

BOROUGH OF PALISADES PARK
 BOARD OF ADJUSTMENT
 MONDAY, JULY 15, 2019
 COMMENCING AT 7:01 P.M.

.....
 IN THE MATTER OF: :
 4 APPLICATION NO. 19-03 : TRANSCRIPT
 5 ARDESHIR MOHTARAM : OF
 201 Fifth Street : PROCEEDINGS
 6 BLOCK 701; LOTS 12 & 12.01 :
 7 APPLICATION NO. 19-05 :
 NEW VISION DEVELOPERS, LLC :
 8 40-48 Grand Avenue :
 BLOCK 617; LOTS 1 & 32 :
 9 APPLICATION NO. 19-09 :
 10 ROCK SOLID BUILT, LLC :
 529 Fifth Street :
 11 Block 325; Lot 16 :
 12 APPLICATION NO. 19-10 :
 CORNERSTONE CAPITAL INVESTMENT LLC:
 13 300 7th Street :
 BLOCK 406; LOT 1 :
 14 APPLICATION NO. 19-11 :
 15 ALLIOTTS CONSTRUCTION LLC :
 312 E. Edsall Boulevard :
 16 Block 411; Lot 19 :
 17 APPLICATION NO. 19-12 :
 HOSU LEE & JEONG N. LEE :
 18 435 Highland Ave :
 Block 211; Lot 19 :
 19
 B E F O R E :
 20 THE BOROUGH OF PALISADES PARK BOARD OF ADJUSTMENT
 21 THERE BEING PRESENT:
 22 JOSEPH FERGUSON, CHAIRMAN
 PAUL ALBANESE, VICE CHAIRMAN
 23 DAVID TERRANOVA, MEMBER
 SEUNG YOON, MEMBER
 24 LEFTEFERI LEFTEFERIOU, MEMBER
 SUK JUN MIN, ALTERNATE MEMBER
 25

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

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HOSU LEE & JEONG N. LEE

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

2

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9 Counsel for New Vision Developers, LLC, Alliotts

10 Construction, LLC and Rock Solid Built, LLC

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22 Counsel for Cornerstone Capital Investment, LLC

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25

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STEVEN COLLAZUOL, BOARD ENGINEER

JUDD ROCCIOLA, BOARD TRAFFIC ENGINEER

MICHAEL KAUKER, BOARD PLANNER

22

23 **LAURA A. CARUCCI, C.S.R., R.P.R., L.L.C.**

24 **CERTIFIED COURT REPORTERS**

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1 CHAIRMAN FERGUSON: Okay. Call the
2 meeting to order.
3 Pauly, do you want to lead us in the
4 flag salute?
5 (Whereupon, All Rise for the Recitation
6 of the Pledge of Allegiance led by Vice
7 Chairman Albanese is held.)
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. Min?
17 MR. MIN: Yes.
18 MS. LAMBRINIDES: Mr. Nam?
19 Ms. Yoon?
20 MS. YOON: Here.
21 MS. LAMBRINIDES: Mr. Carnovale?
22 Ms. Tarabocchia?
23 (No response.)
24 MS. LAMBRINIDES: Mr. Lefteriou?
25 MR. LEFTERIOU: Here.

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1 CHAIRMAN FERGUSON: Okay. So we only
2 have two bills in for tonight. The Record, which is
3 15.95 and attorney, which is \$1,000.00.
4 Can I get a motion to pay the bills?
5 VICE CHAIRMAN ALBANESE: I make a
6 motion we pay the bills.
7 CHAIRMAN FERGUSON: Second?
8 MR. TERRANOVA: Second.
9 CHAIRMAN FERGUSON: Roll call?
10 MS. LAMBRINIDES: Mr. Ferguson?
11 CHAIRMAN FERGUSON: Yes.
12 MS. LAMBRINIDES: Mr. Albanese?
13 VICE CHAIRMAN ALBANESE: Yes.
14 MS. LAMBRINIDES: Mr. Terranova?
15 MR. TERRANOVA: Yes.
16 MS. LAMBRINIDES: Mr. Min?
17 MR. MIN: Yes.
18 MS. LAMBRINIDES: Ms. Yoon?
19 MS. YOON: Yes.
20 MS. LAMBRINIDES: Mr. Lefteriou?
21 MR. LEFTERIOU: Yes.
22 CHAIRMAN FERGUSON: Okay. Next we're
23 going to do the minutes of the previous meeting. We
24 all had a copy of the minutes. We all had an
25 opportunity to review them.

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1 Are there any changes in the minutes?
2 VICE CHAIRMAN ALBANESE: I make a
3 motion we accept the minutes.
4 CHAIRMAN FERGUSON: Second?
5 MR. LEFTERIOU: Second.
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: Yes.
13 MS. LAMBRINIDES: Mr. Min?
14 MR. MIN: Yes.
15 MS. LAMBRINIDES: Ms. Yoon?
16 MS. YOON: Yes.
17 MS. LAMBRINIDES: Mr. Lefteriou?
18 MR. LEFTERIOU: Yes.
19 CHAIRMAN FERGUSON: Okay. So first up
20 tonight we have -- it's a very busy agenda for
21 tonight. I doubt we're going to get through it all,
22 but we'll put our best foot forward.
23 We have two memorializations. First
24 one is Case No. 19-03, 201 Fifth Street.
25 VICE CHAIRMAN ALBANESE: I make a

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1 motion we accept --
 2 CHAIRMAN FERGUSON: Oh, wait. Is your
 3 --
 4 MR. MARTINS: Well, I was the engineer.
 5 CHAIRMAN FERGUSON: You're the
 6 engineer?
 7 MR. MARTINS: Mr. Chairman, right. So
 8 regarding that, I had a meeting with Steve Collazuol
 9 and Judd at the site and we agreed to some items. I
 10 don't know if Steve wanted to inform the board of
 11 what transpired.
 12 CHAIRMAN FERGUSON: Right. Steve, do
 13 you want to --
 14 MR. COLLAZUOL: Yes. Mr. Chairman, we
 15 did meet at the site. There is a new house going up
 16 under construction. So we saw some potential
 17 changes.
 18 Mr. Martins agreed that he's going to
 19 revise the plans and submit them to us, both Judd and
 20 myself, and we have no objection to the
 21 memorialization being approved tonight subject to
 22 final plans being reviewed; revised, submitted and
 23 reviewed by us prior to the issuance of a building
 24 permit.
 25 CHAIRMAN FERGUSON: So all of the
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1 memorialization? Yes.
 2 MS. LAMBRINIDES: Mr. Albanese?
 3 VICE CHAIRMAN ALBANESE: Yes.
 4 MS. LAMBRINIDES: Mr. Terranova?
 5 MR. TERRANOVA: Yes.
 6 MS. LAMBRINIDES: Mr. Min?
 7 MR. MIN: Yes.
 8 MS. LAMBRINIDES: Ms. Yoon?
 9 MS. YOON: Yes.
 10 MS. LAMBRINIDES: Mr. Lefteriou?
 11 MR. LEFTERIOU: Yes.
 12 CHAIRMAN FERGUSON: Okay, thank you.
 13 Next memorialization is 19-05, New
 14 Vision Developers, 40-48 Grand Avenue.
 15 We heard that. I'll make a motion to
 16 do the memorialization.
 17 VICE CHAIRMAN ALBANESE: I'll second.
 18 CHAIRMAN FERGUSON: Roll call.
 19 MS. LAMBRINIDES: Mr. Ferguson.
 20 CHAIRMAN FERGUSON: Yes.
 21 MS. LAMBRINIDES: Mr. Albanese?
 22 VICE CHAIRMAN ALBANESE: Yes.
 23 MS. LAMBRINIDES: Mr. Terranova?
 24 MR. TERRANOVA: Yes.
 25 MS. LAMBRINIDES: Mr. Min?
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1 concerns that the board had a couple of meetings ago,
 2 right, I think there was a gate and there was a
 3 barrier, some type of barrier at the bottom. That's
 4 all been addressed?
 5 MR. COLLAZUOL: Yes, they agreed to
 6 install and put those items on the plans.
 7 CHAIRMAN FERGUSON: And you did the
 8 gate and you did all the things, the passageway for
 9 the kids to get to school?
 10 MR. COLLAZUOL: Yes, that was addressed
 11 as well.
 12 CHAIRMAN FERGUSON: That was all
 13 addressed?
 14 MR. COLLAZUOL: Yes.
 15 CHAIRMAN FERGUSON: Okay.
 16 VICE CHAIRMAN ALBANESE: I make a
 17 motion -- you know, subject to what the planner said
 18 over there that you meet their qualifications. I
 19 make a motion we accept.
 20 CHAIRMAN FERGUSON: Can I get a second?
 21 MR. TERRANOVA: Second.
 22 CHAIRMAN FERGUSON: Okay. Roll call
 23 vote?
 24 MS. LAMBRINIDES: Mr. Ferguson.
 25 CHAIRMAN FERGUSON: This is the
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1 MR. MIN: Yes.
 2 MS. LAMBRINIDES: Ms. Yoon?
 3 MS. YOON: Yes.
 4 MS. LAMBRINIDES: Mr. Lefteriou?
 5 MR. LEFTERIOU: Yes.
 6 CHAIRMAN FERGUSON: Okay. Next is --
 7 which one are we going to do?
 8 MS. TESTA: 19-11.
 9 CHAIRMAN FERGUSON: We're going to go
 10 off script a little bit and we're going to do 19-11,
 11 Alliotts Construction, 312 East Edsall Boulevard.
 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 Alliotts Construction Corp. The property
 17 is located at 312 East Edsall Boulevard here in the
 18 borough.
 19 This application is for a subdivision
 20 and to construct two two-family duplexes. I'd like
 21 to handle the subdivision portion of the application
 22 first with my expert Mr. Mark Martins.
 23 CHAIRMAN FERGUSON: Okay. Counsel,
 24 you're going to have to speak up. Can you speak in
 25 the mic?
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1 MS. LAMBRINIDES: There's a mic over
 2 there for him.
 3 CHAIRMAN FERGUSON: All right, Counsel,
 4 we're ready when you are.
 5 MS. TESTA: Please raise your right
 6 hand.
 7 Do you swear that the testimony you
 8 will give in this application will be the truth, the
 9 whole truth and nothing but the truth, so help you
 10 God?
 11 MR. MARTINS: I do.
 12 M A R K M A R T I N S,
 13 55 Walnut Street, Norwood, New Jersey, having
 14 been duly sworn, testifies as follows:
 15 MS. TESTA: Please state your name,
 16 spell it for the record.
 17 MR. MARTINS: Mark Martins,
 18 M-A-R-T-I-N-S. 55 Walnut Street, Norwood, New
 19 Jersey.
 20 I'm a licensed professional engineer
 21 and a licensed land surveyor in the State of New
 22 Jersey.
 23 CHAIRMAN FERGUSON: Okay. We accept
 24 him as an expert.
 25 MR. MARTINS: Thank you, Mr. Chairman.
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1 MR. MACRI: Thank you, Chairman.
 2 DIRECT EXAMINATION
 3 BY MR. MACRI:
 4 **Q.** Mr. Martins, can you please describe
 5 for the board what currently exists at 312 East
 6 Edsall Boulevard?
 7 **A. Yes.**
 8 **The property, as you said, Marc, is**
 9 **known as 312 East Edsall Boulevard, designated as Lot**
 10 **19, Block 411 on the borough's tax map and is**
 11 **situated in the southwest corner of 9th Street and**
 12 **East Edsall Boulevard.**
 13 **There's currently existing a two-story**
 14 **brick dwelling on the property, which faces East**
 15 **Edsall with a driveway on 9th Street, which accesses**
 16 **a garage which actually faces to the south. So the**
 17 **access currently is from 9th Street.**
 18 **We are proposing to remove the existing**
 19 **structure, the driveway, sidewalk, et cetera and to**
 20 **subdivide the property into two conforming lots.**
 21 **So the existing lot is currently a**
 22 **square being 100 feet along 9th Street and 100 feet**
 23 **along East Edsall Boulevard, having total area of**
 24 **10,000 square feet and we're going to subdivide the**
 25 **lot into two creating two 50-by-100-foot lots. These**
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1 **lots will be facing 9th Street, so the frontages will**
 2 **be on 9th Street.**
 3 **So Lot 19.01 is the one we have**
 4 **designated as the corner lot of 9th and East Edsall**
 5 **will have the frontage of 50 feet and a depth of 100**
 6 **feet and a lot area of 5,000 square feet.**
 7 **And Lot 19.02, which is the remainder**
 8 **of the interior lot to the south would have a**
 9 **frontage of 50 feet along 9th Street as well, a lot**
 10 **depth of 100 feet and a lot area of 5,000 square**
 11 **feet. Both lots totally conforming in terms of lot**
 12 **area, lot width and lot depth.**
 13 **Q.** Thank you.
 14 **A. You're welcome.**
 15 MR. MACRI: I have no further
 16 questions.
 17 CHAIRMAN FERGUSON: You're done?
 18 I'm just trying to -- I mean, my first
 19 comment would be -- I assume you're going to have
 20 somebody come on?
 21 MR. MACRI: I'm going to have -- I'll
 22 have the architect testify next.
 23 CHAIRMAN FERGUSON: Okay. Is he here
 24 now?
 25 MR. MACRI: He's here.
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1 CHAIRMAN FERGUSON: Okay. Then I'll
 2 save it for him.
 3 You're on -- all right, so the both
 4 driveways are going to be on 9th Street?
 5 THE WITNESS: Correct.
 6 CHAIRMAN FERGUSON: You're not going to
 7 do anything on Edsall Boulevard, correct?
 8 THE WITNESS: No, the architect will
 9 testify to that, but both houses will be duplexes
 10 that will be facing 9th Street. So the driveways
 11 will be coming out towards 9th Street.
 12 CHAIRMAN FERGUSON: Okay. Now, do you
 13 have any decks on the building?
 14 THE WITNESS: I would have to defer
 15 that question to the architect.
 16 CHAIRMAN FERGUSON: Okay. What's the
 17 width -- that will be the architect too, and the roof
 18 canopy and roof deck.
 19 Okay. Any board members have anything?
 20 (No response.)
 21 CHAIRMAN FERGUSON: No? Any expert?
 22 Steve, do you want to work your way on
 23 down the road?
 24 MR. COLLAZUOL: Just in regards to the
 25 minor subdivision and in the notations on the
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1 right-hand side, the Item No. 4 indicates that the
2 subdivision will be perfected in the Bergen County
3 Clerk's office by way of filing of the deed.
4 We would just ask that the metes and
5 bounds descriptions of the two new parcels, if this
6 board were to approve this, be submitted to our
7 office for review prior to their filing at the county
8 clerk's office.

9 CHAIRMAN FERGUSON: Anything else?

10 MR. COLLAZUOL: No, that's it on this.

11 CHAIRMAN FERGUSON: Okay.

12 MR. MACRI: We'll accommodate that
13 request, Mr. Chairman.

14 CHAIRMAN FERGUSON: Okay. Judd, I have
15 your report.

16 You have no comments; is that correct?

17 MR. ROCCIOLA: No comments.

18 MR. KAUKER: I have no questions of the
19 engineer.

20 CHAIRMAN FERGUSON: You have no
21 questions?

22 Okay. Do you want to put your next --

23 MR. MACRI: Open to the public?

24 CHAIRMAN FERGUSON: Oh, public, right.

25 Anybody in the public have any

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1 I will check those numbers and make sure that they're
2 accurate for you.

3 MR. COLLAZUOL: So, Mr. Chairman, if
4 that's the case, either that wall has to be shown
5 that it's stable and certified by the engineer or it
6 has to be redesigned by way of the site plan, because
7 the duplex ordinance does not permit walls in excess
8 of 4 feet.

