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**LAURA A. CARUCCI, C.S.R., R.P.R., L.L.C.**  
201-641-1812

BOROUGH OF PALISADES PARK  
BOARD OF ADJUSTMENT  
MONDAY, JUNE 18, 2018  
COMMENCING AT 7:04 P.M.

IN THE MATTER OF: : TRANSCRIPT  
: OF  
: PROCEEDINGS

**APPLICATION NO. 18-03**  
FAIR SUPREME :  
131 E. Brinkerhoff Avenue :  
Block 420, Lots 23 & 24 :

**APPLICATION NO. 18-02**  
HEIDI LEE :  
267 HILLSIDE Avenue :  
Block 202, Lot 13 :

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  
DAVID TERRANOVA, MEMBER  
SEUNG YOON, MEMBER  
PAUL KIM, MEMBER  
LEFTE RI LEFTE RI O U, ALTERNATE

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CHAIRMAN FERGUSON: All right. I'll  
call the meeting to order.

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

MR. KIM: Absolutely.

(Whereupon, Mr. Kim leads the  
Recitation of the Pledge of Allegiance.)

CHAIRMAN FERGUSON: Roll call for  
attendance.

MS. KIM: Mr. Ferguson?

CHAIRMAN FERGUSON: Here.

MS. KIM: Mr. Albanese?

VICE CHAIRMAN ALBANESE: Here.

MS. KIM: Mr. Terranova?

MR. TERRANOVA: Here.

MS. KIM: Mr. Kim?

MR. KIM: Yes.

MS. KIM: Mr. Nam?

MR. NAM: Here.

MS. KIM: Ms. Yoon?

MS. YOON: Here.

MS. KIM: Mr. Carnovale?

MR. CARNOVALE: Here.

MS. KIM: Ms. Tarabocchia?

(No response.)

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**A P P E A R A N C E S :**

DIANE TESTA, ESQ.  
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**A L S O P R E S E N T :**

GINA KIM, BOARD SECRETARY  
MICHAEL KAUKER, BOARD PLANNER  
JUDD ROCCIOLA, BOARD TRAFFIC ENGINEER  
STEVE COLLAZUOL, BOARD ENGINEER

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00:00 1 MS. KIM: And, Mr. Lefteriou?

00:00 2 MR. LEFTERIOU: Here.

00:00 3 CHAIRMAN FERGUSON: First order of

00:00 4 business we'll get some bills paid. We have a bill

00:00 5 from Kauker and Kauker for \$1155.00. And we also

00:00 6 have a bill for \$700.00 from the board attorney,

00:01 7 which is Diane Testa.

00:01 8 So can I get a motion to pay the bills?

00:01 9 VICE CHAIRMAN ALBANESE: I'll make a

00:01 10 motion to pay the bills.

00:01 11 MR. CARNOVALE: Second.

00:01 12 CHAIRMAN FERGUSON: Roll call vote.

00:01 13 MS. KIM: Mr. Ferguson?

00:01 14 CHAIRMAN FERGUSON: Yes.

00:01 15 MS. KIM: Mr. Albanese?

00:01 16 VICE CHAIRMAN ALBANESE: Yes.

00:01 17 MS. KIM: Mr. Terranova?

00:01 18 MR. TERRANOVA: Yes.

00:01 19 MS. KIM: Mr. Kim?

00:01 20 MR. KIM: Yes.

00:01 21 MS. KIM: Mr. Nam?

00:01 22 MR. NAM: Yes.

00:01 23 MS. KIM: Ms. Yoon?

00:01 24 MS. YOON: Yes.

00:01 25 MS. KIM: Mr. Carnovale?

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00:01 1 MR. CARNOVALE: Yes.

00:01 2 MS. KIM: Mr. Lefteriou?

00:01 3 MR. LEFTERIOU: Abstain.

00:01 4 MS. TESTA: Yes.

00:01 5 CHAIRMAN FERGUSON: Okay. Next is we

00:01 6 all received a copy of the previous minutes. Just

00:01 7 one correction on the minutes. It says March, it

00:01 8 should be April.

00:01 9 MS. TESTA: May.

00:01 10 CHAIRMAN FERGUSON: Oh, I'm sorry. It

00:01 11 should be May. So with that change I'll make a

00:01 12 motion to accept the minutes.

00:01 13 VICE CHAIRMAN ALBANESE: Second.

00:01 14 CHAIRMAN FERGUSON: Roll call.

00:01 15 MS. KIM: Mr. Ferguson?

00:01 16 CHAIRMAN FERGUSON: Yes.

00:01 17 MS. KIM: Mr. Albanese?

00:01 18 VICE CHAIRMAN ALBANESE: Yes.

00:01 19 MS. KIM: Mr. Terranova?

00:01 20 MR. TERRANOVA: Yes.

00:01 21 MS. KIM: Mr. Kim?

00:01 22 MR. KIM: Yes.

00:01 23 MS. KIM: Mr. Nam?

00:01 24 MR. NAM: Yes.

00:01 25 MS. KIM: Ms. Yoon?

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00:01 1 MS. YOON: Yes.

00:01 2 MS. KIM: Mr. Carnovale?

00:01 3 MR. CARNOVALE: Yes.

00:01 4 MS. KIM: Mr. Lefteriou?

00:01 5 MR. LEFTERIOU: Abstain.

00:02 6 CHAIRMAN FERGUSON: Okay. Next on the

00:02 7 agenda we have a memorialization. Case No. 17-17,

00:02 8 Bergen KR, LLC, 400 Bergen Boulevard.

00:02 9 VICE CHAIRMAN ALBANESE: I'll make a

00:02 10 motion we accept the memorialization.

00:02 11 CHAIRMAN FERGUSON: Second.

00:01 12 MS. KIM: Mr. Ferguson?

00:01 13 CHAIRMAN FERGUSON: Yes.

00:01 14 MS. KIM: Mr. Albanese?

00:01 15 VICE CHAIRMAN ALBANESE: Yes.

00:01 16 MS. KIM: Mr. Terranova?

00:01 17 MR. TERRANOVA: Yes.

00:01 18 MS. KIM: Mr. Kim?

00:01 19 MR. KIM: Yes.

00:01 20 MS. KIM: Mr. Nam?

00:01 21 MR. NAM: Yes.

00:01 22 MS. KIM: Ms. Yoon?

00:01 23 MS. YOON: Yes.

00:01 24 MS. KIM: Mr. Carnovale?

00:01 25 MR. CARNOVALE: Yes.

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00:01 1 MS. KIM: Mr. Lefteriou?

00:01 2 MR. LEFTERIOU: Abstain.

00:02 3 CHAIRMAN FERGUSON: So that brings us

00:02 4 up to the business of tonight, which is Case

00:02 5 No. 18-03, Fair Supreme, 135 East Brinkerhoff --

00:02 6 VICE CHAIRMAN ALBANESE: 131, Joe.

00:02 7 CHAIRMAN FERGUSON: Oh, I'm sorry. I

8 can't read.

9 VICE CHAIRMAN ALBANESE: 131.

10 CHAIRMAN FERGUSON: It's 131 East

11 Brinkerhoff Avenue, Block 420, Lots 23 and 24.

12 Counsel, do you want to put your

13 appearance in?

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

15 Members of the Board. My name is Marc Macri. I

16 represent the applicant Fair Supreme, LLC, in

17 connection with property located at 131 East

18 Brinkerhoff Avenue.

19 Before we begin, I'd like to hand in my

00:03 20 Affidavit of Service.

00:03 21 MS. TESTA: Uh-huh.

00:03 22 CHAIRMAN FERGUSON: Counsel, proceed.

00:03 23 MR. MACRI: With me this evening I have

00:03 24 Mr. Vassilios Cocoros, our licensed architect.

00:03 25 If I can have him sworn in, I'll begin

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00:03 1 our presentation.  
 00:03 2 MS. TESTA: Please raise your right  
 00:03 3 hand. Do you swear that the testimony you will give  
 00:03 4 in this application will be the truth, the whole  
 00:03 5 truth and nothing but the truth?  
 00:03 6 MR. COCOROS: I do.  
 00:03 7 VASSILIOS COCOROS,  
 00:03 8 467 Sylvan Avenue, Englewood Cliffs, New Jersey,  
 00:03 9 having been duly sworn, testifies as follows:  
 00:03 10 MS. TESTA: Please state your name,  
 00:03 11 spell it for the record.  
 00:03 12 MR. COCOROS: Vassilios,  
 00:03 13 V-A-S-S-I-L-I-O-S, Cocoros, C-O-C-O-R-O-S, 467 Sylvan  
 00:03 14 Avenue, Englewood Cliffs, New Jersey.  
 00:03 15 CHAIRMAN FERGUSON: Okay, proceed.  
 00:03 16 DIRECT EXAMINATION  
 00:03 17 BY MR. MACRI:  
 00:03 18 Q. Mr. Cocoros, can you please describe  
 00:04 19 what we propose to construct upon the property  
 00:04 20 located at 131 East Brinkerhoff Avenue?  
 00:04 21 A. Sure.  
 00:04 22 The property which is a corner property  
 00:04 23 is 37-and-a-half feet wide by 102.24 deep on the west  
 00:04 24 side and 102.21 deep on the right side.  
 00:04 25 The property, itself, is located on the  
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00:04 1 northwest corner of 4th and Brinkerhoff. Right now  
 00:04 2 there is a dilapidated dwelling on the property.  
 00:04 3 We're proposing to demolish the existing dwelling and  
 00:04 4 construct a new two-family dwelling in an up-and-down  
 00:04 5 configuration.  
 00:04 6 Right now since the property has a  
 00:04 7 severe drop off along 4th Street, it's very difficult  
 00:04 8 to configure parking, even with a garage and  
 00:04 9 driveway. So we've opted to orient the house on  
 00:04 10 Brinkerhoff, which is the current address with a  
 00:04 11 two-car driveway and two-car garage, would provide  
 00:05 12 two parking spaces for each unit, two on the driveway  
 00:05 13 and two in the garage.  
 00:05 14 The actual dwelling, itself, will be  
 00:05 15 set back 21 feet 8 inches, which is more than the  
 00:05 16 existing dwelling that's there now, which is  
 00:05 17 approximately 18 feet or less, and the adjacent  
 00:05 18 dwelling to the west of us, which is the left-hand  
 00:05 19 side, will be further back than that.  
 00:05 20 We've also -- instead of having the  
 00:05 21 staircase come out from the front of the building, we  
 00:05 22 set the staircases back into the front right corner  
 00:05 23 of the building, in order to preserve the sight  
 00:05 24 triangle along 4th Street.  
 00:05 25 It's an up-and-down configuration.  
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00:05 1 It's three stories. Part of the stories and the  
 00:05 2 height is a function of the property dropping off  
 00:05 3 from Brinkerhoff as you go to the north. From the  
 00:05 4 sidewalk at Brinkerhoff and 4th, we have  
 00:05 5 approximately 113 at the rear corner of the property,  
 00:06 6 at the bottom of the existing wall we have  
 00:06 7 approximately 103.4, which is almost a 10-foot drop  
 00:06 8 off.  
 00:06 9 However, what we've done is we oriented  
 00:06 10 the house on Brinkerhoff. The driveway, itself, is  
 00:06 11 relatively flat. There's no pitch going down.  
 00:06 12 However, we tried to keep it as dead level as  
 00:06 13 possible, so we tried to keep the building in the  
 00:06 14 ground as much as we can.  
 00:06 15 The existing dwelling to the west of us  
 00:06 16 has a building corner of 116.33. The property,  
 00:06 17 itself, does drop off -- does drop off as you go  
 00:06 18 towards the east. So our building corner along their  
 00:06 19 portion is about 8 inches lower and that's taken  
 00:06 20 within the existing grade.  
 00:06 21 The driveway, itself, is at 114.33,  
 00:06 22 which is almost 2 feet lower than the existing  
 00:06 23 dwelling that's next to us. But we're still able to  
 00:06 24 maintain a flat driveway for the cars, even the flat  
 00:06 25 driveway into the garage, itself.  
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00:07 1 The building footprint is 30-feet  
 00:07 2 2-inches wide at the widest point which is in the  
 00:07 3 back. And it's 63-feet deep. At the front we have a  
 00:07 4 building width of 24 feet 10 inches with an  
 00:07 5 indentation for a 5-foot staircase, which I mentioned  
 00:07 6 before, is to cut out the sight triangle along 4th  
 00:07 7 Street.  
 00:07 8 There was some -- the report from the  
 00:07 9 traffic planner, I just wanted to verify what's going  
 00:07 10 on in the corner, is right now there was, I guess, a  
 00:07 11 parking space in front of the existing house and a  
 00:07 12 driveway that's located for the existing dwelling to  
 00:07 13 the west of us, what we've done is we're eliminating  
 00:07 14 the parking on street on that portion of Brinkerhoff  
 00:07 15 Avenue, however we're filling in a curb cut on the  
 00:07 16 4th Street side.  
 00:07 17 So from the edge of the corner -- not  
 00:07 18 the radius, but the actual edge of the pavement at  
 00:07 19 the curb at 4th Street we have approximately 21 feet  
 00:07 20 to where a curb cut would begin, so nobody would be  
 00:07 21 able to park or should park on that corner, because  
 00:08 22 there's only 11 feet 3 inches to the property line  
 00:08 23 and about 21 feet to the actual edge. And there's a  
 00:08 24 radius of approximately 10 feet along that portion.  
 00:08 25 So nobody could -- so we basically opened up this  
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00:08 1 whole corner (indicating). We have a total -- let's  
00:08 2 say, total drop curb with the neighbor, because we're  
00:08 3 basically doing a drop curb so it makes it easier  
00:08 4 enough for him to get in. We've also provided a  
00:08 5 walkway on the side that would be level with the  
00:08 6 owner's existing driveway to help make it easier for  
00:08 7 him to get in and out and not impede his driveway.

