

BOROUGH OF PALISADES PARK
 BOARD OF ADJUSTMENT
 MONDAY, JULY 20, 2020
 7:00 p.m.

 IN THE MATTER OF) TRANSCRIPT OF
 APPLICATION:) REMOTE CONFERENCE
) CALL PROCEEDING
 CASE NO. 20-01,)
 NEW VISION DEVELOPERS, LLC,)
 BLOCK 214, LOT 21.)
)
 BLOCK 423, LOT 1,)
 401 E. CENTRAL BOULEVARD,)
 LLC)
)
 CASE NO. 19-21,)
 BLOCK 413, LOT 11,)
 265 10TH STREET,)

 B E F O R E :

JOSEPH FERGUSON, CHAIRMAN
 PAUL ALBANESE, VICE CHAIRMAN
 DAVID TERRANOVA, MEMBER (ABSENT)
 VINCENT CARNOVALE, MEMBER
 SEONGHYE YOON, MEMBER (ABSENT)
 ELEFTERIOS ELEFTERIOU, MEMBER
 SUK JIN MIN, MEMBER (ABSENT)
 STEVEN BROGNA, MEMBER
 VINCENT CARNOVALE, MEMBER
 MIRJANA TARABOCCHIA, ALTERNATE MEMBER

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21 NO. DESCRIPTION PAGE		
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1 A P P E A R A N C E S :

2

3 DIANE T. TESTA, ESQ.
 Counsel for the Board of Adjustment

4

5 LAW OFFICE OF MARC D. RAMUNDO
 BY: MARC D. RAMUNDO, ESQ.
 416 E. Central Boulevard
 Palisades Park, New Jersey 07650
 Attorney for Applicant

8

9

10

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

12 ELENI LAMBRINIDES
 LAND USE SECRETARY

13

14 STEVE COLLAZUOL, P.E.
 Board Engineer

15 JUDD A. ROCCIOLA, P.E.
 Board Engineer

16

17 MICHAEL KAUKER, P.P.
 Board Planner

18

19

20

21

22

23

24

25

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1 CHAIRMAN FERGUSON: I'd like to call

2 the meeting of the Palisades Park Board of Adjustment

3 meeting to order.

4 (Whereupon, all rise for a Recitation

5 of the Pledge of Allegiance.)

6 CHAIRMAN FERGUSON: Roll call?

7 MS. LAMBRINIDES: Mr. Ferguson?

8 CHAIRMAN FERGUSON: Here.

9 MS. LAMBRINIDES: Mr. Albanese?

10 VICE CHAIRMAN ALBANESE: Here.

11 MS. LAMBRINIDES: Mr. Terranova?

12 (No response.)

13 MS. LAMBRINIDES: Mr. Min?

14 (No response.)

15 MS. LAMBRINIDES: Ms. Yoon?

16 (No response.)

17 MS. LAMBRINIDES: Mr. Elefteriou?

18 MR. ELEFTERIOU: Here.

19 MS. LAMBRINIDES: Ms. Tarabocchia?

20 MS. TARABOCCHIA: Here.

21 MS. LAMBRINIDES: Mr. Brogna?

22 MR. BROGNA: Here.

23 CHAIRMAN FERGUSON: Okay.

24 In accordance with the Open Public

25 Meetings Act notice of the Borough of Palisades Park

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1 Zoning Board of Adjustment meeting has been posted on
2 the borough bulletin board. Notice has been provided
3 to the official borough newspaper and filed with the
4 borough clerk's office.

5 Due to the current situation involving
6 the COVID-19 virus and directive of the state and
7 county governments this meeting will be held remotely
8 by way of FreeConferenceCalling.com.

9 MS. TESTA: Swear in the new board
10 member.

11 CHAIRMAN FERGUSON: Yes.

12 MS. TESTA: Okay.

13 CHAIRMAN FERGUSON: Okay.

14 MS. TESTA: Vinnie, you want to stand
15 up.

16 Please raise your right hand.

17 MR. CARNOVALE: Do you need a Bible?

18 MS. TESTA: I, state your name.

19 MR. CARNOVALE: I, Vincent Carnovale,
20 do solemnly swear that I will support the
21 Constitution of the United States and the
22 Constitution of the State of New Jersey, and that I
23 will bear truth faith and allegiance to the same and
24 to the governments established in the United States
25 and in this state, under the authority of the people,

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1 MR. BROGNA: Here.

