

Regular Public Meeting of the Englewood Cliffs Planning Board
Minutes
June 12, 2014

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

Present at Roll Call:

Mr. Fehre
Mr. Chinman
Mr. Trovato
Mr. Kilmartin
Mr. Kiky Kim, 1st Alternate
Mr. Surace, 3rd Alternate
Mr. Sean Kim, 4th Alternate
Councilman Aversa

Absent:

Ms. Rosenberg
Mr. Dooly
Mr. Duffy, 2nd Alternate
Mayor Parisi
Mr. Nikow

Also Present:

Bernard Mirandi, PE, of Boswell Engineering, the Borough's consulting engineer
Michael Kates, Esq., of Kates Nussman Rapone Ellis & Farhi, the Board's attorneys.

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

Flag Salute led by: Mr. Trovato

The minutes of May 8, 2014 meeting motioned by Mr. Chinman seconded by Mr. K. Kim were approved by voice vote.

Old Business:

Application #223K - Site Plan Approval w/Variations
Investors Bank - 19 Sylvan Avenue - Block 134 - Lot 2
Denied – Resolution

Mr. Kates announced that the resolution was not completed in time for the meeting and will be put on the agenda for the next meeting.

Application #229K - Commercial Site Plan Approval/Child Day Care
120 Charlotte Place Associates
120 Charlotte Place - Block 313 - Lot 1
Approved – Resolution

Mr. Kates announced that the resolution was not completed in time for the meeting and will be put on the agenda for the next meeting.

Application #231K - Commercial Site Plan Approval
NBC Universal Media, LLC
900-904 Sylvan Avenue - Block 1201 - Lots 8 & 9.01
Approved – Resolution

Mr. Kates, Board Attorney, read the resolution which is incorporated herein as though fully stated and made a part hereof. Mr. Surace made a motion to adopt this resolution, seconded

by Mr. Kilmartin. The Chairman asked for a roll-call vote of the members that were eligible to vote: E. Fehre, R. Kilmartin, Mr. Chinman, Mr. K. Kim, and Mr. Surace, and Mr. Sean Kim they each voted to adopt this Resolution; it was unanimous.

Application #226K - Sign Variance
CFI 221, LLC/Bergen Protective Systems
325 Sylvan Avenue - Block 412 - Lot 2

Mr. Nicholas Sekas of Sekas Law Group, 530 Sylvan Avenue, Englewood Cliffs, NJ represented the applicant Bergen Protective Systems.

Mr. Sekas briefed the board the history of the application since it had been several months since in front of the board. Applicant is seeking signage for the property at 325 Sylvan Avenue, Englewood Cliffs of a monument and two signs on the building. Three signs were requested at the start of the application but they have decided to request only two signs one being the monument and the second to be the signage on the front of the building. The monument will be lit and the one on the building will be backlit. The monument sign is for future tenants as well as the applicant. Mr. Sekas stated that the applicant will comply with the ordinances pertaining to times that the signs will be lit. The signs will be lit during the day and into the night but not to late.

Mr. Fehre questioned if these signs were considered a backlit sign. Mr. Sekas stated that they are both backlit but he called up the sign expert to testify. Instead of the sign expert Mr. Joseph Cioffi Jr. came up who remained under oath from the previous meeting as per Mr. Kates.

Mr. Sekas questioned Mr. Cioffi on Mr. Fehre's question Mr. Sekas stated that the letters are backlit which are in the building. The monument sign is as well backlit. Mr. Fehre questioned how the back lighting of the sign would be? Would it be with bulbs etc? Mr. Cioffi stated that it will be with LED's similar to the signs of Amore Tuscan Restaurant signage. The lights will be shining onto the building and reflecting back to the letters and on the monument sign will be more like the Central Kitchen signage. The lights will be coming from the monument where as the letters on the building will be in the channel of each letter. Mr. Fehre questioned what the brightness of the lights will be. Mr. Cioffi stated that it should be lower light output then the Amore Tuscan Restaurant signage. It will be a softer lighting. Mr. Cioffi stated that it will not be brighter than the Amore Tuscan Restaurant. Mr. Cioffi stated that it will be equal to or less bright than the Amore Tuscan Restaurant signage. Mr. Sekas stated that they will supply that data to the Construction Code Official prior to permitting.

Mr. Sekas stated that the signs will fit to the character of the building it will not be excessively bright it is going to be softly backlit letters. Mr. Cioffi stated that they will be using a bronze aluminum for the letters that will be on the building to help prevent the light to go through each letter. They could have used the plastic letter which some lighting could have gone through but they are using the metal to prevent that.

Mr. Chinman questioned the hours that the lights will be on. Mr. Sekas stated he believes there is a standard in the town and thinks it is 11 pm or midnight. His client will abide by the town ordinance for timing.

Mr. Trovato questioned the set back of the monument sign. Mr. Cioffi stated that it will be in the same place as the past monument since the posts are still there. He also stated that the property will be landscaped as well. They were just waiting until they got the sign approvals to complete the front of the building.

Mr. Sean Kim questioned why the sign has to be in the center of the building none of the buildings in Englewood Cliffs have signage like that. Mr. Sekas stated that it is not a sign they will be letters backlit and the channel in the building was for signage to be there. Mr. Kim stated that the signage is the whole size of the building. Mr. Cioffi stated that the signage is that large because we have a long name and the letters take up a three word name. We have been in business for 50 years and that is the full name of the business. We cannot change our name. Mr. Cioffi stated that when the building was designed by the architect and the band

was placed in the design specifically for the sign. The design of the sign and letters will blend into the building since we are using the bronze aluminum and the building is a beige color.

Mr. Kilmartin stated that what he thinks Mr. Kim is saying is that a multi-tenant office building usually doesn't have a sign on the building for one tenant it usually is directed to the monument sign so that several names can be placed. Mr. Cioffi stated that the majority of the building is taken up by our company Bergen Protective and we have planned in the future that it will be the only tenant in the building.

Mr. Chinman questioned if Bergen Protective will be on the monument sign. Mr. Cioffi stated yes, we will be on it. Mr. Sean Kim stated that the monument sign will be enough. Mr. Chinman questioned if you are going to be on the Building why do you have to be on the monument as well. Mr. Sekas stated that it is identifying the street address. Mr. Cioffi stated that it is for visibility.

Mr. Fehre questioned what the total sq. footage of the signs are? If you are allowed a total of 32 sq. feet by ordinance how big is the monument sign and the sign on the building? Mr. Sekas stated that the monument sign is 34 sq. feet and the sign on the building will be 54 sq. feet. The wall sign is not a sign but individual letters so we have to add in the spaces in between the letter to be part of the sign. This is a retail business. The sign is a brand and a form of marketing for the business. Mr. Kates questioned the sq. footage of the signage that it is not limited to the letters and logo but to the entire band width of the letters on the building to Mr. Mirnadi if the zoning ordinance requires it that way? Mr. Mirandi stated that the way Mr. Sekas has stated it the sign measurement is the length times the height. Mr. Kates questioned if the letters go to the end of the building. Mr. Sekas stated no it does not. Mr. Kates questioned that if you were to diminish the size of the letters it could be smaller in total. Mr. Cioffi stated that we have a long name and if we make it smaller it muses all together and doesn't look well. Mr. Cioffi stated that they played with the sizing either larger or smaller and this was the best for the building.

Mr. Sean Kim questioned the depth of the signage. Mr. Sekas stated it will be a 3" depth. Mr. Cioffi stated it will be less than 4" off the building.

Mr. Kates stated that there are two issues here one is the size of the lettering and the other is you removed one of the three signs off the side of the building on Charlotte Place and his understanding is that one of the variances is that more than one sign is a variance in itself. The monument sign and the wall sign. Mr. Sekas agreed there was a discussion of the brightness of the lights and how to measure it. Mr. Cioffi stated that the Amore sign is approx. 9000 and our will be 6000-7000 in brightness.

Mr. Chinman questioned why the logo along with the lettering and that it is a going to stretch it out more. Mr. Cioffi stated that is it the logo of the business from the start and that people identify that to their business. He also stated that it will be separate from the lettering.

Mr. Chinman stated that the sign is going from 30 to like 35'. Mr. Cioffi stated that he doesn't feel it is adding that much. Mr. Cioffi said it is really only adding 25". Mr. Sekas stated that the signage in the channel of the building originally was larger and they shrunk it and the logo. The logo is part of the business from the start it is a company identification mark.

Mr. Kates stated that you are not losing the logo since it will also be on the monument sign. Mr. Cioffi stated that people identify them with the name and the logo that has been the case all the time.

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

Mary O'Shea, 12 Irving Avenue, Englewood Cliffs, NJ - Complemented Bergen Protective Systems to the renovation of the building but feels that the 2 signs on the building that close to the street is overkill. Buildings north of that building only have monument signs they don't have name signs other than car dealerships or restaurants on the building. All office buildings just have monument signs with main name and tenants on it. She feels that the two signs, sq. footage for that size building, and so close to the street is excessive and she doesn't think it should be approved.

Chairman Fehre asked for a motion to close the public portion. Motion was made by Mr. Kilmartin, seconded by Mr. Surace and carried unanimously by voice vote.

Chairman Fehre then requested a motion to approve the monument with the back lighting only and not approve the signage on the building. Motion was made by Mr. Kilmartin, seconded by Mr. Chinman. This motion was approved by roll-call vote. 8 Ayes (Mr. Fehre, Mr. Chinman, Mr. Kilmartin, Mr. Trovato, Mr. Kiky Kim, Mr. Surace, Mr. Sean Kim, Councilman Aversa) No Nays, No Abstentions.

New Business:

Chairman Fehre announced that the Approval of the 2013 Annual report will be discussed again in Committee and put on the July Agenda.

Application #232K - Height "D" Variance
Bong I. Jung, d/b/a Bridgestone Construction, Inc.
60 Sherwood Avenue - Block 405 - Lot 3

Mr. Robert Barrett, Law Office of Saverino Cereste, 1624 Center Avenue, Fort Lee, NJ is to represent the applicant. His first witness Mr. Tom Scrabble, PE, 65 Ramapo Valley Road, Ramapo, NJ.

Mr. Scrabble marked the first exhibit as "A1" Soil Erosion & Sediment Control original date of 3/20/14, Rev. date 5/13/14 Color Rendering and is same drawing submitted to the board except with color blocking.

Mr. Scrabble described the drawing and the way in which the house is situated on Sherwood Avenue. Proposing to knock down the home that is on the property and rebuild. We are requesting a height variance. There are three things that are working against us in regards to the height perspective. One being that the lot is very steep on the east corner the elevation is over 102 and on the southwest corner the elevation goes down to 84. So there is 18' of elevation over the lot that is 100' deep. That is the most important issue working against us. Secondly is the way the ordinance is written we have to take the frontage for front yard and building height perspective which happens to be Mauro Road which is our lowest part. So we have to take the average curb height for the ridge as on Mauro Road. If we were to rotate and use Sherwood Avenue as our frontage we would gain approx. 9' which is very significant. The third item is that the house to our east has an existing wall that runs along the property line. So anything that we would do to effect the grade in that area will affect the wall. So with that we are stuck with the elevations of the road and the elevation of the house. Mr. Barrett questioned Mr. Scrabble in regards to Mr. Mirandi's letter if he had time to review the letter.

Mr. Mirandi had a question in regards to the retaining wall on Mauro Road if it was to be 7' in height and if so that too will require a variance. The client had agreed to tiers for the wall. So that there will be two tiers that will be 4' in height with a minimum of 5' from the base of the wall. We would revise the drawing if the board was to approve the tiered wall.

Mr. Barrett questioned Mr. Scrabble in regards to the patio which is raised and if it was submitted as part of the lot coverage. Mr. Scrabble stated he is questioning that remark in Mr. Mirandi's letter because the patio is at grade. The grass will slope away from the patio. The patio is not raised it is just higher at one point and will go down due to the slope of the grade.

Mr. Scrabble is not sure if that triggers a variance or not they are not intending to have the patio sticking out of the lawn. He is not sure that this would be a variance. Mr. Barrett questioned Mr. Scrabble on the item regarding the width of the drop curb. Mr. Scrabble stated they are proposing 20' which will be labeled on the revised drawings.

Mr. Trovato questioned what the elevation of the garage floor is? Mr. Scrabble stated that it is at the basement floor level and will have to take one step up into the basement. Mr. Trovato questioned Mr. Scrabble on the application having a different submission originally and what was the reason for the change? Mr. Scrabble stated that he has the original drawing with him and was marked as "A2" for exhibit. The board has seen this but the Board Engineer has not

reviewed it. Mr. Scrabble described the original drawing that it is the same house just flipped as using Sherwood Avenue as the front yard. All yard and height dimensions were based on Sherwood Avenue as the front yard. We were then informed that as per the ordinance you need to use Mauro Road as the fronts since it is the narrower side which then changes your side yard, rear yard etc. This drawing is actually the one that was in the middle. We took the same house and left in the middle but changed the yard requirements. This still had us going for a lower height variance and 2 yard variances, but one is very minimal and can be adjusted. We are supposed to have a front yard of 25' we have 24.7'. We are showing 7.1' in the back to the window well and 10' to the house which is supposed to be 25' as well.

Mr. Kilmartin stated then there will be a significant variance for the back of the home then.

Mr. Chinman stated that will be up against the retaining wall.

Mr. Scrabble stated that we add to the number of variances with this layout. We don't get the usable rear yard as we would on the other layout. With this layout due to the rear yard everything will have a slope on it with the exception of the patio. Mr. Scrabble stated that the first plan he showed the board works better but the height variance will be worse.

Mr. Kiky Kim questioned what the difference is in the height variances. Mr. Scrabble stated the drawing that was not submitted for this evening we are asking for the mean curb to be 41.3' and the eight point average will be 31.9' whereas the plan submitted for testimony will be 43.4' and 34.4'. Mr. Scrabble stated approx. a 2' difference for the same house.

Mr. Fehre questioned Mr. Scrabble on his opinion on which would look better the original way or the way it has been submitted to the board? Mr. Scrabble stated that after softening up the wall to be a 2 tier wall he feels the plan he submitted for testimony "A1" would be better even though the heights are worse. He also stated that there will be more usable space on this plan in the backyard.

Mr. Fehre questioned Mr. Scrabble on the change wasn't just because of the way the ordinance is written in regards to the narrow side being the front, but that you changed it for other reasons as well. Mr. Scrabble stated this was changed to meet your ordinance with the same house which then created more variances and grading problems. We then went back and came up with the drawing submitted which works better but still has variances.

Mr. Trovato questioned Mr. Scrabble about the driveway does it pitch away from the home or towards the home. Mr. Scrabble stated the drawing where the driveway is on Mauro we are sloping steeply up Mauro which will be 12% from Mauro and the runoff will come back to the street. We will have positive drainage and a trench drain in the driveway.

Mr. Chinman questioned if there is a retaining wall on one side of the driveway. Mr. Scrabble stated no.

Mr. Kilmartin stated he is trying to get a sense on how high this building is going to be. Mauro is relatively low and the house I am mostly concern about is the neighbor to the south. As I see the existing house is above the house right now so how high are you going to be from Mauro. Mr. Scrabble stated that the existing floor for the house now on the lot is 101 and we are proposing 104. We are going 2 ½' higher than that first floor. Mr. Kilmartin stated he is just concerned about the neighbor to the south. Mr. Scrabble stated that clearly from a height perspective they will be the only people that will be negatively impacted.

Mr. Chinman stated that if the house was flipped around they would then have more space between them. Mr. Scrabble stated that flipping it would be a benefit for them but not for us because we than would not have a yard to use.

Mr. Kilmartin questioned why so you have to be 2 ½' above the height with perspective to the neighbor on Mauro? Mr. Scarbble stated because we look also at not having the basement entry from the garage and dropping the house down we would have lost the basement area. The problem then becomes what to do with what is now our rear yard because we literally have to meet that grade at the back wall or we will impact that wall in a negative way. We are very limited on how far down we can go. Mr. Fehre questioned the height variance you are asking for with Mauro begin the front yard what are you at? Mr. Scrabble stated 43.4 feet from the mean curb.

Mr. Fehre stated the way you had it before assuming you had Sherwood as the front yard would be. Mr. Scrabble stated they never assumed it to be that way but if so it would drop the number by approx. 10'.

Mr. Mirandi questioned what is the mean curb around the entire corner and how does that impact you? Mr. Scrabble stated that if they took the entire frontage they would be at 102 to 84 which the average would be about 93 which would make the 43.4' height come down to approx. 36' and some. Mr. Mirandi stated that he feels that is the way the mean curb should be calculated not just the frontage of Maruo Road. It should be of all of the property. Mr. Fehre stated so you are saying taking the mean from one side and the other side and then averaging them. Mr. Mirandi stated yes. The height from the 8 pts. would not really change since the house is in the same spot.

Mr. Fehre questioned the height of the ceiling on the 1st and 2nd floor. Mr. Scrabble stated 1st floor will be 9' and the 2nd floor will be 8' the basement will be 8' as well.

Mr. Scrabble stated that he would much rather stay with the drawing submitted and possibly get another foot by grading the property to lower the house. Mr. Mirandi had some questions for Mr. Scrabble in regards to the stone retaining wall on sheet 2 of 2 the detail calls for loose stone retaining wall which would be a gravity wall can you please inform us what you are proposing. Mr. Scrabble stated we would go with an engineer block 2 tier wall and any plans we submit will show the changes for the wall.

Mr. Mirandi questioned the wall going along the property to the existing wall on the other property on how to address that the existing wall is not in great shape and you are planning to tie into that wall with your new wall. Mr. Scrabble stated that they will provide more information about it.

Mr. Mirandi questioned the proposed patio in regards to the elevation of it and the 2' difference he is seeing based on the drawing which creates the other variance for lot coverage. If you are talking about grading the area then that is expectable you just can step it down though. Mr. Scrabble stated he will have more information on that as well.

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

Mr. Perry Kalajain, 374 Forest Drove, Englewood Cliffs needed clarification on the wall in front which originally will be 7 ½' rubble wall.

Mr. Scrabble stated they are planning on using engineer block the details are not on the drawing but will follow. Mr. Kalajain questioned what was his intention in regards to the wall on the south take down etc? Mr. Scrabble stated they are not taking down they are just meeting their wall into that wall. Mr. Kalajain requested clarification of the letter that was sent out by Mr. Cereste's office to the 200' list. Why is there a N/A listed for one side yard. Mr. Scrabble stated that when you have a corner lot you only have one side yard requirement the other is a corner yard requirement. Mr. Kalajain stated that the height variance is over 1/3 the standard and is fairly egregious. The building is going to be very tall. Even with Mr. Mirandi's interpretation of the mean curb you are still 6' over which is significantly over the requirements. He feels something that meets code should be built. In regards to the back wall which he feel is 6' or more he feel that it can be supported someway and that they would be able to do it.

Ms. Stephanie Pantale, 70K Chestnut Ridge Road, Montvale, NJ architect for the applicant described the design of the home as a 2 story brick home. She described the interior of the home from the plans submitted. The home will have a 2 car oversized garage since they were unable to design it for 3 cars due to the elevations. Ceiling heights will be 9' for first floor and 8' for basement and second floor. Slope of the roof will be 3 ½ on 12 which is the minimum pitch to use shingles. If this house was placed on a flat parcel of land it would be approx. 28-29' in height.

The architectural drawings were marked in as exhibits:

A-3 Drawing page A-1 Revision dated 5/20/14

- A-4 Drawing page A-2 Revision dated 5/20/14
- A-5 Drawing page A-3 Revision dated 5/20/14
- A-6 Drawing page A-4 Revision dated 5/20/14
- A-7 Drawing page A-5 Revision dated 5/20/14

Mr. Fehre questioned Ms. Pantale in regards to the statement about the house being 28-29' on a flat parcel is that looking from the uphill side. Ms. Pantale stated yes. Mr. Fehre questioned what can be done to lower the house what would happen to it? Ms. Pantale said she can't touch the roof.

Mr. Trovato questioned what if you were to sink it into the ground. Ms. Pantale stated what will happen is that you would have a steeper pitch into the driveway. We already were unable to get a 3rd garage to work the steeper driveway would make it even harder to get in and out of. Ms. Pantale stated that even if they were to switch the entrance on the house to the Mauro Road side it would also look like a 3 story but worse by 5' compared to the way it is planned now on the Sherwood Avenue side.

Mr. Kilmartin questioned the height on the driveway of the house on the Mauro side and how it is sloped and that this is the problem of the property which makes it a big house. Ms. Pantale stated she thinks the house across the street from this property has the same situation. They have a 2 car garage and then they go up because of the house. Mr. Kilmartin stated that we did talk about dropping it down maybe by a foot, but that you stated the driveway which is sloping would be one problem what else would be the problem.

Mr. Scrabble stated the driveway would get steeper and the wall in the back would become more of an issue.