00:08 8 So we have an existing curb, the  
00:08 9 existing portion to remain, 13 foot 7, which is to  
00:08 10 accommodate the neighbors on the west, 22 feet for  
00:08 11 ours and then we go 11 foot 3 to the corner of the  
00:08 12 property line.

00:08 13 So, basically, from the property line  
00:08 14 to the first place you can park, which is right at  
00:08 15 where the fire hydrant is, we have a total of 46 feet  
00:09 16 10 inches approximately from the property line. That  
00:09 17 will be 56 feet from the -- bless you -- the edge of  
00:09 18 the pavement on 4th Street.

00:09 19 So we are opening up that corridor in  
00:09 20 addition to opening up the parking space on 4th  
00:09 21 Street where the drop curb would be.

00:09 22 The layout is three bedrooms each  
00:09 23 floor, all brick structure. We tried to bring it  
00:09 24 down the best we could as far as the roof, we have a  
00:09 25 3-on-12 pitch.

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00:10 1 Our existing lot area is 37 and --  
00:10 2 37-and-a-half-feet wide by approximately 102.24 deep  
00:10 3 with a lot area of 3,833.3 square feet, which is a  
00:10 4 variance for lot size.

00:10 5 Q. Mr. Cocoros, the properties to our  
00:10 6 north and to our west, they're fully developed?

00:10 7 A. Yes.

00:10 8 Q. So we have no opportunity to acquire  
00:10 9 additional property; is that correct?

00:11 10 A. Correct.

00:11 11 In addition, the dwelling next to us is  
00:11 12 also 37-and-a-half-feet, so it's difficult to acquire  
00:11 13 any additional property from that.

00:11 14 Q. Thank you.

00:11 15 A. Lot width, which I mentioned, is  
00:11 16 37-and-a-half-feet.

00:11 17 The AA zone the requirement is 50 feet,  
00:11 18 which is a preexisting nonconforming condition.

00:11 19 The lot area, the -- it is the AA zone,  
00:11 20 which does allow for two families, so we're proposing  
00:11 21 a two-family dwelling.

00:11 22 Lot area per dwelling unit based on the  
00:11 23 lot size requirement of 2-and-a-half-thousand square  
00:11 24 feet is required. We have 1,916.71 square feet. But  
00:11 25 that -- that density is in line with other

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00:09 1 The floor plan is on the next sheet.  
00:09 2 We have a ground floor with a typical two-car garage.  
00:09 3 There's stairs at the first floor, utility room,  
00:09 4 recreation room in the back. The existing grade is  
00:09 5 awkward. We have a door on the side, which is an  
00:09 6 access along the walkway to the left, which is also  
00:09 7 level with the neighbor's driveway.

00:09 8 The first floor three-bedroom layout,  
00:09 9 we have the living room, dining room and the kitchen  
00:09 10 in the front.

00:09 11 At the back we have three bedrooms, one  
00:10 12 being a master with a deck off the backyard. The  
00:10 13 master has its own on-suite bathroom with a walk-in  
00:10 14 closet. There's a hall bathroom with double sinks,  
00:10 15 hall laundry, and a -- two secondary bedrooms have  
00:10 16 their own closets (indicating).

00:10 17 The top floor is basically the same  
00:10 18 footprint as down below, except the entrance is from  
00:10 19 another staircase that's opposite from the covered  
00:10 20 entry platform.

00:10 21 Should I go over the variances?

00:10 22 Q. Sure. Can you go through the zoning  
00:10 23 schedule?

00:10 24 A. This is located in the AA zone, which  
00:10 25 does allow for two-family dwellings.

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00:11 1 6-over-6-type structures that have been approved. So  
00:11 2 I feel that can be granted.

00:11 3 Building coverage, we have 47.35  
00:11 4 percent or 1800 -- 1,815 square feet, which is a  
00:11 5 variance for the percent coverage.

00:11 6 In addition, if you look at the  
00:11 7 footprint of a typical duplex of 2100 square feet, we  
00:12 8 did try to minimize the footprint to accommodate the  
00:12 9 dwelling, however, due to narrowness we have a  
00:12 10 certain figuration where the house is a little bit  
00:12 11 deeper to accommodate the front triangle and the  
00:12 12 narrowness of the lot.

00:12 13 Front yard setback, 20 feet is  
00:12 14 required. The neighbors are closer than we are,  
00:12 15 however we tried to make the driveway a little bit  
00:12 16 deeper so you could easily maneuver onto East  
00:12 17 Brinkerhoff so you're not too close to the sidewalk.

00:12 18 There is a 15-foot right-of-way between  
00:12 19 the curb and the property line which helps make that  
00:12 20 feel bigger.

00:12 21 Right side yard setback, which is the  
00:12 22 corner. We have 4 feet 1 inches measured to the  
00:12 23 closest point.

00:12 24 However, the building, itself, goes  
00:12 25 approximately 7 feet, 5 -- I'm sorry -- 9 feet, 5 at

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00:12 **1** the front corner where the stairs are.  
 00:12 **2** The left side yard setback, which is to  
 00:13 **3** the west is 3.25 or 3 feet 3 inches, 3 feet 3 inches,  
 00:13 **4** which is -- requires a variance for the 5 feet.  
 00:13 **5** There is also a combined setback  
 00:13 **6** requirement OF -- I'm sorry, there's a -- well, it's  
 00:13 **7** a corner, I'm sorry. Yeah, so the right side which  
 00:13 **8** is the corner, 10 feet is required, we have 4 feet 1  
 00:13 **9** inch at the closest point. Left side 5 feet, we have  
 00:13 **10** 3 feet 3 inches. All those setbacks are in line with  
 00:13 **11** similar type structures that have been developed on  
 00:13 **12** these size lots.  
 00:13 **13** Our rear yard setback, since we pushed  
 00:13 **14** the building back further, 25 feet is required. We  
 00:13 **15** have 17.54 or a little over 17-and-a-half feet.  
 00:13 **16** Building height, since the property  
 00:13 **17** does have a big drop off, there's a total height of  
 00:13 **18** three stories and 31 feet 5-and-a-half inches, which  
 00:13 **19** is measured from the average grade from the middle of  
 00:14 **20** the roof. The requirement is 25 feet, because we're  
 00:14 **21** really a non-duplex type structure, because it's a  
 00:14 **22** 6-over-6.  
 00:14 **23** Q. Mr. Cocoros, have you had the  
 00:14 **24** opportunity to review the May 18th correspondence  
 00:14 **25** prepared by Collazuol Associates?  
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00:15 **1** under the staircase that brings you to the second  
 00:15 **2** floor.  
 00:15 **3** CHAIRMAN FERGUSON: Okay.  
 00:15 **4** But if I'm looking at your plan that  
 00:15 **5** I'm looking at now, how would I know that there's a  
 00:15 **6** staircase there? I mean shouldn't it be, like, an  
 00:15 **7** arrow or --  
 00:15 **8** THE WITNESS: I probably should have --  
 00:15 **9** I should have put landing there. I have landing. I  
 00:15 **10** should have put the staircase up to the...  
 00:15 **11** CHAIRMAN FERGUSON: Okay. I just wanted  
 00:15 **12** to be clear.  
 00:15 **13** Now, the other thing is the sight  
 00:15 **14** triangle. Now, I assume that you have the 25 feet  
 00:15 **15** for the sight triangle?  
 00:15 **16** THE WITNESS: Yes.  
 00:15 **17** CHAIRMAN FERGUSON: You do?  
 00:16 **18** THE WITNESS: Yes. Also, there's some  
 00:16 **19** trees that are there now --  
 00:16 **20** CHAIRMAN FERGUSON: Right.  
 00:16 **21** THE WITNESS: -- that would be taken  
 00:16 **22** down, which would help improve the sight triangle.  
 00:16 **23** CHAIRMAN FERGUSON: Okay. So you plan  
 00:16 **24** to take that tree down --  
 00:16 **25** THE WITNESS: Yes.  
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00:14 **1** A. Yes.  
 00:14 **2** Q. Are you able to comply with his  
 00:14 **3** requirements?  
 00:14 **4** A. Yes, we can.  
 00:14 **5** MR. MACRI: Thank you.  
 00:14 **6** No further questions.  
 00:14 **7** CHAIRMAN FERGUSON: I just got a few.  
 00:14 **8** Okay. First thing, as I looked at the plans,  
 00:14 **9** Mr. Cocoros, you have one entrance going into the  
 00:14 **10** building?  
 00:14 **11** THE WITNESS: Yes. It's one staircase.  
 00:14 **12** It's basically like an L-shape where you come in, you  
 00:14 **13** make a left, you go to the first floor unit, you open  
 00:14 **14** the door straight ahead you get the staircase for the  
 00:14 **15** second floor unit.  
 00:14 **16** CHAIRMAN FERGUSON: Okay.  
 00:14 **17** Now, if I'm standing -- because if I'm  
 00:14 **18** looking at your plan now, how am I getting from the  
 00:15 **19** first floor to the basement.  
 00:15 **20** THE WITNESS: There's a staircase. If  
 00:15 **21** you look at the eating area, the first floor plan --  
 00:15 **22** CHAIRMAN FERGUSON: Right.  
 00:15 **23** THE WITNESS: -- right behind the -- or  
 00:15 **24** should I say to the right of the laundry room there's  
 00:15 **25** a door that takes you to the staircase, which is  
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00:16 **1** CHAIRMAN FERGUSON: -- that's on the  
 00:16 **2** corner?  
 00:16 **3** THE WITNESS: Yeah, there's, like, three  
 00:16 **4** of them there.  
 00:16 **5** CHAIRMAN FERGUSON: Okay.  
 00:16 **6** Now, as far as the basement, can you --  
 00:16 **7** who has control of the basement? That would the  
 00:16 **8** first floor.  
 00:16 **9** THE WITNESS: That's the first floor,  
 00:16 **10** yes.  
 00:16 **11** CHAIRMAN FERGUSON: First floor?  
 00:16 **12** THE WITNESS: Yeah, like, in typical  
 00:16 **13** 6-over-6s, it's connected to the first-floor unit.  
 00:16 **14** CHAIRMAN FERGUSON: Right. So it's not  
 00:16 **15** -- so the second floor is just going to be -- okay.  
 00:16 **16** THE WITNESS: They just have a garage  
 00:16 **17** space.  
 00:16 **18** CHAIRMAN FERGUSON: Okay. Now, the  
 00:16 **19** other thing is it's a 6-over-6 and this is something  
 00:16 **20** that we don't see a lot of.  
 00:16 **21** What's the difference between this and,  
 00:16 **22** let's say, a duplex? Is this smaller?  
 00:16 **23** THE WITNESS: Yes. Let's say a typical  
 00:16 **24** duplex is about 2100-square footprint --  
 00:16 **25** CHAIRMAN FERGUSON: Right.  
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00:16 1 THE WITNESS: -- sometimes more with  
 00:16 2 the overhangs.  
 00:16 3 CHAIRMAN FERGUSON: Right.  
 00:16 4 THE WITNESS: This is 1800 square feet.  
 00:16 5 This is more in line -- it's, like, a typical 40 by  
 00:16 6 100. The footprint is more in line with a typical 40  
 00:17 7 by 100.  
 00:17 8 CHAIRMAN FERGUSON: Okay.  
 00:17 9 THE WITNESS: 6-over-6.  
 00:17 10 CHAIRMAN FERGUSON: And the reason why  
 00:17 11 you went 6-over-6, I assume, is because of the area,  
 00:17 12 the space?  
 00:17 13 THE WITNESS: So we're different than a  
 00:17 14 duplex, but, however, since the -- it would have to  
 00:17 15 face on 4th Street and just it was too much of a  
 00:17 16 pitch along -- so it would have been too much for the  
 00:17 17 property.  
 00:17 18 CHAIRMAN FERGUSON: Okay. No, I -- all  
 00:17 19 right.  
 00:17 20 Now, to get into the basement, you get  
 00:17 21 that obviously for the first floor and now is there  
 00:17 22 another way to get into there?  
 00:17 23 THE WITNESS: Yeah, a side door like --  
 00:17 24 which we do the side doors on these types of layouts.  
 00:17 25 We have it on the left-hand side.

