we do have some of the
21 on-street parking, another off-street parking up
22 there.

23 But, mainly, we're trying to use the
24 older parking is at the back of this building, which
25 is the existing parking lot. It used to be actually

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1 14 spaces provided, but, there's a -- but, you know,
2 in order to comply with some handicap law and -- we
3 converted one of the parking spots as a handicap
4 space. It turned out to be, like, 13 spots.

5 So that we needed about, you know,
6 seven -- I'm sorry, the -- six or seven parking --
7 seven -- no, nine, nine parking variance for that.
8 Lisa will elaborate the details over here.

9 So in my point of view, you know, on
10 the architecture point up here, so basically the
11 accessway, it used to be at Bergen Boulevard, but for
12 this specific use it creates new business entrance
13 towards the -- I mean, near the other parking lot
14 area.

15 So there's some kind of existing
16 loading dock area at the corner of the building,
17 which is close to the parking lot that we -- make it
18 into the new entrance of this business, itself.

19 So that's going to be main entrance and
20 then, you know, coming in through here, at least try
21 to, you know, eliminate some walking distance from
22 the parking lot, so just basically so that's why
23 we're trying to put in the new business entrance at
24 the corner of the building.

25 You come into the building and you see
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1 the open bar, the drinking bar the, you know -- and
2 by the waiter, and then you can just lead to some of
3 the karaoke rooms with the -- you know, all the
4 eating and drinking, you know, spaces right there.

5 And then the back of the building, I
6 mean, the north side of the -- this place, right
7 here, basically is the main kitchen serving all the
8 food over here (indicating).

9 The kitchen, itself, is connected to
10 some of the driveway on the other side of the
11 building actually, you know, that used to be some
12 loading and unloading the spaces in the building. So
13 we still keep using the existing, you know, the
14 spaces up.

15 So that's basically the layout of the
16 space right here (indicating).

17 And then, I think one of the issues
18 from the board engineer regarding the handicap
19 accessibility, yes, there's some issues on that here.
20 The -- from the Bergen Boulevard to the parking lot,
21 actually level difference is about, like, 20, 21
22 inches. So that's why they provide some of the
23 loading at the corner which we utilize as the
24 entranceway, but the solution is -- I think the board
25 engineer's suggestion is maybe putting some kind of a

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1 handicap access ramp to the entranceway, but I prefer
2 actually the -- there's a gentle slope on East
3 Palisades Boulevard and come around -- you know, come
4 to the building on the main entrance door of the
5 building and come into that, you know, that space
6 right here, that's the best, I think, main accessible
7 route for this space right here (indicating).

8 There's a little difference, level
9 differences inside of the building. I think we can
10 provide some other ramp inside of the building and
11 then I think if we can -- you know, the -- provide
12 some of the solution with some architectural design
13 on it.

14 So I don't think this is a big problem
15 with the handicap accessibility into the building
16 right here (indicating).

17 As you know, the restaurant, itself --
18 I don't think some kind of a nuisance going to
19 happen, and the nuisance, you know, some garbage and
20 all that things, we utilize the existing, you know,
21 garbage containers in the back of the building here
22 (indicating) and the -- I don't think there's big
23 issues in this proposal here.

24 But one other thing that maybe, you
25 know, everybody think about, maybe noise about this
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1 kind of facility right here.

2 The basement of this building, itself,
3 is totally compacted actually. And it's a brick
4 building. And then I don't see some kind of -- some
5 kind of a noise coming out from this building right
6 here (indicating), and even the -- between the
7 article -- I mean between this rooms, each rooms, and
8 we're going to provide some of the sound insulation
9 partition for each room. So -- so, basically, we --
10 in the architecture we can design in there all the
11 soundproofing in all this facility right over here.

12 And so one other thing the -- to
13 improve, I mean, to benefit this application here, I
14 mean, used to be old offices in there. We basically
15 improved all the outside of the building, well, not
16 much, but actually putting the new entrance doorway,
17 so that -- it could be some improvement over the
18 whole entire building and then putting a lot of the
19 investment on the inside the building, that could be
20 really the benefit of the -- the improving of this
21 building, itself.

22 **Q.** And, Mr. Kim, there's no proposed site
23 work on this particular change of use?

24 **A. Oh, yeah. One other thing that I have**
25 **to emphasize on this application here, basically we**
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1 don't touch any site work. So we don't propose any
2 outside work here. This is solely the -- applying
3 for interior renovation, the interior alteration of
4 the space. I mean, that's the -- actually the
5 proposal of this.

6 Yes, but the board engineer's comment
7 here, you know, it seems like it will between --
8 between -- we're proposing 81 foot, but actually it's
9 not. So only thing that the -- he made a comment and
10 some of the existing driveway is -- we couldn't find
11 any kind of extra lighting there, so actually we
12 propose only putting two extra -- extra lighting on
13 the driveway, that's all we do.

14 MR. RAMUNDO: Mr. Chairman, offer
15 Mr. Kim for questions.

16 CHAIRMAN FERGUSON: Okay. Counsel, you
17 -- is he going to answer questions about hours of
18 operation?

19 Lisa is going to do it? Okay. And
20 also the parking, the -- you're going to handle that,
21 too?

22 MR. RAMUNDO: Yeah, Ms. Phillips is
23 going to handle that.

24 CHAIRMAN FERGUSON: So you're asking
25 for nine --

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1 THE WITNESS: You mean, the handicap
2 access we did not do.

3 MR. COLLAZUOL: No, not yet.

4 But are there any other triggers that
5 are triggered because you're making more than 50
6 percent changes within in -- inside the building?

7 THE WITNESS: I couldn't understand
8 quietly [sic] I mean this -- could you just elaborate
9 your intentions on that?

10 MR. COLLAZUOL: If you're renovating a
11 building more than 50 percent --

12 THE WITNESS: Right.

13 MR. COLLAZUOL: -- doesn't that trigger
14 certain requirements? Such as fire walls between
15 different tenants or anything like that?

16 THE WITNESS: That -- that actually --
17 whether it's renovating one at 50 percent, you still
18 require to between the tenants. Actually the space
19 is only two tenants actually. One of them is ours
20 and one of them is the Kuiken, the construction
21 Montreal showroom. Between that space is actually a
22 fire wall, demising with a fire wall, that's all
23 that's required --

24 MR. COLLAZUOL: Okay.

25 THE WITNESS: -- and nothing else,

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1 THE WITNESS: Nine car parking
2 variance.

3 CHAIRMAN FERGUSON: Nine parking
4 variance, right?

5 THE WITNESS: That's correct.

6 CHAIRMAN FERGUSON: Okay. Any other
7 board members have any questions?

8 (No response.)

9 CHAIRMAN FERGUSON: No? Okay. I guess
10 we'll work our way down our experts.

11 Steve, do you want to go first and work
12 our way down?

13 MR. COLLAZUOL: Yes, thank you.

14 We prepared a report on the 16th.

15 Mr. Kim, I have just a few questions.

16 THE WITNESS: Yes.

17 MR. COLLAZUOL: The first comment was
18 that it looks like you're making changes to something
19 like 61 percent of the building, which is greater
20 than 50 percent.

21 Is there a trigger where you are
22 required to do certain things within the building?

23 THE WITNESS: Yes.

24 MR. COLLAZUOL: And you're providing
25 that, such as what?

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1 actually.

2 MR. COLLAZUOL: All right.

3 The rear vestibule door --

4 THE WITNESS: Right.

5 MR. COLLAZUOL: -- is shown to open to
6 the existing driveway.

7 Is that an emergency exit?

8 THE WITNESS: It's -- it's sort of the
9 emergency exit and this loading and unloading access.

10 MR. COLLAZUOL: So you will be using
11 the driveway to load into that rear, which is the
12 kitchen?

13 THE WITNESS: Yes, that's correct.

14 MR. COLLAZUOL: If there was an
15 emergency, would you imagine or project that the --
16 any danger with anybody as trying to get out the back
17 of that building there with that being a driveway?

18 THE WITNESS: Well, we -- basically
19 they cannot load. I mean, parking the car in front
20 of the driveway, it has to be cleared out and in the
21 emergency, yeah, you're 100 percent correct. It
22 could be the violation on that, but the building has
23 been used that way all the times and I don't know if
24 we have to, you know, improve that situation there,
25 then we have to create a new access -- I mean, new

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1 -- the unloading and loading spaces for that.
 2 In order to do that, then I have to get
 3 rid of some of the parking space.
 4 MR. COLLAZUOL: So that rear vestibule
 5 that you're showing is an existing?
 6 THE WITNESS: That is correct.
 7 MR. COLLAZUOL: The front entrance does
 8 not appear to be connected to a sidewalk along Bergen
 9 Boulevard. There's pavement continuous from the
 10 white stripe --
 11 THE WITNESS: Yes.
 12 MR. COLLAZUOL: -- for the northbound
 13 traffic lane right up to the building.
 14 So there's no designated walking area
 15 from the sidewalk on East Palisade Avenue to the
 16 front of the building.
 17 Could you do something about that?
 18 THE WITNESS: Well, I think whether
 19 it's legally or illegally, they -- actually they --
 20 the previous tenant occupied that front of the
 21 building, they actually they park their car, but not
 22 only the Kuiken side, and our side, they used to park
 23 their car over there.
 24 And I know this is totally illegal and,
 25 then, you know, it was a really dangerous situation,
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1 but I do believe that people -- previous tenant used
 2 all the walkway and this right here, but this -- this
 3 situation here, I mean, our -- you know, for our
 4 business right here, basically, people is not going
 5 to use for the front door, for the access to this
 6 space right here (indicating).
 7 Like I said, it's only handicap
 8 accessibility we can provide on that. So it's not
 9 just regular customers come around the, you know,
 10 building and then using the front door. So...
 11 MR. COLLAZUOL: You lost me.
 12 Are you going to use the front entrance
 13 for an ADA entrance?
 14 THE WITNESS: Yes, that's correct.
 15 MR. COLLAZUOL: So you have to provide
 16 an ADA ramp there, to that entrance.
 17 THE WITNESS: That is the street level.
 18 Then there's no steps on it.
 19 MR. COLLAZUOL: Are you going to
 20 designate it with striping?
 21 THE WITNESS: Yes.
 22 MR. COLLAZUOL: In any way for --
 23 THE WITNESS: You mean the handicap
 24 parking or handicap --
 25 MR. COLLAZUOL: Well, it used to be
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1 using for parking in front of that section of the
 2 building.
 3 THE WITNESS: No, no, no, I'm not
 4 saying to you handicap parking. Handicap parking is
 5 provided in the parking lot.
 6 MR. COLLAZUOL: Oh.
 7 THE WITNESS: And actually follow the
 8 sidewalk and then come around to the building and
 9 then, yeah.
 10 MR. COLLAZUOL: What I'm getting at is
 11 there's no designated walkway in the front of the
 12 building in front of the Bergen Boulevard frontage.
 13 So could you do something like stripe it to designate
 14 it as a pedestrian walkway?
 15 THE WITNESS: Yes, I will do that.
 16 We'll do that.
 17 MR. COLLAZUOL: The entrance on East
 18 Palisades Boulevard is being changed.
 19 Right now there's an overhead door, a
 20 drop curb and an apron. Your plan shows you're just
 21 relocating the entrance and you're creating a new
 22 platform with two steps.
 23 THE WITNESS: That's correct.
 24 MR. COLLAZUOL: So that's not going to
 25 be an ADA accessible located; is that correct?
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1 THE WITNESS: It's not.
 2 There's no room, actually. In addition
 3 to your comment there, I was thinking that, yes, we
 4 can provide some ADA accessibility down there. We
 5 still need -- we got only 5 foot 3 inches. And, you
 6 know, that -- from the property line to the surface
 7 of the building, which is not enough for -- to
 8 provide some handicap ramp in that location.
 9 Otherwise --
 10 MR. COLLAZUOL: Are you --
 11 THE WITNESS: Yes.
 12 MR. COLLAZUOL: -- are you required
 13 under ADA rules to have that ADA space closest to the
 14 immediate --
 15 THE WITNESS: Parking.
 16 MR. COLLAZUOL: -- entrance to the
 17 building?
 18 THE WITNESS: That I know, yes.
 19 MR. COLLAZUOL: So are you meeting that
 20 criteria by having ADA space closest to the entrance
 21 of the building?
 22 THE WITNESS: Well, this time here and
 23 then -- I don't want to ruin the, like, entranceway
 24 with all the handicap. The -- on top of it if you
 25 rented to somebody -- taking some of the space in the
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1 right-of-way, you know, yeah, I'm willing to provide
 2 on that.
 3 I mean in order to create an ADA
 4 handicap ramp in that location, it's very tight to
 5 provide handicap.
 6 MR. COLLAZUOL: So the answer is no?
 7 THE WITNESS: No.
 8 MR. COLLAZUOL: But you would if this
 9 -- or if the borough were to allow you to provide the
 10 ramp in the right-of-way?
 11 THE WITNESS: Yes.
 12 MR. COLLAZUOL: The corner ramp is not
 13 compliant.
 14 Typically a developer, when making an
 15 application for a development, has to make the corner
 16 ramp, the public corner ramp by the light pole
 17 compliant. That was item number six in our report.
 18 THE WITNESS: You're talking about
 19 right here (indicating)?
 20 MR. COLLAZUOL: At the corner where the
 21 traffic light --
 22 THE WITNESS: Yes.
 23 MR. COLLAZUOL: -- pole is.
 24 Have you examined that to determine if
 25 that's compliant with the ADA federal regulations?

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1 THE WITNESS: That the -- I think -- I
 2 assume that -- well, I did not measure -- I think the
 3 -- I'm not the actual civil engineer for that, but I
 4 think the -- they provided -- I'll assume that it was
 5 approved that way.
 6 MR. COLLAZUOL: That's an assumption?
 7 THE WITNESS: Yes.
 8 MR. COLLAZUOL: Okay. Thank you.
 9 I don't believe that the corner ramp is
 10 compliant.
 11 CHAIRMAN FERGUSON: You don't believe
 12 that --
 13 MR. COLLAZUOL: And I believe that it
 14 may be the applicant's responsibility to improve that
 15 ADA corner ramp in the public right-of-way.
 16 CHAIRMAN FERGUSON: Counsel?
 17 MR. RAMUNDO: That's true. I did -- I
 18 had a conversation this morning with our engineer
 19 Mark Martins. He did say whatever the board
 20 requires, if it needs to comply, he will make it
 21 compliant.
 22 CHAIRMAN FERGUSON: Okay.
 23 MR. RAMUNDO: Absolutely.
 24 CHAIRMAN FERGUSON: So do you want to
 25 put that in the memorializing -- okay.

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1 Judd, do you have a few?
 2 MR. ROCCIOLA: Well, I -- I think some
 3 of my comments are going to be addressed by the
 4 planner possibly.
 5 CHAIRMAN FERGUSON: Okay. That's fine.
 6 MR. ROCCIOLA: The one question I do
 7 have, the four parking spaces that are in front of
 8 the building, are -- are they approved parking
 9 spaces? Are they a part of the site plan or not?
 10 THE WITNESS: We didn't propose that
 11 fourth parking spot in our application variance. But
 12 that --
 13 MR. ROCCIOLA: I know you're not
 14 proposing using them, but --
 15 THE WITNESS: No, not for our --
 16 MR. ROCCIOLA: -- one of my questions
 17 was: Will they be available in the future the
 18 four --
 19 THE WITNESS: The four parking spaces
 20 in front of our space or the other side right here
 21 (indicating), showing you right over here?
 22 That is -- belongs to the other tenant,
 23 actually. So, you know, in our application actually
 24 we don't concern anything, you know, that parking
 25 spots.

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1 MR. ROCCIOLA: But they are -- they are
 2 on the original site plan --
 3 THE WITNESS: They are --
 4 MR. ROCCIOLA: -- they are approved
 5 parking spaces for this.
 6 THE WITNESS: Yes, I believe so. I
 7 think probably the planner will testify on that.
 8 MR. ROCCIOLA: Okay. I will wait for
 9 the planner for the rest of my comments.
 10 CHAIRMAN FERGUSON: I don't blame you.
 11 MR. KAUKER: Yeah, I do have some
 12 questions, but I believe counsel for the applicant
 13 indicated that the planner would address those
 14 issues.
 15 MR. RAMUNDO: Yes.
 16 CHAIRMAN FERGUSON: Good choice.
 17 Any -- name and address?
 18 MS. SCHOR: Marsha Schor.
 19 May I ask, do you have any windows n
 20 this building at all?
 21 THE WITNESS: It's only high -- small,
 22 high window on the -- along the East Palisade
 23 Boulevard side.
 24 There's no windows at the back.
 25 Another window at the front there. Basically --

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1 MS. SCHOR: Okay.
 2 THE WITNESS: -- the building is sealed
 3 up --
 4 MS. SCHOR: Can I -- can I ask you,
 5 first of all, I thought you needed windows for air
 6 and God forbid in case of emergency, but I never
 7 heard of a restaurant, which is what you're
 8 proposing, that's not really a restaurant, is it?
 9 It's just individual rooms.
 10 CHAIRMAN FERGUSON: Right.
 11 MS. SCHOR: I don't think that's
 12 classified as a restaurant.
 13 CHAIRMAN FERGUSON: That's karaoke.
 14 Well, to be honest with you, I've never
 15 been in a karaoke, but my understanding of it is
 16 that, you know, people sit in the private rooms they
 17 -- and then they get an opportunity to go -- is that
 18 correct?
 19 THE WITNESS: Yes.
 20 CHAIRMAN FERGUSON: They eat in the
 21 private rooms.
 22 THE WITNESS: Yes, that's correct.
 23 CHAIRMAN FERGUSON: But if you want to
 24 perform, you have to come out into the main area; is
 25 that correct?

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1 THE WITNESS: That is correct.
 2 CHAIRMAN FERGUSON: Okay. The rooms
 3 are private. You heard of private rooms.
 4 MS. SCHOR: No, private rooms, yeah,
 5 but not for dining. I mean I heard of karaoke, they
 6 have private rooms for, like, individual groups of
 7 people want to do their thing in a karaoke, fine.
 8 But not when it's a table where they
 9 actually sit in there, get waiter service for food.
 10 CHAIRMAN FERGUSON: Well, I don't know.
 11 I mean --
 12 THE WITNESS: It happens. It happens,
 13 yeah.
 14 MR. RAMUNDO: The karaoke is in the
 15 room.
 16 THE WITNESS: Well, each karaoke
 17 machine -- it's a personal machine in each room.
 18 MS. SCHOR: In each room.
 19 THE WITNESS: In each room.
 20 And also --
 21 MS. SCHOR: I know it's -- so they --
 22 they eat and they do whatever they do in the one
 23 room. They don't gather outside, Joe. They stay in
 24 that room.
 25 MS. PHILLIPS: No, there's a bar too.

