

TOWN OF WEST NEW YORK
ZONING BOARD OF ADJUSTMENT
THURSDAY, FEBRUARY 23, 2012
COMMENCING AT 7:30 P.M.

.....
IN THE MATTER OF: :
MERIDIA LE BOULEVARD : TRANSCRIPT OF
6609-15 Boulevard East and : PROCEEDING
9-67th Street, Block 2, :
Lots 9 and 10 :
.....

B E F O R E:
TOWN OF WEST NEW YORK ZONING BOARD OF ADJUSTMENT
THERE BEING PRESENT:

- KENNETH BLANE, CHAIRMAN
- ARMANDO ALVAREZ, MEMBER
- MICHAEL D'AMICO, MEMBER
- NELLY VASQUEZ, MEMBER
- DAVID RIVERA, MEMBER
- RAMON MOREJON, MEMBER

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JOSEPH LAYTON, CITY PLANNER

THOMAS R. LEMANOWICZ, CITY ENGINEER

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1 CHAIRMAN BLAIN: Ladies and gentlemen,
2 the next matter on the agenda is the application
3 regarding Merida Le Boulevard located at 6609-15
4 Boulevard East. Is there anybody here on this
5 application?

6 MR. ALONSO: Mr. Chairman, members of
7 the board, for the record Alvaro Alonso from the
8 firm of Alonso and Navarette on behalf of Merida.
9 At this time I am going to present counsel with my
10 notices and publication.

11 MR. GARCIA: Board members, I am
12 reviewing here an affidavit of Mr. Alonso. I am
13 reviewing the affidavit of publication by
14 Mr. Alonso, the attorney for the applicant. It
15 appears that all the appropriate notice under the
16 Municipal Land Use Law have been properly served.
17 The notice is also published in the Jersey Journal
18 as evidenced by the affidavit of publication from
19 the Jersey Journal. It appears that all the notices
20 were sent certified mail in compliance with the
21 Municipal Land Use Law. I just have one question,
22 was the Town of Guttenberg also notified?

23 MR. ALONSO: I believe so, yes.

24 MR. GARCIA: That being said,
25 Mr. Chairman, I think the notices are in order.

1 CHAIRMAN BLANE: Thank you. Next I
2 would turn to our engineer regarding the second
3 jurisdictional issue, as I have been instructed
4 tonight, which is completeness. I noticed that
5 under your report there are three items of
6 completeness, but regarding each one you state that
7 you have no exception to granting of a completeness
8 waiver as long as the board wants to do that.

9 MR. LEMANOWICZ: That is correct, Mr.
10 Chairman.

11 CHAIRMAN BLANE: That being the case,
12 is there anybody regarding the three items that the
13 engineer has stated in his report that relate to
14 completeness, does anybody have an objection to
15 issuing a waiver regarding any of those three items?

16 Not seeing any, I don't know, do I
17 have to do this individually?

18 MR. GARCIA: I think the waivers you
19 can do a roll call.

20 CHAIRMAN BLANE: Regarding the
21 waivers, I will move all three waivers, the one
22 regarding the north arrow, the one regarding the tax
23 map sheet number and last regarding the test poll
24 data, I will move them and ask for a second. Is
25 there a second?

1 MR. ALVAREZ: Second.

2 CHAIRMAN BLANE: Roll call, please,
3 regarding those three waivers of incompleteness?

4 MS. VARELA: Kenneth Blane?

5 CHAIRMAN BLANE: Aye.

6 MS. VARELA: Armando Alvarez?

7 MR. ALVAREZ: Aye.

8 MS. VARELA: Michael D'Amico?

9 MR. D'AMICO: Aye.

10 MS. VARELA: Nelly Vasquez?

11 MS. VASQUEZ: Aye.

12 MS. VARELA: David Rivera?

13 MR. RIVERA: Aye.

14 MS. VARELA: Ramon Morejon?

15 MR. MOREJON: Aye.

16 CHAIRMAN BLANE: We have the
17 jurisdictional issue of the publication notices
18 approved and now with the waivers granted there is
19 no completeness issue so we can proceed.

20 MR. ALONSO: Thank you, Mr. Chairman.
21 While we are on that report on the same page under
22 general comments paragraph number two, a little
23 housekeeping. I reviewed this with your engineer
24 earlier today. He indicates that the application
25 does not request site plan approval, but in fact,

1 our application and our notices are for site plan
2 approval. I reviewed that with the engineer and I
3 believe he is okay with that.

4 MR. LEMANOWICZ: Mr. Chairman, this is
5 the second application I reviewed for this property.
6 Unfortunately, that one line came from a previous
7 report on the property that did not properly request
8 the site plan approval. The applicant's attorney
9 has indicated that this application has been
10 properly prepared and contains the appropriate
11 application requests.

12 CHAIRMAN BLANE: So, this application
13 does, in fact, include an application for site plan
14 approval?

15 MR. LEMANOWICZ: Yes.

16 CHAIRMAN BLANE: All I am doing in the
17 report really is taking out the word not?

18 MR. ALONSO: Correct.

19 CHAIRMAN BLANE: Otherwise it is
20 absolutely perfect?

21 MR. LEMANOWICZ: I would like to think
22 so.

23 CHAIRMAN BLANE: Please continue.

24 MR. ALONSO: Mr. Chairman, what I am
25 going to do is, because I don't have a microphone,

1 so I will stand out here so it will force me to
2 project a little more so the audience can hear me.
3 This is an application by my client to construct a
4 new high-rise building. It is going to be 13
5 stories tall and contain ten floors of residential
6 units with 123 units and 107 parking spaces in a
7 three level parking garage. Currently the property
8 contains a gas station, which is really no longer
9 used as a gas station. It is really just a service
10 station where they repair automobiles and also my
11 client is acquiring a residential home right behind
12 that and we are consolidating the lots. You will
13 hear testimony somewhere down the road in this
14 application from an environmental engineer who is
15 going to testify as to the extent of the
16 environmental contamination on the lot and how it's
17 going to be taken care of. But for this evening I
18 have --

19 CHAIRMAN BLANE: Will we get a report
20 from him?

21 MR. ALONSO: If you would like, we can
22 prepare a report.

23 CHAIRMAN BLANE: That would be
24 helpful, I think, to the board so we have something
25 to read as well. That will be for the next time.

1 MR. ALONSO: I have, in addition to
2 that expert, I have Albert Arencibia, who is our
3 architect, who will be testifying this evening. I
4 also have Chris Pereira, who is LEED certified. He
5 will be testifying this evening about the LEED
6 certification and the LEED components of this
7 project. I also have, if we have time to get to
8 him, Carl Jennings who is the civil engineer in the
9 project. Not here today because I don't believe we
10 are going to get to them will be Joseph Staiger, who
11 is our traffic engineer and we also will be
12 producing John McDonough, who is our licensed
13 planner. In the event that the board requires any
14 additional testimony from any other type of expert,
15 then we will probably consult that with the
16 applicant and bring them forward also.

17 CHAIRMAN BLANE: Did you mention your
18 environmental engineer?

19 MR. ALONSO: Yes, I did.

20 CHAIRMAN BLANE: That is tonight?

21 MR. ALONSO: No, not tonight. That is
22 down the road when we get to the site area, so
23 tonight is really about the architecture --

24 CHAIRMAN BLANE: I thought it was
25 going to be three tonight and two next time.

1 MR. ALONSO: Right. The civil
2 engineer is the third one tonight, if we get to him.
3 I don't know if we are going to be able to get to
4 him tonight depending on the time, but when we get
5 into the site and the site engineering is when we
6 probably will be bringing in the environmental
7 testimony. So, at this time I will have Mr.
8 Arencibia sworn in.

9 CHAIRMAN BLANE: Good evening.

10 MR. ARENCIBIA: Good evening.

11 A L B E R T A R E N C I B I A,

12 First having been duly sworn by the Notary,
13 testified as follows:

14 EXAMINATION BY MR. ALONSO:

15 CHAIRMAN BLANE: Mr. Arencibia, did
16 you testify at the January meeting?

17 THE WITNESS: Yes, I did.

18 CHAIRMAN BLANE: So, all the board
19 members are familiar with you and they know that you
20 have been certified with this board before and,
21 therefore, we will continue your certification.

22 THE WITNESS: Thank you very much.

23 CHAIRMAN BLANE: I just wanted to make
24 sure all the new board members knew who you were.

25 Q Mr. Arencibia, I am just going to ask

1 you to project your voice because we have a number
2 of -- just remember address the board and make sure
3 that the court reporter can hear.