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00:17 1 CHAIRMAN FERGUSON: Right.  
 00:17 2 THE WITNESS: Which is level with the  
 00:17 3 grade and we have a walkway that runs along our side  
 00:17 4 yard.  
 00:17 5 CHAIRMAN FERGUSON: Right.  
 00:17 6 THE WITNESS: That was also basically  
 00:17 7 aligned with the neighbor's pavement to -- you know,  
 00:17 8 I guess to keep that area level.  
 00:17 9 CHAIRMAN FERGUSON: When I'm opening  
 00:17 10 that door, do I have any steps to go down?  
 00:17 11 THE WITNESS: No.  
 00:17 12 CHAIRMAN FERGUSON: So you're going to  
 00:17 13 walk right from that door right into the basement,  
 00:17 14 correct?  
 00:17 15 THE WITNESS: Yes.  
 00:17 16 Into the basement. The -- the property  
 00:17 17 does drop off, so what we did is the basement,  
 00:17 18 itself, is a step down to follow the natural grade,  
 00:18 19 so there's no steps. In the side yard or in the --  
 00:18 20 so we have this door here (indicating) there's also  
 00:18 21 -- from the garage there's a door here, which goes  
 00:18 22 into the stair --  
 00:18 23 CHAIRMAN FERGUSON: Right.  
 00:18 24 THE WITNESS: -- staircase and also the  
 00:18 25 recreation room in the back.

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00:18 1 CHAIRMAN FERGUSON: Now, on the first  
 00:18 2 and second floor you don't need egress?  
 00:18 3 THE WITNESS: No, it's --  
 00:18 4 CHAIRMAN FERGUSON: I mean --  
 00:18 5 THE WITNESS: Well, yeah, there's a  
 00:18 6 window --  
 00:18 7 CHAIRMAN FERGUSON: -- two egresses or  
 00:18 8 just --  
 00:18 9 THE WITNESS: No. It's a two-family.  
 00:18 10 Once you go with multifamily, then you need a second  
 00:18 11 means of egress.  
 00:18 12 CHAIRMAN FERGUSON: Okay. So you need  
 00:18 13 -- but you need it in the basement; is that the --  
 00:18 14 THE WITNESS: And part of it, you know,  
 00:18 15 always -- technically you can get away without it,  
 00:18 16 but we always -- I know a lot of the fire code,  
 00:18 17 subcode officials like to have a second means of  
 00:18 18 egress.  
 00:18 19 CHAIRMAN FERGUSON: Yeah. No, I get  
 00:18 20 that.  
 00:18 21 Any other board members have anything?  
 00:18 22 (No response.)  
 00:18 23 CHAIRMAN FERGUSON: No? Okay. We'll  
 00:18 24 just work our way down -- oh, I'm sorry.  
 00:18 25 MR. TERRANOVA: Is there a tub in the

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00:18 1 bathroom on the basement plan?  
 00:19 2 THE WITNESS: Yes.  
 00:19 3 MR. TERRANOVA: And there's also a tub  
 00:19 4 or a shower on the first floor?  
 00:19 5 THE WITNESS: The first floor -- the  
 00:19 6 first and second floor are two bedroom, two bathroom  
 00:19 7 integration. The master has a shower and the hall  
 00:19 8 bathroom has a tub/shower.  
 00:19 9 MR. TERRANOVA: So there's two tubs?  
 00:19 10 THE WITNESS: Yes.  
 00:19 11 MR. TERRANOVA: Didn't we talk about --  
 00:19 12 CHAIRMAN FERGUSON: Yes.  
 00:19 13 MR. TERRANOVA: -- not having a --  
 00:19 14 CHAIRMAN FERGUSON: Any -- and I  
 00:19 15 thought we went over this many times. Anything below  
 00:19 16 -- not in the first, second floor, the basement, we  
 00:19 17 allow a -- a basin and also a toilet, but we don't  
 00:19 18 allow tubs. At least I don't allow tubs. And the  
 00:19 19 reason for that is because we don't want families  
 00:19 20 sneaking into the basement. So we would like to see  
 00:19 21 that tub go. You can --  
 00:19 22 MR. MACRI: It will be removed.  
 00:19 23 MS. TESTA: Powder room.  
 00:19 24 CHAIRMAN FERGUSON: What?  
 00:19 25 MS. TESTA: You want, like, a powder

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1 room?

2 CHAIRMAN FERGUSON: Yeah. Well --

3 MS. TESTA: A two-fixture.

00:19 4 MR. MACRI: We'll remove it.

00:20 5 CHAIRMAN FERGUSON: Yeah, just remove

00:20 6 it. You can put a closet there, whatever you want to

00:20 7 do, but, yeah, you got to lose the -- in that

00:20 8 subbasement.

00:20 9 So you can have a sink. You can have a

00:20 10 toilet. But you can't have the tub. All right.

00:20 11 Any other comments? Thank you for

00:20 12 that. Any other -- okay.

00:20 13 (No response.)

00:20 14 CHAIRMAN FERGUSON: We're going to work

00:20 15 our way right down the line. Steve, you're up.

00:20 16 MR. COLLAZUOL: All right. Hi, Bill.

00:20 17 Bill, on the site plan you show along

00:20 18 4th Street that the existing concrete curb is going

00:20 19 to remain in part and that from the drop curb

00:20 20 existing to the north is going to be replaced.

00:20 21 Can you make that so it's -- I believe

00:20 22 that's required a full curb all around.

00:20 23 THE WITNESS: Yes.

00:20 24 MR. COLLAZUOL: The water line on the

00:20 25 plan, are you going to run the water to East

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00:21 1 Brinkerhoff or to 4th Street?

00:21 2 THE WITNESS: I guess we'll confirm

00:21 3 with the utility company. I'd imagine 4th Street is

00:21 4 probably easier to bring these out.

00:21 5 We're going to reuse the one valve box

00:21 6 that's there. It's probably a 3/4-inch line for the

00:21 7 one unit.

00:21 8 MR. COLLAZUOL: Where is that located?

00:21 9 Is it coming off of 4th?

00:21 10 THE WITNESS: Yeah, I don't see it. It

00:21 11 may be an overgrown -- yes, we can confirm where it

00:21 12 would come from --

00:21 13 MR. COLLAZUOL: Okay.

00:21 14 THE WITNESS: Because one would stay, I

00:21 15 guess the new one would come off of 4th.

00:21 16 MR. COLLAZUOL: All right. The last

00:21 17 question I have is with respect to the existing

00:21 18 sewer, sometimes the existing sewers are not adequate

00:21 19 because increasing a family here, aren't you?

00:22 20 Right, Bill, one-family to two-family?

00:22 21 So can you put a note on the plan that -- I mean, you

00:22 22 do have a note here that says "verify," but I ran

00:22 23 into an experience where they were doing the same

00:22 24 thing, but they thought they were going to be able to

00:22 25 use the old 4-inch, so --

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00:22 1 THE WITNESS: Verify the gallons per

00:22 2 day. The gallons per day, verify the size to

00:22 3 accommodate the two-family.

00:22 4 MR. COLLAZUOL: And I just -- along

00:22 5 with Joe, I'm just curious --

00:22 6 THE WITNESS: Sure.

00:22 7 MR. COLLAZUOL: -- on A-2 on the second

00:22 8 floor plan at the top of the steps it says "bedroom."

00:22 9 THE WITNESS: No, it's -- that's

00:22 10 actually a landing.

00:22 11 MR. COLLAZUOL: That should be -- okay.

00:22 12 Thank you. I have nothing else.

00:22 13 Thank you.

00:22 14 CHAIRMAN FERGUSON: Counsel, just so

00:22 15 we're clear, if you're taking down the tree in the

00:22 16 front which you need for your sight triangle, you're

00:22 17 going to have to donate \$1,000.00 to the tree

00:23 18 preservation fund.

00:23 19 MR. MACRI: Okay. We can't replace

00:23 20 trees, you have to donate?

00:23 21 CHAIRMAN FERGUSON: Say it again? We

00:23 22 want you to donate \$1,000.00 to the tree

00:23 23 preservation.

00:23 24 And by the way -- well, just donate

00:23 25 and they'll find a place to plant the tree.

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00:23 1 Okay. Judd?

00:23 2 MR. ROCCIOLA: Yeah. Judd Rocciola.

00:23 3 The only comment I have in my report

00:23 4 was the location of the beginning of the curb cut

00:23 5 with respect to the corner of 4th Street and in the

00:23 6 past the board had asked on a couple other

00:23 7 applications if there was a design standard of

00:23 8 separation.

00:23 9 So what I gave the board is the DOT for

00:23 10 residential they require 12 feet from the PT of the

00:23 11 curb.

00:23 12 THE WITNESS: Where the curb starts?

00:23 13 MR. ROCCIOLA: The curb, the radius on

00:24 14 the corner meets the tangent of the road, a straight

00:24 15 section of the road.

00:24 16 So this would be substandard in those

00:24 17 terms because somebody turning off of 4th Street,

00:24 18 they would be partially around the radius.

00:24 19 However, there's a good sight distance.

00:24 20 They're probably showing the sight triangle. They're

00:24 21 going to keep it clear and also 4th Street would be

00:24 22 the lower volume coming off of Brinkerhoff.

00:24 23 So I don't think it's a significant

00:24 24 safety issue, but it is a bit substandard.