9 CHAIRMAN FERGUSON: Say that again.

10 MR. COLLAZUOL: The duplex ordinance
11 does not permit walls to be in excess of 4 feet.

12 CHAIRMAN FERGUSON: Right.

13 MR. COLLAZUOL: And this wall is more
14 than double that height and it's an existing older
15 wall.

16 So I think it has to be addressed
17 through site plan, but I'd thought I'd bring it up
18 now before Mr. Martins left.

19 THE WITNESS: So the intension, as I
20 understand it, Mr. Chairman, is to leave the wall in
21 its location and at its current height, but we will
22 obviously have a structural engineer take a look at
23 it.

24 MR. COLLAZUOL: If the wall was not
25 sound, what would be the alternative?

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1 questions?

2 (No response.)

3 CHAIRMAN FERGUSON: No questions, okay.

4 MR. MACRI: Mr. Chairman, I'm going to
5 excuse Mr. Martins because he has another meeting in
6 a different town.

7 MR. COLLAZUOL: Then I have another
8 question.

9 CHAIRMAN FERGUSON: Okay.

10 MR. COLLAZUOL: Mark, if I'm reading
11 the survey correctly, in the southwest corner you're
12 showing the bottom of wall elevation of 288.9 and a
13 top of wall elevation of 297.7.

14 THE WITNESS: Correct.

15 MR. COLLAZUOL: Which would make that
16 wall 8.8 feet in height.

17 THE WITNESS: Uh-huh.

18 MR. COLLAZUOL: There was some issues
19 with some neighboring properties. I believe I saw
20 that wall.

21 Would you confirm that that is 8.8 feet
22 in height and that your survey is correct.

23 THE WITNESS: I will double check those
24 numbers for you, Steve.

25 You know, based on our plans, yes, but

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1 THE WITNESS: We'll look at different
2 options. We'd have to obviously reconstruct it if
3 it's not sound.

4 MR. COLLAZUOL: You would then need a
5 variance for the wall height. If the wall is going
6 to remain on the plan, the board would have to
7 approve of the height tonight. So there would be an
8 additional variance requirement.

9 MR. MACRI: I'll amend the application
10 to include a height variance if the wall exceeds 4
11 feet, if it is, in fact, to be reconstructed.

12 CHAIRMAN FERGUSON: That's okay?

13 MR. COLLAZUOL: That's up to the board
14 to approve that with a wall that's almost 9 feet in
15 that particular area.

16 CHAIRMAN FERGUSON: 9 --

17 MR. COLLAZUOL: If it's sound. It's
18 almost 9 feet in height.

19 CHAIRMAN FERGUSON: Is there a way of
20 knocking down the wall? I mean, can you step the
21 wall?

22 THE WITNESS: I think I'd have to defer
23 that to the architect. I really was not involved in
24 the site planning on this project.

25 CHAIRMAN FERGUSON: Okay.

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1 THE WITNESS: Also, I'm not really
2 familiar with how he's creating the site, but
3 obviously if you were to do that, you would have to
4 step the wall back and you would take out some of the
5 rear yard area.

6 Physically it would be possible, but,
7 again, I don't know exactly what the architect
8 proposed.

9 CHAIRMAN FERGUSON: We'll ask them.

10 THE WITNESS: I'm sorry?

11 CHAIRMAN FERGUSON: We'll get that from
12 the next witness.

13 THE WITNESS: Yes, correct.

14 CHAIRMAN FERGUSON: Okay, Counsel.

15 MR. MACRI: Thank you, Mr. Chairman.

16 At this time I'd like to have

17 Mr. Donato sworn in.

18 THE WITNESS: Thank you, Mr. Chairman.

19 MS. TESTA: Please raise your right
20 hand.

21 Do you swear that the testimony you
22 will give in this application will be the truth, the
23 whole truth and nothing but the truth so help you
24 God?

25 MR. DONATO: I do.

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1 JOSEPH DONATO,
2 14 Route 4 West, River Edge, New Jersey, having
3 been duly sworn, testifies as follows:

4 MS. TESTA: Please state your name,
5 spell it for the record.

6 MR. DONATO: Joseph Donato, D-O-N-A-T-O.
7 I'm located at 14 Route 4 West, River Edge, New
8 Jersey.

9 CHAIRMAN FERGUSON: Counselor, is -- is
10 -- you're looking for a height variance on this?

11 MR. DONATO: That's the one up against
12 us.

13 CHAIRMAN FERGUSON: And you're going to
14 testify to that?

15 MR. DONATO: Correct.

16 DIRECT EXAMINATION

17 BY MR. MACRI:

18 Q. Mr. Donato, the plans on the easel are
19 the same plans that were submitted to the board in
20 anticipation of this evening's presentation?

21 A. Yes, they are. Yes.

22 Q. Can you please explain to the board
23 what we're proposing to construct on the property?

24 A. Sure.

25 I'm sure Mr. Martins went through

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1 what's there. I just kind of briefly want to run
2 over a couple of things.

3 The existing corner lot is a hundred by
4 a hundred. The grade drops from the corner of East
5 Edsall and 9th, drops down about 3 -- 3 or 4 feet as
6 I'm going south on 9th and it drops 7 feet as I'm
7 going west on East Edsall.

8 And then from both ends it drops about
9 12 feet to the corner where that wall we were just
10 talking about and then there's a drop of about almost
11 a 9-foot wall.

12 So the topography is really something
13 that we have to work with and consider when we were
14 designing what type of duplexes we were going to
15 propose on the property, because we didn't want to
16 build additional walls to meet the height requirement
17 on top of walls that are already there. Because if
18 that's the case, typically when you build a duplex,
19 you add a 2-foot to 4-foot wall to make the height,
20 but based on what we -- the conditions with the
21 existing walls, whether they're structural or not, we
22 have a big drop off, plus the additional wall height
23 in that corner.

24 So what we're proposing tonight is
25 obviously the subdivision that Mr. Martins spoke

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1 about, but what we're proposing is a typical
2 front-loaded duplex, 38 by 55 both facing 9th Street.
3 And on the interior part of the lot it's works -- you
4 know, typically 50 by 100 lot, it works like a
5 standard duplex where we have the parking coming off
6 of 9th to a basement and the top floor is kitchen,
7 living, dining on the second floor and then the top
8 floor being the three bedrooms, two baths.

9 And also what we're proposing on the
10 corner lot is a typical duplex, and the reason for
11 that is when you do walk into -- when you drive into
12 the front of the building, the back portion of the --
13 or the basement of the duplex in the front-loaded 38
14 feet allows us to step this lower and get closer to
15 the grade so we don't have to do an additional level
16 or a subbasement and that's why we're proposing,
17 rather than a side-loaded duplex on the corner, we're
18 proposing two duplexes facing 9th Street.

19 And another aspect that's unique to
20 this corner, which is rarely found in town is that
21 East Edsall Boulevard is a wider street. Typically
22 where you have a 10-foot right-of-way, which we do
23 have on 9th Street, the right-of-way on East Edsall
24 is 22 feet. So our proposal is the typical duplex, 6
25 feet away from the property line, but an additional

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1 22 feet to the curb. So where what we're proposing
2 we would be 28 feet from the building to the curb.
3 On a standard corner lot that has a 10-foot
4 right-of-way, that's usually 16 feet. So we felt
5 that this corner duplex, it is a variance with that
6 front yard -- front yard corner setback where 15 feet
7 is required. I felt that -- well, we felt that the
8 6-foot setback with that 22-foot right-of-way is a
9 better scenario than a corner duplex where all that
10 parking is facing East Edsall, the driveways.

11 So I think having that 22 feet is a
12 condition that really helps with this type of design
13 on a corner lot and not only that, with the grades
14 dropping down where I was talking about, we could
15 lower that basement area. When you have a corner
16 duplex, they both face Edsall, it's really a hard
17 condition to start stepping basement. So it really
18 -- the proposal that we're asking for tonight, we
19 feel is a better condition on this property.

20 I can run through the variances that
21 we're asking for. I'll start with the interior lot,
22 because it's basically a standard 50 by 100 with the
23 duplex and that would be Lot 19.02 and that would be
24 the center zoning schedule.

25 I'll start that the zone, obviously
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1 keeping it natural to what it is today, that's the
2 number that we came up with and that's what we're
3 asking for.

4 Then the lot coverage where 40 percent
5 is required, because of the additional 5 feet where
6 we're permitted to go with the average setback, that
7 lot coverage comes up to 41.8. So on the interior
8 lot there's two variances that we're for and that's
9 the height variance and the lot coverage variance.

10 We do meet the requirement for parking
11 where two inside and two outside per unit, which is
12 eight, we do meet that requirement.

13 Then I'll come to Lot 19.01, which is
14 the corner lot. Again, 50 by 100 is required. We do
15 have that. The width, the depth, 50 by 100, we do
16 meet that requirement after the subdivision. The
17 front yard is the average setback at 20 feet. We do
18 meet that. We'll meet that line as we extend along
19 9th Street. And then we have the corner front where
20 typically the corners have those duplexes that face
21 the long way and 15 feet is a number that's required
22 for that corner. We're asking for 6 feet, which is
23 typical for a duplex and, again, I go back to that
24 22-foot right-of-way that we have, which is mostly
25 grass and we prefer to leave the grass alone, rather

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1 it's a one-and two-family. So we do meet that
2 requirement. Lot area is 5,000 square feet. We do
3 have that 50 by 100, 5,000 square feet after the
4 subdivision. We meet the width, the depth. The
5 front yard we meet because the average along the
6 street is less than 20. So we have a 20-foot average
7 setback. Currently the existing house is 15.2 off of
8 9th Street. So with the proposal of 20 feet, we're
9 given additional air and light than what was
10 currently existing. The side yard where each of them
11 are -- 6 feet is required, we are proposing 6 feet on
12 each side. The rear yard is 25 feet and we do meet
13 that requirement.

14 Now we come to the first of two
15 variances that we're asking for on this lot. The
16 first is the height where two-and-a-half stories, 28
17 feet is required. We're asking for three stories and
18 due to the grade that it drops so much and, again,
19 we're not proposing any walls on top of the walls
20 that are there already, if we kind of keep this at a
21 natural slope to what it is, we come up with a
22 variance, a height variance that would bring us to
23 35.3175. I know typically we try to keep it at 10
24 percent, but I think with the idea of not building on
25 top of existing walls that are there already and

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1 than having two driveways along East Edsall where we
2 feel that this 6-foot variance that we're asking for
3 tonight is a better condition than a corner duplex.

4 And, also, on a corner duplex we would
5 have eight cars backing out onto East Edsall, which
6 is a double yellow stripe between the -- each way of
7 traffic. So I think the condition of backing out off
8 of the front load on 9th is a better condition for
9 that.

10 So the first variance we're asking for,
11 19.01 is a corner front variance. We do meet the
12 interior side yard of 6 feet. We do meet the rear
13 yard of 25 feet.

14 Now comes to the next variance, which
15 is the height basically due to the existing
16 topography where two-and-a-half stories, 28 feet.

17 In this condition, again, we keep a
18 natural grade where it is, we come up to a
19 three-story and the height is 34.3175 feet. So
20 that's the second variance we're asking for tonight.

21 And then we're asking for a lot
22 coverage, again, with the extension that the 5-foot
23 allows us to take for the 20-foot average setback
24 that gives us a lot coverage of 41.8, 1.8 over the 40
25 percent.

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1 Again, I think it's unique with this
2 corner duplex which -- on East Edsall with the double
3 yellow line in the middle, the wider right-of-way.
4 We felt that this front-loaded duplex is a better
5 condition, rather than the longer facing East Edsall
6 Edsall.

7 Q. Just go to the interior of the building
8 as well.

9 A. Sure.
10 So Sheet A-2, which is the floor plan.
11 The first floor is what's considered the garage and
12 basement. So you come in, you have two cars per unit
13 interior, two cars exterior. You come down into a
14 little vestibule. There is a full bath. I know
15 there's times that -- if it's an issue, we're willing
16 to make that a half bath with the board tonight.

17 CHAIRMAN FERGUSON: What was that?

18 THE WITNESS: That full bath, right now
19 the plans show a full bath and I know it becomes an
20 issue sometimes.

21 CHAIRMAN FERGUSON: No, no, no, no.

22 THE WITNESS: I beat you to the punch.

23 CHAIRMAN FERGUSON: There's -- no, no,
24 no, no, we don't allow full baths in the basement
25 period. You can have a sink. No shower.

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1 THE WITNESS: We're going to take that
2 shower out, correct.

3 CHAIRMAN FERGUSON: Okay.

4 THE WITNESS: And then you can see the
5 line that permits us to drop that basement down three
6 or four steps so that we follow the contour of the
7 topography.

8 Again, this type of duplex allows for
9 that condition where on the corner lot, since it's so
10 long, there really isn't a location where we can step
11 the building to follow the natural grade of the
12 property. So that's why we're asking for two of
13 these type of duplexes.

14 Then on the next second floor of the
15 duplex, it's a typical duplex. It has a living room,
16 dining room, a half bath and a kitchen. And then the
17 set of stairs to the top floor. Three bedrooms, two
18 baths. Again, the look would be all brick with
19 stucco overhangs.

20 There are decks on the back of the
21 building that project 8 feet out and 12-foot wide.
22 Again, that's -- in our opinion, this is a better
23 duplex than the corner duplex, because usually on the
24 corner duplexes, the decks are also in the front
25 yard.

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1 So these proposed decks would be in the
2 rear yard of the building.

3 Then on Sheet A-3 is just the exterior
4 of the building. Brick, you know, brick veneer with
5 stucco overhangs that you kind of see throughout the
6 neighborhood.

7 Q. Thank you, Mr. Donato.

8 A. Thank you.
9 MR. MACRI: I have no further
10 questions.

11 CHAIRMAN FERGUSON: Now, our engineer
12 had some concerns about the wall, the height of the
13 wall, I believe.

14 THE WITNESS: Correct, that would be
15 this southwest corner.

16 CHAIRMAN FERGUSON: Is there a way to
17 alleviate that or step it or --

18 THE WITNESS: Yes, we could if it's
19 found to be not structurally sound, we can step in a
20 4-foot increment and I believe with these duplexes
21 facing 9th, it would work better in our favor that we
22 can step that down.

23 CHAIRMAN FERGUSON: Yeah.

24 THE WITNESS: Yes.

25 CHAIRMAN FERGUSON: I agree with you

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1 that garages on 9th Street are better than coming out
2 onto Edsall. So I'm okay with that.

3 But as you know, I rely on my -- you
4 know, on my experts and if he raises a concern, we
5 have to address that concern.

6 THE WITNESS: Right.

7 CHAIRMAN FERGUSON: And his concern is
8 the height of the walls. So we're going to have to
9 address that. So if you, you know --

10 THE WITNESS: We could -- tonight we
11 can say we'll step the wall whether -- we won't even
12 -- you know, we won't ask for a variance --

13 CHAIRMAN FERGUSON: Steve.

14 MR. COLLAZUOL: Yes, I would also point
15 out that the wall on the south side of the left-hand
16 side is shown to be a different wall.

17 It's shown to be a concrete wall and it
18 appears to be about 6 feet in height. So there are
19 two walls in question. So I would assume that what
20 you're saying applies to both walls, the one on the
21 rear and the one on the side, the left side.

22 THE WITNESS: That one, I don't know if
23 it's -- is it our wall?

24 I'm assuming, yes, it is our wall.

25 There's a duplex to the left of us that, I guess,

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1 it's using that as a retaining wall. I don't know if
2 that would be an issue with the development next door
3 to us.

4 MR. COLLAZUOL: Well, likewise, it
5 would either be granted a variance for its existing
6 condition; if it's stable, it can remain or if it's
7 found unstable, you're either going to redesign it
8 such that it's no greater than 4 feet in height being
9 step back or replace it in kind.

