

BOROUGH OF PALISADES PARK  
ZONING BOARD OF ADJUSTMENT  
MONDAY, AUGUST 16, 2021  
7:00 p.m.

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Case No. 21-10 ) TRANSCRIPT OF  
BBHJ, Inc. ) PROCEEDINGS  
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 )  
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. 21-13 )  
Dae Sok Yang )  
108 E. Harriet Avenue )  
Block 628, Lot 3 )  
Case No. 20-14 )  
Grand Bellview, LLC )  
254 Grand Avenue )  
Block 202, Lot 4 )  
Case No. 20-15 )  
Kyung Soon Yi )  
265 Highland Avenue )  
Block 209, Lot 8 )  
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23 LAURA A. CARUCCI, C.S.R., R.P.R., L.L.C.  
24 CERTIFIED COURT REPORTERS  
25 P.O. BOX 505  
SADDLE BROOK, NJ 07663-0505  
201-641-1812  
LauraACarucciLLC@gmail.com

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

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

2 DIANE TESTA, ESQUIRE  
3 TESTA & DeCARLO  
4 865 Broad Avenue  
5 Ridgefield, New Jersey 07657  
6 Counsel for the Board of Adjustment  
7 LAW OFFICE OF CHANG K. NOH  
8 BY: CHANG K. NOH, ESQUIRE  
9 111 Charlotte Place  
10 Englewood Cliffs, New Jersey 07632  
11 Conflict Attorney for the Board of Adjustment on  
12 Case No. 21-15, Kyung Soon Yi, 265 Highland Avenue

13 STEPHEN F. PELLINO, ESQUIRE  
14 BASILE, BIRCHWALE & PELLINO, LLC  
15 865 Broad Avenue  
16 Ridgefield, New Jersey 07657  
17 Attorney for the Applicant  
18 Kyung Soon Yi

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

13 ELENI LAMBRINIDES, Land Use Secretary (REMOTE)

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

1 B E F O R E :

- 2 JOSEPH FERGUSON, CHAIRMAN
- 3 PAUL ALBANESE, VICE CHAIRMAN (ABSENT)
- 4 ELEFTERIOS ELEFTERIOU, MEMBER (ABSENT)
- 5 VINCENT CARNOVALE, MEMBER
- 6 JOHN GRALA, MEMBER
- 7 DAVID TERRANOVA, MEMBER
- 8 SEONGHYE YOON, MEMBER
- 9 STEVEN BROGNA, ALTERNATE MEMBER # 1 (ABSENT)
- 10 CHARLIE CHUNG, ALTERNATE MEMBER # 2
- 11 MICHAEL LEE, ALTERNATE MEMBER # 3 (ABSENT)
- 12 GYUHO CHO, ALTERNATE MEMBER # 4 (ABSENT)

LAURA A. CARUCCI, C.S.R., R.P.R., L.L.C.  
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2 WITNESS SWORN PAGE NO.

3 Case No. 21-02  
4 In Chang Chung Hae Jang  
5 139 - 145 Morningside Lane  
6 Block 717; Lots 10, 11, 23 & 24 9  
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8 Case No. 21-06  
9 123 E. Ruby Avenue, LLC  
10 123 E. Ruby Avenue  
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13 PUBLIC COMMENT  
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19 108 E. Harriet Avenue  
20 Block 628, Lot 3 17  
21  
22 Case No. 20-14  
23 Grand Bellview, LLC  
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25 Block 202, Lot 4 21  
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27 Case No. 20-15  
28 Kyung Soon Yi  
29 265 Highland Avenue  
30 Block 209, Lot 8 21  
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36 Mr. Carnovale 35  
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40 Susan Brauer 44  
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42 Jiyoung Hwang 46  
43 268 Highland Avenue

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15 EXHIBITS

16 NO. DESCRIPTION IDENT/EVID

17 **Case No. 21-12**

18 **RDC, LLC**

19 **321 Ninth Street**

20 **Block 410, Lot 16**

21 A-1 Four-Page Document, including

22 Certificate of Inspection from

23 Borough of Fire Prevention,

24 Department of Community Affairs

25 Inspection Certificate for

Multifamily Dwellings from

July 2014, Recent Department of

Community Affairs Inspection

Certificate for multifamily

Dwellings, and Property Record

Card 27

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

1 MS. LAMBRINIDES: Mr. Grala?

2 MR. GRALA: Here.

3 MS. LAMBRINIDES: Mr. Carnovale?

4 MR. CARNOVALE: Here.

5 MS. LAMBRINIDES: Mr. Lee?

6 (No response.)

7 MS. LAMBRINIDES: Mr. Cho?

8 (No response.)

9 CHAIRMAN FERGUSON: Okay.

10 We all received the minutes, a copy of

11 the minutes of the previous meeting.

12 Can I get a motion to approve the

13 minutes of the previous meeting?

14 MR. CARNOVALE: I make a motion.

15 MR. GRALA: I'll second.

16 CHAIRMAN FERGUSON: All right. Motion.

17 Seconded.

18 Roll call?

19 MS. LAMBRINIDES: Mr. Ferguson?

20 CHAIRMAN FERGUSON: Yes.

21 MS. LAMBRINIDES: Mr. Terranova?

22 MR. TERRANOVA: Yes.

23 MS. LAMBRINIDES: Mr. Chung?

24 MR. CHUNG: Yes.

25 MS. LAMBRINIDES: Ms. Yoon?

**LAURA A. CARUCCI, C.S.R., R.P.R., L.L.C.**  
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1 CHAIRMAN FERGUSON: I'd like to call

2 the meeting to order.

3 Salute to the Flag.

4 (Whereupon, all rise for a Recitation

5 of the Pledge of Allegiance.)

6 CHAIRMAN FERGUSON: The first order of

7 business, we're going to -- oh, let me read this.

8 In accordance with the Open Public

9 Meetings Act, notice of this meeting has been posted

10 on the borough bulletin board. Notice has been

11 provided to the official borough newspaper and filed

12 with the Borough Clerk's office.

13 Roll call?

14 MS. LAMBRINIDES: Mr. Ferguson?

15 CHAIRMAN FERGUSON: Here.

16 MS. LAMBRINIDES: Mr. Albanese?

17 (No response.)

18 MS. LAMBRINIDES: Mr. Terranova?

19 MR. TERRANOVA: Here.

20 MS. LAMBRINIDES: Mr. Chung?

21 MR. CHUNG: Here.

22 MS. LAMBRINIDES: Ms. Yoon?

23 MS. YOON: Here.

24 MS. LAMBRINIDES: Mr. Elefteriou?

25 (No response.)

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

1 MS. YOON: Yes.

2 MS. LAMBRINIDES: Mr. Grala?

3 MR. GRALA: Yes.

4 MS. LAMBRINIDES: Mr. Carnovale?

5 MR. CARNOVALE: Yes.

6 MS. LAMBRINIDES: Mr. Lee?

7 CHAIRMAN FERGUSON: Okay.

8 Next we have some bills to pay: The

9 borough engineer, Collazuol, is \$2,382.50; The Record

10 is \$21.60; The board attorney is \$4,200.00; and the

11 court reporter is \$1,181.00?

