

1 BOROUGH OF PALISADES PARK  
2 ZONING BOARD OF ADJUSTMENT  
3 MONDAY, FEBRUARY 28, 2022  
4 7:00 p.m.

5 -----  
6 Case No. 21-02 ) TRANSCRIPT OF  
7 In Chang Chung Hae Jang ) PROCEEDING  
8 139-145 Morningside Lane )  
9 Block: 717; Lots: 10, 11, 23 & 24 )  
10 Case No. 21-17 )  
11 274 10th Street, LLC )  
12 274 10th Street )  
13 Block: 417; Lots 7 )  
14 Case No. 21-20 )  
15 216 Broad Ave, Unit 3 )  
16 Block: 602; Lot 20 )  
17 Case No. 21-24 )  
18 Anita U. Temiz )  
19 429 Highland Ave )  
20 Block: 211; Lot: 21 )  
21 Case No. 21-13 )  
22 Dae Sok Yang )  
23 108 E. Harriet Avenue )  
24 Block: 628; Lot: 3 )  
25 Case No. 21-14 )  
Grand Bellview, LLC )  
254 Grand Ave )  
Block: 202; Lot: 4 )  
Case No. 21-22 )  
Oskihan Demircioglu )  
309 7th Street )  
Block: 402; Lot: 18 )  
Case No. 21-23 )  
CD Developers, LLC )  
117 Morningside Lane )  
Block: 717; Lot: 18.01 )  
Case No. 21-25 )  
71 Henry Street, LLC )  
71 Henry Avenue )  
Block: 201; Lot: 20 )  
Case No. 21-26 )  
PBS Developers Corp. )  
55 West Palisades Boulevard )  
Block: 211; Lot: 1 )  
Use, site plan approval )  
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LAURA A. CARUCCI, C.S.R., R.P.R., L.L.C.  
201-641-1812

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

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A L S O P R E S E N T:  
GINA KIM, LAND USE SECRETARY  
STEVE COLLAZUOL, P.E., BOARD ENGINEER  
HAL SIMOFF, P.E., BOARD TRAFFIC ENGINEER  
MICHAEL KAUKER, P.P., BOARD PLANNER

LAURA A. CARUCCI, C.S.R., R.P.R., L.L.C.  
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1 B E F O R E:  
2 JOSEPH FERGUSON, CHAIRMAN  
3 PAUL ALBANESE, VICE CHAIRMAN  
4 ELEFTERIOS ELEFTERIOU, MEMBER  
5 VINCENT CARNOVALE, MEMBER  
6 DAVID TERRANOVA, MEMBER  
7 JOHN GRALA, MEMBER  
8 SEONGHYE YOON, MEMBER  
9 STEVEN BROGNA, ALTERNATE MEMBER 1  
10 CHARLIE CHUNG, ALTERNATE MEMBER 2  
11 MICHAEL LEE, ALTERNATE MEMBER 3 (ABSENT)

12  
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14  
15  
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18  
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20  
21 LAURA A. CARUCCI, C.S.R., R.P.R., L.L.C.  
22 CERTIFIED COURT REPORTERS  
23 P.O. BOX 505  
24 SADDLE BROOK, NJ 07663  
25 201-641-1812  
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LAURA A. CARUCCI, C.S.R., R.P.R., L.L.C.  
201-641-1812

1	WITNESS	I N D E X	SWORN	TESTIMONY
2				
3	Case No: 21-13			
4	Dae Sok Yang			
5	108 E. Harriet Avenue			
6	Block: 628; Lot: 3			12
7	Case No. 21-02			
8	In Chang Chung Hae Jang			
9	139-145 Morningside Lane			
10	Block: 717; Lots: 10, 11, 23 & 24			26
11	Case No. 21-17			
12	274 10th Street, LLC			
13	274 10th Street			
14	Block: 417; Lots 7			27
15	Case No. 21-20			
16	216 Broad Ave, Unit 3			
17	Block: 602; Lot 20			28
18	Case No. 21-24			
19	Anita U. Temiz			
20	429 Highland Ave			
21	Block: 211; Lot: 21			29
22	Case No: 21-14			
23	Grand Bellview, LLC			
24	254 Grand Avenue			
25	Block: 202; Lot: 4			30
26	VASSILIOS COCOROS, AIA		32	
27	Direct Examination by Mr. Lee			32
28	Case No. 21-22			
29	Oskihan Demircioglu			
30	309 7th Street			
31	Block: 402; Lot: 18			39
32	VASSILIOS COCOROS, AIA		41	
33	Direct Examination by Mr. Macri			41
34	Board/Professional Questions			
35	Chairman Ferguson			44
36	Mr. Simoff			48, 55
37	Mr. Carnovale			52
38	Public Questions			
39	Susan Giacobone			58
40	438 Hillside Avenue			

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

5

1 I N D E X (continued)

2 WITNESS SWORN TESTIMONY

3 Case No. 21-22 (Continued)

4 Oskihan Demircioglu

5 309 7th Street

6 Block: 402; Lot: 18

7 DAVID SPATZ, P.P. 62 62

8 MICHAEL KAUKER, P.P. 66

9 Case No. 21-23

10 CD Developers, LLC

11 117 Morningside Lane

12 Block: 717; Lot: 18.01 69

13 VASSILIOS COCOROS, AIA 70 70

14 Board/Professional Questions

15 Chairman Ferguson 75

16 Mr. Terranova 77

17 Mr. Carnovale 78

18 Mr. Simoff 80

19 Public Questions 83

20 Sergey Shvets

21 1033B Morningside Lane

22 DAVID SPATZ, P.P. 87

23 Direct Examination by Mr. Macri 88

24 Case No. 21-25

25 71 Henry Street, LLC

71 Henry Avenue

Block: 201; Lot: 20 94

VASSILIOS COCOROS, AIA 95 95

Direct Examination by Mr. Macri

DAVID SPATZ, P.P. 99

Direct Examination by Mr. Macri 100

**LAURA A. CARUCCI, C.S.R., R.P.R., L.L.C.**  
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7

1 CHAIRMAN FERGUSON: I'll call the

2 meeting to order.

3 In accordance with the Open Public

4 Meetings Act, notice of this meeting has been posted

5 on the bulletin -- Borough bulletin board. Notice

6 has been provided to the official borough newspaper

7 and filed with the Borough Clerk's office.

8 Roll call?

9 MS. KIM: Ferguson?

10 CHAIRMAN FERGUSON: Here.

11 MS. KIM: Albanese?

12 VICE CHAIRMAN ALBANESE: Here.

13 MS. KIM: Elefteriou?

14 MR. ELEFTERIOU: Here.

15 MS. KIM: Carnovale?

16 MR. CARNOVALE: Here.

17 MS. KIM: Grala?

18 MR. GRALA: Here.

19 MS. KIM: Terranova?

20 MR. TERRANOVA: Here.

21 MS. KIM: Yoon?

22 MS. YOON: Here.

23 MS. KIM: Brogna?

24 MR. BROGNA: Here.

25 MS. KIM: Chung?

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

6

1 I N D E X (continued)

2 WITNESS SWORN TESTIMONY

3 Case No. 21-26

4 PBS Developers Corp.

5 55 West Palisades Boulevard

6 Block: 211; Lot: 1 105

7 JOSEPH DONATO, AIA 108

8 Direct Examination by Mr. Ramundo 108

9 Board/Professional Questions

10 Chairman Ferguson 114

11 Mr. Terranova

12 Mr. Collazuol 115

13 Mr. Simoff 120

14 Ms. Testa 121

15 Mr. Kauker 123

16 Public Questions 124

17 See-Yin Ng

18 4980 West Palisades Boulevard

19 DAVID SPATZ, P.P. 130 130

20

21

22 E X H I B I T S

23 No. Description Ident/Evid

24 Case No. 21-23

25 CD Developers, LLC

117 Morningside Lane

Block: 717; Lot: 18.01

A-1 Photo Exhibit 92

Case No. 21-25

71 Henry Street, LLC

71 Henry Avenue

Block: 201; Lot: 20

A-1 Photo Exhibit 100

**LAURA A. CARUCCI, C.S.R., R.P.R., L.L.C.**  
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8

1 MR. CHUNG: Here.

2 MS. KIM: And Lee is absent.

3 CHAIRMAN FERGUSON: Okay.

4 MS. TESTA: We have two members to

5 swear in first.

6 CHAIRMAN FERGUSON: Okay.

7 Let me do the flag salute.

8 MS. TESTA: Oh, I'm sorry. Yes.

9 (Whereupon, all rise for a recitation

10 of the Pledge of Allegiance.)

11 CHAIRMAN FERGUSON: Okay.

12 So the first order of business is

13 swearing in two new members. And the two new members

14 are Paul Albanese and Lefty.

15 So do you want to...

16 MS. TESTA: Stand.

17 Raise your right hand. Repeat after

18 me.

19 I, state your name, do solemnly swear

20 or affirm that I will support the Constitution of the

21 United States and the Constitution of the State of

22 New Jersey, and that I will bear true faith and

23 allegiance to the same and to the governments

24 established in the United States and in this state,

25 under the authority of the people, so help me God.

**LAURA A. CARUCCI, C.S.R., R.P.R., L.L.C.**  
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1 I do further solemnly swear that I will  
 2 impartially and justly perform all the duties as a  
 3 board of member of the Zoning Board of Adjustment of  
 4 the Borough of Palisades Park, according to the best  
 5 of my ability, so help me God.  
 6 Congratulations.  
 7 VICE CHAIRMAN ALBANESE: Thank you.  
 8 MR. ELEFTERIOU: Thank you.  
 9 CHAIRMAN FERGUSON: Congratulations.  
 10 Next we have the approval of the  
 11 minutes of the previous meeting.  
 12 Does any board member have any  
 13 corrections or additions to the minutes?  
 14 (No response.)  
 15 CHAIRMAN FERGUSON: Hearing none, I  
 16 will make a motion to approve the minutes as  
 17 submitted.  
 18 MR. CARNOVALE: I second.  
 19 MS. KIM: Ferguson?  
 20 CHAIRMAN FERGUSON: Yes.  
 21 MS. KIM: Albanese?  
 22 (No response.)  
 23 MS. KIM: Paulie? To approve the  
 24 minutes.  
 25 Do you approve the minutes?

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

1 VICE CHAIRMAN ALBANESE: I make a  
 2 motion to pay the bills.  
 3 MR. CARNOVALE: I second.  
 4 CHAIRMAN FERGUSON: Roll call?  
 5 MS. KIM: Ferguson?  
 6 CHAIRMAN FERGUSON: Yes.  
 7 MS. KIM: Albanese?  
 8 VICE CHAIRMAN ALBANESE: Yes.  
 9 MS. KIM: Elefteriou?  
 10 MR. ELEFTERIOU: Yes.  
 11 MS. KIM: Carnovale?  
 12 MR. CARNOVALE: Yes.  
 13 MS. KIM: Grala?  
 14 MR. GRALA: Yes.  
 15 MS. KIM: Terranova?  
 16 MR. TERRANOVA: Yes.  
 17 MS. KIM: Yoon?  
 18 MS. YOON: Yes.  
 19 MS. KIM: Brogna?  
 20 MR. BROGNA: Yes.  
 21 MS. KIM: Chung?  
 22 MR. CHUNG: Yes.  
 23 CHAIRMAN FERGUSON: Okay. I think we  
 24 have one case that is being...  
 25 MS. TESTA: Yes, withdrawn.

**LAURA A. CARUCCI, C.S.R., R.P.R., L.L.C.**  
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1 VICE CHAIRMAN ALBANESE: Yes.  
 2 MS. KIM: Yes, to approve the minutes.  
 3 Do you approve of the minutes?  
 4 VICE CHAIRMAN ALBANESE: Yes, I do.  
 5 MS. KIM: Elefteriou?  
 6 MR. ELEFTERIOU: Yes.  
 7 MS. KIM: Carnovale?  
 8 MR. CARNOVALE: Yes.  
 9 MS. KIM: Grala?  
 10 MR. GRALA: Yes.  
 11 MS. KIM: Terranova?  
 12 MR. TERRANOVA: Yes.  
 13 MS. KIM: Yoon?  
 14 MS. YOON: Yes.  
 15 MS. KIM: Brogna?  
 16 MR. BROGNA: Yes.  
 17 MS. KIM: Chung?  
 18 MR. CHUNG: Yes.  
 19 MS. KIM: Okay.  
 20 CHAIRMAN FERGUSON: Okay.  
 21 Next we have some bills to pay. We  
 22 have Kauker & Kauker for \$280.00. We have the  
 23 board's attorney, \$4,123.50. And also we have The  
 24 Record, \$132.80.  
 25 Can I get a motion to pay the bills?

**LAURA A. CARUCCI, C.S.R., R.P.R., L.L.C.**  
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1 CHAIRMAN FERGUSON: Withdrawn.  
 2 MS. TESTA: And that would be Case  
 3 Number 21-13, Dae Sok Yang, 108 East Harriet Avenue,  
 4 Block 628, Lot 3.  
 5 I received a letter from their  
 6 attorney, Mr. Zaretsky, asking that his client was  
 7 seeking to withdraw the application.  
 8 CHAIRMAN FERGUSON: Okay, can I get a  
 9 motion.  
 10 VICE CHAIRMAN ALBANESE: Motion.  
 11 MR. CARNOVALE: Second.  
 12 CHAIRMAN FERGUSON: Roll call.  
 13 MS. KIM: Ferguson?  
 14 CHAIRMAN FERGUSON: Yes.  
 15 MS. KIM: Albanese?  
 16 VICE CHAIRMAN ALBANESE: Yes.  
 17 MS. KIM: Elefteriou?  
 18 MR. ELEFTERIOU: Yes.  
 19 MS. KIM: Carnovale?  
 20 MR. CARNOVALE: Yes.  
 21 MS. KIM: Grala?  
 22 MR. GRALA: Yes.  
 23 MS. KIM: Terranova?  
 24 MR. TERRANOVA: Yes.  
 25 MS. KIM: Yoon?

**LAURA A. CARUCCI, C.S.R., R.P.R., L.L.C.**  
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1 MS. YOON: Yes.  
 2 MS. KIM: Brogna?  
 3 MR. BROGNA: Yes.  
 4 MS. KIM: Chung?  
 5 MR. CHUNG: Yes.  
 6 MS. KIM: Okay.  
 7 CHAIRMAN FERGUSON: Okay.  
 8 Next we have, I guess, the election.  
 9 MS. TESTA: Or reorganization, yes.  
 10 CHAIRMAN FERGUSON: The reorganization.  
 11 I'm sorry.  
 12 MS. TESTA: No problem.  
 13 CHAIRMAN FERGUSON: And I guess we'll  
 14 go from the top.  
 15 Yeah, okay. So first I'm going to open  
 16 it up to the chairmanship.  
 17 VICE CHAIRMAN ALBANESE: I make a  
 18 motion to approve.  
 19 MR. CARNOVALE: I second the motion.  
 20 CHAIRMAN FERGUSON: Okay. Any other  
 21 motions?  
 22 MR. CARNOVALE: For the Vice Chair.  
 23 MS. TESTA: No, no.  
 24 First let's vote on this, then we'll do  
 25 the next.

**LAURA A. CARUCCI, C.S.R., R.P.R., L.L.C.**  
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1 nominations?  
 2 (No response.)  
 3 CHAIRMAN FERGUSON: Roll call.  
 4 MS. KIM: Ferguson?  
 5 CHAIRMAN FERGUSON: Yes.  
 6 MS. KIM: Albanese?  
 7 VICE CHAIRMAN ALBANESE: Yes.  
 8 MS. KIM: Elefteriou?  
 9 MR. ELEFTERIOU: Yes.  
 10 MS. KIM: Carnovale?  
 11 MR. CARNOVALE: Yes.  
 12 MS. KIM: Grala?  
 13 MR. GRALA: Yes.  
 14 MS. KIM: Terranova?  
 15 MR. TERRANOVA: Yes.  
 16 MS. KIM: Yoon?  
 17 MS. YOON: Yes.  
 18 MS. KIM: Brogna?  
 19 MR. BROGNA: Yes.  
 20 MS. KIM: Chung?  
 21 MR. CHUNG: Yes.  
 22 MS. TESTA: Next, secretary.  
 23 CHAIRMAN FERGUSON: The secretary. Let  
 24 me see that.  
 25 MS. TESTA: Yes.

**LAURA A. CARUCCI, C.S.R., R.P.R., L.L.C.**  
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1 CHAIRMAN FERGUSON: Roll call.  
 2 MS. KIM: Ferguson?  
 3 CHAIRMAN FERGUSON: Yes.  
 4 MS. KIM: Albanese?  
 5 VICE CHAIRMAN ALBANESE: Yes.  
 6 MS. KIM: Elefteriou?  
 7 MR. ELEFTERIOU: Yes.  
 8 MS. KIM: Carnovale?  
 9 MR. CARNOVALE: Yes.  
 10 MS. KIM: Grala?  
 11 MR. GRALA: Yes.  
 12 MS. KIM: Terranova?  
 13 MR. TERRANOVA: Yes.  
 14 MR. KIM: Yoon?  
 15 MS. YOON: Yes.  
 16 MS. KIM: Brogna?  
 17 MR. BROGNA: Yes.  
 18 MS. KIM: Chung?  
 19 MR. CHUNG: Yes.  
 20 CHAIRMAN FERGUSON: Okay.  
 21 Next we'll open it up for the Vice  
 22 Chairman.  
 23 I'll nominate Paulie Albanese.  
 24 MR. CARNOVALE: I second.  
 25 CHAIRMAN FERGUSON: Any other

**LAURA A. CARUCCI, C.S.R., R.P.R., L.L.C.**  
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1 CHAIRMAN FERGUSON: Okay. Next we're  
 2 going to have the secretary.  
 3 And I will nominate Eleni Lambrinides.  
 4 MR. CARNOVALE: I second.  
 5 CHAIRMAN FERGUSON: Okay.  
 6 Any other nominations?  
 7 (No response.)  
 8 CHAIRMAN FERGUSON: Hearing none, roll  
 9 call.  
 10 MS. KIM: Ferguson?  
 11 CHAIRMAN FERGUSON: Yes.  
 12 MS. KIM: Albanese?  
 13 VICE CHAIRMAN ALBANESE: Yes.  
 14 MS. KIM: Elefteriou?  
 15 MR. ELEFTERIOU: Yes.  
 16 MS. KIM: Carnovale?  
 17 MR. CARNOVALE: Yes.  
 18 MS. KIM: Grala?  
 19 MR. GRALA: Yes.  
 20 MS. KIM: Terranova?  
 21 MR. TERRANOVA: Yes.  
 22 MS. KIM: Yoon?  
 23 MS. YOON: Yes.  
 24 MS. KIM: Brogna?  
 25 MR. BROGNA: Yes.

**LAURA A. CARUCCI, C.S.R., R.P.R., L.L.C.**  
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1 MS. KIM: Chung?  
 2 MR. CHUNG: Yes.  
 3 CHAIRMAN FERGUSON: Okay. Now, we're  
 4 going to have a nomination for the board attorney. I  
 5 nominate Diane Testa.  
 6 MR. CARNOVALE: I second.  
 7 CHAIRMAN FERGUSON: Roll call.  
 8 MS. KIM: Ferguson?  
 9 CHAIRMAN FERGUSON: Yes.  
 10 MS. KIM: Albanese?  
 11 VICE CHAIRMAN ALBANESE: Yes.  
 12 MS. KIM: Elefteriou?  
 13 MR. ELEFTERIOU: Yes.  
 14 MS. KIM: Carnovale?  
 15 MR. CARNOVALE: Yes.  
 16 MS. KIM: Grala?  
 17 MR. GRALA: Yes.  
 18 MS. KIM: Terranova?  
 19 MR. TERRANOVA: Yes.  
 20 MS. KIM: Yoon?  
 21 MS. YOON: Yes.  
 22 MS. KIM: Brogna?  
 23 MR. BROGNA: Yes.  
 24 MS. KIM: Chung?  
 25 MR. CHUNG: Yes.