10 THE WITNESS: Right.

11 CHAIRMAN FERGUSON: Only if it's
12 unstable, Steve?

13 MR. COLLAZUOL: If it's unstable, it
14 either has to be rebuilt by way of a variance from
15 the board or it's got make provisions that none of
16 the walls are greater than 4 feet in height.

17 MR. MACRI: If it's not stable, we'll
18 seek a variance for a wall offer 4 feet. If it
19 exists, we'll leave it alone. If it's found to be
20 stable, we'll leave it alone.

21 THE WITNESS: This part of the wall --
22 and Steve may agree with me, Mr. Collazuol, is that
23 all the steps of our neighbors are connected to that
24 wall.

25 So I'm not sure how easy it would be to
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1 drainage plan, drainage report.

2 THE WITNESS: With calculations, yes,
3 absolutely. Per lot, yes.

4 MR. COLLAZUOL: And then typically for
5 an application of this nature, all new curbs and
6 sidewalks in place.

7 So both 9th Street and East Edsall
8 would require the new curbs and sidewalks. I would
9 stay the sidewalk along East Edsall, its location
10 will be determined based on the DPW and what's
11 existing in place to match the transition too.

12 THE WITNESS: Sure.

13 MR. COLLAZUOL: But it would also
14 require the corner ramp, the corner ADA ramp.

15 Aside from the other comments in the
16 report, I have no other comments.

17 CHAIRMAN FERGUSON: Judd, you're good?

18 MR. ROCCIOLA: Fine, no problem.

19 MR. KAUKER: Just a couple of
20 questions. The first question: It appears that
21 there are decks located on the rear of the proposed
22 dwellings, correct?

23 THE WITNESS: Yes, correct.

24 MR. KAUKER: What are the size of those
25 decks in square feet?

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1 take down without having the steps fall down.

2 MR. COLLAZUOL: I understand, but that
3 is the situation.

4 THE WITNESS: Right, it is a
5 6-foot-high wall, yes.

6 CHAIRMAN FERGUSON: Yes.

7 MR. MACRI: If it's not found to be
8 stable, we're going to have to make it stable. We'll
9 build one, we'll butt up against it.

10 MR. COLLAZUOL: That's one solution.

11 THE WITNESS: We could, absolutely.

12 CHAIRMAN FERGUSON: Okay. Well, as
13 long as our engineer -- you know, whatever the
14 solution is, I'm fine.

15 THE WITNESS: The plans will be
16 submitted to Mr. Collazuol and I guess he'll at that
17 point --

18 CHAIRMAN FERGUSON: Okay. Do you have
19 any other concerns, Steve?

20 MR. COLLAZUOL: The next item would be
21 the stormwater management.

22 Joe, I know you do show a detail for a
23 500-gallon seepage pit. You don't show them on the
24 site. You don't show roof liters to tie in. If this
25 board approves this, would you submit a grading and

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1 THE WITNESS: So each deck, so there
2 will be four decks, are 8 by 12.

3 MR. KAUKER: Okay. So no steps?

4 THE WITNESS: No steps, just a platform
5 deck.

6 MR. KAUKER: Okay. And are they going
7 to be covered or have a roof?

8 THE WITNESS: No.

9 MR. KAUKER: Okay. Because there's
10 also a restriction of covered decks, open
11 requirement.

12 THE WITNESS: Open with railings.

13 MR. KAUKER: And you show the basement.
14 What's the use of the basement? Is it going to be
15 finished, unfinished?

16 THE WITNESS: It's just going to be an
17 open basement, a rec room for the owner.

18 MR. KAUKER: Okay. And then just
19 really for the board's edification, the applicant's
20 requesting a (d)(6) height variance. I don't know if
21 I heard testimony to this affect, but can you just
22 provide something on the record in order for the
23 board to grant a (d)(6) height variance.

24 MS. TESTA: I believe they have a
25 planner.

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1 MR. MACRI: We're going to give
 2 planning testimony.
 3 MR. KAUKER: Oh, I didn't know that.
 4 Okay. I thought someone said he was going to provide
 5 it. Then I'll hold it.
 6 THE WITNESS: Well, one of the ideas I
 7 did touch on was that there's currently the retaining
 8 wall to build another wall on top of that. We'd
 9 rather just kind of keep it natural.
 10 MR. KAUKER: I have no other questions.
 11 CHAIRMAN FERGUSON: No other questions?
 12 All right, Counsel, do you want to call
 13 your next witness?
 14 MR. MACRI: Yes, Mr. David Spatz, our
 15 professional planner.
 16 CHAIRMAN FERGUSON: We'll accept him as
 17 an expert. He's been here many times.
 18 MS. TESTA: Please raise your right
 19 hand.
 20 Do you swear that the testimony you
 21 will give in this application will be the truth, the
 22 whole truth and nothing but the truth, so help you
 23 God?
 24 MR. SPATZ: Yes, I do.

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1 D A V I D S P A T Z,
 2 60 Friend Terrace, Harrington Park, New Jersey,
 3 having been duly sworn, testifies as follows:
 4 MS. TESTA: State your name for the
 5 record, please.
 6 MR. SPATZ: David Spatz, S-P-A-T-Z.
 7 MR. MACRI: Mr. Chairman, we have a
 8 photo exhibit we're going to mark as A-1.
 9 CHAIRMAN FERGUSON: Yeah, very nice.
 10 MS. TESTA: Yeah, do you want to mark
 11 the others, Marc?
 12 MR. MACRI: I'll mark the site plan as
 13 A-1.
 14 MS. TESTA: Right.
 15 MR. MACRI: Mr. Donato's plan is A-2.
 16 MS. TESTA: Yes.
 17 MR. MACRI: Mr. Spatz's photo exhibit
 18 is A-3.
 19 (Whereupon, Site Plan is received and
 20 marked as Exhibit A-1 for identification.)
 21 (Whereupon, Architectural Plan is
 22 received and marked as Exhibit A-2 for
 23 identification.)
 24 (Whereupon, Photo Exhibit is received
 25 and marked as Exhibit A-3 for identification.)

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1 MR. SPATZ: We did provide a photo
 2 exhibit which describes the property and the
 3 surrounding neighborhood.
 4 The top left-hand photograph is of the
 5 subject property looking at it from 9th.
 6 The top right-hand photograph is
 7 looking to the south from our property with the
 8 larger newer three-story building next to us.
 9 Bottom left-hand photograph is looking
 10 to the opposite side of 9th and as you can see
 11 towards the south there are a number of newer
 12 two-family houses.
 13 As well and then the bottom right-hand
 14 photograph is looking at the property from the
 15 opposite side of East Edsall and you can see the
 16 steep slope of the property and the adjacent home,
 17 which is significantly lower in grade to ours.
 18 I'll try not to duplicate Mr. Donato's
 19 testimony because I know you have a busy night.
 20 We need one (d) variance which is for
 21 building height and then two (c) variances, building
 22 coverage for both lots and then the corner lot needs
 23 a side yard setback, the front yard at the corner
 24 where only 6 feet from East Edsall where a corner lot
 25 requires 15 feet.

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1 So looking quickly at the height
 2 variance, we exceed the height limitation by a half
 3 story and approximately or a little less than 8 feet.
 4 Mr. Donato and Mr. Martins described the topography
 5 of the property. It slopes both to the south and
 6 then to the west with a significant drop. As you can
 7 see from the photograph, even though we are taller
 8 than what is permitted, we are similar to the
 9 building, certainly the one adjacent to us on 9th,
 10 which is most relevant as both of our properties,
 11 both of the buildings will be facing 9th Street. So
 12 I think it is consistent with that. And the other
 13 photograph show that the other newer homes are also
 14 three stories in height.
 15 8th Street, which is to the west of our
 16 property is significantly lower. The increased
 17 height I don't believe will have any greater impact
 18 than really any development of the site. Mr. Donato
 19 described the walls and the modifications that will
 20 be made to them.
 21 So then looking at the two bulk
 22 variances as to coverage, we do meet your coverage
 23 limitation in terms of square feet, but you have a
 24 separate percentage coverage and we're only 1.8
 25 percent over that. So it is just slightly increased.

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1 Mr. Donate described that it was primarily because of
2 the extra setback that we're permitted between the
3 existing building and our newer building, as well as
4 the consistency with the other properties along 9th
5 Street. We're providing drainage facilities on the
6 property, which mitigates against the slightly larger
7 building.

8 Looking at the setback, again, as was
9 described, we have a larger right-of-way along East
10 Edsall. So even though we're only 6 feet from the
11 property line, we're 28 feet from the curb line, so
12 the setback is greater than the 15 foot that is
13 actually required. And there was certainly enough
14 testimony that it's better that as a corner lot,
15 rather than having it oriented towards East Edsall,
16 we've oriented both propertied towards 9th, which
17 certainly reduces the impacts on traffic on -- all on
18 East Edsall.

19 Looking at the negative criteria, I
20 don't believe there's anything that's significantly
21 negative. Two-families are permitted within the
22 zone. There is a significant number of two-families
23 within the zone. The lot could be subdivided into
24 two conforming lots, which would allow those. The
25 setbacks, I believe, are consistent with the

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1 development in the neighborhood. Especially
2 considering the right-of-way along East Edsall, the
3 height I think can be hidden along the property due
4 to the topographic conditions. We still maintain the
5 building a three-story building even though there are
6 those significant height limitations.

7 Lastly, that's a conforming amount of
8 parking on the property. So we meet the Residential
9 Site Improvement Standards and reduces the impact on
10 the surrounding neighborhood.

11 So I believe, in general, the positive
12 impact from what we're proposing, its consistency
13 with the neighborhood far outweighs anything that
14 would be considered negative.

15 MR. MACRI: Thank you, Mr. Spatz.

16 CHAIRMAN FERGUSON: Mr. Kauker.

17 MR. KAUKER: Yeah, just one question,
18 Mr. Spatz. I'm not sure if you mentioned it, but in
19 terms of the surrounding area, how does the height
20 compare to the other homes or other existing
21 structures in the neighborhood?

22 MR. SPATZ: It's consistent with the
23 neighborhood.

24 As you can see from the photographs on
25 A-3, the top right-hand photograph, the adjacent

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1 property is, I believe it's a triplex and it's three
2 stories in height, consistent in height with our --
3 oh, I'm sorry, I didn't know that you didn't get past
4 there. That is consistent in height with what we're
5 proposing and then the bottom left photograph looking
6 towards the south on the opposite side of 9th you can
7 see two lots down there are two newer or three newer
8 two-family homes that are also three stories in
9 height. So we are consistent with the neighborhood.

10 MR. KAUKER: So in your opinion, it
11 would not be out of character with the neighborhood?

12 MR. SPATZ: Absolutely not, between
13 consistency with the neighborhood and the topographic
14 conditions on the property, the height I think is
15 reasonable.

16 MR. KAUKER: Thank you.

17 MR. MACRI: Thank you.

18 CHAIRMAN FERGUSON: You're good?

19 MR. KAUKER: Yes.

20 CHAIRMAN FERGUSON: Okay. Anybody in
21 the audience have anything?

22 (No response.)

23 CHAIRMAN FERGUSON: Nobody in the
24 audience?

25 (No response.)

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1 CHAIRMAN FERGUSON: Do you want to sum
2 up?

3 MR. MACRI: Yes.

4 CHAIRMAN FERGUSON: Oh, I'm sorry. Oh,
5 okay, I'm sorry.

6 Go ahead, one at a time.

7 MS. BRAUER: Susan Brauer.

8 With regard to the side yard where
9 you're asking for a 6-foot setback, rather than the
10 required 15 feet.

11 MR. SPATZ: That's correct.

12 MS. BRAUER: Okay. I know you said
13 that Edsall is about 20-, 22-foot wide.

14 MR. MACRI: The right-of-way.

15 MR. SPATZ: The right-of-way. So the
16 building is actually 28 feet from that.

17 MS. BRAUER: Now, that's going to be
18 corner. Are you going to have foliage or something?
19 Usually on a corner house you have a hedge or
20 something next to it for privacy.

21 MR. SPATZ: Let me see if the architect
22 has anything on the plans. I think certainly
23 landscaping can be provided along there because there
24 are no driveways, so landscaping would not have a
25 negative impact. So they can certainly do that

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1 within that area.
 2 MS. BRAUER: Would the landscaping in
 3 anyway impair the sight triangle?
 4 MR. MACRI: Mr. Chairman, no
 5 landscaping will be planted within the sight
 6 triangle.
 7 MR. SPATZ: Right. You can set it
 8 further away so there wouldn't be no impact.
 9 MS. BRAUER: So the sight triangle
 10 would be clear? We wouldn't have a problem with a
 11 car passing another car along the site?
 12 MR. SPATZ: Absolutely, that can easily
 13 be done, it's a long enough yard.
 14 MS. BRAUER: Can we put that in the
 15 agreement to make sure there's no blockage of --
 16 MR. MACRI: We stipulate to that.
 17 CHAIRMAN FERGUSON: The sight triangle,
 18 right.
 19 MS. BRAUER: Yeah, thank you.
 20 CHAIRMAN FERGUSON: Go ahead, name and
 21 address.
 22 MS. SCHOR: Marsha Schor, Henry Avenue.
 23 May I ask, this is for the architect, I
 24 guess, the height in each apartment, the ceilings,
 25 how high?

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1 MR. DONATO: So the basement is 8 feet,
 2 the next floor is 9 feet, then the top floor is 8
 3 feet.
 4 MS. SCHOR: Why does the basement have
 5 to be 8 feet?
 6 MR. DONATO: Well, a door is -- by the
 7 time you put a door of 6 foot, 8 and a frame, you
 8 only have a header of 1 foot.
 9 MS. SCHOR: And 9 feet for the middle,
 10 for your living room?
 11 MR. DONATO: That's standard for the
 12 duplexes.
 13 MS. SCHOR: No, it's not. Not in front
 14 of this board it isn't.
 15 MS. BRAUER: It's very high.
 16 MS. SCHOR: Because that will take the
 17 height down a little bit on the building.
 18 MR. DONATO: It would still be a
 19 variance, 1 foot wouldn't make the difference. It
 20 would still be a variance.
 21 CHAIRMAN FERGUSON: I'm okay with it.
 22 As long as -- it's 8 foot, right?
 23 MR. DONATO: 8 foot, 9 foot, 8 foot.
 24 CHAIRMAN FERGUSON: Right.
 25 MR. DONATO: Which is the standard for

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1 duplexes.
 2 CHAIRMAN FERGUSON: The board usually
 3 gives, you know, 9 and then 8 on top.
 4 MS. SCHOR: Do you need 8 feet for the
 5 basement?
 6 CHAIRMAN FERGUSON: Well, I think he
 7 just testified --
 8 MR. DONATO: The garage door is 7-foot
 9 high, the header is 12 inches, that's like --
 10 MS. SCHOR: This is the room behind the
 11 garage.
 12 MR. DONATO: The floor lines up, so it
 13 is -- at that point it is what it is.
 14 CHAIRMAN FERGUSON: I think you need
 15 the 8 feet.
 16 MR. DONATO: I think so too.
 17 CHAIRMAN FERGUSON: Okay. Anybody
 18 else?
 19 (No response.)
 20 CHAIRMAN FERGUSON: All right. So I'll
 21 make a motion to accept the application with the
 22 comments of our engineer, \$2,000.00 for the Tree
 23 Preservation Fund and also no greens in the sight
 24 triangle, no obstructions in the sight triangle.
 25 VICE CHAIRMAN ALBANESE: I'll second

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1 it.
 2 CHAIRMAN FERGUSON: Any questions on
 3 the motion?
 4 (No response.)
 5 CHAIRMAN FERGUSON: Roll call?
 6 MS. LAMBRINIDES: Mr. Ferguson.
 7 CHAIRMAN FERGUSON: Yes.
 8 MS. LAMBRINIDES: Mr. Albanese?
 9 VICE CHAIRMAN ALBANESE: Yes.
 10 MS. LAMBRINIDES: Mr. Terranova?
 11 MR. TERRANOVA: Yes.
 12 MS. LAMBRINIDES: Mr. Min?
 13 MR. MIN: Yes.
 14 MS. LAMBRINIDES: Ms. Yoon?
 15 MS. YOON: Yes.
 16 MS. LAMBRINIDES: Mr. Lefteriou?
 17 MR. LEFTERIOU: Yes.
 18 MR. MACRI: Thank you very much.
 19 CHAIRMAN FERGUSON: Thank you.
 20 All right. We're going to take a
 21 5-minute break.
 22 (Whereupon, a short recess is held.)
 23 CHAIRMAN FERGUSON: Okay. Let's get
 24 the meeting back.
 25 Everybody back.