12 Can I get a motion?

13 MR. CARNOVALE: I make a motion.

14 MR. GRALA: I second.

15 CHAIRMAN FERGUSON: Roll call.

16 MS. LAMBRINIDES: Mr. Ferguson?

17 CHAIRMAN FERGUSON: 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. Grala?

25 MR. GRALA: Yes.

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1 MS. LAMBRINIDES: Mr. Carnovale?  
 2 MR. CARNOVALE: Yes.  
 3 CHAIRMAN FERGUSON: Okay.  
 4 Now we're up to -- we have some  
 5 requests for adjournments, which I guess we'll go  
 6 through now.  
 7 What's first?  
 8 MS. TESTA: The first case is  
 9 Case 21-02, 139-145 Morningside Lane.  
 10 CHAIRMAN FERGUSON: Right.  
 11 So he's putting in for a request for an  
 12 adjournment.  
 13 This is the last adjournment that we're  
 14 going to grant for Morningside. This will be his  
 15 fourth. We feel that this has been more than enough.  
 16 So I'll make a motion to grant the  
 17 adjournment.  
 18 And, Diane, you're going to tell him  
 19 that this is it?  
 20 MS. TESTA: Right.  
 21 There will be no further notice  
 22 required of the applicant.  
 23 MR. PELLINO: I acknowledge the board's  
 24 decision, Mr. Chairman.  
 25 Thank you.

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**201-641-1812**

1 The next one is Case 21-08.  
 2 MS. TESTA: Case 21-06.  
 3 CHAIRMAN FERGUSON: Oh, 06. I'm sorry.  
 4 Which is 123 East Ruby Avenue, LLC.  
 5 Again, this is his request -- fourth  
 6 request. We will not be granting any more requests.  
 7 He can either proceed with it or  
 8 re-file, whatever he wants to do.  
 9 It will be -- so we're going to  
 10 postpone to September 20th?  
 11 MS. TESTA: Yes.  
 12 And, again, no further notice --  
 13 CHAIRMAN FERGUSON: No further notice.  
 14 MS. TESTA: -- required.  
 15 MR. SOLARIS: Excuse me.  
 16 Can I say a word regarding that?  
 17 CHAIRMAN FERGUSON: Say again?  
 18 MR. SOLARIS: Can I say a word  
 19 regarding that?  
 20 MS. TESTA: No.  
 21 This is just a request for  
 22 postponement.  
 23 MR. SOLARIS: That's not what I'm  
 24 trying to say. This is the third time that it's been  
 25 canceled.

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1 CHAIRMAN FERGUSON: Okay.  
 2 Roll call.  
 3 MS. TESTA: Right.  
 4 And the motion is such that there's no  
 5 further notice required by the applicant at this  
 6 time.  
 7 And that's to the September 20th, 2021  
 8 date.  
 9 CHAIRMAN FERGUSON: Roll call.  
 10 MS. LAMBRINIDES: Can we get a second?  
 11 CHAIRMAN FERGUSON: Yes.  
 12 MR. GRALA: I'll second.  
 13 MS. LAMBRINIDES: Mr. Ferguson?  
 14 CHAIRMAN FERGUSON: 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. Grala?  
 22 MR. GRALA: Yes.  
 23 MS. LAMBRINIDES: Mr. Carnovale?  
 24 MR. CARNOVALE: Yes.  
 25 CHAIRMAN FERGUSON: Okay.

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1 CHAIRMAN FERGUSON: Yes.  
 2 MR. SOLARIS: For three times I've  
 3 taken time out of my job to come here for this  
 4 meeting with no further notice.  
 5 The first meeting was supposed to be on  
 6 the 2st. And we were advised that no further notice  
 7 would be given out to the residents of Palisades Park  
 8 regarding this issue.  
 9 I came back again a month later in July  
 10 only to find out, after sitting here, that it was  
 11 postponed again.  
 12 This morning I made several phone  
 13 calls. No one seemed to give me an answer if the  
 14 meeting was going on or not. I spoke to a lady under  
 15 the name of Gina. She assured me that the meeting  
 16 was today.  
 17 I left my job three hours earlier. I  
 18 went around my neighborhood talking to my neighbors  
 19 that had no knowledge that the meeting was taking  
 20 place today because no further notice was given to  
 21 them, only to find out that it's canceled again.  
 22 Now I ask you -- I have nothing but  
 23 respect for you people on the board. You take the  
 24 time every day to be here to give us an opportunity  
 25 to speak for us residents of the town.

**LAURA A. CARUCCI, C.S.R., R.P.R., L.L.C.**  
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1 It's not fair that we don't know what's  
 2 going on. And I'm here again.  
 3 I have neighbors that I knocked on  
 4 their doors today to come here and to support me, and  
 5 the meeting is canceled again, no knowledge to the  
 6 residents. It's not right.  
 7 CHAIRMAN FERGUSON: I regret the  
 8 miscommunication.  
 9 We got the request, I believe, last  
 10 Friday. Don't quote me on the date. He goes right  
 11 up to the line and then he puts in for an  
 12 adjournment.  
 13 But as we said earlier, we're not  
 14 granting no more after this -- tonight.  
 15 Next month, either he's going to put  
 16 his case on, or he's going to have to re-file and  
 17 tell everybody to re-notice.  
 18 So if you want, you can give me your  
 19 number. And I will make it my business to inform you  
 20 what's going on next month.  
 21 MR. SOLARIS: I would appreciate it.  
 22 No disrespect intended, but put  
 23 yourself in my position. I, as well as other people  
 24 in the town, feel like we're being jerked around.  
 25 And the less we show, the more possibly it will go

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1 MS. TESTA: Sure.  
 2 Diane Testa.  
 3 MR. SOLARIS: Diane.  
 4 CHAIRMAN FERGUSON: If you come up now  
 5 and give me your -- I will personally call you.  
 6 MR. SOLARIS: I would appreciate that.  
 7 CHAIRMAN FERGUSON: I don't want to  
 8 give you -- your telephone number.  
 9 MR. SOLARIS: I don't want to hold the  
 10 meeting up, but...  
 11 CHAIRMAN FERGUSON: Just put it right  
 12 here.  
 13 I will notify you if it's going to go  
 14 or not go. Okay?  
 15 And I will call you. Either way I'll  
 16 let you know as soon as I know. Okay?  
 17 Now, I made a motion.  
 18 Can I get a second?  
 19 MR. CARNOVALE: I second.  
 20 CHAIRMAN FERGUSON: Roll call.  
 21 MS. LAMBRINIDES: Mr. Ferguson?  
 22 CHAIRMAN FERGUSON: 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 through.  
 2 CHAIRMAN FERGUSON: I understand.  
 3 And your name?  
 4 MR. SOLARIS: My name is Arsenio  
 5 Solaris. And I've been in the same house for 30  
 6 years.  
 7 CHAIRMAN FERGUSON: I appreciate that.  
 8 Are you the individual that hired the  
 9 attorney?  
 10 MR. SOLARIS: No, I am not.  
 11 MR. NORTON: May I say something?  
 12 CHAIRMAN FERGUSON: See, we're not  
 13 supposed to be taking --  
 14 MR. SOLARIS: We took the time to be  
 15 here so at least you could hear him out.  
 16 MS. TESTA: This is just -- we really  
 17 can't.  
 18 We understand your frustration. But we  
 19 can't have any discussion about the case. It's going  
 20 to be postponed until September 20th.  
 21 If you want to call my office to find  
 22 out before if they're going to actually proceed on  
 23 September 20th, I have no issue with that.  
 24 But the motion is on the table to --  
 25 MR. SOLARIS: Your name.