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1 CHAIRMAN FERGUSON: Yeah, but -- but
 2 the stage isn't in every room.
 3 MS. SCHOR: No.
 4 THE WITNESS: Yeah. And then they --
 5 if they want, if they want to go out to get out of
 6 the room and they only enjoy some other space,
 7 there's an open bar there.
 8 MS. SCHOR: There's an open bar?
 9 THE WITNESS: So I mean --
 10 CHAIRMAN FERGUSON: Yeah, they come out
 11 of the room and they --
 12 THE WITNESS: We provide an open bar.
 13 CHAIRMAN FERGUSON: -- preform. Where
 14 do they preform.
 15 MS. SCHOR: But there's no -- there's
 16 no stage, is there? I mean, if these people want to
 17 go out and perform, is there a stage there or
 18 something where they can go out and --
 19 THE WITNESS: Yeah, I mean, it depends
 20 upon the customer.
 21 MS. SCHOR: I've never been in a
 22 karaoke. I'm asking you.
 23 THE WITNESS: Yes, ma'am.
 24 MS. SCHOR: You're the architect.
 25 THE WITNESS: That's -- that's what

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1 happens actually.
 2 I mean, some of the people want -- they
 3 privately, you know, eating and then after eating or
 4 while they're eating, that they want to perform, they
 5 want to -- you know, singings and all that things.
 6 MS. SCHOR: They do it in that room.
 7 THE WITNESS: That's a personal thing,
 8 but sometimes -- but if they finish up the eating,
 9 then some people they like to get out of the room,
 10 they come and join in the open bar and then they, you
 11 know...
 12 MS. SCHOR: Then they get drunk and
 13 sing, is what you make it sound like.
 14 THE WITNESS: Maybe --
 15 MS. SCHOR: That's what it sounds like.
 16 CHAIRMAN FERGUSON: Anybody else?
 17 Anybody else?
 18 (No response.)
 19 CHAIRMAN FERGUSON: Nobody else? Okay.
 20 Counsel, I think we're going to take a
 21 five-minute break and then we can finish up with your
 22 next witness and hopefully we'll move on. Okay, five
 23 minutes.
 24 (Whereupon, a brief recess is taken.)
 25 CHAIRMAN FERGUSON: Okay. We're ready.

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1 Everybody is here.
 2 Paulie, you're with us?
 3 VICE CHAIRMAN ALBANESE: Yes.
 4 CHAIRMAN FERGUSON: This is important
 5 testimony, Paul.
 6 Okay. Roll call for attendance.
 7 MS. LAMBRINIDES: Mr. Ferguson?
 8 CHAIRMAN FERGUSON: Here.
 9 MS. LAMBRINIDES: Mr. Albanese?
 10 VICE CHAIRMAN ALBANESE: Here.
 11 MS. LAMBRINIDES: Mr. Terranova?
 12 MR. TERRANOVA: Here.
 13 MS. LAMBRINIDES: Mr. Nam?
 14 MR. NAM: Here.
 15 MS. LAMBRINIDES: Ms. Yoon?
 16 MS. YOON: Here.
 17 MS. LAMBRINIDES: Mr. Carnovale?
 18 MR. CARNOVALE: Here.
 19 MS. LAMBRINIDES: Mr. Lefteriou?
 20 MR. LEFTERIOU: Here.
 21 CHAIRMAN FERGUSON: Okay. Do you want
 22 to put your next witness on, Counsel?
 23 MR. RAMUNDO: Very good. Applicant
 24 calls Ms. Lisa Phillips.
 25 MS. DeCARLO: Do you swear or affirm
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1 that the testimony you'll give concerning this
 2 application to the board is the truth, the whole
 3 truth and nothing but the truth?
 4 MS. PHILLIPS: Yes, I do.
 5 L I S A P H I L L I P S,
 6 having been duly sworn, testifies as follows:
 7 MS. DeCARLO: Could you state your name
 8 and spell it, please.
 9 MS. PHILLIPS: Lisa, L-I-S-A, Phillips,
 10 P-H-I-L-L-I-P-S.
 11 MS. DeCARLO: Thank you.
 12 CHAIRMAN FERGUSON: Ms. Phillips has
 13 been here many times. We'll accept her as an expert.
 14 MS. PHILLIPS: Thank you.
 15 MR. RAMUNDO: Very good.
 16 Rather than a question-and-answer,
 17 Ms. Phillips is actually going to testify in the
 18 narrative.
 19 CHAIRMAN FERGUSON: Okay.
 20 MR. RAMUNDO: She has many areas that
 21 she wants to --
 22 CHAIRMAN FERGUSON: Yeah, no -- I
 23 appreciate that.
 24 MS. PHILLIPS: I'm just going to hand
 25 out the photo exhibits.
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1 So there are two pages, a total of
 2 eight photographs --
 3 CHAIRMAN FERGUSON: Thank you.
 4 MS. LAMBRINIDES: I'll get them.
 5 MS. PHILLIPS: Oh, okay, thank you.
 6 MS. LAMBRINIDES: So you can continue.
 7 MS. PHILLIPS: Thank you.
 8 -- that I've taken myself about two
 9 weeks ago. They haven't been altered in any way.
 10 They represent the current conditions.
 11 CHAIRMAN FERGUSON: Okay.
 12 MS. PHILLIPS: So the first page, the
 13 upper-left corner is a view of the subject site.
 14 I was standing on the west side of
 15 Bergen Boulevard looking towards the site. So you
 16 can see the building has two parts. The corner
 17 building, which is all brick, and you can see windows
 18 along both sides, that's the portion that's going to
 19 be occupied by the bar/restaurant karaoke
 20 (indicating).
 21 And then to the left you can see a
 22 little bump out, a door there. That doorway
 23 (indicating) right now is the entrance to, I believe,
 24 both facilities. And the tile -- the Kuiken tile is
 25 to the north and that's the -- the portion of the
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1 building on the left. So that's the -- that's the --
 2 the existing site conditions.
 3 The photograph on the upper right is a
 4 view of the existing driveway and the parking area
 5 with access from East Palisade Boulevard.
 6 So this is to the rear of the building
 7 to the east side of the building. And those vehicles
 8 will be gone. Most of them belong to Kuiken tile.
 9 CHAIRMAN FERGUSON: Okay.
 10 MS. PHILLIPS: So we'll get into that
 11 about the lease agreement and everything.
 12 CHAIRMAN FERGUSON: Okay.
 13 MS. PHILLIPS: The lower left is the
 14 two adjacent buildings (indicating). This would be
 15 to the north along Bergen Boulevard.
 16 So you can see a portion -- where the
 17 shadowing of the building is on the bottom of that
 18 photograph. That's actually a portion of the
 19 driveway. So there is a wraparound driveway.
 20 So the driveway is a one way on the
 21 north side of the building that leads to the parking
 22 lot as well.
 23 So immediately north we have like an
 24 insurance agency and some other kind of business use
 25 and then immediately north of that is another
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1 restaurant. I believe that's just a bar and a
2 restaurant. It's been changed hands and I believe
3 it's coming up with a new use soon. But that had
4 original approval for a bar and restaurant and a
5 major renovation of that building in 2014. I had
6 looked up the occupancy plan from the planning board
7 approved that.

8 CHAIRMAN FERGUSON: Okay.

9 MS. PHILLIPS: And then the second page
10 on the upper left is a photograph (indicating) of the
11 two dwellings across the street and a portion of the
12 condominium and that's on the west side of Bergen
13 Boulevard right at the corner.

14 The upper right is, again, that
15 restaurant that's two properties away (indicating).
16 And the lower left is the construction/storage yard,
17 which is actually adjacent to our subject site
18 directly to the east and that sits at the corner, I
19 believe, of 12th and East Palisade Boulevard.

20 And you can see in the -- the distance
21 there, that's a portion of the Trio, that's two
22 buildings of the Trio. A little confusing, but -- so
23 it's a multifamily building of about -- two
24 multifamily buildings of about 174 residences. And
25 that's just down on 12th Street.

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1 And then the last photograph, bottom
2 right (indicating) is a view southbound, both sides
3 of 12th Street.

4 So you can see the -- on the right, I
5 believe, that wall is where Meson Madrid restaurant
6 is. And then those are the dwellings that are on
7 that side.

8 And, I'm sorry, the lower right of the
9 first page is Meson Madrid, which is the opposite
10 corner.

11 CHAIRMAN FERGUSON: Okay.

12 MS. PHILLIPS: So that's just to orient
13 everybody to the existing conditions of the site and
14 the surrounding area.

15 So as to the testimony from Mr. Kim, he
16 described the architectural changes. There will be
17 windows. The windows will be retained, but the
18 outside will be changed.

19 The main entrance is going to be
20 shifted to the East Palisade Boulevard side of the
21 property, which I think from a safety perspective is
22 a positive. We are not proposing to use the four
23 existing spaces. There -- because the building is so
24 close to the road there, those parking spaces are
25 fully within the right-of-way.

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1 Nothing is changing with them. The
2 Kuiken received approval in 2014 from the planning
3 board. So I'm assuming at that time that board made
4 any kind of an analysis on the parking there, but
5 this applicant is not using those spaces.

6 So the proposal and the lease says that
7 they get all of the 13 spaces in the back -

8 CHAIRMAN FERGUSON: Right.

9 MS. PHILLIPS: And the use of the
10 driveway. So they will not be utilizing those
11 spaces, backing out or anything onto the -- onto
12 Bergen Boulevard.

13 The hours of operation for Kuiken,
14 which was approved, as I said, in 2014, that's open
15 from Monday through Friday, 10 a.m. to 6.

16 That's really, like, a
17 construction/tile company --

18 CHAIRMAN FERGUSON: Yes. They do
19 cabinets too.

20 MS. PHILLIPS: So it's typical hours,
21 so 10 a.m. to 6 Monday through Friday, Saturday 10 to
22 3.

23 So in terms of the shared parking
24 arrangement, this really works well, because the
25 applicant proposes to start doing food prep around

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1 4:00.

2 The facility, itself, won't be open for
3 customers until 5:30. So 5:30 p.m. to 2:30 a.m. are
4 the business hours for that. So they're definitely
5 opposite for the peak hour as to the Kuiken property.
6 So there shouldn't be any issue with shared parking.

7 And, again, the lease does allow them
8 to use all 13 spaces.

9 So, again, food prep starting at 4 and
10 then the facility opens at 5:30 for customers.

11 We're occupying approximately 4700
12 square feet. Again, the description was the 11
13 private rooms and then the bar, works out to 56 seats
14 and per your ordinance we are required to have 22
15 parking spaces.

16 Mr. Lee and Ms. Kim have owned and
17 operated a restaurant and bar on Broad Avenue for 10
18 years, so they're going to be bringing their
19 employees with them. So they know how to run a
20 facility in terms of the operations and the
21 deliveries. They will probably be using the same
22 purveyors of certain things. So in terms of the
23 loading and unloading, that shouldn't be an issue.
24 They kind of have that down to a science. So it
25 would just be relocating, you know, the purveyors

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1 from Broad Avenue up to this facility and at least we
2 do have off-street loading available.

3 So the variances that we are seeking is
4 the permitted uses in the M-1 zone -- I'm sorry, in
5 the MC zone relate to the M-1. They say every use
6 that's permitted in the M-1 is allowed in the MC.
7 Eating and drinking establishments are permitted as
8 of right in both zones. The MC zone also allows
9 showroom for auto sales, animal hospitals,
10 gymnasiums, bowling alleys, ice skating rinks, indoor
11 tennis, racquetball or similar recreation sport and
12 theater auditorium.

13 So although the use in the bar is
14 permitted, the restaurant/bar is permitted, the
15 karaoke aspect is really what creates the (d)(1) use
16 variance and I think that's just kind of -- because
17 it's not very specific, but I think it is akin or
18 analogous to a bowling alley in a sense that -- just
19 like in a bowling alley you have a group of people
20 renting a lane, eating and drinking and using the
21 facility.

22 So I don't think it's that far, you
23 know, from that type of use in terms of the land use
24 perspective.

25 So I think it can be shown that it is
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1 particularly suited. That area does have, like, a
2 table tennis facility around the back. This area is
3 really not industrial anymore. It started off that
4 way and then there's been other uses that haven't
5 been into that area. So I don't think this is
6 introducing anything that's really out of the
7 ordinary.

8 There's also the restaurant, karaoke
9 and bar down the street. It used to be called Baden
10 Baden. That would be on the west side of Bergen
11 Boulevard within a block. That's in the B-2, which
12 doesn't even permit commercial recreation. It only
13 permits eating and drinking and that exists there
14 with no issues. And I believe that has a parking
15 lot, you know, a pretty large parking lot. But -- so
16 there are other uses like this in the area.

17 So we're seeking a nine parking stall
18 variance. We have 13. We're required to have 22.
19 So to answer some of the questions that the experts
20 had, we do have the ability to park three on-street.
21 So from the yellow striping, which would be right
22 behind the signal on West Central -- on East Palisade
23 Boulevard, from there back to the curb cut entry into
24 our driveway would accommodate about three spaces,
25 because you need a 22-foot length. That's a standard

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1 for an on-street, because of maneuverability.

2 So I didn't want to say excess, but,
3 you know, four might fit, but three does fit. So we
4 do have the ability to park three spaces there.

5 There's really not much prohibition on
6 parking in those areas, except in the morning. And I
7 believe it must be a bus route and they don't want
8 people parking in that area and leaving their car all
9 day.

10 So the only prohibitions that I saw
11 while driving through the area was on East Palisade
12 Boulevard and on 12th no parking is permitted from 9
13 a.m. to noon on Wednesdays, which that might be
14 street cleaning. And then 7 a.m. to 10 a.m. the
15 parking in those areas is restricted to residents
16 only. So there's no parking prohibitions of any kind
17 in that area during the business hours of this
18 facility.

19 And the fact that the Trio is
20 definitely within walking distance is a positive. I
21 mean, you have 174 units --

22 CHAIRMAN FERGUSON: Right.

23 MS. PHILLIPS: -- right there. And I
24 would think that, you know, there's probably a good
25 size Korean population that might want to utilize

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1 this facility.

2 CHAIRMAN FERGUSON: Right.

3 MS. PHILLIPS: So it's definitely
4 walking distance. We are going to have the valet.

5 I'm trying to think what other
6 questions that the experts had. They can just ask
7 me, though, when I'm done.

8 So in terms of noise, the closest
9 residence is 80 feet away, which would be to the
10 west. Bergen Boulevard has an 80-foot right-of-way
11 there. So that would be the closest.

12 And the houses on 12th Street behind
13 and kind of catty-corner would be about 150 feet,
14 but, again, each room has its own sound mitigation,
15 because you wouldn't want to have cross karaoke
16 going.

17 CHAIRMAN FERGUSON: Right.

18 MS. PHILLIPS: I guess it would be
19 confusing, so each booth is soundproofed and then the
20 facility itself being brick and everything, I don't
21 think it's going to be a problem with noise and,
22 again, there's no residential properties directly
23 adjacent to it.

24 So in terms of the positive criteria
25 for the (d)(1), again, I think it could be viewed

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1 either as an ancillary or accessory use for a
 2 restaurant, a Korean restaurant in particular,
 3 because it is a cultural entertainment.
 4 Also, this zone has contemplated
 5 commercial recreation and I think, again, this could
 6 be analogous to, like, a bowling type of situation.
 7 The positive criteria for the parking
 8 variance is, again, the shared parking situation
 9 works because of the different peak hours and also
 10 the ability to have the valet.
 11 Let's see... what's the negative
 12 criteria? So, again, there's not going to be any
 13 detriment to the public good. Shared parking
 14 situation should function properly and not create any
 15 kind of distress to the area. You do have another
 16 restaurant in the area, so I'm sure that they must
 17 park off-site at certain times when they're busy. So
 18 I'm sure that the neighborhood, you know, can handle
 19 that type of situation.

20 And, again, hopefully we're going to
 21 mitigate any problems we have having the valet.
 22 There's no substantial detriment to
 23 your master plan. In fact, the 1993 comprehensive
 24 plan recommended that the land use designation be
 25 looked at because although this was mostly industrial

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1 at one time, it has changed over, a lot of land uses
 2 were converted to other nonindustrial uses and that
 3 the area's physical features -- I'm quoting from the
 4 master plan.
 5 "The area's physical features, limited
 6 access and surrounding development pattern
 7 continue to raise questions with respect to
 8 the propriety of the site's continued
 9 industrial designation. The plan suggested
 10 that consideration be given to a detailed
 11 study of the area to enable an evaluation of
 12 alternate uses."

13 The 2000 re-examination report noted
 14 that the MC zone has an influx of nonindustrial
 15 businesses that were designated as industrial the
 16 prior master plan. Those uses include: A preschool,
 17 animal hospital, gymnasium and karate studio. The
 18 specific regulations for the MC district should be
 19 reviewed for possible amendments due to the changed
 20 conditions to land uses in the area. It is suggested
 21 that the MC district eliminate industrial businesses
 22 as permitted uses.

23 So, again, with the commercial
 24 recreation being allowed and the eating and drinking
 25 establishments being allowed, I think that the

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1 particular suitability is met for this particular
 2 property.
 3 And I'd be happy to take any questions
 4 from the experts.

5 CHAIRMAN FERGUSON: Okay. I just got a
 6 couple of quick ones --

7 MS. PHILLIPS: Oh, sure.

8 CHAIRMAN FERGUSON: -- before I turn it
 9 over.

10 I guess I'm not following. The shaded
 11 area here is where you would propose restaurant and
 12 next door in this white area existing --

13 MS. PHILLIPS: Yes.

14 CHAIRMAN FERGUSON: -- (indicating)
 15 that's what they call the Kuiken --

16 MS. PHILLIPS: Yes, tile.

17 CHAIRMAN FERGUSON: -- cabinet? Well,
 18 tile, cabinet, whatever it is.

19 MS. PHILLIPS: Tile, cabinet, yes.

20 Yes.

21 CHAIRMAN FERGUSON: The four spaces in
 22 the front, right, that's going to get designated to
 23 Kuiken only or am I missing that?