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1 Okay. Roll call for attendance.
 2 MS. LAMBRINIDES: Mr. Ferguson.
 3 CHAIRMAN FERGUSON: Yes.
 4 MS. LAMBRINIDES: Mr. Albanese?
 5 VICE CHAIRMAN ALBANESE: Here.
 6 MS. LAMBRINIDES: Mr. Terranova?
 7 MR. TERRANOVA: Here.
 8 MS. LAMBRINIDES: Mr. Min?
 9 MR. MIN: Yes.
 10 MS. LAMBRINIDES: Ms. Yoon?
 11 MS. YOON: Yes.
 12 MS. LAMBRINIDES: Mr. Lefteriou?
 13 MR. LEFTERIOU: Here.
 14 CHAIRMAN FERGUSON: Okay. Before we go
 15 on, I had a quick meeting with the attorney for
 16 Highland Avenue and I informed the attorney that it's
 17 the board's -- yes, Counselor, it's the board's -- to
 18 exit the place at 10:00, no later than 10:00 tonight.
 19 MR. RAMUNDO: Yes, Mr. Chairman.
 20 Thank you so much. I had an
 21 opportunity to speak to my client with the architect.
 22 We would like to --
 23 MS. TESTA: Could you just put your
 24 appearance on the record?
 25 MR. RAMUNDO: I'm so sorry. Marc
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1 Ramundo appearing on behalf of -- this was the
 2 applicant at 435 Highland Avenue.
 3 So I just spoke to the applicant.
 4 Rather than try to squeeze it in tonight and we just
 5 had comments from the borough engineer on Friday, so
 6 we'd like an opportunity to carry this to the next
 7 month's meeting to properly address the engineer's
 8 comments and also maybe to come back with a planner.
 9 CHAIRMAN FERGUSON: Okay.
 10 MR. RAMUNDO: So if we can just waive
 11 the notice requirements.
 12 CHAIRMAN FERGUSON: Oh, no, we would
 13 waive the notice requirements.
 14 MS. TESTA: You're going to waive?
 15 CHAIRMAN FERGUSON: What?
 16 MS. TESTA: You're going to waive them?
 17 CHAIRMAN FERGUSON: Yes.
 18 MS. TESTA: Yes, oh, okay.
 19 MS. LAMBRINIDES: August 19th.
 20 MS. TESTA: August 19th.
 21 CHAIRMAN FERGUSON: August 19th.
 22 MR. RAMUNDO: August 19th.
 23 CHAIRMAN FERGUSON: All right.
 24 MR. RAMUNDO: Thank you, Mr. Chairman.
 25 MS. TESTA: So that would be -- well,
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1 we should do it by motion. So Case No. 19-12, Hosu
 2 Lee & Jeong N. Lee, 435 Highland Avenue, Block 211,
 3 Lot 19 is going to be carried to the August 19th,
 4 2019 meeting at 7 p.m.
 5 No further notice will be provided by
 6 the applicant. So anybody that's here for that
 7 application, this is basically your notice that it's
 8 going to carry to the August 19th meeting. So if you
 9 want to make a motion.
 10 CHAIRMAN FERGUSON: I'll make a motion.
 11 VICE CHAIRMAN ALBANESE: Second.
 12 CHAIRMAN FERGUSON: Second? Roll call?
 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. Min?
 20 MR. MIN: Yes.
 21 MS. LAMBRINIDES: Ms. Yoon?
 22 MS. YOON: Yes.
 23 MS. LAMBRINIDES: Mr. Lefteriou?
 24 MR. LEFTERIOU: Yes.
 25 MR. RAMUNDO: Thank you very much.
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1 Have a good evening.
 2 CHAIRMAN FERGUSON: Okay, Sam, we're
 3 ready for you now.
 4 MR. CERESTE: Thank you.
 5 CHAIRMAN FERGUSON: Okay. Do you want
 6 to put your appearance in?
 7 MR. CERESTE: Yes, Mr. Chairman,
 8 Members of the Board, Saverio Cereste on behalf of
 9 the applicant Cornerstone Capital Investment, LLC.
 10 This is an application involving 300
 11 7th Street, which is known as Block 406, Lot 1. The
 12 property is -- the existing property is an older
 13 two-family dwelling. It's on a 5,000-square-foot lot
 14 measuring 50 by 100. The applicant is proposing to
 15 construct a three-story duplex on the premises. The
 16 grade on this property is a little unusual. It
 17 varies from about 5 feet going from the north to the
 18 south.
 19 There are basically one (d) variance
 20 with a height, 28 feet is required at 31.25.
 21 CHAIRMAN FERGUSON: You got to speak
 22 into the mic.
 23 MS. TESTA: Yeah.
 24 MR. CERESTE: We're at 31.25 on the
 25 height. There are three bulk variances involving
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1 coverage, minimum lot width and the rear yard
2 setback. The property, as I indicated, is in a
3 two-family zone, in the AA zone district. So it does
4 comply.

5 There are three exhibits which we're
6 going to mark. A-1, which is the architectural and
7 the site plan of BCA Group. It's dated 5/3/19 and
8 revised through June 14, 2019.

9 (Whereupon, Architectural and the Site
10 Plan of BCA Group, 5/3/19, revised through
11 6/14/19 is received and marked as Exhibit A-1
12 for identification.)

13 MR. CERESTE: A-2 is the boundary and
14 topographical survey, which is dated 7/27/2018.

15 (Whereupon, Boundary and Topographical
16 Survey is received and marked as Exhibit A-2
17 for identification.)

18 MR. CERESTE: And then A-3 is a series
19 of four photographs prepared by our planner, our
20 planner David Spatz at which we've marked A-3.

21 (Whereupon, Photoboard with Four Photos
22 is received and marked as Exhibit A-3 for
23 identification.)

24 MR. CERESTE: With that being said,
25 I'll call my first witness, Bill Cocoros.

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1 **The property is on the southeast corner of 7th Street
2 and East Central Boulevard.**

3 **From a zoning point of view, the front
4 of the lot is East Central. However, the house right
5 now is oriented, the existing house is oriented on
6 7th Street.**

7 **The property goes up as you go from
8 west to east along East Central Boulevard
9 approximately 6 to 7 feet where we have at the corner
10 90 feet elevation and the back it's approximately 96
11 feet. So the 6-foot difference along the East
12 Central Boulevard portion of the property as you go
13 from west to east up the hill along 7th as you go
14 from right to left, which would be north, there's an
15 elevation difference of approximately 4 feet or
16 3-and-a-half feet.**

17 **The street, itself, feeds into East
18 Central Boulevard. The existing property, like I
19 said, is also oriented facing 7th Street.**

20 **Propose to knock down the existing
21 dwelling and construct a side-by-side two-family
22 dwelling on a -- with a corner configuration with the
23 frontage being on the 7th Street side, which is a
24 long portion of the lot and having the driveway and
25 front doors facing 7th Street. It's a side-by-side**

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1 CHAIRMAN FERGUSON: Okay, come on.
2 MS. TESTA: Please raise your right
3 hand.

4 Do you swear that the testimony you
5 will give in this application will be the truth, the
6 whole truth and nothing but the truth, so help you
7 God?

8 MR. COCOROS: I do.
9 V A S S I L I O S C O C O R O S,
10 467 Sylvan Avenue, Englewood Cliffs, New Jersey
11 07632, having been duly sworn, testifies as
12 follows:

13 MS. TESTA: State your name for the
14 record and spell it.

15 MR. COCOROS: Sure.
16 Vassilios, V-A-S-S-I-L-I-O-S, Cocoros,
17 C-O-C-O-R-O-S, 467 Sylvan Avenue, Englewood Cliffs,
18 New Jersey 07632.

19 DIRECT EXAMINATION

20 BY MR. CERESTE:

21 **Q.** Bill, referring to A-1, you want to
22 review the existing conditions of the property?

23 **A. Sure.**

24 **The existing property is a corner.
25 It's 50 by 100, 50 feet on East Central Boulevard.**

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1 **configuration from 7th Street. We're proposing 68
2 feet by 35-feet deep as you're looking at it from 7th
3 Street.**

4 **From the zoning point of view it's
5 considered a 35-foot-wide structure by 68-feet deep.
6 The configuration is basically a mirror image.
7 However, since we do have a 3-foot difference,
8 3-and-a-half-foot difference along 7th Street, we've
9 stepped the units.**

10 **So Unit B -- I'm sorry Unit A, which is
11 the left side unit is 2 feet higher than Unit B
12 that's on the corner, closer to the corner.**

13 **What we've done, we weren't sure about
14 the site conditions, so what we have is we have the
15 driveways basically slightly higher than the sidewalk
16 so there's a positive pitch away from the garage door
17 to the sidewalk.**

18 **However, to alleviate any excavation on
19 the property, we have raised the basement level 3
20 feet, 4 inches from the garage. So if you look at
21 the plans, the garage, itself, is 3 feet, 4 inches
22 lower than the basement at the portion as you look at
23 it from 7th Street.**

24 **We have it set up where we have a
25 three-bedroom configuration on each side. On this**

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1 scheme we also proposed a rooftop deck on the front
2 portion of the building that's accessed by a
3 staircase that's aligned with the existing staircase
4 up to a bulkhead to access the roof.

5 The roof, itself, is only located at
6 the front portion where the view would be towards the
7 Meadowlands. The back portion, we have a pitched
8 roof and the house, itself, is basically a good 8
9 feet lower than the house that's behind us, which
10 would be the house to the east of us.

11 Q. Do you want to review the variances in
12 this application?

13 A. Sure.

14 We are a corner lot. The lot size does
15 comply. We are 50 by 100 or 5,000 square feet. We
16 have a building coverage variance we're requesting
17 where 2,380 square feet or 47.6 percent, which is a
18 variance.

19 Front yard setback we do comply. We're
20 actually less than the existing dwelling that was
21 there before.

22 Side yard setback, the left side is
23 considered the second front yard, which is 15 feet.
24 We're proposing 10 feet, which is a variance.

25 However, the configuration, itself, is
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1 garage. We would bring the height closer to
2 compliance, closer than 10 percent of the
3 requirement.

4 In addition, we would eliminate the
5 steps in the front yard to minimize the bulk of the
6 building in the front.

7 CHAIRMAN FERGUSON: I like it.

8 THE WITNESS: So that could be
9 accommodated.

10 BY MR. CERESTE:

11 Q. What about the storm management plan?

12 A. We do have proposed stormwater chambers
13 at the front. I guess it would be as you're looking
14 at it from the front, from the building point of view
15 on 7th Street we have one at the front right corner
16 and front left corner, which is, I guess, the -- from
17 the zoning point of view, it's the rear left and the
18 front left. This would all be based on site
19 conditions. If the site -- basically the perc test
20 can handle these, we can install them.

21 We also have the opportunity if
22 directed by the engineer to provide overflows into
23 the back of a catch basin that's on 7th Street. We
24 have a double catch basin that's in front of the left
25 unit, which would have to be converted into a flat
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1 in line with other corner side yard variances. We
2 also avoided putting a full staircase up to the first
3 floor in the yard to minimize its impact along 7th
4 Street.

5 The right side yard, 5 feet is the
6 minimum. We do meet the 5-foot side yard.

7 Rear setback, we have the building
8 requirement of 25 feet. We do have a proposed
9 setback of 12 feet to the building. There is no deck
10 on the side yard. So there's no -- it's a straight
11 12-foot setback to the rear of the building, which is
12 actually the side of the Unit A as you're facing it
13 from 7th Street, which aligns with the side yard of
14 the dwelling to the north of us on 7th Street.

15 So we're basically here for a coverage
16 variance, side yard on a corner. The rear yard
17 setback building height measured to the midpoint of
18 the roof, we have three stories or 31 feet, 3 inches.
19 However, looking at this, if this could be reduced
20 approximately 2 feet by bringing the basement closer
21 to the garage level, because right now if you look at
22 it from the front here, we have the back of the
23 garage, it steps up. So it's going to occur more
24 excavation, but I think if we can bring it down 2
25 feet, we'll still have a couple steps up from the
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1 grate, bicycle-safe grate at the front of the
2 building, which could be converted.

3 Q. What about retaining walls? I think
4 there are a couple of retaining walls.

5 A. Retaining walls, we basically have a
6 retaining wall at the front corners where the
7 driveway is at the front. Right as you're looking at
8 it from 7th Street, there's a small wall that starts
9 from basically maybe two courses or 1 foot 4 inches
10 that goes up to approximately 3 feet 4 inches at the
11 most.

12 At the back we have a small retaining
13 wall that provides access to the basement door.
14 That, itself, is basically a masonry wall that would
15 be tied into the foundation.

16 At the front left, which is the first
17 unit, we also have a retaining wall that's
18 approximately 3 feet 4 inches. I'm sorry, 2 foot 8
19 inches at the building and then it goes down to
20 approximately 2 feet along the elevation at the
21 sidewalk on 7th Street.

22 Q. Bill, and the AC units are located
23 where?

24 A. The AC units are located which is
25 considered the back of the property, the back of the
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1 **building, but from a zoning point of view it's in the**
2 **side yard of the dwelling, which is the right-hand**
3 **side.**

4 MR. CERESTE: I have no further
5 questions of this witness.

6 CHAIRMAN FERGUSON: I mean, I agree
7 with you about any time you can lower the height of
8 the building, I'm happy, but I think the size of the
9 building, it's a little large to say the least and
10 I'd like to see you reduce the building. What's the
11 length of the building?

12 THE WITNESS: Right now it's 35, I
13 guess the width as you're looking at it from Central,
14 it's 68 proposed. I know in the past we've done, we
15 were close on some of them, but there was concern
16 about the footprint, I think the board had us reduce
17 it down to 60 feet where we had a 20-foot setback in
18 the front and a 20-foot setback in the rear, which
19 gave it a balanced look and also increased the side
20 yard quite a bit from the neighbor that would be to
21 the north of us and that would bring our -- it would
22 bring us closer into compliance with the coverage and
23 would still give us a decent configuration on the
24 corner.

25 CHAIRMAN FERGUSON: Okay. So if I said
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1 of that 68-foot deep that we have to make it work as
2 -- because even though it's a bigger footprint, based
3 on the narrowness of the footprint that we have, it's
4 harder to lay out decent size bedrooms in that
5 configuration. If I took, say, 3 feet off the front,
6 off the portion that's on 7th Street, increased that
7 setback, I would have to -- I would try to keep as
8 much of the width as we could.

9 So it's almost, like, a tradeoff.
10 Let's say if I did 66 feet and then maybe 1 or 2 feet
11 off of the street, I can try to work it -- try to
12 work it where I would have something workable.

13 CHAIRMAN FERGUSON: Here's the thing,
14 I'm probably having trouble with it. You said you
15 got 68 feet?

16 THE WITNESS: Yes.
17 CHAIRMAN FERGUSON: Right. Okay. So
18 if you take 7 feet off of that, right?

19 THE WITNESS: Seven feet will bring us
20 down to 61, so that would be 30 feet and a half-inch.

21 CHAIRMAN FERGUSON: And that would give
22 you your rear yard, that would give you instead of 12
23 feet, you would add 7 feet to that, no?