**LAURA A. CARUCCI, C.S.R., R.P.R., L.L.C.**  
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1 MS. KIM: Chung?  
 2 MR. CHUNG: Yes.  
 3 CHAIRMAN FERGUSON: All right.  
 4 Next would be planner. I'm going to  
 5 make a motion for Kauker & Kauker.  
 6 MR. CARNOVALE: I second.  
 7 CHAIRMAN FERGUSON: All right. Any  
 8 other nominations?  
 9 (No response.)  
 10 CHAIRMAN FERGUSON: Roll call.  
 11 MS. KIM: Ferguson?  
 12 CHAIRMAN FERGUSON: Yes.  
 13 MS. KIM: Albanese?  
 14 VICE CHAIRMAN ALBANESE: Yes.  
 15 MS. KIM: Elefteriou?  
 16 MR. ELEFTERIOU: Yes.  
 17 MS. KIM: Carnovale?  
 18 MR. CARNOVALE: Yes.  
 19 MS. KIM: Grala?  
 20 MR. GRALA: Yes.  
 21 MS. KIM: Terranova?  
 22 MR. TERRANOVA: Yes.  
 23 MS. KIM: Yoon?  
 24 MS. YOON: Yes.  
 25 MS. KIM: Brogna?

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

1 MS. TESTA: Thank you.  
 2 Next would be engineer, board engineer.  
 3 CHAIRMAN FERGUSON: Board engineer.  
 4 I'd like to nominate Collazuol Associates.  
 5 MR. CARNOVALE: Second.  
 6 CHAIRMAN FERGUSON: Any other  
 7 nominations?  
 8 (No response.)  
 9 CHAIRMAN FERGUSON: Roll call.  
 10 MS. KIM: Ferguson?  
 11 CHAIRMAN FERGUSON: Yes.  
 12 MS. KIM: Albanese?  
 13 VICE CHAIRMAN ALBANESE: Yes.  
 14 MS. KIM: Elefteriou?  
 15 MR. ELEFTERIOU: Yes.  
 16 MS. KIM: Carnovale?  
 17 MR. CARNOVALE: Yes.  
 18 MS. KIM: Grala?  
 19 MR. GRALA: Yes.  
 20 MS. KIM: Terranova?  
 21 MR. TERRANOVA: Yes.  
 22 MS. KIM: Yoon?  
 23 MS. YOON: Yes.  
 24 MS. KIM: Brogna?  
 25 MR. BROGNA: Yes.

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

1 MR. BROGNA: Yes.  
 2 MS. KIM: Chung?  
 3 MR. CHUNG: Yes.  
 4 CHAIRMAN FERGUSON: Okay. Last, but  
 5 certainly not least, our traffic engineer would be  
 6 Hal Simoff.  
 7 MR. CARNOVALE: I second.  
 8 CHAIRMAN FERGUSON: Okay. Is there any  
 9 other nominations?  
 10 (No response.)  
 11 CHAIRMAN FERGUSON: Okay. Roll call on  
 12 that one.  
 13 MS. KIM: Ferguson?  
 14 CHAIRMAN FERGUSON: Yes.  
 15 MS. KIM: Albanese?  
 16 VICE CHAIRMAN ALBANESE: Yes.  
 17 MS. KIM: Elefteriou?  
 18 MR. ELEFTERIOU: Yes.  
 19 MS. KIM: Carnovale?  
 20 MR. CARNOVALE: Yes.  
 21 MS. KIM: Grala?  
 22 MR. GRALA: Yes.  
 23 MS. KIM: Terranova?  
 24 MR. TERRANOVA: Yes.  
 25 MS. KIM: Yoon?

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

1 MS. YOON: Yes.  
 2 MS. KIM: Brogna?  
 3 MR. BROGNA: Yes.  
 4 MS. KIM: Chung?  
 5 MR. CHUNG: Yes.  
 6 CHAIRMAN FERGUSON: Okay.  
 7 MS. TESTA: Then we just have the  
 8 annual report to submit to the Planning Board and the  
 9 governing body.  
 10 CHAIRMAN FERGUSON: Okay. We have the  
 11 annual report that's submitted by the board every  
 12 year.  
 13 I'll make a motion to accept the  
 14 report.  
 15 VICE CHAIRMAN ALBANESE: I'll second.  
 16 CHAIRMAN FERGUSON: Roll call.  
 17 MS. KIM: Ferguson?  
 18 CHAIRMAN FERGUSON: Yes.  
 19 MS. KIM: Albanese?  
 20 VICE CHAIRMAN ALBANESE: Yes.  
 21 MS. KIM: Elefteriou?  
 22 MR. ELEFTERIOU: Yes.  
 23 MS. KIM: Carnovale?  
 24 MR. CARNOVALE: Yes.  
 25 MS. KIM: Grala?

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

1 Do you want to have a meeting in  
 2 December? No. Okay.  
 3 So we're going to do the third Monday  
 4 every month except for December.  
 5 And is there a conflict in February as  
 6 far as the...  
 7 MS. TESTA: No. Because it already  
 8 passed. And I advertised for tonight. No. Because  
 9 we can only go to December of '22. So it's not a  
 10 full year. It's ten months.  
 11 CHAIRMAN FERGUSON: All right. So I'll  
 12 make that motion, the third Monday of the month.  
 13 VICE CHAIRMAN ALBANESE: Second.  
 14 CHAIRMAN FERGUSON: We're not going to  
 15 meet in December.  
 16 VICE CHAIRMAN ALBANESE: Second.  
 17 MS. KIM: Paulie seconded.  
 18 Ferguson?  
 19 CHAIRMAN FERGUSON: Yes.  
 20 MS. KIM: Albanese?  
 21 VICE CHAIRMAN ALBANESE: Yes.  
 22 MS. KIM: Elefteriou?  
 23 MR. ELEFTERIOU: Yes.  
 24 MS. KIM: Carnovale?  
 25 MR. CARNOVALE: Yes.

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1 MR. GRALA: Yes.  
 2 MS. KIM: Terranova?  
 3 MR. TERRANOVA: Yes.  
 4 MS. KIM: Yoon?  
 5 MS. YOON: Yes.  
 6 MS. KIM: Brogna?  
 7 MR. BROGNA: Yes.  
 8 MS. KIM: Chung?  
 9 MR. CHUNG: Yes.  
 10 CHAIRMAN FERGUSON: Okay.  
 11 MS. TESTA: And then the last thing, I  
 12 guess, is the meeting dates. We'll continue with the  
 13 third Monday of the month.  
 14 CHAIRMAN FERGUSON: Right. Is the  
 15 board okay with the third Monday of the month?  
 16 Yes.  
 17 Everybody is okay with the third  
 18 Monday?  
 19 (No response.)  
 20 CHAIRMAN FERGUSON: Okay, so I'll make  
 21 a motion that we meet on the third Monday of every  
 22 month.  
 23 VICE CHAIRMAN ALBANESE: Second.  
 24 CHAIRMAN FERGUSON: So we don't have to  
 25 do it in December.

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1 MS. KIM: Grala?  
 2 MR. GRALA: Yes.  
 3 MS. KIM: Terranova?  
 4 MR. TERRANOVA: Yes.  
 5 MS. KIM: Yoon?  
 6 MS. YOON: Yes.  
 7 MS. KIM: Brogna?  
 8 MR. BROGNA: Yes.  
 9 MS. KIM: Chung?  
 10 MR. CHUNG: Yes.  
 11 CHAIRMAN FERGUSON: Okay.  
 12 Next is the Borough Clerk has informed  
 13 that the Mayor & Council is going to go back to  
 14 in-person meetings, which wouldn't allow this.  
 15 Is the board in favor of in-person  
 16 meetings, or do you want to keep it as...  
 17 VICE CHAIRMAN ALBANESE: Keep it like  
 18 this.  
 19 CHAIRMAN FERGUSON: What do you want to  
 20 do?  
 21 VICE CHAIRMAN ALBANESE: It's all right  
 22 like this. We've been doing it so long, you know, to  
 23 be safe.  
 24 CHAIRMAN FERGUSON: Okay. So we're  
 25 going to do one more meeting, and then we vote on

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1 that.  
 2 All right.  
 3 MS. TESTA: So the March meeting will  
 4 be held remotely or hybrid, as we're doing tonight.  
 5 CHAIRMAN FERGUSON: Right.  
 6 MS. TESTA: Right.  
 7 If everything is going well, April will  
 8 be in person.  
 9 CHAIRMAN FERGUSON: All right. Do we  
 10 need a motion for that.  
 11 VICE CHAIRMAN ALBANESE: I make a  
 12 motion.  
 13 MS. TESTA: Yeah, might as well.  
 14 CHAIRMAN FERGUSON: Second.  
 15 MS. KIM: Ferguson?  
 16 CHAIRMAN FERGUSON: Yes.  
 17 MS. KIM: Albanese?  
 18 VICE CHAIRMAN ALBANESE: Yes.  
 19 MS. KIM: Elefteriou?  
 20 MR. ELEFTERIOU: Yes.  
 21 MS. KIM: Carnovale?  
 22 MR. CARNOVALE: Yes.  
 23 MS. KIM: Grala?  
 24 MR. GRALA: Yes.  
 25 MS. KIM: Terranova?

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1 CHAIRMAN FERGUSON: Yes.  
 2 MS. KIM: Albanese?  
 3 VICE CHAIRMAN ALBANESE: Yes.  
 4 MS. KIM: Elefteriou?  
 5 MR. ELEFTERIOU: Yes.  
 6 MS. KIM: Mr. Carnovale, do you  
 7 abstain?  
 8 MR. CARNOVALE: Abstain, yes.  
 9 MS. KIM: Grala?  
 10 MR. GRALA: Yes.  
 11 MS. KIM: Terranova?  
 12 MR. TERRANOVA: Abstain.  
 13 MS. KIM: Yoon?  
 14 MS. YOON: Yes.  
 15 MS. KIM: Brogna?  
 16 MR. BROGNA: Yes.  
 17 MS. KIM: Chung?  
 18 MR. CHUNG: Yes.  
 19 CHAIRMAN FERGUSON: Okay.  
 20 Next is Case Number 21-17, 275-10th  
 21 Street, LLC.  
 22 I'll make a motion to accept.  
 23 VICE CHAIRMAN ALBANESE: Second.  
 24 CHAIRMAN FERGUSON: Roll call.  
 25 MS. KIM: Ferguson?

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1 MR. TERRANOVA: Yes.  
 2 MS. KIM: Yoon?  
 3 MS. YOON: Yes.  
 4 MS. KIM: Brogna?  
 5 MR. BROGNA: Yes.  
 6 MS. KIM: Chung?  
 7 MR. CHUNG: Yes.  
 8 CHAIRMAN FERGUSON: Okay. I think that  
 9 brings us up to tonight's agenda. And the first case  
 10 on the agenda is Case 21-14, Grand Bellview, LLC, 254  
 11 Grand Avenue.  
 12 MS. TESTA: Do you want to do these  
 13 after, then?  
 14 CHAIRMAN FERGUSON: Case number 21-02,  
 15 In Chang Chung, which is 139-145 Morningside Lane. I  
 16 make a motion to memorialize from the last meeting.  
 17 VICE CHAIRMAN ALBANESE: Second.  
 18 CHAIRMAN FERGUSON: Roll call.  
 19 MS. TESTA: Only those that voted yes  
 20 can vote on the memorialization. Okay.  
 21 So, Dave, you would not vote on this.  
 22 Okay, go ahead.  
 23 CHAIRMAN FERGUSON: Okay.  
 24 MS. KIM: So abstain, right? Okay.  
 25 And, Ferguson?

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1 CHAIRMAN FERGUSON: Yes.  
 2 MS. KIM: Albanese?  
 3 VICE CHAIRMAN ALBANESE: Yes.  
 4 MS. KIM: Elefteriou?  
 5 MR. ELEFTERIOU: Yes.  
 6 MS. KIM: Carnovale?  
 7 MR. CARNOVALE: Yes.  
 8 MS. KIM: Grala?  
 9 MR. GRALA: Yes.  
 10 MS. KIM: Terranova?  
 11 MR. TERRANOVA: Yes.  
 12 MS. KIM: Yoon?  
 13 MS. YOON: Yes.  
 14 MS. KIM: Brogna?  
 15 MR. BROGNA: Yes.  
 16 MS. KIM: Chung?  
 17 MR. CHUNG: Yes.  
 18 CHAIRMAN FERGUSON: Okay.  
 19 Next should be Case Number 21-20, 216  
 20 Broad Avenue, Unit 3, memorialization.  
 21 I'll make the motion for  
 22 memorialization.  
 23 VICE CHAIRMAN ALBANESE: Second.  
 24 CHAIRMAN FERGUSON: Roll call.  
 25 MS. KIM: Ferguson?

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1 CHAIRMAN FERGUSON: Yes.  
 2 MS. KIM: Albanese?  
 3 VICE CHAIRMAN ALBANESE: Yes.  
 4 MS. KIM: Elefteriou?  
 5 MR. ELEFTERIOU: Yes.  
 6 MS. KIM: Carnovale?  
 7 MR. CARNOVALE: Yes.  
 8 MS. KIM: Grala?  
 9 MR. GRALA: Yes.  
 10 MS. KIM: Terranova?  
 11 MR. TERRANOVA: Yes.  
 12 MS. KIM: Yoon?  
 13 MS. YOON: Yes.  
 14 MS. KIM: Brogna?  
 15 MR. BROGNA: Yes.  
 16 MS. KIM: Chung?  
 17 MR. CHUNG: Yes.  
 18 CHAIRMAN FERGUSON: Okay.  
 19 And last, but certainly not least,  
 20 21-24, 429 Highland Avenue.  
 21 I'll make that motion for  
 22 memorialization.  
 23 VICE CHAIRMAN ALBANESE: Second.  
 24 CHAIRMAN FERGUSON: Roll call.  
 25 MS. KIM: Ferguson?

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1 CHAIRMAN FERGUSON: Yes.  
 2 MS. KIM: Albanese?  
 3 VICE CHAIRMAN ALBANESE: Yes.  
 4 MS. KIM: Elefteriou?  
 5 MR. ELEFTERIOU: Yes.  
 6 MS. TESTA: Abstain.  
 7 This is the one you abstain.  
 8 MR. ELEFTERIOU: I'm sorry, yes.  
 9 MS. KIM: Carnovale?  
 10 MR. CARNOVALE: Yes.  
 11 MS. KIM: Grala?  
 12 MR. GRALA: Yes.  
 13 MS. KIM: Terranova?  
 14 MR. TERRANOVA: Abstain.  
 15 MS. KIM: Yoon?  
 16 MS. YOON: Yes.  
 17 MS. KIM: Brogna?  
 18 MR. BROGNA: Yes.  
 19 MS. KIM: Chung?  
 20 MR. CHUNG: Yes.  
 21 CHAIRMAN FERGUSON: Okay, Counselor,  
 22 we're ready for you now.  
 23 MR. LEE: Good afternoon,  
 24 Mr. Chairperson and Members of the  
 25 Board, my name is Daniel Lee, Attorney representing

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1 the applicant.  
 2 Just to recap a history of this case  
 3 briefly. This was originally an application for the  
 4 construction of a four-family. Since then it has  
 5 been trimmed down to a three-family.  
 6 And the case was adjourned a couple  
 7 times. Now we are finally here today.  
 8 I'd like to present the Affidavit of  
 9 Service and Proof of Publication.  
 10 MS. TESTA: Thank you.  
 11 MR. LEE: May I proceed?  
 12 MS. TESTA: One thing.  
 13 I don't see the Proof of Publication.  
 14 MR. LEE: I came with my stuff.  
 15 MS. TESTA: I have the one from August.  
 16 I'm not showing the Zoom from February, a copy.  
 17 It's okay. We'll continue to look it  
 18 up. You can submit it. If you don't have it then  
 19 everything that happens tonight would be -- I'll look  
 20 to see if it -- just e-mail it to me tomorrow, okay.  
 21 MR. LEE: My first witness is Mr. Bill  
 22 Cocoros, who has testified here many times  
 23 previously.  
 24 CHAIRMAN FERGUSON: Yes, he has.  
 25 MS. TESTA: Do you swear that the

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1 testimony you give this application will be the  
 2 truth, the whole truth, and nothing but the truth, so  
 3 help you God?  
 4 MR. COCOROS: I do.  
 5 V A S S I L I O S C O C O R O S, AIA,  
 6 467 Sylvan Avenue, Englewood, Cliffs, New Jersey,  
 7 having been duly sworn, testifies as follows:  
 8 MS. TESTA: Please state your name and  
 9 spell it for the record.  
 10 MR. COCOROS: Vassilios,  
 11 V-A-S-S-I-L-I-O-S, Cocoros, C-O-C-O-R-O-S,  
 12 467 Sylvan Avenue, Englewood, Cliffs New Jersey.  
 13 DIRECT EXAMINATION  
 14 BY MR. LEE:  
 15 Q. Mr. Cocoros, can you explain to the  
 16 board briefly what this application is about?  
 17 A. Sure.  
 18 I'll first describe the existing  
 19 property. The property is located on the east side  
 20 of Grand Avenue between Brinkerhoff Terrace and East  
 21 Central Boulevard. It's located three properties  
 22 north of Brinkerhoff Terrace.  
 23 It's an oversized lot. It's 59.25 feet  
 24 wide at the rear, which is this portion of the  
 25 property.