Mr. Kilmartin questioned what would happen if you had to sure up the wall more and can it be done. Mr. Scrabble stated he will have to go down further and will undermine the wall. Mr. Fehre questioned the height of the wall. Mr. Scrabble stated that the resident stated it goes up to 6'. Mr. Scrabble stated 4-5' but 6' at grade. Mr. Scrabble stated that if we were to set the house further into the ground we will definitely have an issue with the driveway and getting up. The driveway's only 25' long. The slope will be worse and the doors of the vehicles will fly open. We can gain that foot but it will compromise the design of the home.

Mr. Chinman questioned if you were to eliminate the garage entering in the basement and having it enter on the first floor how would that help? Mr. Scrabble stated if we were to drop it by 3' (just picking a #) the first floor is at 101 we still need the garage basically at the elevation we are at so that slope won't get any worse. There is not much flexibility in the driveway. Mr. Mirandi questioned the site plan on the rear elevation shows a window well he didn't see any need for it on the rear of the architectural plans was asking for clarification. Mr. Scrabble stated they will figure that out if we don't need the well we will remove it. Mr. Chinman questioned the location of the air condition units. Mr. Scrabble stated they are showing a/c pads in the back right of the house which are flexible. Mr. Mirandi questioned is there is a generator to be installed. Mr. Scrabble stated there is no generator proposed.

Mr. Robert Barrett introduced his next witness Mr. Jacob Spatz, 60 Friend Terrace, Harrington Park, NJ. Mr. Patz stated that he has a photo board with pictures of the property in question and other properties. This was marked in a exhibit A-8. Top left photo is the existing home on the property in question facing Sherwood. The top right picture is the side of the property on Maruo Road. The bottom left picture is going up Sherwood Avenue with the home that fronts on Forest and the lower right picture is the home across on Sherwood. The variances we are seeking are just two. One being a height variance which is the "D" variance. The home has a height of 34.4' at grade where the requirement is 30' and then maximum building height at the mean curb is 32.7' where 32' is required. We feel that the architect in her testimony had shown the hardships to this due to the property in terms of the steep slope and the retaining wall in the rear on the adjacent property. Mr. Spatz feels that there is a definite hardship to merit this application. The homes on Forest Avenue are significantly above us. New homes that are being constructed even on Sherwood Avenue are similar to our proposal. Mr. Spatz feels that the application is consistent to the neighborhood. If the home was to be on a level piece of property it would be approx. 28' in height and would not need any variances. The home itself is only 30% larger than what is allowed in the RB zone it

is not a home that overwhelms the property. There is an existing driveway on Sherwood and we are proposing the driveway to remain on Sherwood. There is no further impact on the area.

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

Mr. Kalajain stated his concern in regards to the application compared to his home because the home directly behind the home with the wall which goes up to 6' in the back corner which is also the back corner of his property. Mr. Mirandi has been out to my property and can verify the differences in the height. This house will be significantly higher than mine in the back. That is why I will care about it not just the home in the back. The other thing is that what I see is that it is not 2 ½ floors but 3 floors. They are going approx. 33% over the requirement and it is simply to get another floor and a bigger home.

Mr. Fehre questioned that the existing home is a 2 story home with a full basement. Mr. Kalajain stated yes and that they are trying to make this a 3 story house. They have added 11.4 feet to what was there and is getting them the 3rd story.

Mr. S. Kim questioned Mr. Kalajain on the type of home he has. Mr. Kalajain stated that on the first floor there is a garage, family room/den, and wash room. One the second floor there is bedrooms, kitchen, and living room area.

Mr. Fehre questioned how old the house is. Mr. Kalajain stated the home was built in 1962. Mr. Fehre questioned if it has a basement. Mr. Kalajain stated no, the basement is the first floor.

Mr. Kalajain stated they are asking to build an oversized house to maximize the value on the property to the detriment to everyone else. I don't want a house hovering above me.

Ms. Pantale stated that the existing home is only a 1 ½ story home where as the ordinance permits a 2 ½ story home and that is what we are proposing.

Mr. Kalajain questioned how are you measuring stories since the home is 3. Ms. Pantale stated it is based on the grade. Mr. Kalajain stated it still looks likes 3 stories.

Mary O'Shea, 12 Irving Avenue, Englewood Cliffs, NJ is it possible to make the garage in from Mauro Road or design the house lower and have the basement lower by digging a big hole. Make the garage come in from Mauro. Mr. Scrabble stated the house would be lower but the rear of the house will get right up to the property line and we will only gain 2 feet. Ms. O'Shea stated not to change the position of the house but to design it different instead of having the garage going down from Sherwood or up from Mauro have it go straight in from Mauro and dig it deeper into the ground. Mr. Scrabble stated that the garage on the A-2 exhibit going in from Mauro is already lower but still requires 2 steps to the basement. Ms. O'Shea stated dig it deeper than. Mr. Scrabble stated all it will do is help with making the driveway flatter.

Mr. Kilmartin stated what she is trying to say is like the picture of the new home on Mauro Road exhibit A-8. Ms. O'Shea said yes like that one. Mr. Kilmartin stated that the problem will still be the rear retaining wall and suring it up. Ms. O'Shea then questioned why not approach the rear property owner on redoing the wall for them and bringing it lower into the ground since you are spending all that money on the new home. Mr. Scrabble stated that it is not of our control. Ms. O'Shea stated you can replace the wall and regrade the property you are only spending a couple of thousand to do that compared to all you are spending on the house. Mr. Scrabble stated that we can build a wall in front of their wall but not knowing what that wall is like you don't know how it will work. You will most likely have to rebuild it anyway because you can design the lower wall without knowing what the structure of the higher wall is made of and we would need consent from that property owner.

Mr. Fehre questioned if you were to do that and make a 2 tier wall what would that do to the property. Mr. Torvato stated it will make the yard lower then all others and lower then Sherwood Avenue than you will need more walls with fencing so pedestrians don't fall into

the yard. When you start putting the yard lower it will be harder to design and not look as well.

Mr. Surace questioned Mr. Scrabble on building a second wall 4' from the wall which will then lower the home by 4'. Mr. Scrabble stated that he was able to start from scratch and engineer the both walls it will then be safe but by just doing the second wall and not doing the other wall he feels it will not be safe.

Carrol McMorro, 7 Ridge Road, Englewood Cliffs, NJ agreed with Mr. Surace on building the second wall. She was also confused on how high of a height variance they are asking for. Mr. Mirandi stated that the maximum building height in Englewood Cliffs has a 2 prong approach as the attorney had stated the height variance they are requesting above the average grade is 34.4' and the allowable is 30' so we have a 4.4' height variance for that, and that is it is over 10% that triggers a "D" variance which will require a super majority of the board to approve. The other component is for a 11.4' height variance that Mr. Scrabble had calculated from the mean curb and that requirement is 32' and they calculated 43.3'. However it is from the entire curb so the height is actually is less and the Planner stated it would be about a 5-6 foot height variance above that. So we are still looking at a "D" variance. Height variance of 4.4' from the average grade and approx. 5' from the mean grade so they are both a "D" variance.

Mr. Surace stated if you would drop it 3-4 feet you would not need a variance. Mr. Chinman stated a variance would still be needed. Ms. McMorro questioned the attorney if this house is being built for someone to live in or is it being sold. My reason for this is because I have seen actual homeowners some in with hardships for height or whatever to the board but I have a problem with an application that comes in for something that is going to be constructed to sell and there is no hardship that they are just building to sell.

Mr. Kates stated that the hardship is not based on the ownership but on the property.

Mr. Fehre stated that being that the property is so steep he couldn't see how it can be brought down to where they won't need a variance. They are going to need a variance I just want to know if they are doing everything they possibly can to lower it and still make it look good.

Mr. Robert Barrett stated that he wants to take the time to review everything that was discussed here tonight and to possibly redesign rework the plans for this house to lower it and bring it back to the board at the next meeting. Mr. Chinman requested a possible color rendering for the board and public to see and visualize the new home. Mr. Fehre stated that this will be carried over to the July 10th meeting.

Application #234K - Height & Front Yard Variance
Philip & Paula Aurbach
201 Lyncrest Road – Block 714 – Lot 1

Mr. Robert Barrett, Law Office of Saverino Cereste, 1624 Center Avenue, Fort Lee, NJ is to represent the applicant who is requesting a height and front yard variance for the property at 201 Lyncrest Road.

Mr. Mark Martins, Martins Engineering, 657 Greenway Place, River Vale, NJ described the site of 201 Lyncrest Road. The drawing was the original submission with colorization of the driveway which was marked as exhibit A-1. The property is on the northwest corner of Lyncrest Road and Summit Street which is a dead end street. The property is an irregular shape property the frontage is along Summit Street. Currently it is a vacant lot which had a single family home on that has been demolished by the prior owner not the applicant. There is a 6' elevation on the front of the property. We are proposing to construct a new single family structure on the property. The structure will be facing Lyncrest Road however due to the way the ordinance is written the frontage of our property which is defined by the narrowest frontage is Summit Street which would make Lyncrest Road the corner side. We have situated the building so that it would front onto Lyncrest Road because all of the other lots are facing Lyncrest and if we were to conform to the borough ordinance our building

would be projecting much further in front of all the others which have a setback of 30' front. We designed the building to basically conform with the existing setbacks for Lyncrest Road. What will happen now is that we are changing our front yard on Summit to be our true corner yard. We will only have 15' and that is where our front yard variance is coming from.

Mr. Martins went over the zoning chart on exhibit A-1. The height from grade level they are purposing is 32.9' were the ordinance requires 30'. From the mean curb the height will be 33.96' were the ordinance requirement is 32'. That is the variance we are seeking for height on this structure. Mr. Martins stated they comply with everything else for zoning on the lot for this structure. With respect this is a conforming building with lot coverage, side yard, rear yard setbacks. Again the variances we are seeking are because of the unusual configuration of the property being that the front is on Summit when it really should be on Lyncrest and the height variances which I mentioned before.

Mr. Fehre questioned how much the property slopes from one side to the other. Mr. Martins stated 6' from Summit Street. In regards to the driveway pitch they are proposing a circular driveway which has access from Lyncrest and down into the main driveway on the westerly side of the property. The driveway is gently sloped to Lyncrest Road. The other issue that was brought up about the circular driveway was the location of it on Lyncrest. The driveway is a horseshoe shape configuration and in this case we have the side street which becomes close to the intersection of Summit Street and Lyncrest. If this was a busy street we would have some concern but being that this is a dead end street there is not much vehicle traffic at that area. We could move it over a little but would make the radius of the circular much harder to have cars move in and out.

Mr. Robert Zampolin, Zampolin & Associates Architects, 187 Fairview Avenue, Westwood, NJ described the design of the home being proposed on the property. He discussed his design of the roof and the reason for the height requirements. He mentioned the comment by the Borough Engineer in requirements to a variance for the flat roof area is 14'x36' which is 585 sq. feet which is 18.5% which really does not require a variance for the 40% rule on flat roofs. Mr. Zampolin then went through the floor plans of the home. The basement which is a finished area will be 1712 sq. feet. There will be a bedroom, media room, and family room. There will also be a covered patio that can be accessed from the basement. This is part of the building coverage calculation since it is a raised patio. The first floor will have a porch covered entrance, foyer, great room, guest room, dining area, kitchen and access to the raise patio area. The second floor will have 3 bedrooms one the master bedroom suite. So it will be 2 bedroom suites along with the master bedroom suite. First floor will be 2956 sq. feet, second floor 2198 sq. feet, which will be a little over 5,000 sq. feet on 2 floors.

Mr. Fehre questioned what he meant by a volume ceiling. Mr. Zampolin stated it is a 2 story tall ceiling.

Mr. Kilmartin asked what the ceiling heights are of the home. Mr. Zampolin stated first floor to be 9', second floor to be 8' with tray ceilings up to 9' and the basement will be 8.8'.

Mr. Trovato questioned where are the mechanics going to be? Mr. Mirandi stated the condenser units are located on the Summit Street side and in the rear along with the generator.

The rendering picture was marked in as exhibit A-2.

Mr. Mirandi stated that the 40% rule wouldn't apply for the main roof section it applies for additions or extensions so it would require a variance. Mr. Mirandi then read his statement in his letter page 3 of 7. Flat roofs are not permitted in part of the main portion of the roof structure; additions or extensions flat roofs are permitted if the area of the same does not exceeds 40% of the entire area so a variance will be required. Mr. Zampolin stated that no one will be able to see the section of the roof unless overhead. He feels that the flat roof area will not hurt any of the neighbors.

Mr. Chinman questioned the window well on the Summit Street side and how deep it is. Mr. Zampolin said yes, and that it is only down several feet to get some light into the basement. Mr. Chinman questioned if it will be covered with landscaping and as well as the air condition units. Mr. Zampolin stated yes.

Mr. Kilmartin questioned Mr. Zampolin that you are requiring a height variance because you want the garages in the basement? Mr. Zampolin stated that was by design.

Mr. David Spatz, 60 Friend Terrace, Harrington Park, NJ who was the planner for the applicant described the property and the reason for the variances. The property is an irregular shape, there is a curve to it. It is a corner lot which slopes and we are in need of 3 "C" variances. One being the front yard on the corner of Summit Street we are only 15' where 30' is required. We need that setback from Lyncrest which then fits in with the street along Lyncrest. Summit is a dead end. The 2 other variances are for height. The maximum height from mean curb is 32' we are asking for 33.96'. The maximum height at grade required is 30'. We are asking for 32.91. They are "C" variances. The other variance would be for the flat roof which you heard testimony on already. Mr. Spatz didn't feel there would be any negative impact on these variances.

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

Mr. Joseph Fleshman, 209 Lyncrest Road was concerned with sump pump and water run off into the street causing icing on the road. In the winter of 2009 he had ice in front of his home which was very wide. We are down at the bottom of Lyncrest and have been here before because of these water issues and problems from these new developments.

Mary O'Shea, 12 Irving Avenue questioned the height of the second floor where the tray ceiling would be. Mr. Zampolin stated it will go up to 11'. She feels that the height should be lower. Mr. Surace stated that the tray ceiling doesn't mean anything. All it is, is that you take away the attic space. Tray ceilings do not increase the height.

Chairman Fehre asked for a motion to close the public portion. Motion was made by Mr. Chinman, seconded by Mr. Surace and carried unanimously by voice vote.

Mr. Mirandi stated regarding the drainage that the one resident referenced we do have requirements regarding Stormwater Management and the Board can make it conditional upon reviewing of the Stormwater Management approval. In regards to the circular driveway and the grading the plans do show inlets to be installed at each end so the water will go to those. Mr. Mirandi suggested that the board may suggest the driveway to be pervious pavers instead of impervious pavers which is proposed. These have been very helpful in town. Mr. Fehre questioned if the applicant would agree to that. Mr. Barrett stated that they would comply with that.

Mrs. Gloria Fleshman requested to be heard. Mr. Fehre stated that they has closed the public portion but will let her speak.

Mrs. Gloria Flashman, 209 Lyncrest Road, her house is the lowest portion the street. The street is not graded well. The town had to put in another sewer which still does not help the problem. The pitch of the road is not correct. I still have the ice in front of my driveway. She doesn't have a concern about the new home just concerned about the water issue.

Carrol McMorrow, 7 Ridge Road questioned Mr. Mirandi about the pitch of the stairs and driveway will it cause the water to run down onto Lyncrest? Mr. Mirandi stated the grading on the proposed site shows that the water is being pitched to the new inlets at each end of the circular driveway. The water will also go into the seepage pits. The pervious pavers will also help keep the water onto the property.

Mr. Mirandi stated that he had not received any drainage calculations or soil testing for this project and that the Board may make it conditional to approval. There will not be any direct pumping of water into the streets.

Chairman Fehre asked for a motion to approve the application. Motion was made by Mr. Surace, seconded by Mr. Torvato. This motion was approved by roll-call vote. 5 Ayes (Mr. Fehre, Mr. Chinman, Mr. Trovato, Mr. K. Kim, Mr. Surace) 3 Nays (Mr. Kilmartin, Mr. Sean Kim and Councilman Aversa), No Abstentions.

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

Lauren Eastwood, 4 Willow Drive wanted to know what Board is doing in regards to the Master Plan second meeting and seeing testimony. Are you going to have it presented again for people who did not see it.

Mr. Kates stated that the presentation will not be viewed again there will be a transcript that will be available. We were promised it a week ago so we should have it shortly. Mr. Kates stated that the next meeting which was to be June 17th has to be cancelled due to a conflict with the school so there will have to be a new date set in July.

Mary O'Shea, 12 Irving Avenue, questioned about the hearing for June. She wanted to know how it happened that all of a sudden you were unable to use the school when it is most likely planned in advance. She stated she finds it very suspicious that this has happened.

Mr. Kates stated that he doesn't know why it happened but that there is sufficient time to cancel it.

Mrs. Scancarella stated that she was informed by the Superintendent of Schools that there was a conflict due to many school events and that we are unable to have the meeting.

At 11:10 pm Chairman Fehre had left the meeting.

At this time Mr. Kates took over the meeting and discussion of rescheduling for the Master Plan meeting took place. A date could not be confirmed. Mrs. Scancarella will poll the board members for a date during the week of July 21st.

Mr. Kates asked for a motion to adopt the resolution to go into closed session. Motion was made by Mr. Chinman, seconded by Mr. Kiky Kim and carries unanimously by voice vote.

Mr. Kates stated that the board will go into closed session regarding the B2-A Overlay Zone Master Plan Meeting. (Resolution Attached to minutes.)

Mr. Kates upon returning to open session discussed how we can give the litigates time at the meeting in regards to the Master Plan B2-A Overlay Zone.

Mr. Kates asked for a motion to close the public portion and adjourn the meeting at 11:22 pm. Motion was made by Mr. Chinman, seconded by Mr. Kilmartin and carried unanimously by voice vote.

Respectfully submitted



Caterina Scancarella
Planning Board Administrative Secretary

ENGLEWOOD CLIFFS PLANNING BOARD
REGULAR MEETING – June 12, 2014 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, Star Ledger, and posting of notice on the municipal building bulletin board at 482 Hudson Terrace, Englewood Cliffs.

ROLL CALL

FLAG SALUTE LED BY:

APPROVAL OF MINUTES:

April 30, 2014 & May 8, 2014

OLD BUSINESS:

Application #223K – Site Plan Approval with Variances
Investors Bank – 19 Sylvan Avenue – Block 134 - Lot 2
Denied – Resolution

Application # 229K - Commercial Site Plan Approval/Child Day Care
120 Charlotte Place Associates
120 Charlotte Place – Block 313 – Lot 1
Approved – Resolution

Application #231K - Commercial Site Plan Approval
NBC Universal Media, LLC
900-904 Sylvan Avenue – Block 1201 – Lots 8 & 9.01
Approved - Resolution

Application #226K - Sign Variance
CFI 221, LLC/Bergen Protective Systems
325 Sylvan Avenue – Block 412 – Lot 2

NEW BUSINESS:

Approval of 2013 Planning Board Annual Report

Application #232K - Site Plan Approval with Variance for Height
Bong I. Jung, d/b/a Bridgestone Construction, Inc.
60 Sherwood Avenue – Block 405 – Lot 3

Application #233K - Site Plan Approval with Variances
Bank of New Jersey
744 Palisade Avenue – Block 512 – Lot 4,5,6

ENGLEWOOD CLIFFS PLANNING BOARD
REGULAR MEETING – June 12, 2014 7:30 PM
10 Kahn Terrace, Englewood Cliffs, NJ

Page 2

NEW BUSINESS CONT'D:

Application #234K - Site Plan Approval with Height & Front Yard Variance
Philip & Paula Aurbach
201 Lyncrest Rd. – Block 714 – Lot 1

PUBLIC COMMENTS

PUBLIC COMMENTS OTHER THAN HEARING ON THIS AGENDA

ORIGINAL

PLANNING BOARD

BOROUGH OF ENGLEWOOD CLIFFS

**IN THE MATTER OF THE APPLICATION OF NBC :
UNIVERSAL MEDIA, LLC FOR SITE PLAN APPROVAL : MEMORIALIZATION RESOLUTION
AND VARIANCES RELATING TO LOTS 8 AND 9.01 : APPLICATION NO. 231K
IN BLOCK 1201, 900-904 SYLVAN AVENUE :**

WHEREAS, NBC UNIVERSAL MEDIA, LLC applied on or about April 10, 2014 to the Planning Board of the Borough of Englewood Cliffs for site plan approval and variances relating to placement of accessory structures in the "front yard", rear yard setback and deficient onsite parking, parking space dimensions and aisle widths; all in conjunction with the proposed relocation of guard booths and site improvements; in the "B-2 Limited Business Zone" zoning district; and

WHEREAS, a public hearing was conducted on May 8, 2014, upon proper notice certified by applicant's 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, applicant was represented by John A. Schepisi, Esq., Schepisi & McLaughlin, P.A., 479 Sylvan Avenue, Englewood Cliffs, NJ 07632; and

WHEREAS, the following interdepartmental communications and advisory reports were received:

- Denial of Application by Paul Renaud, Zoning Officer, dated February 11, 2014, for reasons stated therein;
- Review letter of Bernard N. Mirandi, P.E., the Board's consulting Engineer dated April 10, 2014;
- Letter of Fire Chief George Drimonas dated March 24, 2014; and

• Memorandum of Deputy Chief Michael McMorrow, Police Department, Traffic Bureau dated March 24, 2014; and

WHEREAS, admitted into evidence as Exhibit A-1 was colorized Site Plan entitled "Overall Site Plan and Zoning Analysis" prepared by Gregory J. Polyniak, P.E., P.P., and Anthony Kurus, P.E., P.P., of Neglia Engineering Associates, 34 Park Avenue, Lyndhurst, NJ 07071, dated February 4, 2014 with latest revision March 3, 2014; and

WHEREAS, admitted without exhibit references were the following:

- Site Plan prepared by Gregory J. Polyniak, P.E., P.P., and Anthony Kurus, P.E., P.P., dated February 4, 2014, consisting of nine pages, as follows:
 - Sheet 1.00 – Cover Sheet / Key Map, with latest revision March 3, 2014;
 - Sheet 2.00 – Site Demolition Plan;
 - Sheet 3.01 – Site Improvements Plan, with latest revision March 3, 2014;
 - Sheet 3.02 – Site Improvements Plan, with latest revision March 3, 2014;
 - Sheet 3.03 – Site Improvements Plan, with latest revision March 3, 2014;
 - Sheet 4.01 – Grading, Drainage, Utilities, and Erosion Control Plan;
 - Sheet 4.02 – Grading, Drainage, Utilities, and Erosion Control Plan;
 - Sheet 4.03 – Grading, Drainage, Utilities, and Erosion Control Plan; and
 - Sheet 5.00 – Lighting and landscape Plan;
- Alta/Acsm Land Title Survey prepared by Jerzy Baraniewicz, P.L.S., of Neglia Engineering Associates dated February 25, 2013, with latest revision March 25, 2013;
- Partial Topographic Survey prepared by Richard F. Dybus, P.L.S., of Neglia Engineering Associates dated November 4, 2013; and
- Letter of George Drimonas, Fire Chief, to Cathy Scancarella, dated March 24, 2014;

WHEREAS, testimony in support of the application was given by Anthony Kurus, P.E., P.P., and Mary O' Shea of 12 Irving Avenue questioned the witness; and

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

ATTS RECEIVED REPORT
ELLIS & FARM, LLP
ATTORNEYS-AT-LAW
180 MOORE STREET
SUITE 308
HACKENSACK, N.J.
07601-7407

The Site

1. Block 1201, Lots 8 and 9.01 (the "Site") is 957,809 square feet (21.488 acres) in area and is located on the westerly side of Sylvan Avenue, approximately mid-block between Sage Road and Hollywood Avenue. The Site contains one 2-story and one 3-story steel framed office building. It is the corporate headquarters and broadcast location of CNBC.