24 THE WITNESS: Yes, it would be --
25 CHAIRMAN FERGUSON: Nineteen.
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1 to you, we could take 7 feet, I would like to see
2 take 7 feet off the building, that would be doable?

3 THE WITNESS: Yeah, that could work.

4 CHAIRMAN FERGUSON: Right. I mean,
5 that would give you -- right?

6 THE WITNESS: Yeah.

7 CHAIRMAN FERGUSON: And how about the
8 width? Can we take 3 feet off the width?

9 THE WITNESS: Well, the width is a
10 typical width that's been approved. We also have the
11 building outside of the sight triangle. We could
12 also minimize the retaining walls to -- you know, to
13 alleviate any sight triangle issues by tapering the
14 retaining wall down and providing minimal plantings
15 along that corner.

16 CHAIRMAN FERGUSON: I mean, can you
17 reduce the width?

18 THE WITNESS: The width is -- basically
19 the configuration that we've done, this is the width
20 --

21 CHAIRMAN FERGUSON: Forget what you did
22 in the past. I'm saying about this thing here. Can
23 you reduce the width?

24 THE WITNESS: If I reduce it, I would
25 have to keep -- I would have to try to keep as much
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1 THE WITNESS: -- 19 feet.

2 CHAIRMAN FERGUSON: Okay. Now, let's
3 go -- so we agree we can do that?

4 THE WITNESS: Yes.

5 CHAIRMAN FERGUSON: Right. That's --
6 now we want to work on the width. I don't get if
7 you're reducing the width, what does that have to do
8 with the length of the building? Maybe I'm missing
9 something.

10 THE WITNESS: Because when we do the
11 bedrooms, this is the optimal size for this level,
12 because we wind up having more of a staircase than a
13 typical -- because a typical duplex is basically set
14 up as 19 foot by, like, 52-and-a-half, 53-foot-deep
15 tunnel.

16 Here, it's basically set up as right
17 now 34 by -- well, it's going to be 34 by 30 foot and
18 a half inches. The staircase, instead of being a
19 straight run, it's basically a 7-foot wide by 10-foot
20 wide block and then you have the hallway adjacent to
21 that.

22 I mean, we've done it before where, I
23 think, we've taken maybe 1 foot off of the front and
24 -- to increase the corner, the corner visibility and,
25 you know, that was done in a 62-foot wide,
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1 62-foot-wide house and that was partly done to bring
2 the footprint down and to increase the corner
3 visibility, so it was a bit more sensitive of a
4 location.

5 CHAIRMAN FERGUSON: Well, I'll tell
6 you, and it's me, I mean, I get it, but I have -- I
7 have problems when you tell me it's a tradeoff, one
8 -- you know, if I do one, I can't do the other. I
9 got -- you know, I got problems with that.

10 So why can't we just move a foot off, 2
11 foot off of it?

12 THE WITNESS: I have to talk to the --
13 I mean, if you're okay, if the board's okay with
14 taking 2 feet off, we would have 33 feet along, as
15 you're looking at it from Central that would increase
16 the yard setback to 12 feet.

17 CHAIRMAN FERGUSON: Okay.

18 THE WITNESS: And then we have 61 feet
19 for the building. That would give us a footprint of
20 --

21 CHAIRMAN FERGUSON: Yeah, be sure.

22 THE WITNESS: That will be 2,013 square
23 feet.

24 CHAIRMAN FERGUSON: Right. Just a hair
25 over?

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1 you're saying "newer."

2 On Central it should be new, so that
3 should be put in.

4 And then corner ramp, you say "existing
5 newer corner assembly." So that one has to be a new
6 ADA corner ramp or certified by an engineer that it
7 complies.

8 So if you can add that to the plan, the
9 other comments in our report are typical. They have
10 to do the soil reports prior to the installation of
11 --

12 THE WITNESS: In regards to the
13 sidewalk and the curb, I know newer, newer, if it's
14 -- it's also to -- I mean, part of it is to avoid
15 kind of, like, the surface area, because all the site
16 work will be done based on 7th Street. You know,
17 we're trying to avoid, like, cutting into the street
18 there. It's kind of a busy corner coming down the
19 hill.

20 MR. COLLAZUOL: I understand, but it's
21 typical new development, new curb to be based on the
22 specs, but I think you have to comply with the
23 requirements, the site plan requirements.

24 THE WITNESS: So it would be a new
25 curb?

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1 THE WITNESS: Yes.

2 CHAIRMAN FERGUSON: But the length
3 would be?

4 THE WITNESS: It would be from a zoning
5 point of view, it would be 33-foot-wide building by
6 61-feet deep.

7 CHAIRMAN FERGUSON: Okay. Steve?

8 MR. COLLAZUOL: Yes. Subject to the
9 other items in our report, Bill, you show a new
10 concrete curb across the frontage on 7th Street?

11 THE WITNESS: Yes.

12 MR. COLLAZUOL: You say along Central
13 "newer concrete curb to remain." I don't know what
14 that means.

15 THE WITNESS: I guess --

16 MR. COLLAZUOL: So it has to be new,
17 has to be new, new.

18 THE WITNESS: If it's in decent shape,
19 that's something we can, you know, do a site
20 inspection and see if it's --

21 MR. COLLAZUOL: I guess you could put
22 in that regard, but usually new is new, not newer.
23 Maybe it was new five years ago. Most developers,
24 you know, on most of your plans, same with the
25 sidewalk, I know you're proposing new along 7th,

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1 MR. COLLAZUOL: And sidewalk.

2 THE WITNESS: And sidewalk.

3 MR. COLLAZUOL: And then the last item,
4 I know the stormwater system on the left may be
5 subject to the change in the building dimensions.

6 However, you did have that system
7 approximately 1 foot from the lot line. I assume
8 that's going to vary now.

9 THE WITNESS: Yeah, we have more room
10 now to move it towards the corner.

11 MR. COLLAZUOL: I have nothing further.
12 Thank you.

13 CHAIRMAN FERGUSON: Okay. Judd, I got
14 your report. You don't have a problem, right?

15 MR. ROCCIOLA: No comments.

16 MR. KAUKER: No comments.

17 CHAIRMAN FERGUSON: You're going to
18 have Mr. Spatz?

19 MR. CERESTE: I have a planner.

20 CHAIRMAN FERGUSON: Before Mr. Spatz,
21 anybody in the audience have anything?
22 Yes.

23 MS. SCHOR: Marsha Schor.

24 May I ask, did you put a powder room in
25 the back in the basement?

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1 THE WITNESS: It's a bathroom.
 2 MS. SCHOR: You have a what?
 3 THE WITNESS: It's a bathroom.
 4 CHAIRMAN FERGUSON: It's a bathroom?
 5 Well, you know how I feel about this. You keep
 6 trying. So you're going to get rid of the -- put a
 7 powder room in?
 8 THE WITNESS: Yeah. The only thing, I
 9 don't want to horse trade, but if we did 62 feet, it
 10 would 31 feet exact, each one instead of 31,
 11 30-and-a-half. I don't know if that's possible.
 12 CHAIRMAN FERGUSON: What do you want to
 13 do now?
 14 THE WITNESS: If I can get, if we did
 15 18 feet in the back, I can get 31 and 31 on the
 16 units. It's a little bit bigger, but I think it
 17 makes a little --
 18 CHAIRMAN FERGUSON: All right.
 19 THE WITNESS: Let me just double check
 20 what the square footage would be.
 21 CHAIRMAN FERGUSON: Okay. Let's be
 22 sure. How about the roof? You're okay with --
 23 THE WITNESS: Well, I'm going to bring
 24 it down.
 25 CHAIRMAN FERGUSON: You're going to
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1 MS. TESTA: Billy, can you just review
 2 how you're bringing down the height?
 3 THE WITNESS: We're going to be -- the
 4 garage is going to stay the same so we'll give them
 5 the proper positive pitch away from the garage, but
 6 we're bringing the basement floor down 2 feet, which
 7 would bring every other floor down 2 feet.
 8 MS. TESTA: So what will the basement
 9 height be?
 10 THE WITNESS: We're going to lower the
 11 basement by 2 feet, you know, whatever it needs to be
 12 to bring the height down 2 feet.
 13 MS. TESTA: Okay.
 14 THE WITNESS: Which will also reduce
 15 the amount of stairs in the front along 7th Street,
 16 which will minimize the impact of the footprint.
 17 MS. TESTA: Thank you.
 18 THE WITNESS: Thank you.
 19 CHAIRMAN FERGUSON: You're on,
 20 Mr. Spatz.
 21 MS. TESTA: Do you swear that the
 22 testimony you will give in this application will be
 23 the truth, the whole truth and nothing but the truth,
 24 so help you God?
 25 MR. SPATZ: Yes, I do.
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1 bring it down, right, but you're going to keep the --
 2 MR. CERESTE: The deck.
 3 CHAIRMAN FERGUSON: -- the deck.
 4 THE WITNESS: It's a nice feature.
 5 CHAIRMAN FERGUSON: Well, not only
 6 that, it reduces the height of the building, also.
 7 THE WITNESS: Yeah, the volume is
 8 actually reduced.
 9 CHAIRMAN FERGUSON: Right.
 10 THE WITNESS: That's 4,000 -- I'm
 11 sorry.
 12 CHAIRMAN FERGUSON: 2,000 --
 13 THE WITNESS: 2,046 square feet.
 14 CHAIRMAN FERGUSON: How much?
 15 THE WITNESS: 2,046 square foot
 16 footprint.
 17 CHAIRMAN FERGUSON: Okay, fine.
 18 THE WITNESS: But also for the height,
 19 if I come -- if I bring it down 2 feet, we're also
 20 measuring to the higher midpoint of the roofs. So if
 21 I bring it down 2 feet, that would bring us to
 22 probably closer to a 2-and-a-half-story building will
 23 be 29 feet, 3 inches.
 24 CHAIRMAN FERGUSON: Got yourself a
 25 deal.
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1 D A V I D S P A T Z,
 2 60 Friend Terrace, Harrington Park, New Jersey,
 3 having been duly sworn, testifies as follows:
 4 MS. TESTA: State your name for the
 5 record.
 6 MR. SPATZ: David Spatz, S-P-A-T-Z.
 7 DIRECT EXAMINATION
 8 BY MR. CERESTE:
 9 **Q.** David, do you want to just review the
 10 existing conditions?
 11 **A. Certainly.**
 12 **We have a photo exhibit marked A-3.**
 13 **The top left-hand photograph is looking at the**
 14 **subject property from 7th. It's a two-family home.**
 15 **The top right-hand photograph is**
 16 **looking along East Central and the adjacent property**
 17 **is a newer three-family.**
 18 **And then the property next to that,**
 19 **which is at the corner of 8th and East Central is**
 20 **also a three-family (indicating).**
 21 **The bottom left-hand photograph is**
 22 **looking up 7th Avenue from our property and it's a**
 23 **mixture of older two-families, newer two-families.**
 24 **And then the bottom right-hand**
 25 **photograph is of the opposite side of 7th, which is**
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1 one -- a couple of one-families and then a newer
2 two-family as well.
3 So we are in the AA zone, which permits
4 two-families.

5 The property currently contains a
6 two-family, which will be removed. We need a
7 variance for a height. That has been reduced, so
8 we're only one and a quarter feet over what is
9 permitted within the zone and then the additional (c)
10 variances, building coverage, which has been reduced
11 and slightly above the 40 percent that's permitted.
12 The rear yard will be increased from the 12 foot that
13 we're proposing to 19 feet, which still doesn't meet
14 the 25 feet requirement and then side yard or the
15 front yard at the corner, we're increasing it from 10
16 foot to 12 foot, which gets us closer to the 15 feet
17 that is required.

18 So looking at the height variance at
19 first, we are a half a story and now only a foot and
20 a quarter over what is permitted within the zone.

21 As can be seen from the photographs
22 from the prior testimony, there is significant
23 topographical changes going from right to left and
24 front to back on the property that are accommodated
25 within our building. It was indicated the building

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1 will be lowered a little bit further to reduce the
2 height of the building, even though we do exceed it.

3 The other newer two- and three-family
4 dwellings in our area are all three stories in height
5 and taller than our building.

6 So we are consistent with the
7 neighborhood. The properties on either side of our
8 site are at higher elevations, and even though our
9 building will be slightly above the height
10 limitation, it will not have any significant impact
11 on those properties.

12 Looking at the bulk variances, we have
13 a conforming front yard setback that is similar and
14 consistent with the existing building setback and
15 with the other adjacent properties. There's a
16 conforming amount of parking within the dwelling and
17 on the driveway. The building is a little bit wider
18 than permitted. A conforming side yard is provided
19 to the building adjacent to our property along 7th.

20 The coverage limitation is met in terms
21 of square foot. That has been significantly reduced.
22 We still need a variance according to the percentage
23 coverage, but that has been significantly reduced as
24 well. So I think the positive criteria exists for
25 the variances.

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1 The negative criteria, I don't believe
2 there's anything substantially negative. We're
3 consistent with the surrounding neighborhood, which
4 consists of mostly three-families. We're replacing a
5 two-family with a newer two-family. So there's no
6 increase in density. The yards are consistent with
7 the existing building as well the surrounding
8 properties.

9 And we provide a conforming amount of
10 parking. There's already a driveway and a curb cut
11 on 7th. So at the most it would be a loss of one
12 parking space, but, again, we're providing conforming
13 parking on-site.

14 So I think on balance the positive
15 impact far outweighs anything that would be
16 considered negative and I think the variances could
17 be granted.

18 MR. CERESTE: I have no further
19 questions.

20 CHAIRMAN FERGUSON: Mr. Kauker?

21 MR. KAUKER: Mr. Spatz actually
22 addressed my question in his direct testimony
23 regarding the height of structures in the surrounding
24 area.

25 So I have no other questions for him.
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1 CHAIRMAN FERGUSON: Mr. Spatz did a
2 good job. See that.

3 THE WITNESS: I'm learning.

4 CHAIRMAN FERGUSON: Anybody in the
5 audience have anything?

6 (No response.)

7 CHAIRMAN FERGUSON: Okay. So you want
8 to sum up?

9 MR. CERESTE: Yes.

10 I think basically what we've done here
11 in this particular case given atypical topographical
12 conditions, we addressed some of the concerns of the
13 size of the building and the height and I think with
14 those improvements, I think the building basically
15 conforms to a greater degree with the surrounding
16 neighborhood scheme and base on that and based on the
17 testimony we heard from our planner, I feel that the
18 applicant deserves an approval on this application.

19 CHAIRMAN FERGUSON: Okay.

20 MS. TESTA: So your client agrees to
21 amend this application to reduce the size of the
22 building, reduce the height, eliminate the bathtub,
23 shower in the basement?

24 MR. CERESTE: That is correct.

25 CHAIRMAN FERGUSON: And \$2,000.00 to
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1 the Tree Preservation Fund.
 2 MR. CERESTE: Right.
 3 CHAIRMAN FERGUSON: Okay. I'll make a
 4 motion to approve the application with those
 5 provisos.
 6 VICE CHAIRMAN ALBANESE: I'll second.
 7 CHAIRMAN FERGUSON: Roll call?
 8 MS. LAMBRINIDES: Mr. Ferguson.
 9 CHAIRMAN FERGUSON: Yes.
 10 MS. LAMBRINIDES: Mr. Albanese?
 11 VICE CHAIRMAN ALBANESE: Yes.
 12 MS. LAMBRINIDES: Mr. Terranova?
 13 MR. TERRANOVA: Yes.
 14 MS. LAMBRINIDES: Mr. Min?
 15 MR. MIN: Yes.
 16 MS. LAMBRINIDES: Ms. Yoon?
 17 MS. YOON: Yes.
 18 MS. LAMBRINIDES: Mr. Lefteriou?
 19 MR. LEFTERIOU: Yes.
 20 MR. CERESTE: Thank you very much.
 21 CHAIRMAN FERGUSON: Good to see you,
 22 Sam.
 23 All right. We have one left for
 24 tonight.
 25 Do you need a break, Dear?

