

1 BOROUGH OF PALISADES PARK
 2 ZONING BOARD OF ADJUSTMENT
 3 MONDAY, NOVEMBER 21, 2022
 4 7:07 p.m.

5 -----)
 6 Case No. 22-04)
 7 BMSK Management) TRANSCRIPT OF
 8 415 10th Street) PROCEEDINGS
 9 Block: 415; Lot: 31)
 10 Case No. 22-03)
 11 Jeong Mi Lee)
 12 25 E. Edsall Blvd.)
 13 Block: 302; Lot: 23)
 14 Case No. 22-05)
 15 Soon Nam Suk)
 16 313 E. Central Blvd.)
 17 Block: 410; Lot: 19)
 18 Case No. 22-06)
 19 128 E. Edsall Blvd., LLC)
 20 128 E. Edsall Blvd.)
 21 Block: 320; Lot: 23)
 22 Case No. 21-07)
 23 61 West Edsall Boulevard)
 24 Case No. 21-31)
 25 Fan Associates, LLC)
 15 Grand Ave)
 Block: 505; Lot: 3 & 4)
 Case No. 21-28)
 112-118 Union Street)
 Block: 107; Lots: 4 & 5)
 Case No. 22-11)
 V. Luppino LLC)
 133 E. Brinkerhoff)
 Block: 322; Lot: 1)
 Case No. 22-09)
 5860 Ruby LLC)
 58 W. Ruby Avenue)
 Block: 617; Lot: 7)
 Case No. 22-12)
 HJ Lee Holding)
 18-20 W. Ruby Avenue)
 Block: 617; Lot: 16)
 Case No. 22-10)
 5860 Ruby LLC)
 60 W. Ruby Avenue)
 Block: 617; Lot: 4)
 -----)

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1 B E F O R E :
 2
 3 BOROUGH OF PALISADES PARK BOARD OF ADJUSTMENT
 4 THERE BEING PRESENT:
 5 JOSEPH FERGUSON, CHAIRMAN
 6 PAUL ALBANESE, VICE-CHAIRMAN
 7 ELEFTERIOS ELEFTERIOU, MEMBER
 8 VINCENT CARNOVALE, MEMBER (ABSENT)
 9 DAVID TERRANOVA, MEMBER (ABSENT)
 10 JOHN GRALA, MEMBER
 11 SEONGHYE YOON, MEMBER
 12 STEVEN BROGNA, ALTERNATE MEMBER 1
 13 CHARLIE CHUNG, ALTERNATE MEMBER 2
 14 MICHAEL LEE, ALTERNATE MEMBER 3 (ABSENT)
 15
 16 A L S O P R E S E N T :
 17 ELENI LAMBRINIDES, LAND USE SECRETARY
 18 STEVE COLLAZUOL, P.E., BOARD ENGINEER
 19 HAL SIMOFF, P.E., BOARD TRAFFIC ENGINEER
 20 MICHAEL KAUKER, P.P., BOARD PLANNER
 21
 22
 23
 24
 25

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I N D E X			
WITNESS	SWORN	TESTIMONY	
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Case No. 22-05 Soon Nam Suk 313 E. Central Blvd. Block: 410; Lot: 19		12	
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Case No. 22-07 61 West Edsall Boulevard		14	
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HJ Lee Holding

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1 CHAIRMAN FERGUSON: Let's call the

2 meeting to order.

3 Paul, 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 Vice

7 Chairman Albanese.)

8 CHAIRMAN FERGUSON: Roll call.

9 MS. LAMBRINIDES: Mr. Ferguson?

10 CHAIRMAN FERGUSON: Here.

11 MS. LAMBRINIDES: Mr. Albanese?

12 VICE CHAIRMAN ALBANESE: Here.

13 MS. LAMBRINIDES: Mr. Terranova?

14 (No response.)

15 MS. LAMBRINIDES: Mr. Chung?

16 MR. CHUNG: Here.

17 MS. LAMBRINIDES: Ms. Yoon?

18 MS. YOON: Here.

19 MS. LAMBRINIDES: Mr. Elefteriou?

20 MR. ELEFTERIOU: Here.

21 MS. LAMBRINIDES: Mr. Grala?

22 MR. GRALA: Here.

23 MS. LAMBRINIDES: Mr. Carnovale?

24 (No response.)

25 MS. LAMBRINIDES: Mr. Lee?

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1 I N D E X (continued).

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3 No. Description Ident/Evid

4 Case No. 21-31
Fan Associates, LLC

5 15 Grand Avenue
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V. Luppino LLC

8 133 E. Brinkerhoff
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21

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25

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1 (No response.)

2 MS. LAMBRINIDES: Mr. Brogna?

3 MR. BROGNA: Here.

4 CHAIRMAN FERGUSON: Okay. So the first

5 order of business is approval of the minutes of the

6 previous meeting.

7 VICE CHAIRMAN ALBANESE: I'll make a

8 motion we approve the minutes.

9 CHAIRMAN FERGUSON: We got a motion.

10 Can I get a second?

11 MR. ELEFTERIOU: I 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. Chung?

18 MR. CHUNG: Yes.

19 MS. LAMBRINIDES: Ms. Yoon?

20 MS. YOON: Abstain.

21 MS. LAMBRINIDES: Mr. Elefteriou?

22 MR. ELEFTERIOU: Yes.

23 MS. LAMBRINIDES: Mr. Grala?

24 MR. GRALA: Yes.

25 MS. LAMBRINIDES: Mr. Lee, not here.

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1 Mr. Brogna?
 2 MR. BROGNA: Yes.
 3 CHAIRMAN FERGUSON: Okay.
 4 Next we have two bills, our board
 5 attorney for \$5500.00 and our parking expert for
 6 \$1700.00.
 7 VICE CHAIRMAN ALBANESE: I'll make a
 8 motion we pay the bills.
 9 CHAIRMAN FERGUSON: All right.
 10 Can I get a second?
 11 MR. ELEFTERIOU: I'll 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. 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. Brogna?
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10

1 MR. BROGNA: Yes.
 2 CHAIRMAN FERGUSON: Okay. I guess I
 3 should read that little --
 4 MS. TESTA: Oh, yes, I'm sorry.
 5 CHAIRMAN FERGUSON: In accordance with
 6 the Open Public Meeting Act, notice of this meeting
 7 has been posted on the bulletin board, the borough
 8 bulletin board.
 9 Notice has been provided to the
 10 official Borough newspapers and filed in the borough
 11 clerk's office.
 12 Okay. So we have a series of
 13 resolutions that we're going to go through.
 14 The first one is 22-04, BMSK
 15 Management, 415 10th Street.
 16 Can I get a motion?
 17 VICE CHAIRMAN ALBANESE: I'll make a
 18 motion.
 19 CHAIRMAN FERGUSON: Second?
 20 MR. ELEFTERIOU: Second.
 21 CHAIRMAN FERGUSON: Second?
 22 MR. ELEFTERIOU: Yes.
 23 CHAIRMAN FERGUSON: Roll call?
 24 MS. LAMBRINIDES: Mr. Ferguson?
 25 CHAIRMAN FERGUSON: Yes.
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1 MS. LAMBRINIDES: Mr. Albanese?
 2 VICE CHAIRMAN ALBANESE: Yes.
 3 MS. LAMBRINIDES: Mr. Chung?
 4 MR. CHUNG: Yes.
 5 MS. LAMBRINIDES: Ms. Yoon?
 6 MS. YOON: Abstain.
 7 MS. LAMBRINIDES: Mr. Elefteriou?
 8 MR. ELEFTERIOU: Yes.
 9 MS. LAMBRINIDES: Mr. Grala?
 10 MR. GRALA: Yes.
 11 MS. LAMBRINIDES: Mr. Brogna?
 12 MR. BROGNA: Yes.
 13 CHAIRMAN FERGUSON: Okay.
 14 Next one is Case 22-03, Jeong Mi Lee,
 15 25 East Edsall Boulevard.
 16 I'll make a motion to accept the
 17 memorialization.
 18 VICE CHAIRMAN ALBANESE: I'll second
 19 it.
 20 CHAIRMAN FERGUSON: Second.
 21 Roll call?
 22 MS. LAMBRINIDES: Mr. Ferguson?
 23 CHAIRMAN FERGUSON: Yes.
 24 MS. LAMBRINIDES: Mr. Albanese?
 25 VICE CHAIRMAN ALBANESE: Yes.
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1 MS. LAMBRINIDES: Mr. Chung?
 2 MR. CHUNG: Yes.
 3 MS. LAMBRINIDES: Ms. Yoon?
 4 MS. YOON: Abstain.
 5 MS. LAMBRINIDES: Mr. Elefteriou?
 6 MR. ELEFTERIOU: Yes.
 7 MS. LAMBRINIDES: Mr. Grala?
 8 MR. GRALA: Yes.
 9 MS. LAMBRINIDES: Mr. Brogna?
 10 MR. BROGNA: Yes.
 11 CHAIRMAN FERGUSON: Okay.
 12 The next one is Case No. 22-05, Soon
 13 Nam Suk, 313 East Central Boulevard.
 14 Can I get a motion?
 15 VICE CHAIRMAN ALBANESE: I'll make a
 16 motion.
 17 MR. ELEFTERIOU: I'll second. I'll
 18 second.
 19 CHAIRMAN FERGUSON: Okay. Roll call?
 20 MS. LAMBRINIDES: Mr. Ferguson?
 21 CHAIRMAN FERGUSON: Yes.
 22 MS. LAMBRINIDES: Mr. Albanese?
 23 VICE CHAIRMAN ALBANESE: Yes.
 24 MS. LAMBRINIDES: Mr. Chung?
 25 MR. CHUNG: Yes.
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13

1 MS. LAMBRINIDES: Ms. Yoon?
 2 MS. YOON: Abstain.
 3 MS. LAMBRINIDES: Mr. Elefteriou?
 4 MR. ELEFTERIOU: Yes.
 5 MS. LAMBRINIDES: Mr. Grala?
 6 MR. GRALA: Yes.
 7 MS. LAMBRINIDES: Mr. Brogna?
 8 MR. BROGNA: Yes.
 9 CHAIRMAN FERGUSON: Okay.
 10 Case No. 22-06, 128 East Edsall
 11 Boulevard.
 12 Can I get a motion?
 13 VICE CHAIRMAN ALBANESE: I'll make a
 14 motion.
 15 CHAIRMAN FERGUSON: Second?
 16 MR. GRALA: I'll second.
 17 CHAIRMAN FERGUSON: Roll call?
 18 MS. LAMBRINIDES: Mr. Ferguson?
 19 CHAIRMAN FERGUSON: Yes.
 20 MS. LAMBRINIDES: Mr. Albanese?
 21 VICE CHAIRMAN ALBANESE: Yes.
 22 MS. LAMBRINIDES: Mr. Chung?
 23 MR. CHUNG: Yes.
 24 MS. LAMBRINIDES: Ms. Yoon?
 25 MS. YOON: Abstain.

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14

1 MS. LAMBRINIDES: Mr. Elefteriou?
 2 MR. ELEFTERIOU: Yes.
 3 MS. LAMBRINIDES: Mr. Grala?
 4 MR. GRALA: Yes.
 5 MS. LAMBRINIDES: Mr. Brogna?
 6 MR. BROGNA: Yes.
 7 CHAIRMAN FERGUSON: Okay. Next thing
 8 we have to do is --
 9 MS. TESTA: There's just one more. It
 10 was 61 West Edsall Boulevard. They asked for it to
 11 be withdrawn.
 12 CHAIRMAN FERGUSON: Which one?
 13 MS. TESTA: 61 West Edsall Boulevard,
 14 Case No. 21-07.
 15 It was listed on the agenda for last
 16 month and the attorney had sent in a letter asking
 17 for it.
 18 So just -- so it's for withdrawal. You
 19 had voted on it at the last meeting.
 20 61 West Edsall Boulevard, LLC, Case
 21 No. 21-07.
 22 So I have a resolution here just
 23 authorizing the withdrawal of the application without
 24 prejudice.
 25 CHAIRMAN FERGUSON: I'll make that

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15

1 motion.
 2 Second?
 3 VICE CHAIRMAN ALBANESE: I'll second.
 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. Chung?
 10 MR. CHUNG: Yes.
 11 MS. LAMBRINIDES: Ms. Yoon?
 12 MS. YOON: Abstain.
 13 MS. LAMBRINIDES: Mr. Elefteriou?
 14 MR. ELEFTERIOU: Yes.
 15 MS. LAMBRINIDES: Mr. Grala?
 16 MR. GRALA: Yes.
 17 MS. LAMBRINIDES: Mr. Brogna?
 18 MR. BROGNA: Yes.
 19 CHAIRMAN FERGUSON: Okay.
 20 Next we have to set the dates for next
 21 meeting, next year's meetings.
 22 Does anybody on the board have any
 23 objections to keeping them on Monday at 7:00, the
 24 third Monday of the month?
 25 Does anybody have any problems with

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16

1 Monday?
 2 MR. GRALA: No.
 3 VICE CHAIRMAN ALBANESE: No.
 4 CHAIRMAN FERGUSON: Okay. And in
 5 addition, next January, because as you know we're not
 6 meeting next month, we want to meet the week after
 7 Martin Luther King, which is at the third, right,
 8 it's the --
 9 MS. TESTA: The fourth Monday, right,
 10 it would be the 23rd.
 11 CHAIRMAN FERGUSON: It's the fourth
 12 Monday in January.
 13 VICE CHAIRMAN ALBANESE: Okay.
 14 CHAIRMAN FERGUSON: All right. So,
 15 I'll make that motion.
 16 VICE CHAIRMAN ALBANESE: I'll second.
 17 CHAIRMAN FERGUSON: Roll call?
 18 MS. LAMBRINIDES: Mr. Ferguson?
 19 CHAIRMAN FERGUSON: Yes.
 20 MS. LAMBRINIDES: Mr. Albanese?
 21 VICE CHAIRMAN ALBANESE: Yes.
 22 MS. LAMBRINIDES: Mr. Chung?
 23 MR. CHUNG: Yes.
 24 MS. LAMBRINIDES: Ms. Yoon?
 25 MS. YOON: Yes.