The Development Application

2. Applicant proposes to relocate the guard booths on the east side and west side of the Site. Site improvements are also proposed, including drainage structures, a retaining wall barrier, a decorative black bar, six (6') feet high aluminum fence in the front yard, replacement of the 3 flagpole set, parking space reconfiguration, new sidewalk and ADA curb ramps, striping, and a six (6') foot black vinyl-coated chain link fence in the rear and side yards.

3. Business offices, professional offices, governmental and corporate offices are considered principal permitted uses in the B-2 District (Limited Business) Zone (Code §30-5.5), including laboratory and research facilities, and houses of worship.

4. Applicant is requesting the following variance relief:

- Accessory Structure in the Front Yard: §30-7.2.a.4 does not allow accessory structures in the front yard. The new easterly guard booth is proposed to be further away from the property line than the existing guard booth, i.e. 100.9 ft. proposed and 99.5 ft. existing.
- Minimum Rear Yard Setback: §30-6.1- Schedule A requires a 74.6 feet (20% of lot depth) rear yard setback on the rear yard whereas, the existing non-conformity of 55.5 ft. is proposed to remain.
- Number of Parking Spaces: §30-10.1 (Allows 1 space/200 sq. ft. of floor area. The Applicant proposes to reduce the existing 941 spaces (1 space/386 sq. ft.) to 909 spaces (1 space/399 sq. ft.).
- Parking Space Dimensions: 9 ft x 19 ft required (§30-10.2.a.), 9 feet by 18 feet proposed.
- Aisle Width: 90 Degree Parking Aisle Width; 25 ft required (§30-10.2.b.), whereas aisle width dimensions are existing and proposed at 24 ft.

Analysis

5. Accessory Structure in the Front Yard: As to placement of the relocated guard booths in a front yard, applicant's witness testified that a variance was previously granted for a front yard location. The relocation improves the set back by one foot. The relocation further north on the Site will provide a more orderly flow of traffic in and around the property and will provide greater security for the headquarters of CNBC.
6. Aisle Width: The existing drive aisles in the existing parking lot are 24 feet wide. This is an existing non-conformity. Applicant is seeking approval to continue that width throughout the entire property so that traffic can uniformly flow through the property through uniform aisles. This is an appropriate objective from a safety perspective.
7. Number of Parking Spaces: The Site has an existing variance for deficient number of onsite parking spaces. Applicant is seeking to reduce the number of parking spaces by 32 spaces, from 941 spaces to 909 spaces, due to the relocation of the drives on the east and west side of the existing buildings. Applicant's proofs justify the conclusion that the resulting number of spaces is adequate - showing 750 spaces as the maximum used during peak hours, and having procedures in place to minimize the need, such as shuttle service and multiple shifts. Twenty (20) handicap-accessible parking spaces are proposed. ADA guidelines for number of spaces, when 50 to 100 parking spaces are provided, require 2% of the total or 19 spaces. The accessible parking spaces must be in conformance to the ADA guidelines, inclusive of number, striping and signage. Applicant shall review with the Construction Official the access route requirements for the five (5) ADA parking spaces in the front yard to the building entrance.
8. Parking Space Dimensions: Similarly, the undersized dimensions of spaces are in existence and not problematical.
9. Globally, the work for which approval is sought is being done to improve the security for the premises, without a disruption in service to this important nationally broadcast system. The variances sought are *de minimus* and can be granted pursuant to N.J.S.A. 40:55D-70(c)(1) and (2). The unusual configuration of the property, that the buildings already exist, that the existing aisles are 24 feet throughout the parking lot, that heightened security is necessary for this site, that parking spaces on the Site are underutilized, and the loss of 32 parking spaces will have no adverse impact, and that the aisle widths are already 24 feet throughout the premises; are all reasons that justify the granting of the requested variance relief. In addition, a front yard variance has heretofore been granted for the existing guard booths and the relocation of the guard

booths will only improve security, with no impact upon the intent and scheme of the Zone Plan and Zoning Ordinance. The variances and relief requested in this application can be granted without substantial detriment to the public good.

Site Plan Considerations

10. Stormwater Management. Applicant proposes to remove some existing on-site storm inlets and associated piping and construct new inlets, with bicycle safe grates and NJDEP ECO safe curb pieces. The Board's consulting engineer takes no exception to the drainage provisions for the project. However, his hydrology department suggests that the sizes and types of inlets and outlet pipes of the detention basin be indicated on the Site Plan. No drainage from this property shall affect adjacent properties both during and subsequent to construction. Should any adjacent property be affected by runoff from this property, the owner shall be responsible to remedy the matter at the owner's cost. Applicant is reminded that property owners are responsible for maintenance of the stormwater management facilities at least twice annually, as well as, after every major storm event. Applicant indicates an overall reduction in impervious coverage. Otherwise, applicant would be required to contribute to the Borough's Stormwater Capital Improvements Project to the extent there is any increase in impervious area greater than that of the existing conditions.

11. Landscape Plan. The proposed landscaping elements and details included the following notes:

- Replace in-kind damaged or removed landscaping along the frontage of Sylvan Avenue as directed by the Site or Municipal Engineer.
- Coordinate the preservation of the existing on site trees and final landscaping with the Borough's Environmental Commission.

In addition, applicant is required to meet with the Shade Tree and Environmental Commissions to review the plans and comply with their suggestions. If deemed unreasonable, applicant may return to the Board for further consideration. It is noted that the prior "Earth Station Expansion" project proposed evergreen screening of thirty (30) 8 to 10 feet high Norway Spruces that were to be planted along the border of the westerly parking lot at the existing wooded buffer. They were either not completed, planted in the wrong area or have died. This required work shall be coordinated with the Shade Tree and Environmental Commission. A performance bond and a 2-year maintenance guarantee shall be provided for any proposed landscaping improvements. The installation of landscaping improvements onsite shall be inspected by the Borough Engineer's office. Scheduling of same shall be provided with a minimum of 48 hours' notice.

AYES NEESHMAN
ELLIS & FARER, LLP
ATTORNEYS-AT-LAW
100 MOORE STREET
SUITE 303
HACKENSACK, N.J.
07601-7407

Traffic and Public Safety Review

12. Applicant shall adhere to the comments of the Englewood Cliffs Fire Department in the Chief's March 24, 2014 letter and the Deputy Chief McMorrow in his memorandum to Chief Cloffi dated March 24, 2014.

13. New ADA curb ramps are proposed. The ADA curb ramps shall meet County, State and Federal regulations. Certifications from the Design Engineer of Record prior to the issuance of the Final Certificate of Occupancy are required.

Lighting Review

14. Applicant proposes that existing site lighting will remain, with no modifications. That is deemed to be satisfactory.

NOW, THEREFORE, BE IT RESOLVED by the Planning Board of the Borough of Englewood Cliffs, that the within development's application be, and the same is hereby granted, subject to the following conditions:

CONDITIONS SPECIFIC TO THIS APPLICATION

A. Applicant shall satisfy all inquiries posed by the Borough Engineer in his review letter of April 10, 2014, and as site conditions warrant during construction.

B. Applicant shall adhere to the comments of the Englewood Cliffs Fire Department in the Chief's March 24, 2014 letter and the Deputy Chief McMorrow in his memorandum to Chief Cloffi dated March 24, 2014.

C. The proposed landscaping elements and details shall include replacing in-kind damaged on removed landscaping along the frontage of Sylvan Avenue as directed by the Site or Municipal Engineer, and coordinating the preservation of the existing on site trees and final landscaping with the Borough's Environmental Commission. In addition, applicant is required to meet with the Shade Tree and Environmental Commissions to review its plans and comply

ATES NUSSEMAN RAPONE
ELLIS & FARRELL LLP
ATTORNEYS-AT-LAW
180 MOORE STREET
SUITE 306
HACKENSACK, N.J.
07601-7407

with their suggestions. If deemed unreasonable, applicant may return to the Board for further consideration.

D. Applicant shall review with the Construction Official the access route requirements for the five (5) ADA parking spaces in the front yard to the building entrance.

E. The proposed accessible parking spaces shall conform to all ADA guidelines, including striping and signage.

F. The sizes and types of inlets and outlet pipes of the detention basin be indicated on the Site Plan.

E. A performance bond and a two-year maintenance guarantee shall be provided for any proposed landscaping improvements. The installation of landscaping improvements onsite shall be inspected by the Borough Engineer's office. Scheduling of same shall be provided with a minimum of 48 hours' notice.

GENERAL CONDITIONS

F. All representations made by applicant or its agents shall be deemed conditions of this approval and any misrepresentations by applicant contrary to the representations made before the Board shall be deemed a violation of this approval.

G. The action of the Planning Board in approving this application shall not relieve Applicant 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.

MOTION BY: MR. KILMARTIN

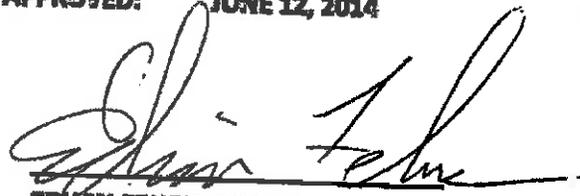
SECONDED BY: MS. SURACE

IN FAVOR: MR. KILMARTIN, MR. SURACE, MR. FEHRE, MR. CHINMAN, MR. K. KIM and MR. S. KIM

OPPOSED: NONE

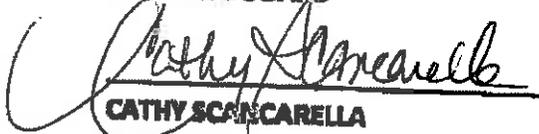
DATE APPLICATION APPROVED: MAY 8, 2014

DATE RESOLUTION APPROVED: JUNE 12, 2014



**EDWIN FEHRE, CHAIRMAN
PLANNING BOARD**

ATTEST:



**CATHY SCANCARELLA
PLANNING BOARD SECRETARY**

ATTS ALISSMAN RAPONE
ELLIS & FARN, LLP
ATTORNEYS-AT-LAW
190 MOORE STREET
SUITE 308
HACKENBACK, N.J.
07801-7407



VIA FACSIMILE AND E-MAIL

June 9, 2014

Borough of Englewood Cliffs
482 Hudson Terrace
Englewood Cliffs, New Jersey 07632

Attention: Ms. Cathy Scancarella, Planning Board Secretary

Re: Plot Plan Review
"D" Variance Application
60 Sherwood Avenue
Block 405, Lot 3
Our File No. ECES-1337

Dear Ms. Scancarella:

Boswell McClave Engineering is in receipt of copies of the following document:

- a. Planning Board, Borough of Englewood Cliffs, Application Form dated April 14, 2014 inclusive of an Impact and Evaluation Statement (containing Exhibit A - The Construction/Zoning Official's Letter of Denial dated March 31, 2014 and Exhibit B - Photographs) prepared by the Applicant's Attorney.
- b. Certification of Taxes Paid, dated April 14, 2014.
- c. Authorization and Consent, dated April 14, 2014.
- d. Certification on Restrictions and Covenants, dated April 14, 2014.
- e. Architectural Plan Set (5 sheets) entitled, "Proposed De Leo Residence for 60 Sherwood Avenue, Englewood, NJ, Block 405, Lot 3" as prepared by Stephani De Carlo Pantale, RA, Architect dated March 13, 2014, last revised May 203, 2014 (sic) consisting of the following drawings:
 - Drawing No. A1: Elevations
 - Drawing No. A2: Elevations
 - Drawing No. A3: Foundation Plan
 - Drawing No. A4: First Floor Plan
 - Drawing No. A5: Second Floor Plan

The Applicant shall provide revised drawings depicting the correct Borough name (Borough of Englewood Cliffs, not Englewood) on each drawing and correct the revision date, not 5/203/2014.

- f. Engineering Plans (2 sheets) entitled, "Soil Erosion & Sediment Control, & Site Plan, Block 405, Lot 3, #60 Sherwood Avenue, Borough of Englewood Cliffs, Bergen County, New Jersey," as prepared by Thomas W. Skrable, P.E., dated March 20, 2014, last revised May 13, 2014.

Based upon our review of the above referenced documents, drawings and recent site inspections, we offer the following comments:

General

1. The Applicants/Owners in this matter are:
Bong I. Jung d/b/a Bridgestone Construction Inc.
61 Oakwood Lane
Englewood Cliffs, New Jersey 07632
The Applicant should notify the Board of any change in the above mentioned information.
2. Block 405, Lot 3 (the "Site") is a corner lot located on the southeasterly corner of the intersection of Sherwood Avenue and Mauro Drive. The Applicant proposes to raze the existing building, remove associated improvements as well as a rear yard patio and raised porch, and construct a new single family dwelling. Also proposed are a front yard uncovered porch and walkway, a rear yard patio, a paver driveway from Mauro Road, a 7.5 ft. high loose stone retaining wall and onsite drainage improvements.

Land Use

3. The property is located, in the R-B Residential Single Family Zoning District. Single Family dwellings are considered a permitted use in this zoning district.
4. Since the Site is a corner lot, it shall have a Front Yard, Rear Yard, Corner Side Yard and Side Yard. According to the Englewood Cliffs Code, the narrower side of the lot abutting a street, regardless of the location of the principal entrance of the building shall be considered the front yard. Therefore, Mauro Drive shall be considered the Front Yard and the Sherwood Avenue side of the property shall be considered the Corner Side Yard. Boswell McClave engineering takes no exception as to how the Applicant delineated the various yards.

Variances and Waivers

5. According to the Construction/Zoning Official's Letter of Denial, the following variances are required and the Board should request comments from the Board Attorney regarding the requirements for variances or waivers for the following:

- a. **Maximum Building Height:** In residential zones building height shall be thirty (30) feet (measured by taking the four (4) corner elevations and the four (4) midpoint elevations and dividing them by eight (8) by utilizing the house box) of the existing grade or the finished grade, whichever is greater. In any event the height of the measure from the mean curb level to the highest point of the building shall not be more than thirty-two (32) feet exclusive of chimneys. The proposed building height requires the following variances:
- 43.4 feet measured of the mean curb level versus the maximum allowable 32 feet. **An 11.4 ft. building height variance is required.** This is a d-6 variance application which requires a super majority of affirmative votes for approval.
 - 34.4 ft. measured from the lower of the average existing or finished grade versus the maximum allowable 30 feet. **A 4.4 ft. building height variance is required.**

We also note an additional variance:

- b. **Gravity Retaining Walls:** Section 30-7.15 c. The Code Section states: Gravity (stone construction) retaining walls shall not be greater than four (4) feet in height. A 7.5 ft. wall is proposed at the property line along Mauro Road. The Applicant may consider revising the type of construction utilized for wall construction. **A variance is required.** The Impact and Evaluation Statement should be amended to include this variance.
- c. **Lot Coverage (Possible Variance).** It appears the rear patio is two (2) foot above the surrounding grade. As per the Code definitions, if a patio is more than six (6) inches above the ground level it is considered a structure. Therefore it should be a component in the lot coverage calculations. **This would increase the lot coverage and create an additional variance.**

Stormwater Management

6. Drainage calculations have been submitted on the site plan in support of the proposed stormwater management improvements. We take no exception to the calculations.
7. Should the Planning Board look favorably upon this application, a soil log and percolation test shall be performed at the exact locations of the proposed seepage pits to substantiate the soils acceptance of such a system and to determine the elevation of groundwater and rock.
8. The installation of the stormwater management facility shall not be allowed to commence until this office has received and reviewed the aforementioned tests for acceptance. A note to this effect should be indicated on a revised plan.
9. The Applicant shall contact this office at least 48 hours prior to the installation of the seepage pits in order for this office to schedule the inspection of same. No Certificate of Approval shall be issued unless this office has inspected and accepted the drainage system. A note to this effect should be indicated on a revised plan.
10. A note shall be placed on the plans indicating, no drainage from this property shall affect adjacent properties both during and subsequent to construction. Should any adjacent

property be affected by runoff from this property, the Owner shall be responsible to remedy the matter at the owner's own cost.

11. As noted on the plans, overflow tees with vermin screens and splash blocks shall be located on the roof leader downspout has been provided on the plans, as required.
12. A note shall be placed on the drawings with regard to the property owners being responsible for maintenance of the stormwater management facilities and that periodic maintenance of at least twice annually, as well as, after every major storm event greater than 2 inches.

Additional Comments

13. The site plan should show the width of the dropped curb along Sherwood Avenue and the driveway width at the property line. The Applicant shall provide testimony.
14. The application form addendum reference a survey dated March 20, 2014. We have not received this Boundary and Topographical Survey. Please provide.
15. The Impact and Evaluation Statement states that there is a basement that consists of finished areas located behind a three (3) car garage. The basement area contains a Bedroom with Full Bath and a Home Theater. None of this information with the exception of the finished area of the basement has been presented in the Impact and Evaluation Statement and therefore the statement should be amended. Also the plan notes an oversized two car garage.
16. The first floor area contains a Dining Room, Living Room, Bedroom with Full Bathroom, Great Room, Kitchen/Dinette Area. The architectural drawing (Drawing No. A4) also depicts a full bathroom associated with the Bedroom that is not contained in the Impact and Evaluation Statement. The Applicant shall provide testimony with regard to this possible discrepancy and correct the applicable document as necessary.
17. In accordance with Section 30-7.15 of the Borough Code, any demolition activity of one or more structures and/or any new disturbance activity involving more than 5,000 square feet of area within the site, including the construction of one single-family dwelling or other project, the Applicant should contact the Bergen County Soil Conservation District (BCSCD) for their review of the application and obtain a Soil Erosion and Sediment Control Plan Certification.
18. Soil movement calculations have been provided. This development will require 35 c. y. of export material. It appears that the Mauro rear area of the site is being raised up to 7.5 feet. The Applicant shall provide testimony to this grading as well as what is proposed for the existing retaining wall as it is located along the property line where the new retaining wall is proposed.
19. Soil erosion control measures shall be maintained throughout the course of construction.
20. According to the engineering drawings, five (5) trees are indicated for removal. No shade trees are being proposed to be planted. The Borough's Shade Tree and Environmental Commissions shall review/comment with regard to this plan. The review is required to ensure that any removal of selected trees and the preservation of trees to remain are in

accordance with the Borough Code. Furthermore, a note to this effect annotated on the engineering drawing.