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1 MS. LAMBRINIDES: Do you need a break?
 2 THE COURT REPORTER: I'm okay.
 3 CHAIRMAN FERGUSON: The next case is
 4 5th Street, Case No. 19-09, Rock Solid Built, LLC.
 5 MR. MACRI: Good evening, Mr. Chairman,
 6 Members of the Board. My name is Marc Macri. I
 7 represent the applicant, Rock Solid Built, LLC.
 8 We're here this evening with respect to
 9 property located at 529 5th Street, which is Lot 16,
 10 Block 325. We're seeking the board's approval to
 11 construct a new two-family dwelling. Not newer,
 12 Steve.
 13 (Laughter.)
 14 MR. MACRI: We're only seeking two
 15 variances.
 16 With me this evening, I have two
 17 experts. I have Mr. Vassilios Cocoros and Mr. David
 18 Spatz. I'd like to begin by having Mr. Cocoros --
 19 CHAIRMAN FERGUSON: Go ahead.
 20 MR. MACRI: I'd like to begin by having
 21 Mr. Cocoros sworn in.
 22 MS. TESTA: Raise your right hand.
 23 Do you swear that the testimony you
 24 will give in this application will be the truth, the
 25 whole truth and nothing but the truth, so help you

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1 God?
 2 MR. COCOROS: I do.
 3 VASSILIOS COCOROS,
 4 467 Sylvan Avenue, Englewood Cliffs, New Jersey
 5 07632, having been duly sworn, testifies as
 6 follows:
 7 MS. TESTA: State your name for the
 8 record.
 9 MR. COCOROS: Vassilios,
 10 V-A-S-S-I-L-I-O-S, Cocoros, C-O-C-O-R-O-S, 467 Sylvan
 11 Avenue, Englewood Cliffs, New Jersey 07632.
 12 CHAIRMAN FERGUSON: Take it away.
 13 MR. MACRI: Ms. Testa, we'll have that
 14 mark as A-1?
 15 MS. TESTA: Yes, please.
 16 (Whereupon, Architectural Plans are
 17 received and marked as Exhibit A-1 for
 18 identification.)
 19 DIRECT EXAMINATION
 20 BY MR. MACRI:
 21 Q. Billy, the plans right on the easel are
 22 the same plans submitted to the board in anticipation
 23 of this evening's application.
 24 Is that correct?
 25 A. Yes.

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1 MS. TESTA: State what the date is.
 2 THE WITNESS: The initial date is
 3 4/25/19. These are last revised 6/21/19.
 4 MS. TESTA: Thank you.
 5 BY MR. MACRI:
 6 Q. Mr. Cocoros, can you please describe
 7 the property, the dimensions as well the property?
 8 CHAIRMAN FERGUSON: Mr. Cocoros, before
 9 we start, right, you have bathtubs in the basement.
 10 Not even a shower, bathtubs.
 11 THE WITNESS: Yeah, that will come out.
 12 Let me mark it right now.
 13 CHAIRMAN FERGUSON: Yeah, take them out
 14 now.
 15 VICE CHAIRMAN ALBANESE: From now on
 16 just put a shower in the basement, don't put no
 17 toilet.
 18 THE WITNESS: Like a dog wash?
 19 MS. LAMBRINIDES: A dog wash, yeah,
 20 that was a good one.
 21 (Laughter.)
 22 THE WITNESS: The existing property is
 23 50 by 100. It's located on 5th Street, which is just
 24 west of Route 46. In front of it is Route 46 with
 25 the embankment where the trees are and the highway

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1 just in front of that.
2 The property, itself, is a conforming
3 lot. It's located in the AA zone. However, the
4 property does have a topographic difference from
5 front to back and across the front of the property.

6 As you're looking towards the west on
7 5th Street from right to left, the property is about
8 4 feet higher on the right-hand side and the
9 left-hand side as you're going towards East Edsall
10 Boulevard.

11 The back of the property, we have
12 approximately 231 feet and we have 240 feet at the
13 front right and 236 at the front left. So there's a
14 considerable difference of approximately 9 feet,
15 almost a full story from front to back on the
16 property.

17 We're proposing a side-by-side
18 two-family dwelling that's going to be located dead
19 center. We have a 6-foot side yard setback. The
20 building, itself, is 53-feet deep and a 22-foot
21 setback. 25-foot rear yard setback. The
22 configuration is set up on a three level. There's
23 actually three stories. It's not four stories
24 anymore. Originally we had a four-story with a
25 subbasement. We decided not to go with that. It

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1 would have been too much on the property. So it's a
2 three-story structure where we have a basement or
3 ground floor. The first floor living space and the
4 top floor is the bedroom level with three bedrooms on
5 each side.

6 CHAIRMAN FERGUSON: So your plans are
7 wrong, is that what you're telling me?

8 THE WITNESS: Yes. I have to amend the
9 application of the plan. It's a three-story
10 structure. It's not a four-story structure.

11 What we've done here is we tried to
12 minimize the building retaining walls on the
13 property. So the property, itself, is also terraced
14 existing.

15 So what we've done is we filled up the
16 back, the rear corner approximately 4 feet --
17 actually less, it's closer to 3 foot, 4 inches.

18 On the right-hand side it's set up
19 where we have it almost level with the existing grade
20 in the back. The building corners at the rear are
21 233.33 on the left-hand side and 234 on the
22 right-hand side.

23 However, given the topography that's
24 there now, just behind that corner the grade goes up
25 another 2 feet. So if we use that grade at the

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1 corner, our building, itself, the height would have
2 been less than what we're actually proposing, but we
3 took the worst case scenario to do the height
4 honestly without artificially raising the grade. We
5 kept it at an existing height elevation on the back.

6 The building, itself, if you look at it
7 from the front, it looks like a typical duplex.
8 However, what we've done is to avoid water going down
9 the driveway is we set the garage door at 239.67,
10 which is approximately a foot higher than the -- 8
11 inches higher than the center of the driveway.

12 So it's basically dead level -- I'm
13 sorry, dead level at the right-hand side driveway and
14 we're approximately 2-and-a-half feet higher on the
15 left driveway so the property itself pitches across
16 the front, dead level at the extreme right driveway
17 as you go towards this it starts pitching further
18 away from the house itself.

19 So by doing that, we have our garage at
20 239.75, at the back of the garage we have 240. We do
21 have a basement, however, we did step the basement
22 down 2 feet, 8 inches and by doing that we avoided
23 filling up the property. We're basically using
24 existing grade to avoid filling it and exerting
25 additional pressure on the surrounding property

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1 itself.

2 The basement itself drops down 2 feet.
3 The basement, typical basement behind the garage, we
4 have 8 feet.

5 At the front of the garage door we have
6 8 feet 3 inches, which is a 3-inch pitch of the
7 garage slab. So once you get passed the middle of
8 the garage we have the basement down at 2 foot 8,
9 which also allows us for our door to be at grade
10 instead of building steps or artificially raising the
11 grade at the sides and we still maintain a
12 three-story structure, which would be a five-day type
13 construction.

14 MR. MACRI: Thank you.

15 I have no further questions.

16 CHAIRMAN FERGUSON: Okay. As now what
17 is the height of the building as it is right --
18 because I know the plans are wrong, so obviously --

19 THE WITNESS: Well, the height of the
20 building, itself, is 35 feet, 9 inches.

21 CHAIRMAN FERGUSON: Right now?

22 THE WITNESS: Yeah, and that like I
23 said, if you look at the front corner of the
24 building, it starts dropping off right away from the
25 sidewalk level. Usually on a typical house it's

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1 flat.
2 So at the corner is where we're almost
3 a foot-and-a-half lower on the right-hand side and we
4 are 4 feet lower on the left-hand side.

5 So a good portion of that drop-off
6 makes the building higher than it is. But if you
7 look at it if it was a typical flat lot, this would
8 be only maybe by keeping the driveway flat, it would
9 be 30 -- I'm sorry -- it would a 30-foot-high
10 structure, but since the property drops off quite a
11 bit in the back and also drops off once you start
12 going back from the curb line, it brings our average
13 grade to a lower number than it would, than a typical
14 flat lot would be.

15 CHAIRMAN FERGUSON: My opinion is that
16 the house is too high. We got to find a way to lower
17 the size of the house.

18 THE WITNESS: I mean, we can bring --
19 like I said, if we landscape the backyard by
20 terracing the backyard, we can get at least another
21 foot-and-a-half of average grade at the back corners
22 to help bring down the height number, itself, and
23 there might be maybe 8 inches of play to where we can
24 boomerang the driveway to get -- to still have
25 positive pitch in the main part of the driveway,

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1 except, let's say, we one part would be 6 inches
2 lower than the street and than we would have 2-foot
3 maximum or a 2-and-a-half-foot maximum at the
4 left-hand side driveway. So that would be almost --
5 by doing that, we can probably get at least a foot
6 difference on the -- and the other thing is, you
7 know, which we're trying to avoid was the roof pitch.
8 Right now we're at 4-on-12.

9 CHAIRMAN FERGUSON: Right. Well, what
10 do you think about -- I know the board doesn't want
11 to slope the driveway, you know, down. How about, is
12 there anything you can do with the retaining walls?

13 THE WITNESS: Well, that's what I'm
14 saying, we can terrace the wall, we can bring up the
15 wall in the back 6 feet and we can terrace the one
16 side, so we can probably get a 2-foot increase -- a
17 2-foot decrease in the height of the building by --

18 CHAIRMAN FERGUSON: Increase?

19 THE WITNESS: Decrease in the building
20 by adjusting the retaining walls.

21 CHAIRMAN FERGUSON: Okay. Is there
22 anything else?

23 THE WITNESS: I think that's pretty
24 much -- the other stuff is pretty standard. You
25 know, by doing that we would have -- you know, also

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1 here when I do the retaining wall, this corner will
2 be brought up 2 feet, then we average out the rest of
3 it, we can get the building down 2 feet in height,
4 which would bring us down to three stories, 33 feet 9
5 inches.

6 CHAIRMAN FERGUSON: What's the space on
7 floors? In other words, the height of --

8 THE WITNESS: On the basement level,
9 you know, we have -- I mean, we have 8 feet in the
10 middle garage. We've done 7 foot 10 with the garage.
11 So let's say --

12 CHAIRMAN FERGUSON: So it's 2 inches?

13 THE WITNESS: Yeah. I mean, it's still
14 -- it's -- you know, it's a little bit.

15 CHAIRMAN FERGUSON: What's the next
16 floor?

17 THE WITNESS: The next floor is 9 feet,
18 which is a typical first floor.

19 CHAIRMAN FERGUSON: How about the next
20 floor?

21 THE WITNESS: The next floor is 8 feet.

22 CHAIRMAN FERGUSON: I don't know, guys,
23 I kind of think that it's too high, but that's just
24 my --

25 MR. MACRI: It's a function of the
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1 topography of the property, Mr. Chairman. The
2 property from the curb or the curb line to the rear
3 line drops almost 10 feet.

4 CHAIRMAN FERGUSON: No, I understand.

5 MR. MACRI: It's not like we're
6 building a big house. It's just we're working with
7 the confines of the property.

8 CHAIRMAN FERGUSON: Okay. Any other
9 board members?

10 (No response.)

11 CHAIRMAN FERGUSON: Okay. Steve, you
12 have anything?

13 MR. COLLAZUOL: Just with respect to
14 the wall in the back, Bill, if you've got -- pardon.

15 The draining system is set in the back. Aside from
16 our report, the backfill for the wall should not be
17 continuous with the backfill for the drainage system.
18 So can you just provide separation?

19 THE WITNESS: A break between the two?

20 MR. COLLAZUOL: Perhaps, you want to
21 change the configuration in where the two systems
22 instead of being tandem, they be along and parallel.

23 THE WITNESS: I guess we can put two of
24 them next to each other where we did on 8th Street
25 where we did -- have more room between the back

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1 excavation and, I guess, keep it as close to the deck
2 as we can.

3 MR. COLLAZUOL: Right.

4 THE WITNESS: Probably get like 5 more
5 feet between the two.

6 MR. COLLAZUOL: That would be good.

7 And depending on what happens, transpires with the
8 bounds of the application, the wall, because a 4-foot
9 wall would probably have a 3-foot backfill, so it
10 would be very close.

11 THE WITNESS: I guess we would have to
12 get that reviewed by you also, because if it's
13 approved or it gets modified, we'd be raising that
14 retaining wall, terrace the backyard and to bring the
15 height down.

16 MR. COLLAZUOL: Understood.

17 That's all I have.

18 CHAIRMAN FERGUSON: So what would be a
19 net result of this 2 feet?

20 THE WITNESS: So we're basically
21 bringing the -- we're going to adjust the retaining
22 walls. I think it was -- we're going to keep the
23 part of the driveway dead level. We're going to
24 bring it down 2 feet, so between the retaining wall
25 and adjusting the driveway slightly we can get it

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1 the audience?

2 Go ahead. Name and address.

3 MR. MANTONE: John Mantone,
4 M-A-N-T-O-N-E, 537 5th Street.

5 The occupied square footage of the
6 house is not a big deal, it's 40.28.

7 In my opinion, the height is
8 ridiculous. The rest of the dwellings on the street
9 are one-and two-family houses. This thing will look
10 like a high-rise or a mid-rise between everybody
11 else's house.

12 I lived there for 40 years. People
13 have a pitch to their driveway. If you have to, drop
14 the height, pitch the driveway and dig down to build
15 your house. Everybody else has the same situation
16 there. So keep it existing. Going down the street
17 all the other residents that are there. The yard
18 goes down on a down-cline.

19 The other thing is, besides if you look
20 at this original, this is a 30 -- almost a 30-percent
21 increase from what was stated on this paper I got.
22 That's unbelievable. And 28 to 36 feet, dropping it
23 a foot or two, that's ridiculous also, my opinion.

24 The other question I have here, on the
25 bottom, excuse me, it states about all these other

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1 down 2 feet in height.

2 CHAIRMAN FERGUSON: Two feet?

3 THE WITNESS: Yeah, because -- well,
4 that's all -- I mean, we can go higher with the
5 retaining walls, but then you're creating -- along
6 the neighbors you're creating like a wall that's, you
7 know, 3 or 4 feet.

8 By adjusting these, we're only going to
9 go up maybe one third, you know, less than a quarter
10 of the length of the building. I'm trying to do it
11 where we're not riding up where we have a full wall
12 along the neighbor's property.

13 MR. COLLAZUOL: So then you would have
14 a wall that's 6 feet in height?

15 THE WITNESS: Yeah, approximately feet.

16 MR. COLLAZUOL: Require the additional
17 variance for the height of the wall.

18 CHAIRMAN FERGUSON: Yeah.

19 MS. TESTA: Right.

20 CHAIRMAN FERGUSON: Judd, you're good?

21 MR. ROCCIOLA: Yes.

22 MR. MACRI: Mr. Chairman, I'll amend --
23 Mr. Chairman, I'm sorry, I amend the application to
24 permit a wall in excess of 4 feet.

25 CHAIRMAN FERGUSON: Okay. Anybody from

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1 nonconforming conditions. How about listing them so
2 we know what they are?

3 MR. MACRI: You're referring to my
4 notice?

5 MR. MANTONE: It's a general statement.
6 It's like here's a credit card, do what you want.

7 MR. MACRI: There are no other
8 nonconforming issues.

9 MR. MANTONE: I'm sorry?

10 MR. MACRI: There are no other
11 nonconforming issues.

12 MR. MANTONE: So just the height and
13 the 40.28?

14 MR. MACRI: Correct.

15 MR. MANTONE: Then I'm mis-interrupting
16 that. So the height is, I'm sorry, it's ridiculous,
17 Joe.

18 CHAIRMAN FERGUSON: I feel the same as
19 you. I think the height is --

20 VICE CHAIRMAN ALBANESE: John.

21 MR. MANTONE: I've seen other buildings
22 being built in the town where they dig down to drop
23 the height of the building.