4 CHAIRMAN BLANE: Maybe if you stand
5 where Mr. Alonso is you will serve both purposes.

6 Q Mr. Arencibia, you are the architect
7 on this property. Correct?

8 A That is correct.

9 Q And you either prepared or oversaw the
10 preparation of the plans that are before the board
11 this evening?

12 A That is correct.

13 Q Can you explain to the board briefly
14 what is currently on the property and then I'm going
15 to ask you to go into the presentation.

16 A Yes. Basically the property right now
17 itself is an old gas station that was converted to a
18 mechanic service shop right now and it's still
19 operating to this date as a service shop. Another
20 piece of property that was purchased in order to
21 build this structure was a single family home that
22 fronts 67th Street behind the gas station area. So,
23 basically for this application we are going to be
24 utilizing two lots in order to construct the
25 proposed building that we are proposing.

1 Again, as Mr. Alonso indicated, the
2 building is going to be 123 units. It is 13 stories
3 tall and three of the floors will be occupied by
4 parking. Of course as everybody knows, the project
5 name is Meridia Le Boulevard.

6 CHAIRMAN BLANE: Could you move the
7 screen back a little bit so the board members on my
8 right can see it also? Thank you.

9 A I would like to mention that this
10 project is being developed --

11 CHAIRMAN BLANE: Let me just stop you.
12 Any member of the public who can't see this, I would
13 just ask you if you would just move over. There are
14 plenty of seats on my left in case you want to see
15 it and can't. Please continue.

16 A I would like to mention that basically
17 this property is being developed by Capidity
18 Properties who have been in business since 1970.

19 CHAIRMAN BLANE: You have to speak
20 louder.

21 A The name of the property is Merida Le
22 Boulevard. We are the architect, CPA architect.
23 The civil engineer on the project would be Jennings
24 Associates. John McDonough and Associates will be
25 the planners. And Staiger and Peregoy will be the

1 traffic consultants on the project.

2 Basically what you see here is the
3 subject site, which is in West New York, New Jersey.
4 Of course lots nine and ten of block ten. The lot
5 is located on the corner of 67th Street and
6 Boulevard East. On the rear of the actual property
7 there is another single family home. Adjacent to
8 the property on the Boulevard East side is another
9 single family home followed by a six story
10 multi-family building. You can see here the
11 pictures of the existing garage on the Boulevard as
12 you can see basically this front, you see a number
13 of cars in the area. You see a number of tires set
14 up.

15 CHAIRMAN BLANE: Let me just stop you
16 for a second. All of the photographs or
17 photographic, I'm going to call them documents that
18 you are presenting as part of your presentation have
19 been supplied to the board in one way or another?

20 Much THE WITNESS: Yes, sir.

21 MR. ALONSO: Mr. Chairman, just to be
22 clear, these photographs were actually contained in
23 the planning report prepared by John McDonough and
24 what the architect did is he took those photographs
25 and incorporated them into his power point

1 presentation. They should be included in the
2 planner's report.

3 CHAIRMAN BLANE: As your architect
4 said the answer to my question is yes.

5 Please continue.

6 THE WITNESS: The reason why we put
7 these photos here is we thought it was very
8 important for the board and for everyone to actually
9 see the condition and the state of the property as
10 it presently stands. As we all know Boulevard East
11 is a very beautiful street that everybody is
12 familiar with and to see something like this creates
13 quite of an eyesore in the area. Not only that, of
14 course, but the fact that of course it was an old
15 gas station also creates some problems with respect
16 to possible contamination issues, which again those
17 issues will be dealt with as part of the application
18 at a later time, but we thought it was important to
19 show the condition of the existing site as you see
20 it along Boulevard East. As you can see here, this
21 basically from across the street looking at the gas
22 station, what used to be the gas station auto repair
23 shop, you can see some of the residential properties
24 in the back ground, residential properties adjacent
25 to there. You see the old looking signage on the

1 corner and what we are proposing on doing is
2 eliminating this eyesore and creating a beautiful
3 state of the art modern building that would much
4 better more beautifully blend into the entire
5 landscape of the area giving it a transparency and a
6 sense of awe to anybody that walks around.

7 FEMALE AUDIENCE MEMBER: May I say
8 something?

9 CHAIRMAN BLANE: Not yet, ma'am.
10 Excuse me, if anybody has an urge of uncontrollable
11 laughter or anything of the like while this
12 presentation is being made, please step outside.
13 When any of you come up and speak, we will demand
14 the same respect for you when you are talking that
15 these people who are making the presentation also
16 deserve. It works both ways. Thank you, please
17 continue.

18 THE WITNESS: One of the things we
19 thought it was important to point out is the zoning
20 in the area. Of course on Boulevard East, across
21 from Boulevard East the entire area across is all
22 high density residential, therefore high rises can
23 be on there and you can see as well on at adjacent
24 properties every other property along, identifying
25 our said property is also zoned for high density

1 residential high rise buildings. This is our site
2 and this is basically the only location along this
3 entire strip that is not zoned for high density
4 residential, so we thought it was important to point
5 that out because basically this area sort of would
6 be consistent if this site was also zoned for the
7 same, although it is not at present. As you can see
8 --

9 CHAIRMAN BLANE: You are asking for a
10 variance regarding that small portion?

11 THE WITNESS: Yes, sir.

12 CHAIRMAN BLANE: Regarding the
13 high-rise permission, I am going to use the word
14 permission, is there a height limit in the sense of
15 stories? I know we had a project I guess on Park
16 Avenue where there was a height limit, I think it
17 was of 12 stories --

18 THE WITNESS: That is correct --

19 CHAIRMAN BLANE: -- that they were
20 building. Is there anything similar here?

21 THE WITNESS: Yes. All of these other
22 sites here can go up to 12 stories high and it might
23 be even 35 feet. The property we are proposing is
24 13 stories and 150 feet. So, in essence it is
25 fairly comparable to everything else that would

1 be --

2 CHAIRMAN BLANE: One of the variances
3 is a height variance because you are one full story
4 higher?

5 THE WITNESS: That is correct.

6 MALE AUDIENCE MEMBER: What is the --

7 CHAIRMAN BLANE: Excuse me, sir, it is
8 not time yet. After he is done, everybody will be
9 able to verbally attack him with questions, believe
10 me. It has happened before and it will happen
11 again. When each one of the experts that are being
12 presented by the applicant after they are done -- we
13 are not going to wait to the end and then have
14 everybody forget about questions and not
15 remembering. After each person is done with their
16 presentation, the public will have a chance to ask
17 whatever questions they want. Please continue.

18 THE WITNESS: As you can see this will
19 be a photograph of the area. This is the site in
20 question. As you can see the area has numerous
21 multi-family developments throughout the area. You
22 have some mid-rise buildings here and there as well
23 as you have high-rise buildings here, here, here and
24 there. So, one of things that we want to impart to
25 everyone here is that basically this site is

1 suitable for the project that we are proposing, a
2 high-rise development fits within all of these mixed
3 rise and high rise buildings as you can see are
4 prevalent throughout the area. Not only are
5 high-rise buildings on the opposite side of Kennedy
6 Boulevard, but they are also on the westerly side of
7 Kennedy Boulevard. So, it is not a condition where
8 it is only on one side of the street and not on the
9 other. As a matter of fact, if you go up further up
10 into North Bergen, you will see more high rises on
11 that side of the street. As you go down to Union
12 City you will also see some more high-rises on that
13 side of the street too. So, basically this
14 Boulevard East corridor, whether it is north or
15 south is right now already has many high-rises on
16 both sides of the street.

17 As you can see here, this is the
18 subject site in question. This is 67th Street and
19 Kennedy Boulevard. You can see here the existing
20 gas station, main gas station building. This is a
21 concrete pad over here. This is where they have
22 another pattern in this area and in the back here
23 you can see single family homes. One of the things
24 that is tricky about this site was the fact that
25 this street, 67th Street actually slopes quite a

1 degree and it basically slopes a little bit over 12
2 feet from the rear of the property to the corner and
3 in addition another two, roughly two and a half feet
4 from the corner on Kennedy Boulevard and 67th Street
5 all the way over to the other corner.

6 CHAIRMAN BLANE: Would you like a two
7 minute recess? We will take a two minute recess so
8 the architect, who has been obviously made very
9 nervous by all of the ready comments that we can see
10 in your faces, can get a drink of water.

11 (Whereupon a brief recess was taken.)

12 CHAIRMAN BLANE: Back on the record.

13 THE WITNESS: I just basically wanted
14 to give you some idea of how the topography of the
15 site is with respect to what our building is going
16 to be.