21. The Applicant is reminded the proposed rear yard patio cannot exceed six (6) inches above the surrounding grade. In the event the patio elevation exceeds 6 inches above surrounding grade the building coverage calculations are affected.
22. As noted on the plans, the installation of the proposed improvements shall comply with any and all applicable Federal, State and local requirements, including Section 9-22 of the Borough of Englewood Cliffs Zoning Ordinance.
23. In the event the existing sanitary sewer connection is to be utilized, the Borough requires video inspections of the existing sanitary lines to ensure the adequacy of the line. As noted on the plans, the applicant shall provide a DVD of the video inspection of the sanitary line to the Superintendent of Public Works prior to Certificate of Occupancy. Also, all connections shall be discussed with the DPW Superintendent for his concurrence. A note to this effect is annotated on the engineering drawing.
24. The plan indicates the applicant is responsible for the replacement of all curbing along the property frontage. All necessary curb replacement and damaged paving shall be installed to the satisfaction of the Superintendent of Public Works. A note to this effect is annotated on the engineering drawing.
25. The Applicant shall undertake, at the time of foundation completion, a foundation location survey inclusive of setback dimensions and top of "Block" elevation which shall be submitted to the Borough for review. A note to this effect should be indicated on a revised plan.
26. The Applicant shall survey the Roof Ridge Elevation upon completion of framing. Compliance verification with the allowable roof ridge elevation is required prior to commencement of roof sheathing. A note to this effect should be indicated on a revised plan.
27. The Applicant shall provide testimony to the roof pitches as they are not indicated on the elevations nor has a roof plan been included. Any roof pitch over the main portion of the dwelling for new construction less than 3 ½ on 12 is considered a flat roof and is not allowed.
28. Building height certification shall be provided by a licensed Land Surveyor in the State of New Jersey prior to the issuance of a Certificate of Occupancy. A note to this effect should be indicated on a revised plan.
29. An As-Built Survey shall be provided by a licensed Land Surveyor in the State of New Jersey prior to the issuance of a Certificate of Approval. A note to this effect should be indicated on a revised plan.
30. The engineering drawing depicts a 7.5 ft. high maximum retaining wall being proposed along the westerly and northerly property lines. The Applicant shall be made aware of the following:

- The Applicant must be made aware that all retaining walls greater than four feet (4 ft) in exposed height require retaining wall stability calculations to be provided by a Professional Engineer licensed in the State of New Jersey, signed and sealed, for the Municipality's review and approval prior to construction.
- All retaining walls greater than four feet (4 ft.) constructed on-site will require a certification of a licensed Professional Engineer that he/she has provided on-site inspection during the wall construction, proper methods were utilized in the construction, the wall has been constructed in accordance with the approved design drawings, the wall has been properly stabilized and the wall will be adequate for the intended purpose. Inspecting engineers must also certify appropriate batter, heights and locations have been respected pursuant to the approved design drawings. Copies of these certifications are to be forwarded to the Municipal Engineer.

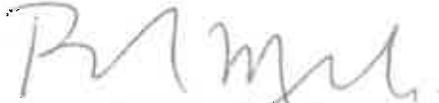
31. The Applicant shall provide testimony if a generator is proposed.

32. Any other issues the Planning Board deems necessary.

Thank you for your kind attention to this matter. Should you have any questions or require anything further, please do not hesitate to contact me.

Very truly yours,

BOSWELL McCLAVE ENGINEERING



Bernard N. Mirandi, P.E.

BNM/EFS/amg

cc: Paul Renaud
Environmental Commission
Shade Tree Commission
Mark Neville
Ed Fehre, via e-mail
Michael B. Kates, Esq., via fax & e-mail
Bong I. Jung d/b/a Bridgestone Construction Inc.
Thomas W. Skrabble, P.E.
Stephanie De Carlo Pantale, R.A.
Saverio V. Cereste, Esq., via fax & mail
John Englese

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1 JULY 19, 2012

2 THE CHAIRMAN: Okay. The next item

3 would be 60 Sherwood. This is a site plan

4 approval with variance for height. Well, it's

5 residential, we don't require site plan approval

6 for residential. So the only variance, I believe

7 then, on this application is for height.

8 MR. BARRETT: Good evening, Mr.

9 Chairman. My name is Thomas J. Barrett, appearing

10 on behalf of Saveria Cereste, who is ill

11 (inaudible) tonight.

12 As the chairman indicated, this is an

13 application for a height variance. And the

14 testimony that the board (inaudible) the reasons

15 why it's possible to approve the variance and to

16 construct (inaudible) the letter of -- the

17 witnesses I have with us are our architect and our

18 engineer (inaudible) to describe the site.

19 BOARD ATTORNEY: Do swear the testimony

20 you're about to give in this matter shall be the

21 truth so help you God?

22 THE WITNESS: I do

23 BOARD ATTORNEY: Identify yourself by

24 name and business address.

25 THE WITNESS: Tom Sprewell, business

1

1 BOROUGH OF ENGLEWOOD CLIFFS
JOINT PLANNING AND ZONING BOARD
COUNTY OF BERGEN

2 APPLICATION OF: BONG JUNG d/r/a BRIDGESTONE
CONSTRUCTION, INC.

3 June 12, 2014
Englewood Cliffs Borough Hall
10 Kahn Terrace
Englewood Cliffs, New Jersey

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TRANSCRIPT OF THE RECORDED PROCEEDINGS

MEMBERS PRESENT FOR THE APPLICATION:

EDWIN FEHRE, Chairman

JEFFERSON CHINJIAN

RONALD KILMARTIN

MATTHEW TQUAYO

KIKY KIH

VINCENT SURACE

SEAN KIH

ED AVERSA

APPEARANCES:

KATES, NUSMAN, RAPONE, ELLIS &
FARHI, LLP
ATTORNEY TO THE BOARD

SYVERIG V. CERESTE, ESO.
ES: THOMAS BARRETT, ESO.
ATTORNEY TO THE APPLICANT

ALSO PRESENT:

BERNIE MIRANDI, Engineer

EETH CALDERONE & ASSOCIATES

1 address is 65 Ramapo Valley Road in Mahwah, New
2 Jersey.

3 MR. BARRETT: Do I need to qualify him?
4 BOARD ATTORNEY: Have you appeared

5 before this board?

6 THE WITNESS: Yes.

7 BOARD ATTORNEY: Mr. Chairman.

8 THE CHAIRMAN: We'll accept him.

9 THE WITNESS: Thank you.

10 MR. BARRETT: Should I mark the drawing?

11 BOARD ATTORNEY: Is that new or is that

12 the colored?

13 MR. BARRETT: It's the same drawing you

14 have.

15 BOARD ATTORNEY: Because it's colorized,

16 let's mark it as A-1.

17 A The drawing is entitled soil erosion and
18 sediment control, site plan of Block 405, Lot 3,
19 60 Sherwood Avenue. The original signature date
20 is 3/20/14, the latest revision date is 5/13/14.

21 And it is the exact same drawing that we filed

22 with the board just supplied with color.

23 BY MR. BARRETT:

24 Q Describe the site for us, please?

25 A Sure. Just to orient everyone, the way the

1 drawing is set up is Mauro Road is on the bottom
2 of the drawing, Sherwood Avenue is on the left of
3 my drawing, it's a corner lot. The north arrow is
4 kind of pointing toward the bottom left of the
5 drawing. So that I'm going to consider Sherwood
6 Avenue running east-west and Mauro Road more north
7 south, when I talk about north, south, east and
8 west.

9 Currently there is a single-family home
10 on the house. What we're proposing is to knock
11 that down and build a new dwelling. And our
12 primary issue here is the height, the height
13 variance that we're requesting. There's really
14 three things working against us from a height
15 perspective. The lot is very steep from the
16 proposed, I'll call it the northeast corner, where
17 the elevation is a little over 102. And then the
18 southwest corner we go down to elevation of
19 between -- just about 84. So you've got 18 feet
20 of elevation over a lot that's basically a
21 hundred -- so it's 17, 18 percent pretty
22 consistent across the site. So that's the first
23 issue that's seriously working against us and the
24 most important issue.

25 Secondly is the way the ordinance is

1 written. We have to take our frontage for both a
2 yard perspective and a building height
3 perspective. Our frontage -- our narrowest
4 frontage is considered our front yard. So in our

5 case, that's Mauro Road and that happens to be the
6 lowest point. So when we take the average curb
7 height, when we compare the ridge line to, we have
8 to take that as the average of Mauro Road. For

9 example, if we were to rotate the house and use
10 Sherwood Avenue, we're gaining probably nine feet
11 elevation. That's very significant because

12 everything is so steep. So it's the way the

13 ordinance is written -- and I'm not saying that

14 the ordinance is poor, by any means. I'm saying

15 just in this particular case, it works against us

16 pretty harshly.

17 And then the third item that works

18 against us is the house to our -- I'll call it the

19 east -- has an existing wall. This is on the next

20 lot that's higher on Sherwood, it has an existing

21 wall that runs along our property line.

22 Obviously, we don't control that wall. Anything

23 we would do to affect the grade that area would

24 affect the wall. If we fill it, we're filling

25 against the wall, we're actually filling off of

7

1 our property. If we were to cut in that area, we

2 would be undermining the wall, which obviously

3 isn't a good thing for that neighbor either.

4 So basically we maintain the elevation

5 at that point. Normally, in a site like this when

6 it's real steep, you would cut at the high end and

7 fill at the low end and flatten it out. We would

8 be able to sink the house further down into the

9 ground. But in this case because of the wall

10 there, we can't do that. So we're stuck with the

11 elevations of the road, which basically sets the

12 elevation of our house. And the ridge line that

13 is created compared to what I would say is kind of

14 a artificially low point, at the average along the

15 wall in the road. And a combination of those

16 three things makes it virtually impossible to

17 build within the (inaudible).

18 Q Did you have the opportunity to review

19 Mr. Mirandi's comments (inaudible)?

20 A Yes.

21 Q And one of the questions he had was with

22 respect to the retaining wall (inaudible) the

23 seven and a half feet high?

24 A Yes. We're proposing -- again, by the time,

25 we -- once we establish our first floor elevation

1 and our ridge elevation, we're coming a few steps
2 out of the front door. And then going literally
3 on a three on one slope, which is maximum
4 typically allowable slope that would be stable to
5 be able to be a lawn, to maximize our three on one
6 slope all the way down to the right-of-way line.
7 We still need a seven and a half foot wall in
8 order to meet the grade of Mauro Road.
9 What's being proposed currently, I
10 believe, is engineered block. My understanding is
11 that the Borough does not want a block wall over
12 four feet or it's a variance. We did talk to our
13 client about that tonight and what he would be
14 willing to do or happy to do is to tier that wall,
15 kind of soften the elevation (inaudible). So
16 we're going to have two tiers, both of them a
17 maximum of four feet high, with a minimum of --
18 it's five feet from base of wall to base of wall.
19 So (inaudible) something hopefully that the board
20 would approve, we would do a two-tiered wall.
21 Q (Inaudible) with respect to the patio?
22 A Yes.
23 Q (Inaudible) two feet above grade and
24 therefore (inaudible)_lot coverage?
25 A Yes. This -- I guess this is kind of a

1 question on my part. The way the patio is
2 designed, our first floor has (inaudible) one and
3 two, and then come down a couple steps to the
4 patio. But the patio is at grade. It's just the
5 grass would slope away from the patio down to the
6 existing grade (inaudible). The patio is say a
7 little less high than this table and then the lawn
8 would slope down to where the existing grade is.
9 So the patio literally is raised isn't raised,
10 it's just higher than where the grade is now.
11 I'm not sure if that necessitates a
12 variance or not. We're not intending to have the
13 patio sit above the ground (inaudible). The patio
14 is literally above the lawn and the lawn would
15 slope down. I'm not sure this is a variance or
16 not. We would modify our application if it is
17 (inaudible) I'm not sure that it is a variance.
18 Q And the inquiry to as (inaudible)?
19 A We'll give you the number and I think the
20 (inaudible) four feet. And we will label that on
21 a subsequent drawing.
22 Q And I understand the letter request was
23 a copy of (inaudible) survey?
24 A I don't think we provided it yet, but we
25 certainly will provide it.

10
1 Q And the question as to the (inaudible)
2 area being raised up to the seven and a half feet,
3 the grade (inaudible) as it's located along the
4 property line (inaudible) as proposed?
5 A I think that question has to do with where
6 we're connecting with the wall. What I was trying
7 to do was literally meet -- if you look at my top
8 and bottom of wall elevations, (inaudible) what's
9 shown as existing, we're basically at the same
10 numbers. I was attempting to meet those walls.
11 If there's any clarification we would need
12 (inaudible).
13 Q (Inaudible) the ridge line?
14 A (Inaudible) first floor is four to six feet,
15 which it's a modest home, not easy to get a two
16 story home (inaudible) a real or expensive
17 (inaudible), minimize as much as we possibly
18 could.
19 Q What's the (inaudible)? The garage is
20 basically at the basement floor?
21 A Yeah.
22 Q One step up?
23 A Yes.
24 Q This proposal was flipped around
25 (inaudible)?

11
1 A Yeah.
2 Q What was the reason for the change?
3 A Well, I actually have that drawing with me
4 if we want to, (inaudible) anybody, but I do have
5 it if you want to look at it. If you want me to
6 flip it over and go over that with you very
7 quickly?
8 Q Yeah.
9 THE WITNESS: Should we mark this
10 drawing as well?
11 BOARD ATTORNEY: Yes.
12 THE WITNESS: This is something I think
13 the board saw. It's never been testified to or
14 even reviewed by your engineer that I'm aware of.
15 I'll call this A-2.
16 Q Describe what that is?
17 A Originally, we had this -- this is the same
18 house, it's flipped and mirrored, but it's
19 literally the same house. And our first
20 submission to Mr. Reynold had this house with our
21 assumption that we could use Sherwood as the
22 front. All of our yard dimensions and our height
23 dimensions were based off Sherwood being our
24 front. We were then told that the says you can't
25 do it that way, you need to -- because the lot is

1 narrower on the Mauro side, you need to use Mauro
 2 as the front. So that changes which is the side
 3 yard and which is the rear yard it. It also
 4 changes (Inaudible). So this drawing is actually
 5 that one that was in the middle, where we took the
 6 same house, left it as we had it originally
 7 oriented, but changed the yard requirements and
 8 the height requirements in accordance with Mr.
 9 Reynold's comments.

10 So that's what this represents. And you
 11 end up with height variances slightly less and you
 12 end up with -- I'm showing two yard variances, but
 13 the one is very de minimus and we could actually
 14 adjust that. You're supposed to have 25 then on
 15 Mauro Road and we have 24.7, we're showing 7.1 in
 16 the back to the window well, ten to the house.
 17 That number is supposed to be 25 as well. That's
 18 supposed to be 25 as well. So we do have another
 19 fairly significant variance in the back.

20 **Q** That's up against the retaining wall?
 21 **A** Before the retaining wall, yes. So we add
 22 to the number of variances, which is one of the
 23 disadvantages of this layout. And also we don't
 24 get the useable rear yard that we get on the other
 25 layout. With this layout, just because we're

1 working against the slope of the rear yard,
 2 virtually everything will have slope on it, except
 3 literally the patio. Whereas before (Inaudible)
 4 slopes off the patio and then we have some lawn
 5 area up against that wall in the back.
 6 So from a grading perspective, the first
 7 plan that I showed you that we're proposing
 8 tonight does work better, but the height variances
 9 are a little more.

10 **BOARD MEMBER:** What is the difference
 11 between the height variance?

12 **THE WITNESS:** This is, again, not the
 13 drawing that we submitted formally for tonight.
 14 And we're asking for the main curb number is 41.3
 15 feet and eight point average is 31.9. The 41.3,
 16 31.9 versus 43.4 and 34 (Inaudible). So two
 17 foot-ish difference.

18 **BOARD MEMBER:** That's the same exact
 19 house --

20 **THE WITNESS:** The same exact house,
 21 mirror image.

22 **BOARD MEMBER:** Which way, in your
 23 opinion, would this look better? What you had
 24 originally or the way you have it now?

25 **THE WITNESS:** I think one of other

1 things I should have mentioned on this alternate
 2 layout is the steepness of the driveway. This
 3 driveway is at 12 percent. The driveway with the
 4 plan that we're presenting tonight maxes out at 6
 5 percent. I think once we soften up the look of
 6 the wall in front, make that two tiers, the plan
 7 that we formally submitted, A-1, works better from
 8 a grading perspective, even though the heights are
 9 worse. It actually provides useable space and
 10 reasonable space for occupying (Inaudible).

11 **BOARD MEMBER:** The new one?
 12 **THE WITNESS:** Yes.

13 **BOARD MEMBER:** So you're not just -- You
 14 didn't just change it because of our ordinance --
 15 the way our ordinance is written with the narrow
 16 side being the front. You changed it because for
 17 these other reasons is what you're saying?

18 **THE WITNESS:** Yes. This was changed
 19 literally to try to meet your ordinance with the
 20 same house. Or meet Mr. Reynold's comments with
 21 the same house, which then necessitated more
 22 variances and created the additional grading
 23 problems. So we then went back to the drawing
 24 board, came back with this new version, which I
 25 think does work better, but again, (Inaudible).

1 **BOARD MEMBER:** (Inaudible) the driveway
 2 issue, talking about (Inaudible) from the house.

3 **THE WITNESS:** The other version where
 4 the driveway was on Mauro, we're sloping steeply
 5 up Mauro 12 percent from Mauro Road. So the
 6 driveway runoff would go back to the street. In
 7 this case, we're actually on the high side of
 8 is my 6 percent pitch, going from the high side of
 9 the driveway to the house, which is -- when you're
 10 going down, that's kind of a maximum because when
 11 you pull in, go to open the doors, at 6 percent,
 12 they start to fly open. So that's where that
 13 number. So we're at six percent on the high side
 14 and we're very flat on the low side. But we are
 15 slightly below (Inaudible).

16 **BOARD MEMBER:** (Inaudible)

17 **THE WITNESS:** The good news is we do
 18 have positive drainage. We have trench drain that
 19 lead to seepage pits. And the seepage pits can
 20 overflow into the Borough system (Inaudible) work.
 21 So at least we're not concerned about water
 22 backup.

23 **BOARD MEMBER:** Is there a retaining wall
 24 on the one side of the driveway now? Is there?

25 **THE WITNESS:** We don't have a retaining

1 wall (inaudible).
2 BOARD MEMBER: Can we get a sense of how
3 high this building is going to be, now Mauro is
4 relatively level, correct?

5 THE WITNESS: Right.

6 BOARD MEMBER: You've got -- the house
7 I'm most concerned about would be the neighbor to
8 the south, I see the existing house, it is above
9 that house as it is now. So, how high are you
10 going to be from Mauro? Are you able to
11 (inaudible) the height -- you're using Mauro as
12 the -- are you seeking a variance above what we
13 would allow, the 32 feet from Mauro, from that --

14 THE WITNESS: We are. And the existing
15 first floor from the split level that's on the lot
16 now is 101 and a half. We're proposing 104. So
17 we're going two and a half feet higher than that
18 closest --

19 BOARD MEMBER: At least that. And then
20 I'm just concerned about the impact on the
21 neighbor to the south. Because you're already
22 above that neighbor, existing.

23 THE WITNESS: I completely understand
24 what you're saying. I think clearly from a height
25 perspective, they're the only people that are

1 going to see any negative impact. The lots up on
2 Sherwood -- we could ask for a 30 foot variance
3 and (inaudible).

4 BOARD MEMBER: If you flipped it around,
5 they would have more space in the backyard. So it
6 would be separated from that house. Right now,
7 with the side yard being there, you're pretty
8 close to the property line on that side?

9 THE WITNESS: Yeah, I would agree that
10 flipping it might be a benefit for them. It's
11 definitely (inaudible) a benefit for us because we
12 don't have any yard that we can use.

13 BOARD MEMBER: The only comments that
14 were (inaudible). I don't know if the board has
15 more questions.

16 BOARD MEMBER: What's the over --

17 BOARD MEMBER: Why do you need to be
18 seven and a half feet or so above the height?
19 Just looking at it from the perspective of the
20 neighbor on Mauro, why do you need a height
21 variance, why can't you build within?