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1 The front is slightly irregular with  
 2 62 feet of frontage on -- 62.05 feet of frontage on  
 3 Grand Avenue.  
 4 The right side of the dwelling -- the  
 5 right side of the property is 110.4 feet deep.  
 6 And the left side, which is the north  
 7 side, is 126.22-feet deep. It has a lot area of  
 8 7,079.49 square feet.  
 9 As Mr. Lee mentioned before, we  
 10 originally had a four-family plan for this property;  
 11 however, we re-looked after some concerns, and we're  
 12 proposing a three-unit dwelling.  
 13 Now, the units themselves, the  
 14 orientation is 90 degrees to Grand Avenue. However,  
 15 the parking and the turnaround area for the parking  
 16 is located on the street as a typical dwelling would  
 17 be on any property.  
 18 So we're proposing three units on the  
 19 property. One other thing about this property, it  
 20 has a big topographic difference from Grand Avenue up  
 21 to the back of the property of approximately 16 feet.  
 22 So we're proposing a dwelling that is  
 23 486-inches-by-66-feet deep. And we're doing three  
 24 units. The first being in front of the property.  
 25 The second one being in the middle. And then the  
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1 back third unit is oriented off the rear of the  
 2 property, itself.  
 3 So what we've done is we've also  
 4 stepped the units up as we get to the rear to help  
 5 minimize some of the excavation.  
 6 The site plan on the upper sheet of  
 7 Sheet A-1. I'll go to Sheet A-2 for the floor plan.  
 8 You can see here, this is the ground  
 9 floor plan. The first two units do not have a  
 10 basement. So basically no basement. That area is  
 11 being used for parking.  
 12 So the area in front of the building,  
 13 as mentioned on the site plan, is completely open.  
 14 And the reason for that is to be able to do a  
 15 complete K-turn off the property and come head out  
 16 onto Grand Avenue. I know that was a concern for the  
 17 board, but it's also a concern for the State DOT,  
 18 which we have to do an application for. So that was  
 19 one of the reasons why we adjusted our original plan  
 20 so we didn't have too much stuff going on in the  
 21 front.  
 22 So the way we set it up is the two left  
 23 parking areas. There's a one-car driveway with  
 24 enough space. It's at least 12-feet-2-inches wide.  
 25 And it has a one-car garage with enough room for  
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1 storage. And that's going to be designated for Unit  
 2 A. Going towards the middle, or going towards the  
 3 right.  
 4 MS. TESTA: Excuse me one second, Bill.  
 5 I'm sorry.  
 6 Mr. Lee, the notice we're looking at is  
 7 published today, the notice to the newspaper.  
 8 MR. LEE: Yes.  
 9 MS. TESTA: I'm seeing it published in  
 10 today's paper.  
 11 MR. LEE: It can't be. There must be  
 12 some mistake from my staff, if that's the case.  
 13 MS. TESTA: There's nothing on the  
 14 18th.  
 15 CHAIRMAN FERGUSON: So I've been  
 16 advised --  
 17 MR. LEE: Well, there should be --  
 18 frankly, I don't deal with the publication myself, I,  
 19 guess. So I wouldn't know. I just grabbed whatever  
 20 staff -- material staff just provided me with and I  
 21 just ran up here.  
 22 MS. TESTA: No, I understand.  
 23 MR. LEE: If there's an issue with  
 24 publication, then I'm willing to hear what the board  
 25 -- what the attorney for the board --  
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1 MS. TESTA: Right.  
 2 Without the notice in the paper at  
 3 least ten days prior to the hearing, the board does  
 4 not have jurisdiction to hear this application.  
 5 MR. LEE: Can we amend? Can we correct  
 6 this publication? Can we proceed with the hearing?  
 7 MS. TESTA: No. We don't have  
 8 jurisdiction. We can't.  
 9 In order to make the statutory --  
 10 because if anybody objects, you know...  
 11 Yeah, it's statutory.  
 12 MR. LEE: It's a jurisdictional issue.  
 13 I understand.  
 14 MS. TESTA: Yes.  
 15 MR. LEE: You don't see it?  
 16 MS. TESTA: I see it, but I see it  
 17 today's date.  
 18 MR. LEE: You don't see it two weeks  
 19 prior?  
 20 MS. TESTA: No. That's what I'm  
 21 looking at.  
 22 I don't know if you want to go to your  
 23 office and see if there's something. I'm just seeing  
 24 Monday, February 28. I searched from February 1st to  
 25 the -- you know, to today's date because... Planning  
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1 Board.  
 2 I mean, you're welcome to search and  
 3 see if you can find it.  
 4 CHAIRMAN FERGUSON: Come back.  
 5 MS. TESTA: I'd be more than happy to  
 6 hear you.  
 7 One of the other applications we have  
 8 on tonight is from the 18th, so that's fine. Also  
 9 tonight we've got the 17th, CD Developers.  
 10 CHAIRMAN FERGUSON: So, Counsel, are  
 11 you going to go to your office and look, or are you  
 12 going --  
 13 MR. LEE: No. There's no way for me to  
 14 find out where she put it. It's there. I have to  
 15 find out when it is.  
 16 So at this juncture, I guess, I don't  
 17 want to get into a jurisdictional issue on this, so  
 18 we have to carry this.  
 19 MS. TESTA: Right.  
 20 CHAIRMAN FERGUSON: We'll do an  
 21 adjournment. You'll be on the next meeting.  
 22 MR. LEE: Yes, sir.  
 23 CHAIRMAN FERGUSON: I'm sorry.  
 24 MR. LEE: And I do apologize for this.  
 25 MS. TESTA: Yeah, no problem.

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1 MS. KIM: Ferguson?  
 2 CHAIRMAN FERGUSON: Yes.  
 3 MS. KIM: Albanese?  
 4 VICE CHAIRMAN ALBANESE: Yes.  
 5 MS. KIM: Elefteriou?  
 6 MR. ELEFTERIOU: Yes.  
 7 MS. KIM: Carnovale?  
 8 MR. CARNOVALE: Yes.  
 9 MS. KIM: Grala?  
 10 MR. GRALA: Yes.  
 11 MS. KIM: Terranova?  
 12 MR. TERRANOVA: Yes.  
 13 MS. KIM: Yoon?  
 14 MS. YOON: Yes.  
 15 MS. KIM: Brogna?  
 16 MR. BROGNA: Yes.  
 17 MS. KIM: Chung?  
 18 MR. CHUNG: Yes.  
 19 MS. KIM: Okay, case adjourned.  
 20 CHAIRMAN FERGUSON: All right.  
 21 Next we're going to have, I believe,  
 22 7th Street.  
 23 MS. TESTA: Yes.  
 24 CHAIRMAN FERGUSON: So it's going to be  
 25 Case Number 21-22, 309 7th Street.

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1 CHAIRMAN FERGUSON: Okay. So I make a  
 2 motion to grant an adjournment. You're going to  
 3 waive any money -- any notice.  
 4 MR. LEE: Okay. So the notice is to  
 5 the public is okay. Just we have to redo the  
 6 publication, is that...  
 7 MS. TESTA: We'll make that a condition  
 8 right now, right, that you won't have to renotece.  
 9 But I do need to just check the statute  
 10 just to make sure, because I don't want any issue  
 11 down the line.  
 12 So I will e-mail you tomorrow. But I'd  
 13 say make the motion right now to carry this to March  
 14 --  
 15 MS. KIM: March 21st.  
 16 MS. TESTA: Yeah.  
 17 March 21st, 2022, at 7 p.m.  
 18 No further notice will be provided to  
 19 the residents within 200 feet.  
 20 MR. LEE: March 21st.  
 21 CHAIRMAN FERGUSON: Okay. I make that  
 22 motion.  
 23 Can I get a second?  
 24 VICE CHAIRMAN ALBANESE: Second.  
 25 CHAIRMAN FERGUSON: Roll call.

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1 Counselor, it's good to see you. We've  
 2 got a big agenda tonight.  
 3 MR. MACRI: I'll keep it moving.  
 4 CHAIRMAN FERGUSON: Anything you can do  
 5 to...  
 6 MR. MACRI: Mr. Chairman, Members of  
 7 the Board, my name is Marc Macri. I represent the  
 8 applicant in connection with the property located at  
 9 309 7th Street in the borough.  
 10 I have two expert witnesses with me  
 11 this evening, Mr. Cocoros, our architect. And on  
 12 Zoom we have Mr. David Spatz.  
 13 We're seeking one variance for the  
 14 height.  
 15 But before we proceed, I want to put a  
 16 couple stipulations on the record.  
 17 CHAIRMAN FERGUSON: Okay.  
 18 MR. MACRI: Presently there's a powder  
 19 room in each subbasement. We're going to remove the  
 20 powder rooms altogether.  
 21 We also request a 6-foot variance for a  
 22 fence across the rear yard of our property. We also  
 23 stipulate a minimum of 8 inches of gravel below the  
 24 seepage pits that would be placed in the rear yard in  
 25 addition to the recommendation of Steve Collazuol.

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1 All right. So if I can begin, I'd like  
 2 to have Mr. Cocoros sworn in.  
 3 MS. TESTA: Do you swear that the  
 4 testimony you give this application will be the  
 5 truth, the whole truth, and nothing but the truth, so  
 6 help you God?  
 7 MR. COCOROS: I do.  
 8 VASSILIOS COCOROS, AIA,  
 9 467 Sylvan Avenue, Englewood, Cliffs, New Jersey,  
 10 having been duly sworn, testifies as follows:  
 11 MS. TESTA: State your name for the  
 12 record, please.  
 13 MR. COCOROS: Sure. Vassilios,  
 14 V-A-S-S-I-L-I-O-S, Cocoros, C-O-C-O-R-O-S, 467 Sylvan  
 15 Avenue, Englewood Cliffs, New Jersey.  
 16 DIRECT EXAMINATION  
 17 BY MR. MACRI:  
 18 Q. Mr. Cocoros, you were engaged by the  
 19 applicant in connection with this evening's  
 20 presentation.  
 21 Is that correct?  
 22 A. Correct.  
 23 Q. The plans, these are the same plans I  
 24 submitted to the board as well as published online,  
 25 correct?

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1 As a function of that, we're here for  
 2 the height variance. And the height variance is  
 3 measured to the mid point of roof line to the floor  
 4 average grade. There's a drop-off in the back. We  
 5 did raise the grade more. We do have a height where  
 6 we're at a four-story structure at the rear. We have  
 7 36 feet 1 inches measured from the midpoint, where 28  
 8 feet is required.  
 9 The rest of the items are basically  
 10 within typical duplex guidelines as far as zoning  
 11 setbacks go.  
 12 In addition, we're providing two  
 13 seepage pits in the rear of the property, as Marc  
 14 mentioned. We're proposing a minimum of 8 inches. I  
 15 think on my detail we have 12 inches of stone  
 16 underneath the seepage pit.  
 17 In addition to that, we do have detail  
 18 at the back of the seepage pit. It's the seepage pit  
 19 that Steve Collazuol typically requests on these  
 20 properties. We have a retaining wall where we have a  
 21 vinyl membrane protecting the water passing through  
 22 the seepage pit and going down below to the  
 23 neighbor's property.  
 24 As Marc had mentioned, we would request  
 25 a variance providing a 6-foot-high PVC-vinyl fence

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1 A. Yes.  
 2 CHAIRMAN FERGUSON: Okay, Mr. Cocoros.  
 3 MR. COCOROS: The 50-by-100 is located  
 4 on 7th Street. It's on the west side, which is the  
 5 downhill side of 7th Street.  
 6 The property, itself, has almost  
 7 13 inches from the sidewalk down to the back of the  
 8 property. Most of that drop-off happens right after  
 9 the 20 feet of the front yard.  
 10 So we're proposing a new side-by-side  
 11 dwelling. We are proposing a new retaining wall at  
 12 the rear and side, left side. That's going to  
 13 actually be built. And just the retaining wall  
 14 that's there now will make it better.  
 15 In addition, since the property does  
 16 drop off, to not really overflow the grade, it was  
 17 basically kept to a minimum not the impinge on the  
 18 neighbor's side yards and rear yard.  
 19 So as a function of that, this property  
 20 itself, even with its length, our driveway is  
 21 slightly higher than the sidewalks. This property  
 22 does go down approximately 2 feet from the right to  
 23 left. We tried to keep the driveway level on one  
 24 side and slightly higher than the street on the other  
 25 side so no water goes down.

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1 for privacy purposes at the back of the property,  
 2 which also creates a nice clean (inaudible).  
 3 So on the floor plans, we have  
 4 basically a typical duplex that we do on these type  
 5 of properties, where it drops off. We have the  
 6 subbasement.  
 7 The rest of the space is the typical  
 8 layout for a duplex. As Marc mentioned before, we  
 9 will be removing the powder room in the subbasement  
 10 portion.  
 11 MR. MACRI: I have no further questions  
 12 of Mr. Cocoros.  
 13 CHAIRMAN FERGUSON: Okay.  
 14 So I have some reservations about this  
 15 application. Maybe you can just help me. I don't  
 16 understand.  
 17 I understand you've got powder rooms in  
 18 the subbasement. I would really like to see the  
 19 subbasement go all together. Just make it a regular  
 20 duplex. I mean, why do you have -- what is the  
 21 reason why you need a subbasement?  
 22 MR. COCOROS: The space is there.  
 23 That's the only reason we did. It doesn't increase  
 24 the prices. We have sprinklers on these type of  
 25 properties.

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1 CHAIRMAN FERGUSON: Yes.  
 2 But there's no use for the subbasement.  
 3 MR. COCOROS: Center storage.  
 4 CHAIRMAN FERGUSON: I know you put a  
 5 bathroom in here.  
 6 But, I think, it's just being -- if we  
 7 just eliminate the subbasement, then you can have a  
 8 regular duplex.  
 9 MR. COCOROS: Can I call the client  
 10 right now?  
 11 CHAIRMAN FERGUSON: Excuse me.  
 12 MR. COCOROS: Can I call the client  
 13 right now?  
 14 CHAIRMAN FERGUSON: Do you want to wait  
 15 for the rest of it? This way --  
 16 MR. COCOROS: Sure.  
 17 CHAIRMAN FERGUSON: The next thing is  
 18 the seepage pits. As you indicated, there's multiple  
 19 -- you know, there's a lot of runoff on this because  
 20 of 7th Street going down.  
 21 MR. COCOROS: That's an inlet.  
 22 CHAIRMAN FERGUSON: What's the  
 23 feasibility of putting another seepage pit in the  
 24 front of your house and have the house drains go into  
 25 the...

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1 thing. And the last thing is, I see in the backyard  
 2 there's trees, two trees. And according to the  
 3 plans, they're slated for removal.  
 4 MR. COCOROS: Yes.  
 5 CHAIRMAN FERGUSON: You know, I'm  
 6 really concerned about the runoff on this.  
 7 Is there a way to save the trees? Can  
 8 you move the seepage pits either front or back and  
 9 save the trees?  
 10 MR. COCOROS: The seepage pits -- where  
 11 the seepage pits are located, Steve wants a certain  
 12 distance from the seepage pits to the retaining wall.  
 13 Those kind of have to stay. Even the small ones kind  
 14 of stays that distance from the retaining wall. They  
 15 kind of get in the way where the trees are.  
 16 The other trees with the deck is going  
 17 to be, I don't know if -- you know, we can provide  
 18 some additional plantings in the back that will help  
 19 absorb some water also.  
 20 CHAIRMAN FERGUSON: Yeah, but why can't  
 21 you move the pits.  
 22 MR. COCOROS: The only place I can move  
 23 them is move them back. If I move them, back it's  
 24 going to create more of a surcharge on the retaining  
 25 wall in the back and including into the neighbor's

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1 MR. COCOROS: What he's done on this  
 2 before is actually put a minimum amount in the rear  
 3 to catch the rear roof leader.  
 4 The height difference, it's very  
 5 difficult to hang a gutter in the front yard. So we  
 6 could minimize -- just do the back portion of the  
 7 property with two smaller tanks.  
 8 Also, the tanks are located in the  
 9 bottom of the tanks at least a few feet down below  
 10 the neighbor's property behind us. Basically we can  
 11 split system, which Steve wants us to do anyway now.  
 12 So we split the system, having a front portion in the  
 13 driveway. Then we can do a smaller system in the  
 14 back with that same protection that he usually  
 15 recommends.  
 16 CHAIRMAN FERGUSON: Okay. So there  
 17 will be two smaller seepage pits in the back with the  
 18 protection.  
 19 MR. COCOROS: Correct.  
 20 CHAIRMAN FERGUSON: And you're going to  
 21 put one in the front to catch the --  
 22 MR. COCOROS: In the front half of the  
 23 building.  
 24 Can I just call the client?  
 25 CHAIRMAN FERGUSON: There's one more

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1 property.  
 2 CHAIRMAN FERGUSON: Is Steve Collazuol  
 3 on the line.  
 4 IT MODERATOR: No.  
 5 MS. TESTA: No.  
 6 CHAIRMAN FERGUSON: Is Hal on the  
 7 line?  
 8 IT MODERATOR: Yeah.  
 9 CHAIRMAN FERGUSON: Hal, are you there.  
 10 IT MODERATOR: He has to unmute. Give  
 11 him a second.  
 12 MR. SIMOFF: Okay, I think I'm on.  
 13 CHAIRMAN FERGUSON: Okay. Hal, good to  
 14 hear your voice.  
 15 Congratulations, you got appointed for  
 16 another year.  
 17 MR. SIMOFF: Yeah.  
 18 I'm filling in for Steve. He's got a  
 19 personal item. He'll be in. He's going to be a  
 20 little late. He told me, so I'm filling in on some  
 21 of these issues.  
 22 One of the concerns is, the design of  
 23 the seepage pit has to be delineated so that if it  
 24 overflows, what is the impact of that?  
 25 And number two, he was concerned about

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1 the driveways grading to the front and the drainage  
2 overflowing the sidewalk.

3 And then obviously the regrading of the  
4 site eliminates those trees that are in the back.

5 But, you're right, Mr. Chairman, part  
6 of the significant problem is what happens for the  
7 overflow of the seepage pits and the seepage pits in  
8 the rear of the yard?

9 And then obviously Steve asked for a  
10 drainage report with quantities of the runoff and  
11 what's being retained and what's being run off so  
12 that he can evaluate the impact of the retaining wall  
13 in the back.

14 CHAIRMAN FERGUSON: I assume that's  
15 okay.

16 MR. COCOROS: Yeah, we can provide  
17 that. Steve usually asks us to do a trench drain at  
18 the front to keep the water -- any water that comes  
19 toward the sidewalk will be intercepted by a trench  
20 drain.

21 CHAIRMAN FERGUSON: So are you -- Hal,  
22 are you saying to me that it's un-feasible to move  
23 the trees.

24 MR. SIMOFF: No. When you regrade the  
25 site, you obviously have to remove the trees. So the

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1 CHAIRMAN FERGUSON: Right. Okay. You  
2 get what I'm saying? You're just going to add  
3 another layer of protection.

4 MR. MACRI: But if they have to be  
5 removed, we'll replace the trees.

6 CHAIRMAN FERGUSON: You know, I was up  
7 there on a snowy day. And it was -- it looked like  
8 they're pretty old trees. I mean, I don't know, one  
9 looks like it's 80 years old or something. But at  
10 any rate...

11 MR. COCOROS: I think the one in the  
12 middle, we might be able to -- let me see. The one  
13 in the middle we can keep. It looks like the one  
14 24-inch we can probably keep, that one. Then what we  
15 do is intend on keeping that one.

16 The only thing, if the engineering says  
17 we have to replace it, something will be put in the  
18 resolution saying --

19 CHAIRMAN FERGUSON: Well, obviously  
20 we're going to listen to the board engineer. So if  
21 the engineer says they both can stay, then they both  
22 will stay. If he says one can stay, one can stay.  
23 How's that.

24 MR. COCOROS: The only thing is the  
25 foundation, even if I move it over, the outside

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1 grading is what creates the elimination of the trees.

2 CHAIRMAN FERGUSON: Right.

3 So can you move the drain? I mean, can  
4 you move the drains up, back, side?

5 MR. SIMOFF: Well, I mean, that's a  
6 request that you have to make as a board member.  
7 We're just giving you advice on how to handle it.  
8 The issue is area. If the board feels that there  
9 should be more landscaping in the back, then that  
10 should be the assignment to the applicant to come up  
11 with a grading plan that works for both seepage and  
12 landscaping.

13 CHAIRMAN FERGUSON: Okay. Well, I  
14 guess we're going to have to wait for Steve and see  
15 if he could agree to move the pits back. So I guess  
16 we'll wait.

17 MR. MACRI: We can make -- if approved,  
18 would be subject to the board engineer's  
19 recommendations as to the location of the tanks.  
20 It's always -- we always follow his recommendation.

21 CHAIRMAN FERGUSON: Right, okay.

22 MR. MACRI: And if the tree roots are  
23 going to be disturbed by regrading of the property  
24 and cannot be saved, then we can't save them. If we  
25 can save them, we'll try to.

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1 corner, the one in the middle, we have enough room to  
2 move the pit to the outside corner to accommodate it  
3 on the one. On the left-hand side is not going to be  
4 able to between the deck footings. And the seep pit  
5 itself, moving it will cut into the system.

6 CHAIRMAN FERGUSON: Well, I think we'll  
7 wait for Steve.

8 Move it on the condition of Steve.

9 MR. MACRI: That's fair.

10 CHAIRMAN FERGUSON: Okay.  
11 Any board members have any questions  
12 for this?

13 MR. CARNOVALE: Yes.

14 Mr. Chairman, I was going to make a  
15 suggestion about the trees. But if nobody wants to  
16 hear it.

17 About the subbasement, can I ask the  
18 architect: Does that subbasement start from the --  
19 from the, looking at the back side of the house, from  
20 the right side to the left or to partial?

21 MR. COCOROS: Well, actually both sides  
22 have a subbasement. The one subbasement is a little  
23 bit higher than the other.

24 The topography of the right-hand side  
25 is a little bit higher than the left-hand side.

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1 MR. CARNOVALE: Okay. So I've got a  
 2 question for you. I mean, it might be stupid.  
 3 But if you eliminate the subbasement,  
 4 what's going to hold up the house.  
 5 MR. COCOROS: Then there will be a  
 6 foundation wall that's going -- you know, it will  
 7 look the same from the outside. It's going to be  
 8 just like a void, a big crawl space.  
 9 MR. CARNOVALE: So what's the  
 10 difference between a subbasement and a crawl space.  
 11 MR. COCOROS: One's finished and one's  
 12 not.  
 13 MR. CARNOVALE: Okay.  
 14 Well, because obviously you need the  
 15 foundation to hold up the house.  
 16 So I guess you would be eliminating the  
 17 door and the windows also, right.  
 18 MR. COCOROS: Well, the door will  
 19 probably be going to a different level of the stairs  
 20 and bring you up to the basement level.  
 21 So I've got to find a place to locate  
 22 the door maybe like halfway in and halfway out. The  
 23 grade, basically if you move the door closer to the  
 24 higher portion of the grade, then you'll have a  
 25 landing and a staircase up to the basement level.