17 CHAIRMAN BLANE: And the slope on 67th
18 Street?

19 THE WITNESS: Yes. Basically as you
20 can see here this is the property line for the
21 adjacent home at the rear. One of the things we did
22 when we situated the building on the property was we
23 took a look at the rear of the property and right
24 now what they have here is roughly like a two and a
25 half foot walkway to be able to go out to the

1 street. So, what we did was we wanted to give them
2 enough access to be able to come out, so we actually
3 set our building wall in the back six inches away
4 from that property line on the parking side so they
5 can at least have a three foot walkway all the way
6 to the front of the property so they wouldn't be
7 land locked from the rear of the property. What you
8 see here is basically the ground floor parking --

9 CHAIRMAN BLANE: As opposed to giving
10 more space in the front along Boulevard East for
11 landscaping that was the choice?

12 THE WITNESS: Yes, we will get to
13 that.

14 CHAIRMAN BLANE: Please. Can't wait.

15 THE WITNESS: Again, as we indicated
16 the first three floors were predominantly going to
17 be for parking. Of course with the associated
18 parking, there are additional areas that we need
19 with respect to the actual services of the building
20 itself, such as the rooms would be like electrical
21 rooms so based on the size of the building, we need
22 a transformer room. So, we located the transformer
23 room toward the front of the building in this
24 corner. We are also going to have some service
25 mechanical rooms coming off of the 67th Street side

1 and we are also going to provide for on-site bicycle
2 storage providing for 60 bicycle storage to be
3 located in two different floors in the parking area.
4 A lot of residents in the area will be able to use
5 bicycles to be able to use that type of
6 transportation and enjoy the Boulevard.

7 CHAIRMAN BLANE: Did you say residents
8 in the area?

9 THE WITNESS: No. Residents of the
10 building.

11 CHAIRMAN BLANE: I thought you said
12 residents in the area. My mistake.

13 THE WITNESS: As you can see the front
14 of the building is off of Kennedy Boulevard as well.
15 We have an ingress and egress with a porte-cochere
16 enclosed. Porte-cochere access to the main building
17 lobby. One of the things we wanted to do was be
18 able to create a nice open --

19 CHAIRMAN BLANE: What does that mean
20 porte-cochere?

21 THE WITNESS: Porte-cochere it is back
22 in the old days you would drive carriages underneath
23 structures, that is basically what the name
24 porte-cochere comes from. What we see here if this
25 is the street, you see this little rendering here,

1 you would be coming in through here, you drop off
2 and pick up underneath the covered area so you are
3 not exposed to the elements and the weather, then
4 you will be able to go out and egress out to the front
5 of building. That is all.

6 CHAIRMAN BLANE: Is that picture in
7 the planner's report, that one right there?

8 MR. ALONSO: No.

9 CHAIRMAN BLANE: I don't remember
10 seeing it.

11 MR. ALONSO: That is just an
12 illustration so that Mr. Arencibia could better
13 explain what the porte-cochere is.

14 CHAIRMAN BLANE: But the board doesn't
15 have that?

16 MR. LEMANOWICZ: Mr. Arencibia, isn't
17 it similar to sketch number one on your A-101?

18 THE WITNESS: Let me take a look, sir.

19 CHAIRMAN BLANE: What I have been
20 taught by zoning board attorneys is not to permit
21 testimony regarding pictures or diagrams or drafts
22 or whatever that haven't been presented to the
23 board.

24 THE WITNESS: Yes, it is basically
25 what we have on A-101 just from a different angle

1 you can see it from there.

2 CHAIRMAN BLANE: And filled in with
3 color, I guess, because that is just back and white.

4 THE WITNESS: That is correct. That
5 is so you are able to actually see it. What we
6 wanted to make sure that you are aware that we
7 wanted to create a nice open area, very inviting
8 look to the area itself. We wanted to create a
9 secure environment for people to pick up and drop
10 off and by creating the porte-cochere, we were able
11 to accomplish that. We were also able to use
12 different types of materials that you look on the
13 ground here, also incorporating some type of
14 landscape and brick paving area in order to give it
15 a nice detailed look to the actual ground scape in
16 the front of the building as well. We do have
17 landscaped areas as well for this building and as a
18 matter of fact, we have an actual living tree wall
19 that we are proposing for the building as well. Not
20 only that, but we also have a beautiful decorative
21 light water feature with a cascading waterfall along
22 the side of the building, so you are able to see
23 where we are actually putting the name of the sign,
24 basically a reflecting pool so you will see a nice
25 reflection of the name and then behind it will be

1 cascading waterfall will be coming down roughly
2 almost two stories high, a soft cascading into the
3 water creating a nice ripple effect and beautiful
4 shadow with contrasting into the area.

5 CHAIRMAN BLANE: Looking at the
6 projection on the screen now that is located on the
7 southern, I guess, the southern end of Boulevard
8 East?

9 THE WITNESS: That is correct. Yes,
10 sir. And as you can see not for anything, but our
11 client has spent quite a bit of time in developing a
12 beautiful logo with a beautiful insignia in order
13 to, again, reinforce the sense of like elegance and
14 beauty that we were trying to do when we were
15 designing this building. That didn't come just to
16 the actual design of this structure which itself is
17 very interesting, but also to the little details of
18 the actual signage as well that carries through to
19 the entire project that we are proposing on doing
20 here. In any case, on the ground floor of course we
21 are proposing parking accessible from the Kennedy
22 Boulevard side. You have ingress and egress on both
23 sides of a center lobby. On the center lobby we
24 are, of course, going to be having elevators,
25 stairs, mailbox collection area and also concierge,

1 so they will be able to ring up to people upstairs
2 on the floors upstairs, make sure that he can
3 announce themselves, leave messages either on the
4 iPhone or not. That is going to be a state of the
5 art building with all of electronics put into all
6 the units. All of the building systems as far as
7 access to the units will be key fob systems,
8 therefore the residents will have quite a degree of
9 security to getting into the garage, into getting
10 into their building, into each individual unit, into
11 getting into the storage area for the bicycles, so
12 everything will be very secure. As you can see here
13 this basically shows the P-2 level parking area.
14 This level parking is accessed from the 67th Street
15 side. You basically have two openings on the 67th
16 Street side and this is the rear opening which
17 accesses this parking area here. Again, you come in
18 you are basically ramping up and you have parking
19 spaces throughout the area. Here again you can see
20 mechanical rooms that we will be needing for the
21 building services. You will be seeing two separate
22 means of stairs and elevators, one to the rear of
23 the building and one toward the front of the
24 building. You can also see here we are going to be
25 having the refuse containing area just so that you

1 know basically we are going to be having a trash
2 chute from the floors above bringing down the trash
3 into the refuse area down here and the refuse pick
4 up will be done privately and they will actually be
5 able to have actual access to the building where
6 they will come in, wheel out the containers and take
7 them outside by this loading area they are proposing
8 on 67th Street side.

9 CHAIRMAN BLANE: Let me just ask you,
10 I am not going to make you go back, maybe I should.
11 The question regarding parking spaces, should they
12 be addressed to the traffic engineer or -- so, we
13 will just wait and the deal with the traffic
14 engineer with our questions.

15 THE WITNESS: I think what I would
16 like to do is give you an overview other than going
17 into actual details and so forth and have Mr.
18 Staiger address those because I think he is more
19 qualified than myself to do that. We will just say
20 that there is a total of 107 parking spaces that we
21 are proposing on the three floors and also three
22 handicapped spaces, one of them being a handicapped
23 accessible van space. The third floor packing area
24 again you enter through the second garage door off
25 of 67th Street again and again typical condition you

1 are going to have parking all the way throughout,
2 you go to the left or you go to the right. Again,
3 you have the two means of egress, the elevator, the
4 stairs, elevators and stairs and again your building
5 systems that you need for sprinklers, electrical --

6 CHAIRMAN BLANE: Is that a tandem
7 parking space back there?

8 THE WITNESS: Excuse me? I'm sorry?

9 CHAIRMAN BLANE: The one at the top is
10 that tandem?

11 THE WITNESS: Yes.

12 MR. LAYTON: Excuse me, where does the
13 ramp come up?

14 THE WITNESS: The ramp comes up to
15 here, right to here and then here it levels off and
16 then this ramps and this ramps down. Here you can
17 see basically a typical floor plan for the
18 residential floors 4 through 11. What we want to
19 show you here is that as you can see the apartments
20 have different layouts, different sizes, different
21 configurations, different amenities that is because
22 we wanted to be able to provide people who are
23 looking for an apartment with different things
24 depending if somebody needs a smaller apartment they
25 can have that. If someone needed an apartment

1 amount with additional larger living room, they can
2 have that as well. If someone needed and apartment
3 with a little office area, they can have that as
4 well, in order to create different apartments
5 designs for different requirements. This is not a
6 cookie cutter building. This is basically a state
7 of the art building. Each apartment is going to be
8 designed individually and it's going to have again
9 the latest technology in all of the apartments.
10 What you see here in the light blue units here this
11 is one bedroom and one bath units. All of these
12 bedrooms, you will see one bedroom, one bath, one
13 bedroom, one bath, one bedroom, one bath, one
14 bedroom, one bath. These units range from 513
15 square feet to 682 square feet.

