

Special Public Meeting of the Englewood Cliffs  
Planning Board Minutes  
May 24, 2016

The Special Meeting of the Englewood Cliffs Planning Board was called to order by Chairman Fehre at 7:30 PM.

Present at Roll Call:

Mr. Fehre  
Mrs. Rosenberg  
Mr. Villari  
Mr. Trovato  
Mr. Chinman  
Mrs. O'Shea – Borough Rep  
Mr. Kim – 1<sup>st</sup> Alternate  
Mr. Porrino – 2<sup>nd</sup> Alternate  
Mr. Lee – 3<sup>rd</sup> Alternate  
Mr. Hutchins – 4<sup>th</sup> Alternate  
Ms. Eastwood

Absent:

Mr. Kilmartin  
Councilman Park  
Mayor Kranjac

Also Present:

Michael Kates, Esq., of Kates Nussman Rapone Ellis & Farhi, the Board's attorneys.  
Michael O'Krepky, P.E., of Maser Consulting, the Borough's consulting engineer.

Public notice of this special meeting has been given in compliance with the Open Public Meeting Law by advertisement in The Record, The Northern Valley Press, and posting of notice on the municipal building bulletin board at 482 Hudson Terrace.

Mayor Kranjac swore in Mr. Hutchins as 4<sup>th</sup> Alternate to the Planning Board.

Flag salute led by Mr. Chinman

Old Business:

**Application #267K -** Variance for Deck  
Mr. & Mrs. Tashjian – 39 S. Virginia Court – Block 909 – Lot 12  
**Resolution - Approved**

Mr. Kates, Board Attorney, read the resolution which is incorporated herein as though fully stated and made a part hereof. The Chairman asked for a motion to approve. Motion was made by Mr. Trovato, seconded by Mrs. O'Shea. Chairman asked for roll-call vote of the members that were eligible to vote: Mr. Fehre, Mr. Trovato, Mr. Villari, Mr. Chinman, Mr. Kim, Mrs. O'Shea, and Ms. Eastwood each voted to adopt this Resolution; it was unanimous.

New Business:

**Application #263K -** "D3" Use Variance & "C" Variance for Parking  
JooASoo, LLC – 11 Sylvan Avenue – Block 134 – Lot 3.01

See attached transcripts.

**Application #266K - Amended Site Plan and Variance**  
**Bank of New Jersey – 744 Palisade Avenue –Block 512–Lot 4,5,6**

Mr. Villari recused himself. Mr. Porrino 1<sup>st</sup> alternate to sit in his place. Mrs. O’Shea returned to the dais for this application.

Mr. Mark Sokolich representing the Bank of New Jersey stated that they have been in front of the board back in 2013 to construct a single story bank subsequent to that adjacent parcels were obtained and then a second story was approved with a drive thru component. We are here this evening for two basic reasons. You will hear from Mr. Bertin in regards to the drive thru that we were going to maintain but during construction it was deemed to be an unsafe structure and to be demolished by the Construction Official. The plan for the reconstruction of the drive thru will only be 50% of what was there and we were able to acquire additional property which allowed for additional parking. This will lessen the parking variance that was previously approved. We are seeking an amendment site plan approval which seeks to increase the number of parking spaces on the site and lessen the variance previously obtained.

Mr. Calisto Bertin of Bertin Engineering, 66 Glen Avenue, Glen Rock, NJ described the drawing marked as “A1” which was the plan that was previously approved by the board dated April 11, 2014 with a revision date of April 8, 2015, drawing number C2.2. This plan showed what the board had approved with the drive thru staying on the property. This plan required 66 parking spaces but had 47 spaces. This plan also has the drive thru which was to be renovated. That didn’t happen due to the structure being unsafe when they started to renovate it. The canopy was ordered to be removed by the Construction Official. Mr. Bertin described the drawing marked “A2” original date of April 11, 2014 with a current revision date of April 6, 2016 having the drive thru as 17.9’ wide and only 25’ long instead of the 50’ of the original drive thru. Being that it is 50% smaller there was more land that could be used and more parking can be added. Mr. Bertin stated the new plan now has 55 parking spaces which is an increase of 8 spaces. Mr. Bertin stated we did this without adding much additional pavement on the property. They only added 230 square feet of pavement but also added more planting area as well. The drive thru will be the same height as it was before the new structure will match the building where as the previous plan was to retro fit the drive thru.

Mr. O’Krepky mentioned three issues from the engineer letter one being item #12 in regards to ADA parking that they are required to have 3 spaces. The applicant agreed to that. Item #13 the applicant said they will verify the item. Item #14 in regards to signage on the drive thru Mr. Bertin stated that there will only be a clearance sign with the red/green light. There will not be any bank signage on the drive thru there will only be signage for traffic control on the drive thru.

Chairman Fehre asked for a motion to open to public. Motion was made by Mrs. Rosenberg, seconded by Mr. Chinman and carried unanimously by voice vote.

No Comments

Chairman Fehre asked for a motion to close to public. Motion was made by Mrs. Rosenberg, seconded by Mrs. O’Shea and carried unanimously by voice vote.

Chairman Fehre requested a motion to approve the application. Motion was made by Mr. Porrino, seconded by Mrs. O'Shea. This motion was approved by roll-call vote, 10 Ayes, (Mr. Fehre, Mr. Trovato, Mrs. Rosenberg, Mr. Chinman, Mr. Kim, Mr. Porrino, Mr. Lee, Mr. Hutchins, Mrs. O'Shea, and Ms. Eastwood), No Nays, No Abstentions.

Chairman Fehre asked for a motion to open to public. Motion was made by Mr. Chinman, seconded by Mr. Kim and carried unanimously by voice vote.

No Comments

Chairman Fehre asked for a motion to adjourn the meeting at 9:51 pm. Motion was made by Mr. Chinman, seconded by Mrs. Rosenberg and carried unanimously by voice vote.

Respectfully submitted



Caterina Scancarella  
Planning Board Administrative Secretary

**ENGLEWOOD CLIFFS PLANNING BOARD**  
**SPECIAL MEETING – May 24, 2016 7:30 PM**  
10 Kahn Terrace, Englewood Cliffs, NJ

**CALL TO ORDER**

The meeting of the Englewood Cliffs Planning Board will come to order this (date). The time is (time).

**"OPEN PUBLIC MEETINGS ACT" STATEMENT**

Public notice of this meeting has been given in compliance with the Open Public Meeting Law by advertisement in The Record, and Northern Valley Press Journal posting of notice on the Borough Hall bulletin board at 482 Hudson Terrace, Englewood Cliffs.

**ROLL CALL**

**FLAG SALUTE LED BY:**

**APPROVAL OF MINUTES:**

**OLD BUSINESS:**

Application #267K - Variance for a Deck  
Mr. & Mrs. Tashjian – 39 S. Virginia Court – Block 909 – Lot 12  
**Resolution - Approved**

**NEW BUSINESS:**

Application # 263K – “D3” Use Variance & “C” Variance for Parking  
JooASoo, LLC – 11 Sylvan Avenue – Block 134 – Lot 3.01

Application # 266K - Amended Site Plan and Variance  
Bank of New Jersey – 744 Palisade Avenue – Block 512 – Lot 4, 5, 6

**COMMUNICATIONS**

**COMMITTEE REPORTS**

**PUBLIC COMMENTS OTHER THAN HEARING ON THIS AGENDA**

**ADJOURNMENT**

**NOTICE OF SPECIAL MEETING  
PLANNING BOARD  
BOROUGH OF ENGLEWOOD CLIFFS**

At the call of the Chairman, a Special Meeting of the Englewood Cliffs Planning Board will take place on **Tuesday, May 24, 2016, at 7:30 P.M.**, in the Council Chambers in the Municipal Building, **10 Kahn Terrace**, Englewood Cliffs, New Jersey.

The Agenda of the Meeting, to the extent known at this time, is as follows:

**Adoption of Memorializing Resolution**

<b>Application #267K -</b>	<b>TASHJIAN, Craig and Muriel</b> 39 South Virginia Court Block 909, Lot 12
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**Public Hearings:**

<b>Application #263K -</b>	<b>JOOASOO, LLC</b> 11 Sylvan Avenue Block 134, Lot 3.01
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<b>Application #266K -</b>	<b>BANK OF NEW JERSEY</b> 744 E. Palisade Avenue Block 512, Lots 4, 5 and 6
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The Agenda for this meeting will be posted at the Borough Hall, **482 Hudson Terrace**, Englewood Cliffs, NJ. Formal action may be taken. In the discretion of the Chairman, matters not presently known may be added to the Agenda.

Caterina Scancarella  
Planning Board Secretary

# ORIGINAL

## PLANNING BOARD

### BOROUGH OF ENGLEWOOD CLIFFS

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**IN THE MATTER OF THE APPLICATION OF CRAIG :**

**TASHJIAN AND MURIEL TASHJIAN FOR A : MEMORIALIZATION RESOLUTION**

**DIMENSIONAL VARIANCE RELATING TO LOT 12 : APPLICATION NO. 207K**

**IN BLOCK 909, 39 SOUTH VIRGINIA COURT :**

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**WHEREAS, CRAIG TASHJIAN and MURIEL TASHJIAN** applied on or about April 12, 2016 to the Planning Board of the Borough of Englewood Cliffs for a dimensional variance to replace and enlarge an existing deteriorated ground floor deck in violation of rear yard and side yard setbacks, in the "R-A Single-Family" zoning district; and

**WHEREAS,** a public hearing was conducted on May 12, 2016, upon proper notice certified by applicants' proof of service to property owners within a 200-foot radius of the subject property and proof of publication in an official newspaper of the Borough; and

**WHEREAS,** applicants represented themselves; and

**WHEREAS,** the only interdepartmental communication and advisory report of municipal departments and agencies was Certification of Taxes Paid dated April 25, 2016 by **Vincent Bruno**, Tax Collector, certifying payment of taxes through the 2<sup>nd</sup> quarter, 2016;

**WHEREAS,** admitted into evidence without exhibit reference were the following:

- Application dated April 12, 2016; and
- Drawing No. A1 entitled "Plot Plan, Deck Plan, Elevation, Zoning Info" prepared by Pulice/Williams Architects, 344 Broad Avenue, Leonia, NJ 07605, dated April 19, 2016;

**WHEREAS**, testimony in support of the application was given by applicants **Craig Tashjian** and **Muriel Tashjian**, and no member of the public questioned the witness or commented on the application; and

**WHEREAS**, the Planning Board did consider the testimony and evidence presented, the following are the findings of fact and conclusions of the Board:

1. The existing deck was constructed with the house in 1990. The deck encroaches into what is now a required rear yard setback of 25 feet. The rear yard setback is 15.75 feet. Applicants purchased the house and property in 2003. The proposal is to replace the deck and stairs but no closer to the rear yard boundary. Put another way, the rear yard encroachment will remain the same. However, the new deck, with an existing dimension of 26 feet, will be extended an additional 5 feet towards the easterly boundary of the property, which is technically an enhancement of the rear yard encroachment.

2. N.J.S.A. 40:55D-70c((1)(c) defines "hardship" as including "an extraordinary and exceptional situation uniquely affecting . . . the structures lawfully existing thereon . . ." Applicants testified that the deck was constructed the same time the house was constructed in 1990. Its mere existence, without more, would justify the effort to replace it. However, but for its preexisting nonconformity, it would at least arguable that a new deck would not be "extraordinary" or "an exceptional situation".

3. How then does the Board treat a 5-foot extension of the nonconformity? As related to the easterly side of the property where the deck would be extended, or the rear yard, the extension poses no adverse consequences. To the east is the wooded acreage abutting the rear of the North Cliff Elementary School. To the north, abutting the rear yards of homes on Hollywood Avenue, there is significant landscaping both onsite and in the rear yards of adjoining homes to shield any adverse use of the extra 5-foot expanse. Thus, the negative criteria of the statute are met and there would be no projected substantial adverse impact of the public interest or the neighborhood zoning scheme.

**NOW, THEREFORE, BE IT RESOLVED** by the Planning Board of the Borough of Englewood Cliffs that the minor subdivision be approved, subject to the following conditions:

A. All representations made by applicants shall be deemed conditions of this approval and any misrepresentations by applicants contrary to the representations made before the Board shall be deemed a violation of this approval.

B. The action of the Planning Board in approving this application shall not relieve the applicants of responsibility for any damages caused by this project, nor does the Planning Board of the Borough of Englewood Cliffs, or its reviewing professionals and agencies, accept any responsibility for design of the proposed improvement or for any damages that may be caused by this development.

C. Applicants shall comply with all applicable federal, state, regional, county and local rules, regulations and requirements. In the event compliance with the requirements of any such governmental entity necessitates modifications to the application, applicants shall submit revised plans to the Zoning Officer and Construction Official for their review and approval. If deemed by him to be so substantial or different as to warrant further review by the Planning Board, such modification(s) shall be referred to the Planning Board for its formal review, and applicant shall be required to present same in compliance with the notice provisions of the Municipal Land Use Law.

D. This approval is subject to applicant obtaining a building permit and any other State, County or Borough approvals (including Borough Board of Health), if required.

E. All fees, costs, bonds and escrows shall be paid when due or becoming due. Any monies are to be paid within twenty (20) days of said request by the Board's Secretary.

**MOTION BY: MR. CHINMAN**

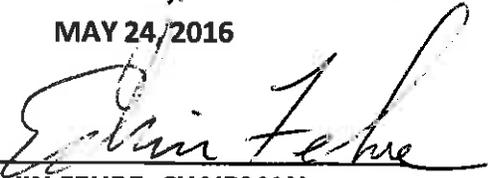
**SECONDED BY: MR. KILMARTIN**

**IN FAVOR: MR. CHINMAN, MR. KILMARTIN, MR. VILLARI, MR. TROVATO, MR. KIM, MS. O'SHEA, MS. EASTWOOD, COUNCILMAN PARK and MR. FEHRE**

**OPPOSED: NONE**

DATE APPLICATION APPROVED: MAY 12, 2016

DATE RESOLUTION APPROVED: MAY 24, 2016

  
EDWIN FEHRE, CHAIRMAN  
PLANNING BOARD

Attest:

  
CATERINA SCANCARELLA  
PLANNING BOARD SECRETARY

ATES NUSSMAN RAPONE  
ELLIS & FARHI, LLP  
ATTORNEYS-AT-LAW  
190 MOORE STREET  
SUITE 306  
HACKENSACK, N.J.  
07601-7407



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May 12, 2016

VIA EMAIL

Ms. Cathy Scancarella, Planning Board  
Administrative Secretary  
Borough of Englewood Cliffs  
482 Hudson Terrace  
Englewood Cliffs, NJ 07632

Re: **Engineering Review**  
11 Sylvan Avenue  
Block 134, Lot 3.01  
Borough of Englewood Cliffs, Bergen County, NJ  
Planning Board Application #261K  
MC Project No. ECP-030

Dear Ms. Scancarella:

Our office is in receipt of copies of documents relative to the above-referenced application summarized in Exhibit 1.

Based on our review of these documents, we offer the following comments regarding this application:

**General**

1. The Owner/Applicant in this matter is:

JooASoo, LLC  
2465 2nd Street  
Fort Lee, NJ 07024

The Applicant shall notify the Board of any changes to the above information.