**LAURA A. CARUCCI, C.S.R., R.P.R., L.L.C.**  
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1 MR. CHUNG: Yes.  
 2 MS. LAMBRINIDES: Ms. Yoon?  
 3 MS. YOON: Yes.  
 4 MS. LAMBRINIDES: Mr. Grala?  
 5 MR. GRALA: Yes.  
 6 MS. LAMBRINIDES: Mr. Carnovale?  
 7 MR. CARNOVALE: Yes.  
 8 CHAIRMAN FERGUSON: All right.  
 9 MS. TESTA: So I'll say both of them.  
 10 So Case No. 21-02, In Chang Chung,  
 11 139-145 Morningside Lane, and also Case No. 21-06,  
 12 123 East Ruby Avenue, LLC, East Ruby Avenue, at the  
 13 request of both applicants are being carry to the  
 14 September 20th, 2021 hearing at 7 p.m.  
 15 There will be no further notice to the  
 16 public, either through the mailing or through the  
 17 newspaper.  
 18 But this is their last postponement  
 19 request that we're going to honor at this time.  
 20 Either they proceed at that date, or they can  
 21 voluntarily withdraw their application.  
 22 CHAIRMAN FERGUSON: Okay.  
 23 The next one is Case No. 21-13, which  
 24 is Yang.  
 25 MS. TESTA: Yes.

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1 CHAIRMAN FERGUSON: Yang, 108 East  
 2 Harriet Avenue.  
 3 Now, this is -- this is -- I'll take a  
 4 crack at this. Harriet Avenue is divided. Part of  
 5 the building is in Ridgefield, and part of the  
 6 applicant is in Palisades Park.  
 7 As I looked over the application, the  
 8 changes that he wants to do is all in Ridgefield.  
 9 Without getting into, right -- but he basically wants  
 10 to put parking spaces in his backyard is basically  
 11 what the applicant's application is looking to do.  
 12 So he wants to eliminate the backyard and put four  
 13 parking spaces.  
 14 I feel that because the changes are  
 15 going to happen in Ridgefield and not Palisades Park,  
 16 we are going to cede it to Ridgefield first.  
 17 Eventually he has to come back to  
 18 Palisades Park, but we feel because most -- all the  
 19 changes that he's looking to do is in his backyard  
 20 that's in Ridgefield, we're not going to hear the  
 21 case tonight.  
 22 We've sent notice to his attorney. And  
 23 he is going to have to go to Ridgefield first and get  
 24 their approval before he comes back to Palisades  
 25 Park.

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1 What will happen will be Ridgefield  
 2 will notify you.  
 3 MS. TESTA: No.  
 4 CHAIRMAN FERGUSON: No?  
 5 MS. TESTA: Oh, okay.  
 6 You might get notified for the  
 7 Ridgefield, yeah.  
 8 CHAIRMAN FERGUSON: Yeah.  
 9 If you live in Ridgefield. If you live  
 10 in Palisades Park, Palisades Park.  
 11 MS. TESTA: Yeah, you'll be notified.  
 12 CHAIRMAN FERGUSON: So, yes, they're  
 13 going to notify you again.  
 14 MS. TESTA: Right.  
 15 You'll be notified for the Ridgefield,  
 16 but not for the Palisades Park when it comes back to  
 17 you October 18.  
 18 CHAIRMAN FERGUSON: Right.  
 19 So Ridgefield is going to notify you  
 20 that there's going to be a hearing about this  
 21 applicant, right.  
 22 You're not going to hear any more from  
 23 Palisades Park until two months, which is --  
 24 MS. TESTA: Right.  
 25 Well, it's going to be postponed until

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1 I'm not saying we're going to approve  
 2 it. You know, I don't know. I'm just telling you  
 3 that we sent it to Ridgefield. That's in the way of  
 4 an explanation why we're not hearing the case  
 5 tonight.  
 6 So I'll make a motion that we should --  
 7 MS. TESTA: Right.  
 8 Carry it until October 18th.  
 9 CHAIRMAN FERGUSON: -- carry until  
 10 October 18th.  
 11 MS. TESTA: And no further notice to  
 12 the public.  
 13 CHAIRMAN FERGUSON: Yes.  
 14 Not next month, right?  
 15 MS. TESTA: Right.  
 16 CHAIRMAN FERGUSON: It will be two  
 17 months because it's going to take paperwork to go to  
 18 Ridgefield, process it. I don't know the dates  
 19 there.  
 20 But that's why he's looking for a  
 21 two-month adjournment, right?  
 22 AUDIENCE MEMBER: Will we get notified?  
 23 MS. TESTA: No.  
 24 CHAIRMAN FERGUSON: No, you will not  
 25 get notified.

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1 October 18th. That will be the next time they're  
 2 going.  
 3 No further notice.  
 4 CHAIRMAN FERGUSON: October 18th is the  
 5 next time we're going to hear it.  
 6 AUDIENCE MEMBER: We'll be here.  
 7 CHAIRMAN FERGUSON: Yeah.  
 8 So that's my motion.  
 9 MR. CARNOVALE: I second.  
 10 CHAIRMAN FERGUSON: Second.  
 11 Roll call.  
 12 MS. LAMBRINIDES: Mr. Ferguson?  
 13 CHAIRMAN FERGUSON: Yes.  
 14 MS. LAMBRINIDES: Mr. Terranova?  
 15 MR. TERRANOVA: Yes.  
 16 MS. LAMBRINIDES: Mr. Chung?  
 17 MR. CHUNG: Yes.  
 18 MS. LAMBRINIDES: Ms. Yoon?  
 19 MS. YOON: Yes.  
 20 MS. LAMBRINIDES: Mr. Grala?  
 21 MR. GRALA: Yes.  
 22 MS. LAMBRINIDES: Mr. Carnovale?  
 23 MR. CARNOVALE: Yes.  
 24 CHAIRMAN FERGUSON: Okay.  
 25 The next one is Case No. 21-14, Grand

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1 Bellview, LLC, which is 254 Grand Avenue.  
 2 He's asking for a continuance to next  
 3 month. This will be his first one, so we're going to  
 4 grant it.  
 5 So I make that motion to grant the  
 6 continuance.  
 7 MR. CARNOVALE: I second.  
 8 CHAIRMAN FERGUSON: Second.  
 9 Roll call.  
 10 MS. LAMBRINIDES: Mr. Ferguson?  
 11 CHAIRMAN FERGUSON: Yes.  
 12 MS. LAMBRINIDES: Mr. Terranova?  
 13 MR. TERRANOVA: Yes.  
 14 MS. LAMBRINIDES: Mr. Chung?  
 15 MR. CHUNG: Yes.  
 16 MS. LAMBRINIDES: Ms. Yoon?  
 17 MS. YOON: Yes.  
 18 MS. LAMBRINIDES: Mr. Grala?  
 19 MR. GRALA: Yes.  
 20 MS. LAMBRINIDES: Mr. Carnovale?  
 21 MR. CARNOVALE: Yes.  
 22 CHAIRMAN FERGUSON: Okay.  
 23 So this brings us up to tonight, which  
 24 is Case No. 21-15, which Kyung Soon Yi, 265 Highland  
 25 Avenue.

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

1 take over for us. Sit here.  
 2 Now, all right, I guess we're ready to  
 3 proceed now.  
 4 Counsel, do you want to put your  
 5 appearance in?  
 6 MR. PELLINO: Yes, Mr. Chairman. Thank  
 7 you.  
 8 And good evening to Mr. Chairman,  
 9 Members of the Board, as you may know, my name is  
 10 Stephen Pellino. I'm with the Law Firm of Basile,  
 11 Birchwale & Pellino.  
 12 My office is just down the block here  
 13 on Broad Avenue in Ridgefield, where it's been for  
 14 many years.  
 15 In case there's any confusion, your  
 16 attorney, Diane Testa, is the wife of my partner,  
 17 Albert Birchwale, which is why there's a conflict and  
 18 why Mr. Noh is sitting in.  
 19 I previously submitted a copy of the  
 20 Affidavit of Service. I don't know if you got that.  
 21 This is the original.  
 22 Does your secretary get these?  
 23 MS. LAMBRINIDES: Do you want to show  
 24 it to Mr. Noh to make sure they're timely?  
 25 Thank you.