16 CHAIRMAN BLANE: Are these rentals or
17 sales?

18 THE WITNESS: Rentals, so what we are
19 proposing on doing then is trying give a perspective
20 renter options as far as what they would like to do.
21 The units that you see here in the dark blue, these
22 are one bedroom, one bedroom with a little office
23 space so a lot of people are professionals like to
24 have their home offices and so forth. So, if
25 someone needs a space like that where they can put

1 all their things in the room as a home office, that
2 is what we set it all up. So, it's a little home
3 office area, they can put all their things inside
4 and again it gives them a nice size one bedroom
5 unit.

6 We also have two bedroom units. This
7 is the area of the building on the south side where
8 we actually extended. If you notice it is like a
9 stair step almost affect, which actually pulls up
10 and what we have is we have this wall is flanking
11 these glass enclosures in between, so it actually is
12 a very transparent, it's a very light, very airy
13 kind of space. So, this is a rather beautiful unit
14 as you can see. You basically have walls and you
15 have glass going in both directions of the living
16 room facing north and facing south. So, you have
17 beautiful views of the Boulevard. Again, now this
18 unit over here you will see you have this is two
19 bedroom, one bath. Again this has little home
20 office area as well to, but it's the same as this,
21 but it's a little smaller in size. It doesn't have
22 extravagant large beautiful extended living room,
23 but it has a nice size apartment. As you can see
24 this apartment right now is 906 square feet, so
25 that's a nice size two bedroom apartment. This

1 apartment that you see here, the larger extended one
2 is 1,200 square feet. That is a nice very airy,
3 very comfortable apartment. What we have is the
4 elevator stairs front off of the main lobby and we
5 have the other elevator stairs in the rear of the
6 building. These elevators, the stairs basically go
7 all the way down the building to the parking level
8 so that the tenants could actually come take this
9 elevator depending on whether the parking and the
10 parking area below, they can go on this elevator
11 stairs directly up or they can go, of course,
12 directly to the front elevator stairs as well.

13 What we have in the center of the
14 building too we are proposing on having different
15 amenities. One of the things that we are looking
16 for is, you know basically a lot of the people are
17 in urban settings now, they are looking for
18 amenities. Things that they have right in their own
19 building that they can access to. People move into
20 these areas because they want to have food available
21 to them and they want to be able to have access to
22 major transportation, they want to be able to have
23 the ability to go anywhere, have a car, have mass
24 transportation. So, one of the things that we are
25 trying to do is we are trying to design this to the

1 urban dweller that basically wants all those
2 amenities within where they live. So, we are
3 proposing to have these open spaces on the middle of
4 the floor that we are going to be proposing, of
5 course, having a laundry room, so they will be able to
6 do their laundry because there is no laundry in the
7 apartments themselves. There will be laundry room
8 areas. We are also going to have one of the areas
9 is going to be designated for a manager's
10 office/concierge. That they will be able to direct
11 them if they need some services, they will be able
12 to go there and ask questions for that. We are also
13 going to have a business center, so if they want to
14 be able to send something by fax or Fed Ex something
15 that somebody will be able to be there and help to
16 do things like that. Residents now will be able to
17 sit down, watch TV. If somebody comes from outside
18 they want to be able to just lounge and not be into
19 the apartment, they can bring them here and do that.

20 CHAIRMAN BLANE: Is this on each
21 floor?

22 THE WITNESS: There is one on each
23 floor, so there will be different functions
24 depending on the floor.

25 CHAIRMAN BLANE: So, each floor is not

1 going to have a laundry room?

2 THE WITNESS: That's correct.

3 CHAIRMAN BLANE: So, then there is
4 going to be like one laundry room then another, the
5 same area on another floor will be a business
6 center --

7 THE WITNESS: That's correct.

8 CHAIRMAN BLANE: Then another floor
9 will be the concierge things like that?

10 THE WITNESS: That is correct, sir.

11 CHAIRMAN BLANE: Please continue.

12 THE WITNESS: And again, of course, we
13 will have some area as well that we use for storage
14 if people need some additional storage then some
15 people have a lot of stuff, so they will be able to
16 have some areas they will be able to rent some
17 additional storage if they need to be able to put
18 their things away. We have designed a lot of
19 closets in the apartment, so there is definitely a
20 lot of room for that, but if you need some
21 additional storage you can never do without
22 additional storage. We are proposing on doing that
23 as well. One of the things I want to point out, if
24 you look on the facade of the building we are
25 designing, we have these projecting balconies that

1 come out on both sides of the building and they
2 really create a very interesting effect because what
3 you have going on here, you have the sweeping curve
4 in the front of the building then you have this
5 angular walls on the ends, then you have this punch
6 out of this open balcony punching through. So, this
7 creating a lot of movement in the facade of the
8 building, so it is not just like a plain, flat wall.
9 It creates interest. It creates light and depth and
10 shadow, so what we are trying to do is we want to
11 create an elegant building, a sexy building,
12 something that really attracts people to come and
13 come here and look at it, let me see this, let me
14 look at this. One of the main things with respect
15 to this the way this is designed as well too,
16 because it's sort of like you see the glass, but
17 it's also stepping back at different levels, so when
18 you are in the space you have the space is kind of
19 tunneling you in. It is bringing you into the
20 space, so it is very inviting again. So, that is
21 what we wanted to do. That is why the footprint is
22 not a standard square footprint that you have seen
23 everywhere. We basically have a lot of ins and outs
24 and movement throughout, not only in the front of
25 the building, but we will also have it toward the

1 back of the building, the units in the back as well
2 to.

3 CHAIRMAN BLANE: Is the dotted line on
4 the right on the eastern side, is that the property
5 line?

6 THE WITNESS: Yes, sir.

7 CHAIRMAN BLANE: That is the property
8 line.

9 THE WITNESS: That is the property
10 line. As you can see on the upper floor here, this
11 is the lot line here, the garage is lower on the
12 property line, however, we are setting back our
13 building, you know, up to over five feet here in
14 order to create a nice light and air on these units
15 as well to because we want to be able to get in
16 light and air for them as well. Now, here we go to
17 the twelve floor. This is an interesting floor
18 because here this unit here that you see here on the
19 corner and this unit here on the corner, these are
20 basically the penthouse. These are two two floor
21 units. These are duplexes. So these floors go from
22 the 12th floor up to the 13th floor themselves.
23 What we are proposing on doing here, one of the
24 things our client had indicated was that in order to
25 rent these units out the size that they are, we are

1 looking at possibly longer term lease for these
2 units and we will be able to actually design the
3 unit based on some of their specific requirements.
4 So, therefore, we would be able to provide them with
5 almost exactly what they want. What we are trying to
6 do is we want to have people have the sense of being
7 home. You want to come home, I want to put my wall
8 here. I want to put this here and these units which
9 are larger, of course have tremendous views, would
10 be able to -- the people who would come here to rent
11 these units, they will be able to say I want to do
12 this and that and that way it gives them more of a
13 sense of being home --

14 CHAIRMAN BLANE: I can solve your
15 problem in a much, much easier way. Cut off the
16 lofts, make it 12 stories and you don't need the
17 height variance.

18 THE WITNESS: There is more to that
19 than that, but additionally these units would be
20 tremendous magnificent units for the building.
21 Again these lighter blue units that we talked about
22 was basically the one bedroom, one bath units.
23 Again, you see the difference in sizes again, the
24 difference in configuration, so again they keep --
25 they are different depending on what the client is

1 going to want to require. What specific space they
2 need. What they are wanting --

3 CHAIRMAN BLANE: I guess whatever
4 floor we are looking at, correct me if I am wrong,
5 the balcony on the northeast side overhangs the
6 property line?

7 THE WITNESS: Yes.

8 CHAIRMAN BLANE: It's a little bit
9 farther than the property line?

10 THE WITNESS: That is correct.

11 CHAIRMAN BLANE: So, it overhanging
12 onto the sidewalk?

13 THE WITNESS: That is correct.

14 MR. ALONSO: Mr. Chairman, just from a
15 legal perspective, that will require a licensing
16 agreement with the County Freeholders. So, should
17 this application be approved by this board, we have
18 to go to the county planning board anyway and they
19 would also go to the County Freeholders.