2. The project is located at 11 Sylvan Avenue, Block 134, Lot 3.01, Englewood Cliffs, New Jersey.
3. The project is located in the B-3 Special Retail District and is located about one hundred fifty (150) feet north of Irving Avenue.
4. The project is located on US Route 9W.



5. The Applicant is proposing to construct an addition onto the existing building. The Applicant is also proposing to install two (2) roof decks on the second story roof. The Applicant is proposing to install a new ADA-compliant access ramp and a covered entrance way. The Applicant is proposing to expand the parking area on the site. As part of the 2008 approved major subdivision, the Applicant is also proposing to remove a portion of the existing structure from Lots 10.01 and 10.02.

**Variations/Non-conformities/Waivers**

6. The Board should request comments from the Board Attorney and Planner regarding the requirements of variations/non-conformities/waivers related to the construction of the new building. The Applicant has indicated in their application that they are seeking a conditional use variance.

**Miscellaneous**

7. In order to properly evaluate the current application, our office requires a current conditions survey prepared, signed and sealed by a New Jersey licensed Surveyor. This survey shall include lot 10.01 & 10.02 as they were a part of the previous application.
8. The Applicant shall provide a copy of the approval resolution for the approved subdivision, resolution described in Exhibit E. The Applicant provided a mislabeled resolution of denial dated July 10, 2008.
9. The Applicant shall revise the site plan to show existing and proposed text/conditions in either two different shades or different font styles. The reviewer cannot distinguish between what is existing text/conditions and what are proposed text/conditions.
10. The Applicant shall revise the zoning table to show required, existing and proposed calculations/tabulations of the site. The Applicant shall also show whether or not they comply with each condition of the zoning table.
11. The Applicant shall revise the table to reflect existing non-conformances, including but not limited to, the following items: Lot Size, Rear Yard, Height, Stories, Landscaped Buffer and Parking Buffer.
12. The Applicant shall include lot coverage calculations in the zoning table.
13. The Applicant shall revise the plan to show the required setbacks on the site plan. The Applicant shall include buffer zone, parking and building setbacks.



14. The Applicant shall provide Architectural plans showing the proposed elevation of the structure.
15. The Applicant shall provide testimony regarding the proposed valet service for the site. The valet service shall be in compliance with the Section 30-10.2(n) of the Borough Ordinance.
16. It appears the Applicant is showing conformance with the off-street parking requirements by employee off-site parking. The Applicant shall be aware of the Borough Ordinance 30-10.1(g), which does not allow for off-site parking to be included in parking requirements.
  - a. If an agreement exists for offsite parking; documents regarding the same shall be provided to the board.
17. The Applicant is exempt from providing a dedicated loading space requirement per the Subsection 30-10.1(2) of the Borough ordinance, but the Applicant shall provide testimony regarding deliveries of food and supplies required to operate an "Eating and Drinking Establishment".
18. The Applicant shall provide testimony regarding the twenty (20) foot buffer requirement per Section 30-7.10(b) of the Borough ordinance. The Applicant is providing a five (5) foot buffer.
19. The Applicant is not proposing any landscaping. Section 30-7.10(g) requires planting material to be installed in the buffer areas. Section 30-9.4(k) outlines the required information needed to be on the landscaping plan. The Applicant shall provide a landscaping plan for the site.
20. The Applicant is not proposing any additional lighting for the site. The Applicant shall provide a lighting plan showing the existing site lighting is in compliance with Section 30-10.2(c) of the Borough ordinance. Section 30-9.4(k) outlines the required information needed to be on the lighting plan. The Applicant shall provide a lighting plan for the site.
21. The Applicant shall provide testimony regarding Section 30-10.2(g) & (h) of the Borough ordinance. The required parking setbacks are five (5) and ten (10) feet respectively. The Applicant is proposing one (1) foot+/- from the adjacent property line and five (5) feet from the adjacent residential zone.
22. The Applicant shall clarify if the entire site is getting new curbing or if new curbing is only proposed in the areas where the parking lot is being expanded. The Applicant shall provide top and bottom elevations of curbing.



23. The Applicant shall consider improving the driveway apron and expanding the curb cut to help with two way traffic flow. The ordinance states that the maximum width of a driveway opening for commercial use shall be thirty (30) feet. The existing curb cut is about twenty (20) feet wide.
24. The Applicant shall provide stormwater management (retention/detention) for the site in compliance with Section 30-7.14 which has a zero runoff requirement for proposed commercial and subdivision applications.
25. The Applicant shall clean the existing stormwater management system and verify it is functioning properly. The Applicant shall provide a video inspection of the existing onsite stormwater management system to the Borough Engineer for review.
26. The Applicant is proposing a six (6) foot high fence on top of an existing concrete retaining wall. The Applicant shall verify that the proposed construction of the fence will not impact the structural integrity of the wall.
27. The Applicant is showing a four (4) foot high fence located along the western portion of the parking lot. The Applicant shall clarify the limits of this fencing.
28. The Applicant is showing a bottom wall elevation located on the western side of the building. The Applicant shall provide more information regarding the wall.
29. It appears that parking spots #16 and #19 are located less than one (1) foot away from the proposed structure. The Applicant shall provide testimony regarding any safety precaution being installed to prevent vehicular traffic from hitting the structure or the proposed fire escape steps.
30. The Applicant is not showing any proposed site signage. The Applicant shall comply with Chapter 19 of the Borough ordinance if any signage is proposed.
31. The Applicant is showing one (1) ADA parking stall. The Applicant shall verify that the parking stall is ADA-compliant.
32. The Applicant does not show any improvements to the existing parking lot. From aerial images of the site it appears that the parking lot is cracked and has not been properly maintained. The Applicant shall provide the necessary repairs to restore the parking lot to its original condition or restore it.
33. The Applicant is proposing a dumpster located at the northern portion of the structure. The Applicant shall comply with Section 30-9.4(t) which requires proper screening/fencing around refuse areas. The Applicant shall also install a concrete pad for the dumpster area.



34. It appears that the Applicant is proposing to have the dumpster area access blocked by four (4) parking spaces. The Applicant shall provide testimony regarding access to the dumpster area for trash and recycling collection.
35. The Applicant is showing a drop curb along the northern portion of the parking lot behind the dumpster. The Applicant shall verify if this is part of the design.
36. The Applicant is not showing any utility connections located on Sylvan Avenue. The Applicant shall verify and locate all existing utility lines serving the property. The Applicant shall verify that the existing utility connections are sized adequately to serve the use of the site. The Applicant shall revise the plans to show new utility connection if the existing connections are deemed insufficient.
37. The Applicant shall provide additional elevations for the existing concrete wall along the rear of the property.
38. The Applicant shall remove the existing pavement and curbing from Lot 10.02. The Applicant shall remove any existing building debris located on the lot.
39. The Applicant shall provide the following details:
  - a. Fire Department Siamese Connection
  - b. Concrete Curb
  - c. 6' Fence and 4' Fence
  - d. Onsite Pavement
  - e. Offsite Pavement
  - f. Dumpster Pad
  - g. Sidewalk/Apron
  - h. Trench Detail
  - i. Landscape/Seeding
40. The Applicant shall provide information on the permitting requirements including, but not limited to, the following:
  - a. United Water
  - b. Bergen County
  - c. Borough of Englewood Cliffs, Sewer Department Approval
  - d. Local Soil County Conservation District
  - e. Shade Tree Approval
  - f. Building Department Permits
  - g. Any other permits required for the project



Ms. Cathy Scancarella, Planning Board Administrative Secretary  
MC Project No. ECP-030  
May 12, 2016  
Page 6 of 8

If you have questions or require any additional information, please do not hesitate to contact the undersigned.

Very truly yours,

MASER CONSULTING P.A.

A handwritten signature in black ink, appearing to read 'A. Hipolit', is written over the printed name.

Andrew R. Hipolit, P.E., P.P., C.M.E.  
Borough Engineer

ARH/tva

cc: Owner/Applicant via Attorney, Mark J. Sokolich, Esq. (via email)  
Michael Kates, Esq., Board Attorney (via email)

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***EXHIBIT 1***

**SUMMARY OF DOCUMENTS SUBMITTED  
FOR THE  
11 SYLVAN AVENUE APPLICATION**

**MAY 2016**



The following is a summary of the documents submitted for the review of the documents submitted for the review of the 11 Sylvan Avenue:

- a. Letter from George Drimones, Fire Chief, Borough of Englewood Cliffs to Cathy Scancarella, Board Secretary regarding Site Plan Application, 11 Sylvan Avenue, dated March 22, 2016;
- b. Plan entitled "Proposed Restaurant in Zone B-3(Conditional Use), Address 11 Sylvan Avenue, Englewood Cliffs, NJ 07632, Client JooASoo LLC", prepared by IJKIM Architect PLLC, consisting of three (3) sheets, dated 02.16.2016, revised through 03.07.2016;
- c. Plan entitled "Plot Plan, Zoning Analysis, Floor Area Schedule, Site Plan, Proposed Restaurant in Zone B-3(Conditional Use), 11 Sylvan Avenue, Englewood Cliffs, NJ 07632", prepared by IJKIM Architect PLLC, consisting of two (2) sheets, dated 2/16/2016, revised through 4/11/2016;
- d. Plan entitled "Final Plat, Neoto Corporation, Lots 3 & 10, Block 134 Situated In The Borough of Englewood Cliffs, Bergen County, New Jersey", prepared by John E. Collazuol & Assoc., consisting of one (1) sheet, dated 02-17-2009, revised through 6-11-09; and
- e. Project Description entitled "In re 11 Sylvan Avenue Application for Permitted Conditional Use Approval", undated.



Engineers  
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Surveyors  
Landscape Architects  
Environmental Scientists

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May 16, 2016

VIA EMAIL

Ms. Cathy Scancarella, Planning Board  
Administrative Secretary  
Borough of Englewood Cliffs  
482 Hudson Terrace  
Englewood Cliffs, NJ 07632

Re: **Engineering Review**  
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#### **Variations/Non-conformities/Waivers**

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#### **Miscellaneous**

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19. The Applicant is not proposing any landscaping. Section 30-7.10(g) requires planting material to be installed in the buffer areas. Section 30-9.4(k) outlines the required information needed to be on the landscaping plan. The Applicant shall provide a landscaping plan for the site.
20. The Applicant is not proposing any additional lighting for the site. The Applicant shall provide a lighting plan showing the existing site lighting is in compliance with Section 30-10.2(c) of the Borough ordinance. Section 30-9.4(k) outlines the required information needed to be on the lighting plan. The Applicant shall provide a lighting plan for the site.
21. The Applicant shall provide testimony regarding Section 30-10.2(g) & (h) of the Borough ordinance. The required parking setbacks are five (5) and ten (10) feet respectively. The Applicant is proposing one (1) foot+/- from the adjacent property line and five (5) feet from the adjacent residential zone.
22. The Applicant shall clarify if the entire site is getting new curbing or if new curbing is only proposed in the areas where the parking lot is being expanded. The Applicant shall provide top and bottom elevations of curbing.



23. The Applicant shall consider improving the driveway apron and expanding the curb cut to help with two way traffic flow. The ordinance states that the maximum width of a driveway opening for commercial use shall be thirty (30) feet. The existing curb cut is about twenty (20) feet wide.
24. The Applicant shall provide stormwater management (retention/detention) for the site in compliance with Section 30-7.14 which has a zero runoff requirement for proposed commercial and subdivision applications.
25. The Applicant shall clean the existing stormwater management system and verify it is functioning properly. The Applicant shall provide a video inspection of the existing onsite stormwater management system to the Borough Engineer for review.
26. The Applicant is proposing a six (6) foot high fence on top of an existing concrete retaining wall. The Applicant shall verify that the proposed construction of the fence will not impact the structural integrity of the wall.
27. The Applicant is showing a four (4) foot high fence located along the western portion of the parking lot. The Applicant shall clarify the limits of this fencing.
28. The Applicant is showing a bottom wall elevation located on the western side of the building. The Applicant shall provide more information regarding the wall.
29. It appears that parking spots #16 and #19 are located less than one (1) foot away from the proposed structure. The Applicant shall provide testimony regarding any safety precaution being installed to prevent vehicular traffic from hitting the structure or the proposed fire escape steps.
30. The Applicant is not showing any proposed site signage. The Applicant shall comply with Chapter 19 of the Borough ordinance if any signage is proposed.
31. The Applicant is showing one (1) ADA parking stall. The Applicant shall verify that the parking stall is ADA-compliant.
32. The Applicant does not show any improvements to the existing parking lot. From aerial images of the site it appears that the parking lot is cracked and has not been properly maintained. The Applicant shall provide the necessary repairs to restore the parking lot to its original condition or restore it.
33. The Applicant is proposing a dumpster located at the northern portion of the structure. The Applicant shall comply with Section 30-9.4(t) which requires proper screening/fencing around refuse areas. The Applicant shall also install a concrete pad for the dumpster area.



34. It appears that the Applicant is proposing to have the dumpster area access blocked by four (4) parking spaces. The Applicant shall provide testimony regarding access to the dumpster area for trash and recycling collection.
35. The Applicant is showing a drop curb along the northern portion of the parking lot behind the dumpster. The Applicant shall verify if this is part of the design.
36. The Applicant is not showing any utility connections located on Sylvan Avenue. The Applicant shall verify and locate all existing utility lines serving the property. The Applicant shall verify that the existing utility connections are sized adequately to serve the use of the site. The Applicant shall revise the plans to show new utility connection if the existing connections are deemed insufficient.
37. The Applicant shall provide additional elevations for the existing concrete wall along the rear of the property.
38. The Applicant shall remove the existing pavement and curbing from Lot 10.02. The Applicant shall remove any existing building debris located on the lot.
39. The Applicant shall provide the following details:
  - a. Fire Department Siamese Connection
  - b. Concrete Curb
  - c. 6' Fence and 4' Fence
  - d. Onsite Pavement
  - e. Offsite Pavement
  - f. Dumpster Pad
  - g. Sidewalk/Apron
  - h. Trench Detail
  - i. Landscape/Seeding
40. The Applicant shall provide information on the permitting requirements including, but not limited to, the following:
  - a. United Water
  - b. Bergen County
  - c. Borough of Englewood Cliffs, Sewer Department Approval
  - d. Local Soil County Conservation District
  - e. Shade Tree Approval
  - f. Building Department Permits
  - g. Any other permits required for the project



Ms. Cathy Scancarella, Planning Board Administrative Secretary  
MC Project No. ECP-030  
May 16, 2016  
Page 6 of 8

If you have questions or require any additional information, please do not hesitate to contact the undersigned.

Very truly yours,

MASER CONSULTING P.A.

A handwritten signature in black ink, appearing to read 'A. Hipolit', written over a horizontal line.