24 CHAIRMAN FERGUSON: No, I understand.
25 Just so you're clear on it, right.

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1 Paul, you want to take it?
 2 VICE CHAIRMAN ALBANESE: John, they're
 3 building duplexes. I don't want to see garages like
 4 this here, because people have trouble with water.
 5 That's why I said they should have from the garage
 6 floor no higher than 6-inch pitch and whatever the
 7 house is, the house is, because it's not fair to
 8 people that have to butt that house and they got a
 9 garage there. People that are there, you know,
 10 there's nothing they can really do, it's existing.
 11 You can't have that in the future where everybody
 12 puts it down and they have a water problem. I've
 13 seen too much of that in this town.
 14 CHAIRMAN FERGUSON: All right. Anybody
 15 else? The girl in the back, name and address. How
 16 are you doing?
 17 MS. M. ALVAREZ: Hi. 534 4th Street.
 18 THE COURT REPORTER: Your name, please?
 19 MS. M. ALVAREZ: Maria Alvarez. I'm
 20 sorry.
 21 THE COURT REPORTER: How do you spell
 22 your last name?
 23 MS. M. ALVAREZ: A-L-V as in Victor
 24 -A-R-E-Z.
 25 THE COURT REPORTER: Thank you.
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1 MS. M. ALVAREZ: My house is 60 -- I
 2 don't know to explain this. So I have a 60 lot.
 3 Half of it is --
 4 THE WITNESS: You're behind us?
 5 MS. M. ALVAREZ: Yeah.
 6 THE WITNESS: Yeah, it's kind of slid
 7 over.
 8 MS. M. ALVAREZ: So he's the other
 9 half.
 10 Now, you're talking about a retaining
 11 wall. Right now I have a fence and the person who
 12 lives there puts his garage in between, I guess, this
 13 fence and my fence and my fence is falling over.
 14 Now you're talking about putting a
 15 wall. Explain this wall and how that is going to
 16 affect my fence and how is that going to affect water
 17 and drainage into my property.
 18 THE WITNESS: Well, right now the vinyl
 19 fence is actually 2 feet into your property. It's
 20 not -- the way it's set up, it's -- what we do is
 21 between our property, we got 3 or 4 inches and the
 22 retaining wall would be approximately 6-feet high and
 23 that will be setback where the actual drainage will
 24 be better. It's not going to be rushing down the
 25 full 9 feet of slope difference.
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1 So you would have a retaining wall
 2 6-feet high. We also have drains at the back of the
 3 property to catch any water that goes down on the
 4 sides that will tie into the seepage pits. The
 5 seepage pits will be set lower than what your
 6 property is in the back. Your property right now in
 7 the back is something like, 231 and we would have the
 8 seepage pits below that. So the water -- the way the
 9 seepage pits are set up, it would be below your grade
 10 line and then along the back we would have a 6-foot
 11 retaining wall with drainage along the back part of
 12 it that will tie into the seepage pits in the back of
 13 the property.
 14 MS. M. ALVAREZ: But if on your side
 15 it's 6 feet, my side it's probably going to be less
 16 because your property is higher.
 17 THE WITNESS: No, we're going -- no,
 18 we're going 6 feet from your level with your
 19 property. We're not going to -- we're going to clean
 20 up the back that's there now, that existing wall
 21 that's kind of a mess is going to be taken out and
 22 rebuilt with a new wall.
 23 MS. M. ALVAREZ: On your property?
 24 THE WITNESS: Our property, yes.
 25 MS. M. ALVAREZ: So you're going to
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1 clean everything out there?
 2 THE WITNESS: Correct.
 3 MS. M. ALVAREZ: And are you going to
 4 then fix my fence that --
 5 VICE CHAIRMAN ALBANESE: Listen, can I
 6 say something? The fence that she's talking about,
 7 it's all broken. Why don't you put up a new fence
 8 for her?
 9 MS. M. ALVAREZ: I don't have a problem
 10 with the fence that's there. You can repair it and
 11 put it up straight.
 12 VICE CHAIRMAN ALBANESE: I think
 13 they're going to put a new one up. Put a new one up.
 14 THE WITNESS: Right now it's kind of on
 15 an angle.
 16 MS. M. ALVAREZ: The whole entire --
 17 okay.
 18 MR. MACRI: We'll replace your fence.
 19 We will replace your fence if the board acts
 20 favorably on this application.
 21 MS. M. ALVAREZ: Okay. And then on my
 22 fencing you're still going to do your retaining wall
 23 on your property?
 24 MR. MACRI: Right. Your fence will
 25 probably cover the wall.
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1 MS. M. ALVAREZ: My fence will cover
2 your wall, yes. We have different grades. And then
3 I won't get any water? You promise me that I'm not
4 going to get any water going into my property that my
5 backyard is going to flood?

6 MR. MACRI: That I can't promise you.
7 We'll slow it down or alleviate what you have now,
8 but I can't make a promise like that.

9 MS. M. ALVAREZ: That's the concern if
10 you're --

11 MR. MACRI: A typical rainstorm you
12 won't get any water. If you get a heavy rainstorm,
13 everyone gets water.

14 MS. M. ALVAREZ: I just don't want a
15 pool in my backyard.

16 CHAIRMAN FERGUSON: Anybody else?
17 Yes.

18 MR. KAUKER: I just have one question
19 for Mr. Cocoros.

20 Billy, I'm just looking at the site
21 plan with respect to the driveways that are located
22 in the front, it seems that you have them
23 individually marked as 17 feet 6 inches.

24 THE WITNESS: Yeah, they're centerline.
25 It's one driveway.

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1 seepage pits under the driveway like so many others
2 are because the neighbor's property is lower and if
3 he puts his seepage pits in the back, there's always
4 a slight problem. If we're going to worry about
5 raising his driveways so he doesn't get flooded in
6 his garage, how about you worry about the neighbor to
7 the rear. Don't put the seepage pits in the back
8 near her property, put them under the driveway.

9 MR. MACRI: We can do that.

10 CHAIRMAN FERGUSON: Counsel.

11 THE WITNESS: Actually what we've done
12 before, Steve --

13 MS. BRAUER: Not what you did before,
14 what can you do now.

15 THE WITNESS: When we have downhill
16 sites, we split the seepage pits. One in the front
17 for the front part of the house and then one --
18 instead of having all in the back. We can do one in
19 the front and then one in the back, which will
20 minimize the amount -- lessen the water that's back
21 there and still put the drains and tie into that
22 seepage pit in the back. So we'll do one chamber in
23 the front for each side and one chamber in the back
24 for each side.

25 MR. COLLAZUOL: Yes, you could do that,
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1 MR. KAUKER: One, okay. So what's the
2 -- so the total provision, I just noticed a new
3 provision in the code. Basically for a one- and
4 two-family home, it's the width of the driveway 20
5 feet. So you need to provide a barrier between the
6 two or you need to request a variance.

7 THE WITNESS: We'll request a variance.
8 A barrier would make it difficult, you know,
9 especially if we have snow, we want to try to keep
10 that as wide as possible to fit two cars on that
11 parking area.

12 MR. KAUKER: Make that a variance?

13 THE WITNESS: Yes.

14 MR. KAUKER: Just for reference, it's
15 Section 300-25L.

16 MR. MACRI: We'll amend the application
17 to request a variance for Section 300-25L as our
18 driveway will be in excess of 20 feet in width.

19 MS. TESTA: The driveway in excess of
20 what, I'm sorry?

21 MR. MACRI: 20 feet in width.

22 CHAIRMAN FERGUSON: Okay. Anybody
23 else? Yes?

24 MS. BRAUER: Susan Brauer.

25 I'm just wondering if they can put the

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1 but it --

2 THE WITNESS: The problem is you have
3 to hang the gutters. To get the gutters from the
4 back corner to the front of the house, it's
5 difficult.

6 MS. BRAUER: You have to do it on one
7 side, what's -- I don't understand. If you do it on
8 one side, why don't you do it on the other?

9 MR. COLLAZUOL: Well, based on also the
10 test holes that are taken and the ultimate design and
11 the grading on the site. So they can split front and
12 back and have two systems in the front in the
13 driveways and two systems in the back to take the
14 rear of the house. So it's up to the designer and
15 the capacity of the systems and the soil results as
16 well.

17 MR. MACRI: So we'll have a split
18 system subject to Mr. Collazuol's approval.

19 CHAIRMAN FERGUSON: Yes, Dear.

20 MS. J. ALVAREZ: Jennifer Alvarez, 534
21 4th Street.

22 I'm just wondering what's the height
23 difference between the house that's currently there
24 and the one that you're proposing?

25 THE WITNESS: I didn't really check it.

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1 I never -- I didn't measure the old house. So I
 2 can't --
 3 CHAIRMAN FERGUSON: Okay. Anybody
 4 else?
 5 MR. MANTONE: So where are we at with
 6 the height?
 7 CHAIRMAN FERGUSON: Well, we're going
 8 to listen to their planner.
 9 MR. MANTONE: You know, Paul, my
 10 driveway pitches down. It goes into the sewer and it
 11 goes behind my house.
 12 VICE CHAIRMAN ALBANESE: It don't go
 13 into the sewer. It does not go into the sewer.
 14 MR. MANTONE: It goes into a pipe that
 15 goes behind my house.
 16 VICE CHAIRMAN ALBANESE: John, there's
 17 a lot of problems today. You don't see them. I see
 18 them. Where the garages are down and the people are
 19 getting floods. Come on my block, I'll show you.
 20 MR. MANTONE: Well, we don't have to
 21 have it go down down, but a couple of feet.
 22 VICE CHAIRMAN ALBANESE: John, when it
 23 pours rain, it doesn't -- if it's this much, it
 24 doesn't make a difference, people get water in there.
 25 The guy on 3rd Street's got to put bags in front of
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1 his house when it rains out. Come on. Would you
 2 like that? I mean, you happen to have an --
 3 MR. MANTONE: Paul, I have that now. I
 4 don't have a problem.
 5 VICE CHAIRMAN ALBANESE: Well, that's
 6 good. Other people have problems.
 7 MR. MANTONE: So I got to eat a 35-foot
 8 house because you're worried about the water in the
 9 driveway?
 10 VICE CHAIRMAN ALBANESE: I'm worried
 11 about the people, John, the water, yes.
 12 MR. MANTONE: If you're worried about
 13 the people, what about rescuing them from a fire at
 14 the back of the building when our biggest ladder is
 15 35 feet and a window will be higher than that.
 16 You're worried about the people with these duplexes?
 17 Come on.
 18 VICE CHAIRMAN ALBANESE: John, we could
 19 talk all day, John.
 20 MR. MANTONE: We can. And I'm a
 21 realist, Paul.
 22 VICE CHAIRMAN ALBANESE: So am I, John.
 23 I see it all the time.
 24 MR. MANTONE: This is a building making
 25 money.
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1 VICE CHAIRMAN ALBANESE: John, if he
 2 lowers the house, he's going to make money, John.
 3 MR. MANTONE: That's right, but let's
 4 make the neighbors happy. Maybe the town should put
 5 an easement there with a little -- with a pipe that
 6 can dump into Edsall Boulevard.
 7 VICE CHAIRMAN ALBANESE: To tie what?
 8 They can tie it into the sewer, then it would be
 9 okay, but the town won't allow that.
 10 MR. MANTONE: No, not the sewer the
 11 storm --
 12 VICE CHAIRMAN ALBANESE: They don't
 13 hold the water, John. They don't hold the water.
 14 When it rains hard, not when it rains, but when you
 15 get these storms, it doesn't hold the water.
 16 I had a guy across the street from me,
 17 the new ones, right? It was raining out. He's
 18 outside putting water in the pale, bringing it up,
 19 throwing it in the street, like shoveling crap
 20 against the tide.
 21 MR. MANTONE: Not when they make a
 22 thing called the pump, pump it out.
 23 VICE CHAIRMAN ALBANESE: But, John --
 24 John, that's the way it is, John, that's my feelings.
 25 MR. MANTONE: Everybody else on the
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1 board --
 2 VICE CHAIRMAN ALBANESE: Well, that's
 3 up to them, the way they want to vote.
 4 CHAIRMAN FERGUSON: When the board
 5 votes, you'll know how the rest of the board feels.
 6 MR. MANTONE: Okay.
 7 CHAIRMAN FERGUSON: All right. I mean,
 8 wait for the vote. Who knows?
 9 VICE CHAIRMAN ALBANESE: See what
 10 happens.
 11 FEMALE AUDIENCE MEMBER: What is the
 12 height of this building?
 13 THE WITNESS: That's what I'm figuring
 14 out right now.
 15 CHAIRMAN FERGUSON: Okay. Mr. Spatz.
 16 THE WITNESS: Yes, it's 2 -- it's about
 17 2-foot-2-inch reduction.
 18 FEMALE AUDIENCE MEMBER: From what,
 19 35.75.
 20 THE WITNESS: Yes.
 21 FEMALE AUDIENCE MEMBER: Where 28 feet
 22 is the limit.
 23 CHAIRMAN FERGUSON: Okay. Take it
 24 away.
 25 MS. TESTA: Do you swear that the
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1 testimony you will give in this application will be
2 the truth, the whole truth and nothing but the truth,
3 so help you God?

4 MR. SPATZ: Yes, I do.

5 D A V I D S P A T Z,
6 60 Friend Terrace, Harrington Park, New Jersey,
7 having been duly sworn, testifies as follows:

8 MS. TESTA: State your name for the
9 record.

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

11 MS. TESTA: Thank you.

12 MR. MACRI: Mr. Spatz, you handed out a
13 photo exhibit?

14 MR. SPATZ: Yes.

15 MR. MACRI: And it's been marked A-2?

16 MR. SPATZ: Correct.

17 (Whereupon, Photoboard exhibit is
18 received and marked as Exhibit A-2 for
19 identification.)

20 DIRECT EXAMINATION

21 BY MR. MACRI:

22 Q. Can you please describe the background
23 and the surrounding neighborhood to the property?

24 A. Certainly.

25 The top left-hand photograph is of the
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1 subject property. It's a single-family home.
2 The top right-hand photograph, excuse
3 me, is looking to the right of our property and it's
4 a series of two, two-and-a-half stories,
5 single-family homes primarily.

6 The bottom left-hand photograph is
7 looking to the left of other property. There are a
8 couple of single-family homes adjacent to us. Then
9 as you get down towards East Edsall, you start having
10 the newer three-story, two-family homes there.

11 The bottom right-hand photograph is
12 looking directly across the street from our property,
13 which is Route 46.

14 We're in the AA zone, which permits
15 two-family homes. So we need one (d) variance, which
16 is the building height. We are at three stories and
17 now we got it down to 33-and-a-half feet where
18 two-and-a-half stories and 28 feet is permitted. And
19 then we need one (c) variance for building coverage
20 where we are slightly over what's permitted in terms
21 of percentage, 40 percent is permitted and we're at
22 40.28 percent.

23 So looking at the height variance, we
24 will exceed the height limitation by a half story and
25 at this point about 5 feet. The height limitation,
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1 the height variance is caused primarily by the
2 topographical conditions of the property as was
3 described by Mr. Cocoros.

4 Even though the building is higher than
5 the -- as can be seen from the photographs than a
6 number of the other homes, it is consistent with the
7 two-family homes that have recently been built on 5th
8 Street and, you know, the balances between sloping
9 the driveway and having those drainage issues instead
10 of having the building a little bit higher, reducing
11 it down by playing with the driveway creates, I think
12 bigger problems than the height would be.

13 4th Street to the west of our property
14 is at a much lower elevation and really any
15 development this property would have a larger height.
16 We have a 6-foot retaining wall that will be
17 developed along the back and we discussed the
18 improvements for that.