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1 MS. LAMBRINIDES: Mr. Elefteriou?
 2 MR. ELEFTERIOU: Yes.
 3 MS. LAMBRINIDES: Mr. Grala?
 4 MR. GRALA: Yes.
 5 MS. LAMBRINIDES: Mr. Brogna?
 6 MR. BROGNA: Yes.
 7 CHAIRMAN FERGUSON: Okay.
 8 So I guess we'll do the first one
 9 tonight, which it would be 15 Grand Avenue.
 10 MR. ALAMPI: Thank you, Chairman.
 11 CHAIRMAN FERGUSON: Counsel, it's good
 12 to see you.
 13 MR. ALAMPI: Good to see everyone.
 14 Chairman, as promised, for the record,
 15 again, my name is Carmine Alampi.
 16 I represent 15 Grand Avenue, Fan
 17 Associates.
 18 When we were here at the last meeting,
 19 our engineer from Bowman Engineering, Eric Keller,
 20 testified about an exhibit showing that we were no
 21 longer requesting a driveway that encroached over to
 22 21 Grand Avenue's property, that the ingress/egress
 23 driveway would be completely within the boundaries of
 24 the subject property, 15 Grand.
 25 Even though he authenticated the
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1 CHAIRMAN FERGUSON: Right.
 2 MR. ALAMPI: We agreed that we were not
 3 going to reopen the case and regurgitate the same
 4 testimony.
 5 We've had five public hearings, but I
 6 do want to note that Mr. Collazuol sent a report
 7 reviewing the plan and also Mr. Simoff updated his
 8 report, it was dated November 18th.
 9 For the record, I did receive those.
 10 We did review it. I didn't find anything remarkable
 11 other than to comment on the details of the plan and
 12 if you wish, Chairman, we've digested the reports and
 13 the plans, I wanted to just give a summation.
 14 CHAIRMAN FERGUSON: No, I'm all for it.
 15 What I'm looking -- I want to be clear on this. You
 16 got Mr. Simoff's report, right?
 17 MR. ALAMPI: Yes.
 18 CHAIRMAN FERGUSON: And you're not
 19 going to rebut that -- are you going to rebut that?
 20 MR. ALAMPI: There's really nothing to
 21 report.
 22 CHAIRMAN FERGUSON: What?
 23 MR. ALAMPI: You're talking about
 24 Mr. Simoff's report?
 25 CHAIRMAN FERGUSON: Yes.
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1 exhibit and gave extensive testimony, we were asked
 2 to submit a full set of plans with those revisions.
 3 And then Mr. Simoff also asked us for a
 4 turning template, I think page 12 is that exhibit.
 5 So, we're up to A-38. This, I believe,
 6 is A-39 into evidence tonight, which is the 21st.
 7 (Whereupon, Revised Plans are received
 8 and marked as Exhibit A-39 for
 9 identification.)
 10 MR. ALAMPI: And I'm not going to have
 11 a witness reiterate the same testimony. He gave the
 12 testimony at the last meeting, he authenticated it.
 13 So, we're just marking. These were
 14 hand-delivered to the municipality in time so that
 15 they could be reviewed with the transcript.
 16 In addition to providing you the
 17 transcript, we also had hand-delivered the necessary
 18 escrow fees that were being requested.
 19 CHAIRMAN FERGUSON: Oh, yes, I checked
 20 on that.
 21 Yes, you did.
 22 MR. ALAMPI: So, I got some calls on
 23 that, but I personally brought the plans, transcripts
 24 and the e-mail -- sorry, the escrow fee, so
 25 everything is current.
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1 MR. ALAMPI: The only thing I want to
 2 bring to your attention, we do have two items we want
 3 to address very briefly.
 4 CHAIRMAN FERGUSON: Okay. We'll give
 5 you the opportunity to address it.
 6 MR. ALAMPI: I will.
 7 It seems that a good portion of
 8 Mr. Simoff's report is concerned with those four
 9 parking spaces that are on an angle and the adequacy
 10 or inadequacy of room for maneuvering of those four
 11 spaces that are right up against the building.
 12 We feel that we could continue to
 13 utilize that, those four spaces, because they're
 14 really for the convenience of the liquor store
 15 operator, I think his customers.
 16 But if there is a great deal of
 17 concern, we could allow that space to be used only
 18 for truck loading and unloading primarily, of course,
 19 for the liquor store.
 20 So, it's convenient rather than be out
 21 in front of the building.
 22 We've eliminated parking in front of
 23 the building.
 24 We could utilize that space. And I
 25 don't know, Hal, but it will be controlled for
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1 deliveries only.
 2 It's not going to be in and out with
 3 parking all day.
 4 So, I think that that area was an area
 5 of concern. He recommends that you -- if you vote
 6 favorably on this application, that you ask us to
 7 remove that or make that a condition.
 8 I'm offering that it could be used as a
 9 loading area. Of course, it's all subject to the
 10 state DOT approval process that we have to go
 11 through.
 12 So, that's our main comment in that we
 13 understand that the board members expressed this
 14 concern and I understand even Mr. Collazuol brought
 15 it up and even Mr. Kauker.
 16 So, all your consultants were concerned
 17 about the logistics of those four spaces.
 18 The recommendation then that I have is
 19 we can convert that just to a loading area that's
 20 controlled by the liquor store tenant and we'll limit
 21 the hours.
 22 So, I think that's a reasonable --
 23 because it exists, that area is there already. We
 24 wouldn't be creating it.
 25 The second item is that in most of his
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1 comments, he expresses concern about having three
 2 driveway openings. There's really the two.
 3 The main one is the north driveway.
 4 The one on the south is the entranceway to the upper
 5 level of the garage, but, yes, that loading area that
 6 had the parking spaces, there is a depressed curb.
 7 I would like to keep it subject to, of
 8 course, the DOT requirements and we do realize we're
 9 going to apply to the -- we are in the process of
 10 applying.
 11 So, I would just comment that we accept
 12 Mr. Simoff's comments. We didn't agree initially to
 13 remove those spaces, but if the board is inclined
 14 that that would be a condition of approval, and they
 15 may not approve the application, but if there's a
 16 condition of approval, we'll accept that, converting
 17 it to a loading area with a control over hours of
 18 operation.
 19 I think that Mr. Collazuol in his
 20 report similarly had some concerns.
 21 Again, it seems that everyone is
 22 centering their concerns regarding the utilization of
 23 that space and whether it really works properly or
 24 not. I know we can gerrymander it, but you know
 25 what, get rid of the four spaces, just make it a
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1 loading area and that will be for the -- and limited
 2 to the liquor store. There's no one else that needs
 3 it.
 4 The gymnasium doesn't have deliveries
 5 like that.
 6 That's our comment.
 7 CHAIRMAN FERGUSON: So, I think before
 8 you give your summation, why don't we let our expert,
 9 Mr. Hal Simoff, say a few words.
 10 MR. ALAMPI: Absolutely.
 11 MR. SIMOFF: I submitted a memo dated
 12 November 18th that Mr. Alampi was was just referring
 13 to.
 14 One of the major concerns that I have
 15 is the number of nonconformities that the application
 16 has with the New Jersey DOT procedures. I listed
 17 eight.
 18 As an example, the driveway on the
 19 north side, even though it's totally dedicated for
 20 the site, has to have a 12-foot setback for the
 21 property line based on DOT regulations and if the DOT
 22 enforces that regulation, because then it would be
 23 too close to the northern property, that changes the
 24 whole layout of the property.
 25 So, I recognize the fact that DOT -- in
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1 most cases DOT can be a condition of approval, but
 2 any one of these eight variations to the DOT
 3 regulations would make significant changes to the
 4 site plan and that's my concern that those -- those
 5 issues haven't been addressed yet.
 6 CHAIRMAN FERGUSON: Counsel?
 7 MR. ALAMPI: As we said, this is all
 8 subject to the Department of Transportation's process
 9 and Mr. Simoff is correct, we're going to request
 10 relief from those points that he raised where he says
 11 that they don't conform to the DOT standards.
 12 Obviously if the DOT grants relief to
 13 us and we don't have to change the plans, we'll be
 14 done.
 15 If the DOT will not grant the
 16 application with the deviations that we suggested,
 17 well then we wouldn't get a building permit, we
 18 couldn't move forward and if they do change it with
 19 conditions, I'd come back to the board.
 20 So, in other words, if the plans remain
 21 as we present them, we move on.
 22 . If we're denied by the DOT, that's
 23 another issue, but if they grant us conditions and
 24 those conditions create, let's say, a change in the
 25 alignment of the driveway, I'll be back here to amend
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1 our site plan.

2 CHAIRMAN FERGUSON: Well, I thought at
3 the beginning of this application, I brought that
4 very point up about DOT and why don't we go get DOT
5 approval first and then come back to the board and
6 you said at the time, I believe, that basically the
7 same -- the same comments that you just made.

8 MR. ALAMPI: What I said was, that the
9 statute allows us to make various applications either
10 simultaneously or in sequence and normally you go
11 through your municipal review first, even though
12 there are other permits.

13 We've already filed preliminarily with
14 the DOT.

15 For example, we already have received a
16 final approved flood hazard area verification permit.
17 That's a very significant permit from the DEP.

18 So, we already have, and I think I've
19 mentioned it in the record, as of July of this year,
20 the final permit for flood hazard, we've already
21 received exemption from the Bergen County Planning
22 and Economic Development.

23 We filed with the DOT. We're in
24 discussions with the staff on these items we just
25 talked about.

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1 again, they're noting that the existing pole on-site
2 with respect to the overhead wires would remain and
3 so the underground to the building, itself, wouldn't
4 be changed.

5 So all those overhead wires would still
6 be there. The new buildings they're proposing to put
7 the underground services only.

8 CHAIRMAN FERGUSON: Okay.
9 Any board members have any comment?
10 (No response.)

11 CHAIRMAN FERGUSON: Okay.
12 Carmine, do you want to give your --

13 MR. ALAMPI: Summation?

14 CHAIRMAN FERGUSON: Yeah, sure.

15 MR. ALAMPI: Thank you.

16 I'm going to try to be brief in that
17 I'm not going to repeat the hours and hours of
18 testimony and give and take of the board, but I'd
19 like to give you an overview or a general
20 perspective.

21 Now, you should remember that this
22 property, 15 Grand, is one of the very few properties
23 identified in Palisades Park in the -- to allow for
24 multiple dwelling development on-site.

25 So, back in 2016 your governing body in

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1 We have all those approvals, but the
2 state DOT process is somewhat elaborate. Sometimes
3 you can secure relief from some of the strict
4 applications, sometimes you can't.

5 But we're here at this point to
6 conclude the municipal approval. It's all in
7 sequence, but the flood hazard area permit was the
8 most difficult one to obtain and we obtained that in
9 July of this year.

10 CHAIRMAN FERGUSON: Okay.
11 Steve, do you have any comments?

12 MR. COLLAZUOL: Just what's in our
13 report. Mr. Simoff's traffic analysis is the
14 primary concern, I think, with the latest revision
15 based on all the testimony and all the reports that
16 our office referred to and responded to.

17 Our comments in our latest memorandum
18 are brief, but we did defer to Hal with respect to
19 traffic as the entrance/exit on the north side has
20 now been changed and we have to follow the DOT rules
21 and regulations on that.

22 We make a small point about the
23 stormwater headwall on the south end of the property
24 where minor modification to the grading would take
25 place there and just for the board's edification,

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1 consultation with the planning board and in reviewing
2 the master plan adopted an ordinance, which is --
3 and, Diane, that's the Ordinance 300-41.4.

4 I'm going to just give you a copy or
5 two for the board. I'm not trying to lecture you or
6 anything, but I know you have the code at your
7 disposal, but just so you can follow me.

8 Again, what I'm starting with is, you
9 have a mayor and council that identifies a need and a
10 desire to adopt certain zoning and they identified
11 multiple residential development, mid-rises, which is
12 defined as two levels of parking and three levels of
13 residential above it and they identified this
14 property, specially this and two or three other
15 properties. Not other properties in other areas that
16 were not appropriate, but this property.

17 So, we start with the premise that we
18 have a use to construct a building. Some might say,
19 well, you know, it's 122 units, it's this. It's two
20 levels of parking, it's three levels of residential.

21 It's a multiple dwelling in every way,
22 very safe and beautiful building and it's planted in
23 this zone.

24 Why are we here instead of going to the
25 planning board? We're here because we made a

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1 conscious decision that we're not going to demolish
2 the five- or six-story existing building in the front
3 of the property. That's an existing building. It's
4 a commercial building. It has a liquor store. It
5 has the health club and some office space, et cetera.

6 So, we were very careful to note that
7 we're going to retain that building in the front of
8 the property and add this to the back all on one
9 property. So, we're asking for two -- we're being
10 distracted.

11 CHAIRMAN FERGUSON: Say that again?

12 MR. ALAMPI: It was distracting me.

13 CHAIRMAN FERGUSON: Oh, I'm sorry.

14 MR. ALAMPI: So, we were providing for
15 two principal buildings on a singular parcel.

16 Albeit it's a three-and-a-half-acre
17 sized property. It's a large piece of property, but
18 it's still two principal buildings. That's our
19 principal request for variance relief. That created
20 the use variance.

21 We discovered while we were are
22 studying the application that the health club, which
23 is existing which has a permit and a CO, is not
24 permitted in that M-1 zone.

25 So, we're in the M-1 zone, but we have

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1 the overlay of this Ordinance 300-41.4.

2 Now, you have to accept that the
3 governing body knew what they were doing and that the
4 planning board understood what they were doing. That
5 they decided to have an overlay zoning on top of and
6 in addition to the M-1 zone.

7 So, the existing building is an M-1
8 development. The new building is this Chapter 300,
9 multiple dwelling as a permitted use.

10 We did obtain the state flood hazard
11 permit. We are exempt from the Bergen County
12 Planning Board. We will apply to the state DOT for
13 relief, because Grand Avenue is a state highway and
14 because it's a state highway, it has jurisdiction
15 over the roadway and over the openings and over the
16 driveway openings.

17 We will complete that application, but
18 you have to keep in mind, this is not the typical
19 D use variance where we're asking to put something
20 that doesn't belong in the zone.

21 We're asking for what was exactly
22 permitted and ordained by ordinance in the zone in
23 addition to keeping the building.

24 So, in your deliberations consider that
25 we're not deviating from zoning, we're fulfilling the

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1 zoning.

2 We have an overlay zone. It was
3 adopted in 2016. We have a few other issues. We've
4 had testimony, significant testimony from architects,
5 engineers, traffic engineers, planners and most
6 especially a firefighter, a firematic control expert,
7 Mr. Gerry Naylis, who in his career, in his
8 deliberations, in his professional work is considered
9 one of the top ranking experts in New Jersey on fire
10 control, firematics, fire response, fire safety, all
11 of those issues. He writes widely. He's a lecturer.
12 He gives seminars. He teaches at the different
13 symposiums and, in fact, spent a lot of time with
14 your firefighters, your fire prevention bureau,
15 Mr. Chiurazzi and Mr. -- I think it's Mr. Valente, is
16 it, where they spent time together to review, number
17 one, the fleet of vehicles that the fire department
18 has, the manner in which they respond to an
19 emergency, the facilities surrounding the subject
20 property, the approach to this property.

21 So, there was an extensive amount of
22 testimony at the October meeting that dealt with and
23 I believe that the fire officials of Palisades Park
24 were more than pleased with our efforts to address
25 any concerns regarding fire control, fire

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1 suppression, fire sprinklers, standpipes, the length
2 of -- the distance between the standpipes.

3 We are exceeding on every level all the
4 fire codes with regard to the NR13 system, with
5 regard to the number of standpipes, with regard to
6 the position and distance between the standpipes and
7 I think it was very clear from the sworn testimony of
8 your own professionals, your own fire prevention
9 bureau that we've done everything that could be done
10 and in their own words, they have never had this much
11 input and review on any new development in their time
12 in this position in Palisades Park.

13 This building was given a scrutiny and
14 and we don't resist it. We don't -- we're not saying
15 we're singled out. What we're saying is that we
16 passed the test on every level for a scrutiny rarely
17 given to a building of this type and we were happy to
18 make major adjustments and because of Mr. Naylis's
19 expertise and his review, the civil engineer and the
20 traffic engineer made modifications to their plans
21 and adjustments and came up with a fire safety
22 protocol that makes this, guarantees this to be the
23 safest building that has ever been built in Palisades
24 Park.

25 I know that there was concern about the

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1 fire department's efforts. I think we addressed it.
2 The second area of concern was the main
3 driveway and ingress and egress and the history of
4 it.

5 It's well documented that the
6 properties on 21 Grand and 15 share the
7 ingress/egress and use each other's properties, but
8 what was not documented and I can't create it after
9 the fact, is there was no formal written easement.

10 There's a claim of what we call
11 prescriptive easement, but I'm not asking you to rule
12 on whether there is or isn't a prescriptive easement.
13 We know that it's a debatable issue. We know that
14 it's not in writing. So we have reorganized our plan
15 to have our ingress/egress completely within our
16 property line and we modified the plans.

17 That's why you have what was moved in
18 tonight as A-39 for your review and I think that we
19 handled the issue very well.

20 As to traffic, I'm going to tell you
21 that I live in the area. I was born in Fort Lee. I
22 live in Paramus. My office is in Hackensack. How do
23 I get to Palisades Park? I either take Route 4 and
24 Grand Avenue or I take Route 46.

25 Route 46 is a nightmare. Everyone
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1 circulation within the site. You can deal with
2 safety issues, but the volume of traffic in and of
3 itself is not a criteria to say, well, I think we
4 have too much traffic in that area or too much
5 traffic on the ramp and because we have all this
6 traffic, even though your use is permitted under the
7 ordinance, we're going to deny your application
8 because it's too much traffic. That's not the
9 criteria.

10 We cite, and I know your attorney is
11 familiar with the Dunkin' Donuts case. If you give
12 me a second, I will find it, because I think I had a
13 copy of it here.