2 MS. LAMBRINIDES: Mr. Carnovale?

3 MR. CARNOVALE: Here.

4 CHAIRMAN FERGUSON: Okay.

5 First we're going to pay some bills.

6 We have our board attorney a voucher for \$1,031.25.

7 And also from our court reporter that goes back into
8 late last year and that number is \$9,177.00.

9 Can I get a motion?

10 VICE CHAIRMAN ALBANESE: I make a
11 motion we pay the bills.

12 CHAIRMAN FERGUSON: Can I get a second?

13 MR. ELEFTERIOU: Second.

14 CHAIRMAN FERGUSON: Roll call vote?

15 MS. LAMBRINIDES: Mr. Ferguson?

16 CHAIRMAN FERGUSON: Yes.

17 MS. LAMBRINIDES: Mr. Albanese?

18 VICE CHAIRMAN ALBANESE: Yes.

19 MS. LAMBRINIDES: Mr. Elefteriou?

20 MR. ELEFTERIOU: Yes.

21 MS. LAMBRINIDES: Ms. Tarabocchia?

22 MS. TARABOCCHIA: Yes.

23 MS. LAMBRINIDES: Mr. Brogna?

24 MR. BROGNA: Yes.

25 MS. LAMBRINIDES: Mr. Carnovale?

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1 so help me God.

2 I do further solemnly swear that I will
3 impartially and justly perform all the duties of the
4 office of member of the Zoning Board of Adjustment
5 according to the best of my ability. So help me God.

6 (Applause.)

7 CHAIRMAN FERGUSON: Okay.

8 MS. TESTA: Roll call again.

9 CHAIRMAN FERGUSON: Roll call.

10 MS. LAMBRINIDES: Everybody?

11 Mr. Ferguson?

12 CHAIRMAN FERGUSON: Here.

13 MS. LAMBRINIDES: Mr. Albanese?

14 VICE CHAIRMAN ALBANESE: Here.

15 MS. LAMBRINIDES: Mr. Terranova?

16 (No response.)

17 MS. LAMBRINIDES: Mr. Min?

18 (No response.)

19 MS. LAMBRINIDES: Ms. Yoon?

20 (No response.)

21 MS. LAMBRINIDES: Mr. Elefteriou?

22 MR. ELEFTERIOU: Here.

23 MS. LAMBRINIDES: Ms. Tarabocchia?

24 MS. TARABOCCHIA: Here.

25 MS. LAMBRINIDES: Mr. Brogna?

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1 MR. CARNOVALE: Yes.

2 CHAIRMAN FERGUSON: Okay.

3 Next we have the minutes of the
4 previous meeting, everybody received a copy of the
5 minutes.

6 Can I get a motion to approve the
7 minutes?

8 VICE CHAIRMAN ALBANESE: I make a
9 motion we approve the minutes.

10 CHAIRMAN FERGUSON: Can I get a second?

11 MR. ELEFTERIOU: Second.

12 CHAIRMAN FERGUSON: Roll call?

13 MS. LAMBRINIDES: Mr. Ferguson?

14 CHAIRMAN FERGUSON: Yes.

15 MS. LAMBRINIDES: Mr. Albanese?

16 VICE CHAIRMAN ALBANESE: Yes.

17 MS. LAMBRINIDES: Mr. Elefteriou?

18 MR. ELEFTERIOU: Yes.

19 MS. LAMBRINIDES: Ms. Tarabocchia?

20 MS. TARABOCCHIA: Yes.

21 MS. LAMBRINIDES: Mr. Brogna?

22 MR. BROGNA: Yes.

23 MS. LAMBRINIDES: Mr. Carnovale?

24 MR. CARNOVALE: Yes.

25 MS. TESTA: Abstain.

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1 MR. CARNOVALE: Oh, sorry. Abstain.
 2 MS. LAMBRINIDES: Thank you.
 3 CHAIRMAN FERGUSON: Okay.
 4 Next we have one memorialization, that
 5 was Case 20-01 New Vision Development L.L.C.
 6 Can I get a motion to approve?
 7 VICE CHAIRMAN ALBANESE: I make a
 8 motion we approve the memorialization.
 9 CHAIRMAN FERGUSON: Can I get a second?
 10 MR. ELEFTERIOU: Second.
 11 CHAIRMAN FERGUSON: Roll call vote?
 12 MS. LAMBRINIDES: Mr. Ferguson?
 13 CHAIRMAN FERGUSON: Yes.
 14 MS. LAMBRINIDES: Mr. Albanese?
 15 VICE CHAIRMAN ALBANESE: Yes.
 16 MS. LAMBRINIDES: Mr. Elefteriou?
 17 MR. ELEFTERIOU: Yes.
 18 MS. LAMBRINIDES: Ms. Tarabocchia?
 19 MS. TARABOCCHIA: Yes.
 20 MS. LAMBRINIDES: Mr. Brogna?
 21 MR. BROGNA: Yes.
 22 MS. LAMBRINIDES: Mr. Carnovale?
 23 MR. CARNOVALE: Yes.
 24 MS. TESTA: You should abstain on this
 25 one.