24 MS. PHILLIPS: Well, right, we can't
 25 eliminate them, I mean, because they got approval in

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1 '14 from the planning board for occupancy of that --

2 CHAIRMAN FERGUSON: Right.

3 MS. PHILLIPS: -- and from what I
 4 understand from the applicant --

5 CHAIRMAN FERGUSON: Right.

6 MS. PHILLIPS: -- that she's not the
 7 owner of the building. This is a lease situation.

8 CHAIRMAN FERGUSON: Right, right.

9 MS. PHILLIPS: So the owner does not
 10 want to eliminate them.

11 CHAIRMAN FERGUSON: Right, I saw the
 12 lease. Right.

13 MS. PHILLIPS: They've been preexisting
 14 for years. But she has nothing to do with them.

15 So Kuiken, if they use them now,
 16 they're going to continue to use them. If they don't
 17 use them, they're not. But our -- our proposal is
 18 not to use them at all.

19 CHAIRMAN FERGUSON: Right. But if --
 20 what I'm trying to get to --

21 MS. PHILLIPS: Yeah.

22 CHAIRMAN FERGUSON: -- and probably not
 23 too good, is that the -- and the two businesses, one
 24 operates in the day basically and one operates at
 25 night, right?

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1 MS. PHILLIPS: Right, yes.
 2 CHAIRMAN FERGUSON: What's to stop --
 3 if I come to the karaoke night, what's to stop me
 4 from parking there? The other business --
 5 MS. PHILLIPS: Valet. Well, there's
 6 going to be a sign probably indicating valet.
 7 CHAIRMAN FERGUSON: Okay. But --
 8 MS. PHILLIPS: But you -- I guess you
 9 could.
 10 CHAIRMAN FERGUSON: So, basically, I
 11 could --
 12 MS. PHILLIPS: Yes.
 13 CHAIRMAN FERGUSON: I can park there.
 14 MS. PHILLIPS: Yeah.
 15 CHAIRMAN FERGUSON: I mean, Kuiken
 16 won't be there.
 17 MS. PHILLIPS: I mean it is risky.
 18 Yeah.
 19 CHAIRMAN FERGUSON: So why wouldn't I
 20 be able to park there.
 21 MS. PHILLIPS: I mean, they could
 22 possibly put up some temporary things at night, if
 23 the -- if the board wanted that in terms of a safety
 24 aspect. I don't know.
 25 CHAIRMAN FERGUSON: Well, I don't think

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1 the board -- that's what the board's always concerned
 2 about parking. So...
 3 MS. PHILLIPS: Right.
 4 CHAIRMAN FERGUSON: I just think from
 5 --
 6 MS. PHILLIPS: I mean, they could use
 7 it.
 8 CHAIRMAN FERGUSON: They could use it,
 9 right?
 10 MS. PHILLIPS: Right.
 11 CHAIRMAN FERGUSON: I mean, as long as
 12 Kuiken isn't in operation.
 13 MS. PHILLIPS: Right.
 14 CHAIRMAN FERGUSON: Why couldn't you --
 15 right.
 16 MS. PHILLIPS: Right. I mean, like I
 17 said, with the landlord situation, they would not
 18 want those eliminated because they have nothing to do
 19 with this.
 20 CHAIRMAN FERGUSON: Yeah, I understand.
 21 MS. PHILLIPS: But if the other
 22 facility isn't open, of course, yeah, if they wanted
 23 to use it. I mean, yeah.
 24 CHAIRMAN FERGUSON: Yeah, right. I
 25 mean, the other thing is, have you received the

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1 expert -- the reports from our expert.
 2 MS. PHILLIPS: Yes.
 3 CHAIRMAN FERGUSON: You have received
 4 them.
 5 MS. PHILLIPS: I have reviewed them,
 6 yes.
 7 CHAIRMAN FERGUSON: Okay. So I'm not
 8 going to go into those reports.
 9 MS. PHILLIPS: Okay.
 10 CHAIRMAN FERGUSON: Because I figure
 11 the experts will go through them.
 12 MS. PHILLIPS: Right. I tried to
 13 answer most questions.
 14 CHAIRMAN FERGUSON: I'm just interested
 15 really in the back.
 16 MS. PHILLIPS: Yeah.
 17 CHAIRMAN FERGUSON: How many parking
 18 spots do you have in the back?
 19 MS. PHILLIPS: Thirteen.
 20 CHAIRMAN FERGUSON: Thirteen. Okay?
 21 So if you have 13, you have a couple on East Palisade
 22 we can't count, obviously, because --
 23 MS. PHILLIPS: Right.
 24 CHAIRMAN FERGUSON: You know, and then
 25 possibly you got four in the front.

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1 MS. PHILLIPS: Possibly.
 2 CHAIRMAN FERGUSON: Yeah, possibly.
 3 I'm not --
 4 MS. PHILLIPS: Right.
 5 CHAIRMAN FERGUSON: You know, right.
 6 But that would be an add-on.
 7 MS. PHILLIPS: And if the valet doesn't
 8 use the northern driveway --
 9 CHAIRMAN FERGUSON: Right.
 10 MS. PHILLIPS: If they're just doing
 11 everything within the Palisades Boulevard, moving,
 12 you know, cars onto the street, things like that, you
 13 know, the owner can maybe park on the north side of
 14 the --
 15 CHAIRMAN FERGUSON: Yeah.
 16 MS. PHILLIPS: So they could fit, like,
 17 one or two cars there.
 18 CHAIRMAN FERGUSON: Right.
 19 MS. PHILLIPS: With a tandem situation.
 20 CHAIRMAN FERGUSON: Now the question --
 21 right. Well, they squeeze them in, believe me.
 22 The other thing is, in regards to the
 23 parking, that's going to be all -- all days during
 24 the week?
 25 In other words, it would be seven days

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1 a week they're going to have a person there parking
 2 cars? I just want to --
 3 MS. PHILLIPS: I believe so, yes.
 4 MR. RAMUNDO: Yes.
 5 CHAIRMAN FERGUSON: Yes, there's going
 6 to be -- you're going to be there seven days a week?
 7 FEMALE AUDIENCE MEMBER: Yes.
 8 MS. PHILLIPS: I mean I guess, you
 9 know, if they -- on a Monday night, if they find out
 10 Mondays are dead or something like that --
 11 CHAIRMAN FERGUSON: Yeah, well --
 12 MS. PHILLIPS: -- something like that,
 13 you know, maybe, maybe not, but I mean --
 14 CHAIRMAN FERGUSON: Yeah, I wouldn't
 15 put in a resolution.
 16 MS. PHILLIPS: Yes.
 17 CHAIRMAN FERGUSON: But I'm just saying
 18 --
 19 MS. PHILLIPS: Yeah, they're planning
 20 on.
 21 CHAIRMAN FERGUSON: I'm just plan --
 22 you know --
 23 MS. PHILLIPS: Yeah, they're planning
 24 on it just to keep it organized.
 25 CHAIRMAN FERGUSON: Yes.

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1 Okay. Now, the last -- and maybe I
 2 should have asked this to Mr. Kim, the parking spot
 3 that's -- the handicap spot that's in the back, if a
 4 person parks in that handicap spot, he's got to go
 5 the whole side of the building and in the front?
 6 MR. KIM: Right.
 7 CHAIRMAN FERGUSON: There is no way to
 8 get in through the back?
 9 MR. KIM: Well, as I said, you know, we
 10 don't have enough room to put the handicap ramp, you
 11 know, where the -- I provide the new access door. I
 12 just spoke with the -- with Mr. Collazuol and we can
 13 take some of the right-of-way on the -- you know, the
 14 property, I mean, the town property. I could provide
 15 a handicap ramp, created a new handicap
 16 accessibility.
 17 CHAIRMAN FERGUSON: Yeah, I'm not too
 18 concerned -- if I'm hearing you right, I'm not too
 19 concerned with the location of the handicap.
 20 MR. KIM: Right.
 21 CHAIRMAN FERGUSON: It's in the parking
 22 lot and it's -- I'm more concerned about the handicap
 23 person that has to traverse all the way around the
 24 building and in the front. Well, my question is:
 25 Can you get into the establishment through the back

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1 door or...
 2 MR. KIM: Yes.
 3 CHAIRMAN FERGUSON: There's a way to
 4 get in the back.
 5 MR. KIM: Yes, yes. Because at the --
 6 the front door is the main entrance door of the space
 7 from the beginning actually.
 8 CHAIRMAN FERGUSON: Okay. I want to --
 9 yeah, but if I'm handicap.
 10 MR. KIM: Yes.
 11 CHAIRMAN FERGUSON: -- and I go there, I
 12 got my cane, I'm walking.
 13 MR. KIM: Right.
 14 CHAIRMAN FERGUSON: I can get in to the
 15 establishment through the back?
 16 MR. KIM: Yes.
 17 CHAIRMAN FERGUSON: There's going to be
 18 a door there?
 19 MR. KIM: Yes.
 20 CHAIRMAN FERGUSON: And it's going to
 21 allow me to come in?
 22 MR. KIM: Yes.
 23 CHAIRMAN FERGUSON: Okay.
 24 MS. PHILLIPS: The door's there now.
 25 CHAIRMAN FERGUSON: What.

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1 MS. PHILLIPS: There's a door there
 2 now.
 3 CHAIRMAN FERGUSON: What?
 4 MS. PHILLIPS: There's a door there
 5 now.
 6 CHAIRMAN FERGUSON: Okay. Well, he's
 7 going to use the same door, that's fine.
 8 MS. PHILLIPS: Yeah, yeah.
 9 CHAIRMAN FERGUSON: I just want to be
 10 clear, because I got the impression --
 11 MS. PHILLIPS: Yes.
 12 MR. KIM: Yes.
 13 CHAIRMAN FERGUSON: -- that you're going
 14 to walk around the building and you're going to have
 15 --
 16 VICE CHAIRMAN ALBANESE: That's for the
 17 emergency door, if I'm correct, the emergency door.
 18 CHAIRMAN FERGUSON: Okay.
 19 MR. COLLAZUOL: Mr. Chairman?
 20 CHAIRMAN FERGUSON: Yes.
 21 VICE CHAIRMAN ALBANESE: Isn't that the
 22 emergency door?
 23 MR. COLLAZUOL: That would be -- that
 24 would be through the kitchen.
 25 VICE CHAIRMAN ALBANESE: The loading

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1 door.
 2 CHAIRMAN FERGUSON: That would be the
 3 kitchen.
 4 MR. COLLAZUOL: Yes, you'd have to go
 5 through the kitchen then.
 6 CHAIRMAN FERGUSON: Okay. All right.
 7 VICE CHAIRMAN ALBANESE: So I don't
 8 know if they want use that.
 9 CHAIRMAN FERGUSON: Yeah, I don't know.
 10 VICE CHAIRMAN ALBANESE: You still got
 11 to walk -- whether you walk from there or from the
 12 front --
 13 CHAIRMAN FERGUSON: Yeah, I know you
 14 got to walk through the building to get to the -- to
 15 the room, I get it.
 16 Okay. Steve, do you want to go?
 17 MR. COLLAZUOL: I have no questions for
 18 the planner.
 19 CHAIRMAN FERGUSON: You have no
 20 questions?
 21 MR. COLLAZUOL: Just a -- just a point,
 22 with respect to the zoning schedule, Lisa, on the
 23 permitted use and that column there, everything is
 24 shown as existing nonconforming. You said the
 25 subject property came before the planning board.

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1 But does this subject property have to
 2 request these variances here --
 3 MS. PHILLIPS: No.
 4 MR. COLLAZUOL: -- that are needed?
 5 MS. PHILLIPS: No.
 6 MR. COLLAZUOL: For the -- I'm talking
 7 about the bulk, for instance, side yard, front yard,
 8 et cetera.
 9 MS. PHILLIPS: No. They're preexisting
 10 nonconforming, so they're not new variances.
 11 MR. COLLAZUOL: Okay. Thank you.
 12 MS. PHILLIPS: Yeah.
 13 Right, Mike? I mean...
 14 MR. KAUKER: Yeah, they are preexisting
 15 nonconforming.
 16 CHAIRMAN FERGUSON: Okay. Judd, you're
 17 up.
 18 MR. ROCCIOLA: Yeah, I know you --
 19 you've read my report.
 20 MS. PHILLIPS: Yeah.
 21 MR. ROCCIOLA: I just wanted -- because
 22 you have a variance -- you need a variance for nine
 23 parking spaces.
 24 MS. PHILLIPS: Right.
 25 MR. ROCCIOLA: I wanted some details on

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1 how that's going to be accommodated. You said that
 2 there's three parking spaces on Palisades that would
 3 be available. Did you do a survey at night to see if
 4 they are available or are those spaces used up by the
 5 residents and the restaurants --
 6 MS. PHILLIPS: Well, yes, I mean --
 7 MR. ROCCIOLA: -- because you did say
 8 the restaurants probably park in the street, too,
 9 their customers.
 10 MS. PHILLIPS: Right. I just meant
 11 that there's the ability -- it's not like it's a "no
 12 parking zone." I didn't mean it's specified for us.
 13 What I was saying was that from the yellow striped
 14 curb back to our curb cut, that three cars could park
 15 there.
 16 MR. ROCCIOLA: It's just inventory?
 17 MS. PHILLIPS: Right. That's what I
 18 was showing. Right, I wasn't saying that it was just
 19 for us.
 20 And just like across the street, along
 21 that side where Meson Madrid is on the south side,
 22 that's all open parking as well. And the day I was
 23 there, Meson Madrid was open, it was a Sunday, like
 24 lunch time, it was very busy. But some people parked
 25 on the street. There was, you know, some open in the

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1 lot, but it was pretty full.
 2 And -- so, yeah, it seems like people
 3 will park where they need to park. But I'm saying
 4 that it's not like there's a "no parking" area or
 5 that there's restrictions like there are in the
 6 morning on that.
 7 So it is available for anyone. And it
 8 could be Meson Madrid and then, you know, the people
 9 coming here if they're coming from the west to the
 10 east, they can park on the Meson Madrid side. I
 11 mean, it's just -- it's just public parking.
 12 MR. ROCCIOLA: So do you think that
 13 that's appropriate when you're asking for a variance
 14 and you want to use that space?
 15 MS. PHILLIPS: No, we're not using --
 16 CHAIRMAN FERGUSON: They're not using
 17 it.
 18 MS. PHILLIPS: I'm just saying -- I
 19 didn't say we could use them. I'm saying -- my point
 20 --
 21 MR. ROCCIOLA: Well, you're saying that
 22 it's available for use.
 23 MS. PHILLIPS: By anybody. I just --
 24 MR. ROCCIOLA: Yes. But if it's used
 25 up --

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1 MS. PHILLIPS: Right.
 2 MR. ROCCIOLA: -- if that's consistently
 3 filled --
 4 MS. PHILLIPS: Right.
 5 MR. ROCCIOLA: -- it's not available
 6 for your variance.
 7 MS. PHILLIPS: That wasn't my argument.
 8 I was answering the question in terms of was there a
 9 parking --
 10 MR. ROCCIOLA: You just said inventory.
 11 MS. PHILLIPS: No, I didn't say -- I
 12 didn't include in the calculation.
 13 I just -- I thought you meant are there
 14 parking restrictions that we can't park on that side.
 15 And I answered the question that you
 16 can park on that side of the street, that there's
 17 three -- three cars could fit there. That's all I
 18 was saying. I didn't say that we're going to be the
 19 only ones using it.
 20 MR. ROCCIOLA: All right. My -- my --
 21 my second comment was, just to make it clear: How
 22 many curbside spaces exist and --
 23 MS. PHILLIPS: Right.
 24 MR. ROCCIOLA: -- and what the current
 25 occupancy of those spaces is during the karaoke peak

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1 times to demonstrate if there is capacity to
 2 accommodate the demand for the karaoke restaurant?
 3 So then I said include inventory
 4 spaces, regulations and observations of avail --
 5 occupied spaces, so you didn't do that.
 6 Now --
 7 MS. PHILLIPS: Well, I didn't do --
 8 MR. ROCCIOLA: -- the other question
 9 is: You're proposing valet parking. What's the
 10 valet parking plan? Where are they going to park
 11 people? In these public spaces?
 12 MS. PHILLIPS: Yeah.
 13 MR. ROCCIOLA: If they're available?
 14 MS. PHILLIPS: Or they can -- they can
 15 stack them, because there's 13 spaces there, they can
 16 stack more than that, if they're doing a stack
 17 situation.
 18 I mean, I guess it's going to be up to
 19 the -- the valet person to figure out what is the
 20 best use and what's the safest use of putting the
 21 cars into the lot, because when you have a valet, you
 22 don't necessarily have to follow that exact -- exact
 23 striping. You can stack. So you might be able to
 24 fit 17 cars in that lot.

MR. ROCCIOLA: But has valet looked at
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1 that, the capability of that? Do they have to back
 2 out into the streets to service it? Where is the
 3 drop off and pick up?
 4 MS. PHILLIPS: Yeah, I'm not --
 5 MR. ROCCIOLA: You're proposing a valet
 6 plan. I think it's important to have a plan that's
 7 operational and present that to the board to make a
 8 decision whether or not it's a reasonable variance.
 9 MS. PHILLIPS: I'm not testifying as a
 10 traffic engineer as you know. So that would really
 11 -- should really be directed to the attorney or the
 12 applicant in terms of, you know, whether we feel
 13 that's necessary.
 14 CHAIRMAN FERGUSON: Okay.
 15 MR. ROCCIOLA: That would be it.
 16 CHAIRMAN FERGUSON: That's -- you're
 17 done?
 18 MR. ROCCIOLA: Yes.
 19 CHAIRMAN FERGUSON: Okay.
 20 MR. KAUKER: Yes. Just some
 21 clarification regarding some of the operational
 22 characteristics.
 23 I think I just want to confirm that
 24 it's going to be open seven days a week?
 25 MS. PHILLIPS: Yes.