20 CHAIRMAN BLANE: Nothing more to say
21 at the moment.

22 THE WITNESS: So, again you see the
23 room in the center which will be used for one of the
24 various functions that we had indicated on the other
25 floors below. Now, this is the 13th floor. And

1 this area here you will see the upper level of that
2 one unit on the lower floor and again the upper
3 level of the other unit on the other floor. Upper
4 penthouse level actually sets back and actually
5 stops short of this pocket of lights that are coming
6 out and what happens is this whole area here is two
7 story opening, so inside the space on the 12th floor
8 to the 13th it's a magnificent space. It is two
9 story springs up so it is actually a gorgeous
10 beautiful space. Again, this is a little more
11 private. This is a little more public as far as the
12 actual space below, but again you have a balcony as
13 well for the upper floor level as well here to.
14 Again, these units here are basically one bedroom
15 units that have an additional stairs with a little
16 loft upstairs. So, it is an open loft overlooking
17 the unit below, but they are still one bedroom
18 units. That area upstairs you could use it as a
19 little office, a little den, whatever they want to
20 do with it. It is an open office space, so they
21 actually look down onto the space below, so all of
22 these units that you see here will have those
23 considerations.

24 CHAIRMAN BLANE: The only units that
25 have balconies are the two end units that are facing

1 Boulevard East?

2 THE WITNESS: That is correct. If you
3 notice the orientation on the units is rather
4 northeast and southeast. Again, here what we show
5 here is we are proposing on having a fitness center
6 on the upper floor of the building here. This is
7 going to be the fitness center on the upper floor.
8 On the outside of the building this is what we are
9 going to have an outdoor roof garden, so the tenants
10 from the building can actually be able to enjoy, be
11 able to sit out here, lounge areas, somewhat
12 semi-covered open trellis area, tables and seating.
13 As you can see there is landscaping on both sides of
14 the space, just a beautiful space again overlooking
15 all of the Boulevard and you can see all the
16 detailing of the parapet. So, we have these
17 beautiful like interesting like almost like art
18 deco-ish details that we are proposing on the facade
19 of the building and you see the decking it will be
20 like a nice beautiful decking, so it is a wonderful
21 space for the tenants of the building to be able to
22 go out there and enjoy. Again, that in keeping we
23 are providing all the amenities that again the
24 people that want to live in this area need. They
25 want to have an area that they feel comfortable

1 with, go outside and relax. They can go workout at
2 the gym. They can send faxes. They can relax with
3 their family and friends in another room. It gives
4 them a lot of flexibility, a lot of options as far
5 as how they are able to live in the actual building.
6 It becomes a home. Basically it gives you
7 everything you need with convenience of basically
8 being in an urban area.

9 Some of the details that I would like
10 to show you, as you can see here in this little
11 rendering you can see the three step glass tiers
12 that we are talking about here where these basically
13 project out, it goes in and it comes out, it comes
14 in and out. So, it opens up completely. It opens
15 the entire facade. You see the balconies shooting
16 out through that, so you have a tremendous sense of
17 not only vertical movement, but horizontal movement
18 with the balconies projecting out from those spaces.
19 Again, on the other side what you have is you have
20 this nice vertical mass of a finished concrete wall
21 that we are proposing here. Again, you have these
22 horizontal balconies again creating a nice juxta
23 position between the verticality of the wall and the
24 horizontality of the balconies themselves. Please
25 make reference and note to the center of the

1 building, which is almost full height floor to
2 ceiling glass, very transparent glass. So, that is
3 one of the things that we want to do. Again, very
4 inviting facade. Very inviting front. Again, with
5 a nice two and a half story open porte-cochere. As
6 you can see it just gives it a nice air lightness to
7 the building itself. It kind of creates it and it
8 actually makes the building look a little smaller in
9 height wise. You can see some of the details again.
10 Here we are talking about before the signage. This
11 signage is part of a signage that we are proposing
12 down here in the front of the building, which is
13 going to be a cascading waterfall behind here and
14 also a reflecting pool there. On this part of the
15 building here underneath all the balconies here,
16 this is proposing the living tree wall and also we
17 have a landscaped area right in the corner here as
18 well, to. You can see on the parapet here, again,
19 little de-tones, art deco de-tones, we are talking
20 about providing here and you see again the trees
21 from the outside that are actually projecting out
22 into the edge of the building itself. Here is a
23 close-up basically of the upstairs balcony again.
24 You see the detailing of the sign again. It's a
25 beautiful sign. It is very -- took a while to

1 design, but it has a lot of recognition to it. This
2 is the interior elevation of the site. The southern
3 elevation of the site. Again, one of the important
4 things we noticed here, you see the projecting
5 balconies, how it breaks up this flat plane that you
6 see here just in elevation because in reality this
7 actually -- the movement here is forward, backward,
8 backward then it comes right back out at you, so a
9 lot of movement, again in the facade. It is not a
10 flat facade and this wall continues across here,
11 sets back again and it comes back then it comes back
12 again, so a lot of movement in the facade. So,
13 those are some of the things that make this building
14 interesting, make the units inside the building
15 interesting because they changed the size of the
16 units. They are not exactly cookie cutter straight
17 wall units. Here you get a good feel for the
18 actually 67th Street and the slope of the site
19 coming down 67th Street. Here you can see the
20 living wall that is going to be all the way up --

21 CHAIRMAN BLANE: What do you mean by
22 living wall?

23 THE WITNESS: It's basically plants,
24 it's like a vertical wall with actual live planting
25 and underneath here we have also a corner landscaped

1 area as well to. But so all of this would be green
2 and again on the other side now we have this
3 beautiful water feature and cascading waterfall too.
4 Again, we are -- basically we want to anchor the
5 building. We want to show that this is not the
6 typical building that you -- you can't find a
7 building like this anywhere up and down Boulevard
8 East, you just can't. There is no building like
9 this.

10 CHAIRMAN BLANE: What is happening --
11 let me see if I understand what is happening on the
12 northern side. That is a ramp that goes up to the
13 second and third --

14 THE WITNESS: This is the street.

15 CHAIRMAN BLANE: -- parking levels?

16 Oh, this is the street here.

17 THE WITNESS: This is the street here,
18 it comes down.

19 CHAIRMAN BLANE: Without houses?

20 THE WITNESS: Excuse me? This is the
21 street here --

22 CHAIRMAN BLANE: That is 67th?

23 THE WITNESS: That is correct. This
24 is Boulevard East and this there is a parking
25 entrance back in here and there is another one right

1 here in the middle of the building here as this
2 starts dropping down. So, there are two different
3 levels of entrances into the parking level. Again,
4 you can see the detailing. You see here basically
5 the sign of the Meridia. It is basically three
6 dimensional. Again, it is not just a flat sign. We
7 have the M behind the eridia, but it actually reads
8 as a whole to. Again, those are attention to
9 details that we were walking about, not just
10 something that you just stick something flat and
11 mount it against the wall, but something that
12 basically is interesting. People will look at it
13 and say wow, that is different. We haven't seen
14 that before. That is what we are trying to do with
15 this building. We want to make it something that
16 people come and say wow, this is something that we
17 want to see. Again, see the same sign. The same M
18 that is here, but again simplified. There is no
19 eridia. Basically just the M. That is the logo so
20 you know, you recognize it from here. You bring it
21 down to here. You tie it together.

22 As you can see here this is basically
23 a rendering of the building itself. I would like
24 you to take a note of the lighting. We have
25 lighting on the ground, so it basically lights up.

1 You have lighting in the middle of the building
2 washing up into the building itself and again you
3 get a chance to see the clear transparency of the
4 building. You can see the building on the windows
5 across the way. Here you see those three step
6 windows, those glass crystals that come around
7 flanked by the projecting balconies.

8 Q Mr. Arencibia, I am just going to ask
9 you did you review two reports one dated
10 February 21, 2012 by Remington and Vernick, the
11 engineers for the town as well as Maser's report
12 dated February 16, 2012?

13 A Yes, we did.

14 Q And those reports contain issues
15 regarding architecture, engineering, traffic and
16 parking. Correct?

17 A That is correct.

18 Q And with respect to the architectural
19 points raised in both reports, were you able to
20 revise the plans to incorporate those and file those
21 plans ten days before this meeting?

22 A No. We just got the notices two days
23 ago at 5:00 and we got one, I believe, yesterday, so
24 we didn't have enough time to respond in time.

25 Q And with respect to the issues

1 regarding architecture, do you believe that you can
2 accommodate those concerns and incorporate them into
3 the plans?

4 A I believe so, yes.

5 MR. ALONSO: Mr. Chairman --

6 CHAIRMAN BLANE: We will go one even
7 better than that. At the next hearing I assume you
8 will come back and you will explain to us exactly
9 how you are going to meet those architectural items
10 that have been complained about by our planner or
11 engineer.

12 MR. ALONSO: That is what I was going
13 to indicate to the board that Mr. Arencibia will
14 revise his plans to incorporate the concerns with
15 revised dates and we will submit them at least ten
16 days before the next hearing.