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1 go in the backyard.  
 2 MR. COCOROS: No.  
 3 It's going to be almost impossible to  
 4 get to the staircase from the deck. It's going to  
 5 look -- you know, basically an L-shape with maybe two  
 6 8-foot sections, it's going to look more... You  
 7 know, here we're, kind of, hiding the access, the  
 8 door within the building.  
 9 CHAIRMAN FERGUSON: But it's not going  
 10 to be finished.  
 11 MR. COCOROS: No.  
 12 CHAIRMAN FERGUSON: There's not going  
 13 to be nothing there.  
 14 MR. COCOROS: No.  
 15 It's actually going to be closed off  
 16 from the cellar level. Maybe a small access door  
 17 just for a like...  
 18 CHAIRMAN FERGUSON: Okay. Any board  
 19 members have anything?  
 20 (No response.)  
 21 CHAIRMAN FERGUSON: Hal, do you have  
 22 anything?  
 23 MR. SIMOFF: Yes, one more comment.  
 24 CHAIRMAN FERGUSON: Sure.  
 25 MR. SIMOFF: Which Steve has in his

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1 MR. CARNOVALE: Well, because I'm  
 2 looking at the back of -- I guess it would be the  
 3 left side, and there's a door there, right?  
 4 MR. COCOROS: Yeah.  
 5 MR. CARNOVALE: So are you going to  
 6 keep the door.  
 7 MR. COCOROS: Well, I'd like to try to  
 8 move it towards the front a little bit so I can have  
 9 a step up at the door, and then another step up into  
 10 the entry landing.  
 11 And it will be maybe ten steps up to  
 12 the basement level. It will be a staircase up.  
 13 You know, we're not going to fill the  
 14 grade up over there. So we're going to be down lower  
 15 than the first floor approximately by 7 feet. So we  
 16 have the 6-inches step, 6-inches step into the  
 17 building, then the rest will be stairs up to the  
 18 basements level.  
 19 CHAIRMAN FERGUSON: I hate to ask this  
 20 question. I don't want to (inaudible).  
 21 But why do we need steps to the garage.  
 22 MR. COCOROS: Well, you know, if you  
 23 want to go to the backyard from the inside, that's  
 24 the way to get to the --  
 25 CHAIRMAN FERGUSON: But you could just

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1 review, parking and traffic. We've asked for turning  
 2 templates. Because the one-, the two-car garages for  
 3 each unit, basically the car has to be relatively  
 4 straight to get out of the garage with another car in  
 5 the garage. It can't start its turning movement  
 6 until the front wheels are almost out of the garage.  
 7 And the setback of the building is 20 feet.  
 8 So I think both Steve and I would be  
 9 comfortable with plotting of a template to make sure  
 10 if there's a car in the garage, the second car can  
 11 get out without having to back into the street.  
 12 CHAIRMAN FERGUSON: All right.  
 13 MR. COCOROS: Yeah, we can do that.  
 14 CHAIRMAN FERGUSON: You can do it.  
 15 MR. COCOROS: Yeah.  
 16 CHAIRMAN FERGUSON: Okay. Anything  
 17 else, Hal?  
 18 MR. SIMOFF: That's it.  
 19 CHAIRMAN FERGUSON: Okay. Anybody in  
 20 the audience? Anybody on the phone that would like  
 21 to...  
 22 IT MODERATOR: There's one person.  
 23 CHAIRMAN FERGUSON: Okay, take it away.  
 24 IT MODERATOR: You just have to wait  
 25 for them to unmute.

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1 REMOTE AUDIENCE MEMBER: Hello.  
 2 Can you hear?  
 3 IT MODERATOR: Yeah, they can hear you.  
 4 REMOTE AUDIENCE MEMBER: Yeah.  
 5 I'm sorry. Okay. I don't to interrupt.  
 6 But it's a little bit hard for us to hear. We'll  
 7 here for address, like, 117 Morningside Lane. That  
 8 property was not discussed, right? Because we're a  
 9 little lost with each other here.  
 10 MS. TESTA: No. Right.  
 11 This is 309 7th Street.  
 12 REMOTE AUDIENCE MEMBER: This is 309  
 13 7th. So 117 will be next, right?  
 14 Because we have an application for 117.  
 15 And it's a little bit difficult for us to understand.  
 16 MS. TESTA: Right. That one will be --  
 17 that's next.  
 18 REMOTE AUDIENCE MEMBER: Okay, we'll  
 19 wait until then.  
 20 My apologies.  
 21 CHAIRMAN FERGUSON: Anybody else?  
 22 (No response.)  
 23 CHAIRMAN FERGUSON: No.  
 24 IT MODERATOR: One more.  
 25 CHAIRMAN FERGUSON: Okay. Can I have

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1 listening to the board, the meeting? Yes.  
 2 So what we did, Sue, is we tried to  
 3 make some provisions in the plan to put in extra  
 4 safety and extra safety precautions in the back.  
 5 We're going to add another pit in the front. We're  
 6 going to try to save the trees. It looks like we're  
 7 going to, for sure, save one. I don't know,  
 8 depending on what our engineer has to say, hopefully  
 9 we can save two. But that hasn't been determined  
 10 yet.  
 11 MS. GIACOBONE: Can I interrupt you?  
 12 CHAIRMAN FERGUSON: You know, the board  
 13 has done everything that it can do as far as  
 14 drainage.  
 15 MS. GIACOBONE: What about regular  
 16 landscaping along the rear of the property? Putting  
 17 up Leyland Cyprus, for example?  
 18 Because this house is going to tower  
 19 over the houses on 6th Street.  
 20 CHAIRMAN FERGUSON: Right.  
 21 MS. GIACOBONE: I am very concerned I'm  
 22 going to have a drainage problem. The back of my  
 23 house will have no sunlight. I'll probably have a  
 24 yard full of moss. And then it's going to seep down  
 25 to the house next to me and ultimately will travel on

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1 your name and address?  
 2 MS. GIACOBONE: Yes. The last name,  
 3 Giacobone. The first Susan, 438 Hillside.  
 4 CHAIRMAN FERGUSON: Okay.  
 5 MS. GIACOBONE: And I'm concerned about  
 6 the property at 227 East Central Boulevard. We own  
 7 that two-family house. And I don't want to have at  
 8 that house, with all due respect to my tenants, what  
 9 I'm going through here on Hillside Avenue. Because  
 10 the property was stripped of all vegetation. The  
 11 house takes up the majority of the lot, hence there's  
 12 a massive water problem. I am at the low side.  
 13 You've seen the area of the lot.  
 14 I'm also concerned now with the runoff  
 15 on the street on 7th Street. Because the tenants  
 16 park on 7th. This time of year we're going to be  
 17 looking at what, a border of ice for them to come  
 18 down that street and turn onto Central to have access  
 19 to the highway.  
 20 CHAIRMAN FERGUSON: Okay.  
 21 So, Ms. Giacobone -- I can call you  
 22 Sue, right?  
 23 MS. GIACOBONE: Say it again.  
 24 I'm sorry.  
 25 CHAIRMAN FERGUSON: Sue, have you been

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1 the corner.  
 2 CHAIRMAN FERGUSON: Do you want to  
 3 answer that for us?  
 4 MR. COCOROS: I mean, as far as -- you  
 5 know, we could provide some landscaping along the  
 6 rear yard on the left-hand side, some arborvitae to  
 7 try to break up that wall there and try to bring it  
 8 closer to the corner of the building.  
 9 As far as sunlight, we're north of here  
 10 so the sun is in front their house. So it's not -- I  
 11 mean, there is an impact. You know, the building is  
 12 bigger.  
 13 But as far as sun, the sun is in front.  
 14 It always is on the south side of the street, which  
 15 is basically East Central Boulevard and goes from  
 16 east to west throughout the day.  
 17 CHAIRMAN FERGUSON: Anybody else on the  
 18 phone?  
 19 IT MODERATOR: No.  
 20 CHAIRMAN FERGUSON: Are you sure?  
 21 IT MODERATOR: Yeah, I'm sure.  
 22 CHAIRMAN FERGUSON: Okay.  
 23 Next up?  
 24 MR. MACRI: Mr. David Spatz.  
 25 Before I just proceed to Mr. Spatz, I

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1 just want to go over some of these. All right. So  
 2 we're going to stipulate there's going to be no  
 3 subbasement.  
 4 CHAIRMAN FERGUSON: Yes.  
 5 MR. COCOROS: There's a crawl space,  
 6 extended crawl space.  
 7 MR. MACRI: We'll provide drainage  
 8 calculations. We're going to put a trench drain in  
 9 the driveway.  
 10 CHAIRMAN FERGUSON: Right.  
 11 MR. MACRI: We provide a turning  
 12 template. We provide a landscape plan. Amend the  
 13 application to include a 6-foot fence along the rear  
 14 property line.  
 15 CHAIRMAN FERGUSON: Steve has to  
 16 approve it.  
 17 MR. MACRI: Everything is subject to  
 18 Steve's approval with respect to drainage and trees.  
 19 CHAIRMAN FERGUSON: Right. All right.  
 20 MR. MACRI: Then we'll put our  
 21 Professional Planner on, Mr. David Spatz.  
 22 CHAIRMAN FERGUSON: Okay.  
 23 David?  
 24 MR. SPATZ: I'm here.  
 25 CHAIRMAN FERGUSON: Okay, David.

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1 things, let me just go into the testimony.  
 2 The property is located in the AA Zone,  
 3 which permits the two-family. And the lot area and  
 4 lot width are permitted and are conforming in the  
 5 zone.  
 6 We do need only one variance, and that  
 7 is for building height, one D variance. So looking  
 8 at that variance, we do exceed the height limitation  
 9 by approximating 8-and-a-half -- 8 feet and one  
 10 story. The height variance is primarily caused by  
 11 the significant slope of the property.  
 12 As Mr. Cocoros described, it goes from  
 13 east to west towards the rear of the property.  
 14 In terms of consistency with the  
 15 neighborhood, there are a number of a recently  
 16 constructed two-family dwellings to the north of our  
 17 property. There are also two-families directly  
 18 across the street. These newer ones are all three  
 19 stories in height and similar in height in terms of  
 20 footage.  
 21 The opposite side of 7th is at a higher  
 22 elevation, but those structures are already above us.  
 23 The properties to the rear are all at a significantly  
 24 lower elevation. So really any development to the  
 25 property would be taller than them.

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1 MS. TESTA: Mr. Spatz, raise your right  
 2 hand.  
 3 Do you swear the testimony you will  
 4 give this application will be the truth, the whole  
 5 truth, and nothing but the truth so help you God?  
 6 MR. SPATZ: Yes, I do.  
 7 D A V I D S P A T Z, P P  
 8 16 Friend Terrace, Harrington Park, New Jersey,  
 9 having been duly sworn, testifies as follows:  
 10 MS. TESTA: State your name for the  
 11 record, please.  
 12 MR. SPATZ: David Spatz, S-P-A-T-Z.  
 13 My business address is 16 Friend  
 14 Terrace in Harrington Park.  
 15 CHAIRMAN FERGUSON: Okay.  
 16 Mr. Spatz, you're on.  
 17 MR. SPATZ: Okay. If I can share my  
 18 screen, I have a photo exhibit just to quickly show.  
 19 I'm not sure if the board -- how much the board can  
 20 see it. But the public can.  
 21 If I can be allowed to share the  
 22 screen, then I can do that.  
 23 Not yet?  
 24 All right. I still haven't been  
 25 allowed. Let me -- since I know you have a lot of

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1 But, again, this is consistent with the  
 2 neighborhood.  
 3 The dwelling, itself, meets all of the  
 4 other setback and coverage limitations of the zone.  
 5 Front yard, rear yard, side yards, the coverage,  
 6 those are all conforming. So the building has really  
 7 been designed to fit within the parameters of the  
 8 property and is not over-large for the site. The  
 9 height is, again, created by the topographical  
 10 conditions. So I think the positive criteria is met  
 11 for this one variance.  
 12 In terms of the negative criteria, I  
 13 don't think there's anything that's substantially  
 14 negative. We are permitted within the zone,  
 15 consistent with the development within the area. The  
 16 setbacks themselves are all conforming, both to the  
 17 side yards, the rear and the front yards.  
 18 There will be additional landscaping,  
 19 as was described this evening, to buffer the  
 20 properties to the rear of us. And attempt will be  
 21 made to maintain one of the trees that are there.  
 22 And additional drainage improvements will be made to  
 23 the property to retain all drainage on the property  
 24 and reduce impacts on the adjacent properties.  
 25 We do have a conforming amount of

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1 parking on the site within the garage and on the  
 2 driveway. Some additional information is going to be  
 3 provided to justify the parking.  
 4 The width of the driveways are  
 5 consistent with what is in the neighborhood for the  
 6 two-family homes. So we're not taking any more  
 7 street parking than would be typical in this type of  
 8 development. So I think the negative criteria,  
 9 likewise, is met.  
 10 Then, on balance, I think that the  
 11 positive impact and the meeting of the positive  
 12 criteria for the one D variance outweighs anything  
 13 that might be considered negative. We've made some  
 14 additional adjustments this evening. And I believe  
 15 on balance the variances could be granted.  
 16 That concludes my testimony because of  
 17 only one variance. If there's any other questions,  
 18 I'll be happy to answer them both from the board and  
 19 the public.  
 20 CHAIRMAN FERGUSON: Okay.  
 21 Mr. Kauker, are you on?  
 22 IT MODERATOR: What was the name?  
 23 CHAIRMAN FERGUSON: Kauker. Mike  
 24 Kauker.  
 25 IT MODERATOR: Yeah.

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1 member have any questions for...  
 2 (No response.)  
 3 CHAIRMAN FERGUSON: No?  
 4 Okay. So I'm going to make a motion to  
 5 approve this application with \$2,000.00 to the Tree  
 6 Preservation Fund. All those requirements that we  
 7 gave. The trees in the back, you're going to have  
 8 Steve take a look at that. And I'll make that  
 9 motion.  
 10 Can I get a second?  
 11 MR. CARNOVALE: I second.  
 12 CHAIRMAN FERGUSON: Roll call.  
 13 MS. KIM: Ferguson?  
 14 CHAIRMAN FERGUSON: Yes.  
 15 MS. KIM: Albanese?  
 16 VICE CHAIRMAN ALBANESE: Yes.  
 17 MS. KIM: Elefteriou?  
 18 MR. ELEFTERIOU: Yes.  
 19 MS. KIM: Carnovale?  
 20 MR. CARNOVALE: Yes.  
 21 MS. KIM: Grala?  
 22 MR. GRALA: Yes.  
 23 MS. KIM: Terranova?  
 24 MR. TERRANOVA: Yes.  
 25 MS. KIM: Yoon?

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1 CHAIRMAN FERGUSON: Okay.  
 2 IT MODERATOR: He just needs to unmute.  
 3 MR. KAUKER: Can you hear me?  
 4 CHAIRMAN FERGUSON: Yes.  
 5 MR. KAUKER: For some reason I was not  
 6 able to unmute.  
 7 Yes, Mr. Chairman.  
 8 Yeah, with respect to David's  
 9 testimony, one of the critical issues that I always  
 10 raise questions with respect to height variance would  
 11 be the heights of other structures in the area and I  
 12 think he adequately addressed that, so I have no  
 13 other questions at this point.  
 14 CHAIRMAN FERGUSON: Okay.  
 15 So, at any rate, any questions from the  
 16 back? No. Anybody else on the line that wants to  
 17 say a word?  
 18 IT MODERATOR: From the public, yeah.  
 19 She just needs to unmute. The same lady. She's not  
 20 unmuted so I don't know.  
 21 MS. TESTA: Does she know to unmute?  
 22 IT MODERATOR: It says. It comes up on  
 23 the screen.  
 24 MS. TESTA: Oh, okay.  
 25 CHAIRMAN FERGUSON: Okay. Any board

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1 MS. YOON: Yes.  
 2 MS. KIM: Brogna?  
 3 MR. BROGNA: Yes.  
 4 MS. KIM: Chung?  
 5 MR. CHUNG: Yes.  
 6 MR. MACRI: Thank you.  
 7 CHAIRMAN FERGUSON: Okay. Do you guys  
 8 want to take a break? Yes? No? Yes.  
 9 VICE CHAIRMAN ALBANESE: Yes.  
 10 CHAIRMAN FERGUSON: All right. Take a  
 11 five-minute break.  
 12 (Whereupon, a brief recess is held.)  
 13 CHAIRMAN FERGUSON: Roll call for  
 14 attendance.  
 15 MS. KIM: Ferguson?  
 16 CHAIRMAN FERGUSON: Here.  
 17 MS. KIM: Albanese?  
 18 VICE CHAIRMAN ALBANESE: Here.  
 19 MS. KIM: Elefteriou?  
 20 MR. ELEFTERIOU: Here.  
 21 MS. KIM: Carnovale?  
 22 MR. CARNOVALE: Here.  
 23 MS. KIM: Grala?  
 24 MR. GRALA: Here.  
 25 MS. KIM: Terranova?

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1 MR. TERRANOVA: Here.  
 2 MS. KIM: Yoon?  
 3 (No response.)  
 4 MS. KIM: She's not back yet.  
 5 MR. GRALA: She stepped out for a phone  
 6 call, I think.  
 7 MS. KIM: Brogna?  
 8 MR. BROGNA: Here.  
 9 MS. KIM: Chung?  
 10 MR. CHUNG: Yes.  
 11 CHAIRMAN FERGUSON: Okay. Next on the  
 12 old agenda is 117 Morningside Lane, Case Number  
 13 21-23, Counselor, appearance.  
 14 MR. MACRI: Thank you, Mr. Chairman.  
 15 Marc Macri on behalf of CD Developers, the record  
 16 owner of the property located at 117 Morningside Lane  
 17 here in the borough.  
 18 We're here this evening seeking the  
 19 board's approval to demolish the existing dwelling  
 20 and all structures located upon the property and  
 21 construct a new two-family dwelling with a rooftop  
 22 deck in the rear of the property facing west.  
 23 I have two experts with me this  
 24 evening, Mr. Bill Cocoros, who stands to my right,  
 25 and Mr. David Spatz, our Professional Planner, who is  
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1 60-foot wide and it's irregular in shape. It's  
 2 114-foot deep on the -- it looks like the left-hand  
 3 side, or the south side. On the right it's 95 feet.  
 4 Then there's a little dogleg that brings it toward  
 5 Bergen Boulevard at 36.9 feet.  
 6 Lot area is 7,050.78 square feet.  
 7 Also, the property, itself, has -- the back portion  
 8 of the property fronts along Bergen Boulevard.  
 9 However, we're not going to be doing anything on the  
 10 Bergen Boulevard side. The retaining wall, concrete  
 11 sidewalk, whatever improvements are there will stay  
 12 the same.  
 13 This property also as a big topographic  
 14 difference from front to back. At the front we have  
 15 -- one second -- 249.29 feet.  
 16 At the rear, it goes down to 233. So  
 17 we have almost a 15-foot difference also. And, as  
 18 the previous property, most of the change in the  
 19 elevation happens in the front portion of the  
 20 building where it drops down almost a full story from  
 21 the street level down just behind the driveway level.  
 22 We are proposing a retaining wall to  
 23 bring up the property slightly. The retaining wall  
 24 itself will be 5-foot high. And it will basically  
 25 align with the adjacent retaining wall to the left of  
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1 available on Zoom.  
 2 If I can have Mr. Cocoros sworn in,  
 3 we'll begin.  
 4 MS. TESTA: Raise your right hand.  
 5 Do you swear the testimony you'll give  
 6 this application will be the truth, the whole truth,  
 7 and nothing but the truth, so help you God?  
 8 MR. COCOROS: I do.  
 9 V A S S I L I O S C O C O R O S, AIA,  
 10 467 Sylvan Avenue, Englewood, Cliffs, New Jersey,  
 11 having been duly sworn, testifies as follows:  
 12 MS. TESTA: State your name for the  
 13 record, please.  
 14 MR. COCOROS: Vassilios,  
 15 V-A-S-S-I-L-I-O-S, Cocoros, C-O-C-O-R-O-S,  
 16 467 Sylvan Avenue, Englewood Cliffs, New Jersey.  
 17 CHAIRMAN FERGUSON: Okay. Mr. Cocoros,  
 18 you're on.  
 19 MR. COCOROS: This property is  
 20 117 Morningside Lane. It's located right on the  
 21 border of Fort Lee. The front portion of the  
 22 property, although the building is not in the Fort  
 23 Lee portion, but the front triangle slice is partly  
 24 in the Fort Lee portion.  
 25 The property, itself, is oversized at  
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1 us and align with the adjacent retaining wall that's  
 2 on the property to the right of us so filling the  
 3 property up.  
 4 In addition, we're also relocating the  
 5 sanitary sewer line, where we have the proposed  
 6 layout to put the sanitary sewer in the rear yard.  
 7 We have a schematic plan set up. However, if this is  
 8 approved, we'll provide a fully-engineered sanitary  
 9 plan that will be reviewed and approved by the board  
 10 engineer.  
 11 The building, itself, is 42 feet 82  
 12 inches at the front. At the back, 46-foot wide. And  
 13 the depth is 69 feet 4 inches.  
 14 We have a side yard setback of 7 feet  
 15 at the rear portion. At the front, we have a setback  
 16 of 7 feet also. That's actually a little bit more  
 17 because the building itself jogs in about a  
 18 foot-and-a-half, so it's almost 8-and-a-half feet.  
 19 Then we have 3 feet 8 inches to the staircase, where  
 20 we're allowed to go 3 feet from the side yard.  
 21 Since this lot is more than a  
 22 50-foot-wide lot, the side yard requirements increase  
 23 where. We have a requirement of 9 feet 4 inches,  
 24 we're proposing 7 feet at the closest point. At the  
 25 front it's about 8-and-a-half feet. And the setbacks  
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1 themselves, although they require a variance, they do  
2 exceed the setback requirements of a typical  
3 50-by-100 lot.