Andrew R. Hipolit, P.E., P.P., C.M.E.  
Borough Engineer

ARH/tva

cc: Owner/Applicant via Attorney, Mark J. Sokolich, Esq. (via email)  
Michael Kates, Esq., Board Attorney (via email)

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Ms. Cathy Scancarella, Planning Board Administrative Secretary  
MC Project No. ECP-030  
May 16, 2016  
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***EXHIBIT 1***

**SUMMARY OF DOCUMENTS SUBMITTED  
FOR THE  
11 SYLVAN AVENUE APPLICATION**

**MAY 2016**



The following is a summary of the documents submitted for the review of the documents submitted for the review of the 11 Sylvan Avenue:

- a. Letter from George Drimones, Fire Chief, Borough of Englewood Cliffs to Cathy Scancarella, Board Secretary regarding Site Plan Application, 11 Sylvan Avenue, dated March 22, 2016;
- b. Plan entitled "Proposed Restaurant in Zone B-3(Conditional Use), Address 11 Sylvan Avenue, Englewood Cliffs, NJ 07632, Client JooASoo LLC", prepared by IJKIM Architect PLLC, consisting of three (3) sheets, dated 02.16.2016, revised through 03.07.2016;
- c. Plan entitled "Plot Plan, Zoning Analysis, Floor Area Schedule, Site Plan, Proposed Restaurant in Zone B-3(Conditional Use), 11 Sylvan Avenue, Englewood Cliffs, NJ 07632", prepared by IJKIM Architect PLLC, consisting of two (2) sheets, dated 2/16/2016, revised through 4/11/2016;
- d. Plan entitled "Final Plat, Neoto Corporation, Lots 3 & 10, Block 134 Situated In The Borough of Englewood Cliffs, Bergen County, New Jersey", prepared by John E. Collazuol & Assoc., consisting of one (1) sheet, dated 02-17-2009, revised through 6-11-09; and
- e. Project Description entitled "In re 11 Sylvan Avenue Application for Permitted Conditional Use Approval", undated.



Engineers  
Planners  
Surveyors  
Landscape Architects  
Environmental Scientists

400 Valley Road, Suite 304  
Mount Arlington, NJ 07856  
T: 973.398.3110  
F: 973.398.3199  
www.maserconsulting.com

May 23, 2016

VIA EMAIL

Ms. Cathy Scancarella, Planning Board  
Administrative Secretary  
Borough of Englewood Cliffs  
482 Hudson Terrace  
Englewood Cliffs, NJ 07632

Re: **Engineering Review**  
744 Palisade Avenue  
Block 512, Lots 4, 5 & 6  
Borough of Englewood Cliffs, Bergen County, NJ  
Planning Board Application #266K  
MC Project No. ECP-047

Dear Ms. Scancarella:

Our office is in receipt of copies of documents relative to the above-referenced application summarized in Exhibit 1.

Based on our review of these documents, we offer the following comments regarding completeness of this application:

**General**

1. The Owner in this matter is:

EC Acquisition, LLC and EC Acquisition II, LLC  
c/o 287 Bowman Avenue  
Purchase, NY 10577

The Applicant in this matter is:

Bank of New Jersey  
1365 Palisade Avenue  
Fort Lee, NJ 07024

The Applicant shall notify the Board of any changes to the above information.



2. The project is located at 744 East Palisade Avenue, Block 512, Lots 4, 5 & 6, Englewood Cliffs, New Jersey.
3. The project is located in the B-4 Restricted Commercial District and is located between Palisades Avenue, Hudson Terrace and Kahn Terrace.
4. The project is front on two (2) county roads, Palisades Ave and Hudson Terrace and also along Kahn Terrace.
5. The Applicant is seeking an amended site approval to an application that was approved and memorialized by the board on September 11, 2014. The site is currently under construction and during the construction it was determined that the existing canopy was deemed unsafe and needed to be replaced. The Applicant is proposing a smaller replacement canopy. The Applicant is also seeking to add eight (8) additional parking spaces.

#### **Variances/Non-conformities/Waivers**

6. The Board should request comments from the Board Attorney and Planner regarding the requirements of variances/non-conformities/waivers related to the construction of the new building. The Applicant has indicated in their application that they are seeking a conditional use variance.

#### **Miscellaneous**

7. The Applicant shall comply with the conditions of the previous resolutions pertaining to the site. Resolutions approved June 27, 2013 and September 11, 2014 shall remain in effect.
8. The Applicant shall provide testimony regarding the proposed lot coverage. In the previous application the existing and proposed lot coverage was 16.68% & 17.09%. In the amended application the coverage numbers are 14.0% to 15.2%.
9. The Applicant shall provide testimony regarding the impervious coverage. The increase shown on Sheet 2 of the stormwater drainage calculations shows an increase of 748 SF of impervious coverage. It appears that the increase is 1,035 SF. The Applicant shall revise the report.
10. The Applicant states the impervious area is 31,917 SF for existing conditions but the calculations used to calculate the flow are for 32,204 SF. The Applicant shall revise the report with the correct areas in the report.
11. The Applicant shall provide testimony and additional details regarding the designed collection area of the roof. It does not appear the applicant is proposing to capture the



entire increase in impervious coverage. It is unclear how the roof area will be separated to only allow the designed area to be directed towards the drywell.

12. The Applicant shall provide testimony regarding ADA parking stall compliance. It appears the Applicant is proposing two (2) parking stalls where regulation requires three (3). The Applicant shall also provide spot grades within the parking stalls showing conformance with ADA guidelines.
13. The Applicant shall provide testimony regarding General Note #18 on Sheet C2.2. It appears the applicant must address ADA requirements onsite and along the property right of way. The Applicant shall verify if ADA compliant ramps are required at the ingress and egress point of the site. The Applicant shall also address ADA requirements at the corners of Palisades and Hudson and Kahn and Hudson.
14. The Applicant shall provide testimony regarding proposed signage for the site. It appears the Applicant is proposing to reface the existing site sign. The Applicant shall clarify if the proposed drive thru canopy will have any signage installed. The Applicant shall provide a signage table on the plans.
15. The Applicant is showing a drywell on Sheet C2.3. The Applicant shall show the drywell pit to be 10.5' x 10.5 wide instead of a circular pit.
16. The Applicant is proposing a 4" PVC storm drainage connection across the drive thru area on Sheet C2.3. The Applicant shall provide testimony regarding the traffic bearing capacity of PVC piping.
17. The Applicant shall provide stormwater management retention for the site in compliance with Section 30-7.14 which has a zero runoff requirement for all proposed grading and repaving applications.
18. The Applicant shall confirm that the fire truck shown on Sheet C2.5 is the largest firefighting firetruck that the Englewood Cliff Fire Department has. The Applicant shall obtain approval from the Fire Department Chief that the firetruck shown on Sheet C2.5 is the largest firefighting apparatus in the department.
19. The Applicant shall provide the following details:
  - a. Concrete Pad in Drive Thru Area
  - b. Concrete Island/Curb
  - c. Bergen County Pavement Detail
20. The Applicant shall provide information on the permitting requirements including, but not limited to, the following:



Ms. Cathy Scancarella, Planning Board Administrative Secretary  
MC Project No. ECP-047  
May 23, 2016  
Page 4 of 6

- a. United Water
- b. Bergen County
- c. Borough of Englewood Cliffs, Sewer Department Approval
- d. Local Soil County Conservation District
- e. Shade Tree Approval
- f. Building Department Permits
- g. Any other permits required for the project

If you have questions or require any additional information, please do not hesitate to contact the undersigned.

Very truly yours,

MASER CONSULTING P.A.

A handwritten signature in black ink, appearing to read 'Andrew R. Hipolit'.

Andrew R. Hipolit, P.E., P.P., C.M.E.  
Borough Engineer

ARH/tva

cc: Owner/Applicant via Attorney, Mark J. Sokolich, Esq. (via email)  
Michael Kates, Esq., Board Attorney (via email)



Ms. Cathy Scancarella, Planning Board Administrative Secretary  
MC Project No. ECP-047  
May 23, 2016  
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***EXHIBIT 1***

**SUMMARY OF DOCUMENTS SUBMITTED  
FOR THE  
744 PALISADE AVENUE  
APPLICATION**

**MAY 2016**



The following is a summary of the documents submitted for the review of the 744 Palisade Avenue Application:

- a. Plan entitled “Amended/Preliminary/Final Site Plan, Bank of New Jersey, Block 512, Lots 4, 5 & 6 Tax Map #5, 744 East Palisade Avenue, Borough of Englewood Cliffs, Bergen County, New Jersey”, prepared by Bertin Engineering, consisting of nine (9) sheets, dated 4-11-14, revised through 4-6-16;
- b. Plan entitled “Drive-Thru Canopy Plan, Elevations & Details, Proposed Commercial Building Renovation, Bank of New Jersey, 750 E. Palisade Ave., Englewood Cliffs, NJ”, prepared by Architectura, consisting of one (1) sheet, dated 03.23.15, revised through 04.11.16;
- c. Report entitled “Stormwater Drainage Calculations, Bank of New Jersey, Block 512, Lots 4, 5 & 6, Tax Map #5, 744 East Palisade Avenue, Borough of Englewood Cliffs, Bergen County, NJ”, prepared by Bertin Engineering, dated April 23, 2014, revised through April 6, 2016;
- d. Planning Board, Borough of Englewood Cliffs, Memorialization Resolution, Application No. 222K, dated June 27, 2013; and
- e. Planning Board, Borough of Englewood Cliffs, Memorialization Resolution, Application No. 233K, dated September 11, 2014.

BOROUGH OF ENGLEWOOD CLIFFS  
PLANNING BOARD  
REGULAR MEETING  
10 Kahn Terrace  
Englewood Cliffs, New Jersey  
Tuesday, May 24, 2016  
Commencing at 7:41 p.m.

STENOGRAPHIC  
TRANSCRIPT OF  
PROCEEDINGS  
VOLUME III

IN RE: -X  
APPLICATION NO. 263K  
JooASoo, L.L.C.,  
Applicant.  
D-3 Use Variances & C Variance  
for Parking  
Block 134, Lot 3.01  
11 Sylvan Avenue  
: -X

B E F O R E:  
EDWIN FEHRE, CHAIRMAN  
AUREL VILLARI, VICE CHAIRMAN  
JEFFERSON CHINMAN  
RONALD KILMARTIN  
MATTHEW TROVATO  
KIKI KIM  
FUSSELL PORRINO  
J.P. LEE  
JILL ROSENBERG

Michael B. Kates, Esquire, Board Attorney  
Michael O'Krepky, PE, Board Engineer  
Cathy Scancarella, Board Secretary

TRANSCRIBED BY AND BEFORE:  
ToniAnn Acquaro, Professional Court Reporter, and Notary  
Public of the State of New Jersey.

Job No. 2318743

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

Susan B. Lee, Attorney-at-Law  
Counsel for Applicant JooASoo, LLC.  
210-A Sylvan Avenue  
Englewood Cliffs, New Jersey 07632

BY: SUSAN M. LEE, ESQUIRE  
(201) 585-8310  
susanmleesq@aol.com

I N D E X:

APPLICANT'S WITNESSES:	PAGE
Iljcong Kim	5
Joochan Lee	35
MEMBERS OF THE PUBLIC:	
Mary O'Shea	58
Denise Angelo	69

E X H I B I T S:

APPLICANT'S	DESCRIPTION	PAGE
Exhibit 1	Color photograph of current site	5
Exhibit 2	Color photograph of current site	6
Exhibit 3	Color photograph of current site	6
Exhibit 4	Color photograph of current site	6
Exhibit 5	Color photograph of current site	6
Exhibit 6	Color photograph of current site	6
Exhibit 7	Color photograph of current site	6
Exhibit 8	Color photograph of current site	6
Exhibit 9	Color photograph of current site	6
Exhibit 10	Color photograph of current site	6
Exhibit 11	Five color photographs of Dong Bang Grill	13
Exhibit 12	Four color photographs of the River Palm Restaurant	16
Exhibit 13	Four color photographs of Koreo Grill	17
Exhibit 14	Color photographs of Grissini's	17
Exhibit 15	Seven color photographs of Tea Bar	18

(Exhibits retained.)

CHAIRMAN FEHER: The first item of new  
business will be Application No. 263K.0 it's a D-3 use  
variance. And I hope I can pronounce this right,  
JooASoo, LLC.

MS. LEE: That's correct.

CHAIRMAN FEHER: 11 Sylvan Avenue, Block 909,  
Lot 12.

MS. O'SHEA: Mr. Chairman, I have to recuse  
myself on this application, but I will step back up for  
the next one.

CHAIRMAN FEHER: Thank you very much.

MR. PORRINO: I will step up, if that is all  
right, Mr. Chairman.

CHAIRMAN FEHRE: Yes.

MS. LEE: Good evening. I don't know whether  
I should stand or sit.

MS. SCANCARELLA: Put it in the doorway.

MS. LEE: I think I prefer to stand hang on a  
second. Well, I think I will sit.

Good evening, members of the board. My name is  
Susan Lee. I'm here on behalf of the applicant  
JooASoo, LLC, in connection with property located at 11  
Sylvan Avenue. The application seeks to set up a  
restaurant at the location. This is a B-3 district,  
it's a special retail zoning district. And I just want

1 to state that restaurants are a permitted conditional  
2 use in this zoning area.

3 Before I proceed, I would like to introduce the  
4 applicants who are here tonight. I ask them to stand.  
5 This is Ryan Lee, Mrs. Lee and Mr. Lee, parents.

6 Thank you.

7 I am also going to introduce the architect. His  
8 name is Iljoong Kim. My office is at 210 Sylvan Avenue  
9 in Englewood Cliffs, and so is Mr. Kim's, his office is  
10 at 300 Sylvan Avenue.

11 I L J O O N G K I M, after having been duly  
12 sworn, was examined and testified as follows:

13 MR. KATES: And your address is 300 Sylvan  
14 Avenue.

15 Okay. Proceed, Counsel.

16 EXAMINATION BY MS. LEE:

17 Q. So, Mr. Kim, will you please state to the  
18 board your educational background and your present  
19 occupation.

20 A. My educational background, I started at MIT  
21 Architecture. And currently I am registered in New York  
22 and New Jersey and Connecticut.

23 Q. Are you licensed in New Jersey as an  
24 architect?

25 A. Yes.

1 Q. How long have you been practicing your  
2 profession?

3 A. About 17 years.

4 Q. Have you testified before planning boards  
5 before?

6 A. Yes, I testified before Fort Lee, Landmark  
7 Committee in New York City, and Demarest.

8 MS. LEE: I ask the board to accept him.

9 CHAIRMAN FEHER: Yep.

10 MS. LEE: Before we proceed, I'm going to  
11 pass this out. I am -- these pictures were submitted in  
12 the application, but I will pass these around. These  
13 are photos of the present property.

14 MR. KATES: Since they are color photos, let  
15 me mark them. I know we received black and whites. Let  
16 me mark them first and then we will pass them around.

17 (Applicant's Exhibit 1 marked for  
18 identification.)

19 (Applicant's Exhibit 2 marked for  
20 identification.)

21 (Applicant's Exhibit 3 marked for  
22 identification.)

23 (Applicant's Exhibit 4 marked for  
24 identification.)

25 (Applicant's Exhibit 5 marked for

1 identification.)

2 (Applicant's Exhibit 6 marked for

3 identification.)

4 (Applicant's Exhibit 7 marked for

5 identification.)

6 (Applicant's Exhibit 8 marked for

7 identification.)