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1 MR. KAUKER: And then the hours of
 2 operation are the same each day or do they differ?
 3 MS. PHILLIPS: Yes.
 4 MR. KAUKER: They're all the same?
 5 Excuse me. Also, the number of
 6 employees?
 7 MS. PHILLIPS: Seven --
 8 MR. KAUKER: Seven.
 9 MS. PHILLIPS: -- at maximum -- at
 10 maximum shift.
 11 MR. KAUKER: Seven max shift?
 12 MS. PHILLIPS: Yeah.
 13 MR. KAUKER: And do you know the
 14 location -- I think you talked about loading and
 15 unloading, but I didn't quite follow on the location
 16 of loading and unloading.
 17 MS. PHILLIPS: I believe it's the door
 18 that's in the rear now that goes to the kitchen.
 19 MR. KAUKER: All right.
 20 MS. PHILLIPS: I think they'll use
 21 that. They -- depending on the hours, like I said,
 22 the -- Ms. Kim and Mr. Lee operate now on Broad
 23 Avenue, so right now they regulate the drop off and,
 24 you know, the loading and unloading of the food and
 25 things like that now, so they'll probably just use

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1 that same system there in terms of the hours. I
 2 imagine it's off-peak.
 3 If we want, should we have Ms. Lee
 4 testify to that? Because I don't know those exact
 5 hours, but I know that they're off-peak.
 6 MR. KAUKER: I was just wondering as to
 7 what the exact hours were and --
 8 MS. PHILLIPS: Yeah.
 9 MR. KAUKER: -- and trying to determine
 10 whether or not they may be any conflict with the tile
 11 store.
 12 MS. PHILLIPS: No, they would -- they
 13 would schedule it that it's not -- because they
 14 themselves wouldn't want that either --
 15 MR. KAUKER: Right.
 16 MS. PHILLIPS: -- because at the time
 17 that you're having a prep maybe before the kitchen
 18 help gets in at 4:00 is when you would want it, but
 19 definitely not going to be during the business hours
 20 when cliental are coming.
 21 MR. KAUKER: Okay.
 22 MS. PHILLIPS: Definitely not, no.
 23 MR. KAUKER: I have nothing further.
 24 CHAIRMAN FERGUSON: Anybody in the
 25 audience have any questions?

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1 Yes, Susan.
 2 MS. BRAUER: Susan Brauer.
 3 I'm sorry, I may have missed it, but
 4 where will the employees be parking?
 5 MS. PHILLIPS: Ms. Kim and Mr. Lee
 6 usually pick up their employees and drive them. A
 7 lot of them don't drive.
 8 So we can park some of the cars that
 9 we've said, like, on that northern driveway, we can
 10 do tandem parking in case both of them have to pick
 11 up people, then the two cars can sit there. But they
 12 mostly pick up their employees.
 13 MS. BRAUER: And is tandem parking
 14 acceptable?
 15 MS. PHILLIPS: Well, just in that
 16 driveway it would be, I would imagine. Just on the
 17 northern driveway, not within the parking lot, unless
 18 it's part of the valet situation.
 19 MS. BRAUER: Okay. And in the event
 20 for some reason that employees could not be picked up
 21 because of inclement weather or illness or something,
 22 what would happen?
 23 MS. PHILLIPS: Well, there -- the 22
 24 spaces, employees are factored into that. So we're
 25 not seeking another variance for employees. When the

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1 borough makes their ordinance, one per two -- that
 2 includes employees, that includes everyone that's
 3 going to be in the facility.
 4 So the parking demand is 22 regardless
 5 of the number of employees. That's just the way
 6 ordinances are written.
 7 CHAIRMAN FERGUSON: Right.
 8 MS. BRAUER: So 56 customers and seven
 9 employees is what we're talking about as far as --
 10 MS. PHILLIPS: At max shift. You might
 11 have -- like, earlier in the night, you might only
 12 have three or four employees, and then as it gets
 13 later, because I understand that this is more of a
 14 later night kind of thing, then you might have most
 15 of the employees.
 16 MS. BRAUER: So they would have to go
 17 out and pick up more employees?
 18 MS. PHILLIPS: Yes.
 19 MS. BRAUER: Okay. Thank you.
 20 CHAIRMAN FERGUSON: Anybody else?
 21 Anybody else?
 22 (No response.)
 23 CHAIRMAN FERGUSON: Okay. I'll take a
 24 motion.
 25 Can I get a motion?

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1 VICE CHAIRMAN ALBANESE: I'll make a
 2 motion we accept this application.
 3 CHAIRMAN FERGUSON: There's a motion.
 4 Is there a second?
 5 MR. CARNOVALE: I second it.
 6 CHAIRMAN FERGUSON: Roll call vote.
 7 MS. LAMBRINIDES: Mr. Ferguson?
 8 CHAIRMAN FERGUSON: Yes.
 9 MS. LAMBRINIDES: Mr. Albanese?
 10 VICE CHAIRMAN ALBANESE: Yes.
 11 MS. LAMBRINIDES: Mr. Terranova?
 12 MR. TERRANOVA: No.
 13 MS. LAMBRINIDES: Mr. Nam?
 14 MR. NAM: Yes.
 15 MS. LAMBRINIDES: Ms. Yoon?
 16 MS. YOON: Yes.
 17 MS. LAMBRINIDES: Mr. Carnovale?
 18 MR. CARNOVALE: Yes.
 19 MS. LAMBRINIDES: Mr. Lefteriou?
 20 MR. LEFTERIOU: Yes.
 21 CHAIRMAN FERGUSON: Thank you.
 22 MS. PHILLIPS: Thank you.
 23 MR. RAMUNDO: Thank you very much,
 24 Mr. Chairman.
 25 (Whereupon, a brief recess is taken.)

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1 CHAIRMAN FERGUSON: Okay. Do you want
 2 to -- it seems like we're missing a few board
 3 members.
 4 MS. LAMBRINIDES: They're on their way
 5 --
 6 CHAIRMAN FERGUSON: They're on their
 7 way.
 8 MS. LAMBRINIDES: -- Mr. Chairman.
 9 CHAIRMAN FERGUSON: That's all I wanted
 10 to hear.
 11 MS. LAMBRINIDES: Do you want me to
 12 take attendance again?
 13 CHAIRMAN FERGUSON: Sure.
 14 MS. LAMBRINIDES: Mr. Ferguson?
 15 CHAIRMAN FERGUSON: Here.
 16 MS. LAMBRINIDES: Mr. Albanese?
 17 VICE CHAIRMAN ALBANESE: Here.
 18 MS. LAMBRINIDES: Mr. Terranova?
 19 MR. TERRANOVA: Here.
 20 MS. LAMBRINIDES: Mr. Nam?
 21 MR. NAM: Here.
 22 MS. LAMBRINIDES: Ms. Yoon?
 23 MS. YOON: Here.
 24 MS. LAMBRINIDES: Mr. Carnovale and
 25 Mr. Lefteriou were on their way back.

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1 CHAIRMAN FERGUSON: Okay.
 2 MR. LEE: Can I proceed?
 3 CHAIRMAN FERGUSON: Yeah. Did you put
 4 your -- is his in order?
 5 MS. DeCARLO: Yes, the certified
 6 mailings and proof of publication's in order.
 7 MR. LEE: Thank you.
 8 CHAIRMAN FERGUSON: Okay.
 9 MR. LEE: Well, today I'm here as an
 10 applicant, Mr. Chairperson and Members of the Board,
 11 the proposal is to demolish the existing structure at
 12 this particular location and construct four units of
 13 two bedrooms.
 14 MS. LAMBRINIDES: Do you need his name
 15 for the record.
 16 MR. LEE: First I --
 17 THE COURT REPORTER: Please state your
 18 name for the record.
 19 MR. LEE: Daniel Lee.
 20 THE COURT REPORTER: And your address.
 21 MR. LEE: 125 West Central Boulevard.
 22 THE COURT REPORTER: Thank you.
 23 MR. LEE: My first witness is --
 24 MS. DeCARLO: Mr. Lee, will you be
 25 providing testimony? You're providing testimony

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1 currently?
 2 MR. LEE: Yes, I'll provide testimony
 3 if there's questions from the board. But I have two
 4 witnesses, Mr. Bill Cocoros, the architect. And I
 5 have Mr. Harry Tuvel, the professional planner.
 6 MS. DeCARLO: Thank you.
 7 MR. LEE: Okay. I offer my first
 8 witness, Mr. Bill Cocoros.
 9 MS. DeCARLO: Do you swear or affirm
 10 that the testimony you will provide regarding this
 11 application to the board is the truth, the whole
 12 truth and nothing but the truth?
 13 MR. COCOROS: I do.
 14 V A S S I L I O S C O C O R O S,
 15 467 Sylvan Avenue, Englewood Cliffs, New Jersey,
 16 having been duly sworn, testifies as follows:
 17 MS. DeCARLO: Can you please state and
 18 spell your name?
 19 MR. COCOROS: Vassilios,
 20 V-A-S-S-I-L-I-O-S, Cocoros, C-O-C-O-R-O-S.
 21 CHAIRMAN FERGUSON: Yes, we're going to
 22 accept him.
 23 He's been here too many times.
 24 MR. COCOROS: Thank you.
 25 CHAIRMAN FERGUSON: Proceed.

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1 DIRECT EXAMINATION
 2 BY MR. LEE:
 3 **Q.** Mr. Cocoros, can you explain to the
 4 board what this application is about?
 5 **A. Sure.**
 6 **The existing property is located on the**
 7 **southeast corner of Grand Avenue and Homestead**
 8 **Avenue. It is 5,164.1 square feet. It's 35-foot**
 9 **wide.**
 10 **On the south side, which is the**
 11 **right-hand side is 143.09-feet deep and on the left**
 12 **side, which is the portion that runs along West**
 13 **Homestead Avenue, it is 152-feet deep.**
 14 **It's proposed to demolish the existing**
 15 **dwelling on the property, including the detached**
 16 **two-car garage at the rear, which is accessed via the**
 17 **back of the property from Homestead Avenue and**
 18 **construct four townhouse-type dwellings that align on**
 19 **West Homestead Avenue and will follow the grade of**
 20 **the property stepping up as you go towards the rear,**
 21 **which is going towards the east.**
 22 **The building, itself, will be setback**
 23 **20 feet at the closest point from Grand Avenue and 24**
 24 **feet from the farthest point from Grand Avenue.**
 25 **The alignment shall be off of**

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1 Homestead, West Homestead. We'll have a two-car
2 driveway and a two-car garage. And there will be a
3 two-bedroom configuration for all of the units.

4 They are basically identical copies of
5 each; however, due to the grade we followed the -- we
6 stepped them up approximately 2 feet -- actually 2
7 feet each unit to follow the grade up along West
8 Homestead Avenue. We have a difference of
9 approximately 11 feet, 10 to 11 feet from the corner
10 of Grand up to the rear portion of the property,
11 which is to the northwest.

12 I'll go to Sheet A-2. Three level
13 configuration, you can see the basement which is like
14 ground floor has a two-car garage. We have a real
15 two-car garage with a 17-foot garage door, which can
16 accommodate two cars easily. We have a garage that's
17 20 feet 3 inches deep by 19 feet 1-and-a-half inches
18 wide. We also have an entry hall with a front door
19 that has an access via sidewalk, of existing
20 sidewalk, which is going to be replaced along West
21 Homestead. And the stairs that bring you up to the
22 first floor, which is the main living floor, there's
23 a small utility room for water heater and boiler.

24 The ground floor, we have no finished
25 living area, except for the front entry hall, which

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1 has the front door and the stairs up to the main
2 living level.

3 Go to sheet A-3. Second floor --
4 there's a first floor and a second floor, which is
5 the living level and bedroom level.

6 On the first floor we have the living
7 room with the kitchen area, eat-in kitchen. At the
8 top of the stairs we have a hallway and coat closet
9 and powder room. And adjacent to that we have a
10 stackable laundry, which will have a washer/dryer
11 venting to the exterior.

12 The layout for each of the units is the
13 same. The end units are slightly different. The
14 first unit, itself, has a bay window that sticks out
15 to help break up the elevation along Grand Avenue,
16 give a variety on both sides.

17 There's also a staircase that brings
18 you up to the top floor, which is the bedroom level.

19 In the front we have a main bedroom,
20 it's own bathroom, closets, one being a walk-in
21 closet. In the back we have a secondary bedroom and
22 a hall bathroom and a hall linen closet.

23 The footprint for the first floor is
24 2,795 square feet. The second floor is 2,935 square
25 feet. And the ground floor/basement is at 2,506

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1 square feet. The building, itself, will be all
2 brick; however, we do have bays that come out that
3 will either be a cement stucco finish that will look
4 like limestone and precast to break up the elevation.

5 In addition, on Grand Avenue what we've
6 done is we've created the gabled entrance with a
7 2-foot bump out, which is still within the -- at the
8 rear -- I'm story -- the front left corner, there's
9 24 feet to that corner that's from the farthest on
10 Grand Avenue and created a gable with centered
11 windows to give it an appearance of a second front
12 elevation.

13 The property, itself, will be leveled
14 completely. Right now there are no stormwater
15 retention systems. We are proposing a full
16 stormwater system that will accommodate all runoff
17 from the proposed improvements on the property.

18 If anything is approved, it would have
19 to be reviewed by the borough engineer to make sure
20 we're in compliance.

21 In addition to that, we would have to
22 get a perc test to verify that the drainage, itself,
23 would work.

24 Q. Can you explain to the board what kind
25 of the variances we are looking for here?

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1 A. Sure.

2 This is an AA zone, which does allow
3 for one- and two-family dwellings. The lot size,
4 itself, is slightly over. We're at 5,164.1 square
5 feet; lot width, we have a preexisting nonconforming
6 lot that is 35-feet wide; lot depth, 100 feet is
7 required, we have 143.09 and 152. So we do meet the
8 lot requirements. Two families are allowed in this
9 zone. We are proposing four units, which is a use
10 variance that we're requesting. Part of that the lot
11 area per dwelling unit, 2-and-a-half thousand square
12 feet where we have 1,291.025 square feet. Building
13 coverage, we have building coverage of 48 percent
14 where 48 is allowed with a footprint of 2,506 square
15 feet. Front yard setback, the closest point is 20
16 feet, three-quarters of an inch and the farthest
17 point we have 24 feet half inch which meets the
18 setback requirement.

19 Since this is a non-duplex and a
20 corner, we have a setback requirement of 5 feet on
21 the interior yard, which we do meet, and 15 feet on
22 the West Homestead side.

23 We do have setback of 6 feet on the
24 West Homestead side, however, due to the increased
25 right-of-way we are able to provide a two-car

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1 driveway that has enough clearance from the sidewalk
2 or can have enough clearance from the sidewalk to the
3 garage wall. The combined side yard is 20 feet. We
4 have a combined side yard of 15 -- 13 feet.

5 And the rear yard setback, which is
6 adjoining the side yard of the dwelling that's on
7 West Homestead, 25 feet is required. We have 14
8 feet, 3 inches to the building.

9 Building height, 2-and-a-half stories,
10 25 feet, which is a non-duplex requirement. We have
11 three stories at the lowest elevation, which I guess
12 would be the house -- the unit that would be facing
13 closest to Grand Avenue. We have a building height
14 of three stories, 27.46 feet and measured to the
15 highest unit, which is the one all the way in the
16 rear, which is all the way to the left as you're
17 facing it from West Homestead, is three stories,
18 33.46 feet. So it's a variance.

19 And we do have a planner here to --
20 that would provide testimony on the variances that
21 we're requesting.

22 MR. LEE: We can have the questions of
23 Mr. Cocoros first or we can have --

24 CHAIRMAN FERGUSON: No, we're going to
25 end Mr. Cocoros first.

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1 CHAIRMAN FERGUSON: And I think
2 Mr. Rocciola would go through that.

3 Just from me reading the plans, and I'm
4 not too good at reading plans, to be honest with you,
5 but it doesn't seem like the cars fit. They fit in
6 inside, but they don't fit on the apron.

7 So when Mr. Rocciola goes through it,
8 maybe you can explain to him how you're going to
9 correct that --

10 THE WITNESS: Sure.

11 CHAIRMAN FERGUSON: -- because I think
12 it needs correcting.

13 THE WITNESS: Okay.

14 CHAIRMAN FERGUSON: The other thing is,
15 from my standpoint, I'm a little concerned with the
16 safety of it and just to give you -- you have a house
17 there now, it's fine, it's a big lot, there's no
18 doubt about it it's under 50-some-odd feet.

19 But if I'm taking the car around from
20 Grand Avenue going up the street, right, it's not
21 like, see, now, the detached garage is at the other
22 end. So if you're making the turn, you got plenty of
23 vision to go look at that garage.

24 I'm a little concerned, though -- that
25 when you're making the turn now with the four units

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1 MR. LEE: Okay.

2 CHAIRMAN FERGUSON: Because I'm sure
3 there's --

4 MR. LEE: We offer Mr. Cocoros.

5 CHAIRMAN FERGUSON: Okay.

6 So as you know, our experts,
7 Mr. Collazuol, has given you four pages of notes or
8 suggestions or whatever. I assume, Mr. Cocoros, you
9 have them.

10 THE WITNESS: Yes, I do.

11 CHAIRMAN FERGUSON: Okay. So I'm not
12 going to get into that aspect of it. I'm going to
13 let Steve go through it.

14 I will say, though, I am -- the way the
15 plan is laid out, I am a little concerned with the
16 sewerage, because I really don't like the idea of you
17 breaking up the line four different places, but I'll
18 let Mr. Collazuol go through that with you.

19 I got some problems with the parking.
20 Are you going to handle the parking?

21 THE WITNESS: Yeah, I can -- there's a
22 couple of things we can do with the parking.

23 CHAIRMAN FERGUSON: Well, I would love
24 to hear that.

25 THE WITNESS: Okay.

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1 there, I'm a little concerned that cars backing out
2 and what is going to create a safety concern, because
3 the cars are going to be backing out onto Homestead
4 and -- you know, but I'll let my experts go through
5 it and we can go from there.

6 So, Steve, you want -- any board
7 members have any questions?

8 MR. CARNOVALE: Yeah, Mr. Chairman.

9 Mr. Cocoros, here you have a front yard
10 setback of 20 feet.

11 Isn't it supposed to be 25?

12 THE WITNESS: If you look at the
13 neighbors, the adjacent neighbors, are at 17 feet.
14 That's to the closest point, because there are houses
15 that are even closer than 20 feet.

