

BOROUGH OF PALISADES PARK  
ZONING BOARD OF ADJUSTMENT  
MONDAY, JULY 19, 2021  
7:00 p.m.

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- Case No. 21-09 ) TRANSCRIPT OF
- DRC Development Corp., ) PROCEEDINGS
- 443 Highland Avenue, Block 211, )
- Lot 16 )
- Case No. 21-11 )
- PBS Developers Corp., )
- 54 Oakdene Avenue, Block 306, )
- Lot 11 )
- Case No. 21-02 )
- In Chang Chung Hae Jang )
- 139 -145 Morningside Lane )
- Block 717; Lots 10,11,23&24 )
- Case No. 21-06 )
- 123 E. Ruby Avenue, LLC )
- 123 E. Ruby Avenue )
- Block 615; Lots 11 & 12 )
- Case No. 21-10 )
- BBHJ, Inc. )
- 203 Grand Avenue )
- Block 111; Lot 23 )
- Case No. 21-08 )
- Sun B. Park )
- 142 Columbus Avenue )
- Block 502, Lot 18 )
- Case No. 21-12 )
- RDC, LLC )
- 321 Ninth Street )
- Block 410, Lot 16 )
- Case No. 21-19 )
- SM Christian School )
- 451 Grand Avenue & )
- 440 Commercial Avenue )
- Block 110, Lots 1 & 1.01 )
- 

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

1 A L S O P R E S E N T :

2 E L E N I L A M B R I N I D E S , L a n d U s e S e c r e t a r y

3 S T E V E C O L L A Z U O L , P . E . , B o a r d E n g i n e e r

4 A L S O P R E S E N T :

E L E N I L A M B R I N I D E S , L A N D U S E S E C R E T A R Y

5 S T E V E C O L L A Z U O L , P . E . , B O A R D E N G I N E E R ( R E M O T E )

6 H A L S I M O F F , P . E . , B O A R D T R A F F I C E N G I N E E R ( R E M O T E )

B o a r d E n g i n e e r

7 M I C H A E L K A U K E R , P . P . , B O A R D P L A N N E R ( R E M O T E )

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

1 B E F O R E :

2 J O S E P H F E R G U S O N , C H A I R M A N

3 P A U L A L B A N E S E , V I C E C H A I R M A N

4 E L E F T E R I O S E L E F T E R I O U , M E M B E R

5 V I N C E N T C A R N O V A L E , M E M B E R

6 J O H N G R A L A , M E M B E R

7 D A V I D T E R R A N O V A , M E M B E R ( L A T E A R R I V A L )

8 S E O N G H Y E Y O O N , M E M B E R

9 S T E V E N B R O G N A , A L T E R N A T E M E M B E R 1

10 C H A R L I E C H U N G , A L T E R N A T E M E M B E R 2

11 M I C H A E L L E E , A L T E R N A T E M E M B E R # 3 ( A B S E N T )

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

13 D I A N E M . D e C A R L O , E S Q U I R E  
14 C o u n s e l f o r t h e B o a r d o f A d j u s t m e n t

15 M A R K J . S O K O L I C H , E S Q U I R E  
16 1223 Anderson Avenue  
Fort Lee, New Jersey 07024  
Attorney for the Applicant, RCD, LLC

17 M A R C E L W U R M S , E S Q U I R E  
18 335 Passaic Avenue  
Lodi, New Jersey 07644  
19 C o u n s e l f o r t h e I n t e r e s t e d P a r t y , W e n d y B u r g e s s

20 D A N I E L L E E , E S Q U I R E  
21 21 Grand Avenue, #601  
Palisades Park, New Jersey 07650  
Attorney for Applicant, BBHJ, Inc. And Sun B. Park

22 M A R C D . R A M U N D O , E S Q U I R E  
23 R A M U N D O L A W O F F I C E S  
416 East Central Boulevard  
24 Palisades Park, New Jersey 07650  
25 C o u n s e l f o r t h e A p p l i c a n t , P B S D e v e l o p e r s C o r p . a n d  
S M C h r i s t i a n S c h o o l

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

1 I N D E X  
2 W I T N E S S S W O R N P A G E N O .

3 Case No. 21-02  
4 In Chang Chung Hae Jang  
139 -145 Morningside Lane  
Block 717; Lots 10, 11, 23 & 24 13

5 Case No. 21-06  
6 123 E. Ruby Avenue, LLC  
123 E. Ruby Avenue  
7 Block 615; Lots 11 & 12 15

8 Case No. 21-12  
9 RDC, LLC  
321 Ninth Street  
Block 410, Lot 16 16

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11 Direct Examination by Mr. Sokolich 20  
Board/Professional Questions  
12 Mr. Collazuol 45  
Public Questions  
13 Jeff Petrosillo 47  
326A Ninth Street

14 DAVID SPATZ, P.P. 51  
15 Direct Examination by Mr. Sokolich 51  
Board/Professional Questions  
16 Mr. Collazuol 58  
Public Questions  
17 Michelle Lewris 58  
313 Ninth Street

18 PUBLIC COMMENTS  
19 Jeff Petrosillo 64  
326A Ninth Street  
20 Alexis Lewris 66  
313 Ninth Street

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201-641-1812

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| 3                          | <b>Case No. 21-10</b>                           |       |           |
| 4                          | <b>BBHJ, Inc.</b>                               |       |           |
| 5                          | <b>203 Grand Avenue</b>                         |       |           |
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| 17                         | Direct Examination by Mr. Lee                   |       | 96        |
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| 26                         | <b>Sun B. Park</b>                              |       |           |
| 27                         | <b>142 Columbus Avenue</b>                      |       |           |
| 28                         | <b>Block 502, Lot 18</b> 110                    |       |           |
| 29                         | VASSILIOS COCOROS, AIA                          | 111   |           |
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| 34                         | Mr. Collazuol                                   | 117   |           |
| 35                         | Public Questions                                |       |           |
| 36                         | <b>Stephen Guardino</b>                         |       | 118       |
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| 42                         | <b>LAURA A. CARUCCI, C.S.R., R.P.R., L.L.C.</b> |       |           |
| 43                         | 201-641-1812                                    |       |           |

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| 3                          | <b>Case No. 21-19</b>                               |       |          |
| 4                          | <b>SM Christian School</b>                          |       |          |
| 5                          | <b>451 Grand Avenue &amp; 440 Commercial Avenue</b> |       |          |
| 6                          | <b>Block 110, Lots 1 &amp; 1.01</b> 130             |       |          |
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| 26                         | <b>LAURA A. CARUCCI, C.S.R., R.P.R., L.L.C.</b>     |       |          |
| 27                         | 201-641-1812  |       |          |

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| 3                         | NO. DESCRIPTION                                 | IDENT/EVID |
| 4                         | <b>Case No. 21-12</b>                           |            |
| 5                         | <b>RDC, LLC</b>                                 |            |
| 6                         | <b>321 Ninth Street</b>                         |            |
| 7                         | <b>Block 410, Lot 16</b>                        |            |
| 8                         | A-1 Elevations and Site Plan, Last              |            |
| 9                         | Revised June 3, 2021                            | 20         |
| 10                        | A-2 Site Plan and Details, Sheet S-1,           |            |
| 11                        | Last Revised, June 3, 2021                      | 23         |
| 12                        | A-3 Elevations and Basement Plan, Last          |            |
| 13                        | Revised June 3, 2021                            | 39         |
| 14                        | A-4 Floor Plans, Last Revised                   |            |
| 15                        | June 3, 2021                                    | 41         |
| 16                        | A-5 Photoboard with Four Photographs,           |            |
| 17                        | Dated July 19, 2021                             | 51         |
| 18                        | <b>Case No. 21-19</b>                           |            |
| 19                        | <b>SM Christian School</b>                      |            |
| 20                        | <b>451 Grand Avenue &amp;</b>                   |            |
| 21                        | <b>440 Commercial Avenue</b>                    |            |
| 22                        | <b>Block 110, Lots 1 &amp; 1.01</b>             |            |
| 23                        | A-1 Photoboard, Dated July 19, 2021             | 142        |
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| 26                        | <b>LAURA A. CARUCCI, C.S.R., R.P.R., L.L.C.</b> |            |
| 27                        | 201-641-1812                                    |            |

| 1 CHAIRMAN FERGUSON: So we'll call the 8 |   |  |
|--|---|--|
| 2  | meeting to order.                               |  |
| 3  | Vinnie, do you want to lead us in the           |  |
| 4  | flag salute.                                    |  |
| 5  | (Whereupon, all rise for a Recitation           |  |
| 6  | of the Pledge of Allegiance as led by           |  |
| 7  | Mr. Carnovale.)                                 |  |
| 8  | CHAIRMAN FERGUSON: Okay. Roll call              |  |
| 9  | for attendance.                                 |  |
| 10                                       | MS. LAMBRINIDES: Mr. Ferguson?                  |  |
| 11                                       | CHAIRMAN FERGUSON: Here.                        |  |
| 12                                       | MS. LAMBRINIDES: Mr. Albanese?                  |  |
| 13                                       | VICE CHAIRMAN ALBANESE: Here.                   |  |
| 14                                       | MS. LAMBRINIDES: Terranova?                     |  |
| 15                                       | (No response.)                                  |  |
| 16                                       | MS. LAMBRINIDES: Mr. Chung?                     |  |
| 17                                       | MR. CHUNG: Yes, here.                           |  |
| 18                                       | MS. LAMBRINIDES: Ms. Yoon?                      |  |
| 19                                       | MS. YOON: Here.                                 |  |
| 20                                       | MS. LAMBRINIDES: Elefteriou?                    |  |
| 21                                       | MR. ELEFTERIOU: Here.                           |  |
| 22                                       | MS. LAMBRINIDES: Grala?                         |  |
| 23                                       | MR. GRALA: Here.                                |  |
| 24                                       | MS. LAMBRINIDES: Carnovale?                     |  |
| 25                                       | MR. CARNOVALE: Here.                            |  |
| 26                                       | <b>LAURA A. CARUCCI, C.S.R., R.P.R., L.L.C.</b> |  |
| 27                                       | 201-641-1812                                    |  |

1 MS. LAMBRINIDES: Mr. Lee?  
 2 (No response.)  
 3 MS. LAMBRINIDES: Michael Lee?  
 4 (No response.)  
 5 MS. LAMBRINIDES: No.  
 6 And Mr. Cho?  
 7 (No response.)  
 8 MS. LAMBRINIDES: Is Mr. Cho gone?  
 9 MR. CARNOVALE: He's not on anymore. I  
 10 don't think that guy is on.  
 11 MS. LAMBRINIDES: Brogna?  
 12 MR. BROGNA: Yes.  
 13 CHAIRMAN FERGUSON: Okay. First we  
 14 will do the minutes of the previous meeting. We all  
 15 have the minutes from the meeting.  
 16 Is there any corrections on the  
 17 minutes?  
 18 (No response.)  
 19 VICE CHAIRMAN ALBANESE: I make a  
 20 motion we accept the minutes.  
 21 CHAIRMAN FERGUSON: Is there a second?  
 22 MR. CARNOVALE: I second.  
 23 CHAIRMAN FERGUSON: Can I get a second?  
 24 MR. CARNOVALE: I second.  
 25 CHAIRMAN FERGUSON: Okay, thank you.

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

1 CHAIRMAN FERGUSON: Okay, roll call?  
 2 MS. LAMBRINIDES: Mr. Ferguson?  
 3 CHAIRMAN FERGUSON: Yes.  
 4 MS. LAMBRINIDES: Mr. Albanese?  
 5 VICE CHAIRMAN ALBANESE: Yes.  
 6 MS. LAMBRINIDES: Mr. Chung?  
 7 MR. CHUNG: Yes.  
 8 MS. LAMBRINIDES: Ms. Yoon?  
 9 MS. YOON: Yes.  
 10 MS. LAMBRINIDES: Mr. Elefteriou?  
 11 MR. ELEFTERIOU: Yes.  
 12 MS. LAMBRINIDES: Mr. Grala?  
 13 MR. GRALA: Yes.  
 14 MS. LAMBRINIDES: Mr. Carnovale?  
 15 MR. CARNOVALE: Yes.  
 16 MS. LAMBRINIDES: Mr. Brogna?  
 17 MR. BROGNA: Yes.  
 18 CHAIRMAN FERGUSON: Okay, the first  
 19 case was memorializations, Case Number 21-09, DRC  
 20 Development Corporation, 443 Highland Avenue.  
 21 VICE CHAIRMAN ALBANESE: I make a  
 22 motion we accept the memorialization.  
 23 MR. CARNOVALE: I second.  
 24 CHAIRMAN FERGUSON: Okay, roll call.  
 25 MS. LAMBRINIDES: Mr. Ferguson?

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

1 Roll call?  
 2 MS. LAMBRINIDES: Mr. Ferguson?  
 3 CHAIRMAN FERGUSON: Yes.  
 4 MS. LAMBRINIDES: Mr. Albanese?  
 5 VICE CHAIRMAN ALBANESE: Yes.  
 6 MS. LAMBRINIDES: Mr. Chung?  
 7 MR. CHUNG: Yes.  
 8 MS. LAMBRINIDES: Ms. Yoon?  
 9 MS. YOON: Yes.  
 10 MS. LAMBRINIDES: Mr. Elefteriou?  
 11 MR. ELEFTERIOU: Yes.  
 12 MS. LAMBRINIDES: Mr. Grala?  
 13 MR. GRALA: Yes.  
 14 MS. LAMBRINIDES: Mr. Carnovale?  
 15 MR. CARNOVALE: Yes.  
 16 MS. LAMBRINIDES: Mr. Brogna?  
 17 MR. BROGNA: Yes.  
 18 CHAIRMAN FERGUSON: Okay.  
 19 Next we have some bills to pay. We  
 20 have a bill from Kauker & Kauker, \$1,330.00. From  
 21 our board attorney we have one for \$1,625.00.  
 22 And I guess that's it.  
 23 VICE CHAIRMAN ALBANESE: I make a  
 24 motion we pay the bills.  
 25 MR. CARNOVALE: I second.

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

1 CHAIRMAN FERGUSON: Yes.  
 2 MS. LAMBRINIDES: Mr. Albanese?  
 3 VICE CHAIRMAN ALBANESE: Yes.  
 4 MS. LAMBRINIDES: Mr. Chung?  
 5 MR. CHUNG: Yes.  
 6 MS. LAMBRINIDES: Ms. Yoon?  
 7 MS. YOON: Abstain.  
 8 MS. LAMBRINIDES: Mr. Elefteriou?  
 9 MR. ELEFTERIOU: Abstain.  
 10 MS. LAMBRINIDES: Mr. Grala?  
 11 MR. GRALA: Yes.  
 12 MS. LAMBRINIDES: Mr. Carnovale?  
 13 MR. CARNOVALE: Yes.  
 14 MS. LAMBRINIDES: Mr. Brogna?  
 15 MR. BROGNA: Yes.  
 16 CHAIRMAN FERGUSON: Okay. Next we have  
 17 Case Number 21-11, PBS Developers, 54 Oakdene Avenue.  
 18 MR. CARNOVALE: I make a motion.  
 19 CHAIRMAN FERGUSON: Second.  
 20 MR. GRALA: Second.  
 21 CHAIRMAN FERGUSON: Can I get a roll  
 22 call?  
 23 MS. LAMBRINIDES: Mr. Ferguson?  
 24 CHAIRMAN FERGUSON: Yes.  
 25 MS. LAMBRINIDES: Mr. Albanese?

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

1 VICE CHAIRMAN ALBANESE: Abstain.  
 2 MS. LAMBRINIDES: Mr. Chung?  
 3 MR. CHUNG: Yes.  
 4 MS. LAMBRINIDES: Ms. Yoon?  
 5 MS. YOON: Abstain.  
 6 MS. LAMBRINIDES: Mr. Elefteriou?  
 7 MR. ELEFTERIOU: Abstain.  
 8 MS. LAMBRINIDES: Mr. Grala?  
 9 MR. GRALA: Yes.  
 10 MS. LAMBRINIDES: Mr. Carnovale?  
 11 MR. CARNOVALE: Yes.  
 12 MS. LAMBRINIDES: And, Mr. Brogna?  
 13 MR. BROGNA: Yes.  
 14 CHAIRMAN FERGUSON: Okay.  
 15 VICE CHAIRMAN ALBANESE: Mr. Terranova  
 16 is here.  
 17 CHAIRMAN FERGUSON: Okay, next we have  
 18 Case Number 21-02, In Chang Chung, which is 139-145  
 19 Morningside Lane.  
 20 And I believe we have a request for a  
 21 continuance.  
 22 Do you want to take it?  
 23 MS. DiCARLO: Yes.  
 24 The applicant has requested an  
 25 adjournment of this matter. It will be carried to  
**LAURA A. CARUCCI, C.S.R., R.P.R., L.L.C.**  
**201-641-1812**

1 MS. LAMBRINIDES: Mr. Carnovale?  
 2 MR. CARNOVALE: Yes.  
 3 MS. LAMBRINIDES: Mr. Brogna?  
 4 MR. BROGNA: Yes.  
 5 CHAIRMAN FERGUSON: Okay, next is Case  
 6 Number 21-06, 123 East Ruby Avenue.  
 7 He also is requesting a continuance.  
 8 MS. DiCARLO: This matter will be  
 9 carried to the next meeting, August 16, 2021, 7 p.m.  
 10 in the Borough Hall.  
 11 No newspaper notification is necessary.  
 12 No further notification necessary. There are no  
 13 additional mailing notices required.  
 14 VICE CHAIRMAN ALBANESE: I make a  
 15 motion.  
 16 CHAIRMAN FERGUSON: Second?  
 17 MR. CARNOVALE: Second.  
 18 CHAIRMAN FERGUSON: Okay, 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. Chung?  
**LAURA A. CARUCCI, C.S.R., R.P.R., L.L.C.**  
**201-641-1812**

1 August 16, 2021. No further notice will be given.  
 2 This is considered your notice that the  
 3 matter is carried to August 16, 2021, at 7 o'clock at  
 4 Borough Hall. Again, no notice -- notification for  
 5 mailing notice or no newspaper publication necessary.  
 6 VICE CHAIRMAN ALBANESE: I make a  
 7 motion we accept.  
 8 CHAIRMAN FERGUSON: Second?  
 9 MR. CARNOVALE: Second.  
 10 CHAIRMAN FERGUSON: Roll call for the  
 11 continuance.  
 12 MS. LAMBRINIDES: Mr. Ferguson?  
 13 CHAIRMAN FERGUSON: Yes.  
 14 MS. LAMBRINIDES: Mr. Albanese?  
 15 VICE CHAIRMAN ALBANESE: Yes.  
 16 MS. LAMBRINIDES: Mr. Terranova?  
 17 MR. TERRANOVA: Yes.  
 18 MS. LAMBRINIDES: Mr. Chung?  
 19 MR. CHUNG: Yes.  
 20 MS. LAMBRINIDES: Ms. Yoon?  
 21 MS. YOON: Yes.  
 22 MS. LAMBRINIDES: Mr. Elefteriou?  
 23 MR. ELEFTERIOU: Yes.  
 24 MS. LAMBRINIDES: Mr. Grala?  
 25 MR. GRALA: Yes.  
**LAURA A. CARUCCI, C.S.R., R.P.R., L.L.C.**  
**201-641-1812**

1 MR. CHUNG: Yes.  
 2 MS. LAMBRINIDES: Ms. Yoon?  
 3 MS. YOON: Yes.  
 4 MS. LAMBRINIDES: Mr. Elefteriou?  
 5 MR. ELEFTERIOU: Yes.  
 6 MS. LAMBRINIDES: Mr. Grala?  
 7 MR. GRALA: Yes.  
 8 MS. LAMBRINIDES: Mr. Carnovale?  
 9 MR. CARNOVALE: Yes.  
 10 MS. LAMBRINIDES: Mr. Brogna?  
 11 MR. BROGNA: Yes.  
 12 CHAIRMAN FERGUSON: Okay. So we're  
 13 going to go out of a little order tonight, and we're  
 14 going to call Case 21-12.  
 15 What?  
 16 Oh, in accordance with the Open  
 17 Meetings Act, notice of this meeting has been posted  
 18 on the Borough bulletin board. Notice has been  
 19 provided to the official Borough newspaper and filed  
 20 wit the Borough Clerk's office.  
 21 Okay. Case 21-12, which is RCD,  
 22 Limited, 321 Ninth Street.  
 23 Good evening, Mr. Mayor.  
 24 MR. SOKOLICH: It's good to see you,  
 25 Chairman, as always, Vice Chairman, Members of the  
**LAURA A. CARUCCI, C.S.R., R.P.R., L.L.C.**  
**201-641-1812**