00:24 25 CHAIRMAN FERGUSON: Well, we're going

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00:24 1 to remove that tree.  
 00:24 2 Mr. Kauker, do you have anything?  
 00:24 3 MR. KAUKER: Yeah, I have a couple of  
 00:24 4 comments.  
 00:24 5 CHAIRMAN FERGUSON: Sure.  
 00:24 6 MR. KAUKER: Just one question. The  
 00:24 7 recreation area in the basement, what unit is that  
 00:24 8 going to be --  
 00:24 9 THE WITNESS: That's a duplex down with  
 00:24 10 the first floor.  
 00:24 11 MR. KAUKER: So the first floor?  
 00:24 12 THE WITNESS: Yeah.  
 00:24 13 MR. KAUKER: Just real quickly I have  
 00:24 14 an error or a typo on my report on page 5 under the  
 00:24 15 section where it's titled (d)(6) height variance. I  
 00:25 16 have it wrong. I indicated a height of 36 feet is  
 00:25 17 permitted, and 65 proposed. That's incorrect. The  
 00:25 18 correct height is located in the table on the same  
 00:25 19 page above.  
 00:25 20 So they're requesting a variance for --  
 00:25 21 they're permitted 2-and-a-half feet. So we're  
 00:25 22 2-and-a-half stories, 25 feet where three stories and  
 00:25 23 31.46 feet is proposed, which results in a (d)(6)  
 00:25 24 variance.  
 00:25 25 But just briefly, I just wanted to go  
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00:25 1 over the bulk table. This is not a duplex, right,  
 00:25 2 it's just a two-family?  
 00:25 3 THE WITNESS: No, it's not. And that's  
 00:25 4 why it's an up-and-down two-family. The duplex  
 00:25 5 you're allowed to go to 28 feet to the midpoint.  
 00:25 6 However, a lot of this is -- since our existing wall  
 00:25 7 on the property will not artificially raise the  
 00:25 8 grade, we also took into consideration the neighbor's  
 00:25 9 existing grade to the west of us.  
 00:25 10 So we didn't raise the grade to bring  
 00:25 11 our building height. It was also the function of  
 00:25 12 keeping the driveway level, which the board doesn't  
 00:25 13 want to see driveways going down, especially in this  
 00:25 14 location.  
 00:26 15 MR. KAUKER: Okay. Just to clarify the  
 00:26 16 variances that are required.  
 00:26 17 THE WITNESS: Sure.  
 00:26 18 MR. KAUKER: I think that you cited a  
 00:26 19 couple of requirements from the duplex section.  
 00:26 20 For example, I think the requirement  
 00:26 21 for the lot area per unit, I believe that's a  
 00:26 22 requirement for a duplex. So you wouldn't need a  
 00:26 23 variance.  
 00:26 24 But just to go over them real quick. I  
 00:26 25 agree with you that you do need a variance for  
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00:26 1 minimum lot area where 5,000 is required where 3,833  
 00:26 2 square feet is proposed.  
 00:26 3 Minimum lot frontage, lot width 50  
 00:26 4 feet, 37-and-a-half, you addressed that.  
 00:26 5 With respect to the side yards, the way  
 00:26 6 they're defined in the ordinance, you have the street  
 00:26 7 side yard and an opposite side yard and you need to  
 00:26 8 comply with the requirements of a two-family, so 5  
 00:26 9 would be permitted on both sides.  
 00:26 10 THE WITNESS: Okay. So there's no  
 00:26 11 corner --  
 00:26 12 MR. KAUKER: Well, it's a corner lot,  
 00:26 13 but there's no -- typically like a corner lot may  
 00:26 14 require two front yards. This ordinance does not  
 00:26 15 require that. There's separate requirements when  
 00:27 16 dealing with duplexes, but again, that's why I asked  
 00:27 17 the question. This isn't a duplex.  
 00:27 18 So you would need 5 feet from the  
 00:27 19 street side as defined in the ordinance, 5 feet on  
 00:27 20 the opposite side and you correctly cited 4 -- I  
 00:27 21 think it was -- .08 feet for the street side and 3.25  
 00:27 22 feet for the opposite side yard.  
 00:27 23 The front yard, you don't need a  
 00:27 24 variance. Just to clarify that's established as the  
 00:27 25 narrowest portion which you correctly identified.  
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00:27 1 You had also -- minimum side yard both, that's a  
 00:27 2 requirement as well. I don't think you mention that,  
 00:27 3 so 14 feet is required and you propose about 7.33  
 00:27 4 feet.  
 00:27 5 Then you identify the minimum rear yard  
 00:27 6 and building height and you've correctly addressed  
 00:27 7 the maximum coverage.  
 00:27 8 Other than that, I have no other  
 00:27 9 questions.  
 00:27 10 Does the board have any questions with  
 00:27 11 respect to the variances?  
 00:27 12 CHAIRMAN FERGUSON: No, I got just --  
 00:27 13 as far as the positive and negative criteria, can I  
 00:28 14 get a couple of words on that? You know --  
 00:28 15 THE WITNESS: I'm not a planner, but I  
 00:28 16 can --  
 00:28 17 CHAIRMAN FERGUSON: Yeah.  
 00:28 18 THE WITNESS: I mean, basically I feel  
 00:28 19 that it's allowed in the zone. It's a two-family  
 00:28 20 dwelling, two-family zone. It's a previously  
 00:28 21 nonconforming lot.  
 00:28 22 No way to get any other property for  
 00:28 23 this lot. The -- I feel this being built would not  
 00:28 24 be a detriment to the neighborhood since there are  
 00:28 25 similar structures that have been built.  
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00:28 1 I think it will fit in the character of  
 00:28 2 the current development in the area.  
 00:28 3 In regard to the positive --  
 00:28 4 MR. MACRI: And the negative.  
 00:28 5 THE WITNESS: I guess positive would be  
 00:28 6 you're getting an old dwelling, which is, you know,  
 00:28 7 basically dilapidated at this point and providing new  
 00:28 8 housing, which is always needed.  
 00:28 9 CHAIRMAN FERGUSON: Okay.  
 00:28 10 MR. KAUKER: Just to kind of just maybe  
 00:28 11 to direct you in the direction, there are two types  
 00:28 12 of variances that he's looking for, they're looking  
 00:28 13 for. They're the (c) or the bulk variances.  
 00:28 14 CHAIRMAN FERGUSON: Right.  
 00:28 15 MR. KAUKER: Where the applicant must  
 00:29 16 show two reasons for justifying a (c) variance that  
 00:29 17 there's either a hardship or practical difficulty,  
 00:29 18 which sounded like he alluded to the fact that given  
 00:29 19 the fact that the property is undersized, there is no  
 00:29 20 available land to make the property conforming. That  
 00:29 21 could be considered a hardship or practical  
 00:29 22 difficulty.  
 00:29 23 THE WITNESS: Also the hardship in  
 00:29 24 regards to the drop off of the front topography.  
 00:29 25 MR. KAUKER: Well, with the height  
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00:29 1 variance, it's a (d) variance. So with a height  
 00:29 2 variance, I think we should hear some testimony with  
 00:29 3 respect to other dwellings in the area and the  
 00:29 4 heights of those other dwellings, because the board  
 00:29 5 can consider granting a height variance if the  
 00:29 6 proposed height is consistent with other structures  
 00:29 7 in the area.  
 00:29 8 MR. MACRI: That's what Mr. Cocoros  
 00:29 9 testified.  
 00:29 10 THE WITNESS: Yeah. If you look at  
 00:29 11 newer dwellings, they're basically set up where there  
 00:29 12 are three stories from the front. From the front it  
 00:29 13 looks like a typical, let's say, a duplex height,  
 00:29 14 however the property does drop off in the back and  
 00:29 15 has a little bit more increased height. That's a  
 00:29 16 function of the drop off at the property, but from an  
 00:29 17 overall look, it's consistent with newer development  
 00:29 18 of other two families, you know, 6-over-6s and  
 00:30 19 duplexes in the area.  
 00:30 20 MR. KAUKER: Okay.  
 00:30 21 CHAIRMAN FERGUSON: Good?  
 00:30 22 MR. KAUKER: Yeah.  
 00:30 23 CHAIRMAN FERGUSON: You're good, okay.  
 00:30 24 Anybody in the audience have anything?  
 00:30 25 (No response.)  
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00:30 1 CHAIRMAN FERGUSON: Okay. Counsel, do  
 00:30 2 you want to sum up?  
 00:30 3 MR. MACRI: Yes, Mr. Chairman.  
 00:30 4 That's our application. We are going  
 00:30 5 to amend it to remove the tub in the basement. We  
 00:30 6 are going to remove the tree located in the sight  
 00:30 7 triangle and donate \$1,000.00 to the -- pursuant to  
 00:30 8 the ordinance.  
 00:30 9 As Mr. Cocoros testified earlier, the  
 00:30 10 curb will also be addressed at the radius. We don't  
 00:30 11 feel there's any negative impact to the zoning  
 00:30 12 ordinances or to the intent of the master plan. The  
 00:30 13 height is consistent with other structures in the  
 00:30 14 neighborhood, more particularly newer structures in  
 00:30 15 the neighborhood. We're replacing a dilapidated  
 00:30 16 house. We're going to have a brand new two-family  
 00:30 17 house, increasing the housing stock available.  
 00:30 18 And based on those factors, I'm asking  
 00:30 19 the board to vote favorably upon this application.  
 00:31 20 VICE CHAIRMAN ALBANESE: Don't forget  
 00:31 21 \$1,000.00.  
 00:31 22 MR. MACRI: I said that.  
 00:31 23 VICE CHAIRMAN ALBANESE: Okay.  
 00:31 24 MR. MACRI: Removing a tree and donate  
 00:31 25 \$1,000.00.  
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00:31 1 CHAIRMAN FERGUSON: Okay. Can I get a  
 00:31 2 motion?  
 00:31 3 MR. CARNOVALE: I make a motion we  
 00:31 4 accept the application.  
 00:31 5 VICE CHAIRMAN ALBANESE: I'll second.  
 00:31 6 CHAIRMAN FERGUSON: There's a motion  
 00:31 7 and a second.  
 00:31 8 Roll call.  
 00:31 9 MS. KIM: Mr. Ferguson? Mr. Ferguson?  
 00:31 10 CHAIRMAN FERGUSON: Yes.  
 00:31 11 MS. KIM: Mr. Albanese?  
 00:31 12 VICE CHAIRMAN ALBANESE: Yes.  
 00:31 13 MS. KIM: Mr. Terranova?  
 00:31 14 MR. TERRANOVA: Yes.  
 00:31 15 MS. KIM: Mr. Kim?  
 00:31 16 MR. KIM: Yes.  
 00:31 17 MS. KIM: Mr. Nam?  
 00:31 18 MR. NAM: Yes.  
 00:31 19 MS. KIM: Ms. Yoon?  
 00:31 20 MS. YOON: Yes.  
 00:31 21 MS. KIM: Mr. Carnovale?  
 00:31 22 MR. CARNOVALE: Yes.  
 00:31 23 MS. KIM: No Tarabocchia?  
 00:31 24 (No response.)  
 00:31 25 MS. KIM: Mr. Lefteriou?  
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00:31 1 MR. LEFTERIOU: Abstain.  
 00:31 2 CHAIRMAN FERGUSON: Okay. We're good.  
 00:31 3 Thank you, Counsel, good to see you.  
 00:31 4 MR. MACRI: Thank you.  
 00:31 5 CHAIRMAN FERGUSON: All right. We're  
 00:31 6 going to take a 5-minute recess.  
 00:31 7 Thank you.  
 00:31 8 (Whereupon, a short recess is held.)  
 00:31 9 CHAIRMAN FERGUSON: Roll call for  
 00:31 10 attendance.  
 00:31 11 MS. KIM: Mr. Ferguson?  
 00:31 12 CHAIRMAN FERGUSON: Here.  
 00:39 13 MS. KIM: Mr. Albanese?  
 00:39 14 VICE CHAIRMAN ALBANESE: Here.  
 00:39 15 MS. KIM: Mr. Terranova?  
 00:39 16 MR. TERRANOVA: Here.  
 00:39 17 MS. KIM: Mr. Kim?  
 00:39 18 MR. KIM: Here.  
 00:39 19 MS. KIM: Mr. Nam?  
 00:39 20 MR. NAM: Here.  
 00:39 21 MS. KIM: Ms. Yoon?  
 00:39 22 MS. YOON: Here.  
 00:39 23 MS. KIM: Mr. Carnovale?  
 00:39 24 MR. CARNOVALE: Here.  
 00:39 25 MS. KIM: Mr. Lefteriou?

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00:39 1 MR. LEFTERIOU: Here.  
 00:39 2 CHAIRMAN FERGUSON: All right.  
 00:39 3 Mr. Lee, do you want to put your appearance in?  
 00:39 4 MR. LEE: Yes. Good evening, Members  
 00:39 5 of the Board, Mr. Chairperson. My name is Daniel  
 00:39 6 Lee, attorney representing the applicant Heidi Lee.  
 00:39 7 This application --  
 00:40 8 MS. TESTA: If I can have your proof of  
 00:40 9 service.  
 00:40 10 MR. LEE: Oh, yes, yes, yes. May I  
 00:40 11 approach?  
 00:40 12 MS. TESTA: Yes, please.  
 00:40 13 Thank you.  
 00:40 14 MR. LEE: This application is with  
 00:40 15 respect to 267 Hillside Avenue.  
 00:40 16 At that location currently stands a  
 00:40 17 structure, a one-family structure, pretty much  
 00:40 18 dilapidated. And the applicant is looking to bring  
 00:40 19 it down and erect a new one-family structure.  
 00:40 20 DIRECT EXAMINATION  
 00:40 21 BY MR. LEE:  
 00:40 22 Q. Bill, do you want to go over what this  
 00:40 23 application is about?  
 00:40 24 THE WITNESS: Am I still --  
 00:40 25 MS. TESTA: Okay. Yes, I'm sorry.