22 THE WITNESS: Well, because we looked at
23 also not having a basement entry from the garage
24 and dropping the house down. And we could have
25 had just several steps from the garage up. We

1 would have lost the basement area obviously, but
2 we could have done it that way. The problem
3 becomes what to do with what is now our rear yard.
4 We literally have to meet that grade along the
5 back wall or we're going to impact that wall in a
6 negative way, one way or the other, whether we
7 fill or cut. So could we -- we're very limited
8 with how far down we can go and still be able to
9 get water not around the house, not running
10 straight toward the house. It's literally a
11 matter of maybe you could grab another foot out of
12 this and drop the first floor down to 103 and the
13 patio down 101, but then you're literally even
14 with the wall with that. And you create a little
15 a swell of (inaudible) less flat area, less flat
16 lawn area and still be able to get the wall
17 around. You're not going to gain any more than
18 that, you start to impact that wall or (inaudible)

19 BOARD MEMBER: Again, the height
20 variance that you're asking for, with Mauro being
21 the front road, right, that's your front yard,
22 going for the average curb of the front, how many
23 (inaudible).
24 THE WITNESS: 43.4.
25 BOARD MEMBER: 43.4 (inaudible). And

1 the way you had it before, how many feet were you
2 looking at, assuming that Sherwood then would be
3 the front yard?

4 THE WITNESS: That -- we never assumed
5 that, that was determined right away.

6 BOARD MEMBER: You never assumed that?

7 THE WITNESS: That would drop our

8 numbers by ten.
9 BOARD MEMBER: That would drop it by ten

10 feet.
11 BOARD MEMBER: Mr. Chairman, I'd like to
12 ask one question. What's the mean curb around the
13 entire corner, how does that impact your height?

14 THE WITNESS: We took the entire
15 frontage, I'm just going to give you the two
16 numbers (inaudible) --

17 BOARD MEMBER: That's what I would ask
18 at this point.

19 THE WITNESS: We go from 102 to 84. So
20 that's 18 feet, we're at 93, the average goes up
21 to 93 as to compared to what (inaudible) 86.6. So
22 we gain six and a half feet.

23 BOARD MEMBER: So that the 43.4 foot

24 measurement would be what?

25 THE WITNESS: Down to 37, 36 and change.

1 BOARD MEMBER: And, Mr. Chairman, that's
 2 how I believe the mean curb should be calculated
 3 on a corner property, not just frontage of --
 4 THE CHAIRMAN: (Inaudible) taking the
 5 mean on one side and the mean on the other street?
 6 BOARD MEMBER: Yes.
 7 BOARD MEMBER: And what do you average
 8 it? You average those two?
 9 BOARD MEMBER: Yes.
 10 BOARD MEMBER: Going by the eight point
 11 method, what are the heights at the eight point?
 12 THE WITNESS: Eight point, we're at
 13 proposed 34.4, eight point average existing
 14 proposed condition, proposed condition, you use
 15 the lower of those two numbers, as I've
 16 calculated. So my existing average of 95.6 and my
 17 133 (inaudible) 33.4. That's not going to change
 18 unless you move the house.
 19 BOARD MEMBER: And the ordinance, again,
 20 is what, 32 feet above the eight points?
 21 BOARD MEMBER: It's 30 foot, so I agree
 22 it would still remain a 4.4 foot variance from
 23 that point. But I would say that the height from
 24 the curb would change based upon my comments and
 25 Mr. Reynolds' calculation.

1 BOARD MEMBER: The scaling height on the
 2 first floor, how big was ceiling height?
 3 BOARD MEMBER: The architect said nine
 4 foot.
 5 BOARD MEMBER: It's a nine foot ceiling.
 6 BOARD MEMBER: Second floor is eight and
 7 the basement?
 8 BOARD MEMBER: Eight.
 9 THE WITNESS: We have nine, four, four,
 10 so it's basically (inaudible).
 11 BOARD MEMBER: You have a few steps
 12 going in though -- I mean it's not going to
 13 eliminate much in the front to lower that.
 14 BOARD MEMBER: You're trying to sell the
 15 house with an eight foot ceiling these days, what
 16 would happen? (Inaudible)
 17 THE WITNESS: It's difficult, I'm sure
 18 you know better than I do (inaudible).
 19 THE CHAIRMAN: Any other questions?
 20 THE WITNESS: We could squeeze a foot
 21 out of this, doing the grading (inaudible). Yeah,
 22 at this point, I think we'd rather change the
 23 floor elevations and (inaudible) still provide
 24 some yard rather than lose it (inaudible).
 25 BOARD MEMBER: (Inaudible) so you don't

1 have the (inaudible) --
 2 THE WITNESS: The Sherwood, the
 3 neighbor's property? I think that's only a four
 4 or five foot high wall, I don't know. I don't
 5 have a copy of the wall elevations here, just from
 6 the drawing.
 7 BOARD MEMBER: Is that a block wall,
 8 concrete wall?
 9 THE WITNESS: I believe it's concrete.
 10 BOARD MEMBER: It's a block wall,
 11 retaining block or --
 12 BOARD MEMBER: I think it's keystone
 13 block.
 14 BOARD MEMBER: Building close to the
 15 retaining wall, they, you know (inaudible) the
 16 problem --
 17 THE WITNESS: It's not a (inaudible),
 18 we're only showing seven feet from the window well
 19 to basically the wall. The wall is a little bit
 20 off the property line (inaudible).
 21 BOARD MEMBER: This was better than the
 22 previous, probably (inaudible).
 23 BOARD MEMBER: We would much prefer to
 24 stick with this, trying to grab another foot out
 25 the height with grading and (inaudible) redo the

1 calculation based on the overall average, get that
 2 variance down to 35. That's pretty much all we
 3 can do with that.
 4 THE CHAIRMAN: Any other questions? Mr.
 5 Mirandi?
 6 MR. MIRANDI: Yes, a couple questions or
 7 points of clarification for Mr. Sprewell's
 8 testimony. I believe I heard you say that it's an
 9 engineered stone retaining wall. I saw on the --
 10 sheet two of two, a detail that called for a loose
 11 stone retaining wall, which would be a gravity
 12 wall. So I wanted clarification, what are you
 13 proposing?
 14 THE WITNESS: I (inaudible) let me
 15 check. You're absolutely right. All we're
 16 showing is (inaudible) at this point. At minimum,
 17 we would have an engineered block. And the client
 18 actual prefers to go with the two-tiered.
 19 (Inaudible) so any plan that we submit will show
 20 the engineered block.
 21 MR. MIRANDI: My point that I had raised
 22 in my letter would be on page three of six,
 23 (inaudible) retaining wall did reference a concern
 24 for a seven and a half foot gravity or rubble
 25 wall. So you just heard the applicant is looking

1 to make that a tiered wall.
 2 And continuing along with the comment on
 3 the retaining wall, as you come across that Mauro
 4 Road, you go to the property to what you call the
 5 south, where -- excuse me, where you explain that
 6 you plan to meet the existing wall. That existing
 7 wall I believe it is -- and I don't have the
 8 survey, so I'm not sure -- but I've been on the
 9 site, it looks like it may be on the other
 10 property, but it looks like that wall is listing
 11 and is in bad shape. So my question that still
 12 remains is how is that going to be addressed
 13 between your new proposed wall, which now sounds
 14 like it's going to be an engineered wall,
 15 continuing around from the Mauro Road side, that's
 16 going to be butting up, sistering to a wall that's
 17 collapsing. So I don't know how that's being
 18 addressed.
 19 I don't think you're meeting an existing
 20 wall that goes back towards the east. So I needed
 21 some clarification on that, the board needs
 22 clarification on that.
 23 THE WITNESS: We'll provide more
 24 information on that.
 25 MR. MIRANDI: Okay.

1 THE WITNESS: (Inaudible) it shows the
 2 Mauro elevation.
 3 MR. MIRANDI: And maybe -- the survey
 4 that should be provided should also show the
 5 information within the adjoining properties,
 6 within ten feet of that, so we would know what the
 7 top and bottom of that new retaining wall is, plus
 8 that existing one that's falling down right now.
 9 And my other comment relates back to
 10 your question on the proposed patio. And I raised
 11 that point because as I was looking at the site
 12 plan, we had an elevation that proposed patio at
 13 102 and I saw an existing grade of 100. And I
 14 didn't see any indication of what the new grading
 15 would be, so that would give me a two foot
 16 differential which would then create that other
 17 variance for lot coverage that we had discussed.
 18 If you're talking about grading so that patio is
 19 within six inches of the natural grade and that
 20 grade slopes again naturally away from that patio,
 21 then that's acceptable. You can't step it down
 22 though. So if that helps clarify that point?
 23 THE WITNESS: We'll add some more stops
 24 in there (inaudible).
 25 MR. MIRANDI: Thank you.

1 THE CHAIRMAN: Any other questions? All
 2 right, then a motion to open this up to the
 3 public?
 4 BOARD MEMBER: So moved.
 5 THE CHAIRMAN: Second?
 6 BOARD MEMBER: Second.
 7 THE CHAIRMAN: All in favor? Aye. Okay
 8 is there anybody in the public that would like to
 9 be heard? Come up and identify yourself.
 10 MR. KALAJIAN: Steven Kalajian,
 11 K-A-L-A-J-I-A-N.
 12 BOARD ATTORNEY: And your address?
 13 MR. KALAJIAN: 374 Forest Drive,
 14 Englewood Cliffs. Maybe you can clarify for me.
 15 The wall in the front, you originally proposed a
 16 seven and a half foot rubble wall?
 17 THE WITNESS: Seven and a half foot
 18 wall, it was -- my intention was to make that
 19 engineered block, the details and the drawings
 20 (inaudible).
 21 MR. KALAJIAN: (Inaudible) and what we
 22 called the maximum to make that wall?
 23 THE WITNESS: If it was going to be a
 24 gravity wall, gravity rubble wall, four foot.
 25 MR. KALAJIAN: If it was block?

1 THE WITNESS: No, if it were rubble.
 2 MR. KALAJIAN: So if it's rubble?
 3 THE WITNESS: Yeah.
 4 MR. KALAJIAN: On the side where there's
 5 an existing wall there, I think you labeled that
 6 the south, and as Mr. Mirandi very well pointed
 7 out, what is your intention of doing with that?
 8 THE WITNESS: Well, my intention was to
 9 meet that existing wall.
 10 MR. KALAJIAN: So you wouldn't be taking
 11 it down?
 12 THE WITNESS: No, it's not our property
 13 to (inaudible).
 14 MR. KALAJIAN: The wall is not.
 15 THE WITNESS: There are brick walls on
 16 our property, but then there's existing walls on
 17 the neighboring property (inaudible).
 18 MR. KALAJIAN: Well (inaudible) I know
 19 for a fact that that wall was put up by the prior
 20 owner. So if it is over the property line, I
 21 think it would be your responsibility. I don't
 22 live there, but I think --
 23 THE WITNESS: We're going to clarify
 24 that, we're going to show that.
 25 MR. KALAJIAN: The other question I have

1 is (Inaudible) you're absolutely right, you're
 2 absolutely right. When I read this, there's a
 3 couple of things that maybe you could clarify.
 4 First of all, it says minimum total side yard and
 5 there's a permitted number here, which is fine, if
 6 that's what it is, that's what it is. And then it
 7 says, NA which I assume not applicable. Why is it
 8 not applicable?

9 THE WITNESS: I'm not sure what you're
 10 looking at.

11 MR. KALAJIAN: This is the letter you
 12 sent to me, sent out by Saverio Cereste, is that
 13 you?

14 MR. BARRETT: No, I'm appearing for Mr.
 15 Cereste.

16 MR. KALAJIAN: I'm sorry, I'm just
 17 reading what was sent to me, I'm assuming
 18 everybody else has this, too? Not at all
 19 (Inaudible).

20 MR. BARRETT: (Inaudible).

21 MR. KALAJIAN: This one. And I'm
 22 wondering why there's a NA, which I'm assuming is
 23 not applicable?

24 THE WITNESS: When you have a corner
 25 lot, you don't have a defined side yard

1 requirement, it's a separate requirement for side.

2 MR. KALAJIAN: I don't understand. I
 3 don't know that a side yard (Inaudible) that
 4 wall --

5 THE WITNESS: It's just -- it's kind of
 6 the terminology. Because this a corner lot, we
 7 have one front yard, one side yard, one rear yard,
 8 and a street side side yard. That's the way the
 9 Borough defines it.

10 MR. KALAJIAN: So you're telling me then
 11 (Inaudible) no minimal total side yard,
 12 theoretically --

13 THE WITNESS: No, we have to meet --
 14 MR. KALAJIAN: The other side?

15 THE WITNESS: We have to meet the 15
 16 foot street side.

17 MR. KALAJIAN: All that says is that you
 18 have to put it back 18 feet, put it back 20 feet.
 19 And then you say on the other side of the house,
 20 abutting the other property, there would be
 21 nothing to comply with. Theoretically, because of
 22 your analysis, you can put it right on the
 23 property line?

24 THE WITNESS: No.

25 MR. KALAJIAN: I'm not --

1 THE WITNESS: (Inaudible) minimum
 2 setback, there's always a side yard.

3 MR. KALAJIAN: So why wouldn't that
 4 say -- you know, why does it say 29 foot three
 5 there. I understand what you're reading, you're
 6 reading the line above, you're right and I agree
 7 with you. But this is -- I think this needs
 8 clarification, I mean that's my personal opinion.
 9 Using my analysis, you know, it says 29.3, I know
 10 what you're telling me, the corner lot, there's a
 11 difference. But I think that needs clarification,
 12 I don't know how you feel about it, Bernie?

13 MR. MIRANDI: Mr. Chairman, if I may?
 14 And Mr. Sprewell had explained it. It is correct,
 15 it is a corner lot. So as a corner lot, you have a
 16 front yard, you have a side yard, you have a
 17 corner side yard, and you have a rear yard. There
 18 is no two side yards because it's just one side
 19 yard. So the building envelope is protected by
 20 the schedule A of the code that lists the minimum
 21 side yard -- or minimum one side yard at seven
 22 feet permitted, which in this case they're
 23 proposing 9.8 feet, so there is no variance
 24 condition. And that keeps the building envelope
 25 controlled from the side yard. So the total

1 minimum side yard on the notice that you received
 2 is correct in saying total is not applicable
 3 because there are not two side yards, there's one
 4 corner side yard.

5 So you have the building envelope that
 6 would be certain dimensions from the front yard,
 7 the corner side yard, the side yard, and the rear
 8 yard. So hopefully that explains it.

9 MR. KALAJIAN: So take me through this.
 10 Are you telling me then that on the southern side,
 11 the only requirement they have, whether they have
 12 (Inaudible) read off the.

13 MR. MIRANDI: That's correct.

14 MR. KALAJIAN: The other things I'd like
 15 to point out on this, you know, however you cut
 16 this, label it whatever you want, 43.4 versus 32
 17 which is the permitted amount, you're asking for
 18 an over one-third variance against the standard.
 19 I mean that to me is fairly egregious. And on the
 20 other side you're looking for 4.4 feet, which
 21 is -- that's not in the one-third area, but it's
 22 still significantly above 30.

23 I don't see -- there's an existing

24 building on there, it meets code. I don't see why
 25 you would have to go -- I don't see why you have

1 to go at all over, much less by over a third.
 2 That seems quite out of character. I mean we're
 3 going to have something big (Inaudible) up there.
 4 BOARD MEMBER: I think Mr. Mirandi
 5 pointed out that the 43 is not accurate.
 6 MR. KALAJIAN: What he said, I think,
 7 you took the mean --
 8 BOARD MEMBER: If you take the mean.
 9 MR. KALAJIAN: That's not the way, from
 10 what --
 11 BOARD MEMBER: That's --
 12 MR. KALAJIAN: That's not what's in the
 13 notice, A. B., even with Mr. Mirandi's
 14 interpretation, you were still, I think, six feet,
 15 which is fairly significant over the amount, all
 16 right. And we might be sitting here and measuring
 17 it however you want and interpreting it. There's
 18 still a significant amount over the requirement.
 19 And I don't see any reason for it. Why can't you
 20 design this so that it meets the requirement,
 21 other than putting something up that seems like
 22 it's going to be awfully tall and out of character
 23 with the neighborhood? The argument about that
 24 back wall, which I can tell you that that corner
 25 is probably about six feet. And it's stepped back

1 and there's another supposedly three feet,
 2 although I can tell you it's more than that. That
 3 thing is supposed to be able to support, I know
 4 you can't dig under it, but there's sufficient
 5 room back there. That area of that property is
 6 fairly level at this point.
 7 I know the street, you're absolutely
 8 right, is sloped. But that area of the property,
 9 I don't see that you have any problem with that.
 10 THE WITNESS: That's what we're
 11 attempting to do. We're using that elevation and
 12 creating some flat area to get water around the
 13 house.
 14 MR. KALAJIAN: I understand why you
 15 would do that because you did it the other way and
 16 you went seven feet from that corner. If it gives
 17 you less way to get the water (Inaudible), I'm not
 18 debating that. But the argument about not being
 19 able to support that wall, I'm sure you can. What
 20 I'm saying here is though is the same thing, is
 21 this regardless of how you want to measure it, I'm
 22 using your numbers, not my numbers, this is over a
 23 third higher (Inaudible).
 24 THE WITNESS: Is your house the house
 25 immediately --

1 MR. KALAJIAN: No, my house -- I'll show
 2 you where it is. My house would be right here.
 3 (Indicating) so this would be Lot 5, I guess, on
 4 your map, tax Lot 5, if I'm right.
 5 BOARD MEMBER: So (Inaudible) Sherwood.
 6 MR. KALAJIAN: Sherwood is coming down
 7 here, Mauro is here.
 8 BOARD MEMBER: (Inaudible) the right
 9 hand corner, which you identified would be the
 10 corner of --
 11 MR. KALAJIAN: I'm Lot 5, in 405 Block.
 12 The other thing about this (Inaudible) -- these
 13 lots years ago, I can tell you none of them have
 14 the proper frontage. So this whole block has an
 15 extra house in it that you're putting another
 16 oversized house in it doesn't help the situation.
 17 And the other thing I noticed about this
 18 (Inaudible), additionally, the applicant will seek
 19 any further variances that may be necessary upon
 20 presentation of the subject application.
 21 This opens this up to once you give this
 22 variance, you can come back --
 23 BOARD MEMBER: That's not what that
 24 means.
 25 MR. KALAJIAN: Well, that's what -- It's

1 an open-ended statement.
 2 BOARD MEMBER: No, it means if something
 3 comes up tonight that hasn't been advertised, he
 4 has the right to pursue it. Has nothing to
 5 do with the future after tonight.
 6 MR. KALAJIAN: When you say any further
 7 variances --
 8 BOARD MEMBER: Tonight.
 9 MR. KALAJIAN: No, no, it doesn't.
 10 BOARD MEMBER: That's the term of art,
 11 that's the way it's interpreted.
 12 MR. KALAJIAN: All right.
 13 BOARD MEMBER: I can't do (Inaudible).
 14 leaving it open (Inaudible) but my question to you
 15 is isn't your elevation much higher than this
 16 location?
 17 MR. KALAJIAN: It is. But I can say two
 18 things. First of all, regardless of whether I'm
 19 higher or not, that's not the issue.
 20 BOARD MEMBER: No, it is the issue.
 21 MR. KALAJIAN: No, it isn't. Can I
 22 finish, please?
 23 BOARD MEMBER: You're not testifying
 24 really, you're asking questions and opening it up.
 25 I wanted to question you on your perspective.

1 MR. KALAJIAN: Well, you were, I
 2 think -- one of you were concerned about this
 3 property, all right. The only reason about this
 4 property owner is not here tonight is because they
 5 had a death in the family last ten or twelve days.
 6 They're two elderly people and the gentleman there
 7 is not doing well, all right. And I spoke to
 8 them, all right. I can tell you that they
 9 probably have some objection to having a house
 10 that's one-third above them. And for you to say,
 11 oh, you live up here, it doesn't matter. Well, it
 12 does matter because I don't think it's in -- I
 13 heard this term of art before when talking about
 14 the side, I don't think it's at all with the rest
 15 of the neighborhood this house. (Inaudible) mine
 16 isn't, even this one up here isn't. So why are we
 17 going that much higher? We're not talking about a
 18 foot or two here.
 19 And as far as your -- I'll, you know,
 20 you're going to tell me that's it's (inaudible)
 21 that's fine. But that's an open-ended statement.
 22 And I'm hoping that we're not going to have
 23 another issue later on where somebody says, oh
 24 well, he got involved with this and we need
 25 another variance for X, that's fine.

1 THE CHAIRMAN: Anything else? Anybody
 2 else from the public like to be heard on this?
 3 MR. BARRETT: Call our architect.
 4 BOARD MEMBER: Oh, he has another
 5 witness.
 6 MR. BARRETT: I have a planner
 7 (inaudible).
 8 BOARD ATTORNEY: Do you swear the
 9 testimony you're about to give in this matter will
 10 be the truth so help you God?
 11 THE WITNESS: I do.
 12 BOARD ATTORNEY: Identify yourself for
 13 the record, please.
 14 THE WITNESS: Architect in the State of
 15 New Jersey, I have testified before this board
 16 several years ago. I graduated from NJIT before
 17 that. And --
 18 BOARD ATTORNEY: For the record, your
 19 name and your business address?
 20 THE WITNESS: Stephanie Stanzale,
 21 S-T-A-N-Z-A-L-E. The address is 70 Chestnut Ridge
 22 Road, Montville, New Jersey, 07645.
 23 THE CHAIRMAN: Okay.
 24 BY MR. BARRETT:
 25 (Inaudible).