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1 MS. LAMBRINIDES: Are we going to do  
 2 the memorializations?  
 3 CHAIRMAN FERGUSON: Okay.  
 4 Attorney, do you want to have a seat?  
 5 MR. PELLINO: Yes.  
 6 MS. LAMBRINIDES: Excuse me.  
 7 Mr. Chairman, memorializations?  
 8 CHAIRMAN FERGUSON: Are you going to  
 9 put a person on?  
 10 MR. PELLINO: Yes.  
 11 I have one witness.  
 12 CHAIRMAN FERGUSON: Okay. You don't  
 13 swear him.  
 14 MS. TESTA: No.  
 15 But then we have to do the  
 16 memorializations. We can do that after.  
 17 CHAIRMAN FERGUSON: Okay.  
 18 Counselor, do you want to put your --  
 19 all right.  
 20 So Diane is going to leave the dais.  
 21 Let the minutes record that the board attorney is  
 22 going to leave the dais.  
 23 And your name, my friend?  
 24 MR. NOH: Chang Noh, N-O-H.  
 25 CHAIRMAN FERGUSON: Mr. Noh is going to

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1 MR. NOH: Thank you.  
 2 MR. PELLINO: Shall I proceed?  
 3 CHAIRMAN FERGUSON: Well, let's wait  
 4 until he reviews it.  
 5 MR. PELLINO: That's fine,  
 6 Mr. Chairman.  
 7 Thank you.  
 8 MS. LAMBRINIDES: Do you want the  
 9 microphones on?  
 10 CHAIRMAN FERGUSON: No, I don't think  
 11 we need them.  
 12 Do they seem in order? Okay, they're  
 13 in order.  
 14 Do you want to pass them over to the  
 15 secretary?  
 16 MS. LAMBRINIDES: I'll get it in a  
 17 second. It's okay.  
 18 Thank you.  
 19 CHAIRMAN FERGUSON: Okay, Counselor,  
 20 you're on.  
 21 MR. PELLINO: Thank you, Mr. Chairman.  
 22 To avoid any confusion, my client's  
 23 name is Yi, Mr. Yi. He's the owner of the property  
 24 at 265 Highland Avenue.  
 25 And I think you may find this to be a

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1 bit of -- probably not a run-of-the-mill type of  
 2 application.  
 3 To tell you a little bit about it, I'll  
 4 start with the premise basic in zoning, which is that  
 5 a nonconforming use, a use that predates a change in  
 6 the zoning ordinance, may continue forever and  
 7 forever. It can't be enlarged or expanded, but as a  
 8 general principle of law in the State of New Jersey,  
 9 that use can continue.

10 And in fact, that principle is  
 11 recognized, as it should be, in the ordinances of the  
 12 Borough of Palisades Park.

13 What we have here is a situation where  
 14 we believe we have -- we know we have an existing  
 15 four-family structure. Our proofs aren't 100  
 16 percent, you know how these things are. They're a  
 17 little bit difficult to get them 100 percent.

18 But we believe that the use has  
 19 continued for many, many years and predates actually  
 20 the change in the zoning ordinance. We're in the  
 21 two-family zone. It's an existing four-family  
 22 dwelling.

23 And what we're asking for is, I'm going  
 24 to say, a rather little known power of the zoning  
 25 board, which is the issuance of what's called a

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1 board.  
 2 Mr. Chairman, if I may just pass these  
 3 out?  
 4 MS. LAMBRINIDES: Steve, I'll take  
 5 them.

6 MR. PELLINO: Thanks.  
 7 Actually, I've got to take back a copy.  
 8 MS. LAMBRINIDES: Is it a two-page  
 9 document.

10 MR. PELLINO: It's a four-page  
 11 document. They're stapled.

12 MS. LAMBRINIDES: They are.

13 MR. PELLINO: Just mark it A-1 with  
 14 today's date.

15 (Whereupon, Four-Page Document,  
 16 including Certificate of Inspection from  
 17 Borough of Fire Prevention, Department of  
 18 Community Affairs Inspection Certificate for  
 19 Multifamily Dwellings from July 2014, Recent  
 20 Department of Community Affairs Inspection  
 21 Certificate for multifamily Dwellings, and  
 22 Property Record Card, is marked as Exhibit A-1  
 23 for identification.)

24 CHAIRMAN FERGUSON: Okay, Counselor, go  
 25 ahead with your presentation.

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1 Certificate of Nonconformity. The statute is  
 2 N.J.S.A. 40:55D-68. And it permits a zoning board to  
 3 in effect make a finding that a use predates the  
 4 zoning ordinance and that that use may continue  
 5 forever and ever. We call it a Certificate of  
 6 Nonconformity.

7 Alternatively, if the board is not  
 8 satisfied that we're entitled to a Certificate of  
 9 Nonconformity, we are respectfully requesting the  
 10 grant of a use variance, a (d)(1) variance, again to  
 11 allow the existing use of the four-family dwelling to  
 12 continue.

13 I have a very short presentation. I  
 14 have some documents I'd like to mark and pass out to  
 15 the board.

16 And then I have the testimony of our  
 17 architect who prepared a report. You should have it  
 18 as part of your application. And he will take you  
 19 through the report and the findings.

20 Mr. Chairman, with the board's  
 21 permission, I would like to mark a series of four  
 22 documents as Applicant's 1, A-1, with today's date.

23 CHAIRMAN FERGUSON: Do you want to mark  
 24 them, Counselor? A-1.

25 MR. PELLINO: And I have copies for the

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1 MR. PELLINO: Yes.  
 2 Just to make the board aware, the top  
 3 document is a Certificate of Inspection from the  
 4 Borough of Fire Prevention in your borough.

5 It was issued in November of 2019. It  
 6 does not state the number of families but, in fact,  
 7 find that the property is an existing multifamily  
 8 dwelling.

9 The second document, which I think  
 10 perhaps is most important among the four, is a  
 11 Department of Community Affairs Inspection  
 12 Certificate for multifamily dwellings. It was issued  
 13 in July of 2014, and in fact recognizes the property  
 14 as having four dwelling units.

15 Behind this is a more recent  
 16 Certificate of Inspection from the Department of  
 17 Community Affairs, again reiterating the four-family  
 18 dwelling.

19 And, lastly, we have a Property Record  
 20 Card, which admittedly lists the property as a  
 21 three-family. And we believe that was simply in  
 22 error.