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00:40 1 Do you swear that the testimony you'll  
 00:40 2 give in this application will be the truth, the whole  
 00:40 3 truth and nothing but the truth?  
 00:40 4 MR. COCOROS: I do.  
 00:40 5 VASSILIOS COCOROS,  
 00:40 6 467 Sylvan Avenue, Englewood Cliffs, New Jersey,  
 00:40 7 having been duly sworn, testifies as follows:  
 00:40 8 MS. TESTA: State your name for the  
 00:40 9 record, please.  
 00:40 10 THE WITNESS: Vassilios,  
 00:40 11 V-A-S-S-I-L-I-O-S, Cocoros, C-O-C-O-R-O-S, 467 Sylvan  
 00:40 12 Avenue, Englewood Cliffs, New Jersey.  
 00:40 13 CHAIRMAN FERGUSON: Okay. You can  
 00:40 14 proceed.  
 00:41 15 THE WITNESS: So we intend to demolish  
 00:41 16 the existing dwelling on the property. The property,  
 00:41 17 itself, is 25-feet wide by 100-feet deep,  
 00:41 18 2-and-a-half-thousand square feet. It's a  
 00:41 19 preexisting, nonconforming lot. It may have been a  
 00:41 20 sister lot to the property to the south of it, which  
 00:41 21 is to the left, which is also 25 by 100.  
 00:41 22 In addition to that, there's an  
 00:41 23 easement on the property that hasn't been vacated, I  
 00:41 24 guess for some sort of garage that may have been --  
 00:41 25 or driveway in the back. So we are maintaining the

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00:41 1 easement that is on the property.  
 00:41 2 We're proposing a building that's  
 00:41 3 one-family on three levels, 60 -- 59-feet 10-inches  
 00:41 4 deep by 18-feet 4-inches wide. It's a three-bedroom  
 00:41 5 configuration on three levels, an all brick structure  
 00:41 6 with a bay window in the front. We're locating the  
 00:41 7 staircase on the north side, which is the right-hand  
 00:42 8 side. In doing so we're providing ourselves with a  
 00:42 9 parking area, two-car parking area which is aligned  
 00:42 10 with the existing pavement to the left of us, which  
 00:42 11 is to the south.  
 00:42 12 The building, itself, on three levels.  
 00:42 13 We have a garage in the front, an oversized one-car  
 00:42 14 garage. We have a home office, recreation room, a  
 00:42 15 bathroom and a door on the basement level, which is  
 00:42 16 the ground floor.  
 00:42 17 The first floor is the main living  
 00:42 18 level. We have a living room, dining room. In the  
 00:42 19 back we have a kitchen with a large eating area and  
 00:42 20 deck with access to the backyard.  
 00:42 21 At the top we have a three-bedroom  
 00:42 22 configuration, the master at the front with its own  
 00:42 23 master bathroom, two secondary bedrooms, a hall  
 00:42 24 bathroom, laundry room and stairs leading back down  
 00:42 25 to the first floor.

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00:42 1 The building fits, I guess, within the  
 00:42 2 setbacks of the existing dwelling on the other side  
 00:42 3 of us.  
 00:42 4 The existing dwelling to the left is  
 00:42 5 slightly closer than 20 feet 2 inches. The existing  
 00:42 6 dwelling that's to the right of us, which is a newer  
 00:43 7 duplex that has been recently built is approximately  
 00:43 8 20 feet from the street also.  
 00:43 9 Our backyard is 20-foot deep, which is  
 00:43 10 a variance. However, behind us is an existing  
 00:43 11 multifamily project where you can see on the  
 00:43 12 bird's-eye-view is the side yard of those units that  
 00:43 13 are on the corner of Central and Grand avenue.  
 00:43 14 As far as the height, the function of  
 00:43 15 that is keeping the driveway level, but we have a  
 00:43 16 positive pitch, slight positive pitch from the  
 00:43 17 driveway, itself, down to the sidewalk/street. Our  
 00:43 18 existing grades are met at all portions of the  
 00:44 19 property. We're not artificially raising the back.  
 00:44 20 There's an existing retaining wall to the right of  
 00:44 21 us, which will remain.  
 00:44 22 In addition, the existing grade at the  
 00:44 23 left-hand side will stay the same to match the  
 00:44 24 adjacent neighbors, which is in line with the  
 00:44 25 easement that's on record.

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00:45 1 So, basically, what we have is a  
 00:45 2 one-family house?  
 00:45 3 MR. LEE: One-family house being  
 00:45 4 replaced with a one-family house.  
 00:45 5 CHAIRMAN FERGUSON: What was that  
 00:45 6 little -- at the beginning about you have an issue  
 00:45 7 with the --  
 00:45 8 THE WITNESS: Well, on the survey  
 00:45 9 there's an easement.  
 00:45 10 CHAIRMAN FERGUSON: An easement, yes.  
 00:45 11 But let me ask you a question. Is the easement on  
 00:45 12 the title?  
 00:45 13 MR. LEE: Yeah, it runs with the land.  
 00:45 14 CHAIRMAN FERGUSON: Right, it runs  
 00:45 15 between two properties.  
 00:45 16 MR. LEE: Yes.  
 00:45 17 CHAIRMAN FERGUSON: Now, does it --  
 00:45 18 when you're building this new house, you're not going  
 00:45 19 to affect the easement, right?  
 00:45 20 MR. LEE: No, not at all. We are  
 00:45 21 avoiding the area entirely.  
 00:45 22 CHAIRMAN FERGUSON: Okay. So the  
 00:45 23 easement is what?  
 00:45 24 MR. LEE: The easement is --  
 00:45 25 MR. TUVEL: Seven-foot wide.

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00:44 1 CHAIRMAN FERGUSON: That's it?  
 00:44 2 MR. KIM: I have a question.  
 00:44 3 CHAIRMAN FERGUSON: Yeah.  
 00:44 4 MR. KIM: What is the reason why you  
 00:44 5 guys are -- I'm just curious --  
 00:44 6 THE WITNESS: The height, it's a --  
 00:44 7 MR. KIM: Aren't you supposed to be at  
 00:44 8 the planning board instead?  
 00:44 9 THE WITNESS: No. We're actually over  
 00:44 10 the 10 percent.  
 00:44 11 MR. KIM: Oh, it's over 10 percent.  
 00:44 12 THE WITNESS: If this was a duplex, it  
 00:44 13 would be 28 feet. We're at a -- as the planner  
 00:44 14 mentioned before, we're in the AA zone, but we're not  
 00:44 15 doing a duplex, we're doing a single-family, which  
 00:44 16 has different requirements with regards to height  
 00:44 17 where it's 25 feet to the mid-point instead of the 28  
 00:44 18 feet in addition to the side yard, it's different  
 00:45 19 where you have a 5-foot minimum on each side and  
 00:45 20 14-foot combined.  
 00:45 21 I'll go over the variance -- we have  
 00:45 22 Harry here as the planner that can go over it.  
 00:45 23 Yeah, Harry is going to do that.  
 00:45 24 CHAIRMAN FERGUSON: Yeah, Harry is  
 00:45 25 going to do it. Let him earn his money.

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00:46 1 CHAIRMAN FERGUSON: Seven-foot wide.  
 00:46 2 And the house, the side yard is, what, 3 feet, is  
 00:46 3 that it?  
 00:46 4 THE WITNESS: We have 3 feet 7 on the  
 00:46 5 side of the easement where 3-and-a-half feet is the  
 00:46 6 easement we have 3 foot 7. So we have 2 inches of  
 00:46 7 clearance from the easement line.  
 00:46 8 CHAIRMAN FERGUSON: Okay.  
 00:46 9 THE WITNESS: And the other side is the  
 00:46 10 3 foot 1, like I said, which is typical with  
 00:46 11 non-duplex-type structures.  
 00:46 12 CHAIRMAN FERGUSON: Yeah.  
 00:46 13 THE WITNESS: We usually go for 3 feet.  
 00:46 14 CHAIRMAN FERGUSON: Yeah. But the  
 00:46 15 easement, you're not -- so the house that's next door  
 00:46 16 to you, you're not -- he shares the easement or he  
 00:46 17 uses the easement?  
 00:46 18 MR. LEE: He's not using the easement  
 00:46 19 at all.  
 00:46 20 What I think is that the easement was  
 00:46 21 created a long, long time ago and the common, like,  
 00:46 22 driveway sort of --  
 00:46 23 CHAIRMAN FERGUSON: Right.  
 00:46 24 MR. LEE: -- but since then the  
 00:46 25 neighbor has not used -- actually, has not used it as

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00:46 1 a driveway at all and this property, the area has not  
 00:46 2 been used as a driveway either, so this pretty much  
 00:46 3 is a dead issue, but it still appears on the record.  
 00:46 4 CHAIRMAN FERGUSON: But it appears on  
 00:46 5 the --  
 00:46 6 MR. LEE: It appears on the title.  
 00:46 7 CHAIRMAN FERGUSON: It does?  
 00:46 8 MR. LEE: Yes.  
 00:46 9 CHAIRMAN FERGUSON: Okay. And you have  
 00:47 10 the easement?  
 00:47 11 MR. LEE: Yes.  
 00:47 12 CHAIRMAN FERGUSON: I just wanted to  
 00:47 13 get that straight.  
 00:47 14 What's the length of the building?  
 00:47 15 THE WITNESS: It's 60 feet.  
 00:47 16 CHAIRMAN FERGUSON: Sixty feet?  
 00:47 17 THE WITNESS: Yeah.  
 00:47 18 CHAIRMAN FERGUSON: All right. So --  
 00:47 19 VICE CHAIRMAN ALBANESE: How much did  
 00:47 20 you say?  
 00:47 21 THE WITNESS: Sixty or 59 foot 10.  
 00:47 22 MR. CARNOVALE: Mr. Cocoros?  
 00:47 23 THE WITNESS: Yes.  
 00:47 24 MR. CARNOVALE: I find the building  
 00:47 25 extremely long. You're looking for a rear yard

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00:48 1 possibly reduce the size of these rooms, bring it  
 00:48 2 down to 55 feet and don't look for a rear yard  
 00:48 3 variance?  
 00:48 4 MR. LEE: Well, this is a -- this is a  
 00:48 5 one-family structure. I mean, there's an existing  
 00:48 6 structure there right now that's being replaced with  
 00:48 7 a newer structure to make it -- the applicant is  
 00:48 8 looking to make a really nice one-family structure  
 00:48 9 there and with a longer structure, 60 feet instead of  
 00:48 10 55.  
 00:48 11 MR. CARNOVALE: But, sir, this is  
 00:48 12 basically, like, half a duplex.  
 00:48 13 MR. TUVEL: It's a half a duplex,  
 00:48 14 you're right.  
 00:48 15 MR. CARNOVALE: Yeah, but half a  
 00:48 16 duplex, the most we've ever seen is 55 feet allowing  
 00:49 17 for the 20-foot setback in the front.  
 00:49 18 So you're getting 50 plus 5 in the  
 00:49 19 front is 55. You guys also looking for a rear yard  
 00:49 20 setback.  
 00:49 21 MR. TUVEL: But I think -- but a duplex  
 00:49 22 -- a duplex is 20 feet.  
 00:49 23 CHAIRMAN FERGUSON: All right. One at  
 00:49 24 a time.  
 00:49 25 THE WITNESS: A duplex, we usually do

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00:47 1 variance.  
 00:47 2 THE WITNESS: Yeah.  
 00:47 3 MR. CARNOVALE: Most duplexes would be  
 00:47 4 50, but with the 20-foot front yard setback you would  
 00:47 5 be at 55. You're pushing 60 here.  
 00:47 6 What's the reason for that? The rooms  
 00:47 7 are extremely big.  
 00:47 8 THE WITNESS: I mean, we've done these  
 00:47 9 before. We've done 55 for a one-family --  
 00:47 10 MR. CARNOVALE: Fifty-five, yeah, I've  
 00:47 11 seen it plenty of times. You're 59.10, 60 feet.  
 00:47 12 THE WITNESS: We kind of thought that  
 00:47 13 since behind us is the side yard of that multifamily,  
 00:47 14 it could be accommodated, but I think it's in Harry's  
 00:47 15 planning testimony.  
 00:47 16 MR. CARNOVALE: Well, you're looking  
 00:47 17 for a 5-foot rear yard variance.  
 00:47 18 THE WITNESS: Yes.  
 00:47 19 MR. CARNOVALE: I mean, I'm looking at  
 00:48 20 these rooms. They're super long. I personally never  
 00:48 21 seen anything 60-feet long.  
 00:48 22 THE WITNESS: We had one before, 333  
 00:48 23 Roff or 33 Roff.  
 00:48 24 CHAIRMAN FERGUSON: Okay.  
 00:48 25 MR. CARNOVALE: You think you could