1 A (Inaudible) basically, it's with grading
 2 that exposes, you know, size here, and in the back
 3 like this. Um, square footage basically has 4,490
 4 square feet. It has four bedrooms upstairs,
 5 (inaudible) including the (inaudible) by today's
 6 standards.
 7 You walk in off the foyer, great room.
 8 This house has a dining room, kitchen, and
 9 (inaudible) the first floor.
 10 Second floor, again, four bedrooms
 11 upstairs, (inaudible) total area. That's just two
 12 open spaces, open to the stairs below, the foyer
 13 (inaudible) the second floor. The first floor is
 14 2,600 (inaudible) the second floor is 1,880.
 15 There's a basement.
 16 Q (Inaudible)?
 17 A And we have another bedroom down here, home
 18 theatre and we have two car garage, oversized.
 19 Based on the way the grade worked out, (inaudible)
 20 space for whatever else (inaudible) they're
 21 parking space for the garbage cans. And that's
 22 where coming (inaudible) two car garage. And
 23 (inaudible).
 24 This is the other side of the house, all
 25 right. And this would be this side. The rear

1 yard, you come out along here and have (inaudible)
 2 back to Sherwood Avenue.
 3 Q Do you agree that (inaudible)?
 4 A The floor height of the first floor is
 5 (inaudible) nine foot, the second floor is eight
 6 foot, the basement is eight foot high, but the
 7 drops are a little lower, step down to (inaudible)
 8 the garage.
 9 The slope of the roof is three and a
 10 half on twelve and that (inaudible) on the side.
 11 So that works that way. That is the main pitch of
 12 the roof. That is the main pitch you can use
 13 regular shingles at. And I think your ordinance
 14 considers anything less than that a flat roof. We
 15 cheat a little bit, make it look more (inaudible)
 16 by changing the pitch of the roof, (inaudible) six
 17 on twelve, but the main roof comes back
 18 (inaudible).
 19 This house is -- if we were on a flat
 20 lot we would probably be 28. Two feet to the
 21 ground from the first wall and 26 feet to the
 22 ridge. It's just that below the grade the
 23 (inaudible).
 24 Q So from the rear yard, the elevation is
 25 about 28, 29 feet?

1 A Yes, exactly.
 2 Q With respect to (inaudible)?
 3 A Yes, I did.
 4 Q And it appears there's some
 5 inconsistencies in (inaudible) and the plans, the
 6 plans actually?
 7 A Correct, yes.
 8 Q And with respect to the roof pitch and
 9 describe (inaudible)?
 10 A Yes, that is the minimum pitch allowed.
 11 Q There was an inquiry --
 12 A No, it was not.
 13 BOARD MEMBER: I'm sorry -- what was
 14 (inaudible)
 15 THE CHAIRMAN: Okay. Anybody have any
 16 questions? Of course, we'll open it up to the
 17 public later.
 18 MR. BARRETT: I have one more witness.
 19 THE CHAIRMAN: Does anybody have any
 20 questions for this witness?
 21 BOARD MEMBER: Well (inaudible).
 22 THE WITNESS: This is a (inaudible).
 23 BOARD ATTORNEY: Let's mark it, that
 24 will be A-3. Identify it, if you would.
 25 (Inaudible)

1 BOARD ATTORNEY: Mark them as A-3, A-4,
 2 A-5, drawing number --
 3 THE WITNESS: A-4.
 4 BOARD ATTORNEY: Is drawing A1, revision
 5 date.
 6 THE WITNESS: Same revision date, I had
 7 a typo, so it would on May 20th, 2014. A-4 is A2,
 8 same thing.
 9 BOARD ATTORNEY: 5/20/14.
 10 THE WITNESS: 5/20/14. A-5 is A3,
 11 5/20/14. A-6 is A4, 5/20/14, and A-7 is my A5,
 12 and also 5/20/14.
 13 BOARD MEMBER: I do have a question.
 14 You said if this was on a flat piece of property,
 15 it would be 28 feet high?
 16 THE WITNESS: Yes.
 17 BOARD MEMBER: Looking at the uphill
 18 side and measuring from that?
 19 THE WITNESS: No, I was measuring from
 20 the back where it comes down three steps to the
 21 top, it would be 28 feet.
 22 BOARD MEMBER: 28, did you say?
 23 THE WITNESS: 28, 29.
 24 BOARD MEMBER: What can be done to lower
 25 it? What would happen if you tried to lower the

1 house?
 2 THE WITNESS: Well, I can't really touch
 3 the roof because of the pitch, okay. And then
 4 it's a matter of --
 5 BOARD MEMBER: Can you sink it further
 6 (inaudible).
 7 THE WITNESS: In the ground, I believe
 8 this is -- what would happen is (inaudible) the
 9 roof is higher and start having steeper pitch of
 10 driveway, pitch to the garage is basically what
 11 would happen. That's how I understand it. So
 12 from a side view, basically this is how
 13 (inaudible) this side is high. Basically, I can
 14 only (inaudible) -- this is flat along the road.
 15 And this is what we have here basically pitching
 16 this way. We would (inaudible)
 17 BOARD MEMBER: I believe (inaudible) the
 18 garage was eliminated --
 19 THE WITNESS: We couldn't get it to run.
 20 BOARD MEMBER: And the garage would be
 21 (inaudible), right?
 22 THE WITNESS: That's (inaudible).
 23 BOARD MEMBER: You say that because of
 24 the topography or exposing the basement, that
 25 looks like it is -- from Mauro Road, it's like a

1 three story above the road.
 2 THE WITNESS: That does occur, yes. But
 3 that would also be on, if the house was rotated on
 4 to Sherwood, the front (inaudible) that we would
 5 have also the garages on Mauro, it would also
 6 appear -- in fact, it would be (inaudible). When
 7 I changed the plan, I raised the garage up four,
 8 five feet to make it work. The steps on the less
 9 grade going down to the basement, (inaudible).
 10 BOARD MEMBER: The front elevation
 11 there, the top picture depicting Mauro Road. The
 12 high on the right is that supposed to be high
 13 above Mauro Road (inaudible) all the way to the
 14 road?
 15 THE WITNESS: Over here?
 16 BOARD MEMBER: Yeah.
 17 THE WITNESS: That's how this way works
 18 and then I believe Mauro Road is still down
 19 seven -- (inaudible).
 20 BOARD MEMBER: So that's the problem,
 21 right. The problem is you're still building much
 22 higher than Mauro Road.
 23 THE WITNESS: No matter what we do.
 24 BOARD MEMBER: That's what affects
 25 (inaudible) because you are above, then you got

1 the house down this way.

2 BOARD MEMBER: Lloyd street -- the one,
3 what is that Summit, it's that one corner?

4 THE WITNESS: I believe there's a house
5 across the street that has a similar situation
6 (inaudible) that they have a two car garage and go
7 up because the way Englewood Cliffs is,
8 (inaudible) very (inaudible) town.

9 MR. BARRETT: We did talk about trying
10 to drop it down and maybe --

11 THE WITNESS: And Tom.

12 BOARD MEMBER: (Inaudible) said maybe we
13 could do a foot, but where -- what's the problem
14 other than the driveway is now sloping or steeper.

15 MR. SPREWELL: The driveway gets
16 steeper. And then in order not to affect that
17 wall in the back, we have to -- our rear yard also
18 gets (inaudible).

19 BOARD MEMBER: What's wrong with that?
20 (Inaudible) the short the wall, can it be done?

21 MR. SPREWELL: We don't own it, it's
22 just over the property line. If I cut in front of
23 it, I can't support it. I just have to -- if this
24 is the wall -- this is the top of the wall, I
25 would just have to go from here down and then

1 slightly back up to the house.

2 BOARD MEMBER: Put this back up again.

3 BOARD MEMBER: How tall is that wall
4 there?

5 MR. SPREWELL: The neighbors wall,
6 (inaudible) it gets to four or five along the
7 backyard, six feet of the grade.

8 (Inaudible)
9 THE CHAIRMAN: Not right now. We have
10 to open up to the public.

11 MR. SPREWELL: So basically what we have
12 to do is the driveway is -- can't just put the
13 whole house and set it into the ground further.
14 We'll definitely have an issue with the driveway
15 getting up, it's only 25 feet long. So if we're
16 at six percent now, if he wanted to go 10, that's
17 4 percent over 25, that's a foot. At that point,
18 the doors are going to fly open, still not a good
19 situation. We can definitely gain that foot, but
20 it's compromising the design somewhat.

21 BOARD MEMBER: If you eliminated the
22 garage being in the basement and had it on the
23 first floor, which would decrease the size of the
24 first floor, would that lower the house
25 significantly?

1 MR. SPREWELL: I think what we'd have to
2 do is -- let's say we dropped this whole thing
3 three feet, I'm going to pick a number, the first
4 floor to 101, we still need the garage at
5 basically the elevation we're at so that slope
6 doesn't get worse. So then the first floor is at
7 101, the garage is at -- still at 94 and a half.

8 You're almost about four there, but not the quite.
9 The garage would just (inaudible) really
10 couldn't -- you're not supposed to go out of the
11 garage down to the basement. I think that's a
12 code issue it's (inaudible) -- you would have
13 steps from the garage down into the basement
14 basically.

15 BOARD MEMBER: I would say it's a living
16 room and powder room with a garage, I mean you're
17 at street level, right?

18 MR. SPREWELL: (Inaudible) take that.

19 BOARD MEMBER: That's 101, isn't that
20 where the street varies?

21 MR. SPREWELL: Right now where the
22 driveway is coming in, the street varies from
23 let's say 96 to 94, those are rounded up. It's
24 95.7 and 94. Even if we were to slope the
25 driveway up at 10 percent, now the highest you can

1 get it would be 96 and a half. Just because the
2 front yard is fairly small, you don't have a lot
3 of flexibility in the driveway (inaudible) but
4 yes, you could change those numbers and drop the
5 floor down by a couple feet. But it becomes a
6 very awkward design where the garage really has no
7 relation to the rest of the house. (Inaudible).

8 MR. MIRANDI: Mr. Chairman, while
9 they're both up there, I had a question. The site
10 plan on the rear elevation shows a window well and
11 I don't see any need for it on the rear elevation
12 of the architectural plans. So I'd like to ask
13 for clarification (inaudible). We'll figure that
14 out, we don't need to dwell.

15 BOARD MEMBER: Where's the air
16 conditioning going to be placed?

17 MR. SPREWELL: We show the AC right back
18 right on the house. It's flexible.

19 BOARD MEMBER: Um-hum. And is there a
20 generator that's proposed?

21 MR. SPREWELL: We are not proposing one
22 (Inaudible)

23 THE CHAIRMAN: Any other questions for
24 this witness? Bring the next witness. You say
25 you had another witness?

1 MR. BARRETT: We do.
 2 THE CHAIRMAN: Okay.
 3 BOARD ATTORNEY: Do you swear the
 4 testimony you're about to give before this board
 5 shall be the truth so help you God?
 6 MR. SPATZ: Yes.
 7 BOARD ATTORNEY: Identify yourself by
 8 name and business address.
 9 THE WITNESS: David Spatz, S-P-A-T-Z.
 10 Business address is 60 Friend Terrace, Harrington
 11 Park, New Jersey.
 12 BOARD ATTORNEY: Mr. Spatz, you
 13 testified before this board?
 14 THE WITNESS: I was here last month.
 15 BOARD ATTORNEY: I recognized him.
 16 THE CHAIRMAN: Okay.
 17 THE WITNESS: What I have here is a
 18 photo board of all photographs that depict the
 19 area, (inaudible) and I'll just go through them
 20 and give an idea of the properties of the
 21 surrounding area. The top left photograph is the
 22 existing home on the property from Sherwood. Top
 23 right photograph is the side of the home from
 24 Mauro. The bottom left photograph is going up
 25 Sherwood. This is the home that fronts on Forest.

1 And then the lower right hand photograph is on the
 2 opposite side of Sherwood from the property, just
 3 to give you an idea of the newer homes that are
 4 being constructed.
 5 So the variances that we're seeking,
 6 there are just two variances, both of them related
 7 to height, both of them are D variances, maximum
 8 building height from grade. The dwelling has a
 9 height of 34.4 feet where 30 feet is required.
 10 And then maximum building height at the curb level
 11 as calculated this evening, with the dwelling to
 12 have a height of 37 feet, where 32 feet is what is
 13 required.
 14 So we have these variances. The
 15 engineer and the architect I think were very clear
 16 in their testimony as to the hardships related to
 17 the topography of the property, both in terms of
 18 the slope of our property as well as the
 19 retaining wall condition on the adjacent property.
 20 You can actually see in this photograph
 21 where the edge of the grass here is actually the
 22 base of the wall. The top of the wall is right
 23 here, the top of the wall. So it gives an idea of
 24 how tall that wall is. It looks to be about six
 25 or seven feet based on that.

1 So I think that there's some hardship
 2 related to our variance. The case law as it
 3 relates to D variances for height, which are
 4 dealing with the Grasso case. What it indicates
 5 is that special reasons exist for a height
 6 variance where the height is consistent with the
 7 development of the neighborhood.
 8 I think given the steep slope
 9 surrounding it, the homes on Forest are above us.
 10 The newer homes that are being constructed in the
 11 neighborhood, there are a number of homes I'm sure
 12 on the opposite side that are similar to ours.
 13 Here it shows the three story building, two car
 14 garage that is built into the side. So I think we
 15 are certainly consistent with the neighborhood.
 16 As I indicated, the home on Forest is
 17 significantly higher than our property.
 18 The architect indicated that if we had a
 19 level piece of property, the home would be 28 feet
 20 in height, which would conform and we would not
 21 need any variance for what we're proposing. The
 22 home itself is going to be 30 percent larger than
 23 what the R-2 zone requires, the home will be built
 24 with side yards, lot coverage, and impervious
 25 coverage, so it's certainly not a home that

1 overwhelms the property or the surrounding houses
 2 as well.
 3 So I think we're certainly compatible
 4 with the neighborhood and provide (inaudible). In
 5 addition, there's an existing driveway on the
 6 property from Sherwood. Providing our driveway
 7 onto Sherwood, so there's no further impact on the
 8 street. The driveway is already there.
 9 So I think that in terms of the hardship
 10 as well the positive criteria, I think what we're
 11 proposing lasts (inaudible) the negative impact
 12 and I don't think there's substantial negative
 13 from what we're proposing. The height, I think,
 14 is four feet for one measurement, five feet is for
 15 the other measurement. Given the topography we're
 16 actually lower than the homes that are affected by
 17 us. The retaining wall is being protected. We
 18 are protecting that.
 19 The engineer indicated the difficulties
 20 developing this property. We tried different ways
 21 of orienting the building, all of which create
 22 additional problems for additional driveways as
 23 well as drainage conditions as well. I think this
 24 is something that fits the property the best. It
 25 is consistent with the newer development that is

1 taking place.
 2 MR. BARRETT: Okay.
 3 THE CHAIRMAN: Questions? No questions.
 4 Okay. If there are no questions, this is the last
 5 witness, right?
 6 MR. BARRETT: Yes.
 7 THE CHAIRMAN: So let's have a motion to
 8 open the meeting to the public.
 9 BOARD MEMBER: Motion.
 10 BOARD MEMBER: Second.
 11 THE CHAIRMAN: All in favor? Aye. Okay
 12 open to the public.
 13 MR. KALAJIAN: You had asked me before
 14 where I live adjacent to this property and why
 15 would I care. I think I can show you very clearly
 16 here why I would care. Well, this house is on
 17 Forest and is -- I don't want to grab their
 18 drawings. It is above the current property. And
 19 in that back corner, they built a wall there. So
 20 that property is up about six feet in the back
 21 corner. My property, which is next to this, you
 22 can't see it here, is a lot lower than that.
 23 Matter of fact, my backyard where it abuts this
 24 backyard is probably within a foot. Mr. Mirandi
 25 has been out to my property, he can verify this.

1 So that's -- this house would still be
 2 significantly higher than mine in the back. So
 3 that's why I would care about it, not just the
 4 house next to it.
 5 The other thing is the young lady that
 6 was up here before, if you can come back up here a
 7 moment? (Inaudible) show me the basement or the
 8 first floor and the second floor, which is which?
 9 (Inaudible). This is the basement, this is the
 10 full basement?
 11 MS. STANZALE: Yes.
 12 MR. KALAJIAN: The first floor? Okay.
 13 And the second? And you had given us a number, I
 14 think it was 4,490 for -- did that include all
 15 three?
 16 MS. STANZALE: No.
 17 MR. KALAJIAN: It doesn't?
 18 MS. STANZALE: Doesn't include the
 19 basement.
 20 MR. KALAJIAN: Doesn't include the
 21 basement. From what I see here, you have not two
 22 and a half floors, but three whole floors. And
 23 this, you know, you can use a mean if you want or
 24 whatever you want to use, but they've gone a third
 25 over, 33 percent over the required height. And

1 It's simply to get another floor in here to build
 2 a bigger house, so I guess more value. So I
 3 understand you're trying (inaudible) that's all
 4 this is.
 5 BOARD MEMBER: You're saying right now
 6 it's a two story house with a full basement?
 7 MR. KALAJIAN: Yeah.
 8 BOARD MEMBER: That's too much?
 9 MR. KALAJIAN: What I'm saying is that
 10 most of the houses in this neighborhood,
 11 they're --
 12 BOARD MEMBER: All two story.
 13 MR. KALAJIAN: Most of them don't have
 14 full basements. They're trying to make this
 15 actually a three story house.
 16 BOARD MEMBER: I guess it is. If you
 17 look at it -- depending which side you're look at
 18 it from.
 19 MR. KALAJIAN: If you have a full
 20 basement, one floor, two floors. And you're
 21 telling me the top two floors are 4,490 and it's a
 22 three story house. And the way you get there is
 23 simple. I mean you laid it out very clearly. You
 24 moved the third floor, you added third floor on
 25 it, so you can say this is a two plus a basement.

1 Really what you're doing is that first floor that
 2 you have as a basement should be your first floor,
 3 there shouldn't be one on top of it. You just
 4 added another 11.4 feet, that's a whole nother
 5 floor that gives you the third floor. I get that,
 6 that's how you get up to the 4,490.
 7 BOARD MEMBER: (Inaudible) you're.
 8 MR. KALAJIAN: Yes, it's two floors, the
 9 first floor has a garage and it goes into a family
 10 room and a den and a washroom. It goes up a set
 11 of stairs, there's one more floor there and we
 12 have bedrooms and a living room.
 13 BOARD MEMBER: How old is this house?
 14 MR. KALAJIAN: Built in 1962.
 15 BOARD MEMBER: Is there a basement?
 16 MR. KALAJIAN: No basement, that's the
 17 basement.
 18 BOARD MEMBER: So it's a ranch with a
 19 basement?
 20 MR. KALAJIAN: So in other words, if I
 21 was (inaudible) this philosophy of measuring, I
 22 could raise my house 11 feet, throw another level
 23 on it and have 4,490. But then you turn around
 24 and go, Mr. Kalajian, that's another 11 plus feet,
 25 you're going a third over. And I think you had

1 recognized this very early on, thank you for
 2 pointing it out, that's exactly what's happening
 3 here, they're asking for the ability to build an
 4 oversized house, to maximize their value on the
 5 property. But it's to the detriment of everybody
 6 else because I don't want a house that's hovering
 7 above me. And that's why it's hovering above me
 8 (inaudible) because that back corner, my back
 9 property is within (inaudible) Mr. Mirandi has
 10 been there. You think I'm wrong, you tell me.
 11 BOARD MEMBER: I have no comment. I've
 12 been to the property.
 13 MR. KALAJIAN: My house (inaudible)
 14 mischaracterize my house?
 15 MR. MIRANDI: I haven't been inside your
 16 house.
 17 MR. KALAJIAN: The outside (inaudible)
 18 BOARD MEMBER: The first floor of this
 19 house height versus the first floor of the
 20 existing house is that much different?
 21 MR. SPREWELL: 104, proposed 101 --
 22 BOARD MEMBER: So it's within three feet
 23 of the first floor of the existing house is three
 24 feet --
 25 MR. KALAJIAN: How come (inaudible) if

1 that is the case, they have to go 11.3 feet higher
 2 in order to build this structure when the current
 3 house, I'm sure, is not 132 or whatever they
 4 have --
 5 BOARD MEMBER: (Inaudible) it doesn't
 6 matter, just look at the first two floors to the
 7 roof. It's 28 point something feet, not 41 feet.
 8 MS. STANZALE: This is also split level
 9 and it's not two and a half story home, it's a one
 10 and a half story home. But the ordinance permits
 11 a two and a half story home.
 12 MR. KALAJIAN: How do you measure
 13 stories? Because I would measure yours as three,
 14 all three floors are the same. So how do you --
 15 I'm not an expert.
 16 MS. STANZALE: Based on the grade.
 17 MR. KALAJIAN: Based on the grade. It
 18 looks like three stories to me. It looks like
 19 three stories.
 20 BOARD MEMBER: I understand your point,
 21 sir, in terms of measuring from the front. But,
 22 you know, let's take the more conservative
 23 numbers. If you measure from the become, you
 24 know, they're over by 4.4 feet, I mean --
 25 BOARD MEMBER: No, they're not --

1 BOARD MEMBER: This breach (inaudible).
 2 MR. KALAJIAN: How come on this piece of
 3 property --
 4 BOARD MEMBER: I don't know.
 5 MR. KALAJIAN: This is what they're
 6 trying -- I don't have anything else.
 7 BOARD MEMBER: Well, I'm looking at
 8 it --
 9 BOARD MEMBER: That's not what the
 10 record (inaudible).
 11 MR. KALAJIAN: I understand that, but --
 12 BOARD MEMBER: (Inaudible) you have
 13 to --
 14 MR. KALAJIAN: That's not (inaudible)
 15 that's not what this represents. We can measure
 16 this fifteen ways from Sunday, but we have to
 17 measure (inaudible) --
 18 BOARD MEMBER: Well (inaudible).
 19 MR. KALAJIAN: Let me ask a question.
 20 If you measured in terms of the ordinance, okay,
 21 how come you have one measurement is 11.4 above
 22 the ordinance and another that's 4.4?
 23 BOARD MEMBER: It's two different
 24 standards, one is the curb and one is the --
 25 MR. KALAJIAN: I understand that.