17 THE WITNESS: We did take a look at
18 that and we did not seem to think that there was
19 anything bad that we would not be able to take care
20 of in a manor that would be satisfactory to all the
21 parties involved.

22 CHAIRMAN BLANE: And of course that
23 final judgment will be ours.

24 THE WITNESS: Of course.

25 MR. ALONSO: Mr. Chairman, at this

1 time I have nothing further of Mr. Arencibia. If
2 the board has any questions.

3 CHAIRMAN BLANE: I am going to reverse
4 it. I am going to leave the board questions and the
5 planner questions maybe to the end. So, the first
6 thing that we are going to do is ask any member of
7 the public whether you would like to come forward?
8 The applicant has now presented its architect. That
9 is all it's done. Any member of the public can now
10 come forward and ask this expert witness who is the
11 architect any questions regarding this project or
12 anything he has testified on, please feel free.

13 MS. DATO: There is a lot of
14 questions. First of all what about --

15 CHAIRMAN BLANE: This time, there will
16 be other times, this time we are going to be here
17 till 10:00. Ask all the questions you like.

18 MS. DATO: First of all, it is going
19 to be close to my building. My building is over a
20 hundred years old, how could it stand everything?
21 How could it stand all this building?

22 CHAIRMAN BLANE: You mean the
23 construction --

24 MS. DATO: I have a lot of trees on
25 the building right on the sink. They will all have

1 to be taken down. I mean, did they ever ask me, the
2 one next door about this before he starts?

3 MR. ALONSO: Mr. Chairman, that is an
4 engineering question. Mr. Jennings will be able to
5 address that when he testifies.

6 CHAIRMAN BLANE: Would you --

7 MS. DATO: Could it stand all this
8 construction plus I can't stand it neither. I am
9 living next door and it is not a one-family. It is
10 a two-family. It was a three family. I have almost
11 the same property length wise. They are a little
12 longer they have and they are putting up 123 stories
13 13 and I have a two family --

14 CHAIRMAN BLANE: How many stories?

15 MS. DATO: How many? Thirteen. No
16 apartments.

17 CHAIRMAN BLANE: Units.

18 MS. DATO: Units and I have two or
19 three --

20 CHAIRMAN BLANE: I don't want to cut
21 you off, but I want you to save your energy for one
22 reason. This is not the expert that can answer your
23 question.

24 MS. DATO: Who is the expert?

25 CHAIRMAN BLANE: The attorney just

1 mentioned that the questions that you are asking
2 about construction and the like, the trees, will be
3 answered by the engineer. This is just the
4 architect. You can feel free to ask any question
5 you want and then let them tell you if this is the
6 right person, that may be easier for you.

7 MS. DATO: First of all, he says it
8 was a dump there. At one time it was not a dump.
9 He made it a dump. The gas station made it a dump.
10 There is so many high-rises all around. Do we need
11 other high-riser. And also the traffic there is
12 terrific. I cannot get out of my garage. I honk my
13 horn and honk my horn for them to stop to get out or
14 else I have would have -- be dead by now.

15 CHAIRMAN BLANE: Where do you live
16 again?

17 MS. DATO: Right next door to it.

18 CHAIRMAN BLANE: What is the address?

19 MS. DATO: 6605 Boulevard East. I
20 have almost -- I have 50 by 145.

21 CHAIRMAN BLANE: I think there are
22 people on this board that are very, very familiar
23 with that area and where you live.

24 MS. DATO: And we have to many
25 high-rises. They have taken away the view and

1 everything, the beauty of Boulevard East. I was
2 there 59 years and it was beautiful before, but now
3 it isn't.

4 CHAIRMAN BLANE: Thank you for your
5 comment.

6 MS. DATO: There is a lot of things
7 wrong. Those apartments are very little, small,
8 600 feet, square feet is small.

9 CHAIRMAN BLANE: Really?

10 MS. DATO: Yes, they are small.

11 CHAIRMAN BLANE: Then they won't be
12 able to rent them.

13 MS. DATO: Well, then what are they
14 going to have a big empty building there. Where are
15 all the balconies?

16 CHAIRMAN BLANE: The what?

17 MS. DATO: One side. Over my property
18 and where is the -- I am going to get all the fumes
19 from the cars.

20 CHAIRMAN BLANE: You're across 67th?

21 MS. DATO: I am right next door to it.

22 CHAIRMAN BLANE: You are on the south
23 side?

24 MS. DATO: Yes, right next door here
25 and there is the gas station and it used to be nice.

1 mechanically ventilated so there will be no fumes
2 that will be exhausted onto your property.

3 MS. DATO: But I will see all those
4 cars.

5 THE WITNESS: Well, the cars are
6 inside --

7 MS. DATO: How close --

8 CHAIRMAN BLANE: Excuse me, ma'am.
9 You will see cars entering and exiting on Boulevard
10 East.

11 MS. DATO: But how close is the house
12 going to be, that house to my property? That's what
13 I want to know. Where are all those balconies --
14 what about my trees and everything you say that is
15 not his problem.

16 CHAIRMAN BLANE: That is the
17 engineer's time to ask the question regarding the
18 trees.

19 MS. DATO: How close is it to my
20 property?

21 THE WITNESS: The ground floor the
22 parking is basically on the property line --

23 MS. DATO: Well, that is very close --

24 THE WITNESS: -- the building is
25 set --

1 MS. DATO: -- I have all trees there.
2 Did you notice the trees, the big trees?

3 THE WITNESS: We have not marked that
4 out, no.

5 MS. DATO: What are you going to do
6 with those trees?

7 THE WITNESS: We will have to deal
8 with that --

9 MS. DATO: Oh, well, when they are
10 building they are going to build it down.

11 CHAIRMAN BLANE: Are the trees on your
12 property or their property?

13 MS. DATO: On my property, but they
14 are overlooking. They are big, big. They are over
15 50, 60 years old, 60 years. They are beautiful. It
16 is beautiful there.

17 CHAIRMAN BLANE: So, the trees on your
18 property overhang onto the other -- the northern
19 property.

20 MS. DATO: They will all have to be
21 cut on one side, yes, and I can't take those fumes
22 and building, I don't think the building could take
23 it.

24 CHAIRMAN BLANE: You don't think the
25 building could take what?

1 MS. DATO: All this construction.

2 CHAIRMAN BLANE: That is for the
3 engineer to answer.

4 MS. DATO: After all there is oil
5 underneath and everything and all that is stuff
6 coming up and all that -- that is dangerous to me.
7 I can't take that.

8 CHAIRMAN BLANE: If that is the case
9 then the board doesn't want to approve this and that
10 is for an environmental engineer to answer.

11 MS. DATO: Is there an environmental
12 engineer?

13 CHAIRMAN BLANE: There will be.

14 MS. DATO: There will be?

15 CHAIRMAN BLANE: That is what they
16 said.

17 MS. DATO: I have to wait until he
18 comes?

19 CHAIRMAN BLANE: I don't know how any
20 of your questions are going to be answered. I mean,
21 I can't answer them. I'm not an environmental
22 expert. If I were I would answer them.

23 MS. DATO: If I knew the name I would
24 call him up. I could call him up and ask him the
25 question.

1 CHAIRMAN BLANE: I think it is more
2 important for him to testify under oath so you have
3 answers that you can rely on.

4 MS. DATO: I have a lot of questions
5 to ask everybody.

6 CHAIRMAN BLANE: That is fine. Do you
7 have any --

8 MS. DATO: Don't you think they should
9 have heard first when they started this come to the
10 house right next door and talk it over and see?

11 CHAIRMAN BLANE: Well, let me tell you
12 how this progressed really. It's been very quick.
13 There was an initial application that hung around
14 for a long time, I think.

15 MS. DATO: Yeah, but it was denied.

16 CHAIRMAN BLANE: No, it wasn't denied.
17 It really didn't progress is a better way of putting
18 it, then I would say within the last couple of
19 months maybe, this application emerged by a
20 different applicant than the first one.

21 MS. DATO: Well, I got the letter like
22 two or three days before. I didn't even see the
23 plans.

24 CHAIRMAN BLANE: There are a lot of
25 other people that you could ask -- do you have any

1 more questions of this expert? If not --

2 MS. DATO: I think it is ridiculous
3 all these high-rises -- first of all, I think it is
4 ridiculous. To many high-rises. It's a very
5 popular -- and also there is a wind tunnel over
6 there. It is very windy. I can't go out when it is
7 windy like that no more.

8 CHAIRMAN BLANE: I can tell you I live
9 in a building that has a tremendous wind tunnel
10 effect.

11 MS. DATO: Yeah, well, that's right
12 there.

13 CHAIRMAN BLANE: I live a little
14 south.

15 MS. DATO: Any person will be knocked
16 down over there. And the traffic is very bad. If
17 you want to see it, come to my place.