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1 And that they're going to sign affidavits attesting
 2 to the fact that they have read the full transcript
 3 also looked at the plans and the exhibits of both the
 4 board's experts and also, of course, the applicants.
 5 And that would be Mr. Brogna, Ms. Tarabocchia and
 6 Mr. Carnovale.
 7 Is that correct?
 8 MR. CARNOVALE: Yes.
 9 MS. TARABOCCHIA: Yes.
 10 CHAIRMAN FERGUSON: Okay.
 11 Here is our main man. One of these
 12 days you're going arrive on time and I'm going to
 13 have a coronary right here.
 14 Okay. Counsel, you want to sum up?
 15 MR. RAMUNDO: Good evening,
 16 Mr. Chairman, Ms. Tests, honorable Board Members,
 17 again my name is Marc Ramundo, Law Offices of Marc
 18 Ramundo, offices at 416 East Central Boulevard, right
 19 up the block, Palisades Park, New Jersey. I'm here
 20 representing the applicant.
 21 Prior to ending the last meeting I had
 22 summed up, prior to leaving, so I know this board has
 23 takes copious notes and has listened to all the
 24 testimony so at this time I don't really need to add
 25 anything further.

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1 MR. CARNOVALE: I read all the minutes
 2 so it's up to you.
 3 MS. TESTA: You read.
 4 CHAIRMAN FERGUSON: Okay.
 5 MS. TESTA: Well, this one, right, I
 6 would abstain on this one.
 7 MR. CARNOVALE: Okay.
 8 MS. TESTA: Yes.
 9 MR. CARNOVALE: I abstain.
 10 CHAIRMAN FERGUSON: Okay.
 11 So tonight we only have one case on the
 12 agenda, just to refresh the board's memory, we're
 13 going to hear a closing statement from the attorney
 14 for the applicant.
 15 Then we're going take questions from
 16 the board, if there's any questions.
 17 And then we'll take a vote on it and
 18 that would be that 401 East Central Boulevard.
 19 MS. TESTA: If I may just before?
 20 CHAIRMAN FERGUSON: Yes.
 21 MS. TESTA: There are three board
 22 members that were not present for all of the
 23 hearings, however it's my understanding that they
 24 have all read the transcripts from the January
 25 meeting, January 27th, 2020 and also June 3rd, 2020.

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1 But my architect's here. Mr. Corcoros
 2 is available. I'm available for any questions the
 3 board may have.
 4 CHAIRMAN FERGUSON: Okay. Okay.
 5 Is there any questions from any board
 6 members?
 7 (No response.)
 8 CHAIRMAN FERGUSON: No questions.
 9 Okay.
 10 So, counsel, let me just go through
 11 some of the -- just so you're aware of when I make my
 12 motion, I want to make sure that you understand it,
 13 what I'm requesting. And all of these you have
 14 already previously agreed to.
 15 So first you're going submit this of
 16 application to DOT, that would be DOT highways
 17 access --
 18 MS. TESTA: Department of
 19 Transportation.
 20 CHAIRMAN FERGUSON: What?
 21 MS. TESTA: Department of
 22 Transportation?
 23 CHAIRMAN FERGUSON: Yes.
 24 MS. TESTA: Yes.
 25 CHAIRMAN FERGUSON: DOT. So you're

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1 going to submit it to Department of Transportation
2 right in, right out, correct? And you're going to
3 show it on the plans. Something that I thought that
4 we were going to -- I was going to see tonight. You
5 have it?

6 And you're going to submit Judd
7 Rocciola with a copy. Correct?

8 MR. RAMUNDO: That's correct.

9 CHAIRMAN FERGUSON: Okay.

10 And as you know the town ordinances do
11 not require, if -- there's no tandem parkings at all
12 in the town ordinance.

13 So we're going to require that one of
14 the two-bedroom apartments is going to be assigned to
15 those two tandem spots.

16 Okay. We're going to put \$2,000.00 in
17 the Tree Preservation Fund.

18 If possible, I would like to see some
19 curbing to show right turn coming out of your...

20 MR. CORCOROS: On the 10th Street or
21 the...

22 CHAIRMAN FERGUSON: No, on the Bergen
23 side.

24 MR. CORCOROS: Yes. That, whatever we
25 do, we have to get it reviewed and --- we have to get

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1 Is there any questions about my --
2 Paul? No? Okay.

3 So it's my opinion that this applicant
4 has met all the requirements for a use and all the
5 other variances. Bergen Boulevard Bergen Boulevard
6 is more in tune with the area as far as other high
7 rises.

8 So I am going to make a motion to
9 approve it with the following proviso, you need to
10 submit it to DOT, highway access permit, right in,
11 right out. You have to show it on the plans. And
12 you have to give a copy to Judd Rocciola. The two
13 tandem spots will be assigned to one of those
14 two-bedroom apartments. A \$2,000.00 to the Tree
15 Preservation Fund. If possible, we would like to see
16 some curbing directing it down. We'd also like to
17 see that on the plan. You also have to submit it to
18 county planning and development. And any
19 recommendations from the board or from the borough
20 engineer be complied with.