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00:49 1 have a little of an overhang. I know it's a little  
 00:49 2 bit of a tradeoff.  
 00:49 3 I mean, there probably is a couple of  
 00:49 4 feet I could play with to try to bring it a little  
 00:49 5 bit closer, but, you know, there's no -- there's no  
 00:49 6 overhangs on either side of this building.  
 00:49 7 MR. CARNOVALE: You have an overhang  
 00:49 8 here.  
 00:49 9 THE WITNESS: At the front, yes.  
 00:49 10 MR. CARNOVALE: Well, I see a side  
 00:49 11 overhang here (indicating).  
 00:49 12 THE WITNESS: I'm sorry, yeah, it's all  
 00:49 13 the way on the top and I do it all the way, full down  
 00:49 14 to the...  
 00:49 15 MR. CARNOVALE: Right. And you're  
 00:49 16 within the 3 foot for the fire code?  
 00:49 17 THE WITNESS: Yeah, we have -- yeah,  
 00:49 18 because we can't go less. We're going to have to  
 00:49 19 keep it at 3 foot 1 with a fire-rated assembly.  
 00:49 20 MR. CARNOVALE: Right.  
 00:49 21 Well, I don't know, Mr. Chairman.  
 00:49 22 MR. LEE: Well, just, can I add one  
 00:50 23 more thing?  
 00:50 24 CHAIRMAN FERGUSON: Yeah, sure.  
 00:50 25 MR. LEE: Well, this rear yard -- the

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00:50 **1** rear yard of this property happens to abut a side  
 00:50 **2** yard of the neighboring apartment.  
 00:50 **3** So this extra 5 yard in the rear does  
 00:50 **4** not really affect the usage of the -- the use and  
 00:50 **5** enjoyment of the neighboring property, the apartment  
 00:50 **6** building.  
 00:50 **7** MR. CARNOVALE: Well, actually, sir,  
 00:50 **8** that would mean there's less room between the rear of  
 00:50 **9** this house and the side of those people's house.  
 00:50 **10** So when they look out the side of their  
 00:50 **11** window, they see the new unit 5 feet closer than it  
 00:50 **12** would be.  
 00:50 **13** THE WITNESS: But --  
 00:50 **14** MR. CARNOVALE: If you went backyard to  
 00:50 **15** backyard, you'd be looking at 50 feet between the  
 00:50 **16** two.  
 00:50 **17** THE WITNESS: There is, like, a 15-foot  
 00:50 **18** gap between -- the back our property to that unit, so  
 00:50 **19** it's going to be -- if we had 20 feet, it would be,  
 00:50 **20** like, 35 feet, let's say, to the face -- you know,  
 00:50 **21** from the back of our building to where the  
 00:50 **22** multifamily. There's a little aerial shot,  
 00:50 **23** bird's-eye-view.  
 00:51 **24** MR. CARNOVALE: I just walked the  
 00:51 **25** property. It seemed to be a lot closer.

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00:52 **1** MR. KIM: How about a shower stall?  
 00:52 **2** MS. TESTA: No shower stall.  
 00:52 **3** CHAIRMAN FERGUSON: No showers either,  
 00:52 **4** no. No, it's got to be either a toilet or a sink.  
 00:52 **5** MR. LEE: No bathtubs?  
 00:52 **6** CHAIRMAN FERGUSON: No bathtubs in the  
 00:52 **7** base -- in a sub -- what I call subbasement.  
 00:52 **8** MS. TESTA: Basement.  
 00:52 **9** CHAIRMAN FERGUSON: In the basement.  
 00:52 **10** VICE CHAIRMAN ALBANESE: The first  
 00:52 **11** floor and second floor, it's okay. In the basement  
 00:52 **12** no tubs or showers.  
 00:52 **13** MR. LEE: Is that always the case?  
 00:52 **14** VICE CHAIRMAN ALBANESE: No tub or  
 00:52 **15** shower in the basement.  
 00:52 **16** CHAIRMAN FERGUSON: And the reason for  
 00:52 **17** that is we don't want people trying to sneak families  
 00:52 **18** in the basement. So we feel that if you take away  
 00:52 **19** the shower and the tub, it would be less inductive.  
 00:52 **20** Right? So that's got to go.  
 00:52 **21** MR. LEE: So the tub has to go and the  
 00:53 **22** shower has to go, you said?  
 00:53 **23** CHAIRMAN FERGUSON: Yeah, the shower  
 00:53 **24** too. Yeah.  
 00:53 **25** VICE CHAIRMAN ALBANESE: Yeah. The

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00:51 **1** CHAIRMAN FERGUSON: Okay. You're done?  
 00:51 **2** What's the length of a duplex usually?  
 00:51 **3** THE WITNESS: It depends, like, it's  
 00:51 **4** either 55 -- usually 55 -- 38 by 55, plus bay  
 00:51 **5** windows.  
 00:51 **6** MR. CARNOVALE: It's usually 50 unless  
 00:51 **7** they can meet the 20-foot front yard setback. So a  
 00:51 **8** normal duplex is 50-feet long. If you're allowed to  
 00:51 **9** pull it closer to the street, it becomes 55.  
 00:51 **10** CHAIRMAN FERGUSON: This is almost 60?  
 00:51 **11** MR. CARNOVALE: This is 2-inches short  
 00:51 **12** of 60.  
 00:51 **13** CHAIRMAN FERGUSON: Any other board  
 00:51 **14** members have any questions?  
 00:51 **15** MR. TERRANOVA: Yes.  
 00:51 **16** CHAIRMAN FERGUSON: Paul, do you have  
 00:51 **17** anything?  
 00:51 **18** MR. KIM: He does.  
 00:51 **19** CHAIRMAN FERGUSON: Go ahead.  
 00:51 **20** MR. TERRANOVA: It's a one-family  
 00:51 **21** house, there's a tub in the basement.  
 00:51 **22** CHAIRMAN FERGUSON: Oh, brother. We  
 00:51 **23** don't allow -- we don't allow bathtubs in the bottom  
 00:52 **24** of these in the ground floor.  
 00:52 **25** VICE CHAIRMAN ALBANESE: The basement.

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00:53 **1** shower and the tub. Just a powder room.  
 00:53 **2** CHAIRMAN FERGUSON: The only thing you  
 00:53 **3** can leave there, the only thing you get there is a  
 00:53 **4** sink and a toilet bowl, we allow that, but we don't  
 00:53 **5** allow -- all right?  
 00:53 **6** MR. LEE: Okay. I just -- is that a  
 00:53 **7** recent change here or has it always been the case?  
 00:53 **8** CHAIRMAN FERGUSON: What is it?  
 00:53 **9** MS. TESTA: Is it a recent change or  
 00:53 **10** has it always been the case?  
 00:53 **11** CHAIRMAN FERGUSON: No, this has been  
 00:53 **12** going on for months.  
 00:53 **13** VICE CHAIRMAN ALBANESE: We just did  
 00:53 **14** that with the other application.  
 00:53 **15** CHAIRMAN FERGUSON: We just did it to  
 00:53 **16** the other application.  
 00:53 **17** VICE CHAIRMAN ALBANESE: They had to  
 00:53 **18** take the tub out.  
 00:53 **19** CHAIRMAN FERGUSON: And you're going to  
 00:53 **20** take the tub out too.  
 00:53 **21** MR. LEE: So no tub and no shower?  
 00:53 **22** CHAIRMAN FERGUSON: Right.  
 00:53 **23** VICE CHAIRMAN ALBANESE: In the  
 00:53 **24** basement.  
 00:53 **25** CHAIRMAN FERGUSON: In the basement,

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00:53 1 not in the first and the second --  
 00:53 2 VICE CHAIRMAN ALBANESE: Have a water  
 00:53 3 closet and a lavatory, a powder room.  
 00:53 4 CHAIRMAN FERGUSON: Mr. Cocoros, you  
 00:53 5 got that?  
 00:53 6 THE WITNESS: Yes.  
 00:53 7 CHAIRMAN FERGUSON: Okay. Any other  
 00:53 8 board members have anything? No?  
 9 (No response.)  
 10 CHAIRMAN FERGUSON: Okay. Any of our  
 11 experts?  
 12 Steve, do you want to take it away?  
 13 MR. COLLAZUOL: Yes, thank you.  
 00:54 14 Bill, on your site plan you show the  
 00:54 15 water coming in from the garage area to the water  
 00:54 16 valve that's behind the curb. You show the sanitary  
 00:54 17 sewer, it appears to be less than 10 feet.  
 00:54 18 Can you move the proposed sanitary over  
 00:54 19 so you have a 10-foot separation.  
 00:54 20 THE WITNESS: Yeah, it's a requirement.  
 00:54 21 MR. COLLAZUOL: That's a requirement,  
 00:54 22 right?  
 00:54 23 On the site plan with respect to the  
 00:54 24 drainage, you have the retention system. It appears  
 00:54 25 it's set marginally too close to the rear property

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00:54 1 line. Should be about 5 feet as a standard  
 00:54 2 separation.  
 00:54 3 THE WITNESS: To the trench or to the  
 00:54 4 actual units?  
 00:54 5 MR. COLLAZUOL: To the property line.  
 00:54 6 THE WITNESS: From the trench, the  
 00:54 7 dimension of the --  
 00:54 8 MR. COLLAZUOL: The gravel, yeah,  
 00:54 9 outside gravel, so about 5 feet to the property line  
 00:55 10 to allow -- to protect the adjoining properties.  
 00:55 11 And then Mr. Chairman, Board, there's  
 00:55 12 one tree that's shown to be removed in the borough's  
 00:55 13 right-of-way. So you may want to request either a  
 00:55 14 replacement tree or donation to the --  
 00:55 15 CHAIRMAN FERGUSON: A donation to the  
 00:55 16 tree preservation fund.  
 00:55 17 MR. COLLAZUOL: And I have nothing  
 00:55 18 further.  
 00:55 19 CHAIRMAN FERGUSON: Thank you.  
 00:55 20 Mr. Kauker?  
 00:55 21 MR. KAUKER: I have nothing of the  
 00:55 22 architect.  
 00:55 23 CHAIRMAN FERGUSON: You have nothing,  
 00:55 24 okay. Waiting for the planner, right?  
 00:55 25 MR. KAUKER: Yup.

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00:55 1 CHAIRMAN FERGUSON: Got you.  
 00:55 2 MR. LEE: Okay. Our next witness,  
 00:55 3 Mr. Harry Tuvel, professional planner.  
 00:55 4 MS. TESTA: Please raise your right  
 00:55 5 hand. Do you swear that the testimony you will give  
 00:55 6 in this application be the truth, the whole truth and  
 00:55 7 nothing but the truth?  
 00:55 8 MR. TUVEL: I do.  
 9 H A R R Y T U V E L,  
 10 having been duly sworn, testifies as follows:  
 11 MS. TESTA: State your name, spell it  
 12 for the record, please.  
 13 MR. TUVEL: Harry Tuvel, T-U-V-E-L.  
 00:55 14 MR. LEE: And qualify Mr. Tuvel as an  
 15 expert --  
 16 CHAIRMAN FERGUSON: Yes, we will  
 17 absolutely.  
 18 MR. LEE: Okay.  
 19 DIRECT EXAMINATION  
 20 BY MR. LEE:  
 21 Q. Go ahead.  
 00:55 22 A. Okay. So you heard from Mr. Cocoros,  
 00:56 23 the architect, giving you the general sense of the  
 00:56 24 project.  
 00:56 25 This is an undersized lot, 25-foot lot.