8 (Applicant's Exhibit 9 marked for

9 identification.)

10 (Applicant's Exhibit 10 marked for

11 identification.)

12 Q. So, Mr. Kim, will you please explain to the  
13 board the present condition of the property.

14 A. Sure.

15 MR. KATES: I am marking Exhibit A-1 through  
16 A-8. Color photos taken by?

17 MS. LEE: Yours truly.

18 MR. KATES: And the date? Do you remember  
19 when you took them?

20 MS. LEE: I would say it was on or about...

21 MR. CHINMAN: Wintertime.

22 MS. LEE: February, early March.

23 MR. KATES: You can proceed as I hand out the  
24 photographs.  
25

1 THE WITNESS: Sure. I thank you. It's an  
2 pleasure to present the project to the board and the  
3 audience.

4 Basically, this project is rehabilitating a  
5 building that has been abandoned for almost ten years  
6 for the community's benefit. The building has been  
7 empty for over close to ten years. And we plan to start  
8 a business, a gourmet restaurant for the community and  
9 the surrounding area. And the owner actually runs a  
10 very successful restaurant in Fort Lee. They have a  
11 long commitment to benefit the community by purchasing  
12 the property and run the business long term.

13 Before I start, with the actual design and the  
14 planning, I would like to explain the resolution that  
15 had been adopted in 2008, the major subdivision  
16 resolution by the borough. It's significant because our  
17 application and design is actually hinged on the  
18 approved resolution in 2008. That resolution has  
19 variances, which the major variance I want to point out  
20 is a buffer zone.

21 Usually in Englewood Cliffs, we need to have a 20  
22 foot when actually facing residential. But in the  
23 subdivision because of the site situation, it was  
24 granted a 5 foot buffer zone as a condition that the  
25 existing building, the rear portion of existing building

1 is to be removed so that the lot line aligns with the  
2 nonconforming existing buildings.

3 Q. Mr. Kim, we are just going to refresh the  
4 planning board's recollection. In 2008 this property  
5 was subdivided. This is the presently owned. It's one  
6 owner. And in 2008 the planning board subdivided this  
7 lot into three separate lots. The first one which abuts  
8 Sylvan Avenue is a commercial property because it was  
9 commercial use prior. And the rear two lots were then  
10 subdivided into residential lots.

11 The resolution, which is submitted in the  
12 application essentially, as the architect is explaining,  
13 provides various variances and a condition that a  
14 portion of the rear building be removed. And so the  
15 architect will explain to you that our plans are  
16 consistent with what was required and approved in 2008.

17 A. Thank you, Susan. So having said that, so  
18 our plan is, again, basically we are rehabilitating the  
19 existing building. Therefore, there isn't any changes  
20 in terms of bulk, like building height, setbacks and all  
21 these things are pretty much the way it is. However,  
22 because we need to remove a significant portion of the  
23 building at the rear which served as a second means of  
24 egress, this provided an exterior steps as a second  
25 means of egress on the right. And although we are using

1 the existing building, we plan to enhance the building,  
2 by providing more egress for the second floor.  
3 Currently, the existing building has only one means of  
4 egress. We are providing a fire escape for a second  
5 means of egress for the second level above.

6 We are trying to enhance the usability of the  
7 building by providing a handicapped ramp. It serves not  
8 just for the handicapped but for the elderly and young  
9 couples in town. In order to accommodate the  
10 handicapped ramp, the plan is to extend the existing  
11 covered entrance.

12 Q. Mr. Kim, essentially is the foot print of  
13 this -- the preexisting building is how many stories?

14 A. The preexisting building has a cellar and  
15 level one and level two and an attic.

16 Q. So it's two and a half stories. It's not  
17 going to change?

18 A. It's not going to change. The bulk is the  
19 same except some minor changes like a fire escape for  
20 some steps.

21 Q. The foot print of the building, the current  
22 building remains almost essentially the same?

23 A. So about the same. The thing is we are  
24 adding the exterior component, which is not part of the  
25 floor plan, floor area. But it will be part of the

1 footprint; however, it's way lower than what the  
2 resolution requires.

3 Q. Okay.

4 A. The foot print for the site coverage for the  
5 zoning, it allows up to 36 percent, but our coverage is  
6 only 14 percent. So it's pretty low.

7 I think the major thing that we wanted to discuss  
8 is obviously not the bulk but the parking. What we are  
9 proposing here is tandem parking that will be parked as  
10 a tandem fashion.

11 Susan, do you want to show some examples of  
12 tandem parking?

13 Q. Sure. Well, first of all, let's talk about  
14 the proposed drawings show how many parking spaces?

15 A. The proposed drawing shows 22 parking spaces,  
16 18 for the customers and 5 for the staff. The staff  
17 will consist of the manager and the chef and the  
18 assistant chef and the servers for each level.

19 Q. And the plan accommodates attendant parking?

20 A. Yes.

21 Q. With tandem parking?

22 A. Tandem fashion, right.

23 Q. In other words, if you didn't have tandem  
24 parking, would there have been enough area for  
25 self-parking to be in compliance with the ordinance?

1 A. Well, we can lay out to allow the  
2 self-parking, but the number of seats will be almost  
3 less than 25. It just doesn't justify to running a  
4 restaurant.

5 Q. With the tandem parking, are we in compliance  
6 with the number of parking that we would need with the  
7 number of seats we are proposing?

8 A. Yes. Because we are proposing 18 parking  
9 spaces and the total number of seats is 52; 26 for each  
10 floor.

11 MS. LEE: Just for the record, I do want to  
12 respectfully submit that Ordinance 30-10.1, Subsection N  
13 as in Nancy, permits tandem parking in the town, in the  
14 borough. There is nothing in the ordinance that  
15 prohibits tandem-style parking. And, if anything, we  
16 respectfully submit that tandem style parking is  
17 actually contemplated when you have attendant parking.  
18 To say that it's not, one could say that this ordinance  
19 is unconstitutionally vague. That being said, we  
20 respect the board's request that we seek a parking  
21 variance. And so what we would like to do is show to  
22 the board that there are several very successful  
23 restaurants in the general vicinity that has attendant  
24 parking and tandem self-parking.

25 So Mr. Kates, if you would please mark as Exhibit

1 B.

2 MR. KATES: Well, we are up to A-11. This  
3 would be 12.

4 MS. LEE: If we can have them as a set and do  
5 this as B?

6 MR. KATES: We can do that together.

7 MS. LEE: So maybe you can do B-1 and that  
8 cluster.

9 MR. KATES: So it will be A-12 will be a set  
10 of six color photographs. This is one particular  
11 restaurant.

12 (Applicant's Exhibit 11 marked for  
13 identification.)

14 MS. LEE: Yes. The restaurant that those  
15 pictures are is Dong Bang Grill, they are located in  
16 Fort Lee. It used to be another restaurant for many  
17 years. And now it's a Korean restaurant. They are very  
18 successful. They are very busy. And they do have  
19 attendant parking. And they have a really little,  
20 little lot under the building. I just wanted to show  
21 you.

22 Mr. Kates, I have a second set.

23 MS. ROSENBERG: I have two question. One,  
24 what is the other restaurant that they already own and  
25 run?

1 MS. LEE: Our clients own Tea Bar. It's in  
2 the Fort Lee and I have pictures of their restaurant to  
3 show you how beautiful the interior is.

4 MS. ROSENBERG: Have you contemplated that  
5 there might be an overflow of parking past the 18 cars?  
6 Let's suppose there is a holiday party or, hopefully,  
7 you do really, really well, what is the scenario of how  
8 you are going to handle the overflow from the parking  
9 lot that can only handle a certain amount?

10 MS. LEE: I think we would just simply say  
11 there is no parking if that was that scenario. We don't  
12 have an alternate space. So, you know, it would just  
13 turn away.

14 MS. ROSENBERG: So the owners have not  
15 contemplated any kind of arrangement with the property  
16 owner and discussed where they can put the cars if they  
17 need to?

18 MS. LEE: No, they have not. They will just  
19 turn them away.

20 MR. PORRINO: Mr. Chairman, I just have a  
21 procedural question. Are we hearing this as a C slash D  
22 or is it just a strictly C variance?

23 MR. KATES: No, I think it's a D, as well.

24 CHAIRMAN FEHER: It's a conditional use  
25 variance.

1 MR. KATES: Condition not met.

2 MR. PORRINO: Then I think we have to have  
3 the Class I and Class III members step down.

4 MR. KATES: That's correct. The mayor will  
5 not be voting.

6 Just so the record is clear.

7 MR. VILLARI: Excuse me for one moment,  
8 nature calls. Can we have a two-minute break?

9 CHAIRMAN FEHER: Sure.

10 MR. VILLARI: Thank you very much.

11 MR. KATES: We will take a break, but can I  
12 speak to you, Counsel?

13 (Brief recess.)

14 CHAIRMAN FEHER: Okay. Continue on we are  
15 ready to resume.

16 MR. VILLARI: Sorry.

17 MS. LEE: That's okay.

18 CHAIRMAN FEHER: I should announce also that  
19 Mr. J.P. Lee, I believe will be voting because the  
20 council rep and the mayor's rep are not permitted to  
21 vote on a D variance. So Mr. J.P. Lee is the next  
22 alternate who will be voting on this one.

23 MS. LEE: May I proceed?

24 CHAIRMAN FEHER: Go ahead.

25 MS. LEE: Mr. Kates, here another set of

1 photos. It's a restaurant that I think everyone is  
2 familiar with, and that's the River Palm. And you will  
3 see when you look at the photos -- I'm going to give a  
4 set here -- they another have attendant parking. And  
5 their parking lot actually has the attendant parking  
6 tandem parking grid outlined for you.

7 MR. KATES: For the record, let me just  
8 correct the first grouping was A-1 through A-10, not 11.  
9 The second group of six is A-11. And what we are now  
10 receiving will be grouped as A-12. And this is the  
11 River Palm.

12 (Applicant's Exhibit 12 marked for  
13 identification.)

14 MS. LEE: Restaurant located in Edgewater.

15 MR. KATES: And we also have four, four  
16 photos.

17 MS. LEE: I see. And, incidentally, all  
18 these photos were taken by yours truly and they were  
19 taken about three weeks ago. It was right before the  
20 last hearing.

21 MR. KATES: A-12 in evidence.

22 MS. LEE: I would like to enter into  
23 evidence, these are pictures of a restaurant that  
24 everyone is very familiar with, but it is no longer, the  
25 Plaza Diner. It is now a Korean restaurant and it's

1 called Koreo Grill. And they another have attendant  
2 parking there. They have even a smaller lot for  
3 parking. Very, very successful. Very, very busy.  
4 (Applicant's Exhibit 13 marked for  
5 identification.)

6 MR. KATES: A-13, four photos.

7 MS. LEE: And then last, but not lease, it's  
8 just one photograph of a restaurant that everybody here  
9 is extremely familiar with that does have attendant  
10 parking and that is Grissini's. There you go.

11 (Applicant's Exhibit 14 marked for  
12 identification.)

13 MS. LEE: In response to --

14 CHAIRMAN FEHER: Mama Mexico, they are not in  
15 business anymore but they also had attendant parking.  
16 Do you have any pictures of that?

17 MS. LEE: But there are no cars there.

18 In response to Mr. Rosenberg's inquiry regarding  
19 the restaurant that the applicant currently owns, it is  
20 Tea Bar, it's located in Fort Lee.

21 And in addition to obviously restoring the  
22 exterior of the building that is currently located at  
23 11 Sylvan Avenue the interior design will be very  
24 similar to the way Tea Bar is set up.

25 So, Mr. Kates, I would like to introduce that

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1 into evidence and here is a second set marked for  
2 identification

3 (Applicant's Exhibit 15 marked for  
4 identification.)

5 MR. KATES: A-15, seven photographs.

6 MS. LEE: So in conclusion, we are really  
7 excited about this application. The application is  
8 consistent with the architecture, the genre of  
9 buildings. Instead of tearing it down, we are restoring  
10 what was formally a beautiful, beautiful building. But  
11 it had been boarded up for over ten years. It has not  
12 been used. It's laid fallow. And the restoration of  
13 this building will also revitalize that area.

14 And it is consistent with the master plan of that  
15 zoning district. And it will continue the aesthetic  
16 appeal of that zone.

17 If you have any questions for the architect with  
18 respect to the plan?

19 MR. KATES: Just to finish the  
20 representation of counsel is that you will be mimicking  
21 the Tea Bar conditions, is that true? Do you have  
22 architectural drawings?

23 THE WITNESS: No. The interior will be  
24 designed in an unique way that actually fits the site.  
25 Not necessarily copying the Tea Bar.

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1 MR. KATES: What about the exterior?

2 THE WITNESS: The exterior will be  
3 modernizing it.

4 MR. KATES: Do you have samples of the  
5 finishes?

6 THE WITNESS: No.

7 MR. KATES: Are you leaving what is there?  
8 Are you just repaving?

9 THE WITNESS: Right now it's stucco. We are  
10 trying to repair the existing stucco. Obviously, the  
11 windows don't have any trims. We are obviously going to  
12 use the better trims and the better finishes, not  
13 necessarily changing the elevation of the building, but  
14 enhancing it with new material and new finishes.

15 MR. KATES: But the finishes and the samples  
16 are not being presented today?

17 THE WITNESS: Well, the finishes and the  
18 samples will be existing stucco. We are going to paint  
19 it or stain it.

20 MR. KATES: What about signage?

21 THE WITNESS: Signage, I would like to  
22 continue some of the items I would like to discuss with  
23 the board. There is an existing sign on the front yard.  
24 And also there is existing exterior lights, four light  
25 bulbs in the front yard. So they are in need of repair.

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1 We are going to repair it and reuse the existing  
2 structures.

3 MS. ROSENBERG: The same measurements of the  
4 sign?

5 THE WITNESS: The same locations, the same  
6 signage.

7 MR. PORRINO: If I may, the signage there was  
8 the frame of the sign, just the frame, which dictates  
9 the size of the sign.

10 I don't know, Mike, did your office verify if  
11 that frame itself is conforming or nonconforming and  
12 what type of sign they plan on putting in that sign?

13 THE WITNESS: I haven't verified the size of  
14 existing to conform with the ordinance. I assume we  
15 would be within that existing sign.

16 MR. PORRINO: I think it would be interesting  
17 to know what the use of the lighting is going to be. Is  
18 it backlit? Is it not backlit.

19 THE WITNESS: There are electrical wires  
20 coming in so it's a back lit light.

21 MR. PORRINO: And by backlit that means that  
22 the letters only would be illuminated or the entire  
23 sign?

24 THE WITNESS: The entire sign would be lit.

25 MR. PORRINO: But I think, I will let the

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1 others members speak to this, but I think we would  
2 rather see the letters themselves be illuminated and the  
3 background be opaque. And also there can be a  
4 limitation, maybe you can impose upon our engineer, as  
5 to the amount of footcandles being generated. So it's  
6 not too bright.

7 THE WITNESS: Well, it's way in the front  
8 yard. It makes sense to light the letters itself not  
9 the background to give it a more ambient look and also  
10 reduce the footcandles. We will consider doing that.