1 house.
 2 BOARD MEMBER: Eight points around the
 3 house.
 4 MR. KALAJIAN: This is what you have
 5 asked for in terms of the variance.
 6 BOARD MEMBER: (Inaudible).
 7 MR. KALAJIAN: Well, that's what we
 8 need. So tell me it's 28 if it's on a flat piece
 9 of ground, well it's not. And I doubt it's 28
 10 because you would have probably represented it
 11 differently here if it was.
 12 MS. STANZALE: We can't. That's how the
 13 town expects us to do it and that's how
 14 (inaudible).
 15 MR. KALAJIAN: I'm reading this is how
 16 the town expects you to do it, I believe that.
 17 You're right and that's what it says. I'm reading
 18 your --
 19 MS. STANZALE: But there --
 20 MR. KALAJIAN: I think you did a very
 21 good job, I understand everything you've said. I
 22 think you did a great job. (Inaudible) the
 23 geometry and my interpretation --
 24 BOARD MEMBER: Suppose one day you
 25 decided to knock down your 1960 house and put a
 26 2015 house there. Would you want to have no

1 basement?
 2 MR. KALAJIAN: No because my
 3 interpretation is that maybe I would have to sink
 4 my basement further, Mr. Chairman, all right.
 5 BOARD MEMBER: So if we say this is a
 6 normal house, two story house with a basement,
 7 which I think is normal, right, if we did sink it,
 8 let's say we excavated the whole lot, how bad
 9 would that look? Would that look bad?
 10 MR. KALAJIAN: It sounds --
 11 BOARD MEMBER: I like to get to the
 12 point. This is a normal house. I like to get to
 13 the point where we get the best looking house for
 14 that lot --
 15 MR. KALAJIAN: Let me address --
 16 BOARD MEMBER: -- that's still a normal
 17 house.
 18 MR. KALAJIAN: Let me address your
 19 comments. There are several houses, we'll use
 20 this --
 21 (Inaudible).
 22 MR. KALAJIAN: This house over here,
 23 it's got a basement level with a garage comes in.
 24 These all meet -- most of these houses were built
 25 early 60's and there's one floor. The house

1 currently (Inaudible) other side, I think it's
 2 one -- they don't have a basement. They have one
 3 floor, they have one floor on top. The houses
 4 over here, they're all the same, they're one
 5 floor, one on top. And your point is well taken.
 6 I understand what you're saying, you want
 7 limitation. We're not talking about minor change
 8 here and maybe the issue is, you know, maybe if
 9 you feel this is wrong, the town, then we'll have
 10 to take this up as a code issue. But we can't
 11 start making an exception here when we're talking
 12 about a 33 percent exception.
 13 BOARD MEMBER: Well, I mean it is a very
 14 steep hill.
 15 MR. KALAJIAN: I know, but everybody
 16 else -- you had a picture here of another house
 17 right across the street. This is a more modern
 18 house, all right.
 19 BOARD MEMBER: That looks like it's
 20 three stories.
 21 BOARD MEMBER: One, two, three --
 22 MR. KALAJIAN: The property they managed
 23 (Inaudible) so you don't have that problem.
 24 BOARD MEMBER: So that's the question, I
 25 mean, are they doing everything they can.

1 MR. KALAJIAN: I'm not objecting, just
 2 to three stories. I'm saying you're using this as
 3 the ability to go above the code. If you can go
 4 three stories --
 5 BOARD MEMBER: So I mean, let's say the
 6 house is okay. It's a basement, it's two stories,
 7 right? How far down can you sink it?
 8 MR. KALAJIAN: I'm not an expert --
 9 BOARD MEMBER: Before it becomes
 10 ridiculous.
 11 MR. KALAJIAN: I'm not an engineer, you
 12 know that.
 13 BOARD MEMBER: I know I can go in there
 14 and excavate this property and sink it down
 15 another ten feet. But what's it going to look
 16 like? It's going to be in a hole with gigantic
 17 retaining walls (Inaudible).
 18 MR. KALAJIAN: You haven't stood there,
 19 we've been down that road. I understand your
 20 point is well taken.
 21 I guess the other way is to do this
 22 would be flatten out the property somehow, that's
 23 one way.
 24 BOARD MEMBER: Then we're stuck with
 25 a -- if you drop it another ten feet, you're going

1 to have to have a retaining wall (Inaudible).
 2 MR. KALAJIAN: I guess that's a way
 3 around it. The other thing is though is build a
 4 house that complies with the code, where you're
 5 not trying to add another level to it. As others
 6 have done in that area.
 7 BOARD MEMBER: This is a normal house
 8 though, it's a basement, and two stories.
 9 MR. KALAJIAN: Well --
 10 BOARD MEMBER: And as flat a roof as
 11 they can possibly make it.
 12 MR. KALAJIAN: Well then how come it's
 13 coming --
 14 BOARD MEMBER: I'd like to see what you
 15 can do to it, if it can be lowered --
 16 MR. KALAJIAN: I'm not an engineer. And
 17 you know I'm not an architect, I don't profess to
 18 be (Inaudible).
 19 BOARD MEMBER: Your answer is to make it
 20 so sm all that it (Inaudible) --
 21 MR. KALAJIAN: But when you're missing
 22 the mark by 33 percent by their numbers, not my
 23 numbers, that sounds like a lot.
 24 BOARD MEMBER: It is a lot. But is it
 25 because of something they're trying to do or is it

- 1 because of the slope?
 2 MR. KALAJIAN: Well it is what they're
 3 trying to do. They're trying to maximize their
 4 lot, I understand that. So it will have a maximum
 5 value, I understand that. I don't think there's
 6 anybody who's building for themselves not to sell
 7 it, the goal seems to be for builders to come and
 8 build whatever and sell it.
 9 And I see this as Bong Jung doing
 10 business as Bridgestone Construction, Inc.,
 11 although nobody here has represented it that way.
 12 So I'm assuming that Bridgestone Construction,
 13 Inc., isn't doing going to be living in that
 14 house. So what we're going to have here is a
 15 builder coming in, building an oversized house,
 16 getting a nice dollar for it, selling it to
 17 somebody else. And the rest of us are stuck there
 18 with this oversized monstrosity. And the present
 19 house seems to have no problem complying with the
 20 code. It's just they want to get more for the
 21 money on the lot. That's what it is.
 22 (Inaudible).
 23 BOARD MEMBER: You good?
 24 MR. KALAJIAN: I'll answer more
 25 questions if you want. I don't think (inaudible).

- 1 BOARD MEMBER: Are there any other
 2 questions?
 3 BOARD MEMBER: Okay. Next member of the
 4 public?
 5 MS. O'SHEA: Mary O'Shea, 12 Bergen
 6 Avenue. I just wondered is it possible to make a
 7 double -- make the garage in from Mauro Road?
 8 Lower the street level and then have you know,
 9 like, almost like a fourth floor down, a double
 10 basement? I mean dig a hole, dig a big hole, make
 11 the garage come from Mauro, sort of level. And
 12 then actually lower than Mauro as it is
 13 (inaudible) down lower. I'm saying make the
 14 garage lower from Mauro, make the garage come in?
 15 MR. SPREWELL: That's exactly what this
 16 layout does. What I tried to testify, we gain
 17 about two feet with our variance request by doing
 18 it this way.
 19 BOARD ATTORNEY: Looking at A-2?
 20 MR. SPREWELL: Yes, looking at A-2. The
 21 house does get lower, but what's what happens is
 22 it's right up against what is really the rear
 23 property line, but we don't have any flat area.
 24 BOARD MEMBER: (Inaudible).
 25 MS. O'SHEA: No I'm not saying change

- 1 the position of the house, I'm saying design it
 2 different. I'm saying instead of having the
 3 garage going down from Sherwood or up from Mauro,
 4 go straight in from Mauro, dig it deeper in the
 5 ground where the garage -- you keep talking about
 6 pitch the garage this way or that way. Make the
 7 garage make a double basement.
 8 MR. SPREWELL: The garage floor area is
 9 89.6, the basement is at 94.9. The basement floor
 10 is over three feet higher than the garage.
 11 MS. O'SHEA: Bring it lower.
 12 MR. SPREWELL: That doesn't gain you
 13 anything, but give you a drop.
 14 MR. KALAJIAN: That seems to be the big
 15 concerning from Sherwood is the driveway and the
 16 pitch, the flow of water. Both times, the
 17 things -- supposed to pitch the driveway either up
 18 or down. If you make the driveway from Mauro and
 19 made it straight in under the house, with just two
 20 foot or three foot up, and bring the house lower,
 21 just bring the house down.
 22 MR. SPREWELL: That's exactly what we
 23 did. But the street is at 86 and we put the
 24 garage floor at 89.
 25 BOARD MEMBER: I think she's saying keep

- 1 the front where it is and put the garage
 2 (Inaudible).
 3 MS. O'SHEA: Rest of the house -- it's
 4 not that position, it's the other position.
 5 MR. SPREWELL: Flip it around.
 6 MS. O'SHEA: The way you have it.
 7 BOARD MEMBER: (Inaudible) at the risk
 8 of bringing this (inaudible) can you show the
 9 photographs, I think there's a picture the house,
 10 the one on the (inaudible) that what you're
 11 talking about?
 12 MS. O'SHEA: Similar to that.
 13 BOARD MEMBER: With that facing Mauro?
 14 MS. O'SHEA: Correct.
 15 BOARD MEMBER: As such (inaudible).
 16 MR. KALAJIAN: Correct. That would
 17 lower the house.
 18 BOARD MEMBER: You still have to drop
 19 everything down and the problem is still the
 20 retaining wall that they don't have the ability to
 21 shore --
 22 BOARD MEMBER: Really what sets the
 23 first floor is the wall in the back.
 24 MS. O'SHEA: Why don't you offer to
 25 replace the wall for the neighbor in the back?

1 And lower the -- fix it? You're spending all this
 2 money on the house, what's a keystone wall going
 3 to cost, three, four thousand dollars to redo the
 4 wall?
 5 MR. SPREWELL: (Inaudible) it's not on
 6 our property.
 7 MR. KALAJIAN: You can ask them. I'll
 8 redo the wall and grade the backyard to drain it
 9 forward, lower the grade, and you lower the house.
 10 BOARD MEMBER: The wall is there to hold
 11 their property higher.
 12 MS. O'SHEA: You can replace it, but you
 13 make the wall stronger. You can dig some of the
 14 dirt away from the corner, you can replace the
 15 wall. \$2,000, you're spending a million on a
 16 house.
 17 BOARD MEMBER: You have a two-tiered
 18 wall, (inaudible) whatever is there.
 19 MR. SPREWELL: We could build a wall on
 20 our side. This is their wall. We could build a
 21 wall off the property line here. The problem is
 22 structurally designing our wall when we don't know
 23 what exists here. From a construction
 24 perspective, I have no idea what they did. So
 25 we're back to the same situation where we'd

1 probably end up rebuilding their wall because you
 2 can't design the lower wall without knowing what
 3 it is made of and you would need (inaudible).
 4 BOARD MEMBER: (Inaudible).
 5 BOARD MEMBER: How wide is their wall,
 6 how many feet off the grade?
 7 MR. SPREWELL: Right off the back of the
 8 house, I thought it was four or five.
 9 BOARD MEMBER: Four or five feet.
 10 BOARD MEMBER: I believe the planner had
 11 indicated that it was close to six or seven foot.
 12 MR. SPATZ: Yeah.
 13 MR. MIRANDI: Which is close to
 14 approximate.
 15 BOARD MEMBER: It does look to be almost
 16 six feet. That's probably a four foot fence. It
 17 looks to be almost six. So if you did make it
 18 two-tiered wall -- let's say you dropped it down
 19 another four feet, then what would happen to this
 20 house?
 21 MR. SPREWELL: First of all, the
 22 backyard -- that backyard would be lower than the
 23 Sherwood Avenue.
 24 BOARD MEMBER: (Inaudible) you're saying
 25 the backyard would be lower than the curb?

1 fence and some other things.
 2 MR. SPREWELL: So you have the same
 3 situation where our wall is going to impact -- we
 4 couldn't set our wall far enough away so that
 5 there was no structural impact on the wall up
 6 above. So we have to take that into account
 7 somehow. I'm not sure how we do that. And the
 8 only other issue is the grading pitch (inaudible)
 9 the house because now you're sitting in a bowl.
 10 So it's difficult, not that's impossible to
 11 engineer that.
 12 BOARD MEMBER: (Inaudible).
 13 MR. SPREWELL: But it would start to
 14 look silly and you would (inaudible).
 15 BOARD MEMBER: I wouldn't want it to
 16 look silly, that's for sure. Do you have any
 17 other questions?
 18 BOARD MEMBER: That wall, you're
 19 measuring this from the back of the house to that
 20 wall, it says you have 28.6 feet. I'm just asking
 21 this question. I don't see where you have any
 22 trouble or have to impact doing anything with that
 23 wall. The only thing you have to make sure is
 24 you're not going to undercut it so it's going to

1 fall out. I'm not trying to be a wise guy, I'm
 2 asking you. Are you telling me 28.6 feet of earth
 3 is not enough so you're not certain that wall is
 4 not going to fall down (inaudible) and at the wall
 5 it's the same construction (inaudible) learn a
 6 year ago, but I have the plans for it (inaudible)
 7 my house is within six feet of their wall. And it
 8 doesn't -- I was told by the town are and Mirand
 9 was involved in this -- that that's no issue. So
 10 I would think 28.6 feet, that's a non-issue.
 11 MR. SPREWELL: Well, it is a non-issue
 12 because we're not touching the dirt in front of
 13 the wall.
 14 BOARD MEMBER: I'm not --
 15 MR. SPREWELL: The only way for me to
 16 lower the house, I would have to.
 17 BOARD MEMBER: Why do you have to?
 18 MR. SPREWELL: Because otherwise if I
 19 lower the first floor and I leave this grade
 20 (inaudible) all that water is shooting right into
 21 my house.
 22 BOARD MEMBER: Why don't you hear it or
 23 you can use in -- I forget the term of art -- to
 24 get the water around, that's essentially what you
 25 got now.

1 MR. SPREWELL: You can't have a steep
 2 pitch -- and I can lay a drain in the middle of
 3 that pitch, I could build the biggest size French
 4 drain you want me to build to protect my house
 5 that's down here. When that drain gets covered
 6 with leaves or whatever or snow, all that water is
 7 going in my house. That's not a good design.
 8 It's a really poor design.
 9 BOARD MEMBER: My house, which is over
 10 on Forest again and sits probably oh, a good
 11 twelve feet below the street line, I've lived
 12 there for over 50 years. And we don't have any
 13 problem with drainage right now. So you're
 14 telling me --
 15 MR. SPREWELL: I guarantee.
 16 BOARD MEMBER: Water flows differently
 17 over there?
 18 MR. SPREWELL: I guarantee your grade
 19 pitches away from your house and then it goes up.
 20 I guarantee it.
 21 BOARD MEMBER: Well, I doubt that, but I
 22 don't see any reason why you couldn't do the same
 23 thing.
 24 MR. SPREWELL: All I'm saying, just to
 25 clarify what I talked about before, we could grade

1 this backyard and drop it down a little bit. The
 2 problem comes if we have a retaining wall that has
 3 a relatively flat grade in front of it and we
 4 start taking water or dirt away from that, to
 5 lower our backyard, we're impacting structurally
 6 that wall. The toe of that wall can kick out.
 7 BOARD MEMBER: This is 28.6 feet away,
 8 it shouldn't (inaudible).
 9 BOARD MEMBER: If you have 26, feet, you
 10 say you got 26?
 11 BOARD MEMBER: 28 feet.
 12 BOARD MEMBER: Why can't you come out
 13 and build another wall and then --
 14 BOARD MEMBER: Exactly.
 15 BOARD MEMBER: Then you have 24 feet,
 16 which it doesn't hurt you. And you're lowering
 17 the house by four feet.
 18 MR. SPREWELL: But that's our -- if I
 19 come four feet away from this wall and build
 20 another wall here, that wall structurally affects
 21 the other wall.
 22 (Inaudible).
 23 MR. SPREWELL: Of course it does.
 24 BOARD MEMBER: How could it?
 25 BOARD MEMBER: We did it before, it was

1 done.
 2 MR. SPREWELL: You can do it. If I
 3 could start from scratch and engineer that wall
 4 and engineer this wall, I could absolutely make it
 5 safe. What I don't know is how that wall was
 6 built, what's it made out of --
 7 BOARD MEMBER: So you put a concrete
 8 wall, you put a --
 9 MR. SPREWELL: I don't know what the
 10 upper one is made of.
 11 BOARD MEMBER: It doesn't matter. It's
 12 a wall. That wall is there and there's no
 13 pressure coming out (inaudible).
 14 BOARD MEMBER: Why don't you come out
 15 ten feet?
 16 BOARD MEMBER: You can ask an engineer.
 17 BOARD MEMBER: We did it before. You
 18 come out four feet, you build another wall, and
 19 you terrace it.
 20 BOARD MEMBER: You're actually right.
 21 The wall above there goes up six, goes back three,
 22 and it's supposed to go up another three.
 23 Although it goes up, (inaudible) so if they were
 24 able to do it.
 25 BOARD MEMBER: We have another member of

1 the public who wishes to speak.
 2 MS. McMORROW: Hello, Carol McMorrow, 7
 3 Ridge Road, hello everybody. I agree with what
 4 Mr. Surace was saying. If this is all confusing
 5 me a little bit. How was the variance height
 6 variance (inaudible) I live on Ridge, so I'm not
 7 quite there. But it's close enough, I could see
 8 it, how close it was.
 9 But I just -- what are they asking for
 10 on either I'm a little confused?
 11 MR. MIRANDI: Mr. Chairman, I may be
 12 able to help answer Mrs. McMorrow's question. As
 13 Mr. Kalajian pointed out, not on the notice that
 14 that he had, but through discussions, the maximum
 15 building height in Englewood Cliffs is a two
 16 pronged approach, as the attorney has indicated.
 17 The height variance for one of them is
 18 above the average grade. So the average -- height
 19 measured from the average grade is 34.4 foot.
 20 We're all in agreement with that the allowable is
 21 30 foot. So we have a 4.4 foot height variance
 22 for that one component. Just so the board is
 23 aware or reminded that if it's over 10 percent,
 24 that triggers a D variance. So this is a D
 25 variance which would require a super majority

1 because it's above 10 percent.
 2 The other component is that the
 3 applicant had advertised for 11.4 foot building
 4 height variance. Mr. Scrabble had calculated and
 5 it's from the mean curb. And that requirement is
 6 32 foot, he had calculated 43.4 foot. However,
 7 it's from the entire curb, so the height is
 8 actually less. And I believe the planner had
 9 indicated that it would be about five to six foot
 10 height variance above that.
 11 So it's still -- we're still looking at
 12 a D variance. So we're looking at a height
 13 variance of definitely 4.4 feet from the average
 14 grade and approximately six foot --
 15 MR. SPREWELL: Approximately five.
 16 MR. MIRANDI: 32 will be -- okay, 37
 17 will be the new height they have indicated. So it
 18 will be five foot. So five foot approximate and
 19 4.4 foot, so they're both a D variance as it is
 20 above 10 percent.
 21 BOARD MEMBER: So they drop it three,
 22 four feet, that's gives (inaudible).
 23 MR. SPREWELL: Still need a variance.
 24 MS. McMORROW: My question is directed
 25 to you as the attorney. Is it (inaudible) in that