1 Board, Engaged Professionals, Members of the Public,  
 2 for the record my name is Mark Sokolich. I represent  
 3 the applicant, the first applicant before you this  
 4 evening, RCD, LLC.  
 5 If I may, just by some brief opening  
 6 remarks, and then we can get to the witnesses.  
 7 This is an application relating to  
 8 premises known as 321 Ninth Street, designated as Lot  
 9 16, Block 410 on your Tax & Assessment Map. The  
 10 property is within the AA Zoning District. The  
 11 request is to construct a triplex, or a three-unit  
 12 attached townhouse dwelling.  
 13 This property is oversized, exceeding  
 14 the minimum lot requirement in the zone by over -- or  
 15 by 3,500 square feet. It has 85 feet of width on  
 16 Ninth Street.  
 17 It is the intention of the applicant to  
 18 present two expert witnesses this evening. The first  
 19 being Vassilios Cocoros, a licensed architect. He's  
 20 testified many times before this board. And then on  
 21 deck is David Spatz, our engaged planner.  
 22 As we point out in the application  
 23 package, the applicant, RCD, LLC, is the contract  
 24 purchaser. We have disclosed the ownership.  
 25 In fact, ownership certificates have  
**LAURA A. CARUCCI, C.S.R., R.P.R., L.L.C.**  
**201-641-1812**

1 So, Chairman, with your permission, may  
 2 we ask Mr. Cocoros to be sworn in?  
 3 MS. DeCARLO: Do you swear or affirm  
 4 that the testimony you will give with regard to this  
 5 application is the whole truth and nothing but the  
 6 truth?  
 7 MR. COCOROS: I do.  
 8 V A S S I L I O S C O C O R O S, AIA  
 9 467 Sylvan Avenue, Englewood Cliffs, New Jersey,  
 10 having been duly sworn, testifies as follows:  
 11 MR. COCOROS: Vassilios Cocoros,  
 12 V-A-S-S-I-L-I-O-S, C-O-C-O-R-O-S. VAS group 467  
 13 Sylvan Avenue, Englewood Cliffs, New Jersey.  
 14 CHAIRMAN FERGUSON: Okay, you've been  
 15 here many times.  
 16 We accept him.  
 17 MR. COCOROS: Thank you.  
 18 MR. SOKOLICH: We also would like to  
 19 point out at the inception of the hearing that one of  
 20 the adjacent property owners is represented by  
 21 counsel, Mr. Wurms, who is present.  
 22 I don't think it's presumptuous of me  
 23 to say that we've engaged in very productive  
 24 conversations, and we believe that we've resolved  
 25 those issues with Counsel and the client that he  
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1 been signed and filed with the board in advance of  
 2 the hearing, also provided justification to be here.  
 3 For the record, the principal of the  
 4 applicant, RCD, is present. Should the board or  
 5 engaged professional have any other questions of him,  
 6 he is available to respond.  
 7 Likewise, so, too, is a representative  
 8 of the record owner.  
 9 As I said at the outset, this is an  
 10 application for a triplex on an oversized lot in the  
 11 AA Zone.  
 12 By way of housekeeping -- Ms. DeCarlo,  
 13 it's good to see you --  
 14 MS. DeCARLO: Likewise.  
 15 MR. SOKOLICH: -- we submitted in  
 16 advance the Affidavit of Service a few minutes ago.  
 17 We recognize we only had just presented it to you.  
 18 In that package is proof of  
 19 publication, proof of certified mailing, and all the  
 20 requisite requirements of the Municipal Land Use Law  
 21 providing this board with jurisdiction, which we hope  
 22 is in at least an appropriate form.  
 23 MS. DeCARLO: The same is appropriate.  
 24 Thank you.  
 25 MR. SOKOLICH: Thank you, Counsel.  
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1 represents.  
 2 We'll be putting that on the record  
 3 during the course of Mr. Cocoros's testimony. If  
 4 that's acceptable to the board, I believe Mr. Wurms  
 5 at one point will also make an appearance during that  
 6 point so we can at least resolve that aspect of the  
 7 application, with the board's permission.  
 8 And I'm sorry to talk so fast.  
 9 With that, Bill, I'm going to --  
 10 Counsel, with your permission, I'm going to mark our  
 11 first plan as A-1.  
 12 (Whereupon, Elevations and Site Plan,  
 13 Last Revised June 3, 2021, is marked as  
 14 Exhibit A-1 for identification.)  
 15 DIRECT EXAMINATION  
 16 BY MR. SOKOLICH:  
 17 Q. Now, Bill, all the plans that I'm about  
 18 to mark have all been prepared by you, correct?  
 19 A. Yes.  
 20 Q. And they've all been submitted to the  
 21 board in advance of this hearing?  
 22 A. Yes.  
 23 Q. So I've premarked as A-1 also what you  
 24 call A-1, entitled, "Elevations and Site Plan." It  
 25 has a last revised date of June 3 of 2021.  
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1 In fact, you prepared it, correct?

2 **A. Yes.**

3 **Q.** Okay.

4 And this depicts the elevations of the

5 proposed triplex. There's a tax map.

6 Wherever you would like to start, if

7 you could just describe where the property is

8 situated generally, and if you can also speak to some

9 existing conditions?

10 **A. Sure.**

11 **The existing property is located on the**

12 **west side of Ninth Street between Palisades Boulevard**

13 **to the north and Central Boulevard to the south.**

14 **It's basically mid-block. It's one of three**

15 **oversized lots in the middle of the block --**

16 **actually, four oversized lots in the middle of the**

17 **block. It's 85-foot-wide-by-100-foot-deep.**

18 **The property, itself, is at a cross**

19 **slope with approximately 6 feet on Ninth Street**

20 **heading from north to south.**

21 In addition, from east to west, or

22 front to back, there's about a 9-foot drop on the

23 right-hand side, which is the north side.

24 And the left-hand side is approximately

25 14-foot drop from the street to the backyard. That's

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1 what I like to refer to as an architectural site

2 plan?

3 **A. Right.**

4 **I have Sheet S-1, which is the fourth**

5 **sheet. I have it a little bit larger so we can see.**

6 **Q.** Just to be clear, what you depicted in

7 the lower left-hand corner of A-1 --

8 **A. S-1.**

9 **Q.** -- you have made in larger scale on

10 S-1?

11 **A. Correct.**

12 MR. SOKOLICH: So the board can either

13 look on the lower left-hand corner of what we just

14 marked as A-1 or go to Sheet S-1 in the packet we

15 submitted with the application, whatever is easier.

16 So with Counsel's permission, I'm going

17 to mark S-1 as A-2, which is last revised also

18 June 3 of 2021. It is entitled, "Site Plan and

19 Details."

20 (Whereupon, Site Plan and Details,

21 Sheet S-1, Last Revised June 3, 2021, is

22 marked as Exhibit A-2 for identification.)

23 BY MR. SOKOLICH:

24 **Q.** So, Bill, I'm going to ask you to

25 please generally describe the property, where you

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1 existing.

2 **Q.** What use is on the property now? What

3 improvements are on the property now?

4 **A. I think it was two-family. It's an**

5 **older two-family on the property.**

6 **Q.** It is the proposal the applicant to

7 raze all the improvements on the property and

8 construct a new triplex, correct?

9 **A. Correct.**

10 **Q.** Are there any extenuating or special

11 circumstances on the property, Bill, that we need to

12 disclose to the Board? Wetlands?

13 **A. No wetlands.**

14 **The existing property I don't think has**

15 **any stormwater retention.**

16 **Q.** No known adverse environmental

17 conditions, at least that you're not aware of?

18 **A. Not that I know of.**

19 **Q.** That you need to disclose to the board.

20 Fine.

21 Anything else about the property that

22 you'd like to discuss and describe to the board?

23 **A. No.**

24 **Q.** So in the lower left-hand corner of

25 what we've marked as A-1, we have -- or you prepared

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1 propose to situate the triplex. And when we get to

2 the retaining walls, I'd like to ask some questions

3 with specificity to address some of the concerns that

4 we've discussed with the neighboring property owner.

5 **A. Sure.**

6 **The existing -- actually, the proposed**

7 **dwelling is proposed to be set back 25 feet from the**

8 **front property line and 25 feet from the rear**

9 **property line, which is in compliance with the**

10 **setbacks.**

11 **Q.** And the only way -- I'm sorry. The

12 only way to get to this property is off of Ninth

13 Street into the driveways, correct?

14 **A. Correct.**

15 **It's an internal lot. There's existing**

16 **dwelling on each side of -- existing properties on**

17 **either side of us. There's no other access to the**

18 **property other than the front property line on Ninth**

19 **Street.**

20 **Q.** And to be clear, the width of this

21 property is 85 feet?

22 **A. Yes.**

23 **Q.** Now, we have presented, have we not, in

24 the past proposed triplexes on 70-foot wide, 65-foot

25 wide, even 75-foot wide?

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- 1 **A. Yes, 75 feet.**  
 2 **Q.** Whether they're received well or not is  
 3 immaterial, 85-foot wide is a bit unusual, is it  
 4 not?  
 5 **A. Yes, especially in this area.**  
 6 **There's another one as wide. It's**  
 7 **pretty rare. They're usually set up in 50-by-100,**  
 8 **75-by-100, 37-and-a-half.**  
 9 **Q.** A typical lot in Palisades Park is  
 10 either -- typical tax lot -- excuse me -- is either  
 11 25 or 50, and a lot of times they're 50 or two 25s,  
 12 right?  
 13 **A. Yes.**  
 14 **Q.** In this particular case, it's more than  
 15 three 25s, it's three 25s plus 10?  
 16 **A. Correct.**  
 17 **Q.** I'm sorry to interrupt. Back to your  
 18 site plan.  
 19 **A. The dwelling, itself, is**  
 20 **68-foot-8-inches wide at the widest point, with side**  
 21 **yard setbacks of 8-foot-2-inches on each side.**  
 22 The front telescopes in approximately a  
 23 foot. We have 4-foot-2-inches to the staircase and a  
 24 5-foot to enter into the dwelling units on the side,  
 25 which is A and C.

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- 1 What we've done is stepped each unit 16  
 2 inches to accommodate the cross pitch on Ninth  
 3 Street. All the driveways themselves are basically  
 4 dead level so there's no water going towards the  
 5 garages.  
 6 As you go towards the left, there's a  
 7 little bit of grade difference from the garage,  
 8 itself, to the side lots. So we set it up where we  
 9 will try to keep the building in the ground as much  
 10 as we can without creating a situation where the  
 11 water goes towards the garage doors.  
 12 The middle unit is  
 13 24-foot-4-inches-wide. The outside units are  
 14 21-foot-2-inches-wide at the front, and  
 15 22-foot-2-inches-wide at the back.  
 16 **Q.** And there are decks that are proposed  
 17 for each of those units, correct?  
 18 **A. Yes.**  
 19 **The decks are 12-foot-wide each by**  
 20 **9-foot-deep, which is a typical deck for a duplex**  
 21 **unit. So we do comply with the deck size and**  
 22 **location.**  
 23 **Q.** And because of -- Billy, I'm sorry to  
 24 jump all around, but because of the width of the  
 25 property, you've been able to accommodate how many

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- 1 The middle unit has the more typical  
 2 entryway with a platform at the front and 4 feet out  
 3 to the building and then a staircase with 12 steps  
 4 going up to the entry platform on the first floor.  
 5 **Q.** Room for garbage storage under the  
 6 steps?  
 7 **A. Yes.**  
 8 **The middle unit will have under the**  
 9 **steps. The units on the outside, we can provide**  
 10 **garbage storage inside the garage area. It's more**  
 11 **than big enough to accommodate two cars and a trash**  
 12 **area.**  
 13 We could also provide a trash area  
 14 under the masonry platform on the sides.  
 15 However, we think it looks nicer, since  
 16 we have a new garage, to place the trash on the  
 17 sides.  
 18 **Q.** Thank you, Bill.  
 19 And just speak to me about -- just  
 20 again, take us through the property. Describe the  
 21 side yards, the width, what we find to the rear.  
 22 **A. Sure.**  
 23 **The units, there's three of them, A, B**  
 24 **and C. A being the one to the left, which is the**  
 25 **lowest part of the property.**

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- 1 parking spaces for each unit off street?  
 2 **A. We're able to accommodate six spaces --**  
 3 **Six spaces total -- no, I'm sorry -- 12 spaces. I'm**  
 4 **sorry. Yeah, 12, 12 spaces.**  
 5 RSIS recognizes nine spaces because of  
 6 the garage configuration. So we can park 12 spaces;  
 7 however, RSIS does recognize it as nine.  
 8 **Q.** So we're in excess by three?  
 9 **A. Correct.**  
 10 **Q.** Now, very important question, we've  
 11 tried in the past -- sometimes successfully,  
 12 sometimes not -- squeezing in cars into, you know,  
 13 what they call a double-car garage.  
 14 But in this particular case, these are  
 15 full double-car garages, correct?  
 16 **A. Yes.**  
 17 **We can get -- we have a 17-foot door.**  
 18 **And on the inside we have a good 20-foot clear.**  
 19 **Q.** Okay.  
 20 So clearly there is enough space for  
 21 two cars within the garage and then two cars in the  
 22 driveway?  
 23 **A. Correct.**  
 24 **Q.** That's per unit, correct?  
 25 **A. Yes.**

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1 **We also have planters. We have some**  
 2 **planters between the A unit and the B unit. There's**  
 3 **also space for landscaping on either side of the**  
 4 **concrete walks at the end units.**

5 **Q.** Before we get to the walls, just speak  
 6 to me about the stairs that I believe you proposed on  
 7 either side, correct?

8 **A. Sure.**

9 **What we did is we basically matched the**  
 10 **existing grades on either property on either side of**  
 11 **us. The neighbor to the left, which is the south,**  
 12 **has a tiered wall.**

13 **So we basically followed the existing**  
 14 **grade so we're not raising anything above that point.**  
 15 **And we're going to step down to the backyard, which,**  
 16 **kind of, matches where the existing wall location is.**

17 So, instead of creating a high  
 18 retaining wall in the back, we're actually kind of  
 19 leveling off the back property line. Where at the  
 20 rear, the rear left corner, we have a 3-foot-high  
 21 wall, which you're allowed a 4-foot-high.

22 But that's partly we're basing it on  
 23 the existing wall that's about 2 feet right now,  
 24 2-and-a-half feet.

25 **Q.** Go ahead.

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1 **company, or there's a few different manufacturers we**  
 2 **would use. It would be an interlocking wall with a**  
 3 **geogrid system. It would be fully engineered by a**  
 4 **licensed architect with a P.E.**

5 In addition to that, that wall -- site  
 6 engineer, which would be inspected during the  
 7 construction and certified.

8 **Q.** And this is important.

9 So it was also the applicant's offer  
 10 that the wall that's being replaced that abuts that  
 11 neighbor will be memorialized on the plans prepared  
 12 by a certified engineer?

13 In fact, we can disclose it's Mark  
 14 Martins who the applicant has engaged?

15 Those plans will be submitted to  
 16 Mr. Collazuol for his review, revision if necessary,  
 17 and input.

18 But those plans will also be submitted  
 19 to the neighbor's engaged engineer for the engineer's  
 20 advice and consent, not to be unreasonably withheld,  
 21 correct?

22 **A. Correct.**

23 **Q.** So the applicant has subjected himself  
 24 to not one but two thresholds?

25 The neighbor's engineer, again consent

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1 So right now just describe -- because I  
 2 want to do this step-by-step. This is an important  
 3 part of the presentation because this summarizes  
 4 conversations that we've engaged in with the  
 5 neighbor, correct?

6 **A. Yes.**

7 **Q.** So what walls exist on that property  
 8 right now?

9 **A. Right now actually there's a wall in**  
 10 **the back corner that's maybe 5, 6 feet. Then the**  
 11 **property kind of goes up to the -- up to the right**  
 12 **and it gets a little bit higher.**

13 There's a wall that's basically on our  
 14 property at the rear left about 5-feet-high. That's  
 15 an old CME wall that's not in the best of shape.

16 **Q.** In fact, we've engaged in discussions  
 17 with the property owner, whose rear yard abuts  
 18 effectively our rear side yard?

19 **A. Correct.**

20 **Q.** Okay.

21 And in your own words, could you  
 22 describe what was proposed by the applicant?

23 **A. We're proposing a new Keystone wall to**  
 24 **replace the existing CME wall that's in rough shape.**

25 **So, basically, it will be the Keystone**

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1 but not to be unreasonably withheld to make sure that  
 2 we propose is structurally sound and it works, and  
 3 it's consistent with custom and usage for that type  
 4 of wall, and it's going to be stable enough, and of  
 5 course the final say, Mr. Collazuol the board  
 6 engineer?

7 **A. Correct.**

8 **Q.** And what is proposed for the retaining  
 9 wall all the way to the rear?

10 **A. The retaining wall, itself, I guess we**  
 11 **could coordinate that with our engineer -- with the**  
 12 **engineer doing the replacement wall.**

13 **However, the back -- I don't think it's**  
 14 **more than 3 feet so, technically, it doesn't have to**  
 15 **be engineered.**

16 **But just to be on the safe side we have**

17 --

18 **Q.** Basically incorporated it?

19 **A. -- incorporated that, yes.**

20 **Q.** One very important facet that I forgot  
 21 about. On this neighbor's rear yard, there's  
 22 AstroTurf?

23 **A. Yes.**

24 **Q.** And it was professionally laid by an  
 25 AstroTurf company.

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1 The applicant also indicated a  
2 willingness while we construct that wall if there's a  
3 necessity to peel back a section of that AstroTurf,  
4 do whatever needs to be done, the footings, so forth  
5 and so on, and the applicant is unconditionally  
6 committed at its cost and expense to re-lay that  
7 AstroTurf with the appropriate underlayment, with the  
8 appropriate fill that belongs there, in accordance  
9 with proper specification.

10 And, frankly, if necessary engage a  
11 professional who does that type of work to actually  
12 install it

13 Is that your understanding?

14 **A. Yes.**

15 **Q.** All at the applicant's expense?

16 **A. Correct.**

17 **Q.** Let me move on for the moment to  
18 utilities. If you could speak to drainage, starting  
19 in the area, if you would?

20 **A. Sure.**

21 **Right now we have drainage set up for**  
22 **each unit where in the rear, which is the natural**  
23 **point for the drainage, we have two-chamber systems**  
24 **-- I think they're StormTech -- I'm sorry -- CULTEC**  
25 **chambers -- that will take all the roof leaders for**

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1 Number one, is there a formal  
2 stormwater management system onsite right now that  
3 detains and addresses any water that accumulates  
4 onsite?

5 **A. Not that I know.**

6 **Q.** So it just naturally flows, correct?

7 **A. Correct.**

8 **Q.** But it's the applicant's proposal to  
9 professionally engineer a drainage system that will  
10 be subject to the review again of Mr. Collazuol.

11 But, again, in the section of that wall  
12 that we're replacing with the neighbor, that utility  
13 system, those plans will likewise be presented to the  
14 neighbor and its engineer also for review and  
15 consent, not to be unreasonably withheld

16 Is that your understanding?

17 **A. Yes.**

18 **Q.** You've handled the utilities.

19 But, again, utilities are always  
20 subject to the board engineer here.

21 In this particular case, we're going to  
22 also confer with the neighbor's engineer to make sure  
23 that we satisfy their concerns.

24 Is there anything else on the site plan  
25 that you would like to address?

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1 **the units.**

2 However, we also do have a separate  
3 unit to the front that has a CULTEC for the front  
4 portion of the dwelling.

5 **Q.** But for each unit, correct, Bill?

6 **A. Yes.**

7 **Q.** I apologize.

8 **A. That's all right. Yeah, we set it up**  
9 **where each unit has its own CULTEC.**

10 **In addition, we have a front porch and**  
11 **a back porch, which helps break up the drainage**  
12 **instead of intimidating the back yard.**

13 We have some of them in the front --  
14 the front handling the front leaders and the back  
15 handling the rear leaders.

16 We also have field drains at each unit,  
17 field inlets that will -- any water pitches towards  
18 the back wall will be tied into those retention  
19 systems.

20 In addition, the new replacement wall  
21 and the new retaining wall at the rear of our  
22 property will have drainage built into it that will  
23 be tied into the retention system so that we don't  
24 spill into the neighbor's property.

25 **Q.** Two questions.

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1 **A. What I mentioned before. We're**  
2 basically following the existing grade so we're not  
3 raising the property level at all. And then at the  
4 back we're stepping down to the existing grade level  
5 and just kind of smoothing out going from north to  
6 south.

7 We also have -- you know, we could have  
8 raised it a little bit more. But we wanted to get it  
9 down for the height calculations.

10 **Q.** One other thing I just wanted to point  
11 out, that the seepage pit, and in particular the ones  
12 that are proposed nearest to that wall that we're  
13 replacing, will be below what?

14 **A. Below the grade level of the neighbor's**  
15 **property.**

16 **In addition, as we go further up we'll**  
17 have them below the ground line of the existing grade  
18 behind our property line.