23 To our knowledge, there has not been a  
 24 recent inspection by the tax assessor's office. We  
 25 don't know how that happened or how that got carried

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1 along.  
 2 My client Mr. Yi, purchased the  
 3 property approximately 14 years ago and has indicated  
 4 -- he's not here -- the architect will indicate to  
 5 you that it was an existing four-family when he  
 6 bought it and as he bought it.  
 7 So with that said, I would like to call  
 8 my architect, Mr. Yoon, and have him sworn,  
 9 Mr. Chairman, with the board's permission.  
 10 CHAIRMAN FERGUSON: Now, my friend,  
 11 have you -- before you swear in, have you been before  
 12 -- testified here in front of Palisades Park before?  
 13 MR. YOON: First time.  
 14 CHAIRMAN FERGUSON: The board of  
 15 adjustment? This is your first time? You've got to  
 16 speak up.  
 17 Okay, so we'll accept him as an expert.  
 18 MR. PELLINO: You're a licensed  
 19 architect in the state?  
 20 MR. YOON: Yes.  
 21 CHAIRMAN FERGUSON: Yeah, okay.  
 22 Do you swear to tell the truth, nothing  
 23 but the truth, so help you God?  
 24 MR. YOON: Yes.  
 25

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1 In fact, you did so, did you not,  
 2 Mr. Yoon?  
 3 **A. Yes, I did.**  
 4 **Q.** And at my request you, in fact, issued  
 5 a report, did you not?  
 6 **A. I did.**  
 7 MR. PELLINO: And I can represent to  
 8 the board that that report was submitted as part of  
 9 the application. You should have that in front of  
 10 you.  
 11 BY MR. PELLINO:  
 12 **Q.** The renderings that you have here on  
 13 the board -- and I'm going to ask you to turn them so  
 14 they're a little more visible.  
 15 These represent the drawings from the  
 16 report; is that fair to say?  
 17 **A. They're the same drawings as the**  
 18 **handout. Just printout of the original drawing so it**  
 19 **looks better.**  
 20 **Q.** Would you describe the property for us  
 21 and what each picture depicts?  
 22 **A. Yeah.**  
 23 **I mean, I just took the four pictures**  
 24 **to indicate how it looked like at the house. This**  
 25 **house is very unique because we have a ground floor**

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1 IN WAN YOON, AIA,  
 2 6A Engle Street, Englewood, New Jersey, having  
 3 been duly sworn, testifies as follows:  
 4 DIRECT EXAMINATION  
 5 BY MR. PELLINO:  
 6 **Q.** Mr. Yoon, at the applicant's request,  
 7 you investigated the property in question,  
 8 264 Highland Avenue?  
 9 **A. Yes. I visited the address.**  
 10 **Q.** Try to keep your voice up.  
 11 **A. I'll take off the mask.**  
 12 CHAIRMAN FERGUSON: Yeah, maybe you  
 13 should take it off.  
 14 MS. LAMBRINIDES: Do you need his name  
 15 for the record?  
 16 THE COURT REPORTER: Yes, please.  
 17 Will you state your name and address  
 18 for the record.  
 19 MR. YOON: My name is In Wan Yoon. I  
 20 have two offices. One is 6A Engle Street in  
 21 Englewood, New Jersey.  
 22 THE COURT REPORTER: Thank you.  
 23 BY MR. PELLINO:  
 24 **Q.** The client asked you to inspect the  
 25 property.

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1 **access from the street level. Then there's another**  
 2 **access level from the walkout, which is this area**  
 3 **which you can see here (indicating).**  
 4 **So this building looks like all the**  
 5 **area is accessed from the ground. So there's no**  
 6 **basement condition right there (indicating).**  
 7 And then when I went there, I observed  
 8 there is four families living there. And there's  
 9 four accesses to these four units.  
 10 I'm not sure if you can read the  
 11 stories. It might be on your handout.  
 12 So I indicated how the units exist  
 13 there. One unit is located at the ground floor. And  
 14 then there is a door here to enter to this level  
 15 (indicating).  
 16 Also another one on the side here  
 17 (indicating), which I can show on the drawing here.  
 18 And then another unit to the second  
 19 floor, which is typical (indicating). Then they use  
 20 a common entrance. They have a second entrance here  
 21 that goes up (indicating).  
 22 And then there's the other two units  
 23 located. One which is from the backyard, which there  
 24 are two entrances here (indicating). I indicated on  
 25 the drawing, here and here (indicating).

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1 Basically there's four units here. And  
2 they all have four different entrances there as well.  
3 **Q.** If I can just jump in for one second, I  
4 neglected to the board, I'll ask Mr. Yoon to confirm.

5 This is a grossly oversized lot. It's  
6 50-by -- 50-foot width, 175-foot depth.  
7 Do you agree with that, Mr. Yoon?

8 **A. Yes.**

9 **Q.** Now, this is what -- I'm going to point  
10 to the drawing. This is what I would call the fourth  
11 unit, Mr. Yoon.

12 Is that correct?

13 **A. Yes.**

14 **Q.** It looks like it may have been added to  
15 the building at some point in time.

16 Is that fair?

17 **A. Yes, that's fair.**

18 **The building is here (indicating).**  
19 **That portion is the addition.**

20 **Q.** Does this look like to you recent  
21 construction, sir?

22 **A. No, I don't think so. It's quite far.**  
23 **It's not the same pattern.**

24 **Q.** Can you ballpark the years, or no?

25 **A. More than ten years ago, I believe.**

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1 questions?

2 MR. CARNOVALE: Yes.

3 Sir, I've got a question for you, when  
4 was this -- the ordinance changed in Palisades Park,  
5 or what year? Because I'm not familiar with that.

6 MR. PELLINO: You know what, we don't  
7 know.

8 MR. CARNOVALE: Okay.

9 Well, if you don't know then I don't  
10 know. And I'm not going to speak for the rest of the  
11 board members.

12 When was this house built; do you know  
13 that?

14 MR. PELLINO: The Property Record Card  
15 indicates, I believe, the mid-1950s.

16 MR. CARNOVALE: Okay, I'm going to tell  
17 you off the top of my head, I would say early '60s,  
18 mid-'60s.

19 So if you want to tell me what year we  
20 changed the law from two -- you're saying this is  
21 nonconforming. And you're right. It looks like this  
22 one piece was added later.

23 So I doubt this house is any older than  
24 early '60s. I'm not trying to make trouble. As a  
25 lawyer, you really didn't research when the town of

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1 **But I'm not sure when they added it.**  
2 **There's no evidence to find that.**

3 MR. PELLINO: I don't have anything  
4 else for Mr. Yoon.

5 CHAIRMAN FERGUSON: Okay.  
6 I've just got, really, only one or two  
7 questions.

8 How many mailboxes are in the  
9 residence? Right now how many mailboxes?

10 MR. PELLINO: I think one of the  
11 pictures depicts it.

12 MR. YOON: It's here.

13 Four mailboxes.

14 AUDIENCE MEMBER: I think it's three.

15 MR. PELLINO: There's four, right?

16 MR. YOON: Four.

17 AUDIENCE MEMBER: I live across the  
18 street.

19 CHAIRMAN FERGUSON: Well, you'll get an  
20 opportunity.

21 So I visited the site, and there were  
22 indeed four mailboxes in the front. And I believe  
23 your pictures that you submitted also show the four  
24 mailboxes in the front.

25 So do any other board members have any

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1 Palisades Park changed our rules?

2 MR. PELLINO: Well, what I can say is,  
3 if you look at the -- I guess the last page of the  
4 Property Record Card of the exhibit I had handed out,  
5 according to the tax assessor, the property was built  
6 in 1955, for whatever that's worth.

7 And I would venture to say, just what I  
8 know generally about zoning ordinances, Ridgefield,  
9 Palisades Park and the towns around here, that they  
10 all had substantial revisions and changes in the  
11 early 19 -- in the early 1960s.

12 So, I mean, that's the best that I can  
13 tell you.

14 But, again, it appears as if this was  
15 built in 1955. And we believe that's existed since  
16 that point in time.

17 And I think it's reasonable to assume  
18 that the zoning -- I don't think there are any  
19 records that go back to the 1950s, which is the  
20 difficulty.

21 But, again, my experience is that most  
22 zoning ordinances in towns around here were updated  
23 in the early 1960s to have some semblance of where  
24 they are today.