21 MR. RAMUNDO: Correct.

22 CHAIRMAN FERGUSON: Okay. That's my
23 motion.

24 Can I get a second?

25 VICE CHAIRMAN ALBANESE: I'll second

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1 it reviewed and approved by the DOT. But I think we
2 can curb and a triangle so you can't make the left
3 turn.

4 CHAIRMAN FERGUSON: Right, I would also
5 like to see that on the plan. Okay?

6 MR. CORCOROS: Yes.

7 CHAIRMAN FERGUSON: You're going to
8 have to submit it to the county planning and
9 development. Right?

10 Any recommendation from the borough
11 engineer. He gave you his recommendations a couple
12 of months ago. I think you agreed to it.

13 MR. CORCOROS: Yes.

14 CHAIRMAN FERGUSON: So that would be
15 done.

16 I did receive the \$5,000.00 that you
17 said you were going to deposit.

18 MR. RAMUNDO: That was -- I'm sorry
19 that was dropped off at the building department.

20 CHAIRMAN FERGUSON: Yes, I talked to
21 the building department today. They said they have
22 it.

23 MR. RAMUNDO: Great.

24 CHAIRMAN FERGUSON: So that's fine.

25 So, basically, that's it.

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1 it.

2 CHAIRMAN FERGUSON: Okay. Roll call?

3 MS. LAMBRINIDES: Mr. Ferguson?

4 CHAIRMAN FERGUSON: Yes.

5 MS. LAMBRINIDES: Mr. Albanese?

6 VICE CHAIRMAN ALBANESE: Yes.

7 MS. LAMBRINIDES: Mr. Elefteriou?

8 MR. ELEFTERIOU: Yes.

9 MS. LAMBRINIDES: Ms. Tarabocchia?

10 MS. TARABOCCHIA: Yes.

11 MS. LAMBRINIDES: Mr. Brogna?

12 MR. BROGNA: Yes.

13 MS. LAMBRINIDES: Mr. Carnovale?

14 MR. CARNOVALE: Yes.

15 CHAIRMAN FERGUSON: Okay thank you.

16 MR. CORCOROS: Thank you.

17 MR. RAMUNDO: Thank you.

18 CHAIRMAN FERGUSON: You have a copy of
19 the plans.

20 MS. TESTA: We should open to the
21 public, just to open the meeting --

22 CHAIRMAN FERGUSON: Oh, okay.

23 MS. TESTA: -- because we also have to
24 deal with 10th Street before Mr. Ramundo leaves.

25 CHAIRMAN FERGUSON: Okay, I'm sorry.

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1 So is there any --
 2 IT TECHNICIAN: Yes.
 3 CHAIRMAN FERGUSON: Okay.
 4 IT TECHNICIAN: There are 13 people.
 5 CHAIRMAN FERGUSON: Questions, no? We
 6 just...
 7 MS. TESTA: With regard to 10th Street,
 8 now we need to --
 9 CHAIRMAN FERGUSON: Right.
 10 MS. TESTA: -- hear Mr. Ramundo.
 11 CHAIRMAN FERGUSON: Yes, right.
 12 Do you want to put 10th Street -- it's
 13 my understanding that you're withdrawing 10th Street.
 14 Is that correct?
 15 MR. RAMUNDO: That's correct,
 16 Mr. Chairman.
 17 I've spoken to the applicant who
 18 decided to take a different course and decided to
 19 withdraw his application at this time.
 20 CHAIRMAN FERGUSON: Okay.
 21 MS. TESTA: So we need a motion to
 22 accept the request to withdraw the case without
 23 prejudice.
 24 CHAIRMAN FERGUSON: Okay.
 25 VICE CHAIRMAN ALBANESE: I make a

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1 motion we accept.
 2 CHAIRMAN FERGUSON: I'll make that
 3 motion.
 4 VICE CHAIRMAN ALBANESE: I'll second
 5 it.
 6 CHAIRMAN FERGUSON: Okay.
 7 Roll call?
 8 MS. LAMBRINIDES: Mr. Ferguson?
 9 CHAIRMAN FERGUSON: Yes.
 10 MS. LAMBRINIDES: Mr. Albanese?
 11 VICE CHAIRMAN ALBANESE: Yes.
 12 MS. LAMBRINIDES: Mr. Elefteriou?
 13 MR. ELEFTERIOU: Yes.
 14 MS. LAMBRINIDES: Ms. Tarabocchia?
 15 MS. TARABOCCHIA: Yes.
 16 MS. LAMBRINIDES: Mr. Brogna?
 17 MR. BROGNA: Yes.
 18 MS. LAMBRINIDES: Mr. Carnovale?
 19 MR. CARNOVALE: Yes.
 20 CHAIRMAN FERGUSON: Okay.
 21 MR. CORCOROS: Thank you.
 22 MR. RAMUNDO: Thank you.
 23 CHAIRMAN FERGUSON: Can I get a motion
 24 --
 25 VICE CHAIRMAN ALBANESE: Make a motion