11 MR. KIXY KIM: So you can actually, you can  
12 use the Central Kitchen that is on Palisade and 9W. You  
13 can see that.

14 CHAIRMAN FEHER: That's one sign that we  
15 found to be okay.

16 MS. LEE: Central Kitchen.

17 CHAIRMAN FEHER: It's not too bright. We are  
18 concerned about the brightness of some of these signs.  
19 I don't remember how bright that one was, but it's  
20 possible this was very bright and it can be offensive so  
21 close to a residential neighborhood.

22 Maybe our engineer can come up with a footcandle  
23 or a number.

24 MR. O'KREPKY: We can use, with the input  
25 that I'm hearing tonight, and I just want to make sure

1 I'm hearing this correctly, the existing sign size is to  
2 be used. Only the letters are to be illuminated and the  
3 then the footcandles will be determined by our office  
4 consistent with best practices consistent with signage  
5 in the area.

6 MS. ROSENBERG: We also have to verify that  
7 the existing sign is conforming.

8 MR. O'KREPKY: That's the question tonight  
9 for the board to consider.

10 MR. KATES: It's a preexisting sign. I think  
11 the applicant is entitled to its use.

12 MR. CHINMAN: But the letter size would have  
13 to conform.

14 MR. O'KREPKY: So letter sizes will comply  
15 with Chapter 19.

16 CHAIRMAN FEHER: The sign code does not  
17 allow any lighting, but we have allowed it as long as  
18 it's subdued. In other words, not any brighter than,  
19 for example, the Central Kitchen sign. I don't know how  
20 many alumens that one has, but maybe you can work that  
21 out.

22 MS. LEE: Okay.

23 MR. KATES: I assume the Alta retains  
24 ownership and that your client is leasing the property?

25 MS. LEE: That's correct.

1 MR. KATES: Can you tell us what has been  
2 built behind it, of the subdivided lots fronting on  
3 Third Street?

4 MS. LEE: Those are vacant lots.

5 MR. KATES: What do you mean by vacant?

6 MS. LEE: There is nothing. And a portion of  
7 the present building abuts into that residential zone.  
8 That is why it's being removed. So there is no  
9 applications or any projects.

10 CHAIRMAN FEHER: Are the properties all owned  
11 by the same owner, the three lots?

12 MS. LEE: Yes.

13 CHAIRMAN FEHER: So, in other words, if he  
14 wanted to build a house there one day, the restaurant  
15 would be preexisting. Of course, he would decide if he  
16 wants to live behind the restaurant or not.

17 MS. LEE: I think that is a long-term dream  
18 of the applicant and why that whole area is so  
19 appealing. The fact that right behind are the two  
20 residential lots.

21 MR. KATES: Do you know if historically any  
22 effort was made to have the governing body change the  
23 zone line so that this particular property would be  
24 entirely within the commercial zone? There was some  
25 discussion when they made the subdivision about altering

1 that line, but it's, of course, a county road.

2 MS. LEE: Not that I aware of, but that's not  
3 to say we won't seek that in the future just to simplify  
4 matters.

5 MR. PORRINO: Ms. Lee, I have some questions.  
6 Are you planning on bringing in an engineer to testify  
7 or not?

8 MS. LEE: No, we are not.

9 MR. PORRINO: Then I would like to have a few  
10 questions answered, if that's all right. Maybe the  
11 architect can help or maybe our engineer can help fill  
12 in the blanks here, more regarding just the site plan,  
13 the details, curbing, landscaping, those types of  
14 things. So I will pose the questions to the architect  
15 if that is okay.

16 MS. LEE: Yes, please.

17 MR. PORRINO: Can you help describe the  
18 fencing? It looks like there is a fence along the back.  
19 Can you locate that and explain that, please?

20 THE WITNESS: Sure. We have two fences  
21 proposing. One is 6 foot high and the other one is 4  
22 foot high. We plan to put the 6 foot high along the  
23 boundary that faces the residential so we keep privacy  
24 to the residential area that just abuts the lot.

25 We are proposing 4 foot fence along the lot that

1 actually faces the commercial lot. Not to obscure the  
2 view, but just to give a little bit of screen to the  
3 neighbors. When a car comes in those headlights, we  
4 want to block that to the neighborhoods.

5 CHAIRMAN FEHER: Where is the 4 foot fence?

6 THE WITNESS: The 4 foot portion is here.

7 This is commercial lot and the zoning for this is  
8 commercial. So basically we are going to go commercial  
9 4 foot along this line, and this is residential and this  
10 is residential, so we have another 6 foot along the  
11 residential.

12 MR. PORRINO: My question is. And I am just  
13 throwing this out there as a suggestion. I'm not sure  
14 you need duplicate fences. What if you were to put a  
15 6 foot stockage fence on the property line like you show  
16 now? Stockage versus board-on-board so there is no  
17 light transmitted through it. And then do a row of  
18 evergreens maybe Cyprus behind what you say are the two  
19 fences now, eliminating the 4 foot fence. I am not sure  
20 if that accomplishes anything, having two fences within  
21 5 feet of each other. And doing a row of evergreens  
22 behind that fence, but they will grow above that fence  
23 and continue on. These Cyprus will grow 18 feet and 20  
24 feet in height.

25 THE WITNESS: We considered the landscape

1 first, but when we went to the site, the entire site is  
2 rock. It's really hard to plant the landscape so we had  
3 proposed the fence.

4 MS. LEE: And we had looked into that as a  
5 possible buffer, but it's solid rock. And the property  
6 actually, from the house, very close from behind the  
7 house it actually drops and it's all rock there.

8 MR. PORRINO: It seems that you can build,  
9 and it doesn't have to be a solid wall of sorts, but  
10 there is a way of captivating enough soil so that a row  
11 of trees could be planted. What happens is any  
12 landscaping -- there is a commercial use abutting a  
13 residential use, we always have this friction. And the  
14 residential maybe is concerned about having as much of a  
15 buffer as they can. In this case we don't have much  
16 space to deal with, but I think it's important to have  
17 some evergreen screening because the two uses.

18 MR. O'KREPKY: If I can suggest one solution?  
19 I have seen a lot of times in this situation is a berm  
20 is constructed, a soil berm is conducted and the  
21 plantings are planted in those. It serves two purposes;  
22 it elevates the planting as well as gives you a soil  
23 that you don't have there.

24 MS. LEE: The thing is we have only 5 foot  
25 space so it's difficult to build the berm.

1 MR. O'KREPKY: So if it's 5 foot width, if  
2 you had -- yeah, it would only give you like a...

3 MR. PORRINO: The only other thing I was  
4 thinking of is that you could build a wall. If you  
5 build a wall on both sides, that can give you -- I  
6 understand what you are saying, you don't have the  
7 ground to have the proper run out, to have proper  
8 slopes. But if you were to build a wall, that would  
9 allow you to have the necessary requirements. You are  
10 looking for about 3, 4 foot of soil in most cases to  
11 effect what the board is looking for. And that is  
12 something that can be done within a 5 foot area.

13 Is it solid rock from one end of the property to  
14 the other or are there places where there are pockets in  
15 the rock?

16 THE WITNESS: With this one, it seems like  
17 the rock actually slopes down. And I saw there was a  
18 retaining wall right here, there's an existing retaining  
19 wall right here. This corner there is a retaining wall.  
20 When I actually take a look at the area, below the  
21 retaining wall, I can see the rock. So it's pretty much  
22 solid rock. So having said that, it's creating a solid  
23 barrier, like walls and things. It's an option, but the  
24 cost of doing that is going to be pretty significant for  
25 the purpose of rehabilitating the existing buildings.

1 MR. O'KREPKY: What about another idea, just  
2 to throw out, if an easement can be put on the  
3 residential properties then you can have the room to put  
4 the berm, a less expensive option to install that berm.

5 THE WITNESS: The berm, it has to be drained.  
6 We still have to contain the soil somehow.

7 MR. O'KREPKY: But you will have the room.  
8 Let's say you have 10 feet. You would be able to rise  
9 up a 3-1 slope, go down a 3-1 slope and have your trees  
10 there.

11 THE WITNESS: We can consider it, but the lot  
12 behind the commercial lot is very small. And we would  
13 only have a 30-foot setback. We would be losing 8 foot  
14 just for the sake of the berm. The rear yard becomes so  
15 small to utilize as a residential building, it might be  
16 tough.

17 MS. LEE: Furthermore, the 2008 subdivision  
18 actually had a provision where the front portion of the  
19 residential lot was an easement for the road. That's a  
20 concession made. So the lot is even smaller because of  
21 the front portion.

22 THE WITNESS: I think maybe they would be  
23 losing 3 foot from the front yard. It's a very tight  
24 lot.

25 MR. O'KREPKY: I'm just throwing out these

1 ideas for everyone to consider.

2 MR. CHINMAN: I am curious. How we are going  
3 to maintain the water on this property not run off on  
4 the neighbors'?

5 THE WITNESS: Good question. There is the  
6 drop curb right here. So the water actually runs  
7 towards the slope, we are going to get rid of the drop  
8 curb and have a regular curb, so all the water comes  
9 inside the property. And the side of the concrete pump  
10 is going to be insufficient. We are going to verify a  
11 five foot berm.

12 MR. KATES: Has a storm water management plan  
13 been reviewed by Maser?

14 MR. O'KREPKY: That is something in our  
15 comment letter, there was a couple of things regarding  
16 drainage that we outlined in our letter. One of them  
17 being that the applicant shall verify the ability for  
18 the storm water system as shown partially, not  
19 completely, is clear and can take the storm water that  
20 is required by the site. For all we know, the site has  
21 been abandoned for quite some time and it actually  
22 shows, if you see over there on the left side of the  
23 paper all the way on the left --

24 MS. LEE: On the left?

25 MR. O'KREPKY: That is where the drainage

1 terminates on the other parcel and it's unknown where it  
2 goes from there. What we are stating in our letter is  
3 that the applicant shall provide this information. If  
4 necessary, repair it and bring it up to standards.

5 MS. LEE: I had spoken with the town engineer  
6 earlier today and definitely we understand that as a  
7 condition of their getting a construction permit.

8 MR. KATES: So the applicant agrees to all  
9 the comments made in the review letter and will comply?  
10 Have you had a chance to review this letter dated May  
11 16?

12 THE WITNESS: Yes. The thing is usually --  
13 I'm not an engineer, but based on experience, I work  
14 with engineers, usually when they design it, they always  
15 have some redundancy. And the amount of water -- just  
16 quickly, I haven't seen, I haven't heard any flood  
17 issues on this lot, and it has been over ten years. And  
18 I assume the drain system actually functions fine. But  
19 we are going to definitely verify, even video report, to  
20 check whether the existing drainage system performs.

21 MR. PORRINO: I think that is a sentiment  
22 behind the engineer's letter.

23 MR. O'KREPKY: In addition to that, I want to  
24 make the applicant aware of Comment No. 24, the  
25 applicant shall provide storm water management

1 retention/contention for the site in compliance with  
2 Section 30-7.14, which has a zero runoff requirement for  
3 proposed commercial and for this application.

4 So essentially for this application, there has to  
5 be storm water management attenuation structures on site  
6 to deal with the drainage. Although it exists, I  
7 understand that the property exists and you are not  
8 proposing any new, this is a unique code to Englewood  
9 Cliffs. It's fairly unique within the state that  
10 requires this because of the drainage issues in the  
11 area. So when applicants come in to improve the site,  
12 the municipality is afforded the improvement to the  
13 local area. So I just want to point that out, that  
14 issue and as well as the other issue, locate where the  
15 drainage goes to, are there easements on this other  
16 property until it gets to the public right-of-way and do  
17 these storm water structures convey the 25-year storm.  
18 So I just want to bring that to your attention because  
19 they are unique.

20 THE WITNESS: We are using existing building,  
21 but we want to make sure the water doesn't exceed what  
22 the code requires.

23 MR. CHINMAN: The amount of impervious  
24 coverage is not increasing.

25 MR. O'KREPKY: I think this was a slight

1 increase. The DEP has a trigger of a quarter acre  
2 increase and an acre of disturbance. In this case, what  
3 governs is the municipal codes regarding zero runoff.  
4 And that's -- I just want to bring that up, everyone is  
5 aware of that.

6 The other items, I just want to make sure I go  
7 through. I would just like to hear some testimony  
8 regarding new curbing. It was a little unclear on the  
9 plans. What is proposed, what is to remain, and what is  
10 going to be new, regarding curbing?

11 THE WITNESS: Sure. Basically, what will be  
12 remaining is the curb on the site and the area.  
13 However, we are going to remove the drop curb and make  
14 it elevated curbs so there is no water runoff from the  
15 commercial property to the residential. We are going to  
16 keep the existing curb at the front -- no, I'm sorry.  
17 We are actually going to remove the existing curb from  
18 the front because we have to extend the parking area a  
19 little bit. So extend the parking spaces, so that front  
20 is the only new curb.

21 MR. TROVITO: On Sylvan Avenue, the entire  
22 curbing is new?

23 THE WITNESS: Just this one. Not the actual  
24 access curb, but inside the property, the existing curb  
25 will be shifted to Sylvan a little bit to accommodate

1 more cars.

2 MR. TROVATO: Separating the parking from the  
3 grass area.

4 MS. LEE: It's a landscape curb, it's not  
5 actually the street curb.

6 MR. TROVATO: I got it.

7 MR. O'KREPKY: Also, regarding the next  
8 comment, Comment 23, I would just like some testimony  
9 regarding the access and the width. The ordinance  
10 states a maximum driveway, the maximum width of the  
11 driveway opening for commercial shall be 30 feet. The  
12 existing curb is approximately 20 feet. Will that  
13 change? Will it remain?

14 THE WITNESS: We are going to keep it as 20,  
15 just because we are want to utilize the existing sign.  
16 If we increase the width, we will have to remove all  
17 infrastructure including signs.

18 MS. LEE: And also we do have controlled  
19 movement because we have attendant parking, as well.  
20 Plus, as we had discussed earlier, the landscaping to  
21 the extent we can, we would like to maintain as much of  
22 the front landscaping as possible. Certainly the  
23 applicant will clean it up and beautify that. It's a  
24 very nice buffer between the avenue and the parking.

25 MR. KATES: Street trees?

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1 MS. SCANCARELLA: Not on that street.

2 MR. CHINMAN: What are the hours of  
3 operation?

4 MS. LEE: It's going to be from 10:30 to 1:00  
5 a.m.

6 MR. CHINMAN: 10:30 in the morning?

7 MS. LEE: Yes.

8 MR. CHINMAN: To 1:00 in the morning? So  
9 lunch and dinner, or breakfast, lunch and dinner?

10 MS. LEE: No. No. Lunch and dinner.

11 MR. KATES: And peak hours, staff, how many  
12 maximum staff at peak?

13 MS. LEE: Five.

14 MR. CHINMAN: Will there be deliveries?

15 MS. LEE: No.

16 MR. PORRINO: Mr. Kates, do we have an  
17 ordinance effecting opening and closing times of  
18 restaurants?

19 MR. KATES: We do. I'm not sure about the  
20 1:00 a.m. close.

21 MR. PORRINO: Does the applicant know? We  
22 researched the zoning, we are not even sure.

23 MS. SCANCARELLA: It can't be 24 hours.

24 MS. ROSENBERG: That was years ago.

25 MR. PORRINO: I see the consensus is that we

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1 are not really sure if there was a limit in terms of the  
2 hours.