1 house or is this house being built to be sold?
 2 That's a very important question I think because
 3 let me finish my statement. You guys put a
 4 thought and asked great questions of every
 5 application that have come before you. And I've
 6 seen people come here who have actual hardships,
 7 you know, that come in as a family. For whatever
 8 reason, they need that higher -- that they need
 9 that height. And I understand that, every
 10 application is different.
 11 But I have a real problem on any
 12 application coming in that's coming in to build
 13 and sell and there's no hardship and they're
 14 looking to build a 5,000 square foot house on
 15 property that I just Googled that says it's --
 16 unless this is wrong, 6,975 square feet of land?
 17 Is this wrong or right?
 18 BOARD MEMBER: It's correct.
 19 BOARD MEMBER: I don't know. 9,214 is
 20 the lot area. This is 9,000 square feet.
 21 BOARD MEMBER: The hardship the board
 22 deals with is not personal hardship. The status
 23 of the ownership or who lives there is not the
 24 issue. It's a topographical hardship.
 25 MS. McMORROW: You're asking for a D

1 variance and I understand what you're saying, but
 2 I think that's -- you should consider everything
 3 when (inaudible) it's not high ceilings.
 4 BOARD MEMBER: I'll say the same
 5 (inaudible).
 6 MS. McMORROW: (Inaudible) you don't
 7 disagree on many things. But that's 5,000 square
 8 feet, I live in a 2,000 square foot.
 9 BOARD MEMBER: Wouldn't you like to sell
 10 it to somebody -- (inaudible).
 11 BOARD MEMBER: -- that wants to build a
 12 6,000 square foot house?
 13 (Inaudible)
 14 BOARD MEMBER: How much can you get for
 15 that piece of property?
 16 MS. McMORROW: What I'm saying is that
 17 I'm sure they could come up with a design and then
 18 come before you and not ask for that height for a
 19 D variance.
 20 BOARD MEMBER: I'm not so sure because
 21 it is really steep. In my mind, anyway. I don't
 22 know if they could every get a tad down to where
 23 they don't need a variance. They're going to need
 24 a variance.
 25 MS. McMORROW: It's going to be

1 (Inaudible).
 2 BOARD MEMBER: The question I have is
 3 are they doing everything that they possibly can
 4 to lower it as much as possible and still make it.
 5 MS. McMORROW: They're saying to you
 6 depending (inaudible) on a slippery slope for lack
 7 of a better word that.
 8 BOARD MEMBER: What is?
 9 MS. McMORROW: They're asking for this
 10 many feet and then tomorrow you're going to have
 11 somebody else and tomorrow somebody else in. And
 12 you're setting you're own standards, I think
 13 (inaudible).
 14 BOARD MEMBER: (Inaudible) the
 15 opportunity to see (inaudible) with the notes,
 16 that the board members and the public into,
 17 account. (Inaudible) in order to vote tonight.
 18 BOARD MEMBER: Take another look at it.
 19 I think everybody wants it to look nice.
 20 BOARD MEMBER: Right.
 21 BOARD MEMBER: Nobody wants to make it
 22 look stupid or something you can't sell, you know.
 23 And the neighbors, of course, they have valid
 24 points. But make sure you're doing everything you
 25 can to absolutely lower it as far as you can. Do

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1 a little more excavation or a wall, with a house
2 of this value is not going to make a big
3 difference.
4 BOARD MEMBER: Actually they could make
5 it nice with some flowers on top of the terrace.
6 BOARD MEMBER: That's true.
7 BOARD MEMBER: (Inaudible) maybe a
8 colored rendering of what you come up with may
9 help us especially the public visualize some of
10 the difficulties of the site, you know.
11 BOARD MEMBER: Can we carry it to July
12 10th.
13 MR. BARRETT: That would be fine.
14 BOARD MEMBER: I think that would be a
15 good idea.
16 MR. MIRANDI: Mr. Chairman, if I can
17 just add. I mentioned before that retaining wall
18 to the south that will impact the Mauro Road, that
19 existing retaining wall, we heard something -- I'm
20 not sure who built it, but that existing retaining
21 wall does hold up the property that would be here.
22 So if we don't have the survey, if we have a new
23 retaining wall along the property line, and to
24 just build that new retaining wall with that
25 existing retaining wall there, the construction of

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1 it is going to knock down the other retaining
2 wall. So take that into consideration when you
3 look at the other --
4 BOARD MEMBER: (Inaudible).
5 THE CHAIRMAN: Okay. So we'll then
6 carry it over to July 10th. Thank you.
7 MR. BARRETT: Thank you.
8
9 (Whereupon the matter was concluded.)
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**BOSWELL McCLAVE ENGINEERING**

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VIA FACSIMILE AND E-MAIL

May 29, 2014

Borough of Englewood Cliffs
482 Hudson Terrace
Englewood Cliffs, New Jersey 07632

Attention: Ms. Cathy Scancarella, Planning Board Secretary

Re: Plot Plan Review
Variance Application
201 Lyncrest Road
Block 714, Lot 1
Our File No. ECFS-1338

Dear Ms. Scancarella:

Boswell McClave Engineering is in receipt of copies of the following document:

- a. Planning Board, Borough of Englewood Cliffs, Application Form dated May 5, 2014 inclusive of an Impact and Evaluation Statement (containing Exhibit A - The Construction/Zoning Official's Letter of Denial dated 4/30/14 and Exhibit B - Photographs) prepared by the Applicant's Attorney, Saverio V. Cereste.
- b. Engineering Plan Set (2 sheets) entitled, "201 Lyncrest Road, Lot 1, Block 714 situated in the Borough of Englewood Cliffs, Bergen County, New Jersey," as prepared by Mark S. Martins, P.E. & L.S., of Mark Martins Engineering, LLC, dated 11/19/13, revised through 4/21/14 and consisting of the following drawings:
 - Sheet 1 of 2, Site Plan
 - Soil Erosion Plan/Details
- c. Architectural Plan Set (6 sheets) entitled, "Aurbach Residence, 201 Lyncrest Road, Lot 1, Block 714, Englewood Cliffs, New Jersey," as prepared by Robert E. Zampolin, A.I.A. of Zampolin & Associates, dated 4-21-14 consisting of the following drawings:
 - Drawing No. A1: Basement Plan
 - Drawing No. A2: First Floor Plan
 - Drawing No. A3: Second Floor Plan

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- Drawing No. A4: Roof Plan
- Drawing No. A5: Elevations
- Drawing No. A6: Elevations

Based on our review of the above referenced information and recent site inspection of May 22, 2014, we offer the following comments:

General

1. The Applicant's in this matter is:

Philip & Paula Aurbach
267 Devon Road
Tenafly, New Jersey 07670

The Owner in this matter is:

Paula Aurbach
267 Devon Road
Tenafly, New Jersey 07670

The Applicant should notify the Board of any change in the above mentioned information.

2. Block 714, Lot 1 (the "Site") is a corner lot located on the northwesterly corner of the intersection of Lyncrest Road and Summit Street. The drawings state that the existing building has been razed, and the existing onsite pavement, walls and structures are to be removed. The Applicant seeks to construct a new 2½ story single family dwelling with a circular paver driveway located in the corner yard along Lyncrest Road, a paver driveway located in the rear yard and a raised terrace with a patio underneath located in the side yard. Also proposed is a covered (entry) porch located in the corner yard along Lyncrest Road, 3 ft. high Keystone retaining walls along the western and northern property lines, a set of downward steps from the side yard to the paver driveway on the westerly side of the dwelling and onsite drainage improvements.

Boswell McClave Engineering deems the application complete from an engineering perspective.

Land Use

3. The property is located, in the R-A Residential Single Family Zoning District. Single Family dwellings are considered a permitted use in this zoning district.
4. Since the Site is a corner lot, it shall have a Front Yard, Rear Yard, Corner Side Yard and Side Yard. According to the Englewood Cliffs Code, the narrower side of the lot abutting a street, regardless of the location of the principal entrance of the building shall be considered the front yard. Therefore, Summit Street shall be considered the Front Yard, the westerly side of the property shall be considered the Rear Yard, while the Lyncrest Road side of the



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property shall be considered the Corner Side Yard. The northerly side of the property opposite Lyncrest Road shall be considered the Side Yard. Boswell McClave engineering takes no exception as to how the Applicant delineated the various yards.

Variances and Waivers

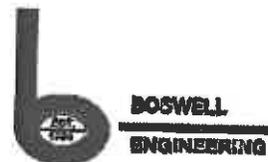
5. According to the Construction/Zoning Official's Letter of Denial, the following variances are required and the Board should request comments from the Board Attorney regarding the requirements for variances or waivers for the following:
- a. **Maximum Building Height:** In residential zones building height shall be thirty (30) feet (measured by taking the four (4) corner elevations and the four (4) midpoint elevations and dividing them by eight (8) by utilizing the house box) of the existing grade or the finished grade, whichever is greater. In any event the height of the measure from the mean curb level to the highest point of the building shall not be more than thirty-two (32) feet exclusive of chimneys. The proposed building height requires the following variances:
 - 33.96 feet measured of the mean curb level versus the maximum allowable 32 feet. A 1.96 ft building height variance is required.
 - 32.91 ft. measured from the lower of the average existing or finished grade versus the maximum allowable 30 feet. A 2.91 ft building height variance is required.
 - b. **Minimum Front Yard:** Minimum front yard setback required is 30 ft. The Applicant is proposing a 15 ft front yard setback. A variance is required.

We also note an additional variance:

- c. **Flat Roof:** Section 30-7.7.c. Restrictions on Residential Zones states: "Flat roofs in any dwelling zones are not permitted over the main portion of the roof structure; additions or extensions having flat roofs are permitted if the roof area of same does not exceed forty (40%) percent of the entire area of the building. The standard to be used to determine a flat roof shall be a slope of three and one-half (3 ½) inches per foot; anything less shall be considered a flat roof." The Architectural Roof Plan (Drawing No. A-4) proposes the center area of the main roof to have a slope of 0.25:12. A variance is required. The Impact and Evaluation Statement should be amended to include this variance.

Stormwater Management

6. Drainage calculations have not been submitted in support of the proposed stormwater management improvements. The Applicant shall provide copies of these certified calculations to the Borough in order to be distributed to this office for our review/comment.
7. Should the Planning Board look favorably upon this application, a soil log and percolation test shall be performed at the exact locations of the proposed seepage pits to substantiate the soils acceptance of such a system and to determine the elevation of groundwater and rock.



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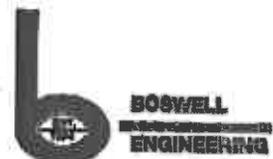
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8. The installation of the stormwater management facility shall not be allowed to commence until this office has received and reviewed the aforementioned tests for acceptance. A note to this effect should be indicated on a revised plan.
9. The Applicant shall contact this office at least 48 hours prior to the installation of the seepage pits in order for this office to schedule the inspection of same. No Certificate of Approval shall be issued unless this office has inspected and accepted the drainage system. A note to this effect should be indicated on a revised plan.
10. As noted on the plans, no drainage from this property shall affect adjacent properties both during and subsequent to construction. Should any adjacent property be affected by runoff from this property, the Owner shall be responsible to remedy the matter at the owner's own cost.
11. As noted on the plans, the sump pump drains are not to be connected to the seepage pits designed for roof and driveway runoff. The Applicant is proposing to connect the sump pump discharge pipe to the existing catch basin located at the intersection of Lyncrest Road and Summit Road. The Applicant shall review this matter with the Superintendent of Public Works prior to the commencement of construction. A note to this effect shall be annotated on a revised drawing. Connection into the municipal storm system may require the developer to upgrade this inlet structure to current DPW and NJDEP standards. Furthermore, the applicant shall prepare a hold harmless agreement with the Borough in regard to the sump pump connection to the catch basin to the satisfaction of the Borough Attorney.
12. As noted on the plans, a minimum of two (2) overflow tees with vermin screens and splash blocks shall be located on the roof leader downspout has been provided on the plans, as required. The Applicant shall amend this note that they shall be installed on each downspout.
13. A note has been placed on the drawings with regard to the property owners being responsible for maintenance of the stormwater management facilities and that periodic maintenance of at least twice annually, as well as, after every major storm event greater than 2 inches.

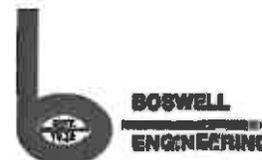
Additional Comments

14. The site plan shows the garage floor elevation to be the same as the driveway elevation right in front of the garage doors at 105.00. The site plan elevation of the basement floor is 105.54. The Architectural Basement Plan shows a 4" step up in elevation from the garage floor. The Applicant shall provide testimony to this differential.
15. The grade of the circular driveway from the midpoint area is approximately 15% down gradient to the west. This grade is excessive and in the more intense storm events may have the potential to run the path around the semi-circular retaining wall and create a flooding condition in the garage. Please address.
16. The easterly circular driveway is too close to the intersection of Summit Street and Lyncrest Road. The Police Department should review and comment. Also there appears to be a potential conflict with an existing inlet. Please provide testimony.



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17. The Impact and Evaluation Statement states that there is a basement that consists of 1,700 sf of finished area located behind a three (3) car garage. The basement area contains a Guest Room with Full Bath, Games Room, Family Room, Media Room, Mechanical Room, Stair hall and an exterior Covered Terrace. None of this information with the exception of the finished area of the basement has been presented in the Impact and Evaluation Statement and therefore the statement should be amended.
18. The first floor area contains a Library/Office, Grand Stair, two (2) Galleries, Dining Room, Conservatory, Guest Room with Full Bathroom, Great Room, Kitchen/Breakfast Area and exterior Terrace. The Impact and Evaluation Statement states that there is a half bath (PDR Room) located on the first floor. The architectural drawing (Drawing No. A2) also depicts a full bathroom associated with the Guest Room that is not contained in the Impact and Evaluation Statement. The Applicant shall provide testimony with regard to this possible discrepancy and correct the applicable document as necessary.
19. On the bottom of page 2 and top of page 3 of the Impact and Evaluation Statement there appears to be a duplication of statements, one (1) of which shall be deleted. Furthermore, there is a statement that "on the second floor there are three (3) car garage." Boswell believes that this statement should also be deleted from the Impact and Evaluation Statement. The Applicant shall provide testimony with regard to these possible discrepancies and amend the Impact and Evaluation Statement accordingly.
20. Architectural Plan A3 entitled 'Second Floor Plan' indicates two (2) bedrooms and Master Bedroom with three (3) full baths, two (2) Gallery Areas, a hallway and a sitting Room. The Impact and Evaluation Statement states "The second floor consists of three (3) bedrooms with three (3) full baths." Please clarify. Furthermore, the Impact and Evaluation Statement shall be amended to reflect all the items depicted on Architectural Plan A3.
21. In accordance with Section 30-7.15 of the Borough Code, any demolition activity of one or more structures and/or any new disturbance activity involving more than 5,000 square feet of area within the site, including the construction of one single-family dwelling or other project, the Applicant should contact the Bergen County Soil Conservation District (BCSCD) for their review of the application and obtain a Soil Erosion and Sediment Control Plan Certification.
22. Soil movement calculations should be provided. It appears that the northwest area of the site is being raised by 3 to 4 feet. The Applicant shall provide testimony to this grading as well as what is proposed for the northerly "Irregular Wood Fence" as it is located along the property line where the new retaining wall is proposed.
23. Soil erosion control measures shall be maintained throughout the course of construction.
24. According to the engineering drawings, six (6) trees are indicated for removal and 1½" caliper shade trees are being proposed to be planted. The Borough's Shade Tree and Environmental Commissions shall review/comment with regard to this plan. The review is required to ensure that any removal of selected trees and the preservation of trees to remain are in accordance

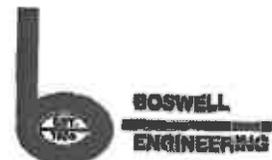


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- with the Borough Code. Furthermore, a note to this effect is annotated on the engineering drawing.
25. The Applicant is reminded the proposed rear yard patio cannot exceed six (6) inches above the surrounding grade. In the event the patio elevation exceeds 6 inches above surrounding grade the building coverage calculations are affected.
 26. As noted on the plans, the installation of the proposed improvements shall comply with any and all applicable Federal, State and local requirements, including Section 9-22 of the Borough of Englewood Cliffs Zoning Ordinance.
 27. In the event the existing sanitary sewer connection is to be utilized, the Borough requires video inspections of the existing sanitary lines to ensure the adequacy of the line. As noted on the plans, the applicant shall provide a DVD of the video inspection of the sanitary line to the Superintendent of Public Works prior to Certificate of Occupancy. Also, all connections shall be discussed with the DPW Superintendent for his concurrence. A note to this effect is annotated on the engineering drawing.
 28. The plan indicates the applicant is responsible for the replacement of all curbing along the property frontage. All necessary curb replacement and damaged paving shall be installed to the satisfaction of the Superintendent of Public Works. A note to this effect is annotated on the engineering drawing.
 29. The Applicant shall undertake, at the time of foundation completion, a foundation location survey inclusive of setback dimensions and top of "Block" elevation which shall be submitted to the Borough for review. A note to this effect should be indicated on a revised plan.
 30. The Applicant shall survey the Roof Ridge Elevation upon completion of framing. Compliance verification with the allowable roof ridge elevation is required prior to commencement of roof sheathing. A note to this effect should be indicated on a revised plan.
 31. Building height certification shall be provided by a licensed Land Surveyor in the State of New Jersey prior to the issuance of a Certificate of Occupancy. A note to this effect should be indicated on a revised plan.
 32. An As-Built Survey shall be provided by a licensed Land Surveyor in the State of New Jersey prior to the issuance of a Certificate of Approval. A note to this effect should be indicated on a revised plan.
 33. The engineering drawing depicts a 3 ft high maximum Keystone retaining wall being proposed along the westerly and northerly property lines. The Applicant shall be made aware of the following:
 - The Applicant must be made aware that all retaining walls greater than three feet (3 ft) in exposed height require retaining wall stability calculations to be provided by a Professional Engineer licensed in the State of New Jersey, signed and sealed, for the Municipality's review and approval prior to construction.



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- Top and bottom wall elevations must be shown on the site plan at the end of the wall. The maximum exposed retaining wall height has been provided on the retaining wall detail.
 - All retaining walls greater than four feet (4 ft) constructed on-site will require a certification of a licensed Professional Engineer that he/she has provided on-site inspection during the wall construction, proper methods were utilized in the construction, the wall has been constructed in accordance with the approved design drawings, the wall has been properly stabilized and the wall will be adequate for the intended purpose. Inspecting engineers must also certify appropriate batter, heights and locations have been respected pursuant to the approved design drawings. Copies of these certifications are to be forwarded to the Municipal Engineer.
32. The Applicant shall review the proposed location of the generator with the Construction Code Official because it appears to be closer than 5 ft from the windows.
33. Any other issues the Planning Board deems necessary.

Thank you for your kind attention to this matter. Should you have any questions or require anything further, please do not hesitate to contact me.

Very truly yours,

BOSWELL McCLAVE ENGINEERING



Bernard N. Mirandi, P.E.

BNM/BFS/amg

cc: Paul Renaud
Environmental Commission
Shade Tree Commission
Mark Neville
Ed Fehre, via e-mail
Michael B. Kates, Esq., via fax & e-mail
Chief Michael Cioffi - Please note item 16
Mark Martins Engineering, LLC.
Zampolin & Associates
Philip & Paula Aurbach
Saverio V. Ceresto, Esq.
John Englese

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RESOLUTION

(Open Public Meetings Act - Closed Session)

WHEREAS, N.J.S.A. 10:4-12 and 13 of the Open Public Meetings Act, permits the exclusion of the public from a meeting in certain circumstances; and

WHEREAS, this public body is of the opinion that such circumstances presently exist, more particularly the attorney-client privilege exception and the litigation exception of N.J.S.A. 10:4-12.b(7), relating to the matters of Jacoby v. Mayor and Council, Englewood Cliffs, Docket No. BER-L-8891-12; Davis v. Mayor and Council, Englewood Cliffs, Docket No. BER-L-8769-12; and NJ State Fed. of Women's Clubs, et al. v. Bor. of Englewood Cliffs, et al., Docket No. BER-L-8875-12;

NOW, THEREFORE BE IT RESOLVED by the Planning Board of the Borough of Englewood Cliffs, County of Bergen and State of New Jersey, as follows:

1. The public shall be excluded from witnessing discussion of the hereinafter specified subject matter.
2. The general nature of the subject matter to be discussed is as follows:
Management of continuation hearing considering B-2A Overlay Zone Master Plan Amendment so as to assure due process to plaintiffs in the aforementioned litigation.
3. It is anticipated at this time that the above matter will be made public upon completion of the discussion.
4. This Resolution shall take effect immediately.

MOTION BY: Mr. Chinman

SECONDED BY: Mr. Kiky Kim

DATED: June 12, 2014