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1 we adjourn.
 2 MR. RAMUNDO: Thank you. Be safe
 3 everybody. Continue to be safe.
 4 CHAIRMAN FERGUSON: You too.
 5 MS. TESTA: I think you should open it
 6 to the public, but it's really not any questions on
 7 any cases. Before we adjourn.
 8 CHAIRMAN FERGUSON: Paulie.
 9 VICE CHAIRMAN ALBANESE: Hold it. Hold
 10 it.
 11 IT TECHNICIAN: We have some people.
 12 There were three questions, should I
 13 just...
 14 MS. TESTA: I guess we can hear the
 15 questions. We don't need to answer them.
 16 CHAIRMAN FERGUSON: Yes.
 17 We can open it up.
 18 MS. TESTA: Right.
 19 IT TECHNICIAN: So let them through.
 20 CHAIRMAN FERGUSON: As I said
 21 previously, we're not -- the board voted to have this
 22 approved.
 23 MS. TESTA: Right, because the
 24 questions were taken of the last meeting.
 25 CHAIRMAN FERGUSON: Right.

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1 MS. TESTA: The public portion.
 2 CHAIRMAN FERGUSON: Right.
 3 IT TECHNICIAN: Susan Brauer.
 4 MS. BRAUER: Hello?
 5 CHAIRMAN FERGUSON: Yes.
 6 Name and address.
 7 MS. BRAUER: I'm asking a question
 8 about East Central.
 9 CHAIRMAN FERGUSON: Okay.
 10 MS. BRAUER: It's Susan Brauer.
 11 CHAIRMAN FERGUSON: Okay. Susan.
 12 MS. BRAUER: Can you just tell me what
 13 the total units will be on that now? How many one
 14 bedroom, two bedroom please?
 15 CHAIRMAN FERGUSON: It would be, let me
 16 get my plans.
 17 MR. BROGNA: Nine one-bedrooms.
 18 CHAIRMAN FERGUSON: I believe it's a
 19 total of --
 20 MR. BROGNA: Thirteen units.
 21 MS. TESTA: None -- right. None
 22 one-bedrooms.
 23 CHAIRMAN FERGUSON: There are nine
 24 one-bedrooms and --
 25 MR. BROGNA: And four two-bedroom.

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1 CHAIRMAN FERGUSON: And four --
 2 MS. TESTA: Two-bedroom.
 3 CHAIRMAN FERGUSON: -- two bedrooms.
 4 MS. BRAUER: Okay is anything going to
 5 affordable housing because other towns are now
 6 dealing with the state and meeting their affordable
 7 housing needs.
 8 MS. TESTA: That will be determined by
 9 the building department.
 10 CHAIRMAN FERGUSON: Yeah.
 11 MS. TESTA: Whatever is required by
 12 ordinance, they would have to comply.
 13 MS. BRAUER: But that's not ordinance,
 14 that state.
 15 MS. TESTA: But the town has an
 16 ordinance.
 17 MS. BRAUER: The building department
 18 won't do that.
 19 CHAIRMAN FERGUSON: Well, I don't --
 20 you know, Susan, I don't know. I was always under
 21 the impression that a builder could elect to pay
 22 something in lieu of --
 23 MS. TESTA: Correct.
 24 CHAIRMAN FERGUSON: -- the requirement.
 25 MR. BROGNA: Yes.

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1 MS. BRAUER: Correct, yes.
 2 Yeah, so what did this builder choose
 3 to do.
 4 MS. TESTA: That would have to be
 5 determined with the building department. That's not
 6 part of this board's jurisdiction.
 7 MS. BRAUER: How much?
 8 MS. TESTA: Right. That's not part of
 9 this board's jurisdiction. That's with the building
 10 department.
 11 MS. BRAUER: Huh.
 12 CHAIRMAN FERGUSON: Okay. Sue.
 13 MS. BRAUER: What? I'm sorry. I
 14 didn't hear that.
 15 MS. TESTA: That's up to the building
 16 department to work that out with the builder. That's
 17 not the jurisdiction of this board.
 18 MS. BRAUER: Will you tell the building
 19 department that? Will somebody tell the building
 20 department that?
 21 MS. TESTA: It's really, again, not
 22 this board's jurisdiction to tell the building
 23 department something that is in their ordinances.
 24 MS. BRAUER: Are they aware?
 25 MS. TESTA: I would imagine that they