19 **Q.** That does what? That further assures  
20 that there will be no water issue that we creat on  
21 the neighbor's property?

22 **A. Yeah.**

23 **We try to put it as deep as we can so**  
24 **it doesn't flow down -- it doesn't flow out towards**  
25 **our floor.**

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1 Q. But, again, that level will be prepared  
2 by Mr. Martins, and that will be submitted to the  
3 parties that we've already indicated?

4 A. Correct.

5 Q. Anything else on the site plan you'd  
6 like to point out?

7 A. No.

8 We also have a Soil Conservation Plan,  
9 which will -- during construction. That's Sheet A-2.

10 Q. I'm going to bring you back, though,  
11 Billy, to A-1. Now, A-1 are your elevations.

12 Briefly, if you would, if you can just  
13 discuss the elevations that are proposed? I believe  
14 you also have height calculations on that page.

15 A. True.

16 You're looking here at the front  
17 elevation. You can see from going from left to  
18 right. The property does step down. So we have  
19 basically a two-step per unit decrease as you're  
20 going towards the south.

21 So each unit will be stepped. There  
22 will be a break in the roof also, which also helps  
23 break up the view of the front.

24 The front will be a typical two-level  
25 duplex. We do have a roof added at the deck at the

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1 if you could just discuss the right elevation, which  
2 is similar, and then get into the floor plan, if you  
3 would briefly?

4 (Whereupon, Elevations and Basement  
5 Plan, Last Revised June 3, 2021, is marked as  
6 Exhibit A-3 for identification.)

7 MR. CORCOROS: Sure.

8 The side elevation, you see the  
9 staircases on the end units are basically on the side  
10 yard. They don't stick out on the front of the  
11 building.

12 We have the entry door which enters  
13 between the living room and the dining room. You can  
14 see the basement door.

15 And then you can see how the property  
16 kind of follows the grade of the adjacent property  
17 down to the backyard. We have a slight elevation  
18 where the transition is the neighbor's retaining  
19 wall, where they have their step up. Then we step  
20 down to our backyard level, which is at the existing  
21 height that's there now.

22 We have the basement plan and the first  
23 floor plan. The basement plan, you can see in the  
24 front we have our garage area. It's a two-car garage  
25 for each one, with 17-foot garage doors for each

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1 back portion. The back has a taller view because of  
2 the drop-off of the existing grade.

3 We have it set up as an all-brick  
4 structure; however, we do have stucco and a panelized  
5 system at the front bay windows and at the side bay  
6 windows.

7 In addition, we tried to minimize the  
8 side bay windows where we only have them coming out  
9 about 20 inches. And instead of connecting them, we  
10 have them broken up so they're not all the way fully  
11 occupying the side yard of the building.

12 In addition, the steps themselves, we  
13 have a comfortable 4-foot-2 instead of the usual  
14 3-foot-2 on the side yard. And then we have  
15 8-feet-2-inches to the broken line, itself.

16 MR. SOKOLICH: Billy, if you would,  
17 flip to your next page, presuming you're done with  
18 A-1.

19 I'm going to mark the next page --  
20 since S-1 cut the line, we're going to mark this as  
21 A-3.

22 For the record, this plan is entitled,  
23 "Elevations and Basement." A last revised date of  
24 June 3, 2021.

25 Billy, staying consistent, elevation,  
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1 unit, which is more than comfortable to get cars in  
2 and out.

3 We have a staircase up to the first  
4 floor recreation room. A recreation room in the  
5 back. Home office. The middle unit just has a  
6 recreation with a door out to a deck. There's a deck  
7 on the first floor, then you step down to the  
8 backyard.

9 MR. SOKOLICH: Thank you.

10 BY MR. SOKOLICH:

11 Q. And the first floor plan?

12 A. The first floor is the main living  
13 space. We have basically a living room, dining room,  
14 kitchen, and a small family room in the back with a  
15 sliding glass on the deck.

16 Each unit basically has the same  
17 configuration, except the middle unit has a staircase  
18 out to the front platform.

19 Q. Good?

20 A. Yeah.

21 MR. SOKOLICH: Sorry to rush you.

22 I'm going to mark, which I believe to  
23 be your final plan, as A-4, initially dated. This is  
24 entitled, "Floor Plans" once again.

25 Again, a last revised date of June 3,  
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1 2021.  
2 (Whereupon, Floor Plans, Last Revised  
3 June 3, 2021 is received and marked as Exhibit  
4 A-4 for identification.)

5 BY MR. SOKOLICH:

6 **Q.** But I'm just going to bring you back  
7 one second. You were talking about the site plan  
8 before.

9 We were talking about the neighbor's  
10 AstroTurf that we're going to have to impact at least  
11 temporarily to replace that wall.

12 We did confirm, did we not, that that  
13 will all be done at the applicant's expense and will  
14 be professionally reinstalled by a qualified  
15 contractor of the applicant, correct?

16 **A. Yes.**  
17 **We incorporated that into our**  
18 plan.

19 **Q.** And that you'll make the appropriate  
20 notation on the building plan that are submitted for  
21 approval?

22 **A. Yes.**

23 **Q.** A-4, if you would just finish up with  
24 the floor plan?

25 **A. The bedroom level, the second floor, we**  
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1 **Q.** Billy, we've reviewed what we call your  
2 architectural site plan. We now conferred ad nauseam  
3 that your utility plan will be subject to the  
4 approval, as we had discussed. We've also spoken  
5 about the walls that we're going to be replacing that  
6 are going to be professionally engineered at the cost  
7 of the applicant. We've also reconfirmed the  
8 AstroTurf that we're going to be dealing with that at  
9 our own expense, and on notice to the neighbor  
10 obviously. We're not going to show up one day.  
11 We're going to have to plan that out.

12 You've also spoken about the floor  
13 plans. And also you've talked about the exterior  
14 treatments.

15 Is there anything else that you would  
16 talk about regarding your architectural plans, A-1  
17 through A-4?

18 **A. One more thing regarding the site plan.**  
19 On top of that fence, on top of the wall we'll need a  
20 fence. That's going to be a chain-link or  
21 vinyl-coated chain-link along the neighboring  
22 property so nothing falls off.

23 **Q.** Understood.

24 That too we'll confer with the neighbor  
25 specifically?

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1 **have it set up as a three-bedroom configuration for**  
2 **each unit.**

3 **In the front we have the two secondary**  
4 **bedrooms.**

5 **In the back we have a primary suite**  
6 **with its own ensuite bathroom, which includes a**  
7 **freestanding tub, shower area, toilet alcove, double**  
8 **sink.**

9 **There's also two walk-in closets for**  
10 **each unit. The primary suite.**

11 There's also a hall bathroom that the  
12 two other bedrooms share. We have a side-by-side  
13 laundry and linen closet for each unit.

14 On this configuration we also have an  
15 attic -- finished attic portion with a roof deck out  
16 the back. The reason we put the privacy screen in  
17 the back is we have a view of the Meadowlands since  
18 we're up so high. Then we also set it up where the  
19 attic has the sliding glass door out to the roof deck  
20 in the back.

21 The front, it's basically just the  
22 bulkhead that's kind of hidden behind the roof. So  
23 we tried to minimize the impact of the roof deck by  
24 setting in the roof deck in from the side and setting  
25 it back from the front as much we could.

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1 Is anything else that you would like to  
2 add?

3 **A. No.**

4 MR. SOKOLICH: Thank you.

5 Chairman, I offer Mr. Cocoros.

6 CHAIRMAN FERGUSON: Okay. Before we  
7 open for questions.

8 But what I'm trying to get, you know, I  
9 received a letter last Friday from Mr. Wurms. And he  
10 pointed out two things that he was concerned about.  
11 One was a wall, a 5-foot wall, that you said was in  
12 danger of falling. The other thing was the drainage.

13 Now, we have our expert drainage guy  
14 that's going to review the drainage.

15 What you heard tonight, are you  
16 satisfied with what you heard tonight?

17 MR. WURMS: Mr. Chairman, do you want  
18 me to put my appearance first.

19 CHAIRMAN FERGUSON: Yes, please.

20 MR. WURMS: Marcel Wurms, 335 Passaic  
21 Avenue in Lodi, on behalf of the neighbor at 317  
22 Ninth Street, Wendy Burgess.

23 And yes, we're completely satisfied  
24 with all the items that were added in the record.

25 All of our concerns have been  
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1 adequately addressed.  
 2 CHAIRMAN FERGUSON: Okay.  
 3 So, Mr. Sokolich, if the board was to  
 4 act favorably on this application, the board would  
 5 put that requirement into the resolution.  
 6 MR. SOKOLICH: We request it, Chairman.  
 7 Thank you.  
 8 MR. WURMS: So we're all on the same  
 9 page.  
 10 MR. SOKOLICH: Absolutely.  
 11 CHAIRMAN FERGUSON: Now, any board  
 12 members have anything?  
 13 MR. WURMS: Mr. Chairman, if I could  
 14 just ask the attorney, I don't know when you prepare  
 15 it, I would prefer you send me a copy of the  
 16 resolution, that one section.  
 17 I would appreciate it.  
 18 MR. SOKOLICH: I will represent that I  
 19 will get it to him also, if you get me a copy.  
 20 MR. WURMS: Thank you, everybody.  
 21 CHAIRMAN FERGUSON: Steve.  
 22 MR. COLLAZUOL: It's not a problem with  
 23 the drainage.  
 24 I would assume that they're  
 25 acknowledging our report and will do all those items

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1 a question or an objection.  
 2 Is now the time for objections?  
 3 CHAIRMAN FERGUSON: Well, objections  
 4 come at the end of the meeting. These are questions  
 5 for Mr. Cocoros.  
 6 MR. PETROSILLO: Well, I guess I just  
 7 want to clarify the --  
 8 VICE CHAIRMAN ALBANESE: His name.  
 9 MS. DeCARLO: Name and address.  
 10 MR. PETROSILLO: My name is Jeff  
 11 Petrosillo from 326A Ninth Street.  
 12 And I'm really concerned about the  
 13 height. The height you said is 39.5 feet in the  
 14 front, correct?  
 15 MR. COCOROS: Well, yeah, that's in  
 16 relation to the highest roof peak.  
 17 But that's what we do.  
 18 So we're basically taking the highest  
 19 midpoint roof from the average grade. That's the  
 20 Unit C, which is all the way to the right.  
 21 The roof height to the end unit is  
 22 36-feet-7-inches.  
 23 So, yeah, we are requesting a variance  
 24 for the 3-and-a-half stories, 39-feet-3-inches.  
 25 That's measured from the average grade, which is four

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1 in the report.  
 2 MR. SOKOLICH: You know, Mr. Collazuol,  
 3 I forgot, and I apologize.  
 4 We do acknowledge your report. I'm  
 5 sorry about that.  
 6 MR. COLLAZUOL: Not a problem.  
 7 I just want to point out that typically  
 8 the duplex requirements are such that no wall can  
 9 exceed 4 feet height. This being a triplex, I'm not  
 10 certain it applies.  
 11 But I would suggest that a variance be  
 12 requested for the wall to be replaced if it exceeds  
 13 4 foot in height.  
 14 MR. SOKOLICH: We would ask that our  
 15 application be amended to include that extra  
 16 retaining wall height.  
 17 Thank you, Mr. Collazuol. Based on the  
 18 existing height that's there now.  
 19 CHAIRMAN FERGUSON: Are you okay with  
 20 everything else.  
 21 MR. COLLAZUOL: Yeah.  
 22 CHAIRMAN FERGUSON: Now, anybody in the  
 23 audience have any questions for Mr. Cocoros?  
 24 Any questions at all?  
 25 MR. PETROSILLO: I don't know if I have

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1 corners, which is basically we took -- we didn't  
 2 raise the grade at all, which we could have done and  
 3 reduced the height by about 2-and-a-half, 3 feet.  
 4 We basically took all four corners and  
 5 got our average, then we set up our height.  
 6 MR. PETROSILLO: Just so I understand.  
 7 That's about 50 percent over the zoning regulations  
 8 currently, correct.  
 9 MR. COCOROS: Twenty-five is required  
 10 for a non-duplex. A duplex is 28 -- for the duplex.  
 11 However, this is considered a triplex. And the  
 12 requirement is 25 feet.  
 13 But there's a planner on board that can  
 14 explain why this variance can be granted.  
 15 But the setbacks are bigger than what's  
 16 allowed from a minimum point of view. Also, the  
 17 setbacks themselves on a regular duplex is 28 feet.  
 18 Similar duplexes have been developed on  
 19 these type of down side lots where we have similar  
 20 heights and 6-foot side yards.  
 21 MR. PETROSILLO: Okay. Because of the  
 22 setbacks on the side exception.  
 23 MR. COCOROS: Well, it helps mitigate  
 24 it. The planner is here to explain the --  
 25 MR. PETROSILLO: That was my main

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1 question. All right.  
 2 Thank you very much.  
 3 CHAIRMAN FERGUSON: The reason why it's  
 4 so high, though, is because of the land, correct.  
 5 MR. COCOROS: Yeah. We have 9 foot on  
 6 one side and a 14-foot drop-off on the other side.  
 7 We use artificial grade that uses a  
 8 small portion, about 2 feet, to align with the  
 9 neighbor's property on the rear left corner.  
 10 CHAIRMAN FERGUSON: You have to. The  
 11 pitch was -- if you look at the pictures...  
 12 MR. COCOROS: You can see here from the  
 13 front to back at the building point is almost 6 foot  
 14 a 3-and-a-half, 4 feet of drop-off.  
 15 MR. PETROSILLO: I understand the drop  
 16 in grade, further up the road backfill to fill it.  
 17 I mean, our biggest concern is just the height from  
 18 the road to the top of the building. It's abnormally  
 19 high. It's going be massive.  
 20 My other concern is just the fact that  
 21 if we make exception here, there's three other  
 22 oversized lots on the road, and if we're now making  
 23 an exception here, this will be triplexes down the  
 24 entire road all 50 lots.  
 25 MR. COCOROS: Those lots are bigger in  
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1 size. So it's not your typical 75-by-100 and put a  
 2 three-family on here. We have a little bit more  
 3 room.  
 4 MR. PETROSILLO: I guess the problem is  
 5 all the other lots on the street are in a similar  
 6 situation. One is 85. One is 75. One is 65, a  
 7 little bit smaller, but that similar situation.  
 8 MR. COCOROS: I understand.  
 9 CHAIRMAN FERGUSON: Anybody else have  
 10 any questions for Mr. Cocoros?  
 11 (No response.)  
 12 CHAIRMAN FERGUSON: Call your next  
 13 witness.  
 14 MR. SOKOLICH: I do. Thank you.  
 15 Thank you, Mr. Spatz.  
 16 While Mr. Spatz approaches, we have a  
 17 handout.  
 18 MS. LAMBRINIDES: Mayor, I can take  
 19 those for you.  
 20 MR. SOKOLICH: You can? Thank you so  
 21 much.  
 22 MS. DeCARLO: Do you swear or affirm  
 23 that the testimony you'll give regarding this  
 24 application is the truth, the whole truth, and  
 25 nothing but the truth, so help you God?  
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1 MR. SPATZ: Yes, I do.  
 2 D A V I D S P A T Z, P.P.  
 3 60 Friend Terrace, Harrington Park, New Jersey,  
 4 having been duly sworn, testifies as follows:  
 5 MS. DECARLO: Will you state your name  
 6 and address for the record, please.  
 7 MR. SPATZ: Sure.  
 8 My name is David Spatz, S-P-A-T-Z. My  
 9 business is address is 60 Friend Terrace, Harrington  
 10 Park, New Jersey.  
 11 CHAIRMAN FERGUSON: Can we keep it down  
 12 to a dull roar, please, so we can hear the next  
 13 person.  
 14 Okay, Mr. Spatz has been here many  
 15 times. We will accept him as an expert.  
 16 MR. SOKOLICH: Thank you, Chairman.  
 17 (Whereupon, Photoboard with Four  
 18 Photographs, Dated July 19, 2021, is marked as  
 19 Exhibit A-5 for identification.)  
 20 DIRECT EXAMINATION  
 21 BY MR. SOKOLICH:  
 22 **Q.** So, David, do we have an extra copy?  
 23 Can I steal this one and use this one for the board?  
 24 **A. Sure.**  
 25 **I had it marked.**  
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1 **Q.** Do you mind?  
 2 Are you sure? Thank you.  
 3 So, Mr. Spatz, before you get going  
 4 with your planning assessment, background, findings,  
 5 statutory basis for what we contend to be a basis for  
 6 the variance relief and identification of the  
 7 variances, you have an exhibit that consists of four  
 8 photographs that I premarked as A-5. And I've dated  
 9 it today, July 19.  
 10 Going clockwise, starting up in the  
 11 left, if you would just please identify what's  
 12 depicted in each of those photos?  
 13 **A. Certainly.**  
 14 **The top left-hand photograph is of the**  
 15 **subject property.**  
 16 The top right-hand photograph is  
 17 looking to the right of our property. It's primarily  
 18 one-family homes. And you can see the topography  
 19 rises up as you head in that direction.  
 20 The bottom left-hand photograph is to  
 21 the left of our site. Also a single-family home.  
 22 You can see the sloping down.  
 23 And then the last photograph, the  
 24 bottom right-hand photograph, is looking directly  
 25 across the street. The opposite side of us has a lot  
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1 of two-families homes.  
2 I'll also note that in driving around  
3 the neighbor, there are a number of other triplexes  
4 in this area. Many of them mid-block. Some of them  
5 on corners. But it's not unusual.

6 As was described, earlier, typically  
7 those are on 65- or 75-foot width properties. Ours  
8 is excessively large that way, in that we're  
9 85-foot-wide and about 3,500 square foot larger than  
10 what is required for a two-family home.

11 So looking at our variances, we  
12 actually only need two variances. Both of them are  
13 (d) variances.

14 Q. And, David, I'm sorry.

15 A. Yeah.

16 Q. You were present during Mr. Cocoros'  
17 testimony?

18 A. I was, yes.

19 Q. I apologize for interrupting you.

20 A. No problem.

21 Q. You did hear, and you now acknowledge  
22 that we have amended our application to include that  
23 height variance for that retaining wall?

24 A. Yes.

25 Q. Pardon me. No more interruptions.

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1 three-family, but on a much larger lot.  
2 Typically two-families require  
3 50-by-100, which would be 5,000 square feet. Adding  
4 another unit would be 7,500.

5 But we are beyond that; we are 8,500.  
6 So the lot is much larger than what would be typical.  
7 Mr. Cocoros indicated that -- and I think what's  
8 important about this is that we do not need any other  
9 variances. No setback variances, front, rear or side  
10 yard. We meet all the coverage limitations.

11 So I think that because we have a  
12 greater separation between the adjacent properties,  
13 building the extra unit as well as a bit taller in  
14 height, I think can be supported because there is a  
15 lot more open space surrounding our property.

16 As I've indicated, we are, I think,  
17 particularly well suited because the lot is 3,500  
18 square feet larger than what is needed for a  
19 two-family.

20 In terms of height limitations, we are  
21 taller than the single-family homes, but similar in  
22 height to the three-family homes. Mr. Cocoros  
23 described topographical conditions on the property  
24 that create a slightly higher building. Given the  
25 concerns of the neighbor regarding drainage issues

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1 A. I wouldn't say that, but okay.

2 Q. I let you go on clockwise, just so you  
3 know.

4 A. I know. I went out of order.

5 Q. Clockwise to me is this. But you did  
6 that. And I let it go.

7 A. I have a different watch. It's okay.

8 So we only need two (d) variances, two  
9 bulk variances. The use, two families are permitted.  
10 We have a three-family.

11 Then there's a (d) variance for height.  
12 Mr. Cocoros described that a bit as well.

13 So looking at the special reasons to  
14 justify the two (d) variances. We are consistent  
15 with and do support the purposes as stated in the  
16 Municipal Land Use Law that creates the special  
17 reasons for granting the variances.

18 We meet Purpose A, which is promoting  
19 the public health, safety, morals and general  
20 welfare. Providing housing in a residential  
21 neighborhood, addressing the topographic conditions,  
22 improving the drainage, that all goes to public  
23 benefit.

24 Purpose E is the establishment of  
25 appropriate population densities. We have a

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1 and the wall, we felt that it was better rather than  
2 to do some grading changes to technically reduce the  
3 height of the building, it would be best to leave it  
4 as is to provide the drainage, which both reduces  
5 drainage on our property and off, but particularly  
6 our adjacent neighbor.

7 So I think, you know, that creates a  
8 little greater height than what we could attain by  
9 reducing the grade of the building. But I think that  
10 provides a much better drainage situation.

11 And as I've noted, we meet all of the  
12 setback and coverage limitations of the zone. So  
13 there is a lot more open space and separation between  
14 our building and the adjacent building.