18 CHAIRMAN BLANE: They are going to
19 have a traffic engineer, so you can ask him those
20 questions.

21 MS. DATO: Now the traffic engineer.

22 CHAIRMAN BLANE: Thank you, ma'am.

23 MS. PUERTO: I am directly across the
24 street so I know your beautiful trees because I see
25 them. I'm not sure what the process is. I wrote

1 down a bunch of things while you were talking, so I
2 will see if there is a question -- there are some
3 questions --

4 CHAIRMAN BLANE: I am going to make
5 this process very easy because we want everybody to
6 have a chance to ask whatever questions they want.
7 That is important to this board, so what we are
8 going to do is we are going to let people ask
9 whatever questions they want. That doesn't mean --

10 MS. PUERTO: They will be answered
11 or --

12 CHAIRMAN BLANE: -- that they will be
13 answered by the witness that is standing in front of
14 you. In other words if a question is for an
15 engineer --

16 MS. PUERTO: No, it's all pertaining
17 to his testimony.

18 CHAIRMAN BLANE: Like the last woman,
19 the last person, if the question relates to an
20 engineer, the attorney will tell you. If it relates
21 to the architect, the architect should be able to
22 answer the question. Please continue.

23 MS. PUERTO: My name is Rose. I live
24 at the Versailles, which is directly across the
25 street. I just made some comments and I'll try to

1 speak loud. You had mentioned usually that the area
2 is zoned for -- it is not zoned. It is one of the
3 only areas not zoned high density. Everything else
4 is high density so this is medium density zoning?

5 THE WITNESS: That is correct.

6 MS. PUERTO: My understanding, and I
7 don't fully understand the zoning ordinances, but if
8 it is zoned for medium density, it is for a reason I
9 would have thought. Why are you proposing to change
10 that to a high density and is that acceptable; is
11 that appropriate?

12 MR. ALONSO: Mr. Chairman, that's a
13 planning question that Mr. McDonough will be able to
14 testify to.

15 CHAIRMAN BLANE: What the attorney is
16 saying is that the planner will justify the height
17 variance that you are talking about.

18 MS. PUERTO: Okay. There are a few
19 things that I'm going to comment, and again, I don't
20 know who is the appropriate person. You had
21 mentioned your opinion was that a 13 story high-rise
22 would fit in. And again then I go back to one of
23 your later comments where you described a lot of
24 movement in the building and I mean it's a nice
25 design, so I do compliment you. I am not so sure

1 that it really does fit into that area. You clearly
2 know the area, you guys live there, but no, I mean,
3 that is just my opinion.

4 CHAIRMAN BLANE: Let the record show
5 there was thunderous clapping.

6 MS. PUERTO: But just my opinion it is
7 lovely, but I would see that somewhere else. I
8 don't know that it does fit into that area.

9 THE WITNESS: I agree with you in that
10 respect. I think it is much nicer than what we have
11 in the area, but that is what we are trying to do.
12 We are trying to create something here that is
13 different. Something here to make everybody proud
14 of West New York. Have something here that say wow,
15 this is the development that we should be going in
16 this direction throughout West New York not just
17 boxes are made because, these are the old state
18 standards. We want to show something that this is
19 what we can actually do here. So, I agree with you,
20 this is much nicer.

21 MS. PUERTO: No, I understand that.
22 We live across the street. It's kind of a flat
23 building you know how the area looks and I think
24 that you are in a tough spot because while you want
25 to build something that attractive, I think it does

1 have to fit in that is part of the ordinance. That
2 is part of what the community is saying. So, that
3 is just my opinion.

4 MR. ALONSO: If I can just follow that
5 up. Would you prefer a 13 story flat building?

6 MS. PUERTO: No, no. I would prefer a
7 structure that fits in, that is not something that
8 is trying to be pushed into that spot. When I read
9 the document and they were recently filed, as most
10 of you do, you work during the day and I am trying
11 to review as quickly as I can, so I'm sorry that I'm
12 not prepared, but it seems that you are trying to
13 stuff as much in there as you can and while it's
14 beautiful, it is not the place for it, but again, I
15 don't know, so I would prefer a beautiful structure
16 that fits and maybe is the right size or the
17 appropriate size, that is what I am saying.

18 CHAIRMAN BLANE: And what would that
19 mean to you?

20 MS. PUERTO: I would have to see it.
21 It's like you have to see it to --

22 CHAIRMAN BLANE: Well, how about if it
23 were 12 stories instead of 13?

24 MS. PUERTO: I don't know. Not if it
25 was --

1 CHAIRMAN BLANE: Excuse me.

2 MS. PUERTO: Well, you are talking
3 height, not necessarily --

4 CHAIRMAN BLANE: That is all I'm
5 talking about. I am starting off with height.

6 MS. PUERTO: No. If you shrank that
7 building down and it was as wide and it was, as full
8 in that spot, I don't think so. I don't think so.
9 You know when I look on the Boulevard -- and the
10 other thing I was going to make mention is the spot,
11 the area on the Boulevard because, again, I live in
12 that area, it is a very, very narrow street. There
13 is nowhere that I can think of on the Boulevard
14 where you see two large opposing buildings. It is
15 esthetically not attractive, so I mean if you drive
16 up along all the way up to Hudson County Park and
17 you come down to 60th Street, there is no two
18 opposing buildings in a narrow spot like that, which
19 doesn't make it attractive. So, I am saying the
20 bulk, the size of it.

21 CHAIRMAN BLANE: When you say opposing
22 you are talking about across from each other as
23 opposed to side by side?

24 MS. PUERTO: Exactly. Glass, you
25 mentioned, which again I think is nice. There is

1 the glass, the two bedroom unit has glass windows,
2 are they going to be looking directly at me?

3 THE WITNESS: At your unit.

4 CHAIRMAN BLANE: I have been told that
5 they are all going to have telescopes.

6 MS. PUERTO: They are not going to see
7 a lot. There is not a lot going on but -- so, it's
8 the glass, which is a great idea, but again you have
9 a building that is really pretty close-up right
10 opposite. Have you been to the Versailles building?

11 THE WITNESS: Oh, sure.

12 MS. PUERTO: Have you been in one of
13 the apartments to see it from up there?

14 THE WITNESS: Years ago, many, many
15 years ago.

16 MR. PUERTO: You are welcome to come
17 over and take a look and you will see exactly what I
18 mean. I am on the 12th floor.

19 THE WITNESS: Are you facing west?

20 MS. PUERTO: I face the Exxon, so I
21 do, I see her trees. I see what she is talking
22 about and it's beautiful. It would be really sad I
23 think to lose that. You said that the urban
24 dwellers, people come to the area, they want to have
25 their car. They want mass transportation. For

1 anybody here who goes to New York I have seen
2 deterioration over the last seven years in the mass
3 transportation. They are going to be in for a
4 really sad wake up call because New Jersey Transit
5 is overburdened. There are so many developments in
6 the area, not only on Boulevard East, but we have
7 five more developments on River Road within a mile
8 stretch going up more and more people, it is really
9 taxing our system. Rush hour you are standing if
10 you get on a bus. I mean, this is what I go
11 through. It's a subtle decline in the quality of
12 life which is my experience.

13 MR. ALONSO: Mr. Chairman, with
14 respect to that issue again, Mr. McDonough as a
15 planner would testify to it. Mr. Staiger as a
16 traffic engineer will testify.

17 MALE AUDIENCE MEMBER: But he put it
18 in his presentation.

19 MS. PUERTO: It's just a comment.
20 That is fine.

21 MALE AUDIENCE MEMBER: He should been
22 able to answer what is in his presentation.

23 CHAIRMAN BLANE: He said he was giving
24 an overview. Did you put traffic engineer and
25 planner next to that?

1 MS. PUERTO: I did. May I ask is it
2 possible for us via e-mail to get a copy of the
3 color picture. The last architect at the last
4 hearing was kind enough to provide that. That we
5 could actually get a --

6 THE WITNESS: He was a really nice
7 architect.

8 MS. PUERTO: He was really nice, but
9 he also had a beautiful building, but it wasn't
10 right for that spot. Can we get a copy from you?