3 MS. LEE: Listen, I'm sure that if there was,  
4 let's say that if the ordinance requires that the  
5 restaurant closes at 11:30. We would be in compliance.  
6 And when I say 1:00, it doesn't mean that they are going  
7 to be open until 1:00. Just giving you their outer most  
8 operation, but for the most part it's lunch and dinner.

9 CHAIRMAN FEHER: We don't have dinner at  
10 1:00 in the morning.

11 MR. CHINMAN: Maybe some people do.

12 CHAIRMAN FEHER: You don't have a liquor  
13 license?

14 MS. LEE: No, we do not.

15 MR. KATES: Can we have the operator be sworn  
16 to answer these questions rather than counsel?

17 J O O H A N L E E, after having been duly  
18 sworn, testified as follows:

19 State your full name.

20 THE WITNESS: Joochan Lee.

21 MR. KATES: And your address.

22 THE WITNESS: 2405 Second Street, Fort Lee,  
23 New Jersey.

24 MR. KATES: So a couple of questions have  
25 been raised in terms of operations. And the first is --

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1 my question would be how many fixed seats are proposed  
2 for the restaurant? I think I heard --

3 MR. LEE: Fifty-two.

4 MR. KATES: Twenty-six on each floor?

5 MR. LEE: Yes.

6 MR. CHINMAN: I see there is the roof deck  
7 planned.

8 MR. KIM: There is a walkout roof deck, but  
9 no seats.

10 MR. CHINMAN: Will there be music or lights  
11 on there?

12 MR. KIM: No, it will be a viewing points.  
13 People cannot sit, we are proposing a door, French doors  
14 that open up.

15 MR. CHINMAN: You guys want to worry about  
16 the lights on the deck for the neighbors. Will there be  
17 any lights on the deck to bother the neighbors?

18 CHAIRMAN FEHER: You do show a table on  
19 those decks, right?

20 MR. KIM: We had A table, but we moved it to  
21 comply with the number of parking spaces.

22 CHAIRMAN FEHER: So there will be no dining  
23 outside on the deck?

24 MR. KIM: In this application, no. People  
25 can walk out, but there is no dining.

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1 MR. TROVATO: Are you going to walk us  
2 through the restaurant, the layout, the kitchen, are you  
3 going to do any of that?

4 MR. KIM: So the building, again, and it's  
5 existing building, has a total of four levels, the  
6 basement plus including basement and the attic space.  
7 But, basically, the basement or the cellar will be more  
8 used as a storage space, like there would be a walk-in  
9 freezer and the walk-in refrigerator and storage and  
10 packages. And the boiler rooms and stuff like that.

11 And on the level one, again, we are providing a  
12 ramp that goes up and gives access to handicapped and  
13 elderly people. And also we have ADA bathrooms. And a  
14 fireplace. And we have a main kitchen in the rear. And  
15 in the front part would be dining areas, with the  
16 exception of the counters.

17 On the second floor, right now we have an attic  
18 right here. We will be removing a portion of the attic  
19 to give a vaulted ceiling for the second level to give a  
20 more spacious look on the second floor.

21 MR. TROVATO: So in other words you are  
22 eliminating the attic in that area?

23 MR. LEE: We are eliminating it. But we are  
24 going to keep a part of it for mechanical space, like  
25 air-conditioning and stuff like that.

1 Again, because we are going to have increased  
2 number of occupancies, we are going to a fire escape  
3 that goes through there.

4 MR. CHINMAN: So the dining room is in the  
5 middle and what is the on either side?

6 MR. LEE: The second floor, there are two  
7 zones, the first zone is the front of the building and  
8 the second zone is the rear of the building. The rear  
9 of the building is more look like a communal dining  
10 area, where you have five or six people getting  
11 together. And the front would be like a sitting, bunch  
12 with small tables, small dining tables with seating up  
13 to four.

14 MR. CHINMAN: On the right side?

15 MR. KIM: This one?

16 MR. CHINMAN: Yes.

17 MR. LEE: We used to have seating on the  
18 table with the deck, but because it increased the number  
19 of parking spaces, we revised the plan to reduce the  
20 number of seats to comply with the resolutions.

21 MR. KATES: How will it be used?

22 MR. KIM: This is where you walk out. So we  
23 are going to have French doors, but it's not going to  
24 sit around or just do dining there. It's more of a  
25 casual semi leisure space.

1 MR. CHINMAN: And the other side, same thing?

2 MR. LEE: Other side, same thing.

3 MS. LEE: I mean those decks are preexisting.  
4 They are there on the house.

5 MR. CHINMAN: And now you want to use it for  
6 a party area or a noise-generating space?

7 MR. KATES: Another question I have for the  
8 operator: Are you planning to do any catering?

9 THE WITNESS: Sometimes. But that will be  
10 very special, not to open.

11 CHAIRMAN FEHER: I have a question about the  
12 location of the kitchen venting. There is going to be  
13 some smoking up into the air. And we want to keep that  
14 as far away from the residential properties as possible.  
15 How do you propose to do that?

16 MR. KIM: Here is the roof plan of the  
17 building. And there are two chimneys. There is one  
18 exhaust chimneys. There is an exhaust vent on your  
19 right side, and on your left side. Basically, the vent,  
20 the exhaust will be at least 10 feet away from the  
21 property, so it won't actually influence the residential  
22 area behind.

23 CHAIRMAN FEHER: There is one on the left  
24 side here. I see new vent exhaust; what is that?

25 MR. KIM: That vent is for the fireplace, the

1 gas fire place.

2 CHAIRMAN FEHER: Oh, a gas fireplace.

3 MR. KIM: Yes.

4 CHAIRMAN FEHER: So the kitchen vent is the  
5 one on the right. Is there a way so put that on the  
6 front of the building? How high is that?

7 MR. KIM: The one, the existing building, I  
8 think, the pitch is about 30 foot, so it's pretty tall.  
9 A lot of residential buildings are like less than 25  
10 foot high.

11 CHAIRMAN FEHER: What kind of vent is it?

12 MR. KIM: The kitchen vent? It will be up  
13 blast.

14 CHAIRMAN FEHER: Up blast. So it's not  
15 going to go down?

16 MR. KIM: No.

17 CHAIRMAN FEHER: Is there a way to get that  
18 on the front side of the building? Is that the attic  
19 there?

20 MR. KIM: The front side of the building we  
21 want to use a vaulted dining area. So we want to make  
22 it more eloquent. And the side, and also the view side  
23 will also be blocked. So when you drive on Sylvan, you  
24 won't actually see the chimney on the site.

25 CHAIRMAN FEHER: I worry more about the

1 fumes, the smell.

2 MR. KIM: The fumes, because it's so tall, it  
3 should be just exhaust.

4 MR. TROVATO: Is that going to be a stainless  
5 steel flue? What are you going?

6 MR. KIM: We going to have a stainless steel  
7 box.

8 MR. TROVATO: So it's going to be boxed in.  
9 So it won't look like a stainless steel flue, it looks  
10 like a chimney.

11 MR. KIM: Yeah, it looks like a chimney. You  
12 want to keep it with the residential character. That's  
13 the portion that will be stone.

14 MR. O'KREPKY: So it will be a stone veneer?

15 MR. KIM: No, stucco.

16 MR. O'KREPKY: I just want to understand.

17 MR. KIM: Yeah. It's not going to be a  
18 flashy finish.

19 MR. CHINMAN: Just to get back to the parking  
20 for one minute. You are not going to park on Third  
21 Street off site?

22 MS. LEE: No.

23 MR. CHINMAN: And you are not going to park  
24 on the current owner's lots, right?

25 MS. LEE: No. We are not contemplating that

1 at all.

2 CHAIRMAN FEHER: In fact, there is legal  
3 parking in the front.

4 MR. CHINMAN: On the street.

5 MS. SCANCARELLA: On Sylvan Avenue.

6 CHAIRMAN FEHER: However, you can't use that  
7 as part of your operation.

8 MS. LEE: We weren't contemplating that.

9 CHAIRMAN FEHER: In fact, we are trying to  
10 get rid of that parking there. Maybe one day we will  
11 succeed in getting rid of it. So do not count on  
12 anything on the street.

13 MR. CHINMAN: Ms. Rosenberg had mentioned the  
14 Mexican restaurant that was there, Mama Mexico who had a  
15 very similar situation, they made arrangements with the  
16 neighbor across the street for extra parking. So it  
17 seems like this may be available for you to make the  
18 same arrangements. The ones adjacent so you are mostly  
19 day businesses, your business will mostly be in the  
20 evening, right?

21 MS. LEE: Lunch.

22 MR. CHINMAN: Lunch.

23 MS. LEE: I mean, certainly if overflow  
24 parking is available, if someone is willing to rent  
25 space, fine. But right now the projection is to just

1 keep the business contained to its occupancy and with  
2 the parking as it is.

3 MR. KIM: So your attendant parking system  
4 because you have only 18 lot, but --

5 MS. LEE: Twenty-three.

6 MR. LEE: Twenty-three parking spaces.

7 MR. KATES: Just for the customers.

8 MR. KIM: Have you ever observed how much you  
9 can absorb in that system. You only have 18, but did  
10 you ever research how much can be handled? How many  
11 guests you can handle?

12 MR. LEE: Well, to be honest, it's twice as  
13 much, one and a half times. To be honest, if we want we  
14 can actually put more parking and more cars. Because  
15 right now we have pretty generous space. It's just  
16 because we have a very small curb access neck and we  
17 don't want to create a backlog on Sylvan. That's why we  
18 provided a very generous space so there is no cue lines.

19 MR. PORRINO: I'm going to get back on the  
20 fence and tree question for a moment. And I think there  
21 is a way to move forward for that, because I think some  
22 evergreen screening is really important to this  
23 application.

24 My suggestion is in the event that trees cannot  
25 be planted between the two fences that you propose. The

1 owner of the property still owns the two residential  
2 lots in the back. So worst-case scenario, these Cyprus  
3 trees that I'm advocating can be planted on that  
4 residential property. And it will be in their interest  
5 to get that sold down the road so people can maintain  
6 those, right? I think my suggestion is that the  
7 engineers, if you can research if you feel that the  
8 trees can be planted between the two places where we are  
9 talking about and, if not, the owner would then place  
10 these trees that I am speaking about on his property to  
11 the rear.

12 MR. O'KREPKY: I can tell you right now based  
13 on the testimony tonight that there is essentially zero  
14 foot, it's bedrock, you have only 5 foot. So you would  
15 need 8 to 10 feet of area. So it would encroach 3 feet  
16 onto the residential properties, this berm that I'm  
17 talking about. The idea is to reduce the expense for  
18 the applicant while giving this positive affect of the  
19 trees. And that's my recommendation.

20 You know, we can't build a wall, if it's not  
21 feasible, then my suggestion is to have a berm there.  
22 There would be part of it would go onto the residential  
23 properties, but I think the best way to handle that  
24 would be with an easement that is recognized by those  
25 properties, a maintenance easement, and to have that

1 bern there and that would put the -- you would have the  
2 tress there and that would be the effect that you are  
3 looking for.

4 MR. PORRINO: Michael, do you agree that the  
5 second fence is redundant, the 4 foot fence?

6 MR. O'KREPKY: I just want to be sure here,  
7 the way everyone is talking.

8 MR. TROVATO: It's one fence.

9 MR. O'KREPKY: The first fence was going to  
10 be placed directly at the curb?

11 MR. PORRINO: The way I see it is the first  
12 fence is on the property line, 6 feet high. And then  
13 there is another fence behind it, 4 feet.

14 MR. KATES: Can you point that out?

15 MR. KIM: The thing is, the fence, we have  
16 the option to put the fence within the buffer zone.  
17 Although the drawing shows close to the lot line, we can  
18 certainly put it in the middle of the buffer zone. So  
19 we have proper support for the fence right now. The  
20 purpose of having the fence is to give privacy to  
21 residential area behind.

22 MR. TROVATO: But it's only one fence along  
23 the line.

24 CHAIRMAN FEHER: It says new wood fence 4  
25 feet high.

1 MR. KIM: There is a wedding shop also on the  
2 right. And the owner wanted to give some kind of a  
3 definition for the restaurant. So right now if you  
4 drive to Sylvan it's like the same similar part of the  
5 lot, he wanted to give a little definition for the lot.  
6 That's why we are proposing, not a tall one, but 4 foot  
7 there.

8 MR. TROVATO: So we have a 6 foot fence on  
9 the south side of the property and a 4 foot fence on the  
10 north side of the property?

11 MS. LEE: That's correct.

12 MR. TROVATO: Thank you.

13 MR. CHINMAN: I would just think that if you  
14 didn't have that 4 foot fence, when those parking spaces  
15 in that dress shop aren't being used, that would be very  
16 nice at night to have extra spaces.

17 MS. LEE: Assuming. We can't just assume.  
18 It's different owners, different everything. And we  
19 don't want to rely on something that is not in place.

20 MR. PORRINO: I'm throwing something else  
21 out. What would stop you from moving the 6 foot fence  
22 off the property?

23 MS. LEE: There is only 5 feet from the rear  
24 of the building to the end of the property. It's very  
25 small, because, I mean, that was what was approved in

1 the subdivision.

2 MR. PORRINO: Do you have any egress out of  
3 basement?

4 MR. KIM: Yes.

5 MR. PORRINO: So there will a door out to the  
6 back, as well?

7 MR. KIM: The thing is before there was an  
8 egress door at the back of this side, which we had to  
9 remove. So we relocated the egress to the left.

10 MR. PORRINO: So the door that was out the  
11 back of the basement is being closed up and now you are  
12 moving it to the left?

13 MR. KIM: Right.

14 MR. KATES: Show us that, please.

15 MR. KIM: So there is the basement. So  
16 basically this is a central staircase that is in the  
17 middle. So it goes up and it comes up and this is all  
18 fire escape because we are loses space.

19 (Several people speaking at once.)

20 CHAIRMAN FEHER: Only one at the time,  
21 please. We have a stenographer here.

22 MR. CHINMAN: So there is no egress from the  
23 basement. You have to walk up a set of stairs from the  
24 first floor, which is fireproof.

25 MR. KATES: The condition that Mr. Porrino

1 seeks requires the owner's consent. And we don't have  
2 an owner here so how do we deal with that tonight?

3 MS. LEE: The resolution, the approval is  
4 subject to -- I need a clarification of what exactly is  
5 being requested.

6 MR. PORRINO: I'm requesting a line of Cyprus  
7 trees, 7 to 8 feet tall, planted 5 foot on center across  
8 the entire rear of the property. Whether that's on --  
9 within it's 5 feet in its entirety or partially on the  
10 residential property to the back or spanning both of  
11 them, I don't really care. But I think there should be  
12 some evergreen provided.