15 So I think the special reasons exist  
16 for both of the (d) variances, the use as well as the  
17 height.

18 In terms of the negative criteria, the  
19 question is whether things are substantially  
20 negative. And I don't believe there's anything  
21 that's substantially negative. We are in character  
22 with the surrounding uses. There are three-families  
23 in the immediate vicinity. Across the street are  
24 primarily two-families. We fit in again because of  
25 the lot is significantly larger than what would be

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1 typical for a three-family building. We are fully  
2 conforming to the setbacks and coverage.  
3 In terms of the parking, as was  
4 described again by Mr. Cocoros, we have a conforming  
5 amount of parking on the site. We exceed what the  
6 RSIS requires for this, so there's a little bit of  
7 extra parking on the property.

8 And on balance, I believe that -- just  
9 the one additional variance was as to the height of  
10 the wall, which was pointed out earlier.

11 Again, that is directly related to the  
12 topographical conditions of the property. The wall  
13 is being done consistent with the assistance of the  
14 neighbors as well as reviewed by two other engineers.  
15 So I think that the extra height is really what is  
16 needed on that.

17 So, again, on balance I think the  
18 positive criteria are met. I believe that they far  
19 outweigh anything that might be considered negative.  
20 And I believe it's appropriate to grant the  
21 variances.

22 So that concludes my testimony. I'm  
23 happy to answer any questions.

24 CHAIRMAN FERGUSON: Do any board  
25 members have anything for the planner?

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1 curious.

2 MS. LEWRIS: Are there three-family  
3 homes in this town?

4 CHAIRMAN FERGUSON: Oh, absolutely.

5 MS. LEWRIS: Do we have any on Ninth  
6 Street?

7 MR. SPATZ: Not at this area.

8 But if you take a little wider view of  
9 it, there are a number of three-family homes.

10 MS. LEWRIS: Okay.

11 Well, I've been here 61 years. They're  
12 illegal three-families. But there are no legal in my  
13 area.

14 CHAIRMAN FERGUSON: No. Let me just  
15 say this for your benefit. Obviously most lots in  
16 Palisades Park are 50-by-100.

17 MS. LEWRIS: Right.

18 CHAIRMAN FERGUSON: Up on that end of  
19 town you have bigger lots, right. We would never  
20 agree, and a builder can never be build a 3-unit  
21 house on a 50-foot lot. It just wouldn't fit.

22 This application is, I think, over 80  
23 feet, 85 feet. So if you look at it the way I do,  
24 because two -- you get a duplex on a 50.

25 He would get another house on the

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1 (No response.)

2 CHAIRMAN FERGUSON: Steve, you have  
3 nothing for the planner.

4 MR. COLLAZUOL: No.

5 Just the other thing is that  
6 Mr. Kauker's report indicates that it's four stories  
7 in height.

8 Mr. Cocoros indicates it's 3-and-a-half  
9 stories. So we'll go according to the plan as  
10 submitted, correct?

11 MR. SPATZ: That's fine, yes.

12 Again, the height is really related to  
13 the topography of the property itself.

14 MR. COLLAZUOL: Yeah.

15 CHAIRMAN FERGUSON: Okay. Anybody in  
16 the audience have any questions for the planner? Any  
17 questions at all?

18 Yes. Your name and address, please?

19 MS. LEWRIS: Michelle Lewris. I'm at  
20 313 Ninth Street.

21 CHAIRMAN FERGUSON: Okay.

22 MS. LEWRIS: I'm curious as to the  
23 three families that you're talking about, the  
24 three-family homes.

25 CHAIRMAN FERGUSON: Okay, what is the

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1 remaining, you know, 30 feet.

2 In addition, he's not asking for any  
3 variances. He's only asking for a height variance  
4 and a use variance because of the two-family zone,  
5 right.

6 So that's, you know, under the board,  
7 people -- you can't -- in this town you just can't  
8 build three-family houses unless it comes to the  
9 board.

10 MS. LEWRIS: Right, yeah.

11 CHAIRMAN FERGUSON: And we approve it.  
12 That's why he's in front of the board. He's  
13 requesting a variance for the third place.

14 MS. LEWRIS: And wasn't there also in  
15 the letter, Wendy, about the size of the parking.

16 MS. BURGESS: Yes. I'll get it.

17 They want small dimensions.

18 MS. LEWRIS: It said in the letter that  
19 they wanted smaller dimensions than what was, you  
20 know...

21 MR. SOKOLICH: We have no such request.  
22 We don't. We have no such request.

23 MS. LEWRIS: Including a waiver for  
24 parking stall dimensions and parking stall area.

25 MR. SOKOLICH: We're not making any

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1 request for a smaller parking space. That just  
2 preserves our right, so we put that in the notice.  
3 Thank you.  
4 MS. LEWRIS: The other thing is  
5 addressing the parking situation on Ninth Street to  
6 begin with. There's no -- I mean, I have tenants in  
7 my house. I do have a two-family -- legal two-family  
8 house, and I have tenants.

9 The parking is just gone. You know,  
10 what does that do to my life? And, you know, I've  
11 been here all these years. I'm not leaving.

12 And I want to have parking for the  
13 tenants. I mean, parking is already at such a  
14 minimum, you know, it's crazy.

15 CHAIRMAN FERGUSON: Right. And I  
16 agree.

17 But as you heard from the experts, RSIS  
18 is what governs parking, right, in the State of  
19 New Jersey.

20 RSIS is saying you need nine parking  
21 spaces. For a building with this dimension you need  
22 nine. He's saying he's got 12. So he's three over  
23 than what he needs, according to the state statutes.

24 Now, I agree with you that people don't  
25 use their driveways. That's the problem. I used to

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1 taking away one of the spots people from the other  
2 side, you know, the next block across Central  
3 we park cars. And everybody parks on the street.

4 MS. BURGESS: It's because they rent  
5 out the basement.

6 CHAIRMAN FERGUSON: No. I appreciate  
7 your concern.

8 MS. LEWRIS: It's a big concern.

9 CHAIRMAN FERGUSON: But the bottom line  
10 is, the state law, RSIS, says they need nine.

11 They're not asking for a variance for parking.

12 If a person came in and said: I want  
13 to build this with sis parking space. They would  
14 need a variance. And I doubt very sincerely the  
15 board would grant it.

16 But he's three over. He's not under;  
17 he's over.

18 MS. LEWRIS: I guess my issue is I'm  
19 just tired of all the huge monstrosity duplexes and  
20 triplexes in our lovely town. That's really the  
21 bottom line.

22 CHAIRMAN FERGUSON: No, I hear you.

23 Anybody else?

24 (No response.)

25 CHAIRMAN FERGUSON: Okay. Now we come

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1 live on Highland Avenue. It's a very nice street.  
2 Parking was -- I sometimes had to walk a  
3 block-and-a-half to get into my apartment house. My  
4 apartment house didn't have parking.

5 So one day I was walking down and I  
6 noticed an empty driveway. I knew the owner. I said  
7 to him, "Hey, how come you don't park in your  
8 driveway? Because, you know, the street is -- you  
9 know, parking is tough.

10 His answer was, "I have just as much  
11 right as you to park on the street." And it's  
12 inconvenient for me because I've got to move a car  
13 out of the way to get to the second car. So for him  
14 -- I mean, he's right. I mean, the street is for  
15 everybody.

16 MS. LEWRIS: It is true. I mean, I  
17 have two cars.

18 And my driveway is not wide. You know,  
19 I have my car, my daughter's car. And we juggle back  
20 and forth. Tenants can't park in my driveway.  
21 There's just no room for them.

22 So I have spots, you know, in front of  
23 my house. I have enough room for two cars to park  
24 there.

25 Except, you know, now this will be

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1 to the portion of the meeting where anybody can say  
2 anything about the application.

3 So if you have a comment, you want it  
4 there or you don't want it there, you want to talk  
5 about parking. As long as we don't get too  
6 repetitious about the same, you know, issue all the  
7 time.

8 So does anybody in the audience have  
9 any questions, comments, concerns, problems?

10 MR. PETROSILLO: Objections?

11 CHAIRMAN FERGUSON: Objections.

12 Your name and address again.

13 MR. PETROSILLO: Yes.

14 Jeffrey Petrosillo. 326A and 328 Ninth  
15 Street, directly across the street from the proposed  
16 development.

17 Yeah. I think it's just out of  
18 characteristic for the neighborhood, especially the  
19 height of the building.

20 We have no other three-family houses in  
21 the neighborhood. And when you think of the  
22 neighborhood Pal Park, it really is street -- the  
23 neighbors are taking the garage out, walking the dog.  
24 That is kind of the neighborhood.

25 So this definitely disrupts the

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1 characteristic of that neighborhood. It takes away  
2 85 feet of parking. I can see that's part of just  
3 the changing shape of Pal Park. There's not really  
4 much we can do about it.

5 I'm really more concerned about the  
6 variance on height. I think that variance on height,  
7 this will also be the tallest building. It sets a  
8 new precedent in the neighborhood as far as how high  
9 buildings can be on that block.

10 I think you're asking for a 40 percent  
11 variance in the number of floors and a 50 percent  
12 variance in the height of the building. If this is  
13 what we want Pal Park to look like, then let's update  
14 the zoning and just make that the same for everyone  
15 in the town. Everyone can now have 50 foot and  
16 3-and-a-half floors.

17 We had a -- I think it was -- yeah, it  
18 was Block 414, Lot 15, 321 Tenth Street, we had the  
19 same exception, not for three. Behind us there's now  
20 a four-story house behind us. And that doesn't have  
21 two families. That has four to eight families.  
22 Every floor has a different set of families. Every  
23 floor has a different renter.

24 So you took a one-family house and  
25 replaced it with eight families. I think that's

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1 our classrooms are busting at the seams. The  
2 population is just out of control.

3 And as we were talking about with the  
4 triplex, that's not three families; that's six at  
5 minimum. So just the number of cars of course, the  
6 number of people, and the height.

7 My father was a quadriplegic. He's now  
8 deceased. And we wanted a very small height variance  
9 on our home, and we were not granted it.

10 So I'm just a little confused as to why  
11 all these giant homes are being erected all over town  
12 with these crazy height variances but, you know, a  
13 quadriplegic man was not granted one.

14 CHAIRMAN FERGUSON: Right.

15 Some -- and I'll let the attorney  
16 answer.

17 But this house, a lot of the house has  
18 to do with the slope of the land, which goes -- you  
19 know, you can't -- because there's a 6- to 9-foot  
20 drop on one side, you can't -- you have to build up  
21 the other end so it's even. I mean, there's no --  
22 unfortunately, Palisades Park is built on a hill.

23 MS. ALEXIS LEWRIS: I know. We live on  
24 a hill as well.

25 MR. LEWRIS: Why didn't we get our  
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1 really the biggest concern. You're taking a  
2 one-family house and you're replacing it with six --  
3 it's three, probably six to twelve families will be  
4 living there, especially if you're talking about 12  
5 spots.

6 Yeah, that's really the biggest  
7 concern. I mean, we talk about a population density.  
8 I think that's my concern here, the increase in the  
9 population density drastically.

10 CHAIRMAN FERGUSON: So do you have any  
11 comments.

12 MR. SOKOLICH: Myself?

13 CHAIRMAN FERGUSON: Yeah.

14 MR. SOKOLICH: I was going to let the  
15 public conclude and then respond, if that's  
16 acceptable.

17 CHAIRMAN FERGUSON: Sure.  
18 Does anybody else have any comments?

19 Yes. Name and address, please.

20 MS. ALEXIS LEWRIS: Alexis Lewris, 313  
21 Ninth Street.

22 I also echo his issue with the height.  
23 Like he said, there aren't any homes in our direct  
24 vicinity that are that high.

25 I'm a teacher in the high school. And  
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1 variance? I don't even have a proper pitch to my  
2 roof. We have six. Why didn't I get my variance  
3 granted when I went before the board?

4 CHAIRMAN FERGUSON: Did you ask for  
5 one.

6 MR. LEWRIS: Of course I did. I don't  
7 even have a crawl space in my attic.

8 MR. SOKOLICH: Chairman, relevance.

9 MR. LEWRIS: And it was not granted  
10 then. What is the reason other than to -- I

11 understand your point about the grade of the land,  
12 right. But, you know, I mean, it's really ruining  
13 the whole -- the whole -- the whole...

14 MS. ALEXIS LEWRIS: It's just kind of  
15 cram as many people as you can in.

16 MR. LEWRIS: The high school is  
17 bursting at the seams.

18 CHAIRMAN FERGUSON: Okay, Counsel, do  
19 you want to respond.

20 MR. SOKOLICH: If the public is  
21 concluded closing remarks.

22 CHAIRMAN FERGUSON: Nobody in the  
23 public, that's it.

24 MR. SOKOLICH: Chairman, I mean, the  
25 three focal points of the objections: Height,

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1 parking and enforcement.  
 2 Height, again as Mr. Cocoros and  
 3 Mr. Spatz testified to, it's well within our rights  
 4 to excavate and get a soil movement permit from a  
 5 jurisdiction other than Palisades Park. That's going  
 6 to create 7-, 8-, 9-, 10-foot-high retaining walls.  
 7 It's going to create, what we believe to be, safety  
 8 problems. And, number two, what we believe to be  
 9 flooding not only for the subject premises, but also  
 10 the properties in the area. It's going to be very  
 11 difficulty to engineer from a drainage standpoint,  
 12 number one.  
 13 Number two, as far as parking, it goes  
 14 hand-in-hand with enforcement, because we're hearing  
 15 that there are places that are lawfully existing  
 16 two-families, lawfully three-families, but now  
 17 they're four-families. They're six-families.  
 18 I think it's abundantly unfair to  
 19 presuppose that this applicant is going to break the  
 20 law, and any subsequent property owner is going to  
 21 break the law. We can't assume that someone is going  
 22 to unlawfully use their downstairs apartment for --  
 23 that's an enforcement issue -- and I say this with  
 24 all due respect -- is beyond the jurisdiction, number  
 25 one, of this board.

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1 But this is 85. This is not a popular-sized property  
 2 in Palisades Park.  
 3 And, Chair, I would only conclude with,  
 4 you'd ultimately end up with potentially a duplex and  
 5 a small single-family next to it. So the density is  
 6 almost the equivalent of what we're asking for now.  
 7 I will also tell you that this board  
 8 should likewise consider that any issues that we've  
 9 identified concerning construction, we've done  
 10 everything we could do to mitigate. And we've  
 11 reached what we believe to be a very fair and for us  
 12 expensive arrangement with a neighborhood.  
 13 But that's the applicant confirming  
 14 that it is not willing to turn a tin ear to those  
 15 concerns. And we wanted to appear before this board  
 16 with as few issues as possible.  
 17 So for the reasons that I cited, for  
 18 the reasons that Mr. Spatz has articulated, we would  
 19 respectfully request that the board act favorably on  
 20 this very exceptionally sized piece of property  
 21 that's not going to constitute an argument for many  
 22 other properties in Pal Park because it distinguishes  
 23 itself.  
 24 Thank you so much for your  
 25 consideration.

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1 And number two, they should be reported  
 2 to the Building Department and they should be brought  
 3 to justice.  
 4 But that can't not allow an applicant  
 5 to make a sound application that has many more,  
 6 actually 25 percent more parking than state law  
 7 requires them to have, and because others are not  
 8 following the letter of law, this applicant and  
 9 property owner, frankly, should be prejudiced  
 10 against. I say that with all due respect.  
 11 So we do believe what the height -- and  
 12 Mr. Spatz relied on the Grasso case -- it's a case by  
 13 case basis.  
 14 Jeff points out -- and I forget his  
 15 last name. I don't want to call him by his first  
 16 name. There's a floodgates argument here. You know,  
 17 if you approve this one, all the others... Well, no,  
 18 Because there aren't, to my knowledge, other 85-foot  
 19 lots that are in the immediate vicinity. Maybe 65,  
 20 maybe 75-foot lots. But I tried that before -- if I  
 21 could finish, please.  
 22 So I've tried the 65s and 75s. And  
 23 you've sent me with my head between my tail out of  
 24 this board room, frankly. I've gotten that message.  
 25 And I think that message is loud and clear out there.

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1 CHAIRMAN FERGUSON: Okay.  
 2 MR. PETROSILLO: Can I respond to that,  
 3 or no?  
 4 MR. SOKOLICH: No.  
 5 CHAIRMAN FERGUSON: Well, I do not want  
 6 to continue --  
 7 MR. SOKOLICH: Chairman, we're done.  
 8 CHAIRMAN FERGUSON: -- forever because  
 9 we've got three other cases on.  
 10 MR. PETROSILLO: One statement.  
 11 CHAIRMAN FERGUSON: I'll give you two  
 12 minutes.  
 13 MR. PETROSILLO: Okay. So I conclude  
 14 with the point on a duplex. I think that's  
 15 -- the way it's laid out. It's great. I think  
 16 that's the best use of space. There is an 85-foot  
 17 lot right next door so it's not rare. There's  
 18 one right next door.  
 19 But I understand why they're doing the  
 20 duplex.  
 21 But I think the height is an issue. A  
 22 3-and-a-half story duplex, that compounds the issue.  
 23 If you're doing a three-family home with  
 24 2-and-a-half, that's great.

That's something that I think the  
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1 neighborhood can be fair with and be happy with.  
 2 But if you're doing 3-and-a-half,  
 3 you're making the width exception, adding a  
 4 monstrosity, it ruins the character of the  
 5 neighborhood.

6 Looking at the floor plans, it's clear  
 7 that that's going to allow for future rentals, it's  
 8 going to allow for future lawbreakers. And it's just  
 9 not something that's acceptable. Having those four  
 10 floors is just it's excessive.

11 MR. SOKOLICH: Chairman, I would only  
 12 say in response to that that if this were a  
 13 conventionally sized piece of property and this were  
 14 a duplex application, that would have more of a  
 15 negative impact on parking on the neighborhood than  
 16 this application would. Because that duplex has a  
 17 garage door that barely fits two cars, barely fits  
 18 one if not two cars in the driveway. Here there is a  
 19 healthy amount of space for two in, two in the  
 20 driveway. And if people aren't going to want to, as  
 21 your example, you know, pull out a car, pull out  
 22 another car, you can fit at least two cars there.

23 So there's two other vehicles that are  
 24 being parked. That wouldn't be accomplished on a  
 25 conventional sized lot. We conclude our case.

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1 MR. TERRANOVA: No.  
 2 MS. LAMBRINIDES: Mr. Chung? Abstain?  
 3 MR. CHUNG: Abstain.  
 4 CHAIRMAN FERGUSON: Mr. Chung?  
 5 Charlie, he's an alternate so he can't  
 6 vote.

7 MS. LAMBRINIDES: Ms. Yoon?  
 8 MS. YOON: Yes.  
 9 MS. LAMBRINIDES: Mr. Elefteriou?  
 10 MR. ELEFTERIOU: Yes.  
 11 MS. LAMBRINIDES: Mr. Grala?  
 12 MR. GRALA: Yes.  
 13 MS. LAMBRINIDES: Mr. Carnovale?  
 14 MR. CARNOVALE: Yes.  
 15 MS. LAMBRINIDES: Mr. Brogna?  
 16 MR. BROGNA: Yes.  
 17 CHAIRMAN FERGUSON: He's an alternate.  
 18 MR. SOKOLICH: Chairman, Vice Chairman,  
 19 Members of the Board, Public, thank you.  
 20 Thank you for your consideration.  
 21 Good night all.  
 22 Thank you.  
 23 CHAIRMAN FERGUSON: Okay. The next one  
 24 is Daniel.  
 25 Dan, you're up.

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1 CHAIRMAN FERGUSON: Okay. So we're  
 2 going to call -- so I'm going to make a motion we  
 3 approve the application as submitted. However,  
 4 there's a couple of things I want to... We need  
 5 \$2,000.00 for the Tree Preservation Fund obviously.

6 Also, we need -- we're going to grant  
 7 the variance for height of the wall. We also want to  
 8 improve language in the resolution with regard to  
 9 drainage and also repair of the 5-foot wall. You're  
 10 going to drop it down a little bit.

11 MR. SOKOLICH: Sure.

12 CHAIRMAN FERGUSON: So I'm going to --  
 13 it will be those four.

14 Can I get a second?

15 MR. CARNOVALE: I second.

16 CHAIRMAN FERGUSON: You second.

17 Roll call on the approval.

18 Now, Charlie, you can't vote because  
 19 you're an alternate, right.

20 So everybody else votes but you and...

21 MS. LAMBRINIDES: Mr. Ferguson?

22 CHAIRMAN FERGUSON: Yes.

23 MS. LAMBRINIDES: Mr. Albanese?

24 VICE CHAIRMAN ALBANESE: Yes.

25 MS. LAMBRINIDES: Mr. Terranova?

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1 MR. LEE: Good afternoon,  
 2 Mr. Chairperson and Members of the Board, I'm Daniel  
 3 Lee, attorney representing the applicant, BBHJ, LLC.