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1 would be. Yes.
 2 VICE CHAIRMAN ALBANESE: They would
 3 have to be aware of that.
 4 MS. BRAUER: You have a good
 5 imagination.
 6 All right. And you just voted on
 7 something to pass, can you tell me what that was?
 8 Was that with 10th Street?
 9 MS. TESTA: Yes, the applicant withdraw
 10 that application.
 11 MS. BRAUER: He withdraw it?
 12 MS. TESTA: Yes.
 13 MS. BRAUER: Can you also tell me
 14 please because we couldn't hear it very well at the
 15 beginning which board members are present.
 16 MS. TESTA: Sure.
 17 MS. BRAUER: And voting.
 18 MS. LAMBRINIDES: Mr. Ferguson is here.
 19 Mr. Albanese is here.
 20 MS. BRAUER: I can't hear you, I'm
 21 sorry.
 22 MS. LAMBRINIDES: Mr. Ferguson.
 23 MS. BRAUER: Okay.
 24 MS. LAMBRINIDES: Albanese.
 25 MS. BRAUER: Okay.

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1 MS. LAMBRINIDES: Elefteriou.
 2 MS. BRAUER: Okay.
 3 MS. LAMBRINIDES: Tarabocchia.
 4 MS. BRAUER: Okay.
 5 MS. LAMBRINIDES: Mr. Brogna.
 6 MS. BRAUER: Okay.
 7 MS. LAMBRINIDES: And Mr. Carnovale.
 8 MS. BRAUER: Okay. Thank you.
 9 MS. TESTA: You're welcome.
 10 CHAIRMAN FERGUSON: Okay.
 11 IT TECHNICIAN: No, there's three --
 12 two more after this one.
 13 MR. DEMPSEY: Hello?
 14 CHAIRMAN FERGUSON: Hello.
 15 MR. DEMPSEY: Yes, I'm I just curious
 16 why are you guys are voting --
 17 MS. LAMBRINIDES: Who is this?
 18 MR. DEMPSEY: -- on an undue burden put
 19 upon this section of the town.
 20 MS. TESTA: Again --
 21 CHAIRMAN FERGUSON: Well, first of all
 22 you have to give us the name and address.
 23 MR. DEMPSEY: My name is Chris Dempsey
 24 my address is 316 10th Street.
 25 I want to know why you guys are voting

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1 on an undue burden on the town both with the parking
2 -- the buildings doesn't have enough parking, as well
3 as the town -- that building can have as much as 35
4 people living in it.

5 MS. TESTA: Okay. Again, the public --

6 MR. DEMPSEY: So now we have to try --

7 MS. TESTA: Excuse me, sir.

8 CHAIRMAN FERGUSON: Sir.

9 MS. TESTA: The public portion --

10 MR. DEMPSEY: Yes.

11 MS. TESTA: -- of this application was
12 at the last meeting. Today was just a discussion of
13 the testimony --

14 MR. DEMPSEY: I was at the last
15 meeting. I was at the last meeting.

16 MS. TESTA: Right. Okay.

17 MR. DEMPSEY: I was at the last
18 meeting.

19 MS. TESTA: Okay. And you heard -- and
20 you had an opportunity to make a comment --

21 MR. DEMPSEY: I heard. I heard. It --
22 the whole thing is an undue burden on the town --

23 MS. TESTA: But, again, this is not --

24 MR. DEMPSEY: -- it opened the block --

25 MS. TESTA: This is not open to the --

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1 the public portion comments are closed on the 401
2 East Central Boulevard.

3 MR. DEMPSEY: All right.

4 MS. TESTA: The board has voted. We're
5 opening this just if you have any --

6 MR. DEMPSEY: Let me finish -- yeah, I
7 have a real simple question.

8 MS. TESTA: Yes.

9 MR. DEMPSEY: Why is the town putting
10 an undue burden on parking in this area of town where
11 you cannot find a parking place in the morning or the
12 evening. And they're going let that place be erected
13 without proper parking according to code.

14 VICE CHAIRMAN ALBANESE: That's why
15 they come in for a variance.

16 MS. TESTA: Okay. Next question
17 please.

18 MR. DEMPSEY: The variances -- the
19 variances caused by --

20 MS. STONE: Hello, this is Christine
21 Stone, 347 East Central Boulevard.

22 I have a comment. I have requested on
23 many occasions copies, minutes and I haven't received
24 them. I haven't received any of the documents I
25 requested under the OPRA Act.

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1 I think the actions of this board today
2 are capricious and completely unbelievably vague and
3 -- and I'm -- I'm dumbfounded.

4 MS. TESTA: The OPRA, your request for
5 the OPRA material that comes through the Borough
6 Clerk's office. That does not come from this board.
7 My understanding the Borough Clerk --

8 MS. STONE: Well, it's my understanding
9 -- it's my understanding, Diane, that it came from
10 the board and the board said that there were no
11 e-mails ever generated on this -- on this particular
12 matter and -- in fact, I know there was e-mails
13 because I sent one myself.