13 MR. KIM: Would it be possible to use potted  
14 plants to use them?

15 MR. PORRINO: How you plant them, I guess is  
16 the question.

17 MR. KIM: We are going to use the plant boxes  
18 and actually give the evergreen trees along the fence.

19 MR. PORRINO: And then you can keep them on  
20 the applicant's property.

21 MR. KIM: And we will maintain them.

22 CHAIRMAN FEHER: I think you should try to  
23 put them in the ground. I don't believe it was rock all  
24 the way across. I mean, there were some existing trees  
25 on this property so there must be some soil there to

1 hold those trees.

2 MR. PORRINO: We can leave it to the  
3 applicant to find the best way of planting along with  
4 our engineer to find a solution.

5 CHAIRMAN FEHER: They can do the spacing and  
6 if they come to a spot where there is rock and they  
7 can't put anything there, then they can put a planter  
8 instead of putting it in the ground. How does that  
9 sound?

10 MR. KIM: Yes.

11 CHAIRMAN FEHER: Also, you said along the  
12 whole back part of the property there is also on this  
13 portion along the south side, which is abutting the  
14 residential property. So we also want some trees there.

15 MR. PORRINO: And the 6 foot fence could be  
16 eliminated.

17 MS. LEE: On the right.

18 CHAIRMAN FEHER: As long as the 6 foot fence  
19 blocks the headlights completely.

20 MS. SCANCARELLA: Now I think they are  
21 confused because they are pointing over here.

22 MR. PORRINO: Because the 4 foot fence, I was  
23 talking about was on the left side of the property.

24 MR. KIM: You mean this one?

25 MS. LEE: The left.

1 MR. PORRINO: Move a bit to the right, there  
2 you go.

3 MR. KATES: When you say left, you mean  
4 south?

5 MR. KIM: This is 6 foot.

6 MR. PORRINO: And right next to it. Move to  
7 your right half inch.

8 MR. KIM: This is not a fence. This is a  
9 curb.

10 MR. PORRINO: It's marked new wood fence, 4  
11 feet high.

12 MS. LEE: So eliminate that fence.

13 CHAIRMAN FEHER: You can put that curb there.  
14 And then on that 5 feet wide, you are going to try to  
15 put some kind of screening tree?

16 MR. KIM: Sure. Cyprus.

17 CHAIRMAN FEHER: How does that sound to our  
18 engineer? Do you think you can monitor the situation?

19 MR. O'KREPKY: Yes. I just want to make sure  
20 we have a collective clear understanding. The 4 foot  
21 fence will be eliminated where there is 6 foot screening  
22 and a 6 foot fence? Is that statement correct?

23 MR. KIM: Yes.

24 MS. LEE: Which is on the south side of the  
25 property.

1 MR. O'KREPKY: And also the west side.

2 MR. CHINMAN: The west side.

3 MR. O'KREPKY: And also the north along the  
4 rear.

5 MS. O'SHEA: West. That would be the west  
6 side.

7 MR. O'KREPKY: That would be the west side.  
8 Okay. But that one statement is a catchall.

9 That covers that. And the only other item one  
10 item I would like to hear testimony for the board is  
11 regarding the condition of the parking lot itself, the  
12 asphalt. And, you know, it is not in good condition.  
13 What is the plan for replacing and/or repairing the  
14 asphalt in the parking lot?

15 MR. KIM: We are going to replace and repair.

16 MR. O'KREPKY: Replace or repair?

17 MR. KIM: Repair.

18 MR. O'KREPKY: Does that mean patch or  
19 repave?

20 MR. KIM: Patching.

21 MR. O'KREPKY: Because patching very old  
22 asphalt does not work.

23 MR. KIM: We have to replace it.

24 CHAIRMAN FEHER: So you are going to have all  
25 new asphalt?

1 MR. KIM: Yes. All new asphalt. We are  
2 going to replace it.

3 CHAIRMAN FEHER: How do you get in and out of  
4 this property? There is the curb cut, there how wide is  
5 that?

6 MS. LEE: It's 20 feet.

7 MR. CHINMAN: Existing? The county will  
8 permit it?

9 CHAIRMAN FEHER: It's existing so.

10 MR. KATES: If they change it, they have to  
11 go before the county.

12 CHAIRMAN FEHER: I mean, you could make it  
13 wider. Is that wide enough, 20 feet?

14 MR. O'KREPKY: Yeah, for this type of use.  
15 Typically the widths are 24. This type of use where you  
16 have cars, you know, essentially two-way traffic on  
17 most, for -- how can I say -- residential cars versus  
18 noncommercial vehicles it is fine. The commercial  
19 deliveries are not going to be done during the business  
20 hours, traditional business hours, they are going to be  
21 done during off hours. And that's when the large trucks  
22 are going to be entering the site. So that was when  
23 there is going to be traffic. I don't see it being an  
24 issue for the site.

25 CHAIRMAN FEHER: Positioning of the dumpster.

1 That is very close to the residential property.

2 MR. KIM: Yes, but we are going to have a  
3 6-foot fence on the residential side. So you won't  
4 actually see the dumpster. And the dumpster itself is  
5 going to be placed back far on the property. So you  
6 won't be able to see it when you drive.

7 MS. ROSENBERG: Right, but it's close to  
8 residential.

9 MR. KIM: It's close to residential, yes.

10 MS. ROSENBERG: And when are you going to be  
11 getting the dumpster dumbered? When is the pickup for  
12 that?

13 MS. LEE: Not during restaurant hours, early  
14 in the morning.

15 MS. ROSENBERG: I'm more concerned about the  
16 people that live there, and neighboring homeowners.

17 MS. LEE: The restaurant is not starting  
18 until 10:30.

19 MR. TROVATO: Yeah, but they come at 5:00 in  
20 the morning and they back up. Beep, beep, beep. And  
21 they wake everybody up.

22 MR. PORRINO: So maybe we can set a time, a  
23 time limit.

24 MS. SCANCARELLA: Maybe --

25 MS. ROSENBERG: Are you accepting this

1 application on the condition that it be reasonable  
2 hours?

3 MS. LEE: Certainly.

4 MS. ROSENBERG: Here is another question. If  
5 we accept your application, it would be also on the  
6 condition, I would propose, that the restaurant will  
7 close at 11:30?

8 MS. LEE: Is that okay?

9 THE WITNESS: Yeah.

10 MS. ROSENBERG: I think your other restaurant  
11 closes at 11:00. I just looked it up.

12 THE WITNESS: We can do that, sure.

13 MR. CHINMAN: Also, about the roof deck.  
14 There will be no music outside and no smoking out there.

15 THE WITNESS: Sure, no smoking outside.

16 MS. ROSENBERG: Or inside.

17 MS. EASTWOOD: Mr. Kates, am I entitled to  
18 ask a question?

19 MR. KATES: Sure.

20 MS. EASTWOOD: I have some more questions  
21 about the dumpster. I understand that you have a fence  
22 that is going to screen the dumpster from the resident's  
23 views. What are you doing to make sure that the  
24 residents don't smell the dumpster in the summer?

25 MR. KIM: We are going to have a dumpster

1 cover. So we properly maintain the cover.

2 MS. EASTWOOD: How close to the property line  
3 is this?

4 MR. KIM: The dumpster is 6 foot off the  
5 property line, including the rear yard setback from the  
6 residential. You are not going to have that much room.

7 MS. EASTWOOD: So you are going to be 6 feet  
8 from the residential property line?

9 MR. KIM: Yes.

10 CHAIRMAN FEHER: Suppose you moved it, I am  
11 not exactly sure where, but getting it as away from the  
12 residential property line.

13 MS. EASTWOOD: How do you propose that these  
14 people use their backyards in the summer if you have a  
15 dumpster 6 feet from the property line?

16 MR. KIM: The thing is, we haven't designed  
17 the building in the rear, but given the site condition,  
18 which actually slopes down, if I design a building that  
19 actually accommodates the site specific conditions, your  
20 house will be situated below the elevation of the  
21 property. So you won't actual smell much naturally.  
22 Because the wind will take care of it.

23 MS. ROSENBERG: How many times a week is your  
24 dumpster going to be dumbered, picked up?

25 THE WITNESS: Depends on the amount of

1 garbage. I want to have it maybe two times. Two times  
2 is better.

3 MR. KIM: In Fort Lee.

4 THE WITNESS: Sure. In Fort Lee, it's two  
5 times. Every Friday one time and maybe Wednesday and  
6 Friday.

7 MS. ROSENBERG: And do you know what time  
8 that you have it done in Fort Lee?

9 THE WITNESS: We always pick it up maybe 9:30  
10 to 10:00.

11 MS. ROSENBERG: Very reasonable. Are you  
12 going to be open seven days a week?

13 THE WITNESS: Sure.

14 CHAIRMAN FEHER: Any other questions at this  
15 time?

16 MR. PORRINO: Is there any other lighting  
17 proposed besides the existing lighting in the front of  
18 the property illuminating the parking lot.

19 MR. KIM: We haven't proposed yet. But  
20 because the building is setback between the lot line and  
21 the building is fairly narrow, so we assume that  
22 interior lighting is sufficient enough to actually light  
23 the parking areas. However, if it's not sufficient, we  
24 will put a lighting on the eve of the lower roof.

25 MR. PORRINO: I think we want our

1 engineer to make sure he approves lighting before you  
2 install it to make sure there is no spillage  
3 specifically towards the residential property.

4 MS. EASTWOOD: Is there any reason the  
5 dumpster can't be on the front of the property?

6 MR. KIM: We can do that, but then we need  
7 there is a very beautiful tree line landscape along the  
8 front of the property. So if you have a dumpster, it  
9 kind of kills the aesthetics of the landscape.

10 MS. EASTWOOD: But it makes it more pleasant  
11 for the residential properties that abut you.

12 MR. KIKY KIM: I have a question for you.  
13 The retaining wall, do you know the height of the  
14 retaining wall?

15 MR. KIM: At the rear?

16 MR. KIKY KIM: Yes.

17 MR. KIM: It's about 3'6".

18 MR. PORRINO: I have a question for Mr. Lee.  
19 Is there a way that they can deodorize these dumpsters?  
20 Have you ever had the experience where they clean these  
21 once in a while? Many cases the garbage is always  
22 dumped in there and even though you dump the garbage  
23 out, there is still a strong odor that comes from the  
24 container itself. In your other business, have you had  
25 it where a company comes in and cleans it once in a

1 while and deodorizes them?

2 THE WITNESS: Now our restaurant is located  
3 in a mall. And we have so many different tenants. That  
4 sometimes my landlord asked for a dumpster company,  
5 yeah, they did that. If some residents have some  
6 smells, I would do that. I would do that, ask a  
7 dumpster company to clean it and a new box, especially  
8 summertime.

9 MR. PORRINO: Okay. Great. Thank you.

10 MR. KIKY KIM: A portion of that, the health  
11 department covers that.

12 THE WITNESS: Sure.

13 CHAIRMAN FEHER: If there are no other  
14 questions at this time how about a motion to open the  
15 meeting to the public?

16 MS. ROSENBERG: So be it.

17 MR. PORRINO: Second.

18 CHAIRMAN FEHER: All in favor?

19 ALL BOARD MEMBERS: Aye.

20 CHAIRMAN FEHER: Now the meeting is open for  
21 questions or comments. Anybody wanting to be heard?

22 Mrs. O'Shea?

23 MS. O'SHEA: I'm Mary O'Shea, 12 Irving  
24 Avenue. I own three properties within 200 feet of this  
25 location, 15 Third Street, 13 Third Street, and 12

1 Irving Avenue. I have lived within 200 feet of this  
2 property my whole life, so I am very familiar with it.  
3 I have a number of questions and some statements also.

4 On the plan that showed the elevations of the  
5 property, which was from the subdivision done in 2008,  
6 you can see all the trees that were cut down on the  
7 property. The previous owners when they got the  
8 subdivision, they went and cleared the whole property of  
9 every trees. They cut down 40 trees. And you can count  
10 them on the elevation plan. So there is soil to grow  
11 trees.

12 MS. LEE: Okay. On the residential property.

13 MS. O'SHEA: Well, half the house is  
14 residential, too. So the zone line goes through the  
15 middle of the house. So the back of the house is in the  
16 residential property also even though the lot goes to  
17 the end of the house. And that has to be made clear,  
18 half of the house is in a residential zone. And the  
19 rear property on the southwest side originally had a  
20 very old swimming pool there, a concrete swimming pool.  
21 There is not rock there. The rock on the property goes  
22 down through the middle of the back lots because there  
23 was a walkway because it sloped down. But on the sides  
24 of that is dirt. And it's not solid rock. So you will  
25 be able to plant there.

1 The dumpster, I definitely would want to see the  
2 dumpster on the front part of the property, not towards  
3 the rear near the residences. Because the residences to  
4 the north of the property abuts right by the corner and  
5 you have a resident on the south, also the two lots in  
6 the back. So anything in the rear of the property is  
7 going to be close to a residential property. And I  
8 think it's only fair to put the dumpster in the front.  
9 I had the same comments when the nursery school went in  
10 that the dumpster would not be next to the resident.  
11 It's not fair to put the garbage next to where people  
12 live. That is inconsiderate.

13 The exhaust, I would like to see the exhaust pipe  
14 towards the front, towards the street because the house  
15 is high and the property is high, and all the residents  
16 below it, the two houses that I have and the others all  
17 along Third Street are very much lower, but when you  
18 stand up in the driveway of 11 Sylvan, you are looking  
19 in the bathroom window of the second floor. So on an  
20 overcast day or a heavy humidity day, all those smells  
21 are going to bank down onto the houses. So if you have  
22 the exhaust towards the front of the building, it will  
23 go towards the highway and not down on the residences.

24 I would like to see that there are timers on the  
25 lights in the parking lot so they go off at 11:00 like

1 the other parking lights go off in town.

2 I like what Mr. Porrino said about the Leyland  
3 Cyprus streets along the back. They will grow up higher  
4 than the fence and shield the property. We have had to  
5 lock at that house for the past ten years bare naked  
6 standing there because all the trees were cut down. All  
7 right? So that would make it more pleasant for the  
8 neighbors.

9 The wall that is there, the retaining wall, I  
10 don't know whether that is the original wall that was  
11 along the back of the driveway there, but that is quite  
12 old and at the end of the lot. It's quite old and I  
13 think that you need to see if it is strong enough to  
14 support whatever you are going to put above it, even  
15 parking your cars because it's fifty years old. Okay?

16 Are you going to be the owner of the property and  
17 the restaurant? Are you buying the property and going  
18 to be operating the restaurant?

19 MS. LEE: And at the present time they are  
20 tenants, but it is contemplating that they will. They  
21 are leasing the property at this point.

22 MS. O'SHEA: So they are just leasing the  
23 property so the owner is still maintaining the ownership  
24 property and the two lots in the back.

25 MS. LEE: That's correct.

1 MS. O'SHEA: So they are just leasing it.  
2 Considering we had a lot of restaurants close in  
3 Englewood Cliffs, we had the Assembly close, we had the  
4 Bicycle Club close, we had Mama Mexico close, the  
5 Italian restaurant that took over after Mama Mexico  
6 closed, so the track record for restaurants isn't great.  
7 I wish them success, but as a lessee I wonder if they  
8 have as much vested interest in maintaining and  
9 promoting the property as if they were owners.