4 The building, itself, will be set back  
5 20 feet from the front portion of Morningside Lane.  
6 At the back, we have a setback on the right-hand side  
7 of 26 feet 11-and-one-eighth inch measured to the  
8 property line on the angle. On the left side, we  
9 have a side yard setback of 36 feet 2-and-one-eighth  
10 of an inch measured perpendicular to the lot line  
11 along Bergen Boulevard.

12 So the variances we're here for are for  
13 the side yard setbacks, which is (inaudible) portion.  
14 And that's based on the requirement for a  
15 60-foot-wide lot. We're also here for the height  
16 requirement.

17 The building, itself, at the front  
18 looks like a typical three-story duplex. At the  
19 back, however, at the drop off we do have a  
20 four-story configuration.

21 However, as in the previous  
22 application, we removed the finished portion of the  
23 basement to, you know, a subbasement to at least have  
24 a crawl space to avoid having that as living area.

25 At the back, we have the basement,  
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1 Above, we have the attic floor plan: A  
2 small finished attic, powder room, a small bar area,  
3 a sliding glass, and a roof deck that's above the  
4 master down below. So the roof -- even though  
5 there's a roof deck at that portion, there's no room,  
6 so the volume of the building appears to be smaller.

7 Also, we're proposing drainage  
8 improvements on the property, and sewer. However,  
9 this would be subject to the board engineer's  
10 comments included.

11 On this one, we did actually separate  
12 the seepage pits. We do have a seepage pit in the  
13 front, two seepage pits in the rear behind the  
14 retaining wall at the lowest point of the property so  
15 it drains properly back there.

16 At the front, if the board engineer  
17 Steve requests it, we can also add drainage, trench  
18 drains, to alleviate water going down Morningside  
19 Lane. There are also catch basins that we will be  
20 providing (inaudible).

21 MR. MACRI: That's it.

22 CHAIRMAN FERGUSON: Okay. So just one  
23 or two quick ones. Behind the garages, based off the  
24 drawings, do I detect a bathtub behind it.

25 MR. COCOROS: Yeah, a shower.

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1 first floor, second floor, and we have a small roof  
2 attic level that has a view out towards the  
3 Meadowlands looking towards the west. So I'll go to  
4 the floor plans.

5 so, basically, we have a two-car garage  
6 in the back, a 17-foot-wide garage door. We have a  
7 19-foot-10 garage. A utility room. We have all the  
8 (inaudible) to the basement level. We have it set up  
9 with a home office, gym, utility room. And we have a  
10 staircase up to the first floor. This is designed  
11 for the owner to be owner/occupied dwelling units.  
12 That's the way we have it set up, a custom house for  
13 his needs and requirements.

14 The first floor is the main living  
15 space, living room, dining room. At the back, we  
16 have a kitchen with an eat-in area, then a deck  
17 that's overlooking the backyard, which has also the  
18 frontage on Bergen Boulevard.

19 The next sheet, A-3, we have the  
20 bedroom that's on top. We have a two-bedroom  
21 configuration. At the front, we have -- each bedroom  
22 has their own bathroom. At the back, we have a  
23 master primary suite that has an en suite master  
24 bathroom with a shower, tub area, alcove and a double  
25 sink with a makeup counter.

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1 CHAIRMAN FERGUSON: But the showers are  
2 allowed.

3 MR. COCOROS: We asked for the...

4 CHAIRMAN FERGUSON: No bathrooms. No  
5 shower, powder room. Yes, all right.

6 That's number one.

7 Number two, the this thing on top,  
8 yeah, you know, the one that's on top coming up,  
9 where is this? Is that in front or in the back?

10 MR. COCOROS: No. In the back.

11 CHAIRMAN FERGUSON: It's in the back.

12 MR. COCOROS: Yeah.

13 CHAIRMAN FERGUSON: So you're going to  
14 have a view of the...

15 MR. COCOROS: Meadowlands.

16 CHAIRMAN FERGUSON: Of the Meadowlands,  
17 okay.

18 And the difference between the old  
19 plans and the new plans, if I'm reading this right,  
20 which I'm probably wrong, is that the subbasement  
21 you've taken out?

22 MR. COCOROS: Correct.

23 CHAIRMAN FERGUSON: It's just going to  
24 be a crawl space.

25 MR. COCOROS: Yeah.

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1 CHAIRMAN FERGUSON: All right.  
 2 MR. COCOROS: Non-habitable.  
 3 CHAIRMAN FERGUSON: Non-habitable.  
 4 So it won't be finished.  
 5 MR. COCOROS: Correct.  
 6 CHAIRMAN FERGUSON: Okay. Our  
 7 attorneys taking notes.  
 8 As I look, I don't -- you know, I don't  
 9 see any other issues, as far as I'm concerned. Any  
 10 board members have any issues?  
 11 MR. TERRANOVA: Yes. The building  
 12 height is 40 foot.  
 13 MR. COCOROS: That's a function of the  
 14 big drop-off in the back.  
 15 MR. TERRANOVA: I understand but...  
 16 MR. COCOROS: At the front it looks  
 17 like a typical three-story duplex.  
 18 MR. TERRANOVA: I know.  
 19 MR. COCOROS: We can reduce it by  
 20 building more retaining walls.  
 21 CHAIRMAN FERGUSON: Well, let's put it  
 22 this way. Let me just...  
 23 What's in the back of the building.  
 24 MR. COCOROS: It's basically just the  
 25 yard, the retaining wall.

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1 MR. COCOROS: We have a roof deck in  
 2 the back. The first floor is typically -- is  
 3 typically done at 9 foot.  
 4 MR. CARNOVALE: What about the  
 5 upstairs? That's usually 8 foot. You have it at  
 6 nine.  
 7 MR. COCOROS: At the back where the  
 8 master suite, we tried to keep it a 9-foot ceiling.  
 9 MR. CARNOVALE: Well, between that and  
 10 the roof deck you added how many feet, though.  
 11 MR. COCOROS: I mean, yeah, let's say,  
 12 if we did the top --  
 13 MR. CARNOVALE: The top floor 8 foot.  
 14 MR. COCOROS: It adds a foot, let's  
 15 say, to the top floor.  
 16 MR. CARNOVALE: I'm sorry.  
 17 MR. COCOROS: If we do the top floor,  
 18 it adds a foot.  
 19 The first floor is also a 2 foot.  
 20 MR. CARNOVALE: Like you said,  
 21 typically the first floor is 9, the second floor is  
 22 8, correct?  
 23 MR. COCOROS: Yes.  
 24 MR. CARNOVALE: I've go another  
 25 question for you. The back yard, is there a sewer

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1 CHAIRMAN FERGUSON: Isn't Bergen  
 2 Boulevard.  
 3 MR. COCOROS: Yes.  
 4 CHAIRMAN FERGUSON: There's no house  
 5 behind there.  
 6 MR. COCOROS: No.  
 7 MR. MACRI: It fronts on two streets.  
 8 CHAIRMAN FERGUSON: Right. Just, yeah,  
 9 Morningside is one and --  
 10 MR. MACRI: Bergen Boulevard.  
 11 CHAIRMAN FERGUSON: So there's no house  
 12 behind it.  
 13 MR. COCOROS: Correct.  
 14 CHAIRMAN FERGUSON: Now, if you want to  
 15 build a retaining wall...  
 16 MR. TERRANOVA: You have still 39 foot  
 17 4 inches in the front of the house too.  
 18 MR. CARNOVALE: Mr. Chairman?  
 19 CHAIRMAN FERGUSON: Yes.  
 20 MR. COCOROS: That's measured to the  
 21 feet, you know, the midpoint is 34.4.  
 22 MR. CARNOVALE: I also see you have  
 23 9 foot for the first floor, 9 foot for the second.  
 24 MR. COCOROS: Yes.  
 25 MR. CARNOVALE: Is that because what?

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1 running through there.  
 2 MR. COCOROS: Yes.  
 3 That's where we're relocating it.  
 4 MR. CARNOVALE: How big is that sewer;  
 5 do you know?  
 6 MR. COCOROS: It's probably 8 inches.  
 7 MR. CARNOVALE: Is there an easement in  
 8 the backyard too?  
 9 MR. COCOROS: No, there is no easement  
 10 right now.  
 11 But we will provide an easement if this  
 12 is improved. There will be an easement on the  
 13 property that will continue to adjacent properties.  
 14 The sewer, itself, there is no easement on the survey  
 15 we got.  
 16 As far as I know, there's no easement  
 17 for this sewer. The only easement they have is any  
 18 new developments along that portion.  
 19 MR. CARNOVALE: So that serves all the  
 20 houses on Morningside, I believe.  
 21 MR. COCOROS: I think so.  
 22 On that portion of Morningside.  
 23 MR. SIMOFF: If I may add?  
 24 MS. TESTA: Hal is saying something.  
 25 CHAIRMAN FERGUSON: Yes.

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1 MR. SIMOFF: In speaking to Steve,  
2 there's also a possibility -- right now the sewer  
3 goes to Fort Lee, and the Borough pays -- reimburses  
4 Fort Lee for the charges. Steve was looking at, you  
5 know, putting in the -- if the sewer is brought up  
6 Broad Street, he was thinking that maybe this could  
7 be added to that borough -- the Palisades borough  
8 sewer.

9 CHAIRMAN FERGUSON: Okay.

10 MR. SIMOFF: The easement is based on  
11 Steve's recommendation, are that it has to be  
12 approved for that additional access. But that's in  
13 his report.

14 CHAIRMAN FERGUSON: Yeah, okay. I'm  
15 told that the applicant has agreed.

16 MR. MACRI: Yeah, we'll follow  
17 Mr. Collazuol's recommendation.

18 MS. TESTA: Right.  
19 He's asking for an easement in his  
20 report.

21 MR. MACRI: To connect to the borough  
22 sewer line.

23 MS. TESTA: Okay.

24 CHAIRMAN FERGUSON: The other thing is,  
25 just to get back to what Mr. Terranova's comment. I

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1 members have any other comments.

2 MR. MACRI: Mr. Chairman, 8 feet on the  
3 second floor, can we put the full bath back in the  
4 basement.

5 CHAIRMAN FERGUSON: No, no. You  
6 stumbled on one of my major -- which some of my  
7 fellow board members don't agree with it.

8 But, you know, it is what it is. I  
9 mean, we're trying to keep, you know, illegal three  
10 families, you know.

11 Anybody on the telephone who would like  
12 to be heard?

13 IT MODERATOR: Yeah, one person.

14 CHAIRMAN FERGUSON: Okay.

15 MR. SHVETS: Can you hear me?

16 CHAIRMAN FERGUSON: Yes.

17 Your name and address, my friend.

18 MR. SHVETS: Yes.

19 Sergey Shvets, 1033B Morningside Lane.

20 MS. TESTA: Could you spell your last  
21 name?

22 MR. SHVETS: I'm sorry?

23 MS. TESTA: Can you spell your last

24 name?

25 MR. SHVETS: S-H-V-E-T-S.

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1 agree that whenever it's possible to lower the height  
2 of a house, we could do that. I mean, that's  
3 obvious.

4 So if you have a 9-foot second floor,  
5 you know, I think it would be worthwhile to move to  
6 8 foot. At least it's a foot, I mean.

7 Now, do you have anything else? Do  
8 you have any other suggestions?

9 MR. CARNOVALE: The only thing I see,  
10 Mr. Chairman, is I agree the 9 foot on the third  
11 floor could be dropped to 8. That's typical.

12 That will chop a foot off. Did they  
13 agree to that? I wasn't paying attention.

14 CHAIRMAN FERGUSON: Well, I get usually  
15 9 foot on the first floor and then 8 foot.

16 MR. CARNOVALE: Right, right.

17 CHAIRMAN FERGUSON: So he's -- what  
18 we're going to do, we're going to take a foot off the  
19 second floor.

20 MR. CARNOVALE: That's great.

21 CHAIRMAN FERGUSON: You know, do you  
22 have any other suggestions about height.

23 MR. CARNOVALE: I don't know. The roof  
24 deck, but...

25 CHAIRMAN FERGUSON: Okay. Any board

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1 MS. TESTA: Okay.

2 MR. SHVETS: Our house is right on the  
3 right side of the property of this house right now.

4 And our question is, when the description of the  
5 architect is seeking for the variance for the left  
6 and right side of the -- right -- for some reason, I  
7 know the town has established a minimum side of 9.3  
8 feet.

9 So I'm assuming that's the cause of the  
10 variance. That's the cost of living. So the house  
11 is not going to be, like, window to window. I don't  
12 understand why the left side is permitted. The left  
13 to right side 27 feet.

14 MR. COCOROS: We could make the house  
15 deeper as far as the footprint goes. So we wanted to  
16 get a two-car garage. In the front there's no  
17 parking on that portion of Morningside Lane.

18 So, you know, it was a tradeoff. You  
19 know, we requested a side yard setback. But we could  
20 have gone deeper with the house?

21 MR. SHVETS: Our cost of living  
22 (inaudible).

23 MR. MACRI: Can you repeat that  
24 question, sir?

25 MR. SHVETS: It's our cost of living

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1 because I don't want to live window to window to the  
 2 new house.  
 3 MR. COCOROS: It's not window to  
 4 window. We're still -- if it was a 50-foot-wide lot,  
 5 we could go 6 feet. We have 7 feet -- we have 7 feet  
 6 on the one portion at the back. And at the front  
 7 it's actually about 8-and-a-half feet.  
 8 MR. SHVETS: The town -- why can't you  
 9 break the ordinance.  
 10 MR. COCOROS: We're here for a  
 11 variance. There's different reasons for each  
 12 variance. And one of the reasons are the  
 13 configuration of the property. We could have gone  
 14 deeper. But it would have been more of an intrusion.  
 15 It would have made the building look bigger. It's  
 16 basically a 1-foot-4-inch variation at the  
 17 two-thirds. At the front portion it's almost in  
 18 compliance.  
 19 MR. SHVETS: But if it's going to go  
 20 deeper, that's fine.  
 21 But if it's going (inaudible).  
 22 So why would we need to break it the way that way  
 23 going closer to our house? If you need to go deeper,  
 24 if you need to go down to Bergen.  
 25 Like, the problem is closer to my

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1 application?  
 2 (No response.)  
 3 CHAIRMAN FERGUSON: No? Great.  
 4 So do you have another witness you're  
 5 going to put on?  
 6 MR. MACRI: I do.  
 7 Mr. David Spatz, our Professional  
 8 Planner.  
 9 CHAIRMAN FERGUSON: Mr. Spatz, are you  
 10 on us?  
 11 MR. SPATZ: I am here.  
 12 CHAIRMAN FERGUSON: All right, let's  
 13 go.  
 14 MS. TESTA: Raise your right hand. Do  
 15 you swear the testimony you'll give in this  
 16 application will be the truth, the whole truth, and  
 17 nothing but the truth, so help you God?  
 18 MR. SPATZ: Yes, I do.  
 19 D A V I D S P A T Z, P P  
 20 16 Friend Terrace, Harrington Park, New Jersey,  
 21 having been duly sworn, testifies as follows:  
 22 MS. TESTA: Please state your name for  
 23 the record.  
 24 MR. SPATZ: David Spatz, S-P-A-T-Z.  
 25

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1 house. But why is it breaking in the way that it  
 2 needs to go closer to my house?  
 3 MR. MACRI: As the architect just  
 4 testified, we're trying to accommodate two cars in  
 5 the driveway because there's no parking permitted on  
 6 that street.  
 7 MR. SHVETS: Right.  
 8 But why it's the problem of me? You're  
 9 trying to accommodate something that doesn't fit in  
 10 the space.  
 11 MR. MACRI: That's why we're here, sir.  
 12 MR. SHVETS: There's a space, right.  
 13 There's an established space, an established  
 14 ordinance on line 33, right? That's fine. So why do  
 15 we need to --  
 16 MR. COCOROS: That's what the board is  
 17 here for. They're allowed to hear applications based  
 18 on each individual case. This is what we're  
 19 requesting.  
 20 MR. SHVETS: Exactly.  
 21 But this is my life blood. So that  
 22 affects us.  
 23 CHAIRMAN FERGUSON: All right.  
 24 Thank you for your comments. Does  
 25 anybody in the back have any comments for this

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1 DIRECT EXAMINATION  
 2 BY MR. MACRI:  
 3 Q. Mr. Spatz, can you please explain to  
 4 the board why the variances can be granted?  
 5 A. If I can -- if I can share my screen, I  
 6 have a photo exhibit. Okay.  
 7 Okay. Here is the photo exhibit. I  
 8 hope the board can see it. I'll send copies in to  
 9 Ms. Testa for the record.  
 10 You have an existing two-story building  
 11 on the property. Looking to the right of our  
 12 property, there is a series of two-family homes,  
 13 new-ish family homes, affected the same way by the  
 14 steep slope of the property. The property to the  
 15 left of us is also a larger, newer two-family home.  
 16 And then two-family homes are located directly across  
 17 the street from us.  
 18 So we have -- we're in the R-AA Zone,  
 19 which permits two-family dwellings. The lot, itself,  
 20 exceeds the lot area and lot width requirements of  
 21 the zone.  
 22 As Mr. Cocoros indicated, we are  
 23 60-feet wide and 50 feet is the width of the lot.  
 24 We have two variances that we're  
 25 seeking. We have a D variance for building height,

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1 then a C variance for side yard, as we just  
 2 discussed.  
 3 Looking at the D variance first. The  
 4 dwelling exceeds the height limitation as designed by  
 5 approximately 12 feet. We've reduced that by a foot.  
 6 The height variance is caused, again, as Mr. Cocoros  
 7 described, by the significant slope of the property  
 8 from east to west towards the rear of the lot.  
 9 From the street, the building does  
 10 appear to be a three-story, which would typically the  
 11 height of the buildings in that area.  
 12 As was mentioned before, Bergen  
 13 Boulevard is behind us. There is no dwelling behind  
 14 us. So in terms of the impact from the height, it  
 15 will not affect any properties behind us. The  
 16 two-family dwelling, the newer ones in the area are  
 17 all three stories in the height along the street  
 18 frontage and four stories to the rear because of the  
 19 topographical change. So we are consistent with the  
 20 neighborhood building heights, particularly on our  
 21 side of Morningside.  
 22 Looking at the side yard variance, I  
 23 will note that the building conforms to the front  
 24 yard, rear yard, and lot coverage requirements of the  
 25 zone. We also have a conforming lot area per unit.