25 MR. CARNOVALE: But, sir, like I said,

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1 I don't mean to make trouble here.  
 2 But would you venture to say that  
 3 possibly this addition was the original house and  
 4 then the new house was added to it?  
 5 Because this slight addition here looks  
 6 like, you know, it's older than the newer house.  
 7 So I don't know. I mean, plus you want  
 8 us to give a -- what did you say a...  
 9 MR. PELLINO: Certificate of  
 10 Nonconformance.  
 11 MR. CARNOVALE: Yeah.  
 12 And from a legal standpoint, these  
 13 apartments here, do they meet the building code?  
 14 Because they don't look like egress windows, et  
 15 cetera, et cetera.  
 16 MR. PELLINO: They've been issued  
 17 Inspection Certificates by the Department of  
 18 Community Affairs, which means -- as a four-family,  
 19 which means, in my book, that they do meet the code.  
 20 MR. CARNOVALE: Okay.  
 21 And as you're well aware as an  
 22 attorney, the Borough of Palisades Park doesn't care  
 23 what the DCA does as far as they have to come and  
 24 inspect. There's a lot of three-family houses that  
 25 are inspected by the DCA and they're not recognized

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1 department, right?  
 2 MR. CARNOVALE: Yes, sir.  
 3 But just one point here. The house  
 4 that we would approve on an empty lot, you're right,  
 5 we have nothing to do with the construction of it.  
 6 It would go to the building department and they would  
 7 oversee it.  
 8 But this is already built. I have no  
 9 idea what's going on and what's not.  
 10 And I'm just saying that what bothers  
 11 me personally is the fact that you can't tell me when  
 12 the town changed its law. As far as you're saying,  
 13 this is existing from 1955. That's when I was born,  
 14 by the way.  
 15 MR. PELLINO: A couple years after me.  
 16 CHAIRMAN FERGUSON: So here's the --  
 17 right. I don't -- personally, I mean, I'm convinced  
 18 that it's a four-family. It's been a four-family.  
 19 It's got four mailboxes.  
 20 He submitted documentation from  
 21 different agencies that it's a four-family.  
 22 But I don't believe that it's fair,  
 23 because the applicant wouldn't have that paperwork,  
 24 right? The town should have the paperwork.  
 25 So, you know, to hold up an applicant

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1 by the town of Palisades Park.  
 2 MR. PELLINO: Well, it may not be.  
 3 I point to the DCA only for the fact  
 4 that it's in compliance with the applicable laws for  
 5 multifamily dwellings.  
 6 I'll also note that your fire  
 7 department has issued a Fire Inspection Certificate  
 8 for a multifamily dwelling. That was very recently.  
 9 MR. CARNOVALE: All right, sir.  
 10 I think the fire department was there  
 11 to inspect as far as fire code violations, not for  
 12 building code violations.  
 13 So as a board member, if and when we  
 14 approve or disapprove this, I could ask the lawyer  
 15 here, are we liable that if something happens in this  
 16 house because it doesn't meet building codes? You  
 17 know, who is on the -- who is on the hook here?  
 18 MR. PELLINO: If I may respond to that?  
 19 Zoning boards deal with use issues. You have nothing  
 20 to do with the -- with the building department and  
 21 building issues.  
 22 If we were to take a vacant lot and I  
 23 came in for an application, asked for permission to  
 24 build a three-family or four-family and you granted  
 25 that, from that point on that's up to the building

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1 because the town doesn't have the paperwork doesn't  
 2 seem fair to me. That's just my opinion on it.  
 3 So, I mean, everybody's got to vote.  
 4 You vote the way you want.  
 5 But that's my feeling.  
 6 MR. PELLINO: And I would respectfully  
 7 add, just based on my experience doing this for a  
 8 long time, no town has documents from the 1950s.  
 9 They just don't. Recordkeeping wasn't good. Things  
 10 weren't passed along. Codes weren't published  
 11 online. It was a whole different ball game.  
 12 So these things generally do not exist.  
 13 CHAIRMAN FERGUSON: Okay.  
 14 So you're looking for not a use, what's  
 15 the other one?  
 16 MR. PELLINO: A Certificate of  
 17 Nonconformity.  
 18 CHAIRMAN FERGUSON: Nonconformity.  
 19 MR. PELLINO: Which is basically a  
 20 finding by the board that the use preexists the  
 21 change in the zoning ordinance, may continue, can't  
 22 be enlarged or expanded, but may continues as it  
 23 exists.  
 24 CHAIRMAN FERGUSON: Right.  
 25 Okay, so now do any other board members

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1 have anything.  
 2 (No response.)  
 3 CHAIRMAN FERGUSON: Okay. Anybody from  
 4 the audience?  
 5 Everybody's going to get a chance.  
 6 Go ahead.  
 7 MS. SCHOR: Marsha Schor.  
 8 May I ask, are any of the apartments  
 9 below grade where you have to step down to get into  
 10 it?  
 11 MR. YOON: As I explained, it's all  
 12 accessed from the ground.  
 13 MS. SCHOR: Is it below-ground is what  
 14 I'm asking you?  
 15 Below the sidewalk where they would  
 16 have to step up to go out?  
 17 MR. PELLINO: I think the property does  
 18 slope.  
 19 MR. YOON: It's a 6 or 7 percent slope.  
 20 If you look at the picture.  
 21 MS. SCHOR: Yeah.  
 22 But that doesn't answer my question.  
 23 When you get to your door, do you step down into the  
 24 apartment?  
 25 MR. YOON: Do you mean the inside door?

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1 throughout the state. And the Department of  
 2 Community of Affairs gave two certificates --  
 3 MS. SCHOR: But the point I'm trying to  
 4 make is, I don't care what they approved; no one from  
 5 our building department -- I don't see any  
 6 certificates from our building department to say  
 7 that's all right.  
 8 MR. PELLINO: Well, the building  
 9 department generally doesn't go around issuing  
 10 certificates.  
 11 MS. SCHOR: Yeah, they do.  
 12 MR. PELLINO: Do you have a certificate  
 13 for your home?  
 14 Did somebody come and inspect your  
 15 home?  
 16 MS. SCHOR: No. Because we have lived  
 17 here for 40 years.  
 18 CHAIRMAN FERGUSON: Let's not argue.  
 19 Just answer your question.  
 20 MR. PELLINO: It generally doesn't --  
 21 the building department doesn't issue...  
 22 If it makes a difference to the board,  
 23 we'd be happy to call for an inspection when we're  
 24 done by your building department.  
 25 Again, we're not here for building

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1 MS. SCHOR: Yeah.  
 2 When you go in, I mean, do you go up or  
 3 do you step down?  
 4 I don't think it's that confusing  
 5 because, I mean, if it's below-grade, if the amount  
 6 -- the tenants have changed, our laws in town have  
 7 changed, and you can't live below-grade.  
 8 So when it was built, it might have  
 9 been all right with the law, but now the laws have  
 10 changed and you cannot have an apartment below-grade.  
 11 At least there's no way of escaping  
 12 with a fire with a window or something.  
 13 MR. PELLINO: If I can just respond?  
 14 CHAIRMAN FERGUSON: Yeah, sure.  
 15 MR. PELLINO: Ma'am, what we have is  
 16 our Inspection Certificate from the Department of  
 17 Community Affairs. They inspect multifamily  
 18 dwellings to make sure that they meet code. If they  
 19 don't meet code, we don't get a Inspection  
 20 Certificate.  
 21 MS. SCHOR: Yeah.  
 22 But do they bother to check our codes?  
 23 They have one set of codes.  
 24 MR. PELLINO: The codes that you're  
 25 talking about are building codes that apply

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1 violations or building compliance. We're here for  
 2 use only.  
 3 MS. BRAUER: Susan Brauer.  
 4 Well, if you have building violations,  
 5 shouldn't be given the certificate, number one.  
 6 Number two, apparently you said there  
 7 was an addition to that house.  
 8 MR. YOON: You can notice here --  
 9 MS. BRAUER: About ten years ago. All  
 10 right when the house was built, I'm assuming it was  
 11 built as a two-family and it evolved to what it is  
 12 now, a four-family.  
 13 But I would guess one of those  
 14 Certificates of Nonconformity was issued before it  
 15 became a four-family, even though you say at one  
 16 point you have one. You have one as a three-family.  
 17 MR. PELLINO: I think you misunderstood  
 18 the testimony.  
 19 MS. BRAUER: Okay.  
 20 The other thing is, in 2020 we had a  
 21 reassessment. And when they do a reassessment, they  
 22 come into the house and look at what you have, and  
 23 then they physically walk around the house. I can't  
 24 believe that they missed that.  
 25 So it just doesn't sound...