4 This application is for the  
 5 construction of a duplex at the location of 203 Grand  
 6 Avenue, Block 111, Lot 23.

7 I have two witnesses today. Before I do  
 8 that, let me submit the affidavit of mailing with the  
 9 return receipt and also the affidavit of publication.

10 MS. LAMBRINIDES: If you give it to the  
 11 attorney, she can take it.

12 Thank you.

13 MS. DeCARLO: Yes, proof of publication  
 14 and the notice to the public and surrounding property  
 15 owners is in order.

16 MR. LEE: Okay, thank you.

17 CHAIRMAN FERGUSON: Okay.

18 MR. LEE: I have two witnesses today.

19 Our first witness.

20 CHAIRMAN FERGUSON: Mr. Cocoros, you're  
 21 already sworn in, sir.

22 MR. COCOROS: Thank you.

23 VASSILIOS COCOROS, AIA

24 467 Sylvan Avenue, Englewood Cliffs, New Jersey,

25 having been previously sworn, continues to

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1 testify as follows:  
 2 DIRECT EXAMINATION  
 3 BY MR. LEE:  
 4 Q. Billy, so you have the drawings?  
 5 A. Sure.  
 6 Q. A-1, A-2.  
 7 A. **The existing property is located on the**  
 8 **-- it consists of three sheets -- actually, five**  
 9 **sheets: A-1, A-2, A-3, S-1 and S-2.**  
 10 Q. These are the same drawings -- the same  
 11 drawings that we have submitted to the board, and  
 12 they now have them?  
 13 A. Yeah.  
 14 **These were last revised 4-12-21.**  
 15 **Originally date, 9-22-20.**  
 16 Q. Okay, let's go ahead.  
 17 A. **The existing property is located on the**  
 18 **corner of Henry and Grand, 50 feet wide on Grand**  
 19 **Avenue, 100 feet Henry.**  
 20 We're proposing a two-family  
 21 side-by-side duplex facing Henry.  
 22 The proposed building is going to be  
 23 set back 20 feet from the Grand Avenue property line  
 24 and 10 feet from the Henry Street property line,  
 25 which is technically the left side yard or the second

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1 floor plan starting with the basement. There are no  
 2 front steps on this configuration. You basically  
 3 enter from the ground level. The front side level  
 4 with an entry hall with a staircase up to the first  
 5 floor. We've got a covered parking area, a 16-foot  
 6 garage door, and then we have a garage at the back to  
 7 accommodate two cars. We have a recreation room,  
 8 side door, a powder room, closet.  
 9 And we have the AC units located at the  
 10 corner of the -- outside corner of the units, which  
 11 are facing Henry Street. The staircase brings you up  
 12 to the first floor.  
 13 You can see also on the A-2, we have it  
 14 set up where the building, itself, has a brick face,  
 15 a transition trim piece. And then we have a  
 16 panelized system for the bay window, and then a  
 17 stucco finish on the main part of the building.  
 18 Sheet A-3, the floor plan. We have it  
 19 set up with a main -- the main living space. We have  
 20 a staircase up to the ground floor level. We have a  
 21 living room, dining room, kitchen area. There's a  
 22 small deck off of each unit. We have it set out  
 23 about 6 feet off the bay window. The bay window  
 24 itself comes out 2-foot-3 from the corner, which also  
 25 helps break up the elevation of the size of the

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1 front yard of the property.  
 2 From the rear, we're setting it back 12  
 3 feet, which is more like a side yard because the  
 4 property itself is being oriented on Henry street.  
 5 And the adjacent the neighbor -- the detached garage  
 6 with the neighbor on Henry Street.  
 7 The building, itself, is 68-feet deep;  
 8 however, that's really the width when you look at it  
 9 from Henry Street. The width of it from Grand Avenue  
 10 is 35 feet, which is the depth when we look at it  
 11 from Henry Street.  
 12 Each unit will be basically  
 13 35-feet-by-34-feet. We stepped the units down as you  
 14 follow the grade from Grand Avenue down to the west  
 15 on Henry Street. This property also has quite a bit  
 16 a drop off, almost 7 feet from the corner of Grand  
 17 Avenue down to the -- to the property line at the  
 18 back of Henry Street.  
 19 The front is basically set up with a  
 20 three-level configuration. We do have a small roof  
 21 deck at the front, given the yard constraints of the  
 22 corner property configuration. The set-up is a  
 23 two-car parking area and two-car garage at the front  
 24 of the property.  
 25 If you go to Sheet A-2, you can see the

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1 building.  
 2 The second floor is the bedroom level.  
 3 The primary suite at the front, an ensuite bathroom,  
 4 two secondary bedrooms that share a hall bathroom.  
 5 They also have a side-by-side laundry.  
 6 In this configuration we have a small  
 7 roof deck at the front outside corners, which is  
 8 basically 4-feet-by-8-inches-wide 7-feet-deep at one  
 9 portion, 14-feet-deep at the other. A small finished  
 10 attic area with powder room, closet, and access to a  
 11 sliding glass door and roof deck at the front.  
 12 Each unit is basically a mirror image  
 13 of each other; however, the unit on left side, which  
 14 is the south -- I'm sorry -- the west of property, is  
 15 set lower than the unit on the corner.  
 16 We've also placed the building, ,  
 17 far enough away to have a clear sight triangle of 25  
 18 feet measured from the property line.  
 19 The existing dwelling, itself, does not  
 20 have any -- does not have any stormwater retention  
 21 system. So we are proposing a full retention system  
 22 on the property.  
 23 In addition, we have one curb cut for  
 24 the two driveways. We are eliminating the curb cut  
 25 where the detached garage is to the rear. So we are

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1 providing -- we call it -- we maintain the parking  
 2 space.  
 3           Actually, we're increasing the parking  
 4 space in the existing curb cut and our proposed curb  
 5 cut along that portion of Henry Street.  
 6           The board previously rejected a 3-unit  
 7 dwelling. You felt it was excessive on the property.  
 8 So we went back to the drawing board and came up with  
 9 a 2-unit dwelling and access off Henry Street, which  
 10 is similar to other properties that have been  
 11 developed and approved on corner lots in Palisades  
 12 Park.  
 13           CHAIRMAN FERGUSON: That's it.  
 14           MR. COCOROS: Yeah. If there's any  
 15 questions regarding the...  
 16           CHAIRMAN FERGUSON: Well, I just had a  
 17 couple quick ones. I'm interested in the west side,  
 18 the building on the west side of this property.  
 19           How much distance is between your  
 20 property line and the building on the west side of  
 21 the building.  
 22           MR. COCOROS: There's a garage next to  
 23 us. It's about a foot off the property.  
 24           We have 12 feet to our building and  
 25 4 feet to our deck.

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1 more room, even though it's a detached garage.  
 2           MR. LEE: You're asking 2 feet, move it  
 3 more eastward.  
 4           CHAIRMAN FERGUSON: Right.  
 5           As I look at the plans, you don't have  
 6 full bathrooms in the bottom, correct?  
 7           MR. COCOROS: Correct.  
 8           MR. LEE: Correct.  
 9           CHAIRMAN FERGUSON: All right.  
 10           And the variances, you talked about  
 11 most of them. So I have nothing else.  
 12           Do any other board members have  
 13 anything? No? Yes.  
 14           MR. CARNOVALE: Yeah. What's the inner  
 15 dimension of your actual garage.  
 16           MR. COCOROS: I think it's 7 -- it's  
 17 about 17-and-a-half -- 17-feet-10 -- 17-foot-11.  
 18           So we'd probably add a little more to  
 19 get it closer to 19.  
 20           MR. CARNOVALE: Do you really think you  
 21 could fit two cars side by side in there?  
 22           MR. COCOROS: It's a little -- it's  
 23 more of, like, a typical duplex garage that we have.  
 24 You know, we have a foot to play with if we had to,  
 25 you know, give us a little more room.

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1           So it's basically 5 feet to the deck.  
 2 And then we have 13 feet to the building from his  
 3 garage.  
 4           CHAIRMAN FERGUSON: Okay.  
 5           MR. LEE: That's obviously a detached  
 6 garage.  
 7           MR. COCOROS: Yes.  
 8           CHAIRMAN FERGUSON: Right, it's  
 9 detached. I'm just wondering. I'm not an architect.  
 10           But can you -- can you move the whole  
 11 house towards Grand Avenue.  
 12           MR. COCOROS: I mean, I can do a couple  
 13 feet, which will give us a 18-foot setback in the  
 14 front, and which will give us a little more room in  
 15 the back.  
 16           It will give us 6 feet to the deck,  
 17 7 feet measured from the building. We'd still  
 18 maintain the sight triangle.  
 19           The only thing is we'd have to modify  
 20 the variances where we'd be reducing the rear yard  
 21 setback variance, but we would require a variance for  
 22 the front yard.  
 23           CHAIRMAN FERGUSON: That's okay.  
 24           Yeah, I think that we would be a little  
 25 more comfortable with that. Give that guy a little

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1           That's why we have the actual covered  
 2 parking area, we do have 20 feet, which is more than  
 3 a typical duplex. So it can accommodate two cars  
 4 comfortably in the driveway, where you have basically  
 5 18 feet to the garage wall. We have another about  
 6 3-and-a-half feet to the sidewalk line.  
 7           So any cars that would be on the  
 8 driveway -- we can accommodate two cars comfortably.  
 9 We're not going to be hanging the butt of the car  
 10 over the sidewalk.  
 11           MR. CARNOVALE: Well, isn't that --  
 12 that's because it's on the corner, though. You're  
 13 required to have covered parking there. And it only  
 14 goes back a couple feet, right.  
 15           MR. COCOROS: Correct.  
 16           You know, the garage itself, we do have  
 17 a foot to play with if we had to. But it's still --  
 18 even the way it is now, basically it would have the  
 19 width of a typical duplex interior lot, maybe a  
 20 little wider. Because, you know, we have the freedom  
 21 of not doing a masonry wall because it's interior.  
 22           MR. CARNOVALE: It's just a point I  
 23 brought up. I really don't think you could squeeze  
 24 two cars in there.  
 25           But what do I know?

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1 CHAIRMAN FERGUSON: That's it, then.  
 2 MR. CARNOVALE: Yeah.  
 3 CHAIRMAN FERGUSON: Thank you. Steve.  
 4 MR. COLLAZUOL: Bill, just two points.  
 5 Should the board approve this and it gets  
 6 constructed, can you explain with respect to -- the  
 7 question I have is with respect to the building  
 8 height. You've got the bulkhead for the entrance to  
 9 the upper roof decks.  
 10 MR. COCOROS: Yes.  
 11 MR. COLLAZUOL: But the building height  
 12 you're saying is to the midpoint to the higher Unit  
 13 B.  
 14 MR. COCOROS: Yes.  
 15 Actually, I took the midpoint basically  
 16 from our soffit line or the eave line up to the high  
 17 point of the actual -- of the bulkhead, itself.  
 18 So, you know, we have an artificially  
 19 high midpoint because we're measuring from the  
 20 highest point instead of measuring it from the  
 21 actual...  
 22 If you see here, if you look at the  
 23 plan, there's the elevation of the main roof, then  
 24 there's the bulkhead. We're using the bulkhead as  
 25 the maximum roof.

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1 MR. COCOROS: Well, he would have to  
 2 basically -- you know, when he does the final, he  
 3 would get the highest point, which is the bulkhead  
 4 height. You know, he'll have the soffit height. You  
 5 know, he'll have the -- when I give him my plans for  
 6 stakeout, it will basically show where the midpoint  
 7 has to be. The more important part is going to be to  
 8 not exceed the bulkhead height.  
 9 MR. COLLAZUOL: So if the board were to  
 10 approve this, could you put on your plan that  
 11 specific item on the plan so that that could be  
 12 followed by A, the Building Department and the people  
 13 involved in the construction of this?  
 14 Sometimes there's a mistake. I think  
 15 that would prevent it.  
 16 Thank you.  
 17 MR. LEE: Understood.  
 18 MR. COLLAZUOL: Other than that, we  
 19 have our report. And if you're conceding that you'll  
 20 do the items in the report, we have no further  
 21 questions.  
 22 MR. CARNOVALE: Steve, if they move the  
 23 house east 1 foot, is that going to affect the sight  
 24 triangle on this corner?  
 25 Could you tell that? Because I can't.

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1 So the height we're asking is measured  
 2 from the highest unit and also measured between the  
 3 eave point or the soffit point of the -- of the unit  
 4 and the bulkhead height. So the midpoint is taken at  
 5 a higher point.  
 6 If I took the midpoint of the actual  
 7 roof assembly, it would be a foot-and-a-half lower.  
 8 We took the higher number to be on the safe side.  
 9 MR. COLLAZUOL: The question I have is,  
 10 you're not measuring to half of the height -- of the  
 11 maximum height of the bulkhead.  
 12 MR. COCOROS: I'm measuring from the  
 13 bulkhead, soffit. So, basically, the midpoint is  
 14 taken at the maximum -- the highest point of the  
 15 building, so at the bulkhead.  
 16 MR. COLLAZUOL: So let's say the  
 17 Building Department -- and I know it's a little off  
 18 the target here.  
 19 The Building Department is asking for a  
 20 final survey after it's been constructed. And the  
 21 surveyor goes there and he's trying to measure the  
 22 building height.  
 23 He gives what's on the plan to the  
 24 Building Department so he gets the CO. How is he  
 25 going to do that? How is he going to know that?

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1 MR. COLLAZUOL: It appears that they've  
 2 got at least 2 feet that they can move the building  
 3 towards Grand Avenue without encroaching on the sight  
 4 triangle.  
 5 MR. CARNOVALE: Okay. Thank you.  
 6 MR. COLLAZUOL: There is one more  
 7 point, Chairman.  
 8 Bill, on the corner ADA ramp.  
 9 MR. COCOROS: Yeah. I think they're  
 10 pretty new. We, kind of, kept it existing.  
 11 MR. COLLAZUOL: Yeah.  
 12 But that doesn't comply with what's  
 13 required for development. You say to remain. If  
 14 it's going to remain, somebody's got to validate and  
 15 state and sign the certificate that it's compliant.  
 16 So either could you place on the plan it's --  
 17 MR. COCOROS: Okay. We'll make sure.  
 18 MR. LEE: Yes, we'll comply with the  
 19 ADA requirement. It's not what's there now and  
 20 doesn't meet the ADA requirement, we'll fix it so  
 21 that it complies with the ADA requirement.  
 22 MR. COLLAZUOL: But it's good if you  
 23 put it on the plan and such. Because a lot of times  
 24 the contractors -- again if this gets approved --  
 25 they won't do it. They do the sidewalks, not the

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1 ramp. They'll say, I'm sorry, what do I have to do.  
 2 CHAIRMAN FERGUSON: Okay. That's it,  
 3 Steve.  
 4 MR. COLLAZUOL: Yes. Thank you.  
 5 CHAIRMAN FERGUSON: Does anybody in the  
 6 audience have any questions for the architect?  
 7 (No response.)  
 8 CHAIRMAN FERGUSON: Anybody in the  
 9 public?  
 10 Your name and address, my friend.  
 11 MR. GUARDINO: Stephen Guardino, 108  
 12 West Henry Street.  
 13 I live across the street from the  
 14 planned development.  
 15 CHAIRMAN FERGUSON: Okay.  
 16 MR. GUARDINO: The dynamics of that  
 17 block, itself, is, across from every driveway is  
 18 another driveway. So if you're backing your car out,  
 19 you're not blocked by a parked car. If you go ahead  
 20 with this plan and you have cars parked opposite it,  
 21 you cannot get a car out of the driveway fully.  
 22 You'll have to bend it, twist it, block it.  
 23 I sit on my porch and I watch it every  
 24 night. Cars on each side of the street, you can't  
 25 get through there. One car's got to wait. The other

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1 You know, if there's anything across  
 2 the street from us, basically at the middle of our  
 3 property is a curb cut. Nobody's parking in front of  
 4 that portion of it. So, you know, from our point of  
 5 view, we have 20-foot driveway, so it's enough room  
 6 to basically maneuver out from our driveway.  
 7 Like I said, it's an existing street.  
 8 You know, some streets -- most streets in Pal Park  
 9 50-foot right-of-way. So it's like anything else.  
 10 Be careful.  
 11 CHAIRMAN FERGUSON: Thirty feet.  
 12 MR. COCOROS: Thirty feet.  
 13 CHAIRMAN FERGUSON: I think, if I'm  
 14 hearing him right, yes, there's a 50-foot street.  
 15 But if a car is parked on the curb, you  
 16 don't -- you don't have the 50 feet then you might  
 17 have you know less.  
 18 MR. GUARDINO: West Henry Street is  
 19 less than 50 feet. It's smaller than Henry Avenue.  
 20 CHAIRMAN FERGUSON: Right.  
 21 MR. GUARDINO: It's smaller.  
 22 CHAIRMAN FERGUSON: Yeah, I know. No,  
 23 I get it. So you're saying that Henry is not 50  
 24 feet.  
 25 MR. COCOROS: No.

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1 car's got to go.  
 2 CHAIRMAN FERGUSON: Unfortunately,  
 3 that's all Palisades Park.  
 4 MR. GUARDINO: I understand.  
 5 But what I'm saying is, you're going to  
 6 have cars backing out, and they don't have enough  
 7 room to back out if there's a car parked opposite the  
 8 street. Because every house that is built on that  
 9 block is opposite another driveway. There's no  
 10 obstruction.  
 11 That's my only concern. I watch  
 12 accidents there all week long.  
 13 CHAIRMAN FERGUSON: Okay. So we're  
 14 going to give him an opportunity to answer the  
 15 question. Is there enough room to back out of that  
 16 driveway.  
 17 MR. GUARDINO: If there is a car parked  
 18 on the opposite side.  
 19 MR. COCOROS: There's a 50-foot  
 20 right-of-way. It's a typical street.  
 21 There's enough -- you know, there's  
 22 enough room to -- you know, I mean, you're not going  
 23 to back out fast. But it's going to be a typical --  
 24 like any typical street. There will be a 50-foot  
 25 right-of-way.

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1 According to the survey it's a 50-foot  
 2 right-of-way.  
 3 MR. COLLAZUOL: Excuse me.  
 4 Let's be clear. The right-of-way is 50  
 5 feet. The roadway is 30 feet.  
 6 So if the cars are parking on the south  
 7 side, then there's probably 7 feet minus the 30 would  
 8 be 21 feet of roadway. And Mr. Cocoros is saying  
 9 that's sufficient to get out.  
 10 CHAIRMAN FERGUSON: Right. So there's  
 11 no way to work that.  
 12 MR. COCOROS: We have to do that with  
 13 every single -- every single driveway.  
 14 MR. LEE: Well, that is the curb  
 15 condition of the current existing house anyway. It  
 16 has to back out to Henry Street. That is the current  
 17 condition.  
 18 MR. GUARDINO: No, that is not the  
 19 driveway for that driveway.  
 20 MR. LEE: Excuse me.  
 21 MR. GUARDINO: You have a one-car  
 22 garage here now. If you look on the other side of  
 23 the street, there's two spots -- there's a two-car  
 24 garage on the other side.  
 25 You have no parking there so they can

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1 back out. There's no obstruction for them to back  
2 out of that one single car driveway. If you put your  
3 driveways up and you have cars on the corner, you  
4 can't back out. I see it every day.

5 MR. COCOROS: But that could be the  
6 case if somebody is doing a house on an interior lot  
7 without a variance.

8 MR. GUARDINO: So you're saying that  
9 nobody can park there in fear of somebody backing  
10 into them coming out of that driveway. You're on a  
11 corner. You have cars turning that corner. You're  
12 creating a zone of havoc.

13 I see it now with cars parked on each  
14 side. You can't get two cars through there.

15 MR. COCOROS: Well, you know, the  
16 previous application, we had the first driveway  
17 closer to Grand Avenue. That was one of the concerns  
18 the board had. So that's why we came back. We tried  
19 to mitigate -- excuse me.

20 MR. GUARDINO: Coming off the apron,  
21 coming off the sidewalk. From the sidewalk to the  
22 opposite sidewalk, if there's a car there, you don't  
23 have enough room to get the car out.

24 MR. COCOROS: You're going to start  
25 cutting your turn like.

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1 help to make it a one-way street, yes, definitely.

2 CHAIRMAN FERGUSON: You know, I'll  
3 petition the Mayor. We don't do it. But maybe I'll  
4 petition the Mayor & Council to make that street  
5 one-way if that would help.