14 So I'm totally and absolutely
15 dumbfounded and I've spoken several times -- I've
16 asked for copies of the minutes which were not
17 posted.

18 And you now are telling me in this
19 meeting that members of the board who reviewed the
20 minutes of meetings --

21 MS. TESTA: They read the transcripts.

22 MS STONE: -- which I had requested
23 them --

24 MS. TESTA: They read the transcripts.
25 Right, there's a transcript that is

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1 prepared --
2 MS. STONE: Okay. The transcript, but
3 I asked for copies of the transcripts that was not
4 provided.

5 So this -- I mean this action that this
6 board took, without providing the people that are
7 directly impacted by it, particularly me who owns the
8 adjoining property, with the proper documentation in
9 which we can look at to see what has happened in
10 prior meetings it astonishing to me.

11 MS. TESTA: Again, it has to go through
12 the Borough Clerk's office.

13 MS. STONE: It did go through the
14 Borough Clerk's office.

15 MS. TESTA: Okay.

16 MS. STONE: And that's a misstatement.
17 It goes to the Borough Clerk who asks you and then
18 you -- your board provides the answer.

19 The Borough Clerk cannot provide
20 answers for you.

21 Again, I -- I'm going to vehemently and
22 adamantly express my complete and absolute
23 disapproval of what you have done here today,
24 particularly by closing out the public in this
25 particular matter.

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1 CHAIRMAN FERGUSON: Okay.
 2 Well, sorry you feel that way.
 3 VICE CHAIRMAN ALBANESE: Anybody else?
 4 IT TECHNICIAN: Yes.
 5 VICE CHAIRMAN ALBANESE: One more?
 6 IT TECHNICIAN: Two more.
 7 MR. GIOFFRE: Hi, my name is Frank
 8 Gioffre, 341 East Central Boulevard.
 9 Actually two properties down from where
 10 the one proposed building is going up.
 11 And it's like the previous person said,
 12 this is astonishing that this -- that this building
 13 is being pushed through like this and, you know, when
 14 -- when the public, you know, taxpayers and voters
 15 have concerns it's "sorry you feel that way," is the
 16 comment that was given. That's -- you know, that's
 17 crazy. That's -- this shouldn't be happening this
 18 way. This shouldn't be shoehorned in during a
 19 pandemic through a conference call system that
 20 doesn't work. You know this should have waiting
 21 until there is in-person meetings and there can be a
 22 real Zoning Board meeting on this. This is -- this
 23 is --

24 MS. TESTA: Right.

25 But by law --

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1 MR. GIOFFRE: -- moving everybody in the
 2 area --
 3 MS. TESTA: By law the DCA, the
 4 Department of Community Affairs, has required that
 5 the boards continue to meet once a month.
 6 This application there was a hearing
 7 back in January. And then it was continued in June.
 8 So there's been two public meetings -- -
 9 MR. GIOFFRE: Shouldn't have had it
 10 come back until this -- until there can be a real
 11 meeting --
 12 MS. TESTA: But we're not allowed by
 13 was law --
 14 MR. GIOFFRE: -- everybody in the
 15 community --
 16 MS. TESTA: We have to meet and we had
 17 to meet during the pandemic in this regard.
 18 The board did not have a choice.
 19 MR. GIOFFRE: There should be a real
 20 meeting, information cannot be gathered, people not
 21 allowed to gather in this state.
 22 MS. TESTA: Again, I just stated it's
 23 not up to the board to make that determination. We
 24 have an obligation --

25 MR. GIOFFRE: You can make --

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1 VICE CHAIRMAN ALBANESE: No, no, no,
 2 listen, listen --
 3 MR. GIOFFRE: Don't tell me to
 4 repeat --
 5 VICE CHAIRMAN ALBANESE: The state made
 6 a -- told us what to do. If we do not abide by but
 7 what they say and we don't have the meeting that
 8 application would automatically pass.
 9 MR. GIOFFRE: Postpone it then.
 10 VICE CHAIRMAN ALBANESE: Well, that's
 11 the state law. You want me to break the law?
 12 MR. GIOFFRE: No, I don't --
 13 THE COURT REPORTER: I can only
 14 transcribe one person speaking at a time.
 15 VICE CHAIRMAN ALBANESE: We're only
 16 doing what the law says. If we didn't have this
 17 meeting --
 18 (Simultaneous Speaking.)
 19 MR. GIOFFRE: Everybody in the area --
 20 everybody in a four block radius is going to be
 21 impacted by this --
 22 VICE CHAIRMAN ALBANESE: My friend,
 23 listen to me. I am trying to explain something.
 24 The state says we have to have the
 25 meeting. If we didn't have this meeting. It would