16 MR. CARNOVALE: But you're thinking on
17 Homestead.

18 THE WITNESS: No, I'm talking about
19 Grand Avenue, because there's two front yards.

20 There's technically a second front yard, which is the
21 -- we're asking for the 6 feet, but the portion
22 that's along Grand Avenue --

23 MR. CARNOVALE: You're considering that
24 the front yard?

25 THE WITNESS: Yeah, because from a

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1 zoning point of view, the narrowest lot line is
 2 considered the front.
 3 MR. CARNOVALE: How many houses are
 4 there between Homestead and the next lot?
 5 Sir, you're using the average setback
 6 of the adjacent houses?
 7 THE WITNESS: Yes. There's
 8 approximately --
 9 MR. CARNOVALE: You didn't provide --
 10 THE WITNESS: There's approximately
 11 four houses.
 12 MR. CARNOVALE: Did you provide
 13 calculations for that or were you?
 14 THE WITNESS: I can -- I can provide
 15 for them, but you can see based on the survey, what
 16 we had, I mean just -- which surveys the adjacent
 17 property, and based on the Google images, the house
 18 next to us is -- at the farthest point is 17 feet 10
 19 inches and the closest point is closer to 15 --
 20 actually 14 feet. And the house to the south of that
 21 one is even closer, based on the Google images.
 22 MR. CARNOVALE: Right.
 23 And another question: So, I guess, the
 24 chairman brought it up, your driveways, you're trying
 25 to include the right-of-way as part of your driveway?

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1 THE WITNESS: Yes, that's been done
 2 before.
 3 MR. CARNOVALE: But --
 4 THE WITNESS: It could accommodated
 5 through a licensing agreement with the borough.
 6 MR. CARNOVALE: But I thought -- I'm
 7 not an expert, I guess he will -- the RISS [sic]
 8 standards would say you're not allowed to use
 9 right-of-ways as part of your driveway, you used to
 10 be able to 20 years ago or I could be -- maybe he'll
 11 take over.
 12 THE WITNESS: I would have to verify
 13 that with him --
 14 MR. CARNOVALE: And one more thing, you
 15 have a bump out in the back here on your 5-foot rear
 16 yard.
 17 THE WITNESS: Yes.
 18 MR. CARNOVALE: I'm not an expert, but
 19 I thought under our fire code you're not allowed to
 20 have anything protruding and that side of the house
 21 would be fully fireproofed, et cetera, et cetera. Is
 22 -- am I correct or --
 23 THE WITNESS: Well, that bump out is 1
 24 foot 8 inches. You're not allowed to go less than 3
 25 feet. So we have -- we have 2 foot 4 inches clear --

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1 I'm sorry, 3 foot 4 inches clear.
 2 However, that has to be a fire-rated
 3 assembly. And we're less than the allowed
 4 fenestration that you can have on there. So we do
 5 meet the -- the amount of windows that you can do on
 6 there, it's limited. In addition, that whole
 7 assembly, itself, will be a fire-rated assembly.
 8 MR. CARNOVALE: All right. So I guess
 9 -- I can't see it here, but that will be on your
 10 final blueprint?
 11 THE WITNESS: Yes.
 12 MR. CARNOVALE: That's all I have,
 13 Mr. Chairman.
 14 CHAIRMAN FERGUSON: Anybody else?
 15 MR. TERRANOVA: I have a question.
 16 CHAIRMAN FERGUSON: Sure.
 17 MR. TERRANOVA: Do the Xs on the trees
 18 mean that they're all coming down?
 19 THE WITNESS: Yes.
 20 MR. TERRANOVA: Nine trees coming down?
 21 THE WITNESS: Yes.
 22 CHAIRMAN FERGUSON: That's a lot of
 23 trees.
 24 Steve, do you want to take it away?
 25 MR. COLLAZUOL: Yes.

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1 Bill, on page 2 with respect to
 2 grading, Item no. 1, the grading plan indicates a
 3 wall along Grand Avenue frontage. Could you describe
 4 what you plan on doing with that wall?
 5 THE WITNESS: At this point we're
 6 planning to keep it and just filling in where the
 7 stairs were.
 8 However, if the borough wants us to
 9 take out the portion that's closer to the corner to
 10 open up that -- that grade there as much as possible,
 11 that can be done. We're trying -- I wasn't sure what
 12 the condition of it was, but right now we're showing
 13 it to be kept with a portion where the stairs were
 14 being filled in.
 15 That could be either replaced or taken
 16 down completely where the grass, itself, would taper
 17 down to the side -- new sidewalk that would be -- the
 18 sidewalk that would be on the Grand Avenue portion.
 19 MR. COLLAZUOL: How old would you say
 20 the steps and the wall are?
 21 THE WITNESS: I think it's got to be --
 22 the house is probably '30s maybe, so I would imagine
 23 probably from that original --
 24 MR. COLLAZUOL: So would you recommend
 25 that the wall be replaced as this is a new

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1 development? What's the height of the wall?
 2 THE WITNESS: The height of the wall,
 3 approximately, let's see, 5 feet. You have 33 on the
 4 front, right, we have 33.22.
 5 MR. CARNOVALE: Right.
 6 THE WITNESS: And at the bottom of the
 7 wall just above the sidewalk, we have 28, 29,
 8 approximately 5 feet.
 9 MR. COLLAZUOL: Almost 5 feet there.
 10 THE WITNESS: Yes.
 11 MR. CARNOVALE: So I would make the
 12 recommendation that either that wall that's 5 feet in
 13 height, which is greater than the 4-foot requirement,
 14 it would be certified to be stable or, perhaps, a
 15 better suggestion would be to replace the whole wall
 16 or find another solution to the grading differential.
 17 THE WITNESS: Okay. Well, I know on
 18 that side we probably have to do something, because
 19 there's the neighbor's staircase there.
 20 MR. COLLAZUOL: Right.
 21 THE WITNESS: So we wouldn't be able to
 22 take that away.

23 We can probably replace up to a certain
 24 portion, then maybe the left half of that front yard
 25 could basically taper down to existing sidewalk

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1 level, which would increase the visibility along that
 2 corner.
 3 As you're -- if you're going up on
 4 Grand Avenue and you had to make the left, and we
 5 took down -- took down that wall, now you increase
 6 that sight triangle.

7 MR. COLLAZUOL: I'll just defer to the
 8 triangle for a moment.

9 Number three, the runoff from the
 10 driveways, could you explain how the driveways would
 11 drain and their slopes? You have trench drains in
 12 front of each garage.

13 THE WITNESS: Yes. The drives,
 14 themselves, there's a point where they're relatively
 15 flat from the sidewalk level and then they go down
 16 slightly from the sidewalk, itself because we have --
 17 at the utility pole for the unit that's all -- Unit
 18 A, we have approximately 38.81 feet. And then we
 19 have 39 at the garage, the trench drain. So there
 20 it's relatively level. However, just in case there's
 21 ever any water coming down from the hill, we do have
 22 a trench drain there.

23 MR. COLLAZUOL: So does that one pitch
 24 out?

25 THE WITNESS: That one pitches out.

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1 Most of it pitches out. There's a point where it's
 2 dead level, let's say, and then the rest of it
 3 pitches out.

4 The same thing for Unit -- let's say,
 5 that would be Unit B, which is the second one from
 6 the back of the property, we have a sidewalk at
 7 37.58, which is a little bit higher and the trench
 8 drain we have 37 feet.

9 So the driveway at the -- I guess, left
 10 most portion of the driveway, is approximately 4
 11 inches higher than the trench drain, however, once
 12 you get to the right side of that driveway, it's
 13 approximately 6 inches higher than the sidewalk.

14 MR. COLLAZUOL: So it's pitching out on
 15 the right-hand side?

16 THE WITNESS: Pitching out.

17 MR. COLLAZUOL: The other two are
 18 similar?

19 THE WITNESS: Similar, yes.

20 MR. COLLAZUOL: Okay.

21 The sanitary sewer, Bill, you indicate
 22 there's four laterals. West Homestead was resurfaced
 23 a number of years ago.

24 Would it be possible to make a
 25 different arrangement so that there was less and at a

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1 maximum two cuts in the road for the sewer.

2 THE WITNESS: Two -- would you prefer
 3 us doing one lateral at 6 inches across that they'd
 4 all tie into?

5 MR. COLLAZUOL: That would be fine, but
 6 the main would have to be on private property then.

7 THE WITNESS: I'm sorry?

8 MR. COLLAZUOL: That would be fine, but
 9 the main would have to be on private property then,
 10 the main to the project.

11 THE WITNESS: So I guess the main would
 12 be -- in the 6-foot section would be the main and
 13 then we would have one -- one lateral coming out to
 14 the --

15 MR. COLLAZUOL: Yes. That would be --
 16 that would be a good idea.

17 Okay. With respect to landscaping then
 18 and sight distance, you have a 48-inch tree, which
 19 you're not indicating be removed at the corner.

20 THE WITNESS: Yes.

21 MR. COLLAZUOL: The 25-foot sight
 22 triangle begins at the property corner and goes back
 23 from that?

24 THE WITNESS: Yes.

25 MR. COLLAZUOL: So it appears that that

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1 48-inch tree would be in the sight triangle or rather
2 outside of it, but still in the sight distance.
3 THE WITNESS: Yes.
4 MR. COLLAZUOL: So would you take a
5 look into that? Perhaps that 48-inch tree may have
6 to be removed.

7 THE WITNESS: That would be up to the
8 board if they want us -- I know there was a concern
9 by one of the board members about the trees that
10 we're taking down. I guess we can plant more trees
11 if we took that one down.

12 MR. COLLAZUOL: Which leads me to my
13 next question, Number 3. If the board would approve
14 this, would you provide a landscape plan and
15 particularly provide some more landscaping in the two
16 open areas on the site?

17 THE WITNESS: Yes.

18 MR. COLLAZUOL: The east and the west
19 ends.

20 I have nothing further, except for
21 what's in the report at this time.

22 CHAIRMAN FERGUSON: Right. Well --

23 MR. COLLAZUOL: Thank you.

24 CHAIRMAN FERGUSON: -- just so we're
25 clear on this, you know, he has four pages worth of

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1 comments. And I would love to see them -- before I
2 approve it or disapprove it. I would love to see all
3 that stuff on the plans. So, yeah, because --
4 Counsel, you've got something to say.

5 MR. LEE: Yes. I mean, approval or
6 this approval of the board can be done with
7 conditions today.

8 CHAIRMAN FERGUSON: Yeah, but for my
9 benefit I would like to see that all these changes
10 are on the plans before I -- before I permit a vote.
11 Just so you know where we're going with this.

12 Judd, it's up to you.

13 MR. ROCCIOLA: I believe Mr. Tuvel is
14 going to address my comments.

15 We've spoken already --

16 CHAIRMAN FERGUSON: Okay.

17 MR. ROCCIOLA: -- so rather than asking
18 the questions of the architect, I'll listen to
19 Mr. Tuvel.

20 CHAIRMAN FERGUSON: Okay.

21 MR. KAUKER: Yeah, just a comment if
22 they're going to revise the plans, the bulk table
23 should be amended. It looks like you kind of
24 combined requirements for both one- and two-family
25 homes and duplexes.

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1 I won't go into detail if they're going
2 to revise the plans, but my memorandum outlines the
3 variances that are actually required.

4 THE WITNESS: Okay.

5 MR. KAUKER: If they're going to amend
6 them, I won't go into them --

7 CHAIRMAN FERGUSON: Yeah, they're going
8 to amend them before we vote.

9 MR. KAUKER: Next time, right.

10 MR. CARNOVALE: Mr. Chairman?

11 CHAIRMAN FERGUSON: Yes.

12 MR. CARNOVALE: One more question?

13 CHAIRMAN FERGUSON: Sure.

14 MR. CARNOVALE: Mr. Cocoros, how do you
15 -- how do you address this, you said there's a 2-foot
16 drop between units?

17 THE WITNESS: Yeah.

18 MR. CARNOVALE: How do you address from
19 one garage door to the entry door to the next unit?

20 THE WITNESS: We have a little bit of a
21 wing wall that catches the difference. You see it
22 here (indicating)?

23 At the front we have little stoops, but
24 each stoop has a -- like, a 2-foot little
25 parapet-type wall that keeps up the grade along --

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1 MR. CARNOVALE: How far -- just that
2 little --

3 THE WITNESS: It's a little portion.

4 MR. CARNOVALE: How far out does that
5 stick?

6 THE WITNESS: It comes out 4 feet and
7 the rest of it is done with a curb.

8 MR. CARNOVALE: So it's coming out 4
9 foot? All right. You said -- what do you have it in
10 front, 6 feet?

11 THE WITNESS: Six feet, yes.

12 MR. CARNOVALE: So you said, you have a
13 4-foot wall and 2 foot of curb?

14 THE WITNESS: Well, yeah, either -- the
15 curb goes all the way out to the sidewalk. So let's
16 say this is the front door, the door is here
17 (indicating) in front of you.

18 MR. CARNOVALE: Right.

19 THE WITNESS: There's a wing wall like
20 this (indicating) that holds up that driveway off to
21 the side. It's a 2-foot, you know, with limestone --

22 MR. CARNOVALE: Yes.

23 THE WITNESS: -- sitting on top of it.
24 And then the rest of the grade is being held up by
25 the Belgian block that will create like two planting

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1 areas between the sidewalk.
 2 MR. CARNOVALE: Okay. I got nothing
 3 further.
 4 CHAIRMAN FERGUSON: Are you -- are you
 5 guys done?
 6 MR. KAUKER: Yes.
 7 CHAIRMAN FERGUSON: Anybody else on the
 8 board?
 9 (No response.)
 10 CHAIRMAN FERGUSON: Mr. Cocoros, just
 11 one other question while I got you here, do you have
 12 the right-of-way shown on the map, on the plan?
 13 THE WITNESS: Yeah, it's the dashed
 14 line. And you see the 6-foot setback to the building
 15 and the 8-foot setback to the garage wall, not the
 16 garage door.
 17 CHAIRMAN FERGUSON: Okay. Anybody in
 18 the audience have anything?
 19 Yes, name and address.
 20 MR. COMAS: My name is John Comas. My
 21 address is John Comas 83 West Harwood Terrace.
 22 CHAIRMAN FERGUSON: Okay.
 23 MR. COMAS: I have a couple --
 24 THE COURT REPORTER: Please spell your
 25 last name.

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1 level?
 2 THE WITNESS: The building starts at
 3 the -- basically the building, itself, the front
 4 right corner is approximately --
 5 MR. COMAS: What you call the front is
 6 actually the side. I'm talking about what's facing
 7 Grand Avenue.
 8 THE WITNESS: Yeah, the front. That's
 9 the front.
 10 MR. COMAS: To me the front is where
 11 the front door is. I don't think that that makes
 12 sense to say that that's the front of the house.
 13 THE WITNESS: Well, there's a zoning --
 14 there's a zoning -- that's why I said, the building,
 15 itself, is oriented off West Homestead, but from a
 16 zoning point of view this is the front yard from a
 17 zoning point of view (indicating), this is the front
 18 of the development from -- from a development point
 19 of view.
 20 So if you look at, let's say, the front
 21 of the development, the building corner, which would
 22 be the front right of the front of the development is
 23 30 -- the building, itself, elevation is 33.83, which
 24 is 33 feet 10 inches.
 25 MR. COMAS: I understand that, but if

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1 MR. COMAS: C-O-M-A-S.
 2 THE COURT REPORTER: And your address
 3 again, please.
 4 MR. COMAS: 83 West Harwood Terrace.
 5 THE COURT REPORTER: Thank you.
 6 MR. COMAS: Okay.
 7 I have a few questions. So do you have
 8 an elevation diagram from the Grand Avenue east side
 9 showing the existing homes and what the height of
 10 this building is relative to those homes?
 11 THE WITNESS: No, we did not do that.
 12 MR. COMAS: Can you tell me about how
 13 much taller it is?
 14 THE WITNESS: I would be guessing. I
 15 don't want to give a wrong answer.
 16 MR. COMAS: Okay. So when you were
 17 explaining this to the board, you said that you were
 18 intending to leave the existing retaining wall; is
 19 that correct?
 20 THE WITNESS: Yes.
 21 MR. COMAS: Okay. I've lived there all
 22 my life so I know. It's about 4 foot 3. Okay. It
 23 comes up to about here (indicating).
 24 Where does the building start? Is it
 25 above that retaining wall or is it at the sidewalk

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1 you don't mind, so if I'm walking along Grand Avenue,
 2 this is what I see (indicating), correct?
 3 THE WITNESS: Yes.
 4 MR. COMAS: There's a retaining wall
 5 that's 4 foot 3. This is above that retaining wall,
 6 correct?
 7 THE WITNESS: Yes, the retaining wall
 8 is here (indicating).
 9 MR. COMAS: Okay. So if I'm at the
 10 sidewalk, it's not 33 feet, it's 37 feet to the top
 11 of it, right?
 12 THE WITNESS: I don't have the exact
 13 measurement, but the grade is measured from the
 14 average of the property.
 15 MR. COMAS: If I'm on the sidewalk and
 16 I'm looking up, from the sidewalk to the top of the
 17 building is 37 feet; is that correct or no?
 18 THE WITNESS: No. We have -- let's
 19 say, if you're looking at the top of the building,
 20 which is this point here (indicating), which you
 21 won't see from the street, from the -- this corner,
 22 this unit, you have 33 feet, 9 inches.
 23 MR. COMAS: I understand, from here to
 24 here (indicating) is 33 feet, 9 inches?
 25 THE WITNESS: Yes.

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1 MR. COMAS: And then you have a 4 foot
2 3 retaining wall?

3 THE WITNESS: No, no. If you're
4 looking at it from here (indicating), you have -- you
5 have approximately 1-foot-10-inch difference from the
6 sidewalk. The sidewalk elevation, if you're looking
7 at it straight, if you're looking at this elevation
8 straight --

9 MR. COMAS: From the Homestead side.

10 THE WITNESS: From the Homestead side.

11 MR. COMAS: I'm talking about the Grand
12 Avenue side.

13 THE WITNESS: The Grand Avenue side is
14 approximately, yeah, 3-and-a-half feet more.

15 MR. COMAS: All right. So the building
16 is a lot taller than you're actually stating.

17 THE WITNESS: No. The building is --

18 MR. COMAS: If you're from the sidewalk
19 --

20 THE WITNESS: No, the building is, as
21 we stated it, we're measuring from the highest point.

22 Now, the building, we have two heights
23 because there's the lowest unit and the highest unit,
24 so this building -- this unit, itself, measured to
25 the highest roof peak, which is set back

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1 approximately 12 feet from the front building line,
2 there's 33 feet, 9 inches. The bottom of the wall
3 when you're on Grand Avenue is 29.82.