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1 MR. PELLINO: It's there.  
 2 It obviously has been there for years  
 3 and years so...  
 4 And it's got four entrances and it's  
 5 got four mailboxes. So what the inspector saw or  
 6 didn't see, I can't answer for.  
 7 But it's pretty obvious that at least  
 8 today and last year, and two years ago, and three  
 9 years ago, it functioned as a four-family.  
 10 MS. BRAUER: Then say three or four  
 11 years ago when -- all right.  
 12 Then let's say you got a certificate as  
 13 a four-family. Why did it go to Community Affairs  
 14 and not come before the board at the time.  
 15 MR. PELLINO: Because the Department of  
 16 Community Affairs inspects multifamily dwellings,  
 17 three-family or more.  
 18 MS. BRAUER: But you're doing this now  
 19 and it's already a four-family. Wouldn't it have  
 20 been easier to come before the board and have our  
 21 town do everything.  
 22 MR. PELLINO: As far as we know, this  
 23 was done years and years ago when I was just a young  
 24 man not practicing law.  
 25 MS. BRAUER: Then there wasn't a --

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1 MS. HWANG: So it cannot be two  
 2 different entrances, right?  
 3 MR. PELLINO: If you want to ask him a  
 4 question, you have to give him a chance to answer the  
 5 question.  
 6 MR. YOON: So this is door is for  
 7 Unit 1, which Unit 1 has two entrances, this one and  
 8 this one (indicating).  
 9 It just shows on this plan here  
 10 (indicating).  
 11 And then you have two doors on the  
 12 backside, which is the walkout level one. One here  
 13 and another one is here (indicating), which is  
 14 indicated on the drawing here (indicating) and two  
 15 different here (indicating).  
 16 MS. HWANG: That's interesting because  
 17 that was blocked before.  
 18 MR. YOON: That's right.  
 19 MS. HWANG: But anyway, my question is,  
 20 what is the point here?  
 21 CHAIRMAN FERGUSON: I can't hear you.  
 22 I'm sorry.  
 23 MS. HWANG: If I understand correctly,  
 24 so the certificate from the DCA has a four-family,  
 25 but the town has what, a two-family?

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1 CHAIRMAN FERGUSON: Okay. Yes, dear.  
 2 Your name and address.  
 3 MS. HWANG: My name is Eva Hwang.  
 4 I live at 268 Highland, across the  
 5 street.  
 6 CHAIRMAN FERGUSON: Okay, you've got to  
 7 speak up because I can't hear you.  
 8 MS. HWANG: Where -- can you point out  
 9 where is the four entrances? Because I only see the  
 10 three entrances.  
 11 MR. YOON: It shows here (indicating).  
 12 This picture shows more clearly.  
 13 MS. HWANG: When you go in, right, then  
 14 I see going upstairs and then downstairs, the first  
 15 floor and second floor.  
 16 MR. YOON: You might have missed this.  
 17 There are two door, because there's one --  
 18 MS. HWANG: I know. I know. I know  
 19 that. I've been there many times so that's why I  
 20 know.  
 21 And then I know back, when you go back,  
 22 but that goes to the same floor as, you know, the  
 23 first entrance. I mean, what I'm talking about is  
 24 this one -- this one is the same floor as this.  
 25 MR. YOON: That's right, yes.

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1 MR. PELLINO: The tax record shows a  
 2 three-family.  
 3 MS. HWANG: Three-family, yeah.  
 4 That's why I didn't understand you. A  
 5 three-family. So that's why I'm surprised.  
 6 So there is a difference, right?  
 7 So what is trying -- you are asking a  
 8 nonconformity certificate meaning what? I mean, I'm  
 9 not really familiar with all these terminologies.  
 10 MR. PELLINO: We're asking -- if I may,  
 11 Mr. Chairman.  
 12 We're asking for recognition by the  
 13 zoning board that the four-family use has continued  
 14 for many, many years before the change in the zoning  
 15 ordinance and that it may continue to go on as it is,  
 16 not to get any bigger, not to be enlarged or  
 17 expanded, but to continue as is.  
 18 MS. HWANG: I see.  
 19 CHAIRMAN FERGUSON: All right.  
 20 MS. HWANG: My understanding is that  
 21 three families has been living there. I thought it  
 22 is a three-family house.  
 23 MR. PELLINO: You also thought, ma'am,  
 24 that there are three mailboxes.  
 25 Is that correct? Is that what you said

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1 before?  
 2 MS. HWANG: Right.  
 3 MR. PELLINO: In fact, you would agree  
 4 the picture shows there's four mailboxes, right?  
 5 CHAIRMAN FERGUSON: Okay.  
 6 Anybody else?  
 7 (No response.)  
 8 CHAIRMAN FERGUSON: Okay.  
 9 Counselor, do you want to sum up?  
 10 MR. PELLINO: Yes, Mr. Chairman. I'll  
 11 be brief. I know the board has paid attention.  
 12 Listen, I'll admit the proofs don't  
 13 line up exactly perfectly, but I think that's just a  
 14 factor of the way these things happen and go down.  
 15 No town, to my knowledge, in this area, has records  
 16 from building, zoning, et cetera that go back to the  
 17 1950s.  
 18 I think it's clear from the architect's  
 19 testimony that this property has existed as a  
 20 four-family for many, many years. We have the DCA  
 21 certificates. They're the ones who inspect  
 22 multifamily dwellings. They have issued it as a  
 23 four-family going back some time.  
 24 I think you can look and see that even  
 25 if the back was an addition, that's not a recent

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1 CHAIRMAN FERGUSON: Okay.  
 2 So motion and a second.  
 3 Roll call.  
 4 MS. LAMBRINIDES: Mr. Ferguson?  
 5 CHAIRMAN FERGUSON: Yes.  
 6 MS. LAMBRINIDES: Mr. Terranova?  
 7 MR. TERRANOVA: Yes.  
 8 MS. LAMBRINIDES: Mr. Chung?  
 9 MR. CHUNG: Yes.  
 10 MS. LAMBRINIDES: Ms. Yoon?  
 11 MS. YOON: Yes.  
 12 MS. LAMBRINIDES: Mr. Grala?  
 13 MR. GRALA: Yes.  
 14 MS. LAMBRINIDES: Mr. Carnovale?  
 15 MR. CARNOVALE: No.  
 16 CHAIRMAN FERGUSON: Okay, the motion --  
 17 what was it?  
 18 MS. LAMBRINIDES: One, two, three,  
 19 four, five.  
 20 How many people in here? One, two,  
 21 three, four?  
 22 MR. PELLINO: Five.  
 23 MS. LAMBRINIDES: Five people voted,  
 24 yes.  
 25 CHAIRMAN FERGUSON: Five-to-one. Okay,

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1 addition.  
 2 And, in fact, I would submit to you  
 3 that although it's possible for an individual to  
 4 sneak in a bathroom without a permit, you can't build  
 5 part of a house without a permit.  
 6 So, obviously, whoever built this,  
 7 whenever they built it, went to the building  
 8 department, got permits, and it is as it is.  
 9 So I would respectfully submit that on  
 10 balance you can and should find that this use has  
 11 predated any change in the zoning ordinance, which  
 12 most likely took place in the early 1960s. And we  
 13 would ask that you issue the Certificate of  
 14 Nonconformity to allow it to continue.  
 15 Again, the law is clear. It can't be  
 16 expanded or enlarged in any way unless somebody comes  
 17 back to this board.  
 18 But it may continue as it exists.  
 19 Thank you all for your time and  
 20 attention.  
 21 CHAIRMAN FERGUSON: Okay. So I'm going  
 22 to make a motion that we issue the Certificate of  
 23 Nonconformity.  
 24 Second?  
 25 MR. GRALA: I'll second.