6 MR. GUARDINO: That would help  
7 immensely.

8 CHAIRMAN FERGUSON: Well, consider it

9 --

10 MR. GUARDINO: Recommended.

11 CHAIRMAN FERGUSON: All right.

12 MR. GUARDINO: Thank you very much.

13 CHAIRMAN FERGUSON: Anybody else?  
14 (No response.)

15 CHAIRMAN FERGUSON: Next witness.

16 MR. LEE: Yes.

17 The second witness is our planner,  
18 Mr. Harry Tuvel, who has testified many times before.

19 CHAIRMAN FERGUSON: We're going to  
20 swear you in.

21 Sit down.

22 MS. DeCARLO: Do you swear or affirm  
23 that the testimony that you will give with regard to  
24 this application is the truth, the whole truth, and  
25 nothing but the truth, so help you God?

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1 MR. GUARDINO: You're talking about  
2 putting how many cars in that driveway? Four.

3 MR. COCOROS: Two and two.

4 MR. GUARDINO: Four. So if you have  
5 four cars there, how are they going to back out? You  
6 have them next to each other.

7 MR. COCOROS: Well, yeah. You  
8 basically have the sidewalk. You have about a 3-foot  
9 apron. And you also have a couple feet from the back  
10 of the car to where the sidewalk starts. So it's  
11 like any other --

12 MR. GUARDINO: Have you seen traffic in  
13 there.

14 MR. COCOROS: Yeah.

15 MR. GUARDINO: I see it every day. You  
16 don't have enough room to back out. You've got four  
17 cars in there, correct?

18 There's no room to maneuver.

19 CHAIRMAN FERGUSON: How about this?  
20 Would it help to make that a one-way street?

21 MR. GUARDINO: It would. It would help  
22 to have a speed bump.

23 CHAIRMAN FERGUSON: That would have to  
24 be taken up with the traffic division.

25 MR. GUARDINO: Baby steps. It would

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1 MR. TUVEL: I do.

2 H A R R Y T U V E L, P.P.  
3 629 Ridge Court, Ridgefield, New Jersey, having  
4 been duly sworn, testifies as follows:

5 MS. DeCARLO: State your name and  
6 address for the record.

7 MR. TUVEL: Harry Tuvel, T-U-V-E-L, 629  
8 Ridge Court, Ridgefield, New Jersey.

9 CHAIRMAN FERGUSON: Okay, so he's been  
10 here many times.

11 We accept him as an expert.

12 DIRECT EXAMINATION

13 BY MR. LEE:

14 **Q.** Mr. Tuvel, can you go over the factors,  
15 the positive and negative factors of this site?

16 **A. Sure.**

17 **So in the interest of time, you know,**  
18 **we'll go over -- you know, you heard the description**  
19 **of the property.**

20 **We basically have a conventional**  
21 **duplex, but it's on a corner lot, on a 50-by-100 lot**  
22 **in the AA zone, which is a totally permitted use for**  
23 **a duplex.**

24 **But it is on a corner lot, and there**  
25 **are some factors connected to the fact that it's a**

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1 corner lot.

2 And one of those is that -- according  
3 to the Palisades Park Duplex Ordinance, you do -- the  
4 front yards and setbacks are measured from Grand  
5 Avenue.

6 So the frontage is on Grand Avenue, and  
7 the side yards. But we are putting the frontage of  
8 this application -- of this development on Henry  
9 Street.

10 So what was pointed out by Chairman  
11 Ferguson earlier, even though the front yard is Grand  
12 Avenue, it really functions as a side yard.

13 So the reduction in the number of feet,  
14 we do have it on the plan as 20 feet. Reducing it to  
15 18 feet will actually comply with it being a side  
16 yard.

17 So with the corner -- but because we  
18 are balancing the requirements under the Pal Park  
19 ordinance, but the fact that we have a corner lot  
20 here, so the frontage being on Henry Street, which  
21 removes the frontage from Grand Avenue, which is very  
22 consistent with development directly across the  
23 street caddy-corner from this on Henry Street and  
24 also on West homestead, where you have very similar  
25 duplex -- or even I think the one on Homestead is

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1 providing sufficient light and air.

2 The other duplexes that you see on  
3 Henry Street and as well as in the vicinity are  
4 consistent with the height being -- with the height  
5 being proposed.

6 Here you basically don't want to have  
7 the duplexes with sloping driveways. You want the  
8 driveways to be as flat as possible, or even maybe  
9 going up slightly.

10 CHAIRMAN FERGUSON: No, no, no. Not  
11 up. Tilted so the water drains into the street.

12 MR. TUVEL: That's what I'm saying.  
13 Slightly -- not draining down into the -- and that's  
14 the way the duplexes on Henry Street have been  
15 constructed.

16 And even some of the older homes that  
17 are in that area on Grand Avenue are actually -- I  
18 mean, I haven't measured the exact actual height, but  
19 they are quite high. And I don't think that they  
20 would be higher than this development proposes.

21 CHAIRMAN FERGUSON: Okay.  
22 MR. TUVEL: The newer duplexes on Henry  
23 Street are there. And I don't think that the -- so I  
24 don't think that this rises to a substantial  
25 detriment. Under the (d)(6) variance, you have to

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1 even larger, where you've taken the access off of  
2 Grand Avenue.

3 In considering, you know, the intensity  
4 of things on Grand Avenue, I think that's a desirable  
5 -- desirable effect.

6 So under the positive and negative  
7 criteria, we do have -- this is a permitted use. The  
8 older house does front on Grand Avenue. The new  
9 units will front on Henry Street.

10 The use, as I said, on Henry Street  
11 does create a technical rear yard setback variance,  
12 but it functions as a side yard.

13 So moving -- so we have the frontage on  
14 Henry Street, and we have what are really a side yard  
15 and a front yard becoming two side yards. That's  
16 what happens in this particular case.

17 So, basically, the thing that we want  
18 to address is the height variance, which is what  
19 we're really here for. We're not here for a use  
20 variance. We're for a (d)(6) height variance. And  
21 that is -- it's supported because of the house -- the  
22 fact that it's housing -- the housing style. The  
23 duplex promotes a harmonious consistent visual  
24 environment without offending the purpose of the  
25 height restriction, which is with respect to

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1 show that the site accommodates the height variance.  
2 And I don't believe that -- it's my testimony that  
3 the height variance here is accommodated --  
4 accommodated by the site.

5 And it's certainly consistent with the  
6 existing development in the area.

7 CHAIRMAN FERGUSON: Okay. I have no  
8 questions.

9 Do any board members have any questions  
10 at all?

11 Yes.

12 MR. COLLAZUOL: Just to be clear, based  
13 on the changes that were made verbally, the front  
14 yard is 18 feet now.

15 MR. TUVEL: Right.

16 MR. COLLAZUOL: The front yard platform  
17 is now instead of 8 feet the deck is -- 10 feet that  
18 the deck encroaches, correct, Bill.

19 MR. TUVEL: Well, we'll revise the  
20 plan.

21 MR. COCOROS: It will be 10 feet to the  
22 deck.

23 MR. COLLAZUOL: Right.

24 And the rear yard is now 14 feet. And  
25 Harry's testimony doesn't change, according to that,

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1 right.

2 MR. TUVEL: Right, correct.

3 MR. COLLAZUOL: Thank you.

4 CHAIRMAN FERGUSON: Anybody in the

5 audience have any questions for the planner?

6 (No response.)

7 CHAIRMAN FERGUSON: Any questions?

8 MR. OYEDIRAN: What is the height that

9 they were saying for this building.

10 CHAIRMAN FERGUSON: The height.

11 MR. COCOROS: The height, which we're

12 measuring to the higher unit, you know, measuring

13 between the high point where the bulkhead is for the

14 attic and the soffit, is 33-feet-8-inches.

15 And then that's where the higher one.

16 The other one basically 2 feet lower. So we have

17 33-feet-8, where 28 feet is required.

18 THE COURT REPORTER: Sir, may I have

19 your name.

20 MR. OYEDIRAN: Tim Oyediran,

21 O-Y-E-D-I-R-A-N.

22 CHAIRMAN FERGUSON: And your address,

23 my friend?

24 MR. OYEDIRAN: Sorry.

25 CHAIRMAN FERGUSON: What is your  
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1 have 30 feet. So from the curb line to the car --

2 let's say from the curb to the outside of the car is

3 about 7 feet, right? So it's going to be 23 feet as

4 a backup area just from the actual -- from the curb

5 line.

6 When you start -- usually, like, in a

7 parking lot, like in a mall or even or an apartment

8 building you have 18 feet.

9 MR. GUARDINO: This isn't a mall. This

10 isn't a parking area.

11 MR. COCOROS: Well, no, what I said is,

12 a driveway typically is 24-foot wide. We have 18- or

13 20-foot parking spaces. Here, let's say we have --

14 let's say this is the curb line here, right. There's

15 a car parked here. And, you know, from the curb line

16 to this curb line is 30 feet. So minus 7 feet. This

17 car is typically 6-foot wide. They don't hug the

18 curb. They're 12 inches off there.

19 So you basically have 23 feet from the

20 edge of the car to our side -- to the edge of the

21 curb is 23 feet. So it's one foot shorter than, say,

22 a 24-foot-deep -- a 24-foot-deep driveway to make a

23 K-turn out.

24 So in reality, you know, we have

25 basically -- then we have 3 feet of apron, 4 feet of  
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1 address?

2 MR. OYEDIRAN: 138 Columbus Avenue.

3 CHAIRMAN FERGUSON: Oh, 138 Columbus.

4 MR. OYEDIRAN: Then the second point

5 that the gentleman raised about the street is a very

6 valid point. Because that area is a busy street,

7 Henry Street. So, you know, there are cars parked on

8 both sides.

9 CHAIRMAN FERGUSON: Right, I got you.

10 MR. OYEDIRAN: So sometimes, you know,

11 you have to squeeze through when somebody is trying

12 to come off Grand.

13 CHAIRMAN FERGUSON: Yeah.

14 I'm going to talk to I'm going to talk

15 to the Mayor & Council and try to make that a

16 one-way. This way hopefully it helps.

17 MR. GUARDINO: It still doesn't solve

18 the problem. If there's a car parked on the corner,

19 they can't get out. They can't get out of their

20 driveway if there's a car parked on the corner.

21 CHAIRMAN FERGUSON: Well, his testimony

22 is they can.

23 So you're saying no. He's saying yes.

24 MR. COCOROS: Look, let's say there's a

25 car parked across the street from us. Let's say we  
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1 sidewalk, 3 feet -- then we have basically 23 feet --

2 or sorry -- 21 feet of parking space for our car.

3 They're not going to make a turn

4 exactly -- exactly pull completely out of the

5 driveway.

6 MR. GUARDINO: Henry Street is a street

7 that accesses apartments two blocks away, a cluster

8 of apartments. That's a main thoroughfare for cars.

9 They come around that turn 60, 70 miles an hour with

10 no exaggeration, okay, to get down. So you're

11 creating a hazard.

12 And I would like the town engineer to

13 confirm the length, the width of the street itself,

14 that it's accurate.

15 CHAIRMAN FERGUSON: It's 30 feet.

16 MR. COLLAZUOL: If the board wants me

17 to go and measure it, I'll go and measure it,

18 certainly.

19 MR. LEE: Well, the survey indicates

20 exactly --

21 CHAIRMAN FERGUSON: There's a survey.

22 I get it. There's a survey. It's 30 feet.

23 Yes, my friend.

24 MR. OYEDIRAN: I just wanted to say, so

25 people come off Grand Avenue. So they'll be backing  
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1 out of their driveway while people are trying to get  
2 off Grand Avenue to come up Henry and back up to the  
3 Grand Avenue. Because they'll have to stop if  
4 they're backing out, you know, coming onto Henry off  
5 Grand Avenue, but he's backing out of his driveway.  
6 So that's an there, through traffic.

7 MR. COCOROS: I understand.

8 You're basically -- let's say from the  
9 edge on Grand Avenue from the sidewalk to the actual  
10 where our driveway starts is about -- it's about 45  
11 feet, you know, from this point here.

12 So, I mean, you know, if people are  
13 driving fast, you hope they slow down a little bit.  
14 I guess, it's a two- -- you know, a two-person  
15 proposition, though. They've got to be careful  
16 backing out. This person making the turn, at least  
17 they're slowing down making the turn.

18 So it's like -- it's one of those  
19 things where there's a little more room from the curb  
20 than we had before.

21 MR. ULLOA: The reality of Grand  
22 Avenue --

23 CHAIRMAN FERGUSON: Yes, my friend.  
24 Listen to me.

25 MR. ULLOA: Sal Ulloa from 139 Columbus

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1 CHAIRMAN FERGUSON: Go ahead, my  
2 friend. The town ordinance -- the town ordinance  
3 dictates where you measure from, okay. That's town  
4 ordinance.

5 MR. ULLOA: Yeah, yeah.

6 CHAIRMAN FERGUSON: And the town says  
7 --

8 MR. ULLOA: It's still over. It's over  
9 the variance that you're saying, correct? And then  
10 also just for my own information I wanted to know the  
11 height of the building.

12 MR. COCOROS: No.

13 MR. ULLOA: What the highest point of  
14 the building is.

15 MR. COCOROS: The variance for the  
16 height, which is the higher unit, is 33 feet 8  
17 inches.

18 MR. ULLOA: Okay. And the how much  
19 over is it? Because we don't have that information.  
20 Like, what percentage is it over from what it's  
21 supposed to be.

22 MR. COCOROS: I said before,  
23 5-foot-8-inches higher than what's allowed.

24 Also, a lot of it has to do with the  
25 property dropping off about 7 feet in the back.

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1 Avenue.

2 CHAIRMAN FERGUSON: Okay.

3 MR. ULLOA: I've got a question about  
4 the overall height. What's the highest point from  
5 the ground to the highest part? Because we're here  
6 for a height variance for this property, right.

7 MR. COCOROS: That's correct.

8 MR. ULLOA: That's the only variance on  
9 this property? Or there's others.

10 CHAIRMAN FERGUSON: Yeah.

11 MR. ULLOA: Just the height from the  
12 street level to the top of the building, what's that  
13 height?

14 MR. COCOROS: Well, the height is  
15 measured from the midpoint.

16 MR. ULLOA: Yeah, I know what you're  
17 saying with the midpoint and you're averaging it. I  
18 want to know from the street to the highest point of  
19 the building, what is it?

20 MR. COCOROS: It's about 39 feet.

21 MR. ULLOA: Thirty-nine feet.

22 MR. COCOROS: Correct.

23 MR. ULLOA: So that's what's going to  
24 be the highest point of the building. That's pretty  
25 high.

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1 MR. ULLOA: I understand.

2 It still seems very high to me. I  
3 definitely would have a problem with it. I wouldn't  
4 want to live next to it, or anywhere near it.

5 MR. COCOROS: It's a small portion.  
6 The rest of the roof --

7 MR. ULLOA: It's enough of a portion  
8 that I definitely think that it's unnecessary,  
9 definitely not harmonious with the environment around  
10 it, and it's unnecessary.

11 CHAIRMAN FERGUSON: Okay. Anybody  
12 else? Okay.

13 So we're going to -- I'm going to make  
14 a motion to accept it. I'm going to recommend that  
15 Henry becomes a one-way.

16 Do you want the one-way to go up or  
17 down?

18 MR. GUARDINO: It's up to you.

19 CHAIRMAN FERGUSON: Well, we'll leave  
20 it to the Mayor & Council.

21 MR. LEE: You will make a  
22 recommendation to the Mayor & Council, correct?

23 CHAIRMAN FERGUSON: Yeah.

24 I'm going to make a recommendation.

25 MR. LEE: I can't make it conditional.

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1 CHAIRMAN FERGUSON: No, no, I'm not  
 2 doing that. I'm just giving you approval.  
 3 MR. CARNOVALE: I second the motion.  
 4 CHAIRMAN FERGUSON: Roll call.  
 5 MS. LAMBRINIDES: Mr. Ferguson?  
 6 CHAIRMAN FERGUSON: Yes.  
 7 MS. LAMBRINIDES: Mr. Albanese?  
 8 VICE CHAIRMAN ALBANESE: Yes.  
 9 MS. LAMBRINIDES: Mr. Terranova?  
 10 MR. TERRANOVA: No.  
 11 MS. LAMBRINIDES: Mr. Chung?  
 12 MR. CHUNG: Yes.  
 13 MS. LAMBRINIDES: Ms. Yoon?  
 14 (No response.)  
 15 MS. LAMBRINIDES: Ms. Yoon?  
 16 MS. YOON: Yes.  
 17 MS. LAMBRINIDES: Mr. Elefteriou?  
 18 MR. ELEFTERIOU: Yes.  
 19 MS. LAMBRINIDES: Mr. Grala?  
 20 MR. GRALA: Yes.  
 21 MS. LAMBRINIDES: Mr. Carnovale?  
 22 MR. CARNOVALE: Yes.  
 23 MS. LAMBRINIDES: Mr. Lee?  
 24 (No response.)  
 25 CHAIRMAN FERGUSON: Okay, thank you.

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1 VASSILIOS COCOROS, AIA  
 2 467 Sylvan Avenue, Englewood Cliffs, New Jersey,  
 3 having been previously sworn, continues to  
 4 testify as follows:  
 5 DIRECT EXAMINATION  
 6 BY MR. LEE:  
 7 Q. Billy, can you explain to the board,  
 8 first of all, what are we proposing to construct on  
 9 this site?  
 10 A. **It's a two-family, side-by-side**  
 11 dwelling. It's located on -- the address is 142  
 12 Columbus Avenue.  
 13 Q. Top and bottom two-family.  
 14 A. **This is side-by-side.**  
 15 The lot, itself, is located between  
 16 Henry Street and Prospect Street. It's 100 feet to  
 17 the south of Henry, located on the east side of the  
 18 street.  
 19 The existing dwelling on the property  
 20 now, we're proposing to demolish it and construct a  
 21 side-by-side dwelling  
 22 36-foot-wide-by-59-foot-8-inches-deep. The footprint  
 23 is 2,149 square feet on two levels.  
 24 We're proposing a common center  
 25 staircase with a 18-foot-9 driveway for each unit.

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1 We're going to take a five-minute break. We'll be  
 2 back up in five minutes.  
 3 (Whereupon, a brief recess is taken.)  
 4 CHAIRMAN FERGUSON: Daniel, take it  
 5 away.  
 6 MR. LEE: Okay. Again, good evening.  
 7 Daniel Lee representing the applicant Sun B. Park  
 8 regarding 142 Columbus Avenue, Block 502, Lot 18.  
 9 I'd like to submit the Affidavit of  
 10 Service and Affidavit of Mailing together with the  
 11 return receipts.  
 12 CHAIRMAN FERGUSON: All right. Please  
 13 proceed.  
 14 MR. LEE: I have one witness for this  
 15 case, Mr. Cocoros again, Billy Cocoros.  
 16 CHAIRMAN FERGUSON: You said you only  
 17 have one witness.  
 18 MR. LEE: I only have one witness for  
 19 this, yes.  
 20 MS. DeCARLO: Publication and the  
 21 notice is in proper order.  
 22 Thank you.  
 23 MR. LEE: Thank you.