4 So, again, you're right, it's about 3
5 -- there's a 3-foot difference from that point to the
6 sidewalk on Grand Avenue.

7 MR. COMAS: I think that this is way
8 too tall. And I think it's a lot taller than you're
9 showcasing it as.

10 If I look out my window and my house is
11 about 25-feet tall, that's all we're going to see is
12 the side of this building. There's nothing on the
13 east side of Grand Avenue this tall right now.

14 These are all -- mostly single-family
15 homes that are much, much shorter than this. And I
16 think it's very misleading. I think you need to have
17 a diagram showing the roof line of the other homes.

18 That's my --

19 CHAIRMAN FERGUSON: Where do you live,
20 my friend?

21 MR. COMAS: 83 West Harwood.

22 CHAIRMAN FERGUSON: Are you right next
23 to this property?

24 MR. COMAS: No, I'm not right next to
25 it.

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1 CHAIRMAN FERGUSON: How many houses up
2 are you from it?

3 MR. COMAS: So there's a very small
4 home, which is, I don't know, about maybe 30 feet
5 that doesn't have a driveway.

6 CHAIRMAN FERGUSON: Right.

7 MR. COMAS: And then there's another
8 home next to us.

9 CHAIRMAN FERGUSON: Okay. So there's
10 two between this property --

11 MR. COMAS: There's two between us.

12 CHAIRMAN FERGUSON: Okay. All right.

13 So when you're asking questions from Grand Avenue,
14 just so I get this, you're standing on Grand Avenue,
15 you're looking at the side of the building, you're
16 not -- not the front of the building, the side of the
17 building, right?

18 MR. COMAS: Right, uh-huh.

19 CHAIRMAN FERGUSON: And your concern is
20 that there's three additional feet from that wall.

21 MR. COMAS: My concern is this -- my
22 home, if you drew these homes, if you took -- put the
23 other two homes here and my home (indicating), this
24 is what we're going to be seeing.

25 CHAIRMAN FERGUSON: Right.

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1 MR. COMAS: This is what everybody's
2 going to be seeing, a big brick wall.

3 CHAIRMAN FERGUSON: But doesn't
4 Homestead have the hill?

5 So wouldn't you be on top of the hill?

6 In other words, as you go up Homestead, correct me if
7 I'm wrong --

8 MR. COMAS: My home is on the corner of
9 West Harwood and Grand.

10 THE WITNESS: You're about 200 feet
11 away, like 200 feet, like, four lots away.

12 MR. COMAS: It's not 200 feet. It's
13 about 80 feet, maybe.

14 CHAIRMAN FERGUSON: But what I'm trying
15 to get to, Homestead is a hill.

16 MR. COMAS: Correct, so is Harwood.
17 They're all hills.

18 CHAIRMAN FERGUSON: So you would -- no,
19 I know, the whole town's a hill, but all I'm saying
20 is that if you're on Homestead going up the hill, you
21 would be higher --

22 MR. COMAS: Right, as you're going up.

23 CHAIRMAN FERGUSON: -- then if you left
24 as you're --

25 MR. COMAS: As you're going up.

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1 CHAIRMAN FERGUSON: As your -- well,
 2 this is going up, no.
 3 MR. COMAS: Right. But we're not
 4 higher up. We're at -- we're the first house. So
 5 this is all we're going to be seeing, the -- the side
 6 of the first unit that's being built.
 7 CHAIRMAN FERGUSON: Right.
 8 Mr. Cocoros?
 9 THE WITNESS: Yes.
 10 CHAIRMAN FERGUSON: According to your
 11 diagram --
 12 THE WITNESS: I'm sorry, your house is
 13 on the corner here?
 14 MR. COMAS: Yes.
 15 THE WITNESS: So you're on the corner
 16 -- you're on the corner of Grand -- okay.
 17 MR. COMAS: Right.
 18 THE WITNESS: The house -- there's two
 19 houses that are blocking the view right now that
 20 would be -- it would be similar to. I think his
 21 house --
 22 MR. COMAS: This house is very short.
 23 This is a very small home (indicating). Okay? This
 24 house is a taller home, but it's within the same
 25 heights.

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1 So you can -- if you look out the
 2 window, you can see above the roof line and here,
 3 this house that's existing is very much in keeping
 4 with the height of the other homes.
 5 THE WITNESS: Do you want to mark this
 6 as an exhibit?
 7 CHAIRMAN FERGUSON: Yes.
 8 MR. COMAS: I think it's just very
 9 simple. You should have a diagram showing the
 10 elevation of all the other homes.
 11 THE WITNESS: This is going to be A-1,
 12 my client's first exhibit?
 13 MS. DeCARLO: Yes, A-1.
 14 CHAIRMAN FERGUSON: Yes.
 15 MS. DeCARLO: And the date, Mr.
 16 Cocoros?
 17 THE WITNESS: And these -- this is the
 18 -- these are -- they're initially dated 12/22/17,
 19 last revised 1/15/18.
 20 These are the three sheets, A-1, A-2
 21 and A-3, are the architectural plans.
 22 (Whereupon, Architectural Plans are
 23 received and marked as Exhibit A-1 for
 24 identification.)
 25 THE WITNESS: And then this is an

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1 aerial map that was prepared by Harry Tuvel. I will
 2 make this A-2.
 3 MS. DeCARLO: A-2.
 4 (Whereupon, Aerial Map is received and
 5 marked as Exhibit A-2 for identification.)
 6 THE WITNESS: I can see on Harry's
 7 plan, you can see the house that's there now. This
 8 is Grand Avenue, this is Harwood over here
 9 (indicating).
 10 So this is your house on the corner.
 11 MR. COMAS: That's correct.
 12 THE WITNESS: And our development is
 13 proposed here (indicating).
 14 CHAIRMAN FERGUSON: So you're -- you're
 15 across the street from it?
 16 THE WITNESS: No, he's on the same side
 17 of the street, but he's one block -- the other end
 18 of, let's say, Grand Avenue, you have -- this is
 19 Homestead here (indicating).
 20 CHAIRMAN FERGUSON: Right.
 21 THE WITNESS: This is Harwood here
 22 (indicating). We're on this corner.
 23 CHAIRMAN FERGUSON: Right.
 24 THE WITNESS: He's on this corner
 25 (indicating).

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1 CHAIRMAN FERGUSON: Oh, he's on that
 2 corner.
 3 THE WITNESS: He's basically on the --
 4 CHAIRMAN FERGUSON: Oh, he's going on
 5 the Grand Avenue corner.
 6 THE WITNESS: He's basically on the
 7 east side of us.
 8 CHAIRMAN FERGUSON: So he's going to
 9 see the back of the building.
 10 THE WITNESS: Yes.
 11 MR. COMAS: Right.
 12 CHAIRMAN FERGUSON: Okay, I got you.
 13 MR. COMAS: I have one other question.
 14 The diagram with the parking, the cars
 15 that are parked in the driveway, are they sticking
 16 into the sidewalk?
 17 THE WITNESS: No, but there's -- we're
 18 going to resubmit some plans, there's going to be
 19 some commentary that Harry's going to go over with
 20 the borough's traffic consultant to verify that that
 21 doesn't happen.
 22 MR. COMAS: Because I see that very
 23 easily happening, and I walk up -- I walk up that
 24 block a lot, that the cars are just going to be
 25 hanging over almost to the curb on the street and

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1 you're not going to be able to walk. You're going to
 2 have to walk in the street to get up the block.
 3 CHAIRMAN FERGUSON: Mr. Cocoros, do you
 4 want to answer that?
 5 THE WITNESS: I said --
 6 MR. LEE: Well, that will -- that will
 7 be handled by Mr. Harry Tuvel.
 8 CHAIRMAN FERGUSON: Okay.
 9 MR. COMAS: Thank you.
 10 CHAIRMAN FERGUSON: Susan? Or --
 11 MS. BRAUER: I'll let the old one go
 12 first.
 13 CHAIRMAN FERGUSON: Okay.
 14 MS. SCHOR: Marsha Schor.
 15 In your utility room, what do you have
 16 in there?
 17 THE WITNESS: Water heater and a
 18 boiler.
 19 MS. SCHOR: And no bathroom?
 20 THE WITNESS: No.
 21 MS. SCHOR: No bathroom?
 22 THE WITNESS: No bathroom.
 23 MS. SCHOR: Okay. How do you get into
 24 that room? Through the garage only, right?
 25 THE WITNESS: Yeah, there's a door in

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1 the garage. Those -- those HVAC units will be raised
 2 off the ground. We'll have fresh air from the
 3 outside along the side yard to the right-hand side.
 4 MS. SCHOR: Funny you should say fresh
 5 air when you're trying to put those buildings up,
 6 because I was under the impression you need at least
 7 50 by 100, for anything. This is like taking 100
 8 pounds and sticking it in a 2-pound sack. I mean,
 9 it's ridiculous. He wants maybe a duplex that goes a
 10 little deep, fine, that makes sense.
 11 But four units? That's ridiculous and
 12 believe me, there is a way to get into the back room
 13 through the garage. We've stood by our window and
 14 watched the people do it. So that's not a solution
 15 either, even without a bathroom.
 16 CHAIRMAN FERGUSON: Well, you know how
 17 I feel about bathrooms behind the garage.
 18 MS. BRAUER: Yes, thank you.
 19 CHAIRMAN FERGUSON: Go ahead.
 20 MS. BRAUER: Susan Brauer.
 21 THE WITNESS: There's no finished
 22 spaces down there regardless.
 23 MR. CARNOVALE: You're not sleeping in
 24 the boiler room, Mr. Cocoros.
 25 THE WITNESS: I'm sorry?

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1 MR. CARNOVALE: Can you sleep in the
 2 boiler room, Mr. Cocoros?
 3 THE WITNESS: I'm sorry?
 4 MR. CARNOVALE: Can you sleep in the
 5 boiler room? I don't see a room back here.
 6 THE WITNESS: No, there's no -- it's
 7 basically -- we have a real two-car garage, we have a
 8 4-foot --
 9 MR. CARNOVALE: How big is that boiler
 10 room? Could you get a bed in there?
 11 THE WITNESS: No.
 12 MR. CARNOVALE: Are you sure? What's
 13 the dimensions?
 14 THE WITNESS: We have 4-foot half-inch
 15 by 6 feet, 10-and-a-half inches.
 16 MR. CARNOVALE: So where's the family
 17 room?
 18 THE WITNESS: There is no -- there is
 19 no proposed --
 20 MS. SCHOR: Behind the shower.
 21 MR. CARNOVALE: And there's no shower
 22 in there?
 23 THE WITNESS: -- living space.
 24 MR. CARNOVALE: You can't sleep in
 25 there?

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1 THE WITNESS: No, there's no bedroom.
 2 There's no bathroom.
 3 MR. CARNOVALE: So I don't see a room
 4 back here.
 5 MS. SCHOR: That's funny, people next
 6 door to us, they sleep on the floor, seriously.
 7 We've seen them sleep on the floor.
 8 MR. CARNOVALE: Could they sleep on the
 9 floor in between the boiler and the hot water heater?
 10 MS. SCHOR: To keep warm in the winter.
 11 CHAIRMAN FERGUSON: Okay.
 12 MR. CARNOVALE: That's all,
 13 Mr. Chairman.
 14 CHAIRMAN FERGUSON: Thank you.
 15 Yes, Susan.
 16 MS. BRAUER: Susan Brauer.
 17 Now, in giving your square footage
 18 size, the first floor, second floor, I think you said
 19 your first floor was 2,795.
 20 THE WITNESS: Yeah.
 21 Well, the ground floor, which is the
 22 garage level is 2,506. We have a part of that cut
 23 back to make the -- make the parking work.
 24 MS. BRAUER: How big is the garage
 25 then, if you got 2506 feet, how big is that --

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1 THE WITNESS: The garage is
 2 19-feet-1-inches wide by 20-feet-3-inches deep.
 3 MS. BRAUER: I'm sorry, what is that in
 4 square feet? You're probably better at math.
 5 THE WITNESS: It's about 200 square
 6 feet.
 7 MS. BRAUER: It's 200 square feet. And
 8 you have --
 9 THE WITNESS: I'm sorry, 400 square --
 10 no, 400 square feet.
 11 MS. BRAUER: So 400 square feet. But
 12 you have 2506 square feet.
 13 THE WITNESS: Well, we have a portion
 14 of it that's for the utility room. We have a --
 15 MS. BRAUER: Car wash?
 16 THE WITNESS: We have a portion -- and
 17 also we have an entry hall. We have the entry hall
 18 when you come in from the sidewalk, the front door.
 19 And there's a staircase that brings you up to the
 20 main living level. So it's not -- it's not just all
 21 garage.
 22 MS. BRAUER: So the entry hall is the
 23 same level as the garage?
 24 THE WITNESS: No, the -- the entry hall
 25 is up a little bit higher, approximately two steps
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1 higher than the garage.
 2 MS. BRAUER: So I'm sorry, I'm confused
 3 on this.
 4 If you say the garage level is 2506
 5 square feet --
 6 THE WITNESS: Yes. Now, if you look at
 7 the elevation --
 8 MS. BRAUER: And you got 400 square
 9 feet of garage. Where's the other 2100?
 10 THE WITNESS: Well, we have the utility
 11 room. We have a little alcove for storage within the
 12 garage. That's basically -- you have the --
 13 MS. BRAUER: 2,000 square feet.
 14 THE WITNESS: No, it's -- we have 2500
 15 square feet divided by -- divided by four. That's
 16 the whole thing.
 17 MS. BRAUER: So 2500 is all four.
 18 THE WITNESS: Yeah, it's not just one.
 19 MS. BRAUER: Okay. Never mind.
 20 I have another one. The bump out
 21 window that Mr. Carnovale spoke to you about.
 22 THE WITNESS: Uh-huh.
 23 MS. BRAUER: Is there any way of
 24 eliminating that to avoid any problems?
 25 THE WITNESS: I mean, there's no
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1 problems because we are going to meet the code, the
 2 fire code.
 3 There's no point where the bay window,
 4 the bay, itself, goes closer than 3 feet.
 5 We have basically 2 inches -- 2 inches
 6 of play before it gets to the 3-foot limit. You have
 7 2-foot -- you have 1 foot eight to the frame and then
 8 you have an inch for the cement stucco. So you have
 9 basically 3 feet 3 inches from the property line to
 10 the -- to the bay window.
 11 MS. BRAUER: So can you -- is there
 12 enough room in there if you have any kind of
 13 landscaping to maintain that property under the bay.
 14 THE WITNESS: Well, the bay is up high.
 15 The bay is only on the top floor, it doesn't go all
 16 the way down.
 17 MS. BRAUER: Okay.
 18 The other thing is Grand Avenue, I live
 19 on Henry and the back of my house I can see
 20 Homestead.
 21 Those streets are on a very slight
 22 angle. They're not -- it's not exactly perpendicular
 23 to Grand Avenue.
 24 So when you turn, when you make a right
 25 turn off Grand Avenue going north, you're at a slight
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1 disadvantage.
 2 On my corner on Henry, I'm at a slight
 3 disadvantage on anything parked or coming down the
 4 block.
 5 On Homestead it's the same thing.
 6 Whenever there is a backup at rush hour, trucks,
 7 buses, cars, vans, everything will cut up my street
 8 and will cut up Homestead. So there's a major
 9 problem.
 10 There's also been a major problem with
 11 basements flooding on Homestead and a few at the top
 12 end of my street. So I'm concerned about the turn
 13 off Grand Avenue for safety.
 14 The other thing is because you're
 15 constructing -- at the last council meeting we were
 16 told that between Suez Water and Public Service,
 17 there's going to be a massive amount of
 18 infrastructure renewal in the town --
 19 CHAIRMAN FERGUSON: Right.
 20 MS. BRAUER: With new pipes, new gas
 21 lines and everything.
 22 So I don't know how that's going to
 23 effect things. It's supposed to start now. That's
 24 according to Public Service. That's what they told
 25 me.
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1 And I'm concerned about what it's going
2 to cost us if something happens on this end of town
3 first, he does something like this, what kind of cuts
4 does he have to make for four units? And why does he
5 need four units?

6 CHAIRMAN FERGUSON: Right. Well,
7 here's the issue for me, I'm sure Steve is -- but
8 just in case you missed it, you've got -- you have
9 these four units. Your plans show straight four
10 sewer lines going out.

11 I would like to combine those two --
12 those four to two. So you only have two cuts in the
13 line. I just want to be -- I think I saw it on
14 Steve's report, so...

15 THE WITNESS: Yeah, I can follow it.

16 CHAIRMAN FERGUSON: Yeah, just make
17 sure that -- right? Okay.

18 Now, who's going to handle the parking,
19 your partner? Okay.

20 Anybody have any other questions?

21 Yes?

22 MR. ZAPATA: Yes.

23 CHAIRMAN FERGUSON: Your name and
24 address, my friend.

25 MR. ZAPATA: Yeah, my name is German

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1 Zapata. I am the resident at 139 Grand Avenue right
2 across the property.

3 THE COURT REPORTER: Sir.

4 MR. ZAPATA: Yes, one of my --

5 THE COURT REPORTER: Sir --

6 MR. ZAPATA: One of my concerns.

7 THE COURT REPORTER: Sir, please spell
8 your first and last name.

9 MR. ZAPATA: German, G-E-R-M-A-N,
10 Zapata, Z-A-P-A-T-A.

11 THE COURT REPORTER: Thank you.

12 MR. ZAPATA: Okay. My -- one of my
13 concern is the elevation because he plans to build on
14 top of that wall and the building is too high. I
15 mean I can see from my house, which is across.

16 And also is the parking space, because
17 I'm not sure that you have enough space between the
18 garage to park two cars.

19 THE WITNESS: Well, the planner's here,
20 he'll discuss that. There's some tweaking that we
21 can do to make it where we can park two cars.