10 MS. LEE: They will. I assure you. Because  
11 it's contemplated that they will purchase the property.

12 MS. O'SHEA: Just the front lot?

13 MS. LEE: No the entire, including the  
14 residential. Yes.

15 MS. O'SHEA: Now, you said that there was  
16 going to be parking for 18 cars for customers and 5 cars  
17 for staff?

18 MS. LEE: Yes. But I do want to say one  
19 thing. It's a family business. So the mother, the  
20 father -- his wife would be here, but she is at the  
21 restaurant manning the fort. It's family. So actually  
22 in reality they are carpooling together themselves. But  
23 there would probably be a little bit more parking  
24 available for the customers.

25 MS. O'SHEA: Because it sounds like a lot of

1 activity for five people in there, between the kitchen  
2 and the parking, the valet parker, the kitchen staff,  
3 the waitresses, the waiters. It seems like there are  
4 surely more than five people running the restaurant.

5 MS. LEE: We are talking about the employees  
6 in the restaurant, but the valet attendants are outside.

7 MS. O'SHEA: But still only five people?

8 MS. LEE: No. No. Including the valet? No.

9 MS. O'SHEA: But in the restaurant there is  
10 only going to be five people, between the cook and the  
11 waitresses, five people in the whole place?

12 MS. ROSENBERG: For clarification, I thought  
13 you were talking about parking spots.

14 MS. SCANCARELLA: They can carpool.

15 MS. ROSENBERG: I don't think there was any  
16 testimony about employees.

17 MS. O'SHEA: I thought it was five staff.  
18 It's very hard to hear them. They don't talk loud.

19 So it's five parking spaces for employees, not  
20 five staff.

21 MS. LEE: Right.

22 MS. O'SHEA: I thought it was five staff  
23 that's why I was questioning it.

24 MS. LEE: Five parking spaces. And what I am  
25 saying is that they will be carpooling so they probably

1 won't even need to use all five spaces.

2 MS. O'SHEA: That's good. When that building  
3 was occupied by the beauty pallor, the residents on  
4 Irving Avenue had issues with employees parking on  
5 Irving Avenue when the beauty pallor was open. I hope  
6 that is not the situation.

7 MS. LEE: No, it's not being contemplated at  
8 all. They intend to car pool. It's family. A large  
9 majority of them is family.

10 MS. O'SHEA: Now, those two outdoor  
11 balconies. I'm concerned about those. I'm concerned  
12 about why there is customer access to those. I can see  
13 them as a decorative architectural feature. If you are  
14 not going to have tables out there and there is not  
15 going to be smoking out there and there is not going to  
16 be music out there, I don't know why people are going to  
17 be out there. I would like to not have people out on  
18 the balconies into the night talking and noise and  
19 singing, whatever.

20 MS. LEE: Perhaps we could agree to say that  
21 access to the upper outside deck will stop at say 9:00  
22 p.m.

23 MS. O'SHEA: Okay. Because people have  
24 children. Even say daylight hours, during daylight  
25 hours, not at night.

1 MS. LEE: Well, in the summer.

2 MS. O'SHEA: Not during the darkness.

3 MS. ROSENBERG: That's 9:00 in the summer.

4 MS. O'SHEA: 8:00.

5 CHAIRMAN FEHER: The sun sets at 9:00 in the  
6 summer.

7 MS. O'SHEA: Only for a couple of days.

8 MS. EASTWOOD: And there are a lot of small  
9 children on Third Street.

10 MS. LEE: Mary, how about 8:30?

11 Ryan, 8:30, can you do that?

12 THE WITNESS: Close it down at 8:30.

13 MS. O'SHEA: Because you are not going to  
14 have tables out there, you are not going to have smoking  
15 out there. There is no reason to have people out there.  
16 You are not going to have karaoke out there.

17 MS. LEE: Ryan is willing to agree to 8:30  
18 no public access to the upper deck.

19 MS. O'SHEA: That's very good because I will  
20 be very happy to see that building occupied. It was a  
21 lovely home. And, you know, the condition that it's  
22 been in has been deplorable. And I would be glad to see  
23 it used. But I also don't want to have a negative  
24 impact on the residences, the property that I have there  
25 and the people that live in those houses that have

1 children.

2 Those are my biggest concerns and I hope the  
3 board and the applicant can address them. And  
4 definitely, the trees, the Cyprus trees, with the 6 foot  
5 fence.

6 MS. LEE: We will make it work.

7 MS. O'SHEA: One other thing, the engineer  
8 had talked about the storm water management. The drains  
9 that are on that property go through to the property to  
10 the south where the chiropractor is, where the  
11 underground parking is. And then it goes through a pipe  
12 with a easement through the house on Third Street,  
13 connects to Fort Lee storm water. If that pipe is  
14 x-rayed, you should be able to have your drainage go  
15 through it if it's clear, because there is a manhole  
16 behind the other building.

17 MS. LEE: Okay.

18 MS. O'SHEA: Are there curbs along the  
19 property on 9W or is it gravel?

20 MS. LEE: It's curbs.

21 MS. O'SHEA: It's curbed along the street.

22 CHAIRMAN FEHER: Are those curbs in good  
23 condition or not, the sidewalks and the curbs?

24 MS. O'SHEA: I don't know.

25 MS. SCANCARELLA: You want to look at

1 pictures?

2 MS. O'SHEA: My husband just said that the  
3 curb by the fire hydrant, there is no curb there, just  
4 gravel, but I think that is the on the building to the  
5 north, 19.

6 CHAIRMAN FEHER: They would have to repair  
7 the curbs, if the curb or the sidewalk is damaged, they  
8 are going to have to repair it in front of their  
9 building.

10 MR. O'KREPKY: In front of their building or  
11 in front of the property?

12 CHAIRMAN FEHER: The front of the property.

13 MS. O'SHEA: Those are my concerns, I hope  
14 they can be addressed.

15 CHAIRMAN FEHER: As far as the dumpster, why  
16 can't we just say to put it forward? It's a major  
17 concern for the neighbors.

18 MS. LEE: I supposed we can move it further  
19 away, but as opposed to being directed to place it in  
20 the front of the property?

21 CHAIRMAN FEHER: Also, if you think about it,  
22 a garbage truck pulling into there, it may be a little  
23 difficult to get in that corner. If you put it up  
24 front, they will be able to back in and pick it up.  
25 It's a much quieter and easier operation.

1 MS. O'SHEA: In the front corner.

2 CHAIRMAN FEHER: I don't know if it has to go  
3 all the way to the front corner.

4 MR. KATES: Somewhere in the front yard.

5 CHAIRMAN FEHER: As long as it's properly  
6 fenced off and screened off. You do have all these big  
7 shrubs there so I think it would hide it sufficiently.

8 MR. O'KREPKY: So I just want to get that  
9 item because that was a big item. I just to make sure  
10 we are all on the same page regarding the dumpster.  
11 What I'm hearing the board say is in order to facilitate  
12 the truck movements and also the issue of smell and  
13 factors and so forth relating to garbage, the consensus  
14 is to move the dumpster and the proposed dumpster  
15 enclosure to the front of the property. Quickly looking  
16 at the plans, I believe the northwest corner.

17 MS. O'SHEA: East.

18 MR. O'KREPKY: Northeast corner closest to  
19 Sylvan would be the best. That way that gives the best  
20 access for the truck. And also it's understood that  
21 Parking Stalls 3 and 4 would be a little bit difficult  
22 to access for a traditional situation, but since it's  
23 valet parking, it's should not be an issue. So I just  
24 wanted to say that for the record and make sure it's all  
25 understood.

CHAIRMAN FEHER: Okay. Anyone else?

MS. ANGELO: Denise Angelo, 10 Irving. I live even closer. My problem is the valet parking. What is to keep the valets from coming on our land and parking there if you have too many patrons one night? Like you have ten spaces, I'm sorry I came in late. But what if all the spaces are filled? What is to keep the valets from parking on Irving?

MS. ROSENBERG: The testimony was -- and I just want to clear this up for the record -- was that they are going to turn people down.

MS. ANGELO: I'm sorry, my husband was a restaurant man. He never turned anyone down. I can't imagine any restaurant man telling someone, I'm sorry we don't have a parking space for you.

MS. ROSENBERG: That is what they testified to. But there are plans that if there is an overflow of parking, that they might actually have an adjacent home owner. Right now it's not contemplating.

MS. ANGELO: That's my major concern.

MR. PORRINO: The CO is going to be predicated on the continuation of them following our resolution that we will be dictating here, if it's subject to approval. One of those items will be that they are restricted from parking either employees or

their customers on Irving Avenue. If that develops and there is a pattern where cars are parking on Irving, they will be notified by the police department and the proper authorities that this will have to stop, otherwise the CO can be revoked. I agree it has to have teeth.

MS. ANGELO: Because Mamá Mexico, they parked across the street and they had the entire Bridgeview, TD Bank, and they were parking up John or New Street or whatever street is there. So I don't -- the road to hell is paved with good intentions.

MR. PORRINO: Your concern is noted.

MS. ANGELO: Oh. And I am also worried about smoking. I want to reiterate no smoking on those balconies or having people outside.

CHAIRMAN FEHER: Would anybody else want to be heard? If not, can I have a motion to close the public portion --

MS. ROSENBERG: So be it.

MR. KIKI KIM: Second.

CHAIRMAN FEHER: All in favor?

ALL BOARD MEMBERS: Aye.

CHAIRMAN FEHER: Any further questions?

Mr. Kates, can you recap?

MR. KATES: The conditions exceed the

testimony. I will start with the signage. The letters will be illuminated, only the letters.

CHAIRMAN FEHER: With the approval of the engineer.

MR. KATES: With the approval of the engineer on most of this.

The engineer's approval and recommendation letter will be adhered to with discussion of the engineer to verify that unless he feels they need to come back to the board for those issues.

The storm water retention issues.

The deck will not have dining, will not have smoking, and will not be used after 8:30 in the evenings.

MR. CHINMAN: No music.

MR. KATES: No music.

Leyland Cypress trees are preferred as plantings, in-ground planting is also preferred, where available. Where not available, the board is amenable to planters. In terms of size and dimension, 7 to 8 feet tall on planting, 5 foot on center, I believe was the comment. We are going to eliminate the 4 foot fence. Where the 6 foot fence is proposed that will serve alone as the screening. And theoretically I think the plan shows it on the south and the west sides of the property.

The parking area will be milled and repaved, not patched.

The restaurant will close at 11:30 p.m.

Site lighting should close allowing staff to leave safely, I would say midnight rather than 11:30 to give them staggered time.

The dumpster will be relocated to a location in the front yard, not just the dumpster, but the dumpster screening or pad. And service for solid waste removal will be no less than twice per week at times no earlier than 9:30 a.m.

Site lighting will be subject to engineer review as to spillage as it may exist. And there will be a shutdown of that site lighting as we indicated at 12:00 midnight.

As far as conditions that were requested by Ms. O'Shea that haven't been covered already, the piping to the exhaust to the front. I don't know whether that is something that you can agree with.

MR. KIM: I think we can accommodate Ms. O'Shea's comments. Right now it is actually in the rear part. I can actually move it to the front of this same roof so that eliminates the problems.

MS. O'SHEA: Thank you.

MR. KATES: Repairing of the curb and

1 sidewalks if they are in disrepair as they presently  
2 exist.

3 And there will be no parking of overflow or  
4 otherwise of restaurant patrons.

5 CHAIRMAN FEHER: On any street.

6 MR. KATES: What about on Sylvan where meters  
7 exist?

8 CHAIRMAN FEHER: Parking is allowed.

9 MR. KATES: We are talking about parking on  
10 residential streets. Irving is, I think, the only  
11 residential street.

12 MS. ROSENBERG: Just residential.

13 MS. EASTWOOD: What about Henry?

14 MR. KATES: Why don't we say all residential  
15 streets?

16 MS. ROSENBERG: Mr. Kates, I don't remember  
17 if I heard you talk about the sanitizing of the  
18 dumpster.

19 MR. KATES: No, I didn't say that. But I  
20 assume it's required. The dumpster will be washed.

21 MR. PORRINO: And there will be an enclosure  
22 around the dumpster, I assume a solid fence. And the  
23 fencing in the back, I suggest it be a stockade type  
24 fence. It's more solid than a board-on-board. No, a  
25 wood stockage fence with the good side facing the

1 residential neighbors obviously.

2 MR. KATES: Okay. That's what I have.

3 CHAIRMAN FEHER: Any others? Did we miss  
4 anything?

5 MR. PORRINO: How about lighting and signage?

6 MR. KATES: That's the engineer's discretion.  
7 No spillage. The signage, anything other than replacing  
8 what is there in terms of dimensions, they have to come  
9 back to the board engineer. We are approving signage as  
10 it is.

11 MR. O'KREPKY: The only other item, I don't  
12 believe I heard was addressed that was discussed was  
13 that the retaining wall in the northwest corner will be  
14 examined and certified by a licensed professional  
15 engineer that it is capable and stable and capable of  
16 handling the load.

17 MR. KATES: Wasn't that in your review  
18 letter?

19 MS. ROSENBERG: I thought it was in your  
20 letter.

21 MR. O'KREPKY: It may have been. I have been  
22 focussing on the testimony. I apologize if it was in my  
23 letter.

24 CHAIRMAN FEHER: Okay. Can I then have a  
25 motion?

1 MS. ROSENBERG: I make a motion to accept  
2 this application on condition of everything that  
3 Mr. Kates said. And we welcome you to the community and  
4 hope you are very successful.

5 MS. LEE: Thank you.

6 MR. KIKY KIM: I second it.

7 CHAIRMAN FEHER: Roll call.

8 MS. SCANCARELLA: Mr. Villari?

9 MR. VILLARI: Yes.

10 MS. SCANCARELLA: Mr. Trovato?

11 MR. TROVATO: Yes.

12 MS. SCANCARELLA: Ms. Rosenberg?

13 MS. ROSENBERG: Yes.

14 MS. SCANCARELLA: Mr. Chinman?

15 MR. CHINMAN: Yes.

16 MS. SCANCARELLA: Mr. Kim?

17 MR. KIKY KIM: Yes.

18 MS. SCANCARELLA: Mr. Porrino?

19 MR. PORRINO: Yes.

20 MS. SCANCARELLA: Mr. Lee.

21 MR. LEE: Yes.

22 MS. SCANCARELLA: And Chairman Feher?

23 CHAIRMAN FEHER: Yes.

24 MS. SCANCARELLA: Motion passes.

25 MS. LEE: Thank you. Thank you.

1 (Hearing concluded 9:28 p.m.)  
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C E R T I F I C A T I O N

STATE OF NEW JERSEY )

ss:

COUNTY OF BERGEN )

I, TONIANN ACQUARO, a Notary Public for and within the State of New Jersey, do hereby certify:

That the witness whose examination is hereinbefore set forth was duly sworn and that such examination is a true record of the testimony given by that witness.

I further certify that I am not related to any of the parties to this action by blood or by marriage and that I am in no way interested in the outcome of this matter.

IN WITNESS WHEREOF, I have hereunto set my hand this 24th day of May, 2015.

ToniAnn Acquaro, Professional Court Reporter and New Jersey State Notary, 01AC6200255 My Commission Expires January 26, 2017

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