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1 The lot, itself, is a preexisting  
 2 nonconforming condition, where 50 feet is required by  
 3 100. We have an existing 43-foot-by-100, 4,300  
 4 square feet.  
 5 The front setback is 20-foot-4-inches.  
 6 The rear setback is 20 feet.  
 7 The side yard setback, we're proposing  
 8 3-and-a-half feet, which is similar -- even though  
 9 it's a variance, it's similar to other narrow lots  
 10 that have been developed in the area.  
 11 The variances -- I'll go through them  
 12 right now -- is basically the lot size, which is a  
 13 previously nonconforming condition: 43-by-100  
 14 exists, 50-by-100 is required. Bless you.  
 15 This is the AA zone, which does allow  
 16 for two-family dwellings. So we are allowed a  
 17 two-family dwelling. The dwelling unit comes out to  
 18 2,150 square feet. Based on the 5,000 square feet,  
 19 we need 2-and-a-half-thousand square feet.  
 20 Building coverage, we are requesting a  
 21 variance. We're at 2,148 square feet, or 49.5  
 22 percent. So we're requesting a variance.  
 23 The front yard setback complies, where  
 24 20 feet is required. We're at 20-foot-4-inches.  
 25 The side yard setback, 6 feet is

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1 required. We have 3-and-a-half feet.  
 2 The rear yard variance, 25 feet is  
 3 required. We have 20 feet.  
 4 The building height, 2-and-a-half  
 5 stories, 28 feet. We have a building height of three  
 6 stories, 30 feet, 9 inches, or --  
 7 **Q.** 30.75, which is less than 10 percent.  
 8 **A. Yes.**  
 9 **Within the threshold of the use**  
 10 **variance. We're doing it where we have the driveway**  
 11 **slightly higher than Columbus Avenue. We have a**  
 12 **typical 4-on-12 pitch on the property.**  
 13 I'll go to Sheet A-2, the three floor  
 14 plans. This right here, we have to modify. We have  
 15 a bathroom. We have to change that.  
 16 **CHAIRMAN FERGUSON:** You have to modify  
 17 it, because you know we don't allow bathrooms in the  
 18 basement.  
 19 **MR. COCOROS:** This was an older design  
 20 that we worked on. Yeah, we will modify that.  
 21 So we have the garage in the front.  
 22 Recreation room in the back. The staircase up to the  
 23 first floor. The first floor is the main living  
 24 space. It has a common staircase; it's shared.  
 25 In the front we have the living room,  
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1 **MR. COCOROS:** No. We have a roof --  
 2 off the first floor, the main living space, we have a  
 3 -- we have deck, which is basically 11-feet-wide on  
 4 each side by 9-feet-deep.  
 5 **CHAIRMAN FERGUSON:** Are they connected?  
 6 **MR. COCOROS:** Yes.  
 7 **CHAIRMAN FERGUSON:** So it's one big  
 8 deck.  
 9 **MR. COCOROS:** Well, it's one big deck,  
 10 but they're separated by a privacy wall. That also  
 11 gives you more room away from the side yards.  
 12 **CHAIRMAN FERGUSON:** So there is a  
 13 divider that...  
 14 **MR. COCOROS:** Correct, privacy  
 15 screening.  
 16 **CHAIRMAN FERGUSON:** All right. I've  
 17 got nothing.  
 18 Any board members?  
 19 **MR. CARNOVALE:** Yeah.  
 20 Bill, I'm a little confused here. If  
 21 you look at the front sheet, you show a height from  
 22 -- you've got to help me out here. From the garage  
 23 door bottom to the bottom of the first floor, 8.11,  
 24 where does that come in.  
 25 **MR. COCOROS:** That was just for  
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1 dining room, kitchen, family room in the back.  
 2 The second floor is the bedroom level.  
 3 We have the primary suite in the front with its own  
 4 en suite bathroom. In the back we have two secondary  
 5 bedrooms, hall bathroom, side-by-side linen closet,  
 6 three side-by-side laundry and linen closet.  
 7 Basically the main variance we're here  
 8 for is the coverage, side yard setback, and the rear  
 9 yard setback. The height is, like I said, within 10  
 10 percent. It also was done to keep the driveway  
 11 slightly higher than the sidewalk.  
 12 **CHAIRMAN FERGUSON:** Okay. So I guess  
 13 the first question you answered already. The  
 14 bathroom in the basement has got to do.  
 15 **MR. COCOROS:** Yeah, that will come out.  
 16 **CHAIRMAN FERGUSON:** The next one is, is  
 17 there -- because you're only showing 3 feet with  
 18 3.05. Do you have any abutments coming out from the  
 19 building?  
 20 **MR. COCOROS:** No. Since we're  
 21 3-and-a-half feet, there's no bay windows on the --  
 22 **CHAIRMAN FERGUSON:** No bay windows.  
 23 **MR. COCOROS:** No, not at all.  
 24 **CHAIRMAN FERGUSON:** You're putting a --  
 25 I guess, terrace on the second floor.  
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1 reference purposes to show the actual garage height  
 2 because since the building itself follows the  
 3 sidewalk, we try to keep it in the ground as much as  
 4 we can/ so we lower the driveway on the -- on the  
 5 right-hand side, on the right side units, to have  
 6 what a taller garage and not to go down into the  
 7 ground area.  
 8 **MR. CARNOVALE:** Then somewhere else you  
 9 point out something -- it says 9-feet-7, that's where  
 10 I got confused. I picked that up somewhere else.  
 11 And then what are you floor joists that  
 12 you're using? It's commonly known as TJI? Is that  
 13 TJI?  
 14 **MR. COCOROS:** Yeah, TJI, it's about an  
 15 18-foot span. It's a little bit smaller -- bring a  
 16 TJI with a 2-and-a-half flange on it.  
 17 **MR. CARNOVALE:** But are they 12 foot,  
 18 or 4 feet.  
 19 **MR. COCOROS:** Twelve.  
 20 Typically you have a 12-foot joist.  
 21 You have plywood and you have a wood floor. Just to  
 22 be on the safe side, we rounded up to 14 inches.  
 23 **MR. CARNOVALE:** All right. And one  
 24 more question. This is an old-style duplex, correct?  
 25 **MR. COCOROS:** Yeah.  
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1 MR. CARNOVALE: Which used to be  
 2 36-by-50, possibly 55 if you had the setback in the  
 3 front.  
 4 What are you looking for, 59 feet?  
 5 MR. COCOROS: Yeah, 59.8. So we're  
 6 requesting a 5-foot setback variance.  
 7 MR. CARNOVALE: All right. And one  
 8 more time. The garage, what are you going to park in  
 9 the garage there.  
 10 MR. COCOROS: It's basically a one-car  
 11 garage and two-car driveway.  
 12 MR. CARNOVALE: All right. So you  
 13 going on the R -- whatever, three cars required.  
 14 MR. COCOROS: Correct.  
 15 MR. CARNOVALE: All right, that's all  
 16 I've got.  
 17 CHAIRMAN FERGUSON: Okay, any other  
 18 board members have anything.  
 19 Steve, do you want to take it away?  
 20 MR. COLLAZUOL: Yes.  
 21 Bill and Dan, you got my report, right?  
 22 You'll comply with the report.  
 23 There is one other item, and that is  
 24 the detention system, retention system you designed  
 25 in the rear should be a minimum of 5 feet from the

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1 MR. COCOROS: Yes.  
 2 MR. GUARDINO: I don't see it. Because  
 3 where the house is now to my property line is  
 4 approximately 25 feet. You're looking to come 11  
 5 feet off my property line.  
 6 MR. COCOROS: No. From the deck. The  
 7 building, itself, is 20 feet.  
 8 MR. GUARDINO: Twenty feet.  
 9 CHAIRMAN FERGUSON: Yeah.  
 10 The building is 20 feet.  
 11 MR. GUARDINO: And the height of the  
 12 building is going to be three stories.  
 13 MR. COCOROS: Yes.  
 14 MR. ULLOA: Is the basement included?  
 15 MR. COCOROS: Yeah.  
 16 So if you look at the side here, the  
 17 basement is a little higher than the garage.  
 18 The property goes up towards the back.  
 19 So you have the basement, first floor, second floor.  
 20 Then you have your roof, which is 6-foot-8. A  
 21 regular roof has no attic. It's 6-foot-8-inches.  
 22 CHAIRMAN FERGUSON: So the answer, Sal,  
 23 is yes. It's three stories. The ground floor is --  
 24 MR. ULLOA: So you can use three  
 25 levels.

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1 lot line or some adjustment to it, as it appears it's  
 2 too close to the rear lot line. Aside from that, I  
 3 don't have anything else.  
 4 CHAIRMAN FERGUSON: Okay. So does  
 5 anybody in the audience have any comments?  
 6 MR. GUARDINO: Steve Guardino, 108  
 7 Henry Street.  
 8 CHAIRMAN FERGUSON: Okay.  
 9 MR. GUARDINO: My backyard where my  
 10 garage is is behind his property.  
 11 What's the distance between the  
 12 building or the -- the building and my property line?  
 13 MR. COCOROS: Yeah, because you've got  
 14 the little piece that kind of cuts into the back,  
 15 right?  
 16 MR. GUARDINO: Yeah.  
 17 MR. COCOROS: Right now we have 20 feet  
 18 to the building and 11 feet to the deck from the  
 19 property line.  
 20 MR. GUARDINO: Eleven feet.  
 21 So that's virtually -- you're asking  
 22 more than a 20-foot variance.  
 23 MR. COCOROS: No. We're asking for a  
 24 5-foot variation from the requirement.  
 25 MR. GUARDINO: Five foot.

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1 CHAIRMAN FERGUSON: Yes.  
 2 MR. ULLOA: That's the living space.  
 3 MR. COCOROS: Well, it will be the  
 4 ground floor.  
 5 MS. DeCARLO: Your name?  
 6 Sir, your name and address, please?  
 7 MR. ULLOA: Sal Ulloa, 139 Columbus.  
 8 MS. LAMBRINIDES: Can you spell the  
 9 last name, sir, please.  
 10 MR. ULLOA: U-L-L-O-A.  
 11 MS. LAMBRINIDES: Thank you.  
 12 MR. GUARDINO: Now, that property sits  
 13 lower than my property.  
 14 Is there going to be a drainage  
 15 problem? Because you mentioned a retaining wall.  
 16 MR. COCOROS: There's no retaining  
 17 wall. We have a retention system in the back, like,  
 18 seepage pits -- chambers, a plastic chamber. That's  
 19 something if this is approved we'd have to do a perc  
 20 test to see where the best location for it is. It  
 21 might be in the front.  
 22 MR. GUARDINO: My property sits higher,  
 23 and that there's run-off from my property onto that  
 24 property.  
 25 MR. COCOROS: It's natural.

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1 We can't change that.  
 2 MR. GUARDINO: I'm just saying. You  
 3 know, I would request if you put in a retaining wall,  
 4 a wall separating my property and your property. I  
 5 wouldn't believe that would be unreasonable.  
 6 CHAIRMAN FERGUSON: Steve.  
 7 MR. COLLAZUOL: That doesn't sound like  
 8 it makes sense. You said your runoff is going onto  
 9 that lot, yet you want to create a wall. That's  
 10 going to prevent the water from going onto that  
 11 property. Are you trying to -- they've got to  
 12 address your drainage.  
 13 MR. GUARDINO: Excuse me.  
 14 MR. COLLAZUOL: They've got to address  
 15 your drainage. If it runs off onto that site,  
 16 they've got to take care of it.  
 17 MR. GUARDINO: Okay.  
 18 MR. ULLOA: That drainage runs off --  
 19 CHAIRMAN FERGUSON: Can I get a name?  
 20 MR. ULLOA: I also have a question.  
 21 CHAIRMAN FERGUSON: We need a name and  
 22 address?  
 23 MR. ULLOA: Salvador Ulloa, 139  
 24 Columbus avenue.  
 25 Both sides are 3-and-a-half feet.

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1 MR. COCOROS: No.  
 2 We're not allowed to pitch it. We  
 3 basically have to keep it on our property. We're not  
 4 planning to pitch it to the neighbor's house.  
 5 MR. ULLOA: I'm just saying that you  
 6 can try and make it flat all you want, I don't think  
 7 it's going to work. I don't think it's enough room.  
 8 It's not going -- it has to go somewhere and there's  
 9 a building in its way.  
 10 MR. COLLAZUOL: I mean, the architect  
 11 can answer the question, but the architect is showing  
 12 yard drains in 3-and-a-half.  
 13 MR. ULLOA: I saw them. I don't think  
 14 they're big enough.  
 15 CHAIRMAN FERGUSON: Well, the architect  
 16 is testifying the drain is going to be --  
 17 MR. ULLOA: I don't think they can.  
 18 CHAIRMAN FERGUSON: And our engineer is  
 19 saying he's going to make sure they're there,  
 20 correct, Steve.  
 21 MR. COLLAZUOL: Yes.  
 22 We also said that drainage calculations  
 23 have to be provided. We also said that soil borings  
 24 have to be provided to prove the percolation rates.  
 25 If not, he's got to come up with an

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1 You're talking about drainage also in regards to this  
 2 house right here and my neighbors who are on the  
 3 right-hand side of this house. Three-and-a-half feet  
 4 to drain whatever water is coming down on the side of  
 5 this house, I don't think is going to be enough to be  
 6 able to put that in there. I don't know what  
 7 engineer signed off on 3-and-a-half feet being able  
 8 to drain enough water on the side of the house.  
 9 MR. COCOROS: No.  
 10 The chamber is in the back. The  
 11 chamber is in the back. The roof leaders are  
 12 basically at the corners, so they go into the back  
 13 wherever we find the best place to put the pit.  
 14 MR. ULLOA: Water will still have to go  
 15 from the back to the front to reach that from  
 16 whatever you have there. So water will be traveling  
 17 on the sides of this house, right.  
 18 MR. COCOROS: Yeah, whatever hits the  
 19 pavement will be like a --  
 20 MR. ULLOA: Of course. There's only  
 21 more water happening every single day for the last  
 22 two weeks that we've been here. I don't think  
 23 3-and-a-half feet is going to be nearly enough to  
 24 have water runoff. It's going to go right into their  
 25 place on both sides.

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1 alternate design.  
 2 He's also got an additional area in the  
 3 front yard below the paving driveway that he can  
 4 locate or add to the drainage system. As well as our  
 5 report indicates that he address the drainage that's  
 6 coming off the driveway.  
 7 So I think of that should the board  
 8 approve this, he must do what's in the report as well  
 9 as comply --  
 10 CHAIRMAN FERGUSON: I'm going to make  
 11 it part of approval.  
 12 MR. LEE: We have the ability to agree  
 13 to --  
 14 MR. ULLOA: He's got to prove that.  
 15 MR. LEE: -- suggestions made by Steve  
 16 Collazuol's office.  
 17 CHAIRMAN FERGUSON: Okay. Does anybody  
 18 have -- yes.  
 19 Your name?  
 20 MR. OYEDIRAN: Tim Oyediran, 138  
 21 Columbus Avenue.  
 22 I just wanted to question why, you  
 23 know, the variance would go down from 6 feet to 3.5  
 24 feet? I'm about 5 feet from his fence, his boundary.  
 25 So why should he come so close? 3.5

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1 feet seems inordinately, like, cramping the, you  
 2 know, density, like bringing it so close at then  
 3 bringing the house so far back, and then, you know,  
 4 building is so tall. It seems like 34 feet on the  
 5 map, and they're only asking for a variance of 30  
 6 feet. When I see the map, the drawing says 34 feet,  
 7 the height of house.

8 So most of the houses there are about  
 9 28 feet. So it's several feet higher. So it's going  
 10 to be, like, a huge thing in a small lot. It does  
 11 seem oversized for the lot.

12 CHAIRMAN FERGUSON: This isn't a  
 13 regular duplex.

14 MR. OYEDIRAN: Yeah.

15 AUDIENCE MEMBER: Oh, it's not a  
 16 regular duplex?

17 CHAIRMAN FERGUSON: No, it's not a  
 18 regular duplex.

19 MR. COCOROS: No.

20 The reason we're going for the side  
 21 yard is the lot is narrow. I know what you're  
 22 talking about with the side yard. It's, technically  
 23 -- it's kind of a number that we've used for other  
 24 lots of a similar size. It's kind of a boundary,  
 25 trying to go less than.

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1 MR. ULLOA: The side yards. Both side  
 2 yards, left and right, yes, sir.

3 CHAIRMAN FERGUSON: So the side yards  
 4 are what size now.

5 MR. COCOROS: Three-and-a-half.

6 CHAIRMAN FERGUSON: Yes.  
 7 Three-and-a-half from his property line to his  
 8 building.

9 MR. ULLOA: Yeah.

10 CHAIRMAN FERGUSON: Right.

11 MR. ULLOA: Yep.

12 CHAIRMAN FERGUSON: The reason why he's  
 13 before the board is because he's asking for --

14 MR. COCOROS: Yeah.

15 We offered 3-foot-10. They're asking  
 16 if we can go to 4 foot.

17 CHAIRMAN FERGUSON: Can you go to  
 18 4 foot.

19 MR. ULLOA: What's required is 6. So  
 20 he's still violating the ordinance by --

21 CHAIRMAN FERGUSON: My friend, listen.  
 22 He's here to get -- he understands that.

23 MR. ULLOA: Yes.

24 CHAIRMAN FERGUSON: He's here to get  
 25 the approval.

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1 MR. ULLOA: Certainly not on this  
 2 block, though.

3 MR. COCOROS: We've done it before.

4 MR. LEE: It's 3 feet.

5 MR. COCOROS: You know, we could  
 6 accommodate -- you know, go a couple more inches.

7 There's two things we could do. We can take off a  
 8 few more inches on each side. We can make the house  
 9 a little narrower. Then provide a Belgian block curb  
 10 along the property line to help keep the water on our  
 11 property to, you know, go -- throw it out toward the  
 12 drains.

13 MR. OYEDIRAN: I think that would be a  
 14 reasonable compromise.

15 MR. LEE: The board, I can probably go  
 16 as far as 3.5, maybe 3.8.

17 MR. COCOROS: Which is, like, 3 foot 10  
 18 on the sides. It will give us enough room for a  
 19 curb, a Belgian block curb.

20 MR. ULLOA: Can you bring it to 4 at  
 21 least? 3.8 is a minor difference from what you've  
 22 got. Four would at least make a difference. An  
 23 extra half a foot, that's not a lot we're asking.

24 CHAIRMAN FERGUSON: So are you -- my  
 25 friend, you're talking about the side yards.

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1 MR. COCOROS: Yeah. I mean, in the  
 2 spirit of working with people, you know, we can do  
 3 the 4 feet.

4 CHAIRMAN FERGUSON: He's going to do  
 5 4 foot.

6 AUDIENCE MEMBER: Thank you, thank you.

7 MR. GUARDINO: Can I possibly get -- if  
 8 I can't put up a retaining wall, have a retaining  
 9 wall put up, can I at least get some kind of fence to  
 10 separate the properties.

11 MR. LEE: Well, we're going to build a  
 12 fence anyway. But it's not going to be a retaining  
 13 wall.

14 MR. GUARDINO: Okay, no retaining wall.  
 15 I agree. I agree. A fence would be nice.

16 CHAIRMAN FERGUSON: Do you want to give  
 17 him the fence?

18 MR. GUARDINO: I appreciate that.

19 CHAIRMAN FERGUSON: All right, you've  
 20 got your fence. You've got 4 feet. All right.

21 Anybody else?

22 MR. COCOROS: The coverage is down a  
 23 little bit.

24 MR. GUARDINO: I'm a happy man.

25 CHAIRMAN FERGUSON: You got anything

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1 else? Okay, we're ready? All right.  
 2 We're going to make a motion to approve  
 3 this with the two -- the fence for this individual,  
 4 extend the side yards out.  
 5 MR. COCOROS: Also bring our coverage  
 6 down a little bit. We'll reduce the coverage by 59  
 7 square feet.  
 8 CHAIRMAN FERGUSON: Okay, he's reducing  
 9 the coverage too. And also \$2,000.00 to the  
 10 Preservation Fund. And I'm going to make that  
 11 motion.  
 12 MR. CARNOVALE: I second.  
 13 CHAIRMAN FERGUSON: Roll call?  
 14 MS. LAMBRINIDES: Mr. Ferguson?  
 15 CHAIRMAN FERGUSON: Yes.  
 16 MS. LAMBRINIDES: Mr. Albanese?  
 17 VICE CHAIRMAN ALBANESE: Yes.  
 18 MS. LAMBRINIDES: Mr. Terranova?  
 19 MR. TERRANOVA: Yes.  
 20 MS. LAMBRINIDES: Mr. Chung?  
 21 MR. CHUNG: Yes.  
 22 MS. LAMBRINIDES: Ms. Yoon?  
 23 MS. YOON: Yes.  
 24 MS. LAMBRINIDES: Mr. Elefteriou?  
 25 MR. ELEFTERIOU: Yes.

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1 Ms. Baik will also testify about the  
 2 application, and the parking and how -- parking needs  
 3 of its staff, and how the drop-off of its students  
 4 takes place at the existing parking lot of the  
 5 church, and how those parking requirements change  
 6 depending on the season. You know, school year  
 7 versus summer, really the parking will change. And  
 8 she'll go through that.  
 9 The applicant's proposed use for an  
 10 afterschool childcare does require a use variance, as  
 11 set forth in the denial letter. It's a very unique  
 12 property in that it actually sits within two zones.  
 13 It sits in the B-2 zone and M-1 zone. The childcare  
 14 center is permitted in the B-2 zone, but it's not in  
 15 the M-1 zone. That's why we're here.  
 16 Because of the unique character of this  
 17 property, the applicant has also retained Mr. Spatz  
 18 from Community Housing and Planning Associates as the  
 19 expert planner tonight to testify this evening.  
 20 Mr. Spatz issued a report. I believe the board has  
 21 it, and the borough's experts have it as well.  
 22 Mr. Spatz will go through in detail as  
 23 to both the positive and negative criteria and how  
 24 the approval of this application with the requested  
 25 use in parking -- I say parking variance, but I don't

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1 MS. LAMBRINIDES: Mr. Grala?  
 2 MR. GRALA: Yes.  
 3 MS. LAMBRINIDES: Mr. Carnovale?  
 4 MR. CARNOVALE: Yes.  
 5 MS. LAMBRINIDES: Mr. Brogna?  
 6 (No response.)  
 7 MS. LAMBRINIDES: Brogna left.  
 8 MR. LEE: Thank you, Mr. Chairman and  
 9 Members of the Board, I appreciate it.  
 10 CHAIRMAN FERGUSON: The last one of the  
 11 day. Okay, Counsel.  
 12 MR. RAMUNDO: Good evening,  
 13 Mr. Chairman, Ms. DeCarlo, Honorable Board Members  
 14 and everybody left, my name is Marc Ramundo, Ramundo  
 15 Law Offices, 416 East Central Boulevard.  
 16 I'm here humbly representing the  
 17 applicant tonight, who is SM Christian Church.  
 18 I have the members in the back of the  
 19 audience for everybody. By and through its manager  
 20 Rebecca Baik, who is actually going to be here  
 21 tonight to testify and answer any questions that the  
 22 board and the public who left -- questions that  
 23 anybody may have regarding the proposed afterschool  
 24 childcare center at the existing church facilities at  
 25 440 Commercial Avenue and 451 Grand Avenue.