19 So I think the conditions exist for the
20 height variance. We are consistent with the newer
21 development of the property. We've made improvements
22 and reduced the building as much as possible given
23 the topographical conditions of the property, as well
24 as drainage circumstances.

25 Looking at the bulk variances, the
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1 dwelling fully conforms with your front, rear and
2 side yard setback standards and we are consistent
3 with the other developments in the neighborhood. The
4 building has been designed to provide a conforming
5 amount of parking within the dwelling and on the
6 driveway. This causes, the building is a little bit
7 wider than permitted and that it gives us a slightly
8 increased coverage where only 0.28 percent over what
9 is permitted within the zone.

10 Mr. Cocoros described the drainage
11 improvements to the property. So even though the
12 building covers slightly more than what is permitted
13 within the zone, the sufficient drainage facilities
14 superior to what currently might exist to mitigate
15 against that slightly greater coverage than what is
16 permitted. So I think the positive criteria exists
17 for the one (c) variance we need.

18 Looking at the negative criteria, I
19 don't think there is anything that is substantially
20 detrimental. The two-family home is permitted within
21 the zone and we are consistent with the newer
22 development within the property, as well as on the
23 surrounding streets. The building has conforming
24 rear, side and front yards. Only the front steps
25 project into the front setback area. Landscaping is
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1 provided to buffer the adjacent properties and then
 2 you have the retaining wall to the rear.
 3 We do have a conforming amount of
 4 parking provided on site to serve our units. Parking
 5 is provided on our -- permitted on our side of the
 6 street, but not on the opposite side.
 7 So on balance, I think although the
 8 height is larger than what would be permitted within
 9 the zone, I think it's consistent with the newer
 10 development and I think the positive impact from the
 11 drainage improvements that are being made, the
 12 lessening of any drainage impacts, I think that
 13 outweighs anything that would be considered negative
 14 from what we're proposing and I think the variances
 15 could be granted.

16 Q. All right. Thank you, Mr. Spatz.

17 MR. MACRI: No questions.

18 CHAIRMAN FERGUSON: Okay. Just let our
 19 expert go and then you can go.

20 Go ahead.

21 MR. KAUKER: Yes, Mr. Chairman.

22 Mr. Spatz, I'm looking at the photo
 23 exhibit that you provided and it appears that the
 24 buildings obviously on either side are older homes,
 25 but they're much lower in height, correct?

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1 me from a height standpoint that the impact when
 2 you're look at the front of the building isn't as
 3 significant as the -- I guess the impact on the side
 4 of the structure and if I'm looking at this
 5 correctly, the profile in the middle left portion of
 6 the plan that's shown on the easel, I mean, that's
 7 supposedly a higher -- the higher point, right,
 8 because the property slopes downward?

9 THE WITNESS: Yes.

10 MR. KAUKER: So is it --

11 THE WITNESS: It slopes from front to
 12 back significantly.

13 MR. KAUKER: Maybe it's a question for
 14 the architect. I don't know, is it possible that can
 15 be constructed in the slope a little bit more or
 16 built up a little bit to try to reduce that visual
 17 impact?

18 THE WITNESS: I mean, I'll let Billy
 19 describe that, but we are raising the rear yard to
 20 reduce the height of it. So I think that will
 21 automatically will change some that. I'll let him
 22 describe that.

23 MR. COCOROS: If it was a newer
 24 development happening next door, what we usually do
 25 is we do like a flat area next to the staircase and

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1 THE WITNESS: Correct, they are.

2 MR. KAUKER: And then in terms of the
 3 only -- it seems like the majority of the buildings
 4 on that street are lower in height. It looks like
 5 there are two newer buildings that are located, it
 6 looks like four properties to the south.

7 THE WITNESS: Right.

8 MR. KAUKER: It's difficult to see the
 9 size of that, but when I'm comparing the profile of
 10 the elevation for the proposed home to that, it
 11 doesn't -- I mean it's difficult to see, but it
 12 doesn't appear that it's as high or maybe that the
 13 side of the building is somewhat built into the
 14 slope. Did you -- are you familiar with that
 15 property to provide a little more detail?

16 THE WITNESS: Yeah. I did not measure
 17 those properties, nor did I measure the adjacent
 18 properties. They can be seen from the photograph.
 19 Those newer buildings are two stories in height. 5th
 20 Street -- excuse me -- three stories in height. 5th
 21 Street slopes downward to them.

22 So I think they just give an appearance
 23 of being lower in height, but when you're in front of
 24 them, they are equally as tall as our building.

25 MR. KAUKER: Because I mean it seems to

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1 then step down that corner, which would bring our
 2 height down. We're basically bringing the building
 3 down 8 inches, so you have that part of it done, but
 4 from a numbers point of view, you know, we could
 5 bring up those corners by flattening out the walkway
 6 to the side and brining up that other 8 inches in the
 7 front, which would give us maybe 4 more inches of
 8 height to kind of soften that look, but like I said,
 9 I tried to keep -- set this thing in the natural
 10 grade to avoid, you know, bringing -- like I said, we
 11 could have done without a variance two
 12 tiered-retaining walls in the back, which would -- it
 13 would give us another foot of height, but it's --
 14 like I said, a lot of times what happens is we have
 15 issues with installing seepage pits in the back and
 16 what it does, it kind of like makes it more of a --
 17 less of a backyard and also more of a volume of
 18 structure in the back.

19 So, you know, we try to keep it honest
 20 as far as setting the building in at a natural point,
 21 which takes into consideration the driveway going
 22 down and without overdoing the retaining walls.

23 If we did two 4-foot retaining walls,
 24 by the time we get to the side -- the front of the
 25 building, you almost have a 6-foot elevation along

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1 the neighbor's side, which if somebody was doing a
 2 new house, they could use it to fill it in, but if
 3 there's an existing house next door, you're basically
 4 looking at your side wall of 6 feet as you terrace it
 5 up the back.
 6 CHAIRMAN FERGUSON: Any other
 7 questions?
 8 MR. KAUKER: That was the only question
 9 I had.
 10 MR. MANTONE: One other thing the
 11 architect brought up before. We have 8 feet, 9 feet
 12 and 8 feet, but why don't we make the middle floor 8
 13 feet and then you can drop the house down another
 14 foot?
 15 Most all houses are 8 feet like where I
 16 live, my parents' house, so on.
 17 CHAIRMAN FERGUSON: No, I understand.
 18 MR. MACRI: I'd rather lower the house
 19 itself 8 inches than reduce a foot on the main floor.
 20 MR. COCOROS: Do a trench drain on that
 21 side.
 22 VICE CHAIRMAN ALBANESE: Then you're
 23 going to have to pitch?
 24 MR. COCOROS: Well, it's going to be
 25 just on the one part is going to be maybe 6 inches
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1 lower. You know, if we do it, let's say, we lower
 2 the building by 16 inches, we're still going to be
 3 positive pitch on most of the driveway.
 4 VICE CHAIRMAN ALBANESE: Positive
 5 pitch?
 6 MR. COCOROS: Most of it.
 7 VICE CHAIRMAN ALBANESE: And you're
 8 going to lower it what, 16 inches?
 9 MR. COCOROS: Sixteen inches if we do
 10 it. You know, which is going to give us actually a
 11 --
 12 VICE CHAIRMAN ALBANESE: Are you okay
 13 with that, John?
 14 MR. MANTONE: Sixteen from the other
 15 adjustment?
 16 MR. COCOROS: Sixteen from what we're
 17 proposing.
 18 MR. MANTONE: So what's the height
 19 going to be now with the 16 inches?
 20 MR. COCOROS: It's going to be about 2
 21 foot -- let's say, 2 foot, 8. Right now the house
 22 itself, because when you're looking at it from the
 23 front --
 24 MR. MANTONE: So you went from 35.7 to
 25 33 something?
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1 THE WITNESS: Yeah, but now let's do it
 2 from the front, when you look at it from the front,
 3 right, at the lowest point in the front here when
 4 you're looking at it from the front corner of the
 5 building, not the street, the street, itself, is up a
 6 little bit higher.
 7 The building, itself, to the midpoint
 8 is approximately 30 feet. If I bring it down 1 foot
 9 4 inches, it's going to be basically like almost a
 10 foot-and-a-half difference in the building, but we're
 11 going to bring down the height as you measure it and
 12 the retaining walls in the back is going to be about
 13 a two-and-a-half foot difference in height.
 14 CHAIRMAN FERGUSON: So what's the
 15 overall height?
 16 MR. MANTONE: Like 33 something?
 17 MR. COCOROS: What's two-and-a-half --
 18 33 and 3 inches.
 19 MR. MANTONE: So you're not doing
 20 anything more than you said before.
 21 MR. COCOROS: No, before we had -- we
 22 brought the building down 8 inches.
 23 MR. MANTONE: You said 33 something
 24 before you could drop it too.
 25 MR. COCOROS: Let's say 2 foot, 2 it
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1 came out approximately. So if we do another 8
 2 inches, 2 foot, 10.
 3 MR. MANTONE: So do another foot and
 4 make it eight, eight and eight.
 5 MR. COCOROS: No, then the driveway
 6 will -- we're going to have a negative pitch on both
 7 driveways.
 8 MR. MANTONE: Not the middle floor,
 9 make that 8 feet.
 10 MR. COCOROS: Every duplex we've done
 11 so far has 9 feet.
 12 MR. MANTONE: Who cares what you did
 13 before. You didn't have this height problem.
 14 MR. COCOROS: You know, I know it's not
 15 an issue with the board, but as far the development
 16 it's got to be something that's marketable too.
 17 MR. MANTONE: Listen, you need to make
 18 the people happy. 8 feet, 8 feet, 8 feet is a high
 19 ceiling.
 20 MR. MACRI: He's willing to go down 8
 21 inches.
 22 MR. MANTONE: But you're not getting
 23 the foot down.
 24 CHAIRMAN FERGUSON: Listen, guys, let's
 25 get back on. What I'm looking for now is a very
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1 simple question. Before we talked about putting a
 2 wall in the back. You said to me that you could
 3 reduce it 2 feet.
 4 MR. COCOROS: Yes.
 5 CHAIRMAN FERGUSON: Right?
 6 MR. COCOROS: Yeah, but that was also
 7 bringing down the building 8 inches. It's a
 8 four-point average. The front is still the same by
 9 bringing it up 2 feet in the back we're only really
 10 getting 1 foot of -- comes to about 1 foot. I mean,
 11 it's --
 12 CHAIRMAN FERGUSON: Counsel, are we
 13 building the house?
 14 MR. MACRI: We're trying. We tried to
 15 take the bathroom out.
 16 CHAIRMAN FERGUSON: Now we can wait.
 17 MR. MACRI: Mr. Chair, we can reduce
 18 the height, the house by 3 feet overall.
 19 CHAIRMAN FERGUSON: Three feet overall?
 20 MR. MACRI: It will come down to 33.75
 21 feet -- I'm sorry, 32, 9 inches.
 22 VICE CHAIRMAN ALBANESE: Down 3 feet,
 23 John.
 24 CHAIRMAN FERGUSON: Why don't we --
 25 Counsel, why don't we -- that's without reducing the

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1 9 feet, correct? You're leaving the wall at 9 feet?
 2 MR. MACRI: The wall at 9 feet?
 3 CHAIRMAN FERGUSON: I mean, the ceiling
 4 between the -- on the first floor, you're leaving
 5 that at 9?
 6 MR. COCOROS: Yes.
 7 VICE CHAIRMAN ALBANESE: The steps go
 8 down. The steps -- you're going to hit your head on
 9 something. When they go down the steps --
 10 CHAIRMAN FERGUSON: Right.
 11 VICE CHAIRMAN ALBANESE: That's the
 12 problem, that's why that's always 9 foot, John. When
 13 they go down the steps --
 14 MR. MANTONE: What you can do is you
 15 box out 2 feet by the steps, so you eliminate that.
 16 VICE CHAIRMAN ALBANESE: No -- yeah,
 17 but in other words, the foot you're talking about,
 18 the 9 foot, the reason is the steps.
 19 MR. MANTONE: No, I understand that.
 20 At the bottom of the steps you box it out and make
 21 the ceiling boxed out. They just don't want to give
 22 up the 9 feet, because they're going to make more
 23 money selling it. That's the answer.
 24 MR. MACRI: That's not true. We went
 25 down 3 feet.

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1 MR. MANTONE: Then make it 8 feet.
 2 CHAIRMAN FERGUSON: It's 3 feet.
 3 You're reducing it now by 3 feet, correct?
 4 MR. MACRI: Correct.
 5 CHAIRMAN FERGUSON: Okay. It's up to
 6 you, Pauly, make the motion.
 7 VICE CHAIRMAN ALBANESE: I make a
 8 motion we accept the plans subject to all the changes
 9 that are there.
 10 CHAIRMAN FERGUSON: Can I get a second?
 11 VICE CHAIRMAN ALBANESE: We need a
 12 second.
 13 CHAIRMAN FERGUSON: Made the motion,
 14 the motion fails.
 15 Okay. I would recommend, right, that
 16 you go back, come back next month, all right, go take
 17 a look, sharpen your pencils.
 18 It's obvious that the board wants you
 19 to reduce the height, right. I mean, I would send it
 20 back and try to reduce the height, but you want me to
 21 make the motion to deny, I'll make the motion to
 22 deny.
 23 MR. MACRI: Yes, I would like to carry
 24 this to the next meeting.
 25 No need to further notice.

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1 CHAIRMAN FERGUSON: The 19th.
 2 MS. TESTA: Yeah, just need a motion to
 3 grant the request to carry this application to August
 4 19th, 2019, 7 p.m.
 5 No further notice.
 6 CHAIRMAN FERGUSON: Because it seems to
 7 be a lot of confusion and apart of it is on me, you
 8 know, what exactly we're voting on. You know, you're
 9 saying 3 feet. Well, where are you getting the 3
 10 feet? You're saying 2 foot in the back, but you got
 11 to do it in the front. We don't want to do the
 12 ceiling. You know, it just seems to be -- so I would
 13 like to go and come back on the 19th.
 14 I'll make a motion.
 15 VICE CHAIRMAN ALBANESE: Second.
 16 CHAIRMAN FERGUSON: Roll call?
 17 MS. LAMBRINIDES: Mr. Ferguson.
 18 CHAIRMAN FERGUSON: Yes.
 19 MS. LAMBRINIDES: Mr. Albanese?
 20 VICE CHAIRMAN ALBANESE: Yes.
 21 MS. LAMBRINIDES: Mr. Terranova?
 22 MR. TERRANOVA: Yes.
 23 MS. LAMBRINIDES: Mr. Min?
 24 MR. MIN: Yes.
 25 MS. LAMBRINIDES: Ms. Yoon?

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1 MS. YOON: Yes.
 2 MS. LAMBRINIDES: Mr. Lefteriou?
 3 MR. LEFTERIOU: Yes.
 4 CHAIRMAN FERGUSON: Counselor, before
 5 you -- right, you listened to the board, right? The
 6 board wants it lower. Thank you.
 7 MR. MANTONE: Everybody, thank you for
 8 thinking about this and thinking it further. And is
 9 it possible to get a copy of the plans that they're
 10 going to submit before the meeting of the 19th?
 11 CHAIRMAN FERGUSON: Before the 10 -- 10
 12 days before the meeting if you go to the building
 13 department, they'll have a set down there.
 14 MR. MANTONE: Thanks, everybody.
 15 (Whereupon, the meeting is adjourned.
 16 Time noted: 9:17 p.m.)

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C E R T I F I C A T E

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

19
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 22
 23
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 LAURA A. CARUCCI, C.C.R., R.P.R.
 License # X102050, and Notary Public
 of New Jersey # 50094914, Notary
 Expiration Date December 3, 2023

Dated: _____

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