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00:56 1 **We're proposing to replace an existing one-family**  
 00:56 2 **home with a new one-family home.**  
 00:56 3 **So we're not expending the use from**  
 00:56 4 **that point of view. So we do require (c)(1) and**  
 00:56 5 **(c)(2) variances because of the narrowness of the**  
 00:56 6 **undersize -- the size of the lot and also we have --**  
 00:56 7 **we also have a (d)(6) height variance.**  
 00:56 8 CHAIRMAN FERGUSON: Of what?  
 00:56 9 THE WITNESS: Because there is a --  
 00:56 10 they are more than 10 percent above the height  
 00:56 11 requirement and as was spoken about, this -- one way  
 00:56 12 of looking at this, but not entirely -- but one way  
 00:56 13 of looking at this project, it's sort of a half of a  
 00:56 14 duplex, except it's not a duplex, because it's not --  
 00:56 15 it's half of a duplex but it won't have any of the  
 00:56 16 projections that are allowed that a duplex has, such  
 00:57 17 stairs on the side or -- or -- or bay windows.  
 00:57 18 So under the positive criteria, you  
 00:57 19 know, it is a permitted use in the zone. Special  
 00:57 20 reasons are not applicable. The undersized lot is a  
 00:57 21 preexisting condition.  
 00:57 22 The side yard variance, again, as we've  
 00:57 23 seen in other cases is mitigated by the fact that  
 00:57 24 there are no projections into the side yard.  
 00:57 25 The height variance is also mitigated

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00:57 1 because even though it's technically a (d)(6) height  
 00:57 2 variance, 25 feet is allowed for a one-family home.  
 00:57 3 A duplex is allowed up to 28 feet. So we are  
 00:57 4 actually from duplex standards, we're only 3-inches  
 00:57 5 higher than the requirement, so you can look at that  
 00:57 6 as being almost di minimis for the height, but,  
 00:57 7 again, we do need the height variance because it's 25  
 00:57 8 feet for a one-family house.  
 00:58 9 Under the (c)(2) variance, it's --  
 00:58 10 which is also known as the flexible (c) variance, the  
 00:58 11 board has the discretion to balance the extent of any  
 00:58 12 nonconformity with the extent of any negative impact.  
 00:58 13 Now, certainly a project like this  
 00:58 14 where you're just replacing an existing one-family  
 00:58 15 home with a new one-family home, I don't really see  
 00:58 16 how there could be any substantial detriment or any  
 00:58 17 negative impacts.  
 00:58 18 So from a planning perspective, I think  
 00:58 19 we've met the proofs for the granting of the (c)  
 00:58 20 variances, which includes the lot area, the width,  
 00:58 21 the side yard and the rear yard variance.  
 00:58 22 The -- as I stated a number of times,  
 00:58 23 the proposed development is essentially a half of a  
 00:58 24 duplex. It replaces and it -- and it can be  
 00:58 25 accommodated on the site. So...

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00:59 1 my explanation for that and I can understand why you  
 00:59 2 question that.  
 00:59 3 MR. CARNOVALE: Okay.  
 00:59 4 CHAIRMAN FERGUSON: Any other board  
 00:59 5 members have any comments? No?  
 00:59 6 (No response.)  
 01:00 7 CHAIRMAN FERGUSON: Steve?  
 01:00 8 MR. COLLAZUOL: Nothing further.  
 01:00 9 CHAIRMAN FERGUSON: Okay. Take it  
 01:00 10 away, Kauker.  
 01:00 11 MR. KAUKER: Yeah, just to go -- I just  
 01:00 12 want to clarify the variances that are required.  
 01:00 13 THE WITNESS: Okay, sure.  
 01:00 14 MR. KAUKER: That you're required. The  
 01:00 15 minimum lot area, you have a 5,000 --  
 01:00 16 THE WITNESS: Right, that's  
 01:00 17 preexisting.  
 01:00 18 MR. KAUKER: You mentioned 2500 square  
 01:00 19 feet.  
 01:00 20 THE WITNESS: That's correct.  
 01:00 21 MR. KAUKER: You mentioned the lot  
 01:00 22 frontage, 50 feet is required, 25 feet is proposed.  
 01:00 23 THE WITNESS: That's correct.  
 01:00 24 MR. KAUKER: You comply with the front  
 01:00 25 yard. Side yard you had a requirement of 5 feet

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00:58 1 CHAIRMAN FERGUSON: That's it?  
 00:59 2 THE WITNESS: I think I'm going to call  
 00:59 3 it that, with any questions that you may have.  
 00:59 4 MR. CARNOVALE: Sir, may I get a  
 00:59 5 clarification from you? On the (d)(6) you said  
 00:59 6 you're 3 inches over. Do you mean 3 feet over? You  
 00:59 7 said 3 inches.  
 00:59 8 THE WITNESS: Well, I'm saying we --  
 00:59 9 because under -- you have to be over 10 percent, so I  
 00:59 10 added the 10 percent. So if you're 28 feet, if  
 00:59 11 you're -- you don't need a (d)(6) if you're within 10  
 00:59 12 percent. That's 2.8 feet.  
 00:59 13 MR. CARNOVALE: Right.  
 00:59 14 THE WITNESS: So that brings it up to  
 00:59 15 30.8 feet that we would -- that you would not need a  
 00:59 16 (d)(6) variance and we're at 31.05 feet.  
 00:59 17 So we are, you're correct,  
 00:59 18 Mr. Carnovale, we are 3 feet over, but it would not  
 00:59 19 -- you would be allowed to be within 10 percent.  
 00:59 20 MR. CARNOVALE: All right, sir.  
 00:59 21 THE WITNESS: So that's why I'm saying  
 00:59 22 --  
 00:59 23 MR. CARNOVALE: I don't have a problem  
 00:59 24 with --  
 00:59 25 THE WITNESS: That's what I'm -- that's

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01:00 1 where 3.08 feet is proposed on one side and  
 01:00 2 3-and-a-half feet on the other side.  
 01:00 3 THE WITNESS: That's correct.  
 01:00 4 MR. KAUKER: Then you have a side yard  
 01:00 5 requirement for both side yards.  
 01:00 6 THE WITNESS: That's correct.  
 01:00 7 MR. KAUKER: Fourteen feet is required,  
 01:00 8 6.67. Minimum rear yard where 25 feet is required,  
 01:00 9 you propose 20 feet.  
 01:00 10 THE WITNESS: That's correct.  
 01:00 11 MR. KAUKER: You talked about the  
 01:00 12 variance for building height, you require a variance  
 01:00 13 for the number of stories and the height and feet and  
 01:00 14 then also I didn't hear you mention maximum coverage.  
 01:00 15 There's a variance for maximum coverage where 40  
 01:01 16 percent is required and 43.88 percent proposed?  
 01:01 17 THE WITNESS: That's correct as well,  
 01:01 18 you're correct.  
 01:01 19 But, again, that's due to the size of  
 01:01 20 the lot.  
 01:01 21 MR. KAUKER: Okay. So for the (c) --  
 01:01 22 for the bulk variances your testimony is that there's  
 01:01 23 a hardship related to the narrowness of the property?  
 01:01 24 THE WITNESS: That's correct.  
 01:01 25 MR. KAUKER: So I could see how that

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01:01 **1** relates to the side yard.  
 01:01 **2** How does that relate to the rear yard?  
 01:01 **3** THE WITNESS: It doesn't relate to the  
 01:01 **4** rear yard. That's a variance that we talked about  
 01:01 **5** during the architect's testimony. We're asking for  
 01:01 **6** the variance for 25 feet.  
 01:01 **7** Well, it does comply to the narrowness  
 01:01 **8** of the lot, because the house is a little bit  
 01:01 **9** narrower so you want to go further out the back to  
 01:01 **10** sort of achieve the same amount of living space. So  
 01:01 **11** that's why they're asking for the variance.  
 01:01 **12** MR. KAUKER: Just to clarify, it's not  
 01:01 **13** directly related to the width of the lot?  
 01:01 **14** CHAIRMAN FERGUSON: What was that?  
 01:01 **15** MR. KAUKER: The testimony regarding  
 01:01 **16** the hardship, which is the (c)(1) was essentially  
 01:02 **17** that obviously there's a justification for the lot  
 01:02 **18** width and also for the side yard setback variances  
 01:02 **19** because of the narrowness of the lot, which is a  
 01:02 **20** classic example of a (c)(1) variance under the  
 01:02 **21** Municipal Land Use Law.  
 01:02 **22** And then my question to Mr. Tuvel was  
 01:02 **23** how does that relate to the depth of the lot.  
 01:02 **24** CHAIRMAN FERGUSON: Right.  
 01:02 **25** MR. KAUKER: Narrowness is different

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01:02 **1** than depth of the lot. The lot in terms of the depth  
 01:02 **2** appears to be fairly normal. So...  
 01:02 **3** CHAIRMAN FERGUSON: Well, I believe  
 01:02 **4** that Mr. Carnovale said that he -- if I'm reading him  
 01:02 **5** right, he would like to cut it 5 feet.  
 01:02 **6** MR. KAUKER: Yes, that's correct, as I  
 01:02 **7** understood he too had an issue with the depth of the  
 01:02 **8** building.  
 01:02 **9** CHAIRMAN FERGUSON: And to bring it  
 01:02 **10** down 55 feet.  
 01:02 **11** MR. KAUKER: And then just finally, if  
 01:02 **12** you could just provide a little bit of more testimony  
 01:02 **13** regarding the (d)(6), the height variance.  
 01:02 **14** As the board is aware, in order for the  
 01:02 **15** board to grant a (d)(6) height variance, there's two  
 01:02 **16** instances where you could do so. Typically if the  
 01:03 **17** applicant shows that the height is consistent with  
 01:03 **18** the heights of other structures in the area, that's a  
 01:03 **19** reason for the board to grant that variance.  
 01:03 **20** CHAIRMAN FERGUSON: Right.  
 01:03 **21** MR. KAUKER: Or the other, which is the  
 01:03 **22** more traditional is the Coventry case, which  
 01:03 **23** basically says that if the lot, itself, can  
 01:03 **24** accommodate the increase in height, then that's  
 01:03 **25** another reason for the board to grant the variance.

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01:03 **1** THE WITNESS: You're right. There are  
 01:03 **2** two other points, you're right, that I did fail to  
 01:03 **3** mention. One is that there is a new duplex going on  
 01:03 **4** just -- being built just to the north of this and the  
 01:03 **5** height here is consistent with that.  
 01:03 **6** And, secondly, there is a small drop  
 01:03 **7** off. The height in the front will be -- it will be  
 01:03 **8** lower than the height in the rear; isn't that  
 01:03 **9** correct, Mr. Cocoros.  
 01:03 **10** MR. COCOROS: Yes, as part of the drop  
 01:03 **11** off.  
 01:03 **12** THE WITNESS: Right, is part of the  
 01:03 **13** drop off.  
 01:03 **14** So then, again, as I testified, from an  
 01:03 **15** -- if you use the fact that a duplex at -- we would  
 01:03 **16** not require a (d)(6) variance. It's equivalent to  
 01:03 **17** being 3 inches, which is essentially di minimus in my  
 01:04 **18** opinion. Even though it's not a duplex, I'm using  
 01:04 **19** the example that if it were -- it's sort of a half of  
 01:04 **20** a duplex and 28 feet would be allowed.  
 01:04 **21** MR. KAUKER: Well, yeah, 28 is  
 01:04 **22** permitted, thereby there could be buildings that are  
 01:04 **23** 28 feet.  
 01:04 **24** THE WITNESS: And the house immediately  
 01:04 **25** next door is probably 28 feet.

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01:04 **1** MR. KAUKER: I just want to make it  
 01:04 **2** clear, you still require the (d)(6) variance.  
 01:04 **3** THE WITNESS: That's correct. We are  
 01:04 **4** seeking a (d)(6) variance.  
 01:04 **5** CHAIRMAN FERGUSON: Right.  
 01:04 **6** MR. KAUKER: I have no further  
 01:04 **7** questions.  
 01:04 **8** CHAIRMAN FERGUSON: Anybody on the  
 01:04 **9** board?  
 01:04 **10** (No response.)  
 01:04 **11** CHAIRMAN FERGUSON: You want to sum up,  
 01:04 **12** Counsel?  
 01:04 **13** MR. LEE: Yes.  
 01:04 **14** CHAIRMAN FERGUSON: Oh, yeah, we got to  
 01:04 **15** open to the public.  
 01:04 **16** (No response.)  
 01:04 **17** CHAIRMAN FERGUSON: There's nobody in  
 01:04 **18** the public.  
 01:04 **19** Do you want to sum up?  
 01:04 **20** MR. LEE: Yes. I think we have  
 01:04 **21** provided all the necessary proof and all the  
 01:04 **22** necessary arguments for a (d)(6) height variance and  
 01:04 **23** a (c)(1) variance. Proved the hardship and there's  
 01:04 **24** no negative impact.  
 01:05 **25** With respect to that rear yard, the

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01:05 **1** variance, I understand the board's concerns, but at  
 01:05 **2** the same time I'd like to point out that the  
 01:05 **3** apartment building -- this is between the apartment  
 01:05 **4** building and the rear yard of this particular lot is  
 01:05 **5** -- even if -- with the variance it's -- what is that,  
 01:05 **6** 20 feet plus about 30, 35, you're looking at about 50  
 01:05 **7** feet plus.