14 There's a case in the State of New
15 Jersey in our courts that was approved by the
16 appellate division in 1984. Now, it's hard for me to
17 believe that that's almost 40 years ago, because I
18 remember when this case came out. I was already
19 practicing law. And I can't believe that's already
20 40 years ago. But it's good law. It's solid law.

21 It's the appellate division. And it's
22 still the law of the land, which says that denial of
23 an application based solely on the anticipated impact
24 of traffic is inappropriate, it's improper.

25 The citation, Diane, the appellate
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1 knows it backs up. It backs up on Route 46.
2 (Audience speaking.)

3 MR. ALAMPI: Chairman, it's a little
4 distracting.

5 CHAIRMAN FERGUSON: Can we take any
6 conversations outside the building?

7 Thank you.

8 MR. SOKOLICH: Sorry.

9 I never knew he lived in Fort Lee,
10 Chairman.

11 I'm still flabbergasted.

12 MR. ALAMPI: I was there before you
13 were.

14 (Laughter.)

15 MR. ALAMPI: So, what I'm saying is we
16 know Route 46 is a difficult situation. Sometimes
17 you have Giants stadium, MetLife Stadium, whatever
18 they call it today, and you have traffic backed up on
19 the bridge. You've got the ramp coming down to Grand
20 Avenue and then going south to Ridgefield, but under
21 New Jersey law, if a use is a permitted use provided
22 for within the ordinance and allowed for, you can't
23 use the overall traffic pattern as a basis to deny
24 the application. You can deal with parking and
25 sufficiency of parking. You can deal with

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1 division is 193 N.J. Super. 513 and decided 1984.

2 I know you're familiar with it, because
3 we all are. All land use attorneys. We all go to
4 the same school. We take the same seminars. We have
5 the same books and we're told what case law is solid
6 and dependable, what case law is weak and the Dunkin'
7 Donuts versus North Brunswick stands for that
8 proposition.

9 Now, some might say, well, what's the
10 logic of this? You mean, if there's a lot of traffic
11 and the traffic is building up and it's congested, I
12 can't take that as a consideration to deny the
13 application?

14 You can when it's a variance because
15 that's something that doesn't belong in the zone.

16 You can when the project is creating a
17 danger.

18 But when the traffic pattern is such
19 that it is, because after all, the government doesn't
20 have unlimited money. You may think that with the
21 infrastructure built and with the trillions of
22 dollars that were raised, that the government can
23 cure everything, but they can't.

24 Do you know what it would take to
25 rebuild Route 46 overpass and change the ramps and

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1 widen it? It's just not possible.
2 So that doesn't mean that a proper
3 application with a use permitted in the overlay zone
4 should be denied because there's an abundance of
5 traffic.

6 Now, I don't mean to say it's the worst
7 situation in the world, but I'm realistic. The
8 traffic there is difficult to deal with at certain
9 times of the day every day, but I think we addressed
10 our input to the traffic, our contribution, which is
11 minimal to the traffic, and the release of traffic
12 from this building that will occur.

13 We dealt with the sewerage. You have a
14 combined and now, Chairman, I know you worked with
15 the DPW for a lifetime, so I know you're familiar
16 with it and I know Mr. Albanese very well. I may
17 have given him a hard time at the last meeting, but I
18 certainly respect you, Pauly, you know that.

19 VICE CHAIRMAN ALBANESE: Thanks, you
20 too.

21 MR. ALAMPI: And you know that I
22 respect it as a plumber and plumbing official that
23 you have a lot of knowledge that's not in every
24 little book from experience.

25 I believe it and I accept it.

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1 points.

2 Once again, it's the M-1 commercial
3 zone. It has an overlay for residential, multiple
4 dwellings. You have to stay within two levels of
5 parking and three levels of residential. It's a
6 beautiful building. It will be an attractive
7 building to attract the right type of population. We
8 think it's going to enhance the area.

9 I've driven through that area all my
10 life. I drove through the back area where the old
11 Mockler warehouse is on the next street and the next
12 street and the next street. It's deplorable back
13 there. It's horrible.

14 You have a chance to stimulate the area
15 with new and clean development.

16 The 21 Grand is a very large
17 development. We're in front of it, but going north,
18 going along the railroad tracks traversing the
19 Overpeck Creek, going parallel with Grand Avenue, you
20 got a situation on your hands that needs an infusion,
21 it needs a catalyst, it needs new development, it
22 needs clean development. It needs infrastructure.
23 There are a couple of homes back there amazingly,
24 there's some multiple dwellings, but for the most
25 part, there are derelict warehouses, abandoned

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1 By the same token I accept the fact
2 that our engineers went through an analysis of the
3 flow, the volume, the surcharge and what's happening
4 down there. We know that the elevation of our
5 residential -- now, keep in mind the garage is down
6 in the lower parking lot area where it's just an open
7 parking lot today. Those are the two levels of
8 garage.

9 When you get to the residential, we are
10 at a higher elevation than the profile or the
11 elevation of Grand Avenue. We have a gravity pitch.
12 We're not using a pump station for the residential.

13 There is an existing pump facility for
14 the restaurant, which by the way the restaurant is
15 either going to be eliminated or curtailed. We know
16 that their lease is coming to an end. We've stated
17 that they're going to be not renewed, that they're
18 going to move on and so the sewerage is gravity fed,
19 it meets all the standards and we don't see that
20 we're going to contribute or create any problem and,
21 in fact, we are going to enhance water discharge,
22 water runoff, drainage, as well as sewerage.

23 So, I can go on and on, Chairman. I
24 know you don't want me to. The board is tired of
25 hearing my voice. I'm trying to just hit the high

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1 trailers, all kinds of horrible things going on back
2 there.

3 We want to work with Palisades Park to
4 revitalize that area to be the first step of many to
5 clean up in the parallel area parallel to Grand
6 Avenue along the railroad tracks and make a major
7 improvement. That's what this is all about.

8 This is about moving forward with
9 development that's meaningful and which an investment
10 like this stimulates other property owners to follow
11 through, provided that they have the sewerage, the
12 parking and the infrastructure and that's all I can
13 say, Chairman.

14 Thank you.

15 CHAIRMAN FERGUSON: All right. I'm
16 going to make the following motion: The motion is
17 that the application be denied for the following
18 reasons: The applicant is seeking the following
19 variances: A D-1, two principal uses on one lot; a
20 D-2, expanding existing nonconforming use, the gym;
21 D-3 -- sorry -- D-6, which the height; a C-2 variance
22 for height, 55-foot-high residential building where
23 50 foot is permitted; two freestanding signs where
24 one is permitted, a non-resident sign of 45 square
25 feet when 24 square feet is allowed and a proposed

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1 residential sign, there is none allowed; C-1, lot
2 coverage is in excess of 50 percent maximum for the
3 M-1 zone and is in excess of 80 percent for the M-1
4 residential zone overlay, lot open space less than
5 25 minimal and 50 percent front yard requirements for
6 residential use.

7 This site presently has a liquor store,
8 a gym, a restaurant and is seeking approval to
9 construct 20 -- a 22-unit residential building.

10 The ordinance provides for one building
11 per lot and this application proposed two buildings
12 on the lot.

13 Conflicting testimony is about the
14 restaurant. It is either being eliminated, reduced
15 or remaining. The applicant did not provide
16 testimony as to the parking necessary for the
17 restaurant or we talked about when the issue of the
18 sewer system was discussed. There was testimony that
19 the applicant was going to negotiate with the
20 restaurant and that it may be reduced.

21 Also, there was testimony that the
22 application may need to come back to discuss the
23 restaurant. However, my concern is that the
24 restaurant is presently on-site. And, again, there
25 is no testimony as to parking and as to the number of

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1 parking vehicles entering and exiting the site and
2 sewer issues.

3 Regardless of the restaurant, I have
4 other concerns with this project. The proposed is
5 for three driveways. The northern revised driveway
6 will be allow -- will now allow vehicles to come into
7 the site and leave.

8 The second driveway, which will serve
9 four parking spaces adjacent to the retail portion of
10 the site and a third driveway is on the south side of
11 the site.

12 As the board experts testified, there
13 are many issues with the driveway, such as the code
14 only permits one driveway based on the front, site
15 frontage. The applicant proposes three. The
16 driveway to the south is right at the -- start this
17 again. The driveway to the south is right at the
18 traffic signal which backs up on Grand Avenue adding
19 to additional traffic to the site which cause further
20 backups. Also a requirement of that is that
21 driveways are required to be setback 100 feet from a
22 traffic signal. The sudden driveway violates this
23 agreement, this requirement.

24 The parking on the side of the building
25 for the use of the liquor store and/or the gym is not

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1 ideal. The spaces are only 9 by 16. My experts
2 question how a vehicle is going to be able to back up
3 to exit these spaces. I am concerned with the safety
4 of these spaces.

5 Grand Avenue is a heavily traveled
6 road. Cars back up right onto Route 46 west or south
7 into Ridgefield, Hudson County.

8 I'm very concerned with the congestion
9 on Grand Avenue. Not being able to turn from the
10 south parking lot is programmatic. A vehicle
11 traveling on Grand Avenue would be unable to make a
12 left as for at least three streets going south into
13 Ridgefield, traveling three streets and have to make
14 -- come back northbound is not going to work.

15 Also, the street, the first street that
16 you make a left, you have to cross two lanes of
17 traffic on Grand Avenue.

18 Again, Grand Avenue at this location is
19 also backed up and if the vehicle is unable to make a
20 left, this will cause additional backups on Grand
21 Avenue.

22 There is concern about flooding and
23 backup at the pressure of the proposed lateral exceed
24 the pressure with the main on Grand Avenue and during
25 heavy rainfall when pipes are overloaded, the

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1 building sewer will back up.

2 My main concern and worry is the
3 ability of the fire department to fight a fire at the
4 location with the configuration of the building.
5 They may have to rely on getting that access for
6 adjacent property at 21 Grand.

7 Our fire officials were concerned with
8 the maneuverability plan and challenges on top of the
9 parking lot being able to maneuver apparatus in and
10 out. He said he was -- it was going to be
11 challenging. The northern driveway is accessible.
12 The south driveway is a real challenge, but the west
13 end of the building is inaccessible without 21 Grand
14 Avenue. I find this very alarming.

15 If 21 Grand is able to block off this
16 area, even the parking of vehicles in this location
17 could cause a disaster and potential loss of life.

18 What is the benefit Palisades Park
19 receives from this application? I see no positive
20 benefit. I see additional traffic issues with
21 parking areas overcrowding and fire concerns. I
22 don't feel that the application has met the burden of
23 showing there will be not a substantial detriment to
24 the public good.

25 Can I get a second?

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1 VICE CHAIRMAN ALBANESE: I'll second.
 2 CHAIRMAN FERGUSON: Roll call?
 3 Any comments from the board?
 4 Discussion on the motion?
 5 (No response.)
 6 CHAIRMAN FERGUSON: Roll call?
 7 MS. LAMBRINIDES: Mr. Ferguson?
 8 CHAIRMAN FERGUSON: Yes, for denial.
 9 MS. LAMBRINIDES: Mr. Albanese?
 10 VICE CHAIRMAN ALBANESE: Yes.
 11 MS. LAMBRINIDES: Mr. Chung?
 12 MR. CHUNG: Yes.
 13 MS. LAMBRINIDES: Ms. Yoon?
 14 MS. YOON: Yes.
 15 MS. LAMBRINIDES: Mr. Elefteriou?
 16 MR. ELEFTERIOU: Yes.
 17 MS. LAMBRINIDES: Mr. Grala?
 18 MR. GRALA: Yes.
 19 MS. LAMBRINIDES: Mr. Brogna?
 20 MR. BROGNA: Yes.
 21 MR. ALAMPI: Thank you very much.
 22 CHAIRMAN FERGUSON: Okay.
 23 Next case is going to be Brinkerhoff,
 24 133 East Brinkerhoff.
 25 MR. ALAMPI: So, Happy Thanksgiving,
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1 everybody.
 2 Thank you.
 3 CHAIRMAN FERGUSON: Okay. Mayor, it's
 4 good to see you.
 5 MR. SOKOLICH: Good to see you,
 6 Chairman, Members of the Board, good to see all of
 7 you.
 8 CHAIRMAN FERGUSON: Okay.
 9 MS. TESTA: Okay.
 10 I have the proof of service. So the
 11 board has jurisdiction over this matter.
 12 CHAIRMAN FERGUSON: Okay.
 13 We got it.
 14 MR. SOKOLICH: Thank you, Chairman.
 15 If I may, I'll proceed.
 16 Good evening, my name for the record is
 17 Mark Sokolich with the offices of Mark Sokolich at
 18 1223 Anderson Avenue, Fort Lee, New Jersey.
 19 We appear before you for your second
 20 public hearing this evening on behalf of V. Luppino,
 21 LLC, which is a New Jersey Limited Liability Company.
 22 My client, which is a sole member LLC is owned by
 23 Vincent Luppino disclosed in the application as such
 24 and Mr. Luppino is present in the event the board has
 25 any questions of him during the course of the
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1 hearing.
 2 This is an application to construct a
 3 two-family dwelling at premises known as 133 East
 4 Brinkerhoff Avenue here in Palisades Park, designated
 5 as Block 322, Lot 1 in your double A zone.
 6 We will try to be as efficient as we
 7 can. The order of testimony, unless the Chair or a
 8 board member directs otherwise, will be Vassilios
 9 Cocoros as our licensed architect, David Spatz as our
 10 licensed planner. And then me with a much shorter
 11 summation than Carmine's.
 12 Other than that, Chairman, I have
 13 nothing else up unless you had any questions of I.
 14 CHAIRMAN FERGUSON: I have no
 15 questions.
 16 You can proceed.
 17 MR. SOKOLICH: Thank you.
 18 MS. TESTA: Please raise your right
 19 hand.
 20 Do you swear the testimony you will
 21 give in this application will be the truth, the whole
 22 truth and nothing but the truth?
 23 MR. COCOROS: I do.
 24
 25 **LAURA A. CARUCCI, C.S.R., R.P.R., L.L.C.**
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1 VASSILIOS COCOROS, AIA
 2 467 Sylvan Avenue, Englewood Cliffs, New Jersey,
 3 having been duly sworn, testifies as follows:
 4 MS. TESTA: Please state your name for
 5 the record and spell it.
 6 MR. COCOROS: Vassilios,
 7 V-A-S-S-I-L-I-O-S, Cocoros, C-O-C-O-R-O-S, 467 Sylvan
 8 Avenue, Englewood Cliffs, New Jersey.
 9 DIRECT EXAMINATION
 10 BY MR. SOKOLICH:
 11 Q. Billy, your credentials have been
 12 accepted as an architect here multiple times,
 13 correct?
 14 A. Yes.
 15 MR. SOKOLICH: And Chairman, I trust
 16 he's been accepted as an expert?
 17 CHAIRMAN FERGUSON: Oh, yeah,
 18 absolutely.
 19 MR. SOKOLICH: Thank you.
 20 BY MR. SOKOLICH:
 21 Q. And Billy, you were the architect
 22 engaged by Mr. Luppino for -- go ahead.
 23 A. Yes, I was.
 24 Q. In fact, you prepared the architectural
 25 drawings on behalf of his company V. Luppino, LLC?
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1 A. Yes, I did.
 2 Q. So, I've premarked as A-1, A-2 and A-3
 3 corresponding with your pages a series of plans.
 4 A-1 is the elevation and site plan,
 5 which has an initial date of June 27, 2022, a last
 6 revised date of July 22, 2022?

7 We premarked A-2, which are the floor
 8 plans with the same initial and last revised dates.

9 And, finally, we've also marked as A-3,
 10 the stormwater plan and details, likewise initially
 11 dated June 27 and last revised July 22 of 2022.

12 A. Correct.
 13 (Whereupon, Elevation and Site Plan,
 14 Last Revised July 22, 2022 is received and
 15 marked as Exhibit A-1 for identification.)

16 (Whereupon, Floor Plans, Last Revised
 17 July 22, 2022 is received and marked as
 18 Exhibit A-2 for identification.)

19 (Whereupon, Stormwater Plan and
 20 Details, Last Revised July 22, 2022 is
 21 received and marked as Exhibit A-3 for
 22 identification.)

23 BY MR. SOKOLICH:

24 Q. Those are the plans that you --

25 A. There's also a soil plan too, that's
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1 units on 4th Street.

2 However, from a zoning point of view,
 3 the setbacks, the front of the property is still
 4 considered East Brinkerhoff and the depth is along
 5 4th Street.

6 Since the property does have quite a
 7 bit of a drop off from the corner of 4th Street and
 8 Brinkerhoff, going north along 4th Street is
 9 approximately 117.96 at the corner, top of the curb
 10 and then it goes down to 109.06 on 4th Street at the
 11 lowest point.

12 So, what we've done is we've stepped
 13 the building, itself, where the unit that's north,
 14 which is on the right-hand -- left-hand side as
 15 you're looking at it from 4th Street, is
 16 2-feet-8-inches lower than the unit that's on the
 17 right, which is Unit B, which has the frontage also
 18 along East Brinkerhoff Avenue.

19 The proposed building is 68-feet deep
 20 by 35-feet wide with a five-yard setback on the east
 21 side, which is the right-hand side as you're looking
 22 at it from Brinkerhoff Avenue and 10 feet off of the
 23 left side, which is the west and that's off of
 24 4th Street.

25 The setback from Brinkerhoff is
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1 S-2.

2 Q. We're just going to talk about these
 3 for the moment.

4 Those are the plans that you would call
 5 your architectural package, correct?

6 A. Yes.

7 Q. So wherever you deem most appropriate
 8 starting with A-1, if you can just brief the board on
 9 what the proposal is focusing, if you would, in the
 10 beginning as to where the property is generally and
 11 existing conditions.

12 A. Sure.
 13 If you look at the lower and middle, we
 14 have the key plan. The property is located on the
 15 northwest corner of East Brinkerhoff and 4th Street.

16 The property is 50 feet along
 17 Brinkerhoff Avenue and 102.2 feet along 4th Street.
 18 It's slightly irregular.

19 The east property line is 102.15 feet
 20 deep, so about a half inch difference on the depth on
 21 one side to the other.

22 We're proposing a side-by-side
 23 two-family duplex-style dwelling.

24 However, since Brinkerhoff is the
 25 busier street, we are fronting the proposed dwelling
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1 20-feet-4-inches. The rear yard setback is
 2 13-feet-10-and-a-quarter inch. The -- God bless you.

3 MS. TESTA: Thank you.

4 THE WITNESS: The dwelling, itself, is
 5 split up equally where the Unit A is 34 feet and
 6 Unit B is 34 feet as you're looking at it from
 7 4th Street.

8 It's a three-level configuration.
 9 There's no roof decks on this one. It's basically
 10 ground floor, first floor and then we have the second
 11 floor, which is the bedroom level.

12 BY MR. SOKOLICH:

13 Q. Bill, what variances of the ones you
 14 just recited are necessitated because of the way in
 15 which you're situated or proposing to situate the
 16 units?

17 A. It's really the rear yard setback and
 18 the left yard, which is technically the second, I
 19 guess, more of a second front yard.

20 However, the setbacks we're proposing
 21 are in line with other projects that have been
 22 developed on corner properties.

23 In addition, the right side yard is in
 24 compliance with the setbacks.

25 The building, itself, you know, we do
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1 have decks in the front and in the rear.
2 However, we limit them to 8 feet and
3 then if you look at the portion that's to the -- I
4 guess it would be the rear yard, which is if you're
5 looking at it from 4th Street, the left side, we have
6 the existing duplex that faces on 4th Street next to
7 us, has a typical -- actually has a little bit more
8 than a typical side yard setback.

9 I think it has almost 7, 8 feet from
10 the property line where the rear yard is more of a
11 side yard in our case.

12 Q. Does the slope of the property have any
13 impact whatsoever on the height computation and the
14 variance that we're requesting?

15 A. Yes, it does, because we're measuring
16 it -- there's two things that impact the height.
17 It's keeping the driveways slightly higher than the
18 sidewalks so no water goes down towards the garage.

19 In addition, the four corners of the
20 building, since the property, itself, does drop off
21 quite a bit.

22 And we're not really raising it up too
23 much. We have a small retaining wall just to level
24 off the rear yard a little bit on the northeast
25 corner.

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1 requirement, however -- in regards to trees.

2 However, we do -- we'll be providing
3 arborvitaes along certain portions for a little more
4 privacy.

5 Along the entryways from 4th Street,
6 we'll have a set of boxwoods and some azaleas along
7 the walkway as you're coming into the dwelling.

8 One thing I forgot to mention, also the
9 entries are on the ground floor, so there's no
10 staircases sticking out the side yard.

11 It's basically platform, one step up on
12 Unit B and two steps up on Unit -- Unit -- Unit A has
13 one step-up platform and then there's two steps on
14 Unit A [sic].

15 Q. Billy, you acknowledge receipt or we're
16 going to get to your second plan with the floor plans
17 in a second, but you do acknowledge receipt of
18 Mr. Collazuol's memorandum of October 7, 2022?

19 A. Yes.

20 Q. There is some things that yet need be
21 provided, a more detailed landscape plan, things of
22 that nature, but I want to focus more on stormwater
23 and utilities for the moment.

24 Were the board to act favorably on the
25 application in either this iteration or revision of

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1 The property, itself, since the --
2 there's about a 7-foot difference, makes the average
3 height a lot more and essentially when you measure it
4 to the unit that's Unit B, which is the unit closer
5 to Brinkerhoff Avenue, that adds a lot to the height
6 requirement.

7 Q. The exterior materials for this job,
8 Bill, could you just briefly describe what your
9 intentions are as far as the façade is concerned and
10 please also confirm that that treatment will be
11 consistent on all side of the building?

12 A. Sure.

13 It's an all-brick building.

14 However, we do have some bay windows
15 that are going to be facing the rear in the front and
16 then also along the elevation along 4th Street.

17 The brick stucco, we'll also do a
18 panelized system in between some of the windows, kind
19 of break up the overall brick.

20 Same thing in between the windows on
21 the portion that's stucco, we'll also have the same
22 type of panelized system to give a little bit of
23 variation.

24 Q. Landscaping?

25 A. Landscaping, we'll take the borough's

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1 it, it is our unconditional understanding and
2 agreement that we would comply with any conditions
3 imposed upon us by Mr. Collazuol or for that matter,
4 any other engaged expert on behalf of the board,
5 correct?

6 A. Correct.

7 Q. And that would pertain to, for example,
8 landscaping?

9 A. Yes.

10 Q. That would pertain to, for example,
11 stormwater management, utility placement, so forth
12 and so on?

13 A. Yes, it will.

14 Q. I noticed one of the comments was to
15 construct to the extent feasible, but construct all
16 utilities underground, that's the intentions of the
17 applicant, correct?

18 A. Yes.

19 Usually it's -- we would do it if we --
20 I guess we would have to make sure that PSE&G will
21 let us do it.

22 Q. But subject to their approval?

23 A. Correct.

24 Q. And placement, I trust, of the existing
25 telephone pole?

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1 A. Yes.
 2 Q. I'm going to turn you to what we
 3 premarked as A-2, the floor plans.
 4 I don't think you need to go through
 5 them in great detail, but if you could just take the
 6 board through starting on the lowest level?
 7 A. To the lowest level, we have a two-car
 8 driveway on each side. We have an oversized garage
 9 behind it.

10 There's also on the outside corners we
 11 have the front entry. There's an entry hall and coat
 12 closet, door from the garage, small recreation room
 13 in the back.

14 Utility room is off the -- there's also
 15 a powder room, no shower, nothing.

16 It's basically just a toilet and a
 17 sink. We have a door out to the area under the deck
 18 on each side.

19 Staircase up to the first floor, which
 20 is the main living space. We also have the staircase
 21 has an opening above so when you look up, you have a
 22 little bit of balcony effect looking down from the
 23 first floor onto the ground entry level.

24 Upstairs we have the main living space.

25 At the front, we have a hall area where

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1 elevation, which also confirms the exterior materials
 2 will be treated the same?

3 A. Yes.

4 Q. Billy, again, I know this is subject to
 5 to Mr. Collazuol's review, but we've marked as A-3
 6 what you gave as a proposal, a stormwater management
 7 system, correct?

8 A. Yes.

9 Q. Without specific detail or detailing it
 10 appropriate, the thought process behind your plan.

11 A. The thought process is we're basically
 12 providing for three CULTECH-type chambers in the
 13 driveways of both units.

14 We'll have all the roof leaders
 15 connected to them.

16 Right now there is no stormwater
 17 management on the property. So whatever roof leader
 18 -- I'm sorry, rainwater coming off the roof will be
 19 captured by that system.

20 However, we have to do a perc test and
 21 have to provide drainage calculations for
 22 Mr. Collazuol to review and approve before we do
 23 anything in that area.

24 Q. And as classified by Mr. Collazuol in
 25 his review letter, this is a redevelopment and,

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1 the staircase is, powder room kind of hidden away.
 2 Behind that we have a kitchen with a
 3 galley setup where we have an island sink, dining
 4 room next to that.

5 And then the dining room also opens up
 6 to the living room, which has a fireplace.

7 The layout is the same for both sides.

8 Up above we have the second floor,
 9 which is the bedroom level. We have three bedrooms
 10 on each side, each -- each -- there's a primary and
 11 master suite at the front that has two walk-in
 12 closets, a master primary bath with a freestanding
 13 tub, oversized shower, double sink, separate little
 14 toilet alcove.

15 The two bedrooms have a
 16 Jack-and-Jill-style bathroom with a sink, toilet and
 17 a tub/shower.

18 And then each one of those bedrooms has
 19 a closet.

20 Off the hallway, we also have a nice
 21 oversized laundry room with a utility sink, a little
 22 cabinet beneath that.

23 As I said before, the layout is a
 24 mirror image, so each side has the same amenities.

25 Q. And you also have on A-2 the right

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1 therefore, a reduction in the runoff is required by
 2 law, correct?

3 A. Yes.

4 Q. And we acknowledge that?

5 A. Yes, we do.

6 Q. And that's a standard we intend to
 7 meet, correct?

8 A. Correct.

9 Q. We have another witness on deck who's
 10 going to speak into more detail the variances that
 11 are being sought, but I do want to hear what the
 12 board's comments are.

13 Is there anything else you would like
 14 to add with regard -- I know that you also did a soil
 15 erosion and sediment control plan.

16 A. Yes.

17 Q. If you would like to speak to that as
 18 well, we can very briefly.

19 MR. SOKOLICH: This I did not mark.
 20 I'll mark it as A-4.

21 Diane, the same dates. There's an
 22 initial date of June 27th, 2022 and a last revised
 23 date of July 22, 2022.

24 (Whereupon Soil Erosion Plan, Last
 25 Revised July 22, 2022 is received and marked

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1 as Exhibit A-4 for identification.)
 2 BY MR. SOKOLICH:
 3 Q. Bill, soil erosion.
 4 A. Sure.
 5 Since we're over 5,000 square feet, we
 6 have to provide soil erosion measures.
 7 We're, basically, providing a silt
 8 fence. We're showing limited disturbance where we're
 9 going to be doing any new curbs.
 10 Also, the excavation for the sewer
 11 line.
 12 In addition we'll have a soil stockpile
 13 area and then with the two driveways that's going to
 14 be a wheel washing, like, basically, a gravel pad so
 15 when people pull in and out they don't track dirt
 16 onto the -- onto 4th Street.
 17 Q. And you, we, the applicant,
 18 acknowledges that that's the subject of a separate
 19 application and a separate approval from a different
 20 agency?
 21 A. Yes, it's Bergen County Soil.
 22 Q. But we would not make that application
 23 until and at which time we appear before this board?
 24 A. Correct.
 25 Q. Is there anything else that you would
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1 like to add?
 2 A. No.
 3 MR. SOKOLICH: Chairman, I offer
 4 Mr. Cocoros.
 5 CHAIRMAN FERGUSON: Okay. So this
 6 application is just like -- is like the ones that we
 7 had last month and the concern, my concern was the
 8 decks on each side.
 9 THE WITNESS: These -- this is a little
 10 bit deeper.
 11 So, we didn't have -- our rear yard
 12 setbacks weren't as tight as the other developments.
 13 So, you know, basically try to keep it
 14 within a reasonable setback given the fact that the
 15 adjacent dwelling on the left in the rear of the
 16 unit, the rear unit is actually kind of far away.
 17 I don't think it will impact it as
 18 much.
 19 CHAIRMAN FERGUSON: But when you say --
 20 when you say the rear unit, on the plan you're
 21 showing --
 22 THE WITNESS: It's the --
 23 CHAIRMAN FERGUSON: -- 13.82?
 24 THE WITNESS: Yes, which is 13 feet --
 25 CHAIRMAN FERGUSON: From the building
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1 to the property line?
 2 THE WITNESS: Correct.
 3 CHAIRMAN FERGUSON: Okay. So, if --
 4 you're putting a deck on that side?
 5 THE WITNESS: Yes.
 6 There's an 8-foot deck and then we have
 7 5-foot-9-and-seven-eighths at the closest point.
 8 Like I said now, if that was a -- if
 9 that was a regular duplex that was facing on
 10 4th Street, we can go -- we can go as close as 6 feet
 11 with the dwelling, another 2 feet into that 6 feet
 12 with a bay window.
 13 And then the stairs could be 3 feet off
 14 the property line.
 15 So, I think, like I said, we didn't go
 16 for the roof decks. We didn't go for an oversized
 17 height variance on this thing.
 18 So I think the decks -- you know, it's
 19 a nice feature to have, you know, off the kitchen.
 20 There is no roof decks proposed on this property,
 21 so...
 22 CHAIRMAN FERGUSON: Here's the problem,
 23 you know, first of all, let me say what's the width
 24 of the building?
 25 THE WITNESS: Well, the width from a
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1 zoning point of view is 35 feet. The depth, which is
 2 the width of the building as you're looking at it
 3 from 4th Street is 68 feet.
 4 CHAIRMAN FERGUSON: Okay.
 5 So, here's my -- you know, I looked at
 6 -- I looked at the plan I don't have any basic
 7 problem, you know, like, bathrooms and all that good
 8 stuff.
 9 But I do have a problem with the decks.
 10 So, here's the problem: I -- the
 11 building the way it is now is 68. Okay?
 12 Usually buildings are 65 that we
 13 routinely approve. So you're already 3 foot past
 14 what we usually approve.
 15 Now, you can either get rid of the two
 16 decks, that's a proposal, you can do that, you know,
 17 and then keep it the way it is or you can take a
 18 foot-and-a-half off each side and what happens with
 19 that is that you're reducing the building by 3 feet,
 20 you shift the building towards Brinkerhoff a
 21 foot-and-a-half and that would give you 3 feet on the
 22 --
 23 THE WITNESS: Actually we're,
 24 basically, going to -- we'll still keep the -- we
 25 have 20-feet-4inches on the Brinkerhoff side and we
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1 take out 3 feet, a foot-and-a-half from each one,
2 then we would have, basically, 16-feet-10-inches at
3 the corner on the front here.

4 And then we'll also increase the deck
5 -- the deck point to 8-feet-9and-seven-eighths, so --
6 so, basically, we're creating more space on that
7 portion which would probably be good.

8 CHAIRMAN FERGUSON: Right. Because
9 you're moving it and you have that -- so you you --
10 now, you don't have a choice, but the property owner
11 has a choice.

12 They can either get rid of both decks
13 -- I hate to make a -- let's make a deal, but we
14 either can get rid of the decks or you can reduce the
15 building by a foot-and-a-half on each side.

16 I'll leave it to --

17 MR. SOKOLICH: Just bear with us one
18 second.

19 CHAIRMAN FERGUSON: Sure, no problem.

20 THE WITNESS: Yeah, he's -- yeah, we're
21 fine.

22 We can, basically, we'll take a
23 foot-and-a-half off each unit and then we'll -- you
24 know, we'll basically keep the front yard setback,
25 leave it the same so we can maintain the sight

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1 triangle and then we'll have a bigger rear yard from
2 the back.

3 That's fine.

4 CHAIRMAN FERGUSON: That's fine?

5 THE WITNESS: Yeah.

6 MR. SOKOLICH: Thank you, Chairman.

7 CHAIRMAN FERGUSON: Okay. Any board
8 members have anything?

9 (No response.)

10 CHAIRMAN FERGUSON: Steve, you're on.

11 MR. COLLAZUOL: Good evening,

12 Mr. Sokolich.

13 MR. SOKOLICH: Good evening,

14 Mr. Collazuol.

15 MR. COLLAZUOL: Bill, with respect to
16 the building height, you have a footnote, it says
17 number three, which is midpoint to the a higher unit,
18 but if you took an average of the two roofs, the
19 building height would actually be lower than stated,
20 34 feet, right?

21 THE WITNESS: Yes.

22 MR. COLLAZUOL: On Sheet A-1 in the
23 left rear corner, you have an elevation at the top of
24 the wall, I think, it says 100, but at the building
25 point you have --

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1 THE WITNESS: That's a typo.

2 It should be one, one, zero.

3 MR. COLLAZUOL: So the 110, return to
4 S-1 in that corner, the lower grade of that wall is
5 about 105.9.

6 So that would exceed 4 feet by about
7 one-tenth. So at that point, would that wall be
8 about 4.1 feet in height.

9 THE WITNESS: Yes, and we adjusted --
10 you know, we can probably bring it down by 4 inches
11 to bring it below the 4-foot threshold.

12 MR. COLLAZUOL: Fine.

13 So that's going to be an elevation of
14 10 --

15 THE WITNESS: It will be 109.67.

16 MR. COLLAZUOL: Okay.

17 The existing stone wall that's mostly
18 on the site, typically that would be removed and
19 replaced.

20 THE WITNESS: That's towards
21 Brinkerhoff?

22 MR. COLLAZUOL: No, it's the rear line
23 along the 102.15.

24 It's straddling the property line.

25 THE WITNESS: The only thing, it looks

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1 like it's on the neighbor's property.

2 MR. COLLAZUOL: It looks like it's
3 straddling the property mostly on the subject
4 property.

5 THE WITNESS: It says existing
6 segmented line on which one are you --

7 MR. COLLAZUOL: It says 0.3 east, on
8 the East Brinkerhoff side in the upper right on S-1.

9 THE WITNESS: Oh, yeah, yeah.

10 MR. COLLAZUOL: It's by the north
11 arrow.

12 THE WITNESS: Existing stone wall,
13 right?

14 MR. COLLAZUOL: Right.

15 THE WITNESS: Yeah, it's mostly on our
16 property.

17 So I guess we can either fix that or --
18 I wasn't sure what the condition of it was.

19 MR. COLLAZUOL: Right, okay.

20 Number four, the driveways, you show
21 the garage elevation, 112.33 for the left-hand unit
22 and at the street it looks like it's pretty close to
23 112.33, am I not correct in this?

24 In other words, the driveways look a
25 little flat, not sloped enough.

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1 THE WITNESS: The utility pole right
 2 now, we have 112.29 and then it goes down to where
 3 that station mark is towards the 109.4.
 4 So I think, like I said, it's level on
 5 one portion, but I think it trails off as you go
 6 towards the north.
 7 MR. COLLAZUOL: Would you provide the
 8 slope for those on your drawing?
 9 THE WITNESS: Yeah.
 10 MR. COLLAZUOL: The pole in front of
 11 Unit A, you're not showing it, but it looks like the
 12 pole is opposite Unit A.
 13 THE WITNESS: We would have to relocate
 14 that.
 15 MR. COLLAZUOL: Relocate it?
 16 THE WITNESS: Yes.
 17 That will be coordinated with PSE&G,
 18 whoever is involved.
 19 MR. COLLAZUOL: Then that's now the
 20 pole that's shown at 112.29 or 39?
 21 THE WITNESS: That's existing.
 22 MR. COLLAZUOL: Right.
 23 So it's getting shifted to the left
 24 more in line with the covered platform.
 25 THE WITNESS: Yes.

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1 MS. TESTA: Very good.
 2 MR. SOKOLICH: That's okay?
 3 MS. TESTA: Yes, that's fine.
 4 (Whereupon, Photoboard, Series of Four
 5 Photographs are received and marked as A-5 for
 6 identification.)
 7 MR. SOKOLICH: David, get sworn in, I'm
 8 sorry.
 9 MS. TESTA: Please raise your right
 10 hand?
 11 Do you swear that the testimony you
 12 will give in this application will be the truth, the
 13 whole truth and nothing but the truth?
 14 MR. SPATZ: Yes, I so.
 15 D A V I D S P A T Z, PP
 16 60 Friend Terrace, Harrington Park, New Jersey,
 17 having been duly sworn, testifies as follows:
 18 MS. TESTA: State your name for the
 19 record, please.
 20 MR. SPATZ: David Spatz, S-P-A-T-Z.
 21 DIRECT EXAMINATION
 22 BY MR. SOKOLICH:
 23 Q. Licensed planner?
 24 A. I am a licensed planner in the State of
 25 New Jersey, yes.

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1 MR. COLLAZUOL: What would you do if
 2 PSE&G said no?
 3 THE WITNESS: I mean worse case, if we
 4 had an issue, we'd have to maybe flip the entry to
 5 the middle and push the driveway off to the north.
 6 MR. COLLAZUOL: I'm not sure if this is
 7 the project where they put additional cell towers on
 8 it, but I don't think that's that pole, but I think
 9 it's something the applicant should look into and if
 10 that's the case, I'm fine with that.
 11 THE WITNESS: Okay.
 12 MR. COLLAZUOL: Thank you.
 13 MR. SOKOLICH: Thank you, Steve.
 14 CHAIRMAN FERGUSON: Hal, do you have
 15 anything?
 16 MR. SIMOFF: No, thanks.
 17 CHAIRMAN FERGUSON: Do you want to call
 18 your next witness?
 19 MR. SOKOLICH: Thank you.
 20 Mr. Spatz?
 21 Chairman, Members of the Board, in
 22 anticipation of David's arrival, we had passed out a
 23 series of four photographs.
 24 Diane, I've taken the liberty of
 25 marking it as A-5 dating it today.

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1 Q. Credentials accepted here multiple
 2 times?
 3 A. Many times, yes.
 4 CHAIRMAN FERGUSON: Many times.
 5 BY MR. SOKOLICH:
 6 Q. I'm going to show you, David, a series
 7 of four photographs I believe were taken by you?
 8 A. Yes.
 9 Q. I've marked it as A-5 dated today and I
 10 distributed to the board.
 11 A. Okay.
 12 Q. Starting going clockwise, if you cant
 13 just identify the pictures briefly.
 14 A. Sure.
 15 Starting at the top left, it is of the
 16 subject property looking at it from East Brinkerhoff.
 17 The top right is looking to the right
 18 of that building further along East Brinkerhoff.
 19 There's a newer two-family home and then an older
 20 two-family home beyond that.
 21 The bottom left-hand photograph is
 22 looking at the property from 4th.
 23 And then the bottom right-hand
 24 photograph is looking to the left of that property.
 25 You can see the detached garage which will be removed

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1 and then also a newer larger two-family home that is
2 just past us.

3 The removal of that garage along with
4 the change that we made today, the three -- the
5 existing two-family is significantly off the property
6 line, so there will be a generous setback between the
7 two properties.

8 There are also two-family homes the
9 opposite side of 4th, as well as the opposite side of
10 East Brinkerhoff.

11 So we're in the AA zone that permits
12 two-family homes. The lot conforms to the lot area
13 and lot width requirements of the zone. We do
14 require one D variance that's for building height and
15 then C variances for building coverage, rear yard and
16 then side yard.

17 Looking at the height variance, what we
18 need to look at is whether it is still consistent
19 with the neighborhood, although it requires a
20 variance.

21 The photographs, I think, indicate that
22 the two adjacent two-family homes are also three
23 stories in height and are similar in height.

24 There's a significant grade change on
25 our property primarily as it slopes down on East

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1 setback from front yard is consistent with only the
2 stairs projecting into the setback on East
3 Brinkerhoff.

4 We've made a change in the side yard by
5 reducing the size of the building. That -- between
6 that and the removal of that garage as I've stated,
7 we have a significant side yard where only 4 feet off
8 of what is required.

9 In terms of lot coverage, we don't meet
10 the lot coverage requirement in terms of percentage
11 of lot coverage.

12 However, in terms of maximum square
13 footage, we are below that limitation. So we are
14 close to that.

15 Testimony was provided that drainage
16 improvements will be made on the site.

17 Currently there's no such facilities on
18 the property. So that is an improvement of the
19 conditions as well.

20 So I think the positive criteria is met
21 for the C variances.

22 Looking at the negative criteria, I
23 don't think there's anything substantially negative.

24 We are permitted within the zone. Maintaining the
25 same density on the property consistent with the

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1 Brinkerhoff and that is as Mr. Cocoros indicated,
2 that's what's affected the height primarily, but we
3 are still consistent with the neighborhood.

4 In terms of meeting the purposes of
5 zoning, we meet Purpose A, which is promoting the
6 public, health, safety and morals and general
7 welfare.

8 Purpose E is establishing appropriate
9 population densities. There's an existing two-family
10 home on the property. We're removing it, replacing
11 it with a two-family home.

12 So in terms of density, we are
13 consistent with both the site, as well as the
14 neighborhood.

15 And then, lastly, Purpose I, which is
16 promoting a desirable, visual environment. There's
17 an older structure on this site currently as the
18 photographs indicate.

19 Mr. Cocoros has deigned a building that
20 both fits with the neighborhood and fits in with the
21 property itself, as well as the fact that the
22 property is a corner nature.

23 So I think that the height variance
24 could be granted.

25 In terms of the bulk variances, the

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1 development in the neighborhood.

2 We have a conforming amount of parking
3 on the property.

4 Removing the structures and the garage
5 will actually provide greater light, air and open
6 space for the adjacent properties.

7 So, on balance, I believe that the
8 positive criteria is met and it far outweighs
9 anything that can be considered negative.

10 And I believe it's appropriate to grant
11 the variances.

12 So, that concludes my testimony.

13 I'm open to any questions from the
14 board and the public.

15 CHAIRMAN FERGUSON: Mr. Kauker, do you
16 have anything?

17 MR. KAUKER: I have nothing of the
18 witness.

19 CHAIRMAN FERGUSON: Do you want to --
20 anybody in the audience have anything to say about
21 this one?

22 (No response.)

23 CHAIRMAN FERGUSON: Any board members
24 have anything to say on this one?

25 (No response.)

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1 CHAIRMAN FERGUSON: No? Okay.
 2 So, I'll make a motion that we're going
 3 to put \$2,000.00 in the Tree Preservation Fund and
 4 we're going to reduce the size of the house by
 5 3 feet, 1-and-a-half feet on each side and then we're
 6 going to move the house a foot-and-a-half towards
 7 Brinkerhoff, which will give us an extra 3 feet on
 8 the side that is in the rear and that's my motion.
 9 Can I get a second?
 10 MR. ELEFTERIOU: I'll second.
 11 CHAIRMAN FERGUSON: Second.
 12 Roll call?
 13 MS. LAMBRINIDES: Mr. Ferguson?
 14 CHAIRMAN FERGUSON: Yes.
 15 MS. LAMBRINIDES: Mr. Albanese?
 16 (No Response.)
 17 MS. LAMBRINIDES: Mr. Albanese?
 18 VICE CHAIRMAN ALBANESE: Yes.
 19 MS. LAMBRINIDES: Mr. Chung?
 20 MR. CHUNG: Yes.
 21 MS. LAMBRINIDES: Ms. Yoon?
 22 MS. YOON: Yes.
 23 MS. LAMBRINIDES: Mr. Elefteriou?
 24 MR. ELEFTERIOU: Yes.
 25 MS. LAMBRINIDES: Mr. Grala?

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1 MR. GRALA: Yes.
 2 MS. LAMBRINIDES: Mr. Brogna?
 3 MR. BROGNA: Yes.
 4 MR. SOKOLICH: Chairman, Members, thank
 5 you and to and your families, the happiest of
 6 holidays.
 7 Thank you, good to see you all.
 8 Goodnight, Chairman, Mr. Albanese, good to see you,
 9 goodnight guys.
 10 MS. TESTA: Happy Thanksgiving.
 11 MR. SOKOLICH: Thank you.
 12 You too, Diane. Thank you.
 13 Happy and healthy.
 14 MS. TESTA: Yes.
 15 CHAIRMAN FERGUSON: Five-minute
 16 adjournment.
 17 (Whereupon, a brief recess is held.)
 18 CHAIRMAN FERGUSON: We're going to do
 19 an adjournment for 112-118 Union Associates, LLC,
 20 which is asking for an adjournment.
 21 MS. TESTA: Right.
 22 I spoke with the attorney.
 23 He asked that the matter be carried one
 24 more cycle. His client waives all time constraints.
 25 And he's sent me an e-mail to that effect.

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1 CHAIRMAN FERGUSON: Okay. So I'll make
 2 that motion.
 3 MS. TESTA: First you have to do roll
 4 call.
 5 CHAIRMAN FERGUSON: Second?
 6 MS. TESTA: The roll call first.
 7 CHAIRMAN FERGUSON: Roll call. Oh,
 8 back in session?
 9 MS. TESTA: Yes.
 10 MS. LAMBRINIDES: Okay. This is for
 11 the attendance.
 12 MS. LAMBRINIDES: Mr. Ferguson?
 13 CHAIRMAN FERGUSON: Here.
 14 MS. LAMBRINIDES: Mr. Albanese?
 15 VICE CHAIRMAN ALBANESE: Here.
 16 MS. LAMBRINIDES: Mr. Chung?
 17 MR. CHUNG: Here.
 18 MS. LAMBRINIDES: Ms. Yoon?
 19 MS. YOON: Here.
 20 MS. LAMBRINIDES: Mr. Elefteriou?
 21 MR. ELEFTERIOU: Here.
 22 MS. LAMBRINIDES: Mr. Grala?
 23 MR. GRALA: Here.
 24 MS. LAMBRINIDES: Mr. Brogna?
 25 MR. BROGNA: Here.

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1 CHAIRMAN FERGUSON: Okay.
 2 MS. TESTA: Now the postponement.
 3 CHAIRMAN FERGUSON: Now we're going to
 4 do the postponement, which is 112-118 Union Street,
 5 he's asking for an adjournment to the January
 6 meeting.
 7 MS. TESTA: Right.
 8 So it would be adjourned to
 9 January 23rd, 2023 and he has waived all the time
 10 constraints and it's up to the board whether or not
 11 you want notice provided.
 12 With or without notice?
 13 CHAIRMAN FERGUSON: What do you think?
 14 MS. TESTA: It's been a while.
 15 CHAIRMAN FERGUSON: I think --
 16 MS. TESTA: Yeah, I think to be safe.
 17 It's a new year.
 18 CHAIRMAN FERGUSON: Okay. So, that's
 19 the motion.
 20 MS. LAMBRINIDES: Who's making the
 21 motion?
 22 Mr. Ferguson?
 23 CHAIRMAN FERGUSON: Mr. Ferguson.
 24 MS. LAMBRINIDES: And who second,
 25 please?

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1 MR. ELEFTERIOU: Second.
 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. Chung?
 8 MR. CHUNG: Yes.
 9 MS. LAMBRINIDES: Ms. Yoon?
 10 MS. YOON: Yes.
 11 MS. LAMBRINIDES: Mr. Elefteriou?
 12 MR. ELEFTERIOU: Yes.
 13 MS. LAMBRINIDES: Mr. Grala?
 14 MR. GRALA: Yes.
 15 MS. LAMBRINIDES: Mr. Brogna?
 16 MR. BROGNA: Yes.
 17 CHAIRMAN FERGUSON: Okay. So, the next
 18 one is going to be 18-20 West Ruby Avenue.
 19 Counsel?
 20 MR. LEE: That's me.
 21 Good evening, Mr. Chairperson and
 22 Members of the Board, my name is Daniel Lee, attorney
 23 representing the applicant.
 24 Before we proceed, I'd like to present
 25 the affidavit of publication and service by mail.
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1 MS. TESTA: Thank you.
 2 MR. LEE: And also, I'd like to -- I'd
 3 like to stress that -- I have two witnesses tonight.
 4 One is Mr. Billy Cocoros, he is the architect. The
 5 second is my planner, Mr. Harry Tuvel, who
 6 unfortunately has COVID and he has made arrangements
 7 with the board and the -- with Diane Testa to appear
 8 by means of the phone.
 9 CHAIRMAN FERGUSON: Well, as long as he
 10 gets on the phone and can talk.
 11 MS. TESTA: Let's get him on.
 12 MR. LEE: This application is noting
 13 that the particular property at 18-20 West Ruby
 14 Avenue, that particular lot is approximately
 15 7,157 square feet, proposed to build three --
 16 THE COURT REPORTER: Three, what units?
 17 MS. TESTA: I'm going to put you on
 18 speaker.
 19 Bill is going to testify first, but
 20 I'll have you hear it.
 21 Okay. Bill, please raise your right
 22 hand.
 23 Do you swear the testimony you will
 24 give in this application will be the truth, the whole
 25 truth and nothing but the truth?
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1 MR. COCOROS: I do.
 2 VASSILIOS COCOROS, AIA
 3 467 Sylvan Avenue, Englewood Cliffs, New Jersey,
 4 having been duly sworn, testifies as follows:
 5 MS. TESTA: State your name for the
 6 record.
 7 MR. COCOROS: Sure.
 8 Vassilios, V-A-S-S-I-L-I-O-S, Cocoros,
 9 C-O-C-O-R-O-S, 467 Sylvan Avenue, Englewood Cliffs,
 10 New Jersey.
 11 MS. TESTA: Okay. And just for the
 12 record to reflect the planner that the applicant is
 13 using, his expert is unfortunately ill tonight but is
 14 here on phone, cell phone.
 15 You can hear us, Harry?
 16 MR. TUVEL: Yes.
 17 MS. TESTA: It's Harry Tuvel. He'll be
 18 testifying as a planner after the architect.
 19 MR. LEE: He will be testifying as the
 20 planner.
 21 CHAIRMAN FERGUSON: Okay. You're on.
 22 DIRECT EXAMINATION
 23 BY MR. LEE:
 24 Q. Okay.
 25 Mr. Cocoros, go over the A-1 here, the
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1 A-1 that's dated -- it's entitled elevations of site
 2 plan?
 3 A. Okay.
 4 The existing property is 18-20 West
 5 Ruby Avenue. It's located on the south side of the
 6 street. 190 feet west of Broad Avenue intersection.
 7 The actual property is 137.22-foot deep
 8 on the left side and 149.58-foot deep on the
 9 right-hand side.
 10 It has a total lot area of 7,157.87
 11 square feet and has a frontage on West Ruby and also
 12 the approach for Highway 46, which also connects to
 13 West Columbia further as you go west.
 14 We're proposing to demolish the
 15 existing improvements on the property and construct a
 16 three-unit townhouse-style dwelling.
 17 However, the dwelling itself would be
 18 rotated 90 degrees. So we'll have garages off of
 19 West Ruby Avenue and then we'll have a walkway on the
 20 right-hand side, which is the west side to get into
 21 the units.
 22 As you can see here, West Ruby drops
 23 off as you're going from left to right, which is from
 24 east to west. So we'll have a two-car driveway and a
 25 one-car garage for each unit and then to the left
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1 portion you can see there's a walkway that takes you
 2 to the units.
 3 At the upper left of the page we have
 4 the rear and the -- the rear and the front
 5 elevations, then if you go to the right elevation,
 6 you can see here this is the walkway as you're coming
 7 from the sidewalk on West Ruby where you have the
 8 doors for each of the units.

9 So, basically three units. However,
 10 they're turned 90 degrees, except the front portion
 11 they share under the first unit, there's a one-car
 12 oversized one-car garage for each of the units with a
 13 two-car driveway in front of it.

14 The building itself, at the front
 15 portion where the garages are, we have
 16 5-feet-1-inches on each side and then at the back
 17 portion, we have 8-feet-1-inches side yard setback.

18 From the front we're set back 32 feet.

19 At the rear portion, we're at
 20 8-feet-3-and-five-eighths of an inch and then we have
 21 16-feet-3-and-five-eighths on the rear right-hand
 22 corner.

23 The property to the -- there's a duplex
 24 that's to the east of us or to the left of us and
 25 then at the rear portion, that's the parking lot for

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1 the building at the corner of Columbia and Broad
 2 Avenue.

3 You can see on Sheet A-2 floor plans,
 4 you can see towards the left of the sheet, this is
 5 the sidewalk on West Ruby.

6 We have the two-car driveway for each
 7 unit, the garage is here at the front and then as you
 8 walk along the walkway, we have the covered entry,
 9 covered platform for each of the units.

10 First unit has an entry hall and a
 11 utility room, that's it.

12 There's no real recreation room or
 13 anything and the staircase up to the first floor and
 14 then Unit B, which is the middle unit has the same
 15 door, steps up, recreation room, powder room, utility
 16 room and then we also have a storage room that's
 17 accessed off the garage for the middle unit, which
 18 has a middle garage.

19 The unit all the way in the back is
 20 Unit C. The same configuration as Unit B.

21 Basically entry door, stairs up to the
 22 first floor, the powder room, utility room,
 23 recreation room.

24 There's also a hallway that connects to
 25 the garage space in the front from the front of the

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1 property.

2 The first floor, which is the main
 3 living space, we have it set up where we have living
 4 room, dining room, kitchen, guest room. We have a
 5 bathroom, coat closet, the staircase that brings you
 6 up from the floor below. Each unit has the same
 7 configuration.

8 Going to the A-3 sheet. That's the
 9 upper level.

10 We have it set up where each unit has a
 11 three-bedroom configuration. There's a master, a
 12 prime suite in the front, side-by-side laundry, two
 13 secondary bedrooms that share a hall bathroom.

14 There's also a side-by-side laundry for
 15 each of the units.

16 A staircase that goes down, also takes
 17 you up to the attic level. We have an exterior roof
 18 deck. Each unit has a staircase up to a small
 19 finished attic, a wet bar, powder room, storage area
 20 and then we have the rest of it is either exterior
 21 roof deck and then parts of the roof are just typical
 22 roof with an attic area for mechanicals.

23 So, it's basically three levels, plus
 24 we have an attic with the roof deck for each of the
 25 units. The units on the first floor, there's only

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1 one deck and that's for the rear unit off the first
 2 floor and that's located at the rear, rear right
 3 corner of the building, itself.

4 So the actual deck, we tried to locate
 5 it, it's not that big. I think it's only 6-feet deep
 6 by 12 feet and we located it at the point where the
 7 building has the furthest setback at the rear
 8 portion.

9 CHAIRMAN FERGUSON: Okay. That's it?
 10 THE WITNESS: Yeah.

11 As far as the site, we're proposing a
 12 new single sewer line that all the units will be
 13 connected to.

14 We have a stormwater management system
 15 at the front.

16 Right now we're proposing three
 17 1,000-gallon seepage pits and we'll have all the roof
 18 leaders tying into it.

19 However, if this was approved, we would
 20 have to do a perc test and also have drainage
 21 calculations submitted to the engineer.

22 The setbacks are a little bit more than
 23 a typical duplex where we have 8-feet-1-inches at the
 24 main building.

25 However, we do go to 5 feet where the

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1 garages are, but we tried to minimize the impact of
 2 the building by making it a little bit more narrow
 3 when you go towards the back.
 4 As far as the landscaping, I guess we
 5 do have some areas in the front corner to do some
 6 plantings along the driveways. However, we would --
 7 whatever recommendations the Borough engineer has,
 8 you know, we would follow him.

9 Same in regards to any utility items or
 10 any stormwater management issues.

11 CHAIRMAN FERGUSON: Okay. Does that
 12 conclude your testimony?

13 THE WITNESS: Oh, let me go over the
 14 materials.

15 Since we have the building, itself,
 16 it's basically an all-brick structure.

17 However, we do have some bay windows in
 18 the front and a couple of bay windows on the side,
 19 mostly on the side where the doors are.

20 We have brick a majority of the
 21 building and then they step up themselves with the
 22 bay windows, the stucco material.

23 However, we will be breaking up the
 24 stucco with panel, either a metal panel or composite
 25 panel between the windows at those bay windows.

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1 CHAIRMAN FERGUSON: 12-foot-4.
 2 THE WITNESS: Finished dimension,
 3 inside dimension.

4 CHAIRMAN FERGUSON: Well, it's 12 foot,
 5 12 foot and 12 foot?

6 THE WITNESS: 12-foot-4.

7 CHAIRMAN FERGUSON: 12-foot-4-inches?

8 THE WITNESS: Yeah.

9 CHAIRMAN FERGUSON: So it's
 10 12-foot-4-inches, 36 --

11 THE WITNESS: You have a 12-inch wall
 12 -- basically 12-foot-4, 12-foot-4. You have
 13 4-and-a-half inches between each of the units and we
 14 also have the thickness of the outside walls.

15 We have 12-foot-4, 4-and-a-half inches
 16 12-foot-4, 4-and-a-half inches, 12-foot-4 and this
 17 12 inches on the outside, because you have an 8-inch
 18 block and then a 4-inch brick veneer.

19 CHAIRMAN FERGUSON: Since you been on
 20 the board, have you ever did three garages in the
 21 front?

22 THE WITNESS: I think we had one -- we
 23 just had one figured before that we went a different
 24 way with.

25 CHAIRMAN FERGUSON: So here's the
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1 So it will be a combination of three to
 2 four materials on the façade.

3 I think that's it.

4 CHAIRMAN FERGUSON: Okay.

5 So, I got to be up front, I got a lot
 6 of problems with this one, you know, and the first
 7 one is -- it's a 50-foot front --

8 THE WITNESS: Yes.

9 CHAIRMAN FERGUSON: Okay. And you got
 10 three garages going into 50 foot.

11 THE WITNESS: Yes.

12 CHAIRMAN FERGUSON: How big are each
 13 garage?

14 THE WITNESS: The garages --

15 CHAIRMAN FERGUSON: I mean, you know,
 16 the width.

17 THE WITNESS: We have 12-feet-4-inches.
 18 We have a 9-foot garage door.

19 So there's enough room to pull car in
 20 and open your doors and we also have storage set up
 21 in the actual basements of each.

22 CHAIRMAN FERGUSON: How much -- how --
 23 the width, the total width is 50 feet. What's it in
 24 each garage?

25 THE WITNESS: 12-foot-4-inches wide.

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1 problem, all the houses in Palisades Park are
 2 basically 50-foot fronts.

3 I realize this one has -- you know,
 4 runs -- it's a large area in the back.

5 Is there an opening in the back? Is
 6 there a way to get in the backyard for another
 7 street, like the ramp going up to 46.

8 THE WITNESS: I'm not sure a far as
 9 like I don't think there's a curb cut there right

10 now, but, you know, if we had to, you know, we could
 11 make like a driveway, you know, like a driveway to --

12 CHAIRMAN FERGUSON: See, to me, this is
 13 a bad precedence, because now everybody that comes
 14 before the board is going to have 50-foot fronts and
 15 they're going to say three garages, three garages,
 16 you know, and I don't -- you know, so obviously
 17 you're looking for a use variance, right.

18 THE WITNESS: Yes.

19 CHAIRMAN FERGUSON: So, but let's go to
 20 the side now. You have -- your height of the
 21 building is 34, almost 35 feet, correct?

22 THE WITNESS: Yes.

23 CHAIRMAN FERGUSON: Now, you have this
 24 thing on the top where you have a -- where people can
 25 come up, sit on the terrace and look at the thing,

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1 right?

2 THE WITNESS: Yes.

3 CHAIRMAN FERGUSON: So -- and that's

4 8 feet?

5 THE WITNESS: Yeah, we have an 8 foot,

6 like, a finished attic space and then we have the

7 roof deck, which is open to above.

8 CHAIRMAN FERGUSON: So, it's 8 foot.

9 So, without that, you can lower the

10 height by 8 feet.

11 THE WITNESS: It wouldn't be 8 feet,

12 because it would be -- we're measuring to the

13 bulkhead.

14 If we took it off, you would really

15 only save, because let's say with the regular roof,

16 you really -- you probably -- this would be 3 feet

17 less.

18 So if it's 3 feet less in height, it's

19 only a foot-and-a-half savings in the height

20 calculation.

21 CHAIRMAN FERGUSON: All right.

22 So, on the side yards you have 8 feet,

23 you have 8 feet on each side.

24 THE WITNESS: 8-feet-1 on the main part

25 of the building.

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1 However, at the front where the garages

2 are, we have 5-feet-1-inches on each side.

3 CHAIRMAN FERGUSON: Okay.

4 So, if I'm reading this right, you got

5 three doors on the side of the building --

6 THE WITNESS: Yes.

7 CHAIRMAN FERGUSON: -- with a walkway?

8 THE WITNESS: Yeah, it's like a, I

9 guess, like a walk off of --

10 CHAIRMAN FERGUSON: Right.

11 So, you're going to have people walking

12 between houses.

13 THE WITNESS: Yes, and then we also

14 have the -- there's accesses from the actual garages

15 to get into each unit.

16 CHAIRMAN FERGUSON: Right.

17 But in order to get to the farthest

18 one, you have to walk between two houses.

19 THE WITNESS: Yes, here, yes, yes.

20 CHAIRMAN FERGUSON: Instead of doing

21 the usual up in front, two garages --

22 THE WITNESS: Yeah, it's a walkway down

23 the side of the house.

24 CHAIRMAN FERGUSON: You have to walk

25 down the side yard?

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1 THE WITNESS: Yes.

2 CHAIRMAN FERGUSON: Well, I don't know.

3 I'll hear the rest of it, but to me, you know, you

4 know, I just got a lot of problems with this, because

5 I'm afraid you're going to open up to everybody doing

6 three garages in the front.

7 THE WITNESS: The only reason we

8 considered it is it's an oversized lot and like I

9 said, if this was 50 by 100, we would never even, you

10 know, consider it.

11 MR. LEE: 150-feet long on one side and

12 140 feet on the other side.

13 So it's --

14 CHAIRMAN FERGUSON: No, I understand

15 it's long, I get it and people that -- usually people

16 that have a lot of land in the back, we allow them to

17 extend a little bit the size of the house to make it

18 a little more, but any who, any other board members

19 have anything?

20 (No Response.)

21 CHAIRMAN FERGUSON: No?

22 Okay, Steve?

23 MR. COLLAZUOL: Yes.

24 Thank you.

25 Bill, on page 2 of our report, the

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1 driveway from Unit C does not appear to have

2 sufficient slope for rainfall.

3 You have 106.08 and it's like 106.35

4 with the gas valve straight ahead.

5 THE WITNESS: Yeah, it's about a 6-inch

6 -- yeah, we have --

7 MR. COLLAZUOL: Look at the 106

8 contour.

9 So, I think maybe you have to adjust

10 that.

11 THE WITNESS: Yeah, we can probably

12 bring it up like 6 to 8 inches on that if we have to.

13 MR. COLLAZUOL: The regular block wall

14 along the rear line appears to be mostly on the site.

15 If you look at Google Maps and things

16 like that, you see a wood fence and some trees in the

17 back, but it appears that that should be replaced.

18 THE WITNESS: Okay.

19 MR. COLLAZUOL: And then the adjoining

20 block wall on the left side, that appears to be

21 encroaching on the subject property and also into the

22 Borough's right-of-way. So, if you can make notes

23 how that could be corrected.

24 THE WITNESS: That's the fence?

25 MR. COLLAZUOL: Right.

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1 And then on the front right you have a
 2 retaining wall.
 3 I don't believe it's greater in height
 4 than a curb, but there's no elevations on the
 5 neighbor's property. There's an existing 103.3.
 6 . The grade looks like they're 103.6.
 7 If you would --
 8 THE WITNESS: It looks like we have
 9 103.3 spot elevation along there.
 10 I don't know if that's -- I guess it
 11 would basically -- we have 104.67 at the -- at our
 12 corner.
 13 So I think it's really just --
 14 MR. COLLAZUOL: Like a curb wall?
 15 THE WITNESS: Yeah, I don't think it's
 16 more than --
 17 MR. COLLAZUOL: So, you know, make a
 18 note of that to some degree.
 19 I thought you mentioned that there
 20 would be parking for two vehicles tandem.
 21 THE WITNESS: Yes.
 22 MR. COLLAZUOL: It appears that the --
 23 like on your plan you got 32-foot-8-inches.
 24 THE WITNESS: Yes, then we have --
 25 MR. COLLAZUOL: Two 18-foot parking
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1 spaces, you have 36 feet.
 2 So you don't have enough room.
 3 THE WITNESS: We have another 4 feet,
 4 about another 4 feet from the sidewalk line to the
 5 right-of-way line.
 6 MR. COLLAZUOL: You can't park on that
 7 though.
 8 THE WITNESS: Okay.
 9 Unless you have a license.
 10 MR. COLLAZUOL: But, and I'll defer to
 11 Mike on this, do you meet the parking requirement for
 12 RSIS because this is a three-family I don't RSIS
 13 because this is a three-family?
 14 I don't know if you have to provide for
 15 three bedrooms, the incremental plus the reserves for
 16 visitor parking or not or if you're going to look for
 17 a waiver for that.
 18 I'll defer to Mike on that.
 19 And that's all I have on this
 20 application.
 21 CHAIRMAN FERGUSON: Anybody in the
 22 audience have anything?
 23 Yes, name and address?
 24 MR. E. LEE: Hi, Board, my name is
 25 Eddie Lee.
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1 We are the current residents to the
 2 home to the east of this.
 3 CHAIRMAN FERGUSON: Okay.
 4 MS. TESTA: Would you give your
 5 address, please?
 6 MR. E. LEE: My address is 228 Roff
 7 Avenue, Palisades Park, New Jersey.
 8 MS. TESTA: You're a neighbor of --
 9 MR. E. LEE: They are the neighbors.
 10 I'm just interpreting for them.
 11 MALE AUDIENCE MEMBER: My son.
 12 MR. E. LEE: That's my father.
 13 CHAIRMAN FERGUSON: So, that's fine.
 14 So, you're speaking for them, I guess, because of the
 15 language thing, right?
 16 MR. E. LEE: Yes.
 17 CHAIRMAN FERGUSON: Okay. And they
 18 live east of this building?
 19 MR. E. LEE: East.
 20 CHAIRMAN FERGUSON: Okay. Ask -- do
 21 you have any questions?
 22 MR. E. LEE: And they live in the
 23 duplex next to my parents.
 24 CHAIRMAN FERGUSON: Okay.
 25 MR. E. LEE. So, there's several
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1 concerns.
 2 One, it's very tight and to have three
 3 homes, I think, well, they're worried that there
 4 would be a lot of congestion.
 5 Also, as far as like the height of the
 6 home, it's 34.92 feet.
 7 So it would dwarf their home by 8 feet.
 8 So, of course they don't want the home
 9 built and so their main concern is the height, it
 10 will bring their property value --
 11 CHAIRMAN FERGUSON: It's almost 35 --
 12 it's almost 35 feet.
 13 MR. E. LEE: And as far as the
 14 crosswalk thing I'm thinking there's probably going
 15 to be some legal issues if you have to go all the way
 16 to the end and someone slips in front of someone
 17 else's home.
 18 CHAIRMAN FERGUSON: I got you.
 19 Anybody else?
 20 (No Response.)
 21 CHAIRMAN FERGUSON: Does the other
 22 people have anything?
 23 MALE AUDIENCE MEMBER: That's it, we
 24 same opinion, same thing.
 25 CHAIRMAN FERGUSON: All right. You
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1 want to address their comments?

2 MR. LEE: Well, let's -- I'd like to

3 mull over the comments that was made by the board and

4 by the public today and we'll maybe modify the

5 drawings a bit and come back.

6 CHAIRMAN FERGUSON: Very wise decision

7 to do that.

8 MR. LEE: So, we'll carry for next

9 meeting.

10 MS. TESTA: Okay. So you want to carry

11 this until the January 23rd, 2023 meeting at 7 p.m.?

12 MR. LEE: Yes, I do.

13 MS. TESTA: Do you waive any time

14 constraints? Do you waive the time constraints?

15 MR. LEE: Yes.

16 MS. TESTA: Your client waives any time

17 to act?

18 MR. LEE: Yes.

19 CHAIRMAN FERGUSON: The next meeting is

20 January 23rd, January, not December, January.

21 MR. LEE: No mailing and no

22 publication?

23 MS. TESTA: Right. Okay.

24 So the motion will be to carry this

25 matter to the January 23rd, 2023 meeting at 7 p.m.

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1 No further notice and the client, the applicant

2 waivers all time constraints.

3 CHAIRMAN FERGUSON: I'll make that

4 motion.

5 Can I get a second?

6 VICE CHAIRMAN ALBANESE: Second.

7 CHAIRMAN FERGUSON: Roll call.

8 MS. LAMBRINIDES: Mr. Ferguson?

9 CHAIRMAN FERGUSON: Yes.

10 MS. LAMBRINIDES: Mr. Albanese?

11 VICE CHAIRMAN ALBANESE: Yes.

12 MS. LAMBRINIDES: Mr. Chung?

13 MR. CHUNG: Yes.

14 MS. LAMBRINIDES: Ms. Yoon?

15 MS. YOON: Yes.

16 MS. LAMBRINIDES: Mr. Elefteriou?

17 MR. ELEFTERIOU: Yes.

18 MS. LAMBRINIDES: Mr. Grala?

19 MR. GRALA: Yes.

20 MS. LAMBRINIDES: Mr. Brogna?

21 MR. BROGNA: Yes.

22 MR. LEE: Thank you.

23 CHAIRMAN FERGUSON: Okay.

24 MS. TESTA: Happy Thanksgiving.

25 MR. LEE: Happy Thanksgiving.

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1 (Whereupon, a short recess is held.)

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

3 Members of the Board.

4 My name is Mark Macri and I represent

5 5860 Ruby, LLC, who is the property owner of the

6 property located at 58 West Ruby Avenue here in the

7 Borough.

8 We're here this evening seeking the

9 board's approval to construct a two-family dwelling,

10 which is going to be typically called a six-over-six

11 one unit over the other.

12 With me this evening I have two

13 experts. I have Mr. Vassilios Cocoros, our architect

14 and then I have our professional planner, Mr. David

15 Spatz.

16 I'd like to begin by having

17 Mr. Cocoros sworn in and he'll explain what we

18 propose to construct upon the property.

19 MS. TESTA: Okay.

20 Raise your right hand. Do you swear

21 the testimony you will give in this application will

22 be the truth, the whole truth and nothing but the

23 truth?

24 MR. COCOROS: I do.

25

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1 VASSILIOS COCOROS, AIA

2 467 Sylvan Avenue, Englewood Cliffs, New Jersey,

3 having been duly sworn, testifies as follows:

4 MS. TESTA: State your name, please,

5 for the record.

6 MR. COCOROS: Sure.

7 Vassilios, V-A-S-S-I-L-I-O-S, Cocoros,

8 C-O-C-O-R-O-S, 467 Sylvan Avenue, Englewood Cliffs,

9 New Jersey.

10 CHAIRMAN FERGUSON: Okay. We'll accept

11 him. He's been here a million times.

12 Go ahead.

13 DIRECT EXAMINATION

14 BY MR. MACRI:

15 Q. Mr. Cocoros, the plans on the easel are

16 the same plans that were submitted to the board in

17 anticipation of tonight's presentation.

18 Is that correct?

19 A. Yes, is this 58?

20 Q. 58.

21 And can you explain to the board what

22 currently exists upon the property and what we

23 propose to do?

24 A. Sure.

25 The existing property is kind of a --

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1 there's two properties that kind of adjoin with each
2 other.

3 However, it's a two-family on the
4 property with a garage at the rear that's basically
5 about 3 feet off the back property line and on the --
6 straddles property line between the property that's
7 to the west of it, which is on the right side of it.

8 We're proposing to demolish all
9 existing improvements on the property and construct a
10 new up-and-down, what you would call, a six-over-six
11 two-family dwelling.

12 The building, itself is
13 30-feet-6-inches-wide by 57-feet deep.

14 We have a 20-foot setback which aligns
15 with the building. The new six-over-six that's next
16 to us, the 57-foot depth gives us 23 -- a 23-foot
17 rear yard with a building footprint of 1,738 square
18 feet.

19 If you look at our building is actually
20 smaller than the newer building next to the east of
21 us, which is the left-hand side. This one here was
22 basically designed under the newer guidelines from
23 previous approvals that we've gotten from the board
24 where we have increased the rear yard setback where
25 we usually we were going before for 22 -- for

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1 20 feet, we're actually having now a 23-foot rear
2 yard setback and 3-and-a-half foot side yards to
3 provide better access for emergency services to the
4 back of the property and also give a little bit more
5 room to the adjacent properties on either side of us.

6 It's a three-level configuration,
7 all-brick structure. However, we do have a bay
8 window at the front and back that would be either
9 stucco or a panelized system that will break it up.

10 It's a two-car garage at the front, staircase up to
11 the first floor, then we have a trash area under the
12 staircase, recreation room, home offices in the back,
13 powder room, no full bathroom, utility room off the
14 garage, staircase up to the first floor unit, which
15 also has access from a front entry covered platform.

16 There's two doors, one to the left is
17 up to the second floor apartment and one to the right
18 is for the first floor apartment. Each one is a
19 three-bedroom configuration.

20 There's a hall bathroom. We have a
21 side-by-side laundry. The third bedroom is a master
22 suite with an on-suite oversized shower, double sink,
23 toilet.

24 On the right-hand side is the sleeping
25 area.

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1 The left-hand side is the living, which
2 includes living room, dining room, kitchen, eating
3 area in the back with a deck that's accessed off a
4 sliding glass door.

5 The second floor is basically the same
6 configuration. The second floor actually has a typo.
7 That should be roof, there's no balcony. If you look
8 at the elevations, we have it set up with a roof,
9 there's no balcony on the second floor.

10 So, the building itself,
11 30-feet-6-inches wide by 57-feet deep and basically
12 three levels, the second and the -- the first floor
13 and the second floor have the same basic
14 configuration and the same amenities and like I said,
15 the building itself is --

16 CHAIRMAN FERGUSON: That's basically
17 it?

18 THE WITNESS: Yeah, and it's in line
19 with other ones that have been developed.

20 CHAIRMAN FERGUSON: So let me just ask,
21 on the left side of this building, what's the
22 distance between the house and the property line?

23 THE WITNESS: 3-feet-6-inches.

24 CHAIRMAN FERGUSON: So that house
25 that's going up towards Broad is only 3 foot there?

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1 THE WITNESS: I think he was actually,
2 yeah, 3-foot-4 maybe.

3 CHAIRMAN FERGUSON: Well, what would
4 you think about moving -- what's -- it's a 50-foot?
5 The house that's next to it, is the same owner that's
6 going here?

7 THE WITNESS: Oh, the one that's to the
8 --

9 CHAIRMAN FERGUSON: The one --
10 THE WITNESS: Yeah, yes, it is.

11 CHAIRMAN FERGUSON: What can we do to
12 pinch them together away, in other words, give the
13 house on the other side more room instead of 3 feet?
14 Can we move it towards --

15 THE WITNESS: I mean, if we go
16 3-foot-2, 3-foot-2 would give us enough room if they
17 wanted to do a fence.

18 I can do basically, I can give 4 more
19 inches to that -- to that --

20 CHAIRMAN FERGUSON: 4 more inches?

21 THE WITNESS: Yeah, 4 more inches.

22 CHAIRMAN FERGUSON: You can't do more
23 than 4 inches?

24 THE WITNESS: 3-foot-10 and then it
25 will be 3-foot-2.

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1 CHAIRMAN FERGUSON: 3-foot-10 and
 2 3-foot-2.
 3 What's the distance between the two
 4 houses after you're done?
 5 THE WITNESS: Well, if we keep the same
 6 setbacks on the other one, it's going to be,
 7 basically, 3-foot-2 plus 3-foot-6. So 6-foot-8,
 8 which we've done -- in the old ones we used to do
 9 a 3 foot, you know, so it's like it's still doable
 10 and plus, you know, we're impacting ourselves, we're
 11 not impacting an existing neighbor.
 12 CHAIRMAN FERGUSON: Okay.
 13 The height of the building that you're
 14 looking for is 32.72.
 15 THE WITNESS: Yes, and that's a
 16 function of the existing topography you're looking
 17 at. There is a considerable drop-off and we did not
 18 -- we did not raise the property at all.
 19 So it's an honest site plan and then if
 20 you look at -- Steve can confirm.
 21 We have the driveway at 49 feet, which
 22 is, you know, a little bit slightly higher than the
 23 sidewalk, so we have a little bit of a pitch away
 24 from the -- you know, from the driveway, you know,
 25 the garage door to the sidewalk.

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1 CHAIRMAN FERGUSON: Okay.
 2 Because if I'm reading this right,
 3 sometimes it's hard, it's you got 8 foot at the
 4 garage level or 9 foot, 8 foot.
 5 THE WITNESS: Yeah, 8 foot and it steps
 6 down. It steps down in the back.
 7 The only reason it steps down in the
 8 back is we have a natural grade drop. So, you know,
 9 the ground floor is always limited by where the
 10 garage is.
 11 Like I said, back here it's taller
 12 because the property drops off instead of filling it
 13 up with, you know, gravel and dirt, we basically take
 14 advantage of the extra height in the back of the
 15 house, because in the front, this first floor kind of
 16 has to stay where it is.
 17 CHAIRMAN FERGUSON: The first floor has
 18 to stay where it is?
 19 THE WITNESS: Yeah, because if I go any
 20 lower, you're not going to have enough room for a
 21 garage door and the hardware for the --
 22 CHAIRMAN FERGUSON: Because I was
 23 thinking about the 9 foot, the size of that, keeping
 24 that, just keeping the 9 foot, because that's the
 25 main -- and then the next one you got another 9 foot.

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1 Is there a way to make that 8 foot and
 2 then -- so you leave it the way it is.
 3 The first floor will be 9 foot and the
 4 second floor would be 8 foot. Are you okay with that
 5 or no.
 6 THE WITNESS: I know the one we did
 7 next door was 9 feet, 9 feet also and ours is going
 8 to be naturally lower than them, because, you know,
 9 the property, if you go on West Ruby as you're going
 10 down, the properties drop down a little bit less.
 11 So it's like next door they have 9 feet
 12 and 9 feet and we're probably going to be a foot
 13 lower than them anyway.
 14 CHAIRMAN FERGUSON: This is 58,
 15 correct?
 16 THE WITNESS: Yeah, yeah, that's why
 17 you have these are two flats, that's why we have
 18 9 feet on both floors. You know, it helps with the
 19 actual overall configuration of it, like I said, and
 20 the one, the newer one that we did on the east, which
 21 is the left-hand side, that one has 9 feet and 9 feet
 22 also.
 23 CHAIRMAN FERGUSON: So, so you're
 24 telling me the third -- the second level, the third
 25 level now is at 9 feet, you can't make that 8 foot?

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1 MR. MACRI: Mr. Chairman, what he's
 2 trying to point out is that typically on a duplex you
 3 would make the second floor a little bit lower,
 4 because you want the first floor to be the main
 5 entrance, but these are two flats, it's two
 6 apartments on top of each other. They're trying to
 7 keep them consistent.
 8 CHAIRMAN FERGUSON: Okay. So, I mean,
 9 I just -- the only thing I have is that it's too
 10 close to the neighborhood, you know, the neighbor's
 11 house. I mean, you're giving it another 4 inches?
 12 THE WITNESS: I mean, it's something,
 13 it's not --
 14 CHAIRMAN FERGUSON: I mean, you got two
 15 houses from the same owner.
 16 THE WITNESS: Yeah.
 17 CHAIRMAN FERGUSON: Can't you pinch
 18 them together? I mean, seriously.
 19 THE WITNESS: I can't -- like I said,
 20 right now the existing lot line, you know, if we
 21 adjust the lot line, you know, that's what I'm
 22 saying, if I pinch it over, you know, basically
 23 moving it over 4 inches, I can move -- now, if you
 24 want me to do the same thing on the other side, I can
 25 move the other one 3-foot-2 and 3-foot-2 and then

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1 we'll give the other neighbor a little more room, but
 2 I can't really adjust the property line, because
 3 that's a fixed point.
 4 So, it's like, you know, the only way
 5 is if we want a little bit more room on that side,
 6 maybe I can go a little bit deeper on the property
 7 and then, you know, maybe add a foot to the property
 8 and then maybe take off 4 inches or so from -- you
 9 know, slide it over and take 4 inches off and then
 10 add a foot to the back of the building.
 11 CHAIRMAN FERGUSON: All right. What
 12 are you going to do with the garages that are
 13 connected in the back now? They're coming down?
 14 THE WITNESS: Yeah, they have to, yeah.
 15 CHAIRMAN FERGUSON: They're coming
 16 down.
 17 All right. Any board members have
 18 anything?
 19 (No Response.)
 20 CHAIRMAN FERGUSON: Go ahead, Steve.
 21 MR. COLLAZUOL: Just to -- I'm not sure
 22 if the board is keen on it, but the agenda was added
 23 so that 60 is added to this evening and that property
 24 is identical to this property and the existing
 25 building and garage are mirror images.

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1 So that's on your agenda to review
 2 next.
 3 I was almost thinking that you should
 4 look at both at the same time and vote on them
 5 separately, but because the offsets shown for that
 6 proposed building are the same as this one, so when
 7 you talk about --
 8 THE WITNESS: There's foot difference
 9 in height, though.
 10 MR. COLLAZUOL: To the left it's
 11 affecting that project.
 12 MR. MACRI: Diane had mentioned that
 13 earlier, but I didn't follow her lead.
 14 MS. TESTA: That's very kind.
 15 MR. COLLAZUOL: And if you move this
 16 building, then that's going to --
 17 (Laughter.)
 18 MR. COLLAZUOL: But anyway, aside from
 19 that, the only thing, comment, other comment we have
 20 is that this proposed retaining wall -- there's no
 21 proposed retaining walls, but the wall in the back
 22 along the rear line a condition of it should be
 23 provided and I don't know about the fence that looks
 24 like it's beyond the property line.

It looks like, you know, the condition
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1 of that wall should be provided, which isn't shown
 2 here.
 3 Other than that, we don't have anything
 4 else except for what's in our report.
 5 CHAIRMAN FERGUSON: You're okay with
 6 that?
 7 MR. MACRI: Yeah, we'll check the
 8 condition of the retaining wall. If it needs to be
 9 repaired, my client will address it.
 10 CHAIRMAN FERGUSON: Okay. All right.
 11 Next.
 12 MR. MACRI: Any board members have any
 13 any comments?
 14 CHAIRMAN FERGUSON: No, we're going to
 15 leave it the way it is.
 16 Well, except for the 4 inches that
 17 you're going to give me.
 18 MR. MACRI: Correct.
 19 THE WITNESS: I'm shifting it 4 inches.
 20 MS. TESTA: To the west, the house?
 21 THE WITNESS: Yeah.
 22 So, we'll modify it so the side yard
 23 setback on the left side will be 3-foot-10-inches and
 24 the side yard setback on the right side will be
 25 3-foot-2-inches.

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1 MS. TESTA: Do you swear the testimony
 2 you will give in this application will be the truth,
 3 the whole truth and nothing but the truth?
 4 MR. SPATZ: Yes, I do.
 5 D A V I D S P A T Z, PP
 6 60 Friend Terrace, Harrington Park, New Jersey,
 7 having been duly sworn, testifies as follows:
 8 MS. TESTA: State your name for the
 9 record, please.
 10 MR. SPATZ: David Spatz, S-P-A-T-Z.
 11 MR. MACRI: Mr. Chairman, I've handed
 12 out an exhibit we're going to mark A-1.
 13 It consists of four photographs taken
 14 by Mr. Spatz.
 15 (Whereupon, Photoboard, Series of Four
 16 Photographs are received and marked as Exhibit
 17 A-1 for identification.)
 18 DIRECT EXAMINATION
 19 BY MR. MACRI:
 20 Q. Mr. Spatz, can you explain to the board
 21 what currently exists on the diagram -- excuse me, on
 22 the exhibit that was just handed out?
 23 A. Certainly.
 24 The top left-hand photograph is of the
 25 subject property. It's a two-family home.

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1 Top right-hand photograph is looking at
2 No. 60, which is the subject of the next application
3 and beyond that is a newer two-family home.

4 The bottom left is adjacent to us on
5 the left-hand side to the east and that is a
6 two-family home in a similar configuration to what
7 we're doing.

8 And then the bottom right is directly
9 across the street, which is a series of two-family
10 homes, both newer and older two-family homes as well.

11 We're in the AA zone, which permits the
12 two families and there's a two-family existing on the
13 property.

14 We need one D variance for building
15 height.

16 And then C variances for lot area per
17 unit, lot area, lot width, of course, side yard, rear
18 yard and then lot coverage.

19 So, looking at the height variance,
20 first thing we need to look at is whether it's
21 consistent with the neighborhood development and I
22 believe it is.

23 The photographs both looking at the
24 left of this building and then to the right of the
25 adjacent property, the two-family homes are similar

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1 typical, but that smaller lot size is typical of the
2 neighborhood and the homes on our side, particularly
3 the newer two-family to the left of us are all
4 similarly developed on similar sized lots.

5 So that insufficient lot size also
6 affects the lot area per units. It also affects our
7 side yards as well. We've made adjustments to the
8 side yards earlier this evening, which creates a
9 greater setback from the adjacent property. The lot
10 coverage, although it exceeds it, again, we have a
11 significantly smaller lot. The building has been
12 downsized in order to fit within the lot and is
13 drainage improvements being made, which will mitigate
14 the slightly bigger structure.

15 In terms of the negative criteria,
16 there's nothing substantially negative. We're
17 consistent with the neighborhood development pattern.
18 We're a permitted use within the zone. We're
19 replacing a two-family home, so there's no increase
20 in density. The setback have been increased based on
21 changes made this evening and, again, are consistent
22 with the neighborhood.

23 So, on balance, I think that the
24 positive criteria is met and that substantially
25 outweighs anything that might be considered negative

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1 in height to what we're proposing.

2 The adjacent property number 60 is
3 developed -- is proposed to be developed in a similar
4 fashion to this.

5 So all of the homes on that side of the
6 street will be similar three stories and similar in
7 height in terms of feet.

8 In terms of meeting the purposes of
9 zoning, we meet Purpose A, which is promoting the
10 public health, safety, morales and general welfare.
11 Purpose E, establishing appropriate population
12 densities, we're a two-family home in a two-family
13 zone. We're replacing an existing two-family.

14 So there's no increase in density on
15 the property and we also meet Purpose I, which is
16 promoting a desirable, visual environment. What
17 we're proposing is removing an older structure and
18 detached garage in the rear and then replacing them
19 with a building that will be consistent with the
20 development pattern within the neighborhood.

21 So I believe that the D variance can be
22 granted.

23 As to the bulk variances, as described
24 our lot is undersized. We're at 3,750 square feet,
25 only 37-and-a-half foot in width where 50 foot is

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1 and I believe it would be appropriate to grant the
2 variances.

3 Any questions, I'm happy to answer
4 them.

5 CHAIRMAN FERGUSON: I have no
6 questions.

7 Any board members?
8 (No Response.)

9 CHAIRMAN FERGUSON: Mr. Kauker?

10 MR. KAUKER: Just one quick question,
11 you talked, I think, a little bit about the side yard
12 and it's your observation that those are similar,
13 what's being proposed with the other side yard
14 setbacks in the neighborhood?

15 THE WITNESS: Yes, because the lots on
16 that side are all 37-and-a-half feet.

17 The buildings are similar in size.

18 So they all provide that 3,
19 3-and-a-half-foot side yard setback and we're
20 increasing the setback to the left so that with the
21 adjacent building on the other property we have an
22 even gather setback than what they have to their
23 property line.

24 MR. KAUKER: I have nothing else.

25 CHAIRMAN FERGUSON: Okay.

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1 MS. TESTA: Open to the audience.
 2 CHAIRMAN FERGUSON: What audience? Is
 3 there any audience?
 4 MS. TESTA: You still have to do it.
 5 CHAIRMAN FERGUSON: Yeah, I know.
 6 We'll open it up to the audience.
 7 (No Response.)
 8 CHAIRMAN FERGUSON: I see nobody in the
 9 audience.
 10 I'll make a motion to grant the
 11 application as submitted except giving the east side
 12 of the building 4 additional inches and leaving
 13 everything else, the height of the building the way
 14 it is, right, and \$2,000.00 for the Tree Preservation
 15 Fund.
 16 MR. MACRI: So, the right side is going
 17 to be 3-feet-2-inches and the left side yard will be
 18 3-feet-10-inches?
 19 MS. TESTA: Right, east and west.
 20 VICE CHAIRMAN ALBANESE: I second.
 21 CHAIRMAN FERGUSON: I'll make that
 22 motion.
 23 VICE CHAIRMAN ALBANESE: Second.
 24 CHAIRMAN FERGUSON: Roll call.
 25 MS. LAMBRINIDES: Mr. Ferguson?
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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: Yes.
 8 MS. LAMBRINIDES: Mr. Elefteriou?
 9 MR. ELEFTERIOU: Yes.
 10 MS. LAMBRINIDES: Mr. Grala?
 11 MR. GRALA: Yes.
 12 MS. LAMBRINIDES: Mr. Brogna?
 13 MR. BROGNA: Yes.
 14 CHAIRMAN FERGUSON: What was the vote?
 15 Was the vote all in favor?
 16 MR. MACRI: Yes.
 17 CHAIRMAN FERGUSON: Okay. Just
 18 checking.
 19 So next is 60.
 20 Where is your expert.
 21 MR. MACRI: Bill, let me get him. He
 22 split his lip.
 23 CHAIRMAN FERGUSON: Yeah, I know, I
 24 know, I saw him.
 25 MR. MACRI: Good evening once again,
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1 ladies and gentlemen.
 2 My name is Mark Macri.
 3 CHAIRMAN FERGUSON: So, basically is
 4 your testimony on this house the same as the -- exact
 5 --
 6 VASSILIOS COCOROS, AIA
 7 467 Sylvan Avenue, Englewood Cliffs, New Jersey,
 8 having been previously sworn, testifies as
 9 follows:
 10 MR. COCOROS: Yes, actually the height
 11 is one foot less. This house is one foot -- in other
 12 words, 60, the height is one foot less and then --
 13 CHAIRMAN FERGUSON: When you say "one
 14 foot less," you're talk about the height?
 15 MR. COCOROS: Yeah, the building height
 16 itself, because the topography is slightly different
 17 on this property.
 18 The height is one foot less, so we're
 19 at 31.75 feet where the other was 32.75 feet.
 20 CHAIRMAN FERGUSON: Do you have to make
 21 any changes on the sides?
 22 MR. COCOROS: Now, the property that's
 23 to the right of us, which is the west has a further
 24 setback.
 25 We have more of a 5- or 6-foot setback.
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1 So, I would rather keep the 3-foot-6 and 3-foot-6 the
 2 way it is, because we're not up against a 6 over 6 at
 3 this point.
 4 CHAIRMAN FERGUSON: But basically it's
 5 the same?
 6 MR. MARCI: The same.
 7 MR. COCOROS: Yeah, the same
 8 configuration, same materials.
 9 CHAIRMAN FERGUSON: Any board members
 10 have anything?
 11 (No Response.)
 12 CHAIRMAN FERGUSON: Steve, do you have
 13 anything for 60?
 14 MR. COLLAZUOL: Give me a second.
 15 Same comment regarding the rear
 16 retaining wall, and that's it.
 17 CHAIRMAN FERGUSON: Just the rear
 18 retaining wall condition.
 19 MR. MACRI: We'll address that.
 20 CHAIRMAN FERGUSON: Okay.
 21 Next up will be.
 22 MR. MACRI: Mr. Spatz.
 23 MS. TESTA: You're still under oath
 24 from the previous application.
 25 MR. SPATZ: Thank you.
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1 D A V I D S P A T Z, PP
2 60 Friend Terrace, Harrington Park, New Jersey,
3 having been previously sworn, testifies as
4 follows:

5 CHAIRMAN FERGUSON: Is your testimony
6 from the previous one the same as this one?

7 MR. SPATZ: Yes.

8 The only D variance we need is for
9 building height. It is consistent with the
10 neighborhood development pattern, the -- a little bit
11 extra is caused by the topographic conditions.

12 Setbacks are consistent within the
13 neighborhood as is the coverage and we are a
14 permitted use within the zone.

15 MS. TESTA: We'll mark this as A-1 with
16 today's date.

17 (Whereupon, Photoboard, Series of Four
18 Photographs are received and marked as Exhibit
19 A-1 for identification.)

20 CHAIRMAN ZECCHINO: So, I thought his
21 testimony was one foot --

22 MR. SPATZ: The building height, it's
23 still a variance, but the building height on this one
24 is a foot smaller than the neighboring one.

25 So in terms of height we are still

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1 VICE CHAIRMAN ALBANESE: Yes.

2 MS. LAMBRINIDES: Mr. Chung?

3 MR. CHUNG: Yes.

4 MS. LAMBRINIDES: Ms. Yoon?

5 MS. YOON: Yes.

6 MS. LAMBRINIDES: Mr. Elefteriou?

7 MR. ELEFTERIOU: Yes.

8 MS. LAMBRINIDES: Mr. Grala?

9 MR. GRALA: Yes.

10 MS. LAMBRINIDES: Mr. Brogna?

11 MR. BROGNA: Yes.

12 MR. MACRI: Thank you.

13 Hope everyone has a happy and healthy
14 Thanksgiving.

15 I guess I won't see you until next year
16 then, right?

17 MS. TESTA: Yes, Merry Christmas.

18 Happy healthy new year for everybody.

19 CHAIRMAN FERGUSON: Motion to adjourn.

20 VICE CHAIRMAN ALBANESE: I second the
21 motion.

22 (Whereupon, the meeting is adjourned.)

23 Time noted: 9:18 p.m.)

24

25

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1 consistent, because the road slopes down.

2 So the heights are all consistent.

3 CHAIRMAN FERGUSON: Mr. Kauker, do you
4 have anything?

5 MR. KAUKER: Nope, nothing.

6 CHAIRMAN FERGUSON: Okay.

7 So I'll make a motion to --

8 MS. TESTA: Open to the public.

9 CHAIRMAN FERGUSON: Open to the public.
10 (No Response.)

11 CHAIRMAN FERGUSON: Hearing nothing
12 from the public.

13 We're going to -- I'll make a motion to
14 accept this with the \$2,000.00 for the Tree
15 Preservation Fund and everything is staying the same
16 side yard, but it's going to be a foot smaller in
17 height.

18 MS. TESTA: Which is on your plans?

19 MR. SPATZ: Yes.

20 CHAIRMAN FERGUSON: Okay.

21 VICE CHAIRMAN ALBANESE: I second the
22 motion.

23 MS. LAMBRINIDES: Mr. Ferguson?

24 CHAIRMAN FERGUSON: Yes.

25 MS. LAMBRINIDES: Mr. Albanese?

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201-641-1812

C E R T I F I C A T E

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

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

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

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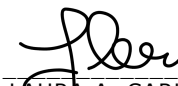
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LAURA A. CARUCCI, C.C.R., R.P.R.
License #XI02050, and Notary Public
of New Jersey #50094914, Notary
Expiration Date December 3, 2023

17 Dated: 12/12/22

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