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1 the motion carries.  
 2 MR. PELLINO: Thank you, Mr. Chairman,  
 3 members of the board.  
 4 CHAIRMAN FERGUSON: We're going to -- I  
 5 have no other business before the board, so I'll  
 6 entertain a motion for adjournment.  
 7 MS. TESTA: No, Chairman.  
 8 MS. LAMBRINIDES: Are we going to  
 9 memorialize the resolutions from last month.  
 10 CHAIRMAN FERGUSON: Which one was that?  
 11 MS. TESTA: The four resolutions from  
 12 the meeting from last month.  
 13 CHAIRMAN FERGUSON: We did that.  
 14 MS. TESTA: No. We're going to do that  
 15 right now.  
 16 CHAIRMAN FERGUSON: All right.  
 17 Counselor, thank you for sitting in.  
 18 I appreciate it.  
 19 Okay, we'll do memorializations.  
 20 Case 21-10, BBHJ, Inc., 203 Grand  
 21 Avenue  
 22 I'll make a motion to accept.  
 23 MR. CARNOVALE: I second.  
 24 CHAIRMAN FERGUSON: Roll call.  
 25 MS. LAMBRINIDES: Mr. Ferguson?

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1 CHAIRMAN FERGUSON: Yes.  
 2 MS. LAMBRINIDES: Mr. Terranova?  
 3 MR. TERRANOVA: No.  
 4 MS. LAMBRINIDES: Mr. Chung?  
 5 MR. CHUNG: Yes.  
 6 MS. LAMBRINIDES: Ms. Yoon?  
 7 MS. YOON: Yes.  
 8 MS. LAMBRINIDES: Mr. Grala?  
 9 MR. GRALA: Yes.  
 10 MS. LAMBRINIDES: Mr. Carnovale?  
 11 MR. CARNOVALE: Yes.  
 12 CHAIRMAN FERGUSON: Okay.  
 13 The next one is Case No. 21-08, 142  
 14 Columbus Avenue.  
 15 I'll make a motion to accept the  
 16 memorialization.  
 17 MR. CARNOVALE: I second.  
 18 MS. TESTA: Vinnie.  
 19 CHAIRMAN FERGUSON: Roll call.  
 20 MS. LAMBRINIDES: Mr. Ferguson?  
 21 CHAIRMAN FERGUSON: Yes.  
 22 MS. LAMBRINIDES: Mr. Terranova?  
 23 MR. TERRANOVA: Yes.  
 24 MS. LAMBRINIDES: Mr. Chung?  
 25 MR. CHUNG: Yes.

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1 CHAIRMAN FERGUSON: And last, and  
 2 certainly not least, 21-19, SM Christian School, 451  
 3 Grand Avenue.  
 4 I'll make a motion to accept.  
 5 MR. CARNOVALE: I second.  
 6 CHAIRMAN FERGUSON: Okay.  
 7 MS. LAMBRINIDES: Mr. Ferguson?  
 8 CHAIRMAN FERGUSON: Yes.  
 9 MS. LAMBRINIDES: Mr. Terranova?  
 10 MR. TERRANOVA: Yes.  
 11 MS. LAMBRINIDES: Mr. Chung?  
 12 MR. CHUNG: Yes.  
 13 MS. LAMBRINIDES: Ms. Yoon?  
 14 MS. YOON: Yes.  
 15 MS. LAMBRINIDES: Mr. Grala?  
 16 MR. GRALA: Yes.  
 17 MS. LAMBRINIDES: Mr. Carnovale?  
 18 MR. CARNOVALE: Yes.  
 19 CHAIRMAN FERGUSON: Okay.  
 20 MS. TESTA: That's it.  
 21 CHAIRMAN FERGUSON: Any other business?  
 22 Yes.  
 23 MS. BRAUER: I'd just like to show you  
 24 something.  
 25 It's a visual.

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1 MS. LAMBRINIDES: Ms. Yoon?  
 2 MS. YOON: Yes.  
 3 MS. LAMBRINIDES: Mr. Grala?  
 4 MR. GRALA: Yes.  
 5 MS. LAMBRINIDES: Mr. Carnovale?  
 6 MR. CARNOVALE: Yes.  
 7 CHAIRMAN FERGUSON: Okay.  
 8 Case No. 21-12, RCD, LLC, 321-9th  
 9 Street.  
 10 I'll make a motion to accept the  
 11 memorialization.  
 12 MR. CARNOVALE: I second.  
 13 CHAIRMAN FERGUSON: Roll call.  
 14 MS. LAMBRINIDES: Mr. Ferguson?  
 15 CHAIRMAN FERGUSON: Yes.  
 16 MS. LAMBRINIDES: Mr. Terranova?  
 17 MR. TERRANOVA: No.  
 18 MS. LAMBRINIDES: Mr. Chung?  
 19 MR. CHUNG: Yes.  
 20 MS. LAMBRINIDES: Ms. Yoon?  
 21 MS. YOON: Yes.  
 22 MS. LAMBRINIDES: Mr. Grala?  
 23 MR. GRALA: Yes.  
 24 MS. LAMBRINIDES: Mr. Carnovale?  
 25 MR. CARNOVALE: Yes.

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1 CHAIRMAN FERGUSON: All right.  
 2 MS. BRAUER: Just as a matter of  
 3 satisfaction.  
 4 On two houses you passed on my block, I  
 5 would just like each of you to look. This is the  
 6 distance between the two houses that's built. That's  
 7 the space between two brand-new houses the board  
 8 passed. All right?  
 9 Do you want to live like that? Okay.  
 10 CHAIRMAN FERGUSON: What's the address  
 11 on that?  
 12 MS. BRAUER: I think it's 43 and 47.  
 13 CHAIRMAN FERGUSON: It's 43 and 47.  
 14 The board voted for that?  
 15 MS. BRAUER: Yeah, this board.  
 16 CHAIRMAN FERGUSON: This board?  
 17 MS. BRAUER: This board.  
 18 MR. CARNOVALE: What street is that on?  
 19 MS. BRAUER: It's 43 and 47 Henry.  
 20 Both buildings had a problem getting it finished.  
 21 That's the amount of space between the two houses.  
 22 That's what's happening.  
 23 CHAIRMAN FERGUSON: Well, if that's  
 24 what the board voted for...  
 25 MR. CARNOVALE: Are we adjourning?

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1 CHAIRMAN FERGUSON: Yeah.  
 2 I make a motion to adjourn.  
 3 MR. CARNOVALE: I second.  
 4 CHAIRMAN FERGUSON: All in favor?  
 5 (Whereupon, all present members respond  
 6 in the affirmative.)  
 7 (Whereupon, this meeting is concluded.  
 8 Time noted: 7:47 p.m.)

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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

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