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1 automatically pass whatever they did, whatever they
 2 were asking for.
 3 We put certain things in there to --
 4 you know, that we wanted. They could have got
 5 whatever they wanted if we didn't hold this meeting.
 6 That's the law.
 7 MR. GIOFFRE: No, you -- you could have
 8 -- you could have just denied -- denied this.
 9 MS. TESTA: Okay.
 10 (Simultaneous Speaking.)
 11 VICE CHAIRMAN ALBANESE: We could have
 12 did a lot of things, but we passed it.
 13 CHAIRMAN FERGUSON: Pauly.
 14 MR. GIOFFRE: The town just wants the
 15 money, right?
 16 MS. TESTA: Thank you for your
 17 comments.
 18 VICE CHAIRMAN ALBANESE: Okay. Next.
 19 IT TECHNICIAN: This is the last one.
 20 MR. CHAN: Hi, good evening, can you
 21 all hear me?
 22 MS. TESTA: Yes.
 23 MR. CHAN: My name is Jeff Chan. I am
 24 a homeowner as 314 10th Street, we are one the
 25 impacted properties, one of the affected properties

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1 getting notification.
 2 I -- I had -- my first question was
 3 more about procedurally as to what happens next.
 4 So I -- I heard -- I think I heard the
 5 chairperson indicate that the next step is for the
 6 applicant to submit plan to the DOT.
 7 CHAIRMAN FERGUSON: Right.
 8 MR. CHAN: Also to check in with the
 9 county planning and development.
 10 As far as next steps, if there is
 11 approval from those entities or if there isn't, what
 12 happens to the applications process? Does it go
 13 through -- does it go through the board of
 14 adjustments again? Is there a public comment then?
 15 Maybe you can provide some insight on
 16 that piece.
 17 CHAIRMAN FERGUSON: One minute.
 18 My friend, my name is Joe Ferguson. I
 19 am the Chairman.
 20 If any of those entities say no or any
 21 of those entities want changes, the applicant has to
 22 come back to the board for approval.
 23 Okay?
 24 MR. CHAN: So if they approve it with
 25 some modifications, what is the process then? Does
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1 it go back in front of the board?
 2 CHAIRMAN FERGUSON: It's back -- it's
 3 back to the board.
 4 MR. CHAN: Okay. So only if it's
 5 approved as is, does it go on without any -- any
 6 board of adjustment further involvement?
 7 CHAIRMAN FERGUSON: Yes.
 8 MR. CHAN: Okay.
 9 CHAIRMAN FERGUSON: Thank you.
 10 MR. CHAN: Wait -- hello?
 11 CHAIRMAN FERGUSON: Yes.
 12 MR. CHAN: Yes.
 13 So, no, appreciate the answer to that.
 14 And I understand that, you know, these are
 15 unprecedented times with COVID-19, of course.
 16 And I understand the situation we're
 17 in, in terms having to meet in this fashion.
 18 But, I just want to echo some of my
 19 neighbors as far as this process could have had more
 20 dialogue. I'm a bit dismayed by all this.
 21 I'm not saying that we shouldn't have
 22 met, of course. I understand things have to move
 23 forward. I've seen other applications presented to
 24 this board where there's more dialogue, you know,
 25 between the applicant and the surrounding neighbors.
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1 Particularly since there's such an impact to the
 2 immediate neighbors. There's questionable public
 3 benefit to this. I mean, I'm sure there are some,
 4 but certainly in terms of the impact to the
 5 neighbors, to myself, to the enjoyment of our
 6 properties, our respective properties, there's just
 7 such a huge impact for all the reason we talked about
 8 before in the earlier meeting, from parking, to
 9 traffic to, you know, construction, itself. I'm sure
 10 it's going to be disruptive.
 11 So I -- I -- again, I just feel that
 12 the approach here seems to be much different than
 13 lesser properties or properties or applicants that
 14 had, you know, lesser, I guess, changes or variances,
 15 that are associated with their plans.
 16 CHAIRMAN FERGUSON: Okay.
 17 MR. CHAN: Thank you.
 18 CHAIRMAN FERGUSON: Thank you.
 19 That's it.
 20 Motion to adjourn?
 21 VICE CHAIRMAN ALBANESE: Motion to
 22 adjourn.
 23 CHAIRMAN FERGUSON: Second.
 24 All in favor?
 25 (Whereupon, all present members respond
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1 in the affirmative.)
 2 (Whereupon, meeting is concluded. Time
 3 noted: 7:33 p.m.)
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C E R T I F I C A T E

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

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

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



LAURA A. CARUCCI, C.C.R., R.P.R.
License # XI02050, and Notary Public
of New Jersey # 50094914, Notary
Expiration Date December 3, 2023

Dated: 08/06/2020

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