22 And the garage, itself, is wide enough
23 and we have a wide enough garage where it can be used
24 as an actual two-car garage.

25 CHAIRMAN FERGUSON: Right. It's the

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1 driveway that's short by, like, a half a foot, right.

2 MR. TUVEL: By only 6 inches.

3 CHAIRMAN FERGUSON: Say again?

4 MR. TUVEL: By only 6 inches.

5 CHAIRMAN FERGUSON: But you're short.

6 MR. TUVEL: Yeah, but it could be
7 fixed.

8 CHAIRMAN FERGUSON: Well, according to
9 the RSIS Standards you're short.

10 MR. TUVEL: You're right.

11 CHAIRMAN FERGUSON: Okay.

12 MR. ZAPATA: And also, you have to have
13 count -- there is a pole in the front, that means
14 they'll reuse the space.

15 THE WITNESS: Well, we are going to
16 keep -- we're not going to take any poles down.

17 There's a pole between the stores that's going to
18 stay.

19 MR. ZAPATA: But it's going to reuse
20 the space for the parking. I mean how are you going
21 to arrange that?

22 THE WITNESS: No, it's -- the actual --
23 the utility pole is a good 18 feet away from where
24 the first curb cut is, so we're not -- it's not going
25 to effect the driveways at all.

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1 CHAIRMAN FERGUSON: Where do you live,
2 my friend.

3 MR. ZAPATA: 139 Grand Avenue.

4 CHAIRMAN FERGUSON: 139 Grand. So
5 where -- where are you in relationship to this?

6 MR. ZAPATA: Just across.

7 CHAIRMAN FERGUSON: You're across Grand
8 Avenue?

9 MR. ZAPATA: Yes.

10 MR. TUVEL: He's across Homestead.

11 MR. ZAPATA: Across along Grand Avenue.

12 CHAIRMAN FERGUSON: Right. You're on
13 the other side of Grand Avenue.

14 MR. ZAPATA: The other side.

15 CHAIRMAN FERGUSON: Not this side, the
16 other side.

17 MR. ZAPATA: The other side, yes.

18 THE WITNESS: He's to the west of us.

19 CHAIRMAN FERGUSON: Where's he?

20 THE WITNESS: To the west of us.

21 CHAIRMAN FERGUSON: He's -- okay. How
22 far to the west?

23 MR. ZAPATA: It's about --

24 CHAIRMAN FERGUSON: Are you -- are you
25 next to the lot that's on Grand Avenue.

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1 MR. ZAPATA: Right here, we are -- you
 2 are -- you are here, I'm here (indicating).
 3 THE WITNESS: No, over here, sir.
 4 MR. ZAPATA: Yeah, you're here, I'm
 5 here.
 6 CHAIRMAN FERGUSON: Okay. So there's a
 7 lot, there's an empty on Grand --
 8 MR. ZAPATA: There's an empty lot,
 9 yeah.
 10 CHAIRMAN FERGUSON: Next to you.
 11 MR. ZAPATA: Next to me.
 12 CHAIRMAN FERGUSON: Is it next to you?
 13 MR. ZAPATA: Next to me.
 14 CHAIRMAN FERGUSON: I just want to know
 15 where you -- where you line up.
 16 So it's -- there's an empty lot with a
 17 lot of trees --
 18 MR. ZAPATA: Yes.
 19 CHAIRMAN FERGUSON: -- and your the
 20 next house going --
 21 MR. ZAPATA: Right.
 22 CHAIRMAN FERGUSON: -- going north.
 23 MR. ZAPATA: Right.
 24 CHAIRMAN FERGUSON: Correct?
 25 THE WITNESS: Yeah, the empty lot is

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1 directly opposite us, like, centered. He's -- he's
 2 just to the -- to the north of that.
 3 CHAIRMAN FERGUSON: Right. He's not
 4 opposite.
 5 And your concern is the parking?
 6 MR. ZAPATA: Yeah, the parking, because
 7 now already with this layout, they're going to cut
 8 out all this parking on this street.
 9 CHAIRMAN FERGUSON: Right, on that one
 10 side.
 11 MR. ZAPATA: They're going to cut out
 12 that.
 13 CHAIRMAN FERGUSON: You're right.
 14 MR. ZAPATA: It's so crowded now,
 15 because I see it all the time, because we don't have
 16 space, we cannot park on Grand Avenue.
 17 CHAIRMAN FERGUSON: Right.
 18 MR. ZAPATA: Okay. It's going to cut
 19 out all these parking spaces, because this house has
 20 a garage here for two parking, and that's it.
 21 CHAIRMAN FERGUSON: Right.
 22 MR. ZAPATA: But now he's going to cut
 23 the whole thing --
 24 CHAIRMAN FERGUSON: I understand.
 25 MR. ZAPATA: Plus they have the pole

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1 here, the pole here (indicating), two poles. I don't
 2 know how they're going to arrange the parking.
 3 CHAIRMAN FERGUSON: Right. Well,
 4 there's no doubt in my mind that they're going to
 5 lose some spaces on that street by this development,
 6 correct.
 7 VICE CHAIRMAN ALBANESE: No matter what
 8 they put there.
 9 CHAIRMAN FERGUSON: What?
 10 VICE CHAIRMAN ALBANESE: No matter what
 11 they put there, they're going to --
 12 CHAIRMAN FERGUSON: Well, yeah, but I'm
 13 just saying, the way this is lined up, he's going to
 14 lose that whole side of the street, yeah.
 15 Okay, my friend.
 16 MR. ZAPATA: Thank you.
 17 CHAIRMAN FERGUSON: Anybody else? No.
 18 (No response.)
 19 CHAIRMAN FERGUSON: Okay. Counsel, do
 20 you want to put your last witness on and hopefully
 21 you'll get through.
 22 MR. LEE: Yes.
 23 CHAIRMAN FERGUSON: Because I'll tell
 24 you --
 25 MR. KAUKER: Mr. Chairman.

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1 CHAIRMAN FERGUSON: Yes.
 2 Mr. KAUKER: Just one comment to Harry,
 3 what variances are you going to be testifying to,
 4 because the variances that were identified in the
 5 plan --
 6 MR. TUVEL: I'm going to testify to the
 7 use variance, Michael.
 8 MR. KAUKER: Right.
 9 MR. TUVEL: And the bulk variances
 10 being subsumed under the use variances.
 11 MR. KAUKER: Well, there's two (d)
 12 variances. There's the height --
 13 MR. TUVEL: There's two, there's the --
 14 right, (d)(1) and (d)(6), correct.
 15 MR. KAUKER: But the bulk variances
 16 that were contained on the -- in the bulk table on
 17 the plan, they were incorrect.
 18 MR. TUVEL: Okay. There may be those
 19 variations, Michael, but I'm going to basically
 20 pursue the fact there are bulk variances as we have
 21 for coverage, side and rear yard, building height
 22 being a separate one, but I'm saying that the other
 23 area bulk variances are subsumed under --
 24 MR. KAUKER: Right. So I guess what we
 25 can do is at whatever point in time, I can go through

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1 the bulk variances one by one.
 2 MR. TUVEL: Okay.
 3 MR. CARNOVALE: Joe, you got to swear
 4 him in?
 5 CHAIRMAN FERGUSON: We got to swear him
 6 in, yeah, because I can't listen to a conversation.
 7 What --
 8 MR. KAUKER: No, I guess at whatever
 9 point I'll just go through the bulk variances that I
 10 show --
 11 CHAIRMAN FERGUSON: With him.
 12 MR. KAUKER: One by one.
 13 CHAIRMAN FERGUSON: Okay. Yeah, during
 14 his testimony, we can go through it.
 15 Okay. Do you want to swear him in?
 16 MS. DeCARLO: Do you swear or affirm
 17 that the testimony you're giving concerning this
 18 application is the truth, the whole truth and nothing
 19 but the truth?
 20 MR. TUVEL: I do.
 21 H A R R Y T U V E L,
 22 having been duly sworn, testifies as follows:
 23 MS. DeCARLO: Your name.
 24 MR. TUVEL: Harry Tuvel, T-U-V-E-L.
 25 MS. DeCARLO: Thank you.

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1 MR. TUVEL: Okay. What would be the
 2 board's preference?
 3 MR. LEE: I would like to offer Mr.
 4 Tuvel as the expert.
 5 CHAIRMAN FERGUSON: Yeah, we're going
 6 to accept Harry. He's been here many times also.
 7 MR. TUVEL: I'd like to ask the board's
 8 pleasure, do you want to address some of the specific
 9 concerns while they're sort of fresh in everybody's
 10 mind?
 11 For example, the parking, you know, the
 12 safety issue, because I'd like to point out initially
 13 that if you look at the plan, you have a very unusual
 14 situation here in that West Homestead has a bigger
 15 right-of-way width than Grand Avenue.
 16 CHAIRMAN FERGUSON: Yes.
 17 MR. TUVEL: West Homestead has a
 18 75-foot right-of-way.
 19 CHAIRMAN FERGUSON: I understand that.
 20 MR. TUVEL: And meanwhile, the cartway
 21 is an average -- is an average cartway, so that's why
 22 we -- one of the restrictions we have is because of
 23 the property line being -- usually a property line on
 24 most homes or most streets is usually like, for the
 25 most part, right in back of your sidewalk.

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1 CHAIRMAN FERGUSON: Right.
 2 MR. TUVEL: But in this case, it's
 3 considerably beyond that. So I think that makes for
 4 a unique situation here and as well, on Grand Avenue
 5 which only has a 60-foot right-of-way, it also has --
 6 it has -- which is a wide right-of-way, there's also
 7 a considerable, I think it's a 10- or 12-foot area
 8 between the property line and the sidewalk.
 9 So in terms of cars turning, making
 10 that turn, there is about 40 feet and I think -- and
 11 I would defer to Mr. Rocciola being a traffic expert
 12 as far as the amount of distance that there is when
 13 you make a right turn from Grand onto -- onto
 14 Homestead --
 15 CHAIRMAN FERGUSON: Right.
 16 MR. TUVEL: -- there's about 40 feet
 17 before you would hit that first -- that first
 18 driveway.
 19 So I -- I would defer to him as to
 20 whether that -- he considers that to be enough
 21 reaction time in terms of -- you would -- I think
 22 someone said they were concerned about someone
 23 backing out of that first --
 24 CHAIRMAN FERGUSON: I am. I am. You
 25 heard it -- you heard it from me.

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1 MR. TUVEL: That's right, you did.
 2 -- that first driveway.
 3 So the proposal here, again, we have --
 4 we have a AA, a four-unit townhouse building in a AA
 5 zone. There's many -- there's many old and new
 6 multifamily units in Palisades Park that have been
 7 approved over the years. There's relatively recent
 8 ones. And there's ones that basically it's
 9 interspersed throughout the AA zone. You have many
 10 older apartment buildings.
 11 So this has been done over -- in
 12 Palisades Park and it's been done by the zoning
 13 board. They granted the variances over the years for
 14 those -- for those developments, obviously.
 15 So here we have another -- another
 16 similar case. And, again, the board -- the board
 17 weighs this. So we're seeking a use variance,
 18 because this is a one -- one-family zone. It's a use
 19 of a principal structure in a district restricted
 20 against such a use.
 21 And we also have, as Mr. Kauker pointed
 22 out, a (d)(6) variance, which is the height of a
 23 principal structure which exceeds by 10 feet or 10
 24 percent the maximum height permitted.

So one of the things that I wanted to
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1 go over, the four units -- this is -- as Mr. Cocoros
2 said, this is about a 35 by 150 or so average or many
3 a little bit less than that average. It's a little
4 over 5,000 -- over 1,000 square feet. It's a long
5 narrow site. I have a picture that I put up on the
6 top of this aerial here of the existing house
7 (indicating).

8 The existing house has frontage on
9 Grand Avenue, which we are going to eliminate --
10 CHAIRMAN FERGUSON: Right.

11 MR. TUVEL: -- which I think is a very
12 desirable situation to have -- to remove the -- you
13 know, Grand Avenue is a state highway, you want to
14 remove the frontage on Grand Avenue. Then there's a
15 long, like a backyard, I guess, to this home that
16 exists. And then there's that detached garage that
17 was -- that was spoken of.

18 So you have this long, narrow -- long,
19 narrow piece of property. It's a unique and unusual
20 piece of property. And we're proposing that we put
21 four units along the West Homestead Avenue frontage
22 and the parking, we talked about the parking. The
23 parking can be accommodated for each of these four
24 units. Remember, they're going to only be
25 two-bedroom units.

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1 think the minimum requirement -- the minimum -- the
2 maximum -- the height ranges from 27 and -- from
3 27-and-a-half, which is closer to a duplex height and
4 to about 33-and-a-half, which is -- which would be
5 the maximum height.

6 So I would argue that the site is
7 particularly suitable for the four-unit townhouses
8 that are being prepared [sic]. The area across
9 Grand -- not directly across, but Grand Avenue, you
10 know, it -- we're close to on the western side of
11 Grand Avenue to being close to the B-2 zone. You do
12 have, again, as I said in the beginning, at Central
13 Boulevard and Grand Avenue every corner, all four
14 corners have multifamily houses. And, again, I spoke
15 about the fact that it's a fact, it's a given here in
16 Palisades Park that you have multifamily being
17 interspersed throughout the AA zone.

18 Maybe somewhere at some point your
19 planner should do a study as to, you know, maybe
20 there are more areas of the AA zone. Most of Pal
21 Park is a AA zone, right? The only area that you
22 have is in the northwest -- I'm sorry, the northeast
23 corner where Trio is where you've actually designated
24 an area for multifamily zoning, but everything else
25 is in -- is in the AA zone.

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1 CHAIRMAN FERGUSON: Right.
2 MR. TUVEL: Which require
3 one-and-a-half spaces. So you only require six
4 spaces. And the four units at the RSIS requirement
5 of three-and-a-half per unit, you have -- there are
6 14 spaces provided.

7 So we're not -- we are over-parked by
8 -- by more than twice. So there -- so parking is
9 adequate for the -- for the four -- for the four
10 units being prepared -- being proposed.

11 Again, I mentioned that I think that
12 it's very desirable to have -- to eliminate the
13 frontage. The height that we spoke about, again, you
14 really -- it's difficult to see, but this existing
15 house -- and I don't profess to know the height of
16 it, but you've got these -- this little basement area
17 that's shown, and then you've got two stories and an
18 attic.

19 Again, it's going to be smaller in
20 terms of massing than what we're proposing, but I
21 would guess that that existing house is about 30 feet
22 high in that -- in that neighborhood.

23 In terms of the height variance, it's
24 due to the townhouse-style nature that's being
25 proposed and the fact that we've stepped it down. I

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1 So I think that the -- also, I wanted
2 to point out that there also is right on West
3 Homestead, I'm sorry, over here, there is an eight
4 unit older -- probably dates to the '50s or '60s --
5 older at Number 55 West Homestead Avenue, there is an
6 eight-unit multifamily with -- and they have, I
7 think, about eight spaces, one space per unit on --
8 on that site, but, again, that goes back quite some
9 time.

10 So, again, I'm just making the point
11 that, again, that multifamily is certainly not an --
12 not an unusual situation here and. It's consistent
13 with the -- with the land use pattern here.

14 So with that, I would say that we have
15 met the positive criteria for the -- for the special
16 reasons.

17 In terms of the negative criteria, I
18 think that there will -- that this development would
19 not present a substantial detriment to the public
20 good and would not substantially impair the intent
21 and use of the zone plan, because of a historical
22 nature of the fact that multifamily has been approved
23 in the AA zone for a long time in Palisades Park.

24 And the proposed use is, you know, is a
25 residential use. I mean, even though we're asking

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1 for a use variance, we're not asking for a warehouse.
2 We're asking for a residential use, a multifamily
3 residential use. The residential character is
4 maintained.

5 I think it also is not inconsistent
6 with the goals of the master plan, because it
7 provides a variety of housing types and densities
8 while preserving the residential character of the
9 community.

10 And I certainly think that this
11 proposed development meets that.

12 So that basically concludes, you know,
13 putting on the record that I think -- my planning
14 testimony that I think that -- oh, one other -- I'm
15 sorry, getting back to the parking issue, the
16 17-feet-6-inch driveway --

17 CHAIRMAN FERGUSON: Right.
18 MR. TUVEL: -- we do have -- in my
19 discussion with Mr. Rocciola, that is a deficiency
20 that -- and I spoke to the architect before the
21 meeting and that 18 foot -- that 18 foot can be --
22 the design can be tweaked and I guess along with some
23 of Mr. Collazuol's comments to provide for the
24 additional 6 inches that would be required for the 18
25 feet and you will not have the car overhanging the

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1 sidewalk with that -- with that situation.

2 CHAIRMAN FERGUSON: How are you going
3 to accomplish that?

4 MR. TUVEL: I'm sorry?

5 CHAIRMAN FERGUSON: How are you going
6 to accomplish that?

7 MR. TUVEL: I think he's going to take
8 out -- ask Mr. Cocoros. I think he's going to take
9 it out of the house, the building.

10 CHAIRMAN FERGUSON: Okay.

11 MR. COCOROS: Well, there's two ways.
12 The thickness of the garage wall can be reduced by
13 doing a frame wall, so we get at least 2 inches out
14 of that.

15 CHAIRMAN FERGUSON: Okay.

16 MR. COCOROS: In addition, we're
17 measuring to the garage wall. The actual driveway
18 area, when you measure to the garage door, itself, is
19 set back in at least another 10 inches. So
20 technically I'm measuring to the wall where the brick
21 is above you, but when you measure to the edge, let's
22 say, the garage door, it's going to be a 17-foot
23 garage door. It might even be 18 feet, because I can
24 bring it -- I can bring the -- the cheat walls to 4
25 inches off to the side where I can get an additional

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1 foot and maybe go beyond that 18-foot limit. So we
2 have more of assurance that we won't hang the car out
3 the back.