11 CHAIRMAN BLANE: Which picture are you
12 talking about?

13 MS. PUERTO: The last hearing. The
14 last building that was proposed on this site.

15 THE WITNESS: I don't know that. It
16 wasn't us.

17 MS. PUERTO: No, it wasn't you. There
18 was a young --

19 CHAIRMAN BLANE: How long ago was
20 that?

21 MS. PUERTO: You were there. I said
22 hello to you.

23 MR. LEMANOWICZ: Mr. Chairman, that
24 was the first meeting I attended. We had an issue
25 with the --

1 MS. PUERTO: October.

2 CHAIRMAN BLANE: I thought it never
3 started?

4 MR. LEMANOWICZ: It never started,
5 correct.

6 CHAIRMAN BLANE: The hearing never
7 started.

8 MS. PUERTO: No, we had -- right, but
9 he had the picture up and I said well, can I get
10 that to show people? He said I would love to show
11 people how beautiful it is going to be.

12 CHAIRMAN BLANE: Then sent that to
13 you?

14 MS. PUERTO: Yeah.

15 CHAIRMAN BLANE: Now you are asking --

16 MS. PUERTO: If we would have a copy.

17 CHAIRMAN BLANE: Of what?

18 MS. PUERTO: Of the color picture, the
19 portrayal of the building.

20 CHAIRMAN BLANE: That is what I am
21 asking, which one? The first one?

22 MS. PUERTO: I want to see what the
23 picture looks -- the model of the building --

24 CHAIRMAN BLANE: Well, let's see if
25 they can get back to it. I want you to identify --

1 (Multiple inaudible voices.)

2 MS. PUERTO: Anything that depicts the
3 building and its surrounding -- do you have anything
4 that shows the surrounding properties is also
5 helpful because then the residents who live across
6 the street at the Halifax, at the Versailles, her
7 home, we can see what it really will look like.

8 MR. ALONSO: Mr. Chairman, I am going
9 to have to review this with my client because
10 normally that is not the process. Normally
11 everything gets filed with the board. The residents
12 are welcome to come before the board and see them
13 downstairs in the clerk's office --

14 CHAIRMAN BLANE: Well, let me do
15 this -- I'm sorry. I didn't mean to cut you off.

16 MR. ALONSO: They come down and see
17 the plans at the clerk's office or come to the
18 board, but we can't just start every time someone
19 requests something start e-mailing documents, plans,
20 reports.

21 CHAIRMAN BLANE: I am suggesting that.
22 I am suggesting you get one picture.

23 MS. PUERTO: Can I ask them to help me
24 pick the picture?

25 CHAIRMAN BLANE: Put the list of

1 pictures up again.

2 MS. PUERTO: Which would you feel you
3 would best want to show the residents to represent
4 your work that is the final product?

5 CHAIRMAN BLANE: That's a good
6 question. In other words, if you had one picture
7 that she is going to show the residents to attempt
8 to convince them --

9 THE WITNESS: I am just in love with
10 all of them. It is very hard. They are like my
11 kids, you know. I can't say well I like you better,
12 no, I don't like you.

13 CHAIRMAN BLANE: Trying to be helpful.

14 MS. PUERTO: The finished product,
15 what do you have as a finished product? Do you
16 think that's --

17 THE WITNESS: That would be good.

18 MS. PUERTO: May we have -- may we get
19 a copy of that one?

20 THE WITNESS: What I will do --

21 MS. PUERTO: I will give you my
22 business card.

23 THE WITNESS: Please do that and I
24 will have to contact my client and see how he wants
25 to be able to handle that. Whether he does that or

1 maybe we can give you access somehow maybe here in
2 the building department or something to that effect,
3 but we will make some type of arrangements.

4 MS. PUERTO: All right, thank you. I
5 will give you a card then. And then my final,
6 because I am going to get off, I'm sorry. The
7 final, my final question is lighting. You mentioned
8 that there was going to be lighting going up the
9 building?

10 THE WITNESS: Just wash from those
11 little --

12 MS. PUERTO: It is not going to be
13 very bright? My bedroom faces that way.

14 THE WITNESS: No, no, no --

15 FEMALE AUDIENCE MEMBER: Will it go
16 off at night?

17 MS. PUERTO: No, it's on at night.

18 FEMALE AUDIENCE MEMBER: Will it be
19 illuminated 24 hours?

20 THE WITNESS: The light will be, of
21 course, on time clocks.

22 MS. PUERTO: That's all I have, thank
23 you.

24 CHAIRMAN BLANE: Thank you. We are
25 having a little bit of a problem with the

1 stenographer because in the middle of everything
2 people are making comments or yelling questions from
3 audience and she can't handle both the testimony up
4 here that she wants to take down and the comments
5 and statements from the audience, so I would just
6 ask you to refrain for her sake. Yes, ma'am.

7 MS. WALKER: My name is Jo Walker. I
8 live at the Versailles at 6600 Boulevard East. So,
9 I am going to try to keep my sort of comments to a
10 minimum because I am going to be honest, I am kind
11 of really honest. I don't like the building very
12 much. I think it is really out of character with
13 the neighborhood and especially materially
14 completely out of character with the neighborhood.
15 I don't think there is an art deco building anywhere
16 in the neighborhood, if those details are art deco,
17 never mind that is my personal opinion. I have a
18 few questions though. One of the biggest questions
19 I have is that in this neighborhood we have a lot of
20 elderly folks that have lived in the neighborhood a
21 really long time. They take their little carts.
22 They walk to the supermarket on Park Avenue. There
23 is a lot of pedestrian activity in the neighborhood,
24 particularly up the small side streets to get to
25 Park Avenue. There is not a single facade of your

1 building that doesn't have cars potentially
2 penetrating through it. In particular on 67th
3 Street which is quite steep and already difficult
4 for our neighbors to negotiate. I don't understand
5 how you think that penetrating the building for cars
6 driving through in three locations on the facade of
7 your building is a good idea for the neighbors that
8 live in the neighborhood.

9 THE WITNESS: It is actually two on
10 67th --

11 MS. WALKER: You have two holes -- two
12 entrances, two separate parking entrances on 67th?

13 THE WITNESS: Yes, ma'am.

14 MS. WALKER: And you have two
15 entrances on Boulevard east. You drive in, you
16 drive out. Those are cars coming two ways.

17 THE WITNESS: Well, yes, ingress and
18 egress.

19 MS. WALKER: That is correct, but that
20 is essentially two holes for cars to go in, cars to
21 come out.

22 THE WITNESS: Yes.

23 MS. WALKER: That is four openings on
24 a relatively small site. It is much more car
25 friendly than it is pedestrian friendly. And I

1 think in our neighborhood that is not a very good
2 thing. I really strongly object to that.

3 CHAIRMAN BLANE: Do you know what,
4 next to that comment why don't you put traffic
5 engineer because when the traffic engineer comes up
6 you are going to ask him to explain it.

7 MS. WALKER: One question, can I ask
8 the board a question. The architect has a
9 consultant that are working. The architect has his
10 consultant, traffic engineer.

11 CHAIRMAN BLANE: Those are the
12 applicants.

13 MS. WALKER: I work in this industry
14 and I know very well that all things are not
15 necessarily said in all reports by all persons, so I
16 am wondering is the city or town going to commission
17 any of their own traffic reports, for example?

18 Their own environmental impact report to evaluate --

19 CHAIRMAN BLANE: Probably not. I will
20 explain to you why we have an engineer's report
21 which is very thorough. We have a planner's report
22 which is also very thorough. As you saw the
23 architect is not prepared to answer either one of
24 those reports at tonight's hearing. He will have to
25 do it at the next hearing. The other thing -- what?

1 MS. WALKER: Are those reports part of
2 public record, can we see them?

3 CHAIRMAN BLANE: I believe they are.
4 Another thing that you should realize is this is a
5 quasi judicial body, which is very important. We
6 are essentially like judges. What that means is we
7 can give whatever weight we want to any expert's
8 testimony. We do not have to accept the validity of
9 any testimony merely because somebody is an expert.
10 There are a lot of people on this board that are
11 very familiar with your location. Some of us maybe
12 even have a relative or two that lives in your
13 building. Be that as it may, that feeds into our
14 judgment as quasi judicial hearing officers.

15 MS. WALKER: Okay, that is great. I
16 appreciate that. I am concerned also, and this is
17 maybe something that you haven't thought about, I
18 live on the west side of the building. I overlook
19 the Hudson River.

20 THE WITNESS: East side.

21 MS. WALKER: I'm sorry, the east side
22 and I overlook the Hudson. Your building. The
23 glazing on your building is facing east. It's
24 facing that direction?

25 THE WITNESS: Yes.

1 MS. WALKER: I am going tell you that
2 the glare at certain times of the day into those
3 windows is almost -- it's virtually blinding. It
4 was surprising to me when I moved into the building
5 how long that light is, and that light depending on
6 what the finish is that you have on your glazing is
7 going to reflect directly into every single
8 apartment on the buildings that are across the
9 street. I don't know if you have done any lighting
10 studies or any reflection studies, but it's light
11 pollution in the worse possible way. So, I would
12 recommend if you