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1 believe after we go through the testimony tonight, a  
 2 parking variance may not be required.  
 3 But I'll just throw it in for purposes  
 4 of if it is required, we'll ask for it and we seek  
 5 it. And how it will not -- the granting of this  
 6 application will not substantially -- will not be  
 7 substantially detrimental to the public good, nor  
 8 will it substantially impair the intent and purpose  
 9 of the Zoning Ordinance or the Master Plan.  
 10 Without further ado, I'll call Ms. Baik  
 11 to come up.  
 12 Ms. Baik has been ready to be sworn in.  
 13 MS. DiCARLO: Do you swear or affirm  
 14 that the testimony you're giving with regard to this  
 15 application is the truth, the whole truth, and  
 16 nothing but the truth, so help you God?  
 17 MS. BAIK: Yes, I do.  
 18 R E B E C C A B A I K,  
 19 451 Grand Avenue/440 Commercial Avenue, Palisades  
 20 Park, New Jersey, having been duly sworn,  
 21 testifies as follows:  
 22 MS. DiCARLO: State your name and  
 23 address for the record.  
 24 MS. BAIK: Sure.  
 25 Rebecca Baik, 451 Grand Avenue and 440

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1 Commercial Avenue.  
 2 CHAIRMAN FERGUSON: Okay, so if you  
 3 could speak up, I would appreciate it.  
 4 MS. BAIK: Yes, I will.  
 5 CHAIRMAN FERGUSON: So let me explain  
 6 this. I read your thing. I have to say it was very  
 7 well done.  
 8 MS. BAIK: Thank you.  
 9 CHAIRMAN FERGUSON: The reason why we  
 10 requested you to come tonight is because you put that  
 11 in the document, right. If anybody has any  
 12 questions --  
 13 MS. BAIK: Sure.  
 14 CHAIRMAN FERGUSON: -- we can't ask the  
 15 questions to a piece of paper. That's why you're  
 16 here tonight, to try to answer some of the questions,  
 17 if there's any questions.  
 18 MS. BAIK: Sure.  
 19 CHAIRMAN FERGUSON: But I have one very  
 20 large one.  
 21 MS. BAIK: Okay.  
 22 CHAIRMAN FERGUSON: I went on two  
 23 different occasions to count the parking spaces,  
 24 right.  
 25 And it is true that you have a lot of

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1 the number one concern.  
 2 MS. BAIK: Yes, it is.  
 3 CHAIRMAN FERGUSON: Now, just very  
 4 briefly, can you just go quickly and tell us how many  
 5 spaces you need for each section.  
 6 MS. BAIK: Yes.  
 7 I'll go through it. September to June,  
 8 the school year, we will simply need 15 parking  
 9 stalls for our staff, also for the house of worship  
 10 staff that is there Monday through Friday.  
 11 And for the summer camp, which is just  
 12 the months of July and August, we will need 18 staff.  
 13 However, those do not gather or are separate staff in  
 14 different schools.  
 15 CHAIRMAN FERGUSON: Right.  
 16 So what you're telling me is that right  
 17 now there's people parking the lot that you gave them  
 18 permission.  
 19 MS. BAIK: Yes.  
 20 CHAIRMAN FERGUSON: Which is fine.  
 21 It's your property. You can do whatever you want.  
 22 But when this school opens in  
 23 September, it's going to be -- all those people are  
 24 not going to be allowed there?  
 25 MS. BAIK: Yes. We will clearly make

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1 parking spaces down there, you know.  
 2 In those parking spaces, on one day  
 3 there was 13 cars in the parking spaces, and the  
 4 other day was 14 in those parking spaces parked on  
 5 the side.  
 6 MS. BAIK: Inside the parking.  
 7 CHAIRMAN FERGUSON: Around the top,  
 8 okay. So what I want to hear from you is, if you're  
 9 going to run a school -- I assume in September.  
 10 MS. BAIK: September, yes.  
 11 CHAIRMAN FERGUSON: Would those 13  
 12 people that are there now, are those 13 people going  
 13 to be there in September, or are you just letting  
 14 them use the property now because you've got so much  
 15 room.  
 16 MS. BAIK: Yes.  
 17 CHAIRMAN FERGUSON: So what is it?  
 18 MS. BAIK: Yes.  
 19 So currently the church is not in use  
 20 except for on Sundays. We do allow the businesses to  
 21 use lot. However, when we begin the school in  
 22 September, we will not let them use the parking lot.  
 23 And we will make sure to regulate that so that space  
 24 is for our staff members.

CHAIRMAN FERGUSON: Right. That was  
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1 sure that we need that parking space available. We  
 2 will let them know they cannot park there anymore.  
 3 CHAIRMAN FERGUSON: Okay. Now, are you  
 4 going -- are you going to testify to the layout, or  
 5 is Mr. Spatz going to testify to the layout?  
 6 The layout being where the classes are  
 7 going to be. Do you know where the classes --  
 8 MS. BAIK: Yes, I do.  
 9 CHAIRMAN FERGUSON: Okay. Why don't  
 10 you go through it.  
 11 MS. BAIK: I can testify. Okay, yes.  
 12 So I believe we're looking at the floor  
 13 plan that I submitted.  
 14 CHAIRMAN FERGUSON: Yes.  
 15 MS. BAIK: Yes. So what would I need  
 16 to testify.  
 17 CHAIRMAN FERGUSON: Let's start here.  
 18 The church, obviously, is on the corner on Commercial  
 19 Avenue?  
 20 MS. BAIK: Yes.  
 21 CHAIRMAN FERGUSON: Are there going to  
 22 be classes underneath the church.  
 23 MS. BAIK: Underneath the church, as in  
 24 440 Commercial Avenue.

CHAIRMAN FERGUSON: Yeah. Underneath  
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1 the church. I guess you can get into the church on  
 2 the side. But there's a door that goes underneath  
 3 the church. In the parking lot there's a door.  
 4 MS. BAIK: Oh, the side door into 440  
 5 Commercial Avenue? Yes.  
 6 So that is where our main classroom  
 7 will be. And that is where the drop-off and pick-up  
 8 session will be.  
 9 CHAIRMAN FERGUSON: Now, you'll have a  
 10 walkway that connects to the building on the end,  
 11 which I assume is what we call a rectory, right?  
 12 MS. BAIK: Yes.  
 13 CHAIRMAN FERGUSON: Where you probably  
 14 use a rectory and the office, right.  
 15 MS. BAIK: Yes.  
 16 CHAIRMAN FERGUSON: Are any classes  
 17 going to be in that section where the -- where the  
 18 corner of Grand and Fair is right now.  
 19 MS. BAIK: The 451 Grand Avenue.  
 20 CHAIRMAN FERGUSON: Right.  
 21 MS. BAIK: Yes. There are a couple  
 22 classrooms we have reserved for future uses. But for  
 23 now we are using the 440 Commercial Avenue.  
 24 CHAIRMAN FERGUSON: Okay. So there's  
 25 going to be some classes --

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1 some attention to it. Because, you know, it's now a  
 2 street.  
 3 Now, the drop-off is going to be on  
 4 Fair Street, I assume?  
 5 MS. BAIK: So it's going to be on the  
 6 premise. There's a parking lot between the 440 and  
 7 451 Grand Avenue.  
 8 So that's where the pickup and drop-off  
 9 will be. So it will not be on Grand or Fair Street.  
 10 CHAIRMAN FERGUSON: So you're going to  
 11 come in --  
 12 MS. BAIK: Yes. From Grand Avenue into  
 13 440.  
 14 CHAIRMAN FERGUSON: Then you exit on  
 15 Fair Street.  
 16 MS. BAIK: Yes. That is the system we  
 17 have right now. Hopefully that will work for our  
 18 parents.  
 19 CHAIRMAN FERGUSON: No, that's fine. I  
 20 just want to make sure, you know. So any other board  
 21 members have anything?  
 22 Go ahead.  
 23 MR. GRALA: I have one question. Just  
 24 school buses, no parents dropping off.  
 25 MS. BAIK: Parents will drop off. The

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1 MS. BAIK: Yes, 451 Grand.  
 2 CHAIRMAN FERGUSON: One building. But  
 3 most of the classes are going to be in that area  
 4 underneath the church.  
 5 MS. BAIK: Yes.  
 6 CHAIRMAN FERGUSON: No, are you going  
 7 to transport people by bus.  
 8 MS. BAIK: Yes. We will try to hire a  
 9 school bus service for students. And we will have a  
 10 special place where they are dropped off from school  
 11 to afterschool.  
 12 CHAIRMAN FERGUSON: So the only other  
 13 concern I have -- it's not a major concern because  
 14 you're going to get the headache. Across the street  
 15 from you there's another school.  
 16 MS. BAIK: Oh, yes.  
 17 CHAIRMAN FERGUSON: And I live very  
 18 close, right around -- I was surprised I wasn't  
 19 within the 200 feet but...  
 20 And when they first started it was a  
 21 nightmare down there, because people would park  
 22 everywhere, come any which way. But since then they  
 23 have a system now where cars come in, they drop off,  
 24 the cars go out, right. And I just want to caution  
 25 you that when you make your drop-off, you know, pay

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1 afterschool program, we only have the school bus, and  
 2 maybe one or two parents that do not want to use the  
 3 bus.  
 4 MR. GRALA: Because traffic does get  
 5 crazy.  
 6 MS. BAIK: It does.  
 7 We acknowledge that Grand Avenue is  
 8 crazy during school hours. But we do have one school  
 9 bus service.  
 10 MR. GRALA: Just that the parents  
 11 sometimes don't know what to do.  
 12 MS. BAIK: We will escort them. We  
 13 will guide them safely.  
 14 CHAIRMAN FERGUSON: Any other board  
 15 members have anything?  
 16 Do you have anything?  
 17 MR. COLLAZUOL: So you're going to have  
 18 a school bus arriving, pull into the parking lot --  
 19 MS. BAIK: Yes.  
 20 MR. COLLAZUOL: -- and dropping off the  
 21 students.  
 22 What size is the bus? Rather, how many  
 23 seats in the bus?  
 24 MS. BAIK: As of now, only 15.  
 25 MR. COLLAZUOL: The mini bus.

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1 MS. BAIK: Not the 50-seater.  
 2 MR. COLLAZUOL: So being that it's a  
 3 mini bus, is there sufficient room for the bus to  
 4 maneuver and exit without backing back out into Fair  
 5 Street.  
 6 MS. BAIK: Yes, there is.  
 7 MR. COLLAZUOL: There is. And with  
 8 vehicles -- with vehicles parked in there.  
 9 MS. BAIK: Yes.  
 10 MR. COLLAZUOL: All right. So I think  
 11 that's the main concern for the board that the  
 12 functioning of the drop-off will not be affecting the  
 13 public street, it will be done onsite.  
 14 CHAIRMAN FERGUSON: Yes, it would be.  
 15 MS. BAIK: Yes.  
 16 CHAIRMAN FERGUSON: It will be onsite.  
 17 MR. COLLAZUOL: That's good? All  
 18 right.  
 19 CHAIRMAN FERGUSON: Okay, any board  
 20 members have anything else?  
 21 (No response.)  
 22 CHAIRMAN FERGUSON: Okay.  
 23 Just make sure that nothing else comes  
 24 up.  
 25 MS. BAIK: Okay, thank you.

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1 structures that are involved in the application.  
 2 The bottom left-hand photograph is  
 3 looking on Commercial Avenue, just to get a sense of  
 4 the industrial uses that are there.  
 5 And then the bottom right-hand  
 6 photograph is of that school directly across the  
 7 street from our driveway that the Chairman mentioned.  
 8 So we have three, sort of, components  
 9 of the educational use, all of them needing a  
 10 combination of use variances, inherently beneficial.  
 11 I've reviewed your memo from Mike Kauker. I've  
 12 spoken with him. And we're both in agreement as to  
 13 the type of variances that we're seeking and the type  
 14 of testimony I should provide.  
 15 So the childcare center is permitted in  
 16 both -- even though it's not in your ordinance, it's  
 17 permitted in both of the commercial zones, the  
 18 industrial and the commercial, so we don't need a  
 19 variance for that.  
 20 The school component of it is  
 21 considered inherently beneficial, and I'll provide  
 22 some testimony about that. And then the summer camp  
 23 program is a strict use variance, and I'll discuss  
 24 that as well.  
 25 So looking at the inherently beneficial

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1 CHAIRMAN FERGUSON: Okay, you're  
 2 welcome.  
 3 MR. RAMUNDO: I believe he's testified  
 4 once or twice here before.  
 5 CHAIRMAN FERGUSON: Yeah, once or  
 6 twice.  
 7 MR. SPATZ: I'm still under oath.  
 8 CHAIRMAN FERGUSON: Go for it.  
 9 D A V I D S P A T Z, P.P.  
 10 60 Friend Terrace, Harrington Park, New Jersey,  
 11 having been previously sworn, continues to  
 12 testify as follows:  
 13 (Whereupon, Photoboard, Dated  
 14 July 19, 2021, is marked as Exhibit A-1 for  
 15 identification.)  
 16 MR. SPATZ: All right. We have a photo  
 17 exhibit, which was sent around. It's marked A-1 with  
 18 today's date.  
 19 The top left-hand photograph is looking  
 20 at the church structure from Fair. You can see the  
 21 parking lot and the bridge connecting to the other  
 22 building.  
 23 The top right-hand photograph is  
 24 looking up toward Grand, which is the office building  
 25 attached to the church building. So those are the

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1 component of the school. There is a four-prong test  
 2 that needs to be looked at. What is the public  
 3 benefit? Certainly providing an educational  
 4 environment is a public benefit. That also fits for  
 5 the camp program.  
 6 We need to look at what kinds of  
 7 negative impacts might there be from what's being  
 8 proposed.  
 9 The one that has been discussed this  
 10 evening is traffic, drop-off of children. Ms. Baik  
 11 gave a great description of how that is being  
 12 handled. The three uses are really at different  
 13 seasons. So it's not like they're all there at the  
 14 same time.  
 15 The third part of the test is whether  
 16 there are any conditions that can be put in that  
 17 might get rid of some of the issues. We've spoken  
 18 about that all drop-off will take place onsite,  
 19 whether by vehicle, or by bus, or by car. There's  
 20 sufficient parking to handle everything. The one  
 21 condition would be that the vehicles that are now  
 22 allowed to park onsite from other surrounding uses  
 23 will not be there during the school. So we've taken  
 24 care of that extra problem.  
 25 And then the final component, there's a

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1 balancing test, whether the positive outweighs the  
 2 negative. Clearly the educational uses, the summer  
 3 camp program, are all beneficial to residents of  
 4 Palisades Park as well as the surrounding  
 5 communities.  
 6 In terms of negative conditions, it's  
 7 really parking and drop-off, and that has been dealt  
 8 with this evening.  
 9 So on balance, both in terms of the use  
 10 variance we need for the summer camp program as well  
 11 as the inherently beneficial school program, I think  
 12 the positive far outweighs anything that could be  
 13 considered negative. The parking is the one issue,  
 14 and that really has been taken care of, the drop-off  
 15 as well as on the property.  
 16 So, on balance, I think the variances  
 17 could be granted. The Sica test for the inherently  
 18 beneficial is met as well.  
 19 So that's a brief. If there's anything  
 20 additional, I'll be glad to answer.  
 21 CHAIRMAN FERGUSON: Any questions?  
 22 Do any board members have anything to  
 23 do -- any questions?  
 24 (No response.)  
 25 CHAIRMAN FERGUSON: Anything?

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1 MR. CARNOVALE: Yes.  
 2 CHAIRMAN FERGUSON: Okay.  
 3 So thank you for coming. Thank you for  
 4 all.  
 5 VICE CHAIRMAN ALBANESE: I make a  
 6 motion to adjourn the meeting.  
 7 CHAIRMAN FERGUSON: We have a motion to  
 8 adjourn.  
 9 (Whereupon, all present members respond  
 10 in the affirmative.)  
 11 (Whereupon, the meeting is concluded.)  
 12 Time noted: 9:27 p.m.)  
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**LAURA A. CARUCCI, C.S.R., R.P.R., L.L.C.**  
**201-641-1812**

1 (No response.)  
 2 CHAIRMAN FERGUSON: Steve, you're good?  
 3 MR. COLLAZUOL: Yes.  
 4 Thank you.  
 5 CHAIRMAN FERGUSON: Okay. So I'm going  
 6 to make a motion to accept the application as  
 7 submitted: \$2,000.00 to the Tree Preservation Fund.  
 8 And that's my motion.  
 9 MR. CARNOVALE: I second the motion.  
 10 CHAIRMAN FERGUSON: Roll call.  
 11 MS. LAMBRINIDES: Mr. Ferguson?  
 12 CHAIRMAN FERGUSON: Yes.  
 13 MS. LAMBRINIDES: Mr. Albanese?  
 14 VICE CHAIRMAN ALBANESE: Yes.  
 15 MS. LAMBRINIDES: Mr. Terranova?  
 16 MR. TERRANOVA: Yes.  
 17 MS. LAMBRINIDES: Mr. Chung?  
 18 MR. CHUNG: Yes.  
 19 MS. LAMBRINIDES: Ms. Yoon?  
 20 MS. YOON: Yes.  
 21 MS. LAMBRINIDES: Mr. Elefteriou?  
 22 MR. ELEFTERIOU: Yes.  
 23 MS. LAMBRINIDES: Mr. Grala?  
 24 MR. GRALA: Yes.  
 25 MS. LAMBRINIDES: Mr. Carnovale?

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

1 C E R T I F I C A T E  
 2  
 3 I, RONDA L. REINSTEIN, a Certified Court  
 4 Reporter of the State of New Jersey, authorized to  
 5 administer oaths pursuant to R.S.41:2-2, do hereby  
 6 certify that the foregoing is a true and accurate  
 7 transcript of the testimony as taken stenographically  
 8 by and before me at the time, place and on the date  
 9 herein before set forth, to the best of my ability.  
 10 I DO FURTHER CERTIFY that I am neither a  
 11 relative nor employee nor attorney nor counsel of any  
 12 of the parties to this action, and that I am neither  
 13 a relative nor employee of such attorney or counsel,  
 14 and that I am not financially interested in the  
 15 action.  
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 RONDA L. REINSTEIN, CCR No. 30X100217800  
 25

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

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|-----------|---|---|---|--|--|
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| <b>0</b>  | <p><b>07024</b> [1] - 2:16</p> <p><b>07644</b> [1] - 2:18</p> <p><b>07650</b> [2] - 2:21, 2:24</p>  |   |   | <p><b>4</b> [13] - 26:2, 46:9, 46:13, 49:14, 81:25, 103:25, 116:18, 126:20, 127:16, 127:18, 128:3, 128:5, 128:20</p> <p><b>4,300</b> [1] - 112:3</p> <p><b>4-12-21</b> [1] - 77:14</p> <p><b>4-feet-2-inches</b> [1] - 25:23</p> <p><b>4-feet-by-8-inches-wide</b> [1] - 80:8</p> <p><b>4-foot-2</b> [1] - 38:13</p> <p><b>4-foot-high</b> [1] - 29:21</p> <p><b>4-on-12</b> [1] - 113:12</p> <p><b>40</b> [1] - 65:10</p> <p><b>41</b> [1] - 7:11</p> <p><b>410</b> [4] - 1:17, 4:9, 7:5, 17:9</p> <p><b>414</b> [1] - 65:18</p> <p><b>416</b> [2] - 2:23, 130:15</p> <p><b>43-by-100</b> [1] - 112:13</p> <p><b>43-feet-by-100</b> [1] - 112:3</p> <p><b>440</b> [10] - 1:19, 6:4, 7:15, 130:25, 132:25, 136:24, 137:4, 137:23, 139:6, 139:13</p> <p><b>443</b> [2] - 1:4, 11:20</p> <p><b>45</b> [2] - 4:12, 105:10</p> <p><b>451</b> [9] - 1:18, 6:4, 7:15, 130:25, 132:19, 132:25, 137:19, 138:1, 139:7</p> <p><b>467</b> [4] - 19:9, 19:12, 76:24, 111:2</p> <p><b>47</b> [1] - 4:13</p> <p><b>49.5</b> [1] - 112:21</p>   |  |
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|           |   |   |   | <b>5</b>   |  |
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