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1 permitted within the zone, compatible with the  
 2 existing neighborhood development, which consists of  
 3 a lot of two-family dwellings.  
 4 We have a conforming amount of parking  
 5 on the property. The width of the driveway again is  
 6 consistent with the two-families that have been built  
 7 within the area. The building is little bit wider so  
 8 that we can provide two cars within -- within the  
 9 building, itself.  
 10 The setbacks are primarily affected by  
 11 the topography of the property. We are wider than  
 12 what is typical.  
 13 As we do widen, the building narrows  
 14 towards the rear, towards the front. It is just a  
 15 little bit off the larger side yard setback that's  
 16 required.  
 17 So in terms of the positive and  
 18 negative criteria, I think the positive criteria is  
 19 met and significantly outweighs anything that might  
 20 be considered negative. And I believe it would be  
 21 appropriate to grant the two variances that we're  
 22 seeking.  
 23 And that concludes my testimony. If  
 24 there are any additional questions, I'll be glad to  
 25 answer them.

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1 We do not meet the side yard setback  
 2 requirements because we are a wider lot. What's  
 3 required is 9.33 feet, and we are at a minimum  
 4 7 feet. We are about 8-and-a-half feet at the front.  
 5 And it's caused by several items.  
 6 Because of the topographical slope of  
 7 the property, the access stairs are in the -- on the  
 8 side yard to gain access to the building.  
 9 Because we are a wider lot, a greater  
 10 side yard is required. At a 50-foot lot, we'd only  
 11 be required to have 6 feet, and we are at 7 feet at a  
 12 minimum, going up to 8-and-a-half. So in terms of  
 13 the side yard setback, it is consistent with the  
 14 newer development in the area.  
 15 And, again, it was mentioned by  
 16 Mr. Cocoros, we want to provide two cars within the  
 17 garage, and that causes the building to be a little  
 18 bit wider. But because the property is not perfectly  
 19 rectangular, it does narrow down towards the rear.  
 20 The front at the street is just slightly off what is  
 21 required.  
 22 So in terms of the D and C variances, I  
 23 think the positive criteria are met.  
 24 Looking at the negative criteria, we  
 25 are consistent with the surrounding land uses

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1 MR. MACRI: Thank you.  
 2 CHAIRMAN FERGUSON: Mr. Kauker, do you  
 3 have anything?  
 4 (No response.)  
 5 CHAIRMAN FERGUSON: Mr. Kauker?  
 6 MR. MACRI: Let's mark his photo  
 7 exhibit A-1.  
 8 The photo Exhibit A-1.  
 9 MS. TESTA: Yes.  
 10 (Whereupon, Photo Exhibit is marked as  
 11 Exhibit A-1 for identification.)  
 12 MR. KAUKER: For some reason or other I  
 13 can't unmute. It says the host won't allow you.  
 14 No. I heard Mr. Spatz's testimony.  
 15 And I believe he covered all the bases. I have no  
 16 specific questions for him.  
 17 CHAIRMAN FERGUSON: Okay. All right.  
 18 Do you want to sum up, Counselor?  
 19 MS. TESTA: We probably should open up  
 20 once to the public.  
 21 CHAIRMAN FERGUSON: Okay. Anybody in  
 22 the public?  
 23 (No response.)  
 24 CHAIRMAN FERGUSON: Nobody is on the  
 25 phone?

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1 IT MODERATOR: No, sir.  
 2 CHAIRMAN FERGUSON: No, okay. Sum up.  
 3 MR. MACRI: That is our applications.  
 4 One of the few points. One, A-1, the photo exhibit  
 5 that was shown by David Spatz will be marked as A-1.  
 6 We will provide an easement for the  
 7 newly installed sewer. We're going to reduce our  
 8 second floor ceiling height to 8 feet. We're going  
 9 to remove the tub and shower in the basement. And in  
 10 the event that we're able to tie into the borough  
 11 sewer line, we'll explore that with the above and  
 12 comply. That's our application.  
 13 CHAIRMAN FERGUSON: All right, I'll  
 14 make that motion.  
 15 Can I get a second?  
 16 MR. CARNOVALE: I second.  
 17 CHAIRMAN FERGUSON: And \$2,000.00 to  
 18 the Tree Preservation Fund also.  
 19 Roll call.  
 20 MS. KIM: Ferguson?  
 21 CHAIRMAN FERGUSON: Yes.  
 22 MS. KIM: Albanese?  
 23 VICE CHAIRMAN ALBANESE: Yes.  
 24 MS. KIM: Elefteriou?  
 25 MR. ELEFTERIOU: Yes.

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1 This is a commonly known as a  
 2 six-over-six, one apartment over the next.  
 3 As the same two applications, this  
 4 evening I have Mr. Bill Cocoros and Mr. David Spatz,  
 5 planner.  
 6 CHAIRMAN FERGUSON: Take it away, my  
 7 friend.  
 8 MS. TESTA: Do you swear the testimony  
 9 you will give this application will be the truth, the  
 10 whole truth, and nothing but the truth, so help you  
 11 God.  
 12 MR. COCOROS: I do.  
 13 VASSILIOS COCOROS, AIA,  
 14 467 Sylvan Avenue, Englewood, Cliffs, New Jersey,  
 15 having been duly sworn, testifies as follows:  
 16 MS. TESTA: State your name for the  
 17 record.  
 18 MR. COCOROS: Vassilios,  
 19 V-A-S-S-I-L-I-O-S, Cocoros, C-O-C-O-R-O-S,  
 20 467 Sylvan Avenue, Englewood Cliffs, New Jersey  
 21 07632.  
 22 CHAIRMAN FERGUSON: Okay.  
 23 DIRECT EXAMINATION  
 24 BY MR. MACRI:  
 25 Q. Mr. Cocoros, could you please describe

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1 MS. KIM: Carnovale?  
 2 MR. CARNOVALE: Yes.  
 3 MS. KIM: Grala?  
 4 MR. GRALA: Yes.  
 5 MS. KIM: Terranova?  
 6 MR. TERRANOVA: No.  
 7 MS. KIM: Yoon?  
 8 MS. YOON: Yes.  
 9 MS. KIM: Brogna?  
 10 MR. BROGNA: Yes.  
 11 MS. KIM: Chung?  
 12 MR. CHUNG: Yes.  
 13 CHAIRMAN FERGUSON: And the vote was.  
 14 The vote was?  
 15 MS. KIM: Six-one.  
 16 MS. TESTA: Six-one.  
 17 CHAIRMAN FERGUSON: Six-one. Okay,  
 18 thank you.  
 19 Okay, next up, 71 Henry Avenue.  
 20 MR. MACRI: Once again, for the record,  
 21 my name is Marc Macri. I represent the applicant at  
 22 71 Henry Avenue, LLC, who owns the property at  
 23 71 Henry Avenue here in borough.  
 24 My client's here seeking the board's  
 25 permission to construct a two-family dwelling.

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1 our proposed project?  
 2 A. Sure.  
 3 It's a 6-over-6, two-family located on  
 4 71 Henry Street.  
 5 Q. Avenue.  
 6 A. The property is 40-feet wide by  
 7 114-feet deep. It's located on the north side of  
 8 Henry Avenue, 186 feet east of Grand Avenue.  
 9 The existing property, construct a  
 10 32-foot-wide-by-64-feet-deep, two-family dwelling.  
 11 It's a three-story configuration.  
 12 However, in the back we are, kind of,  
 13 buried inground a little bit because the property  
 14 does go up in the back with the sidewalk is about  
 15 43-and-a-half, and then goes up to 45 on the  
 16 right-hand side going east up towards Broad Avenue.  
 17 The lot size, itself, is 4,560 square feet.  
 18 We're proposing a 4-foot side yard  
 19 setback, which is a little more than a typical  
 20 3-and-a-half that we've been proposing. So we are  
 21 giving ourself a little bit more room.  
 22 The existing four-family to the right  
 23 of us. There is adequate side yard setback. So we  
 24 think we can accommodate the three-level  
 25 configuration, two apartments. The basement is

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1 connected to the first floor apartment.  
 2 I'll go to Sheet A-2. The front we  
 3 have a two-car garage, utility room. Steps up to a  
 4 hallway. Connection to the first floor apartment at  
 5 the back. We have a recreation room, home office,  
 6 den, a door on the right side, a powder room, no full  
 7 bathroom.  
 8 The first floor is the main primary  
 9 living space. We have three-bedroom configuration.  
 10 We have the master in the back, an en suite bathroom,  
 11 shared hallway bathroom with two secondary bedrooms  
 12 with a small powder room off the hallway. Living  
 13 room, dining room. In the back we have the kitchen  
 14 area with eating area and deck 10 feet off the back.  
 15 The second floor is the same  
 16 configuration as the first floor. So the typical  
 17 6-over-6. However, we do have a larger lot area so  
 18 (inaudible) 25 foot from the front, which aligns with  
 19 the adjacent dwelling.  
 20 We have 25-foot rear yard requirements.  
 21 However, we are requesting variances for the side  
 22 yard setbacks, where 5 feet is required. Because  
 23 we're a duplex we're proposing 4 feet. The combined,  
 24 14 feet is required. We're proposing 8 feet. We're  
 25 slightly over the coverage of 44.9 percent.

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1 too much on this one. I started to see the bathtubs  
 2 in the garage. That's always a plus.  
 3 But other than that, I mean, the height  
 4 of the building is only 30 feet, you know, it's not  
 5 -- it's really 67. So I have nothing.  
 6 Do any board members have anything?  
 7 (No response.)  
 8 CHAIRMAN FERGUSON: No? No board  
 9 members.  
 10 Anybody in the audience?  
 11 (No response.)  
 12 CHAIRMAN FERGUSON: No.  
 13 Anybody on the phone?  
 14 IT MODERATOR: No.  
 15 CHAIRMAN FERGUSON: Nobody is on the  
 16 phone.  
 17 Call your next witness.  
 18 MR. MACRI: I'll move on to Mr. David  
 19 Spatz, our Professional Planner.  
 20 MS. TESTA: Mr. Spatz, do you swear  
 21 that the testimony you'll provide in this application  
 22 will be the truth, the whole truth, and nothing but  
 23 the truth, so help you God.  
 24 MR. SPATZ: Yes, I do.  
 25

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1 Variance, land dwelling unit, 2-and-a-half, we have  
 2 2,280 square feet. That's a variance.  
 3 Lot size and lot width are preexisting,  
 4 nonconforming conditions.  
 5 The height, we have a three-story  
 6 structure, where 2-and-a-half, 25 feet, duplex is  
 7 standard. We have three stories and  
 8 30 feet 8 inches. So we are requesting a variance  
 9 for the height.  
 10 Part of the reason for the height  
 11 variance is, given the last rains that we had in the  
 12 storm, what we did is we tried to keep the -- we did  
 13 keep the garage, the driveway a little bit higher  
 14 than the street to keep the water away.  
 15 Once again, the requirements, we would  
 16 abide by the requirements.  
 17 Then we tried to keep the basement  
 18 underground. There's a small underground. I don't  
 19 think that will be an issue. It's just above the  
 20 grade line. Any water comes down, especially from  
 21 Broad Avenue down there. So that's looking at it  
 22 from the front to back. It's still basically three  
 23 stories, which is typical for other duplexes in that  
 24 area.

CHAIRMAN FERGUSON: Okay. I don't have  
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1 D A V I D S P A T Z, P P  
 2 16 Friend Terrace, Harrington Park, New Jersey,  
 3 having been duly sworn, testifies as follows:  
 4 MS. TESTA: State your name, please.  
 5 MR. SPATZ: David Spatz, S-P-A-T-Z.  
 6 CHAIRMAN FERGUSON: That's what I like  
 7 to hear, nice and loud.  
 8 DIRECT EXAMINATION  
 9 BY MR. MACRI:  
 10 Q. Thank you, Mr. Spatz.  
 11 Mr. Spatz, do you want to share your  
 12 screen again?  
 13 A. Yes, if I can.  
 14 MR. MACRI: We'll mark the photo  
 15 exhibit as A-1.  
 16 MS. TESTA: Yes.  
 17 (Whereupon, Photo Exhibit is marked as  
 18 Exhibit A-1 for identification.)  
 19 MR. SPATZ: Okay, I have mine marked as  
 20 well. It's a series of four photographs showing the  
 21 building. Adjacent to us is a larger structure, a  
 22 two-family home. The block has a mixture of ones and  
 23 twos. To the left of us is a single-family, but then  
 24 a two family beyond that.

Directly across the street is -- there  
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1 are two two-family homes. There was a larger lot  
 2 that was subdivided.  
 3 So directly across the street from us  
 4 are two new two-family homes being constructed.  
 5 To the east is actually a four-unit  
 6 structure. So we have a four-unit, one unit on  
 7 either side of us, and then larger two-family homes  
 8 directly across the street.  
 9 So we need -- we're in the AA Zone,  
 10 which permits a two-family dwelling. The lot does  
 11 not conform to the lot area or width requirements for  
 12 the zone. They are slightly undersized.  
 13 We need one D variance for building  
 14 height, then C variances for lot area per unit, side  
 15 yard. Building height, we are only slightly over  
 16 what is permitted within the zone.  
 17 The neighboring dwelling, the  
 18 four-family, is three stories in the height, similar  
 19 in height to us. The new two-families across the  
 20 street likewise are similar in height to us. So we  
 21 are consistent with the neighborhood development.  
 22 In terms of the bulk variance, we do  
 23 have an undersized lot. The two properties on either  
 24 side of us are fully developed, to it's not possible  
 25 to obtain additional property to make us larger and

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1 of two-families, including a two newer two-families  
 2 directly across the street.  
 3 The setbacks are consistent with the  
 4 neighborhood and are caused by the narrowness of the  
 5 property. That is the physical hardship that exists.  
 6 The building has been made as narrow as possible  
 7 because of the narrower lot. And we're only one foot  
 8 off on each side yard.  
 9 We do have a conforming amount of  
 10 parking onsite. So, on balance, I believe that the  
 11 positive criteria is met and that outweighs anything  
 12 that might be considered negative, certainly nothing  
 13 substantial. And I believe that it's appropriate to  
 14 grant the variances.  
 15 So that does conclude my testimony. If  
 16 there are any questions, I'm happy to answer them.  
 17 CHAIRMAN FERGUSON: Okay. Any  
 18 questions from the board.  
 19 (No response.)  
 20 CHAIRMAN FERGUSON: Mr. Kauker, any  
 21 questions?  
 22 (No response.)  
 23 CHAIRMAN FERGUSON: Anybody in the back?  
 24 (No response.)  
 25 CHAIRMAN FERGUSON: No questions, okay.

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1 conforming, without of course making them  
 2 nonconforming. And that slightly undersized nature  
 3 generates the variances that we're seeking.  
 4 The lot, itself, is slightly  
 5 undersized, so we don't meet the lot area per unit.  
 6 We're slightly under what is permitted -- what is  
 7 required, 2,500 is required. We're at 2,280, so just  
 8 slightly underneath it.  
 9 In terms of side yards, 5 foot is  
 10 required. Because of the building design, we're able  
 11 to provide 4 foot. But I'll note that the property  
 12 itself is 10 foot narrower than what is permitted, so  
 13 the building, itself, has been scaled down a bit.  
 14 And then the undersized nature of the lot creates the  
 15 bulk variance for lot coverage that we're being  
 16 caused.  
 17 There are additional drainage  
 18 improvements being made to the property, which will  
 19 help compensate for the slightly oversized building.  
 20 So I think the positive criteria exists for both the  
 21 D and C variances.  
 22 In terms of the negative criteria,  
 23 again, I don't believe there's anything that's  
 24 substantially negative. We are consistent with the  
 25 neighborhood which contains a four-family, a number

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1 MR. KAUKER: No questions.  
 2 CHAIRMAN FERGUSON: No questions. All  
 3 right.  
 4 Open to the public.  
 5 Anybody on the telephone?  
 6 IT MODERATOR: No.  
 7 CHAIRMAN FERGUSON: No? We're good.  
 8 IT MODERATOR: No, sir.  
 9 CHAIRMAN FERGUSON: Okay, so I'll make  
 10 a motion we accept this.  
 11 MR. CARNOVALE: I second.  
 12 CHAIRMAN FERGUSON: With, you know,  
 13 Tree Preservation Fund. All right.  
 14 Roll call.  
 15 MS. KIM: Ferguson?  
 16 CHAIRMAN FERGUSON: Yes.  
 17 MS. KIM: Albanese?  
 18 VICE CHAIRMAN ALBANESE: Yes.  
 19 MS. KIM: Elefteriou?  
 20 MR. ELEFTERIOU: Yes.  
 21 MS. KIM: Carnovale?  
 22 MR. CARNOVALE: Yes.  
 23 MS. KIM: Grala?  
 24 MR. GRALA: Yes.  
 25 MS. KIM: Terranova?