01:05 **8** So I really don't think there will be  
 01:05 **9** any much impact, negative impact on that -- on the  
 01:05 **10** neighboring lot there.

01:05 **11** But, nonetheless, considering the  
 01:05 **12** concerns that this board has, I'd like to amend the  
 01:05 **13** application to have the rear yard variance from 25  
 01:05 **14** feet to -- instead of 20, I'd like to amend it to 22.  
 01:06 **15** I mean... 22?

01:06 **16** MR. COCOROS: Yeah, we could take -- we  
 01:06 **17** could take 3 feet off the building. I know in the  
 01:06 **18** front and we can take off a 1-foot-and-a-half and  
 01:06 **19** then squares the house.

01:06 **20** CHAIRMAN FERGUSON: Okay.

01:06 **21** MR. CARNOVALE: I'm sorry, sir.  
 01:06 **22** Couldn't you look at the front and the back and leave  
 01:06 **23** your backyard as 25 feet?

01:06 **24** I looked at the blueprint. I'm not an  
 01:06 **25** architect, but it would seem that you would be able

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01:07 **1** MR. LEFTERIOU: Twelve.

01:07 **2** MR. CARNOVALE: Look at your kitchen.

01:07 **3** MR. LEFTERIOU: Ten.

01:07 **4** THE WITNESS: If I go 15 feet in the  
 01:07 **5** front, that's 1 foot 4. I can get another 6 inches,  
 01:07 **6** 6 inches.

01:07 **7** MR. CARNOVALE: Look at the back,  
 01:07 **8** Mr. Cocoros, your kitchen is huge. You have an  
 01:08 **9** L-shaped kitchen with an island. You also have the  
 01:08 **10** dining room here. I see plenty of room there for you  
 01:08 **11** to drop off.

01:08 **12** What about upstairs?

01:08 **13** CHAIRMAN FERGUSON: Well, I think as  
 01:08 **14** the counsel just said, he would amend it and you will  
 01:08 **15** cut the 3 feet? So it would be 22 feet or 23 feet?

01:08 **16** MR. COCOROS: No, it would be a  
 01:08 **17** 23-foot -- 23-foot backyard.

01:08 **18** CHAIRMAN FERGUSON: It would be 23-foot  
 01:08 **19** and you need 25?

01:08 **20** MR. COCOROS: Yeah, 25. It would be a  
 01:08 **21** 2 foot -- yeah, it would be a 2 foot -- it will be a  
 01:08 **22** 23-foot setback --

01:08 **23** CHAIRMAN FERGUSON: Right, in the back.

01:08 **24** MR. COCOROS: -- where 25 feet is  
 01:08 **25** required. It's a 2-foot variation.

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01:06 **1** to take a little off the front, a little off the back  
 01:06 **2** and not hurt the owner or whoever is going to live  
 01:06 **3** there. You could look at it real quick.

01:06 **4** MR. COCOROS: Except part of this, on  
 01:06 **5** these one-families, we usually go 3 foot 1 and 3 foot  
 01:06 **6** 1. We have 3 foot 7. So I mean, I'm trying -- I  
 01:06 **7** know it's, like -- it's kind of, like, a self-imposed  
 01:06 **8** variance that we're going for, but I would like to  
 01:06 **9** get a decent configuration.

01:06 **10** Let's say I can make the setback 20  
 01:06 **11** feet, which would be in line with the existing  
 01:06 **12** dwelling, maybe 2 inches in front of the house next  
 01:06 **13** to us, I mean --

01:06 **14** MR. CARNOVALE: Okay.

01:06 **15** Well, couldn't you just chop off -- I  
 01:06 **16** mean, you've done thousands of duplexes. You can  
 01:07 **17** take off from the living room and the back rooms.  
 01:07 **18** Look at how long your kitchen is.

01:07 **19** THE WITNESS: Except -- but the dining  
 01:07 **20** room, itself, is 12 feet. The living room is a  
 01:07 **21** little bit bigger, not that much bigger than a  
 01:07 **22** typical -- we have the setbacks usually on -- on some  
 01:07 **23** we have overhangs in the back on the second floor.

01:07 **24** MR. CARNOVALE: Your living room is  
 01:07 **25** 16.6. What's your dining room, 12?

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01:08 **1** CHAIRMAN FERGUSON: Right. All right,  
 01:08 **2** Vin?

01:08 **3** MR. CARNOVALE: Well, I mean, as one  
 01:08 **4** member of the board, could see that this could be  
 01:09 **5** exactly half a duplex, I don't see the reason why we  
 01:09 **6** can't make it 55 feet.

01:09 **7** CHAIRMAN FERGUSON: All right.

01:09 **8** MR. CARNOVALE: And I don't have a  
 01:09 **9** problem with the (d)(6) variance, because it would  
 01:09 **10** adversely effect the guy next door if they would have  
 01:09 **11** dropped the height because the guy does have a  
 01:09 **12** driveway next door and they're not raising up the  
 01:09 **13** grade.

01:09 **14** Can you look at it, again, Mr. Cocoros?  
 01:09 **15** Could you look at it and see if you can take some  
 01:09 **16** off? You have a master bedroom here, which is  
 01:09 **17** extremely long.

01:09 **18** MR. COCOROS: I can probably get one  
 01:09 **19** more foot out of the -- let's say, 6 inches out of  
 01:09 **20** the powder room and 6 inches out of the middle  
 01:09 **21** bedroom where I have it -- so it would be -- but if  
 01:10 **22** you can do a 24-foot rear yard setback, which would  
 01:10 **23** be in line with the exiting dwellings and further  
 01:10 **24** back from the apartments in the back and would --  
 01:10 **25** since the mass is reduced in the side yard, no

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01:10 1 overhangs, we would transfer it to the back.  
 01:10 2 CHAIRMAN FERGUSON: Well, he's giving  
 01:10 3 us 4 feet. So are we going to argue over a foot?  
 01:10 4 MR. CARNOVALE: I think I'm okay. Like  
 01:10 5 if you say -- you do have a side yard intrusion.  
 01:10 6 MR. COCOROS: Yes, that's --  
 01:10 7 MR. CARNOVALE: Right here. Not that  
 01:10 8 it matters in the backyard.  
 01:10 9 MR. COCOROS: No. It's going to break  
 01:10 10 up that side a little bit and it's up high, it's not  
 01:10 11 all the way down.  
 01:10 12 MR. CARNOVALE: So you would resubmit  
 01:10 13 the proper blueprint to the building department and  
 01:10 14 it would be in the resolution?  
 01:10 15 MR. COCOROS: Yeah, let me -- so it  
 01:10 16 would be a 50 --  
 01:11 17 MR. CARNOVALE: Fifty-six foot?  
 01:11 18 MR. COCOROS: Yeah, can we do it 56  
 01:11 19 foot 10, do a 20-foot setback?  
 01:11 20 MR. CARNOVALE: Now you're cheating me  
 01:11 21 out of another foot. I think we better stick to the  
 01:11 22 56.  
 01:11 23 MR. COCOROS: Yeah, and that's what I'm  
 01:11 24 saying. Right now it's -- with the 24 foot rear yard  
 01:11 25 setback would be 55 -- 55 feet 10 inches.

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01:12 1 we're getting a 60-foot -- I'm sorry, a 56-foot  
 01:12 2 structure.  
 01:12 3 MS. TESTA: Twenty-foot setback?  
 01:12 4 THE WITNESS: Taking 2 inches off the  
 01:12 5 front getting 56.  
 01:12 6 MR. CARNOVALE: I don't see a problem  
 01:12 7 with that myself.  
 01:12 8 MR. KAUKER: So the front yard is 20  
 01:12 9 feet?  
 01:12 10 MS. TESTA: Twenty feet.  
 01:12 11 MR. KAUKER: Twenty feet in the front  
 01:12 12 and 24 in the back.  
 01:12 13 MR. COCOROS: Twenty-four in the back.  
 01:12 14 MS. TESTA: Right. And the building is  
 01:12 15 55 feet, 10 inches?  
 01:12 16 MR. COCOROS: No, it's going to be  
 01:12 17 56-feet deep by 18-feet-4-inches wide.  
 01:12 18 MS. TESTA: Eighteen, what was that?  
 01:12 19 MR. COCOROS: Four inches.  
 01:12 20 MS. TESTA: Thank you.  
 01:12 21 CHAIRMAN FERGUSON: In addition, we're  
 01:12 22 going to lose the tub and we're going to -- and  
 01:12 23 \$1,000.00 to the tree preservation fund. Correct?  
 01:12 24 MR. LEE: Agreed.  
 01:12 25 CHAIRMAN FERGUSON: Can I get a second?

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01:11 1 MR. CARNOVALE: Yeah, yeah, fine, yeah.  
 01:11 2 MR. COCOROS: So 55.10.  
 01:11 3 MR. CARNOVALE: Yeah. So I would make  
 01:11 4 a motion that we accept the application with the  
 01:11 5 change in the rear yard.  
 01:11 6 MS. TESTA: Twenty-four?  
 01:11 7 MR. KAUKER: Just to clarify, the rear  
 01:11 8 yard is 24 feet?  
 01:11 9 MR. COCOROS: Twenty-four.  
 01:11 10 MR. KAUKER: And then is the front yard  
 01:11 11 moving? I thought he said --  
 01:11 12 VICE CHAIRMAN ALBANESE: The front yard  
 01:11 13 is staying the same.  
 01:11 14 MR. LEFTERIOU: The front yard is  
 01:11 15 staying the same.  
 01:11 16 MR. KAUKER: The front yard is staying  
 01:11 17 the same?  
 01:11 18 THE WITNESS: It's -- the only thing,  
 01:11 19 it's not a -- the front yard right now, there's  
 01:11 20 2 inches to play with, because it is a 20-foot  
 01:11 21 setback. Can I get the extra -- because I know it's  
 01:11 22 only 2 inches, but...  
 01:11 23 MR. CARNOVALE: I don't see a problem.  
 01:11 24 MR. COCOROS: We're not creating  
 01:11 25 another variance. We're basically just max -- yeah,

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01:12 1 VICE CHAIRMAN ALBANESE: Second.  
 01:12 2 CHAIRMAN FERGUSON: Roll call?  
 01:12 3 MS. KIM: Mr. Ferguson?  
 01:12 4 CHAIRMAN FERGUSON: Yes.  
 01:12 5 MS. KIM: Mr. Albanese?  
 01:12 6 VICE CHAIRMAN ALBANESE: Yes.  
 01:12 7 MS. KIM: Mr. Terranova?  
 01:12 8 MR. TERRANOVA: Yes.  
 01:12 9 MS. KIM: Mr. Kim?  
 01:12 10 MR. KIM: Yes.  
 01:12 11 MS. KIM: Mr. Nam?  
 01:12 12 MR. NAM: Yes.  
 01:12 13 MS. KIM: Ms. Yoon?  
 01:12 14 MS. YOON: Yes.  
 01:12 15 MS. KIM: Mr. Carnovale?  
 01:12 16 MR. CARNOVALE: Yes.  
 01:12 17 MS. KIM: Mr. Lefteriou?  
 01:12 18 MR. LEFTERIOU: Abstain.  
 01:13 19 MS. KIM: Motion to adjourn?  
 01:13 20 CHAIRMAN FERGUSON: I'll make a motion  
 01:13 21 to adjourn.  
 01:13 22 Second?  
 01:13 23 MR. TERRANOVA: I'll second it.  
 01:13 24 MS. KIM: All in favor?  
 01:13 25 (Whereupon, all Board Members respond

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1 in the affirmative.)  
2 (Whereupon, the meeting is concluded.  
3 Time noted: 8:17 p.m.)

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I, LAURA A. CARUCCI, C.C.R., R.P.R., a Notary Public of the State of New Jersey, Notary ID. #15855, Certified Court Reporter of the State of New Jersey, and a Registered Professional Reporter, hereby certify that the foregoing is a verbatim record of the testimony provided under oath before any court, referee, board, commission or other body created by statute of the State of New Jersey.

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

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

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

Dated: \_\_\_\_\_

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