4 CHAIRMAN FERGUSON: Right. I want to
5 see that on the plans, you know. But you're not
6 going to do anything to the --

7 MR. COCOROS: To the garage then.

8 CHAIRMAN FERGUSON: The rear yard.

9 MR. COCOROS: No, no.

10 CHAIRMAN FERGUSON: You're going to
11 keep that at 5 feet.

12 MR. COCOROS: No, no, it's all within
13 the same footprint.

14 CHAIRMAN FERGUSON: You're in the same
15 footprint. You just got to make --

16 VICE CHAIRMAN ALBANESE: Take as much
17 room as you can.

18 CHAIRMAN FERGUSON: Yeah.

19 VICE CHAIRMAN ALBANESE: You know, 18
20 foot, you make it 18-6 better.

21 MR. COCOROS: Okay.

22 MR. TUVEL: Mr. Chairman, we can
23 proceed on this two ways, either as you say, with
24 coming back with a set of plans that Mr. Cocoros
25 could prepare or as was suggested it could be

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1 conditioned subject to your engineer's review, but
2 it's the board's pleasure as to how you want it.

3 CHAIRMAN FERGUSON: It's my pleasure
4 and I'm -- and I'm going to tell you again, I want to
5 see the plans.

6 MR. TUVEL: Okay. Okay.

7 CHAIRMAN FERGUSON: I don't want to
8 condition it. I want to see everything on the plans.

9 MR. TUVEL: Okay. So --

10 CHAIRMAN FERGUSON: This is not -- you
11 know, this isn't a typical duplex. This is a major
12 project. I mean, you know, you guys --

13 MR. TUVEL: It's four two-bedroom
14 units.

15 CHAIRMAN FERGUSON: Well, it's still a
16 major project. I mean, the way I see it. I mean --

17 MR. TUVEL: It's bigger than a duplex,
18 yes.

19 CHAIRMAN FERGUSON: Yeah, it's bigger
20 than a duplex.

21 MR. TUVEL: But, you know, a duplex,
22 one duplex could have three or four bedrooms.

23 CHAIRMAN FERGUSON: Also, I want to
24 see, and just so we're clear, I want to see --
25 Mr. Cocoros, I want to see, you know, when they show

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1 the cars in the garage and out of the garage.
 2 MR. COCOROS: Like a little parking
 3 schematic?
 4 CHAIRMAN FERGUSON: Yeah, I want to see
 5 that on the plan, also.
 6 MR. COCOROS: Okay.
 7 MR. TUVEL: Just one point,
 8 Mr. Chairman, with all due respect, when you think
 9 about it, you know, a large duplex or even an average
 10 duplex, can have three to four bedrooms. This is
 11 four two-bedroom units. It's like a
 12 duplex-and-a-half.
 13 CHAIRMAN FERGUSON: I get it.
 14 MR. TUVEL: So it's not as big as I
 15 think you might think.
 16 CHAIRMAN FERGUSON: Listen, preaching
 17 to the choir.
 18 MR. CARNOVALE: Mr. Chairman?
 19 CHAIRMAN FERGUSON: What?
 20 MR. CARNOVALE: I tend to agree with
 21 you, because if these people can't meet these
 22 conditions --
 23 CHAIRMAN FERGUSON: Right.
 24 MR. CARNOVALE: -- we're stuck.
 25 So I really would agree with you, I'd

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1 like to see all the stuff on paper, with all due
 2 respect, sir.
 3 MR. LEE: We'll come back to the next
 4 meeting with an amended drawings.
 5 CHAIRMAN FERGUSON: Right. Just make
 6 sure you get the amended drawings here in plenty of
 7 time so our experts have an opportunity to review
 8 that.
 9 MR. CARNOVALE: We would need the
 10 architect also, the two witnesses?
 11 CHAIRMAN FERGUSON: I don't think we
 12 need the planner, but I think we need the architect.
 13 MR. COCOROS: Is two weeks before the
 14 next meeting okay? I know it's 10 days, but if we
 15 give you something via PDF and then, you know, submit
 16 the hardcopy?
 17 CHAIRMAN FERGUSON: Yeah, that's fine.
 18 MR. COCOROS: You know, as soon as I
 19 get something that I can get you a PDF, get you guys
 20 a PDF and then officially hand in those same drawings
 21 that you have the PDF on, you know, within the time
 22 limit?
 23 MR. COLLAZUOL: That's acceptable.
 24 CHAIRMAN FERGUSON: That's okay.
 25 MR. COLLAZUOL: Certainly.

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1 MR. ROCCIOLA: Yeah.
 2 MR. LEE: Would the board actually want
 3 to see all the revised plans in advanced 10 days
 4 before or --
 5 CHAIRMAN FERGUSON: I would like to see
 6 them as quick as you can get them to us, but at the
 7 minimum, you know, 10 days. Right.
 8 Also, I think it would be, because
 9 we're going to have another round of experts take a
 10 look at it, I think I want to post another \$2500.00
 11 into the fund, you know, before the meeting,
 12 \$2500.00.
 13 MR. LEE: Okay.
 14 CHAIRMAN FERGUSON: Now, Steve, do you
 15 have anything.
 16 MR. COLLAZUOL: The only issue I think
 17 I have with respect to Harry's commentary is the fact
 18 that the vehicles that he's described can be in the
 19 driveway, are going to be in the right-of-way and
 20 there hasn't been much discussion about if there's
 21 going to be -- I know Bill scratched on it, if
 22 there's going to be a license agreement or they're
 23 not going to show those as to include parking spaces,
 24 because they would only be one short, which Judd
 25 showed as a de minimis exception.

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1 But to illustrate that there will be
 2 cars in the driveway, then I think it does promote
 3 the need for a license agreement or some other item.
 4 MR. TUVEL: I did mention the unusual
 5 nature of the right-of-way on West Homestead.
 6 CHAIRMAN FERGUSON: Yes.
 7 MR. TUVEL: So -- and that's true. So
 8 maybe a licensing agreement or a different kind of
 9 easement is the way to go.
 10 CHAIRMAN FERGUSON: Let me just --
 11 standby, I'll find it. Yeah, we need a developer's
 12 agreement prepared by the board attorney. It would
 13 be Diane. But --
 14 MR. TUVEL: Is that something that
 15 could be -- you know, I don't know, because I'm not a
 16 lawyer. Is that something that could be included in
 17 the --
 18 CHAIRMAN FERGUSON: Well, I don't know.
 19 You know, I'm going to follow my experts. So --
 20 MR. LEE: A license agreement can be
 21 addressed through the developer's agreement.
 22 MR. TUVEL: That's what I'm saying,
 23 yeah.
 24 CHAIRMAN FERGUSON: Right. Can you
 25 address it in a developer's agreement.

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1 MS. DeCARLO: What per se? Address
2 which particular issue in the developer's agreement.
3 CHAIRMAN FERGUSON: The one with the
4 parking.

5 MR. TUVEL: It would be the fact that
6 the -- that a licensing agreement would include the
7 fact that the town right-of-way extends into the
8 proposed driveway area so that -- so part of that 18
9 feet that we would have, approximately -- let's take
10 a look at that, approximately 8 feet of that 18 feet
11 would be in the right-of-way. So you would have to
12 have a licensing agreement for the 8 feet of the -- 8
13 of the 18 feet.

14 Do you agree with that, Judd?
15 Something like that?

16 MR. ROCCIOLA: Yeah, I think it would
17 -- it has to be a licensing agreement. In the past
18 it had to be something like this where parking occurs
19 within the right-of-way. The council has to approve
20 that.

21 MR. CARNOVALE: Mayor and council.

22 CHAIRMAN FERGUSON: The mayor and
23 council.

24 MR. ROCCIOLA: The mayor and council
25 has had to approve it in the past, that was part of

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1 resolutions where parking extended into the
2 right-of-way.

3 CHAIRMAN FERGUSON: Okay.

4 MR. ROCCIOLA: So I would think the
5 board can approve it based on --

6 VICE CHAIRMAN ALBANESE: Their
7 approval.

8 MR. ROCCIOLA: -- borough council
9 approving it that way.

10 CHAIRMAN FERGUSON: Right.

11 MR. ROCCIOLA: But I had a question for
12 Mr. Tuvel. You said the parking requirement was one
13 and a half spaces a unit?

14 MR. TUVEL: For a two-bedroom, yes. I
15 have it here.

16 MR. ROCCIOLA: Not the RSIS.

17 MR. TUVEL: Yeah, I have it right here,
18 Judd. I printed it for myself. Two bedrooms is one
19 and a half.

20 MR. ROCCIOLA: You're using -- no,
21 these are single-family detached. These are
22 townhouses.

23 MR. TUVEL: Right. They said for
24 duplexes uses the same -- I think it's the same. I'm
25 sorry?

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1 MR. KAUKER: Multiple family.

2 MR. TUVEL: Or multiple --

3 MR. ROCCIOLA: Townhouse, two-bedroom,
4 2.3 spaces per unit.

5 MR. TUVEL: Okay. I guess I stand
6 corrected. Where is that?

7 MR. ROCCIOLA: Well, it's under
8 townhouses under the parking requirements.

9 MR. TUVEL: I don't see town -- I see
10 garden apartment.

11 MR. ROCCIOLA: Unless they've updated
12 since then.

13 MR. TUVEL: Yeah.

14 MR. COLLAZUOL: That's correct.

15 MR. TUVEL: They have garden
16 apartments.

17 MR. COLLAZUOL: There's townhouses
18 right there, townhouse, two bedroom.

19 MR. ROCCIOLA: At 2.3.

20 So at that 2.3, then that brings it to
21 a requirement for the RSIS as nine spaces.

22 CHAIRMAN FERGUSON: How many spaces.

23 MR. ROCCIOLA: Nine spaces would be
24 required.

25 CHAIRMAN FERGUSON: Right.

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1 MR. ROCCIOLA: So to be able to meet
2 that, they would have to meet the RSIS standard and
3 be able to park within the driveway itself, which is
4 some of the discussion that we've been going over and
5 they're going to satisfy that. Because right now
6 it's 17 and a half feet. It's supposed to be 18
7 feet.

8 CHAIRMAN FERGUSON: Right.

9 MR. ROCCIOLA: So if they satisfy that,
10 they can meet the RSIS standard, but there has to be
11 the agreement allowing them to park within the
12 right-of-way, to utilize that right-of-way.

13 CHAIRMAN FERGUSON: Okay.

14 MR. TUVEL: We still have -- we still
15 have 14, but as Judd says, we need to make that 18
16 feet, which we agreed to do.

17 CHAIRMAN FERGUSON: Right. Okay. But
18 you're still going to need an agreement with the
19 mayor and council.

20 MR. TUVEL: Yes.

21 CHAIRMAN FERGUSON: Okay. That's it,
22 Judd.

23 MR. ROCCIOLA: Yes.

24 CHAIRMAN FERGUSON: Okay. Mr. Kauker.

25 MR. KAUKER: I don't know, are you

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1 going to come back at the next meeting to go over the
 2 revised variances or --
 3 MR. LEE: Yes, both of the experts will
 4 be here present.
 5 MR. KAUKER: Maybe we instead of just
 6 going over it now, maybe we should go over --
 7 CHAIRMAN FERGUSON: Well, I just -- you
 8 know, we're going to do it next meeting. So if you
 9 have a question in your mind, right, I'd like to
 10 flush it out now, so this way he can put it in, you
 11 know.
 12 MR. KAUKER: What I wanted to go over,
 13 I wanted to list out the variances that were
 14 specifically required, because individually they did
 15 not go over the variances. Mr. Cocoros identified
 16 the variances, but those were incorrect.
 17 CHAIRMAN FERGUSON: Okay.
 18 MR. TUVEL: But, Mike, even if they're
 19 off a little bit, I'm assuming that not the height,
 20 but the other bulk variances are being subsumed under
 21 the use variance. That when you grant -- I'm not
 22 saying that the board can't weigh it, but that the --
 23 if you grant the use variance, it includes as a
 24 package the bulk variances that are required.
 25 MR. KAUKER: Understood, but you still

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1 need to identify each individual variance.
 2 MR. TUVEL: Of course, okay.
 3 CHAIRMAN FERGUSON: So why don't we do
 4 this: Why don't you get together with their planner
 5 and let them identify with you how many -- you know,
 6 because I count eight. I might be wrong, but I count
 7 eight plus now with the parking thing, so I'm
 8 counting nine variances. Is that what you get.
 9 MR. KAUKER: I have actually six.
 10 CHAIRMAN FERGUSON: Six.
 11 MR. KAUKER: Yeah, because he utilized
 12 the -- he actually mixed the duplex -- the
 13 requirements for duplex in the AA zone and then the
 14 requirements for one-and two-family zone.
 15 CHAIRMAN FERGUSON: So Mr. Cocoros.
 16 MR. TUVEL: Do you have a report, Mike?
 17 MR. KAUKER: I do, yeah. They can just
 18 take my report.
 19 CHAIRMAN FERGUSON: Okay. Take his
 20 report and put it on the plan.
 21 MR. COCOROS: Yeah, I would defer to
 22 this report. Can I get a copy?
 23 MR. KAUKER: Do you have it?
 24 MR. TUVEL: I didn't get a copy.
 25 MR. KAUKER: When you send the e-mail,

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1 I'll -- you know what, send the e-mail tomorrow.
 2 MR. COCOROS: Okay.
 3 MR. KAUKER: And then I'll --
 4 MR. COCOROS: Yeah, I'll defer to your
 5 --
 6 MR. TUVEL: Okay, thanks.
 7 CHAIRMAN FERGUSON: Okay. So we're
 8 set. You're going to post another -- yes, I'm sorry.
 9 MR. ROCCIOLA: I'm sorry, I just wanted
 10 to point something out.
 11 CHAIRMAN FERGUSON: Sure.
 12 MR. ROCCIOLA: Mr. Zapata, when he was
 13 discussing and raising questions of the board, he
 14 commented on the parking that would be lost --
 15 CHAIRMAN FERGUSON: Yes.
 16 MR. ROCCIOLA: -- along the curb side in
 17 front of this property. I had in my report that I've
 18 estimated roughly six public spaces would be lost as
 19 a result of these large four driveways.
 20 CHAIRMAN FERGUSON: Right. I have --
 21 did you say that there's 40 feet from Grand Avenue to
 22 the first driveway.
 23 MR. TUVEL: About, yes.
 24 CHAIRMAN FERGUSON: So -- right? So
 25 you would have -- you can put a car there, right.

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1 MR. TUVEL: At that -- well, a good
 2 part of that -- a good part of that, Mr. Chairman, is
 3 the -- a good part of that 40 feet is the curb of the
 4 street. And, again, I would point out, I'm not
 5 saying that we -- most of the development, especially
 6 the newer development on Homestead, they all have
 7 their own parking -- they all have on-site parking.
 8 CHAIRMAN FERGUSON: Yeah, I understand,
 9 I get it.
 10 Yeah, Mr. Cocoros, you got something?
 11 MR. COCOROS: Yeah, I mean if -- the
 12 way I look at it is we're basically filling the drop
 13 curb where the detached garage was.
 14 CHAIRMAN FERGUSON: Right.
 15 MR. COCOROS: And the drop curb, the
 16 way we have it set up right now, I'm looking at four,
 17 possibly five left out -- I'm not sure if there's
 18 parking allowed close to the corner, but we have the
 19 four driveways at about 19 feet each, but one gets a
 20 little bit smaller for the first unit and then about
 21 8 foot, 4 between all of them and we're storing the
 22 drop curb where the detached garage was. So I'm
 23 thinking somewhere between maybe five at the worst
 24 case scenario that we're losing.
 25 MR. TUVEL: He said five or six.

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1 MR. ROCCIOLA: If it's five, it's five.
 2 It depends on the size of the car. To me it's a
 3 considerable amount of parking --
 4 CHAIRMAN FERGUSON: Lost.
 5 MR. ROCCIOLA: -- that the public can
 6 use that will be removed as a result of this.
 7 CHAIRMAN FERGUSON: Right. Okay.
 8 We're good? \$2500, the plans as soon
 9 as you can. We will be back next month.
 10 MR. LEE: Okay. Thank you.
 11 CHAIRMAN FERGUSON: Thank you.
 12 MS. LAMBRINIDES: Can we have a motion
 13 to carry it.
 14 CHAIRMAN FERGUSON: What.
 15 MS. LAMBRINIDES: A motion to continue
 16 until next month.
 17 CHAIRMAN FERGUSON: Yes. I'll make a
 18 motion to continue this to the next meeting.
 19 VICE CHAIRMAN ALBANESE: Second.
 20 CHAIRMAN FERGUSON: Roll call vote.
 21 MS. LAMBRINIDES: Mr. Ferguson?
 22 CHAIRMAN FERGUSON: Yes.
 23 MS. LAMBRINIDES: Mr. Albanese?
 24 VICE CHAIRMAN ALBANESE: Yes.
 25 MS. LAMBRINIDES: Mr. Terranova?

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1 MR. TERRANOVA: Yes.
 2 MS. LAMBRINIDES: Mr. Nam?
 3 MR. NAM: Yes.
 4 MS. LAMBRINIDES: Ms. Yoon?
 5 MS. YOON: Yes.
 6 MS. LAMBRINIDES: Mr. Carnovale?
 7 MR. CARNOVALE: Yes.
 8 MS. LAMBRINIDES: Mr. Lefteriou?
 9 MR. LEFTERIOU: Yes.
 10 VICE CHAIRMAN ALBANESE: I make a
 11 motion we adjourn.
 12 CHAIRMAN FERGUSON: Okay. Second.
 13 MR. CARNOVALE: Third.
 14 CHAIRMAN FERGUSON: All in favor?
 15 (Whereupon, all Board Members respond
 16 in the affirmative.)
 17 (Whereupon, the meeting is adjourned.
 18 Time noted: 10:04 p.m.)

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CERTIFICATE

1
 2
 3 I, LAURA A. CARUCCI, C.C.R., R.P.R., a Notary
 4 Public of the State of New Jersey, Notary ID. #15855,
 5 Certified Court Reporter of the State of New Jersey,
 6 and a Registered Professional Reporter, hereby
 7 certify that the foregoing is a verbatim record of
 8 the testimony provided under oath before any court,
 9 referee, board, commission or other body created by
 10 statute of the State of New Jersey.
 11 I am not related to the parties
 12 involved in this action; I have no financial
 13 interest, nor am I related to an agent of or employed
 14 by anyone with a financial interest in the outcome of
 15 this action.
 16 This transcript complies with
 17 regulation 13:43-5.9 of the New Jersey Administrative
 18 Code.

 LAURA A. CARUCCI, C.C.R., R.P.R.
 License #XI02050, and Notary Public
 of New Jersey #15855, Notary
 Expiration Date March 1, 2019

17 Dated: _____

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