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1 MR. TERRANOVA: Yes.  
 2 MS. KIM: Yoon?  
 3 MS. YOON: Yes.  
 4 MS. KIM: Brogna?  
 5 MR. BROGNA: Yes.  
 6 MS. KIM: Chung?  
 7 MR. CHUNG: Yes.  
 8 CHAIRMAN FERGUSON: Okay.  
 9 MR. MACRI: Thank you very much.  
 10 Good evening.  
 11 CHAIRMAN FERGUSON: That's it? That's  
 12 it? There's no more.  
 13 MR. MACRI: I don't want to notice  
 14 five.  
 15 CHAIRMAN FERGUSON: Okay. Do you want  
 16 to take a break?  
 17 MR. ELEFTERIOU: Oh, no.  
 18 CHAIRMAN FERGUSON: Okay, case number  
 19 --  
 20 MS. TESTA: 21-26.  
 21 CHAIRMAN FERGUSON: -- 21-26, PBS  
 22 Developers, 55 West Palisades Boulevard.  
 23 MR. RAMUNDO: Thank you, Mr. Chairman,  
 24 Ms. Testa.  
 25 MS. TESTA: Yes, please. Let the  
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1 the corner lot on West Palisades Avenue and Hillside  
 2 Avenue.  
 3 The applicant respectfully comes before  
 4 this board seeking variance relief and approval to  
 5 demolish the existing two-story frame single-family  
 6 residence that has a detached garage right now to  
 7 construct a new four-unit townhouse on the corner of  
 8 West Palisades and Hillside Avenue.  
 9 In order to accomplish this proposed  
 10 project, the applicant will be respectfully  
 11 requesting the following variances from this board,  
 12 which will be described at length by the architect,  
 13 Joseph Donato, and also by the planner hired by the  
 14 applicant, Mr. David Spatz, whom you've heard from  
 15 tonight.  
 16 So in support of the application,  
 17 testimony will be heard tonight from Mr. Donato, who  
 18 has prepared a plot plan -- it's attached to the  
 19 application -- and from Mr. David Spatz from  
 20 Community Housing & Planning. Mr. Donato will  
 21 describe the proposed site plan, the layout, and how  
 22 this triggers the variances being requested.  
 23 And Mr. Spatz, the expert's planner  
 24 will set forth why the use variance that is being  
 25 sought is not inconsistent with the intent of the  
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1 record reflect that Mr. Elefteriou has recused  
 2 himself from this application and left the dais.  
 3 (Whereupon, Mr. Elefteriou has recused  
 4 himself and stepped off the dais.)  
 5 CHAIRMAN FERGUSON: Okay, take it away.  
 6 MR. RAMUNDO: Thank you, Mr. Chairman.  
 7 I know you want to get out of here. They save the  
 8 best for last so...  
 9 MS. TESTA: Yes.  
 10 MR. RAMUNDO: Ms. Testa, is it okay if  
 11 I just go.  
 12 MS. TESTA: Yes.  
 13 MR. RAMUNDO: Good evening,  
 14 Mr. Chairman, Ms. Testa, Honorable Board Members,  
 15 Professionals and Members of the Public joining us  
 16 via Zoom. My name is Marc Ramundo from the Law  
 17 Offices of Marc Ramundo.  
 18 I'm here representing the applicant,  
 19 PBS Developers Corp., who is the current purchaser  
 20 under contract of property located at 55 West  
 21 Palisades Boulevard designated as Lot 1, Block 211,  
 22 currently owned Nelson Solari, who has granted  
 23 consent to the within application.  
 24 The existing lot is an oversized  
 25 75-by-150 lot consisting of 11,250 square feet. It's  
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1 Master Plan and zoning ordinances.  
 2 In addition, Mr. Spatz will explain why  
 3 the three bulk variances being requested meet both  
 4 the positive and negative criteria under the  
 5 Municipal Land Use Law.  
 6 So without further ado, I'd like to  
 7 call the first witness, Mr. Donato.  
 8 MS. TESTA: Good evening. Raise your  
 9 right hand.  
 10 Do you swear that the testimony you'll  
 11 give this application will be the truth, the whole  
 12 truth, and nothing but the truth, so help you God?  
 13 MR. DONATO: I do.  
 14 J O S E P H D O N A T O, PE  
 15 14 Route 4 West, River Edge, New Jersey, having  
 16 been duly sworn, testifies as follows:  
 17 MS. TESTA: State your name for the  
 18 record, please.  
 19 MR. DONATO: Sure.  
 20 Joseph Donato, D-O-N-A-T-O. Located at  
 21 14 Route 4 West, River Edge, New Jersey.  
 22 CHAIRMAN FERGUSON: Okay, he's been  
 23 here many times.  
 24 We'll accept him as an expert.  
 25 MR. DONATO: Thank you. Start.  
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1 MR. RAMUNDO: Yes, sir.  
 2 MR. DONATO: Good evening, Board  
 3 Members.  
 4 So tonight's application is 55 West  
 5 Palisades Boulevard. It's a corner lot that's  
 6 75-foot-wide-by-150-foot deep. It's a unique piece  
 7 of property. It's located in the one- and two-family  
 8 zone; however, in the surrounding area there's a  
 9 multiple mixed use of one- and two-family, attached  
 10 townhouses, multifamily, and also an apartment-style  
 11 multifamily along with a church across the street.  
 12 So there's a mix of different uses within the area.  
 13 It's located on the corner of the  
 14 Hillside Avenue and West Palisades Boulevard, which  
 15 both these streets are unique in character. Hillside  
 16 is a wider street with a right-of-way of 60 feet.  
 17 It's also a one-way from the north coming down south  
 18 from our property. And West Palisades Boulevard is a  
 19 75-foot-wide street. So it's -- both streets have a  
 20 little bit more right-of-way open space.  
 21 And what we're proposing is to first  
 22 remove or demolish the existing one-story,  
 23 one-and-a-half story, single-family house. Plus  
 24 there's an existing garage in the back corner. And  
 25 there's pavers and pools closer to the neighbors.

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1 together.  
 2 But we want to keep that open space  
 3 with no steps to the outside. We have our main  
 4 entrance at the ground level and no overhangs on the  
 5 sides or the rear.  
 6 So I'll just, kind of, run through our  
 7 plans. Sheet A-2, which is the floor plan for  
 8 basement and first floor. So basically we'll have  
 9 four units attached. And each unit will have two  
 10 indoor parking and two outdoor parking. And we'll  
 11 have an entrance coming off that level. That would  
 12 be -- that is the basement level, but that will be  
 13 the main entrance to the structure.  
 14 We'll have a set of stairs that go up  
 15 to the second floor. The first floor would be above  
 16 the basement. We have open space behind the garage  
 17 with a bathroom and a boiler room, and then two-car  
 18 -- the two-car inside, two-car outside.  
 19 Also, typically on a corner lot -- and  
 20 I'll go through the zoning -- you're required -- the  
 21 minimum required is 15 feet off the corner.  
 22 Again, the concept of the open space,  
 23 we pushed this 20 feet. So, again, more open space to  
 24 the front and it would allow for easier parking of  
 25 two -- of the two exterior parking stalls.

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1 What we're proposing is to remove all that.  
 2 Also, what's unique about this is the  
 3 grade from the corner heading north along Hillside  
 4 goes up 3 feet. Then heading east on Palisade goes  
 5 up almost 4 feet, 3.8 feet. Then it also raises up  
 6 to the corner about 8 feet, 7-and-a-half to 8 feet.  
 7 So any change in grade or topography  
 8 would really slope away from the neighbor and come to  
 9 this corner where we have proposed drain seepage  
 10 pits. So any development that's proposed is really  
 11 going to gravitate to this corner, and we will catch  
 12 it with our drainage systems.  
 13 The lot is 75-by-150, which is 11,250  
 14 square feet. So, typically, on a 50-by-100 lot,  
 15 which is 5,000 square feet, you're permitted to have  
 16 two units. We're proposing four units on this. So  
 17 the density is less than two units per lot basically,  
 18 just because of the math, 11,250 square feet.  
 19 So our proposal, or our option that we  
 20 chose, because of this open space, we designed four  
 21 units, four duplex units. However, we will not have  
 22 any steps outside. You know, typically those  
 23 duplexes have 13 steps. They have overhangs on the  
 24 sides and the back. Our proposal tonight would be,  
 25 we have four -- two -- four duplex units attached

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1 So then we go to the first floor.  
 2 We'll have a living room, dining room, kitchen,  
 3 basically the same layout as a duplex that's typical  
 4 -- typically being built in town. We have a  
 5 half-bath. And then from there, a set of stairs that  
 6 go to the second floor, which will be three bedrooms.  
 7 We have three bedrooms. The master in the front.  
 8 And we have three bathrooms. One for the master and  
 9 one for each bedroom.  
 10 So basically -- then we have a front  
 11 elevation of the -- of the outside, where from the  
 12 front it looks like a three-story, but because the  
 13 grade of the property wraps around and goes up 8 feet  
 14 in the back, this winds up being two-and-a-half  
 15 stories. And we're under 28 feet. We're 27.78 feet.  
 16 Our front will have brick with stucco  
 17 overhangs. But the overhangs will only be on the  
 18 front. There's none on the sides or the rear of the  
 19 property.  
 20 I'll just kind of briefly go through  
 21 the zoning schedule. So we are in the one- and  
 22 two-family zone. We are proposing a four-unit  
 23 building.  
 24 But I feel like it does kind of blend  
 25 into the neighborhood just because there are

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1 three-story, multifamily structure. There are one-  
 2 and two-families and the church across the street.  
 3 So it is a multiple mix of uses.  
 4 The lot area, where 5,000 square feet  
 5 is required, we have 11,250 so again that plays into  
 6 two lots would be -- two lots for two duplexes would  
 7 be 10,000. We have a little bit more than a typical  
 8 duplex would have.

9 The lot width that's required is 50.  
 10 We have 75. Lot depth is 100 that's required. We  
 11 have 150. The front yard setback is 25 feet. The  
 12 average along the street, because we have multiple --  
 13 multifamily houses that are closer, so we have  
 14 20 feet on West Palisades Boulevard and 20 feet on  
 15 Hillside Avenue. So we do meet the front yard and  
 16 the corner front of the setbacks.

17 We also have a side yard. Because it's  
 18 a corner lot where 5 feet is required, we actually  
 19 have 6 feet. We've got an extra front. We figured  
 20 we could get more room for topo in the back, for AC  
 21 units. So we have an extra foot on the side yard.

22 We are asking for a rear yard variance.  
 23 Where 25 feet is required, we have 15. And that's  
 24 the corner where the existing pool, the existing  
 25 pavers are, the existing one-story garage. So we

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1 the seepage pits are on Hillside?  
 2 MR. DONATO: Correct.  
 3 And then the land goes east, eastern.  
 4 But the slopes come west. That's where all the  
 5 seepage pits are located.

6 CHAIRMAN FERGUSON: Okay. Because --  
 7 Hal, are you still on? Hal.

8 MR. SIMOFF: Yes, sir.  
 9 CHAIRMAN FERGUSON: Do you have  
 10 anything?

11 Do you have anything on this one?

12 MR. SIMOFF: Well, Steve is here.

13 CHAIRMAN FERGUSON: Oh, good. Let's  
 14 put Steve on, then.

15 Long time, no talk to him. Steve.

16 MR. COLLAZUOL: I'm trying to get on.

17 Okay, can you hear me now?

18 CHAIRMAN FERGUSON: Yeah, I can hear  
 19 you now.

20 MR. COLLAZUOL: Good evening, everyone.

21 I had the same trouble as Mike Kauker earlier.

22 Yes. Mr. Donato, have you seen our  
 23 report dated January 17?

24 MR. DONATO: Yes, I did.

25 MR. COLLAZUOL: Okay. With respect the

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1 feel that we're giving more air and light to our  
 2 neighbors to the north. So we are asking for a  
 3 15-foot rear yard setback.

4 The height, we're two stories, 27.78  
 5 feet, so we're within the 28-foot limit.

6 And the lot coverage of 40 percent,  
 7 we're asking for 58.09. Although we have 11,250  
 8 square feet, the four units, we feel, really with the  
 9 open space eliminating the stairs and overhangs, it  
 10 gives more open air and light to the neighbors.

11 So, basically, the variances that we're  
 12 asking for tonight are the use because of the four  
 13 units attached, the rear yard 15 feet, and the  
 14 building coverage of 50 percent.

15 CHAIRMAN FERGUSON: That's it.

16 MR. DONATO: For now.

17 CHAIRMAN FERGUSON: Okay. So I've got  
 18 a couple questions.

19 MR. DONATO: Sure.

20 CHAIRMAN FERGUSON: How many seepage  
 21 pits do you have?

22 MR. DONATO: So we have -- along  
 23 Hillside we have three of them. We have 1,000 gallon  
 24 each.

25 CHAIRMAN FERGUSON: Okay. And so all

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1 drainage design, did you design your drainage design  
 2 based on that.

3 For a project like this and the size  
 4 of the project, with respect to the requirements for  
 5 storm, you would have to provide a modified rationale  
 6 for 2- and 10-year storm events for the entire  
 7 site.

8 Do you recognize that and agree to  
 9 address that?

10 MR. DONATO: Yes. So we would have our  
 11 engineer, Mr. Mark Martins, look at that and design a  
 12 system that would meet this criteria.

13 CHAIRMAN FERGUSON: Okay.

14 MR. COLLAZUOL: With respect to  
 15 grading, it appears in the upper left-hand corner you  
 16 have a contour of 54 that runs from the sidewalk out  
 17 into the street. The survey shows that area to be  
 18 approximately elevation 50.1.

19 So it appears that that contour is  
 20 either mislabeled or needs to be corrected.

21 In addition to that, it appears that a  
 22 wall would be necessary. The neighbor's property has  
 23 a wall as well with an elevation of 55 in that area  
 24 there. So that's Item Number 2 in our draining  
 25 topic.

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1 Are you aware of that and will address  
2 that?  
3 MR. DONATO: Yes, I'm aware of that.  
4 There's an existing wall. The 54 contour runs up to  
5 the wall then it drops. We could address that.  
6 Also, there is a wall on the neighbor's  
7 side. So that wall will be proposed to -- on  
8 Hillside will be proposed to be removed. And we'd  
9 have to take that into consideration if we have to  
10 repair that wall or add to that wall on the north  
11 side.  
12 MR. COLLAZUOL: Right.  
13 It appears that when you cut down  
14 elevation 50, if you're doing so, that you have to  
15 support the neighbor's grade, right.  
16 So you may have to set the wall away  
17 from the property line in that area.  
18 MR. DONATO: We have 15 feet in there  
19 so we can absolutely do that.  
20 MR. COLLAZUOL: Okay. You haven't  
21 shown the sanitary sewer on this. We would ask you  
22 to run one lateral onsite and one excavation of the  
23 road to tie in.  
24 Assuming this will be done townhouses,  
25 condominiums, that would be the homeowner's  
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1 responsibility.  
2 But there will be one main lateral  
3 onsite with one trench down to Hillside Avenue.  
4 Is that understood?  
5 MR. DONATO: Yes, there is. And I do  
6 have the site plan, and there is an existing sanitary  
7 midway of the property heading north. We could  
8 connect with that condition, yes.  
9 MR. COLLAZUOL: The last item -- two  
10 items would be with respect to screening of the air  
11 conditioning units.  
12 Is it possible you could take the air  
13 conditioning unit for Unit Number 4 and put it in  
14 that 15-foot side yard to protect the interior of the  
15 property owner from having four air conditioning  
16 condensing units and possibly screen those units as  
17 well.  
18 MR. DONATO: Yes, we can.  
19 Actually, yes, that's a good idea.  
20 Absolutely.  
21 So, instead of having them all on that  
22 rear yard, yes. We could do on it the this one too,  
23 Unit Number 1.  
24 MR. COLLAZUOL: That would certainly be  
25 screened if you put it underneath the proposed deck  
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1 that's facing West Palisades Boulevard.  
2 MR. DONATO: Yes.  
3 MR. COLLAZUOL: Very good.  
4 I'm not sure if you addressed this, but  
5 under the RSIS standards for multifamily, you're  
6 typically supposed to address visitor parking. I  
7 recognize you have four spaces for each unit.  
8 But how would you address visitor  
9 parking on this.  
10 MR. DONATO: Yeah, we didn't address it  
11 as visitor just two spaces for duplexes and attached.  
12 But right now we only have space for  
13 four per unit as far as the duplexes.  
14 MR. COLLAZUOL: How many -- how many  
15 units are -- pardon me -- How many spaces would you  
16 be required under the RSIS standard?  
17 MR. DONATO: I'd have to take a look at  
18 that. I'm not sure, if it's one for the four units.  
19 But I'm not sure -- is the standard  
20 when there's -- when the standard is for, like, a  
21 three-bedroom unit, is that visitor stall already  
22 anticipated in that number, or is it separate?  
23 MR. COLLAZUOL: Well, the criteria is  
24 for the length or the width of the outside parking  
25 area.  
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1 And you don't demonstrate the width of  
2 the driveways for each unit. So I think that's not  
3 clear as to whether you meet the RSIS standards for  
4 the number of parking spaces for the project.  
5 MR. DONATO: Right.  
6 I mean, so the way the units are  
7 designed, there's basically the four driveways. And  
8 there's a strip between two units. I do have about  
9 20 feet in the middle, which is landscaping, which we  
10 could probably have a curb cut in for two more  
11 parking stalls and that could be visitor.  
12 CHAIRMAN FERGUSON: Well, Hal is on the  
13 phone.  
14 MS. TESTA: Hal is talking.  
15 CHAIRMAN FERGUSON: Okay.  
16 MR. SIMOFF: I would think that if you  
17 have to 20 feet, it may be better -- it may be better  
18 to have the 20 one-stall in the street.  
19 The two parking spaces in the garage  
20 and two parking spaces outside qualify as  
21 three-and-a-half spaces per unit, which is probably  
22 adequate to serve the need.  
23 Then there's a requirement of another  
24 two spaces per visitors. And if you could provide  
25 those on the street along its entire frontage, I  
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1 think that would be the best solution.  
 2 MR. DONATO: Which we could.  
 3 I'm not sure if you can see on my  
 4 basement floor plan, there's an area that says  
 5 "Landscaping." It's at the entrances of two of the  
 6 units.  
 7 We could leave that landscaping and  
 8 that car would fit on that -- in that curb outside in  
 9 the street.  
 10 MR. SIMOFF: Because you're reducing  
 11 -- you're reducing the curb space now.  
 12 MR. DONATO: Correct, with the  
 13 entrances, yeah.  
 14 CHAIRMAN FERGUSON: Okay.  
 15 MR. DONATO: Yes.  
 16 CHAIRMAN FERGUSON: That's it, Hal.  
 17 MR. SIMOFF: Yes.  
 18 CHAIRMAN FERGUSON: Thank you, Hal.  
 19 MS. TESTA: I just have a question as  
 20 to the air conditioning units. Where are you putting  
 21 them?  
 22 MR. DONATO: So Unit 1 and Unit 4,  
 23 instead of in the back, Unit 4 would go to the side  
 24 here.  
 25 MS. TESTA: Okay.

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1 CHAIRMAN FERGUSON: Yeah. But I think  
 2 the application is four, correct.  
 3 MR. DONATO: Four lots, 11,250 square  
 4 feet. And just on the basis that a two-family duplex  
 5 with two units, 5,000 is required, and we have almost  
 6 2-and-a-half times that. We're asking for four.  
 7 MR. TERRANOVA: I understand.  
 8 CHAIRMAN FERGUSON: Okay, anybody have  
 9 any questions?  
 10 MR. KAUKER: Mr. Chairman, Mike Kauker.  
 11 I just have a comment. I don't know if the applicant  
 12 has seen my report.  
 13 But I heard the variances they were  
 14 going over, but one thing I just wanted to address.  
 15 The height variance that was shown in  
 16 the bulk table was with respect to a duplex. The  
 17 height -- the appropriate height requirement would be  
 18 that of 25 feet from the underlying AA Zone  
 19 requirements, as all the other requirements are on  
 20 the bulk table.  
 21 So technically the applicant would  
 22 require a D variance, a D-6 height variance, as they  
 23 are 2.75 feet over what's permitted for the  
 24 application. So I just wanted to point that out  
 25 before Mr. Spatz testified.

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1 MR. DONATO: The rear -- it's called  
 2 the side yard.  
 3 MS. TESTA: Right.  
 4 MR. DONATO: Then Unit 1 would go to  
 5 the front.  
 6 MS. TESTA: Okay, thank you.  
 7 CHAIRMAN FERGUSON: One other thing  
 8 from my notes. You have bathtubs in the basement?  
 9 Behind the garage, I mean.  
 10 MR. DONATO: I do have an X which is  
 11 like a shower. Yes, it's been a while. I haven't  
 12 been here in a while.  
 13 CHAIRMAN FERGUSON: Yeah, I know.  
 14 So that's got to go.  
 15 MR. DONATO: Absolutely not.  
 16 So we can take that out.  
 17 CHAIRMAN FERGUSON: Okay.  
 18 MR. DONATO: I'll X it out.  
 19 CHAIRMAN FERGUSON: Any board members  
 20 have anything?  
 21 MR. TERRANOVA: Do we need four units.  
 22 Can we knock it down to three then and we'd only have  
 23 the one use variance? That would be it for the whole  
 24 thing. If you knocked off one unit, you wouldn't  
 25 even need the side.

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1 MR. DONATO: So I designed these like  
 2 they were two duplexes put together. Still we're not  
 3 asking for -- well, if it was a duplex, we'd still be  
 4 within the height of a duplex.  
 5 MR. KAUKER: Right.  
 6 But technically it's not a duplex.  
 7 CHAIRMAN FERGUSON: That will be added  
 8 in.  
 9 MR. DONATO: Yes.  
 10 CHAIRMAN FERGUSON: All right. Those  
 11 people in the back were waiting all day. What do you  
 12 have to say?  
 13 MR. NG: Yes, Mr. Chairman. The  
 14 applicant is asking for the variance --  
 15 MS. TESTA: First just state your name  
 16 and address.  
 17 MR. NG: My name is See-Yin. Do you  
 18 want me to spell it? Spelled S-E-E-Y-I-N. Last  
 19 name, just two letter, N-G, and it's 4980 West  
 20 Palisades Boulevard.  
 21 CHAIRMAN FERGUSON: Okay, my friend,  
 22 what comments do you have?  
 23 MR. NG: The comment I have is they're  
 24 seeking a variance, for example, the rear, the  
 25 required is 25 and they're asking for proposed 15.

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1 But if you look at the orientation of  
2 the building now, they're turning the building  
3 45 degrees, right.  
4 So their back is actually facing me  
5 instead of the side. So, technically, they only have  
6 6 feet from the back into my property. And now I  
7 have four families looking at me instead of one  
8 family. That is a huge difference.

9 CHAIRMAN FERGUSON: Okay.

10 MR. DONATO: So, yes, I understand  
11 that. And because it's a corner lot, whether it was  
12 a duplex here, you can go 5 feet without a variance.  
13 We're asking -- we've provided 6 feet.

14 So I still consider this, like, a  
15 double duplex, where typically that would be a 5-foot  
16 setback.

17 CHAIRMAN FERGUSON: Is he talking about  
18 the side.

19 MR. NG: I'm talking --

20 CHAIRMAN FERGUSON: You're on West  
21 Palisades.

22 MR. NG: Yes, sir.

23 MR. DONATO: He's on the side, correct.  
24 He's right here.

25 So if this was a duplex or an  
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1 CHAIRMAN FERGUSON: Yes? Is there a  
2 fence there now.

3 MR. NG: There's an existing fence. I  
4 understand the proposal is to tear it down.

5 CHAIRMAN FERGUSON: Do you have a  
6 fence?

7 MR. NG: I do have a fence.

8 But, I mean, if they want to build a  
9 new one, then you know, whatever they want to do.

10 CHAIRMAN FERGUSON: Why don't you build  
11 a new one?

12 MR. NG: If there is going to be a  
13 retaining wall as well. He mentioned that there is  
14 going to be -- what is it, 4 feet.

15 MR. DONATO: No. The land will stay.  
16 There's no retaining walls on that side. That's  
17 where the land tends to go up.

18 MR. NG: Right.

19 MR. DONATO: We'll leave that alone.  
20 Actually, the water goes away from your property.

21 MR. NG: Right. From my property,  
22 you're saying that the grade is a 4 feet difference,  
23 right.

24 So isn't that going to erode?

25 MR. DONATO: Well, from the corner, it  
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1 over-large duplex, that 5 foot is required permitted  
2 on that side.

3 CHAIRMAN FERGUSON: Okay, can we put  
4 some --

5 MR. DONATO: Landscaping.

6 CHAIRMAN FERGUSON: -- landscaping,  
7 trees.

8 MR. DONATO: Absolutely, sure.

9 CHAIRMAN FERGUSON: Counselor?

10 MR. DONATO: That's where the AC units  
11 would change. So we're taking those out and moving  
12 them, but we can do landscaping along there.

13 CHAIRMAN FERGUSON: I would think he's  
14 concerned that it's close. I think we should put  
15 some trees there to help him with it.

16 MR. RAMUNDO: That would be part, as a  
17 condition of the approval, absolutely.

18 CHAIRMAN FERGUSON: The town has plenty  
19 of tree preservation.

20 MR. DONATO: The grade goes up so it's  
21 2-and-a-half stories there. And also a fence and  
22 landscaping.

23 CHAIRMAN FERGUSON: Right. You're  
24 going to do a fence.

25 MR. DONATO: We could.

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1 goes down about 4 feet down to the corner. So we're  
2 not going to cut it straight. We're going to let it  
3 wrap around the building. So there's no cutting of  
4 the grade in this.

5 MR. NG: But help me understand the  
6 definition, all right. So when you turn the  
7 orientation of the building, you're still saying the  
8 back of the building, the back of your unit facing  
9 me, which is only 5 feet or less than 5 feet, instead  
10 of -- the proposal, you're asking for 15 feet.

11 MR. DONATO: On the corner, on the  
12 corner structure, or because it's a corner lot,  
13 that's considered a side yard.

14 This here is where 5 feet -- I'm sorry.  
15 Yes. Even though it's the rear of the building, it's  
16 considered a side yard because you're on the corner  
17 lot.

18 You know, when you're on the corner  
19 lot, this is the front, that's the front, the rear  
20 and side. And a duplex permits 5 feet. Even though  
21 it's the rear of the building, it's a side yard.

22 CHAIRMAN FERGUSON: Okay. So you are  
23 going to furnish some trees to help him with his  
24 view, correct.

25 MR. DONATO: Absolutely. Yeah,

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1 absolutely.  
 2 CHAIRMAN FERGUSON: Do you have a new  
 3 wall? An old wall.  
 4 MR. NG: Not really a wall. Some old  
 5 retaining bricks.  
 6 CHAIRMAN FERGUSON: Why don't you meet  
 7 with this gentleman?  
 8 MR. DONATO: We have windows, where  
 9 windows are.  
 10 CHAIRMAN FERGUSON: Yeah, meet with him  
 11 and let's see what we can do to alleviate --  
 12 MR. NG: Is it possible to move all the  
 13 AC units as well? Because you can see the back is  
 14 going to be very noisy. And with that proximity to  
 15 my property, I'm not going to be able to sleep.  
 16 MR. DONATO: Well, we could place them  
 17 -- well, each unit is within the unit themselves. So  
 18 the two outside ones we can. The two middle ones, we  
 19 could move them left or right, depending on what any  
 20 windows or doors are updated.  
 21 MR. NG: Are they going to be located  
 22 all the way around.  
 23 MR. DONATO: I don't think you can put  
 24 the AC units for one unit all the way down to the  
 25 other end. It has to be within that unit.

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1 having been duly sworn, testifies as follows:  
 2 MS. TESTA: State your name for the  
 3 record, please.  
 4 MR. SPATZ: David Spatz, S-P-A-T-Z.  
 5 CHAIRMAN FERGUSON: Okay, Mr. Spatz,  
 6 you're on.  
 7 MR. SPATZ: Okay, I will share my  
 8 screen just to show the site.  
 9 The top left-hand photograph, we have a  
 10 two-story frame dwelling from West Palisades.  
 11 Then this is Hillside, the detached  
 12 garage to the rear.  
 13 Looking to the east of our property,  
 14 there's a single-family home adjacent to that. But  
 15 then adjacent to that is a three-story townhouse  
 16 development with 12 units and then a 5-story,  
 17 multifamily building just next to that. Directly  
 18 across the street is the church property.  
 19 So, as was described earlier, it really  
 20 is a mixture of uses in this area of ones and twos as  
 21 well as multifamily uses.  
 22 So in terms of variances, the  
 23 four-families are not permitted within the AA Zone.  
 24 The site itself significantly exceeds the lot area  
 25 and lot width requirements for the zone. We have one

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1 CHAIRMAN FERGUSON: At any rate, take  
 2 this gentleman's name and address and meet with him  
 3 and see what you can do to alleviate any problems.  
 4 MR. DONATO: We can screen it.  
 5 We can put windows, doors, wherever  
 6 they are, absolutely.  
 7 CHAIRMAN FERGUSON: All right? Okay.  
 8 Is anybody on the phone?  
 9 IT MODERATOR: No.  
 10 CHAIRMAN FERGUSON: So I guess we're  
 11 ready -- do you have a planner going on?  
 12 MR. RAMUNDO: Yes, Mr. Chairman.  
 13 Mr. Spatz, who I believe is still on.  
 14 MR. SPATZ: Yeah, I'm here.  
 15 CHAIRMAN FERGUSON: Let's go.  
 16 It's getting late.  
 17 MR. SPATZ: I'll do it.  
 18 MS. TESTA: Okay, raise your right  
 19 hand.  
 20 Do you swear the testimony you will  
 21 give this application will be the truth, the whole  
 22 truth, and nothing but the truth, so help you God?  
 23 MR. SPATZ: Yes, I do.  
 24 D A V I D S P A T Z, P P  
 25 16 Friend Terrace, Harrington Park, New Jersey,

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1 D variance for building height. We'd be allowed to  
 2 -- a C variance would be 27.5 feet, where it's 27.75  
 3 feet. So we're .25 over, going from a C variance to  
 4 a D variance.  
 5 There are two C variances needed,  
 6 building coverage and rear yard. We are a corner  
 7 property, as was described earlier, which creates  
 8 certain variances because of the measurements.  
 9 What we're proposing, this is, I think,  
 10 particularly well suited for the proposed four-family  
 11 development, as it's more than 6,250 square feet  
 12 larger than what is required in the zone for two  
 13 units, and I believe we can easily accommodate the  
 14 additional two units.  
 15 We have a lot area per unit of 2,812  
 16 square feet, where only 2,500 is required.  
 17 So, in terms of lot size and number of  
 18 units, the density is consistent with what you would  
 19 permit for a two-family. We could subdivide the  
 20 property and create two two-families with the same  
 21 number of units on the property.  
 22 The adjoining lots, which are developed  
 23 for two-families, they're actually significantly  
 24 smaller in area than what is permitted within the  
 25 zone. The 12-unit townhouse development is on a lot

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1 that is actually only a little larger than ours, but  
2 actually contains eight more units, so it's got a  
3 significantly greater density than what we're  
4 proposing.

5 I believe the four-family building is  
6 consistent with the purposes of zoning. Purpose A is  
7 promoting public health, safety, morals and general  
8 welfare.

9 Purpose E is establishing the  
10 appropriate population densities.

11 As I've indicated, in terms of density,  
12 we are consistent with the densities that are  
13 permitted. We, in fact, have a greater lot area per  
14 unit than what typical is available for a two-family.

15 And Purpose I is promoting a desirable  
16 visual environment. The structure is really only in  
17 fair condition. The surrounding neighborhoods  
18 contain a number of newer structures.

19 By eliminating the detached garage,  
20 we're actually providing greater open space to the  
21 adjacent property.

22 So I think that the D variance for  
23 height as well as the use are can be granted. The  
24 height -- the townhouse development two lots from us  
25 is a similar height. The multifamily building one

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1 adjacent property, more light, air and open space.

2 A conforming amount of parking is  
3 provided. A sufficient amount of parking is  
4 provided. We're able to provide the two guest  
5 parking spaces in front of each dwelling unit.

6 The building is going to be oriented  
7 towards Hillside Avenue. There is no vehicular  
8 access towards -- to West Palisade Avenue, which is a  
9 little heavier traveled.

10 So I think the traffic conditions will  
11 be maintained within the area.

12 So, on balance, I think that the  
13 positive criteria is met for both the D and C  
14 variances, and that far exceeds anything that would  
15 be considered negative. So I believe the variances  
16 could be granted. So if there are any other  
17 questions, I'll be happy to answer those.

18 CHAIRMAN FERGUSON: Any board members  
19 have any questions for Mr. Spatz?

20 (No response.)

21 CHAIRMAN FERGUSON: No.

22 Counsel, do you want to sum up?

23 MS. TESTA: Mike Kauker.

24 CHAIRMAN FERGUSON: Anybody in the  
25 audience want to say anything?

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1 lot beyond that is two stories taller than what we're  
2 proposing. So we're consistent with the  
3 neighborhood.

4 In terms of the bulk variance, the  
5 building exceeds the lot coverage of the zone;  
6 however, we'll be providing additional landscaping.  
7 There will be walls, there will be fencing to help  
8 buffer the adjacent properties. Drainage  
9 improvements are going to be made to reduce the  
10 impact on the adjacent properties.

11 As I've indicated, the lot is more than  
12 double the size that is required for a two-family  
13 dwelling. We are consistent with the surrounding  
14 neighborhood. And I believe that the two C variances  
15 can be granted.

16 Looking at the negative criteria, I  
17 don't believe there's anything substantially  
18 negative. We're in character with the surrounding  
19 residential land uses, which include multifamily  
20 development. We have a lot that's large enough that  
21 we could subdivided and create two two-family homes.  
22 So we have the same four units on our property in  
23 what I believe is a better design because it provides  
24 greater setbacks. The setbacks, by removing the  
25 garage, we actually have a greater setback to the

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1 (No response.)

2 CHAIRMAN FERGUSON: Anybody on the  
3 phone?

4 MS. TESTA: Do you want to ask Mike  
5 Kauker, our planner.

6 CHAIRMAN FERGUSON: Oh, I thought...  
7 Mike, are you on?

8 MR. KAUKER: Yeah, I'm on.

9 I don't have any questions of  
10 Mr. Spatz, though. He addressed both the D  
11 variances.

12 CHAIRMAN FERGUSON: Okay. Do you want  
13 to sum up?

14 MR. RAMUNDO: No.

15 Mr. Chairman, in my experience, this  
16 board is very diligent and takes copious notes. Not  
17 necessary.

18 CHAIRMAN FERGUSON: So I'll make a  
19 motion to approve the plan as submitted.

20 MR. CARNOVALE: I'll second.

21 CHAIRMAN FERGUSON: With a couple of  
22 comments: \$2,000.00 to the Tree Preservation Fund.  
23 Also, I would like all those comments from our  
24 engineer be complied with and the comment from our  
25 parking expert also to be complied with.

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1 And that's my motion.  
 2 Can I have a second?  
 3 MR. CARNOVALE: I second.  
 4 CHAIRMAN FERGUSON: Roll call.  
 5 MS. KIM: Ferguson?  
 6 CHAIRMAN FERGUSON: Yes.  
 7 MS. KIM: Albanese?  
 8 VICE CHAIRMAN ALBANESE: Yes.  
 9 MS. KIM: Carnovale?  
 10 MR. CARNOVALE: Yes.  
 11 MS. KIM: Grala?  
 12 MR. GRALA: Yes.  
 13 MS. KIM: Terranova?  
 14 MR. TERRANOVA: No.  
 15 MS. KIM: Yoon?  
 16 MS. YOON: Yes.  
 17 MS. KIM: Brogna?  
 18 MR. BROGNA: Yes.  
 19 MS. KIM: Chung?  
 20 MR. CHUNG: Yes.  
 21 CHAIRMAN FERGUSON: Okay. Thank you,  
 22 Counselor.  
 23 MR. RAMUNDO: Thank you very much.  
 24 CHAIRMAN FERGUSON: You're going to  
 25 send me an e-mail tomorrow, right?

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1 CERTIFICATE  
 2  
 3 I, RONDA L. REINSTEIN, a Certified Court  
 4 Reporter of the State of New Jersey, authorized to  
 5 administer oaths pursuant to R.S.41:2-2, do hereby  
 6 certify that the foregoing is a true and accurate  
 7 transcript of the testimony as taken stenographically  
 8 by and before me at the time, place and on the date  
 9 herein before set forth, to the best of my ability.  
 10 I DO FURTHER CERTIFY that I am neither a  
 11 relative nor employee nor attorney nor counsel of any  
 12 of the parties to this action, and that I am neither  
 13 a relative nor employee of such attorney or counsel,  
 14 and that I am not financially interested in the  
 15 action.  
 16  
 17  
 18  
 19  
 20  
 21  
 22  
 23  
 24 -----  
 RONDA L. REINSTEIN, CCR No. 30X100217800  
 25

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1 MR. RAMUNDO: Yes, sir.  
 2 CHAIRMAN FERGUSON: I'm just curious  
 3 what happened.  
 4 MS. KIM: Joe.  
 5 MS. TESTA: I'll make a motion to  
 6 adjourn.  
 7 MR. CARNOVALE: Motion to adjourn.  
 8 VICE CHAIRMAN ALBANESE: Second and  
 9 third.  
 10 MS. KIM: All in favor?  
 11 (Whereupon, all present Board Members  
 12 respond in the affirmative.)  
 13 (Whereupon, this meeting is concluded.  
 14 Time noted: 9:18 p.m.)  
 15  
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<b>\$</b>	<b>12-unit</b> [1] - 132:25 <b>120</b> [1] - 6:8 <b>121</b> [1] - 6:9 <b>123</b> [1] - 6:9 <b>124</b> [1] - 6:10 <b>126.22-feet</b> [1] - 33:7 <b>13</b> [2] - 42:7, 110:23 <b>130</b> [2] - 6:12 <b>139-145</b> [3] - 1:4, 4:6, 26:15 <b>14</b> [3] - 97:24, 108:15, 108:21 <b>15</b> [6] - 111:21, 113:23, 114:13, 117:18, 124:25, 128:10 <b>15-foot</b> [3] - 71:17, 114:3, 118:14 <b>150</b> [1] - 113:11 <b>16</b> [6] - 33:21, 62:8, 62:13, 87:20, 100:2, 130:25 <b>17</b> [1] - 115:23 <b>17-foot-wide</b> [1] - 74:6 <b>17th</b> [1] - 37:9 <b>18</b> [3] - 1:16, 4:20, 5:4 <b>18.01</b> [3] - 1:18, 5:9, 6:18 <b>186</b> [1] - 96:8 <b>18th</b> [2] - 35:14, 37:8 <b>19-foot-10</b> [1] - 74:7 <b>1st</b> [1] - 36:24	<b>21-02</b> [3] - 1:3, 4:5, 26:14 <b>21-13</b> [3] - 1:11, 4:3, 12:3 <b>21-14</b> [3] - 1:13, 4:15, 26:10 <b>21-17</b> [3] - 1:5, 4:8, 27:20 <b>21-20</b> [3] - 1:7, 4:10, 28:19 <b>21-22</b> [4] - 1:15, 4:19, 5:3, 39:25 <b>21-23</b> [4] - 1:17, 5:7, 6:17, 69:13 <b>21-24</b> [3] - 1:9, 4:12, 29:20 <b>21-25</b> [3] - 1:19, 5:16, 6:20 <b>21-26</b> [4] - 1:21, 6:3, 105:20, 105:21 <b>211</b> [5] - 1:10, 1:22, 4:14, 6:4, 106:21 <b>216</b> [3] - 1:8, 4:11, 28:19 <b>21st</b> [3] - 38:15, 38:17, 38:20 <b>227</b> [1] - 58:6 <b>23</b> [2] - 1:5, 4:7 <b>233</b> [1] - 71:16 <b>24</b> [2] - 1:5, 4:7 <b>24-inch</b> [1] - 51:14 <b>249.29</b> [1] - 71:15 <b>25</b> [7] - 97:18, 98:6, 113:11, 113:23, 123:18, 124:25, 132:3 <b>25-feet</b> [1] - 97:20 <b>254</b> [3] - 1:14, 4:16, 26:10 <b>26</b> [2] - 4:7, 73:7 <b>27</b> [2] - 4:9, 84:13 <b>27.5</b> [1] - 132:2 <b>27.75</b> [1] - 132:2 <b>27.78</b> [2] - 112:15, 114:4 <b>274</b> [4] - 1:6, 1:6, 4:8, 4:9 <b>275-10th</b> [1] - 27:20 <b>28</b> [5] - 1:2, 4:11, 36:24, 43:7, 112:15 <b>28-foot</b> [1] - 114:5 <b>29</b> [1] - 4:14	96:20 <b>3.8</b> [1] - 110:5 <b>30</b> [3] - 4:16, 98:8, 99:4 <b>309</b> [7] - 1:16, 4:20, 5:4, 39:25, 40:9, 57:11, 57:12 <b>309-7th</b> [1] - 3:10 <b>30X100217800</b> [1] - 139:24 <b>32</b> [2] - 4:17, 4:18 <b>32-foot-wide-by-64-feet-deep</b> [1] - 96:10 <b>33</b> [1] - 86:14 <b>34.4</b> [1] - 78:21 <b>36</b> [2] - 43:7, 73:9 <b>36.9</b> [1] - 71:5 <b>39</b> [2] - 4:20, 78:16	126:1, 128:9, 128:14, 128:20 <b>5,000</b> [3] - 110:15, 113:4, 123:5 <b>5-feet</b> [1] - 71:24 <b>5-foot</b> [1] - 125:15 <b>5-story</b> [1] - 131:16 <b>50</b> [4] - 88:23, 113:9, 114:14, 117:14 <b>50-by-100</b> [3] - 42:3, 73:3, 110:14 <b>50-foot</b> [1] - 90:10 <b>50-foot-wide</b> [2] - 72:22, 85:4 <b>50.1</b> [1] - 116:18 <b>505</b> [1] - 2:22 <b>52</b> [1] - 4:24 <b>54</b> [2] - 116:16, 117:4 <b>55</b> [7] - 1:22, 4:23, 6:4, 105:22, 106:20, 109:4, 116:23 <b>58</b> [1] - 4:25 <b>58.09</b> [1] - 114:7 <b>59.25</b> [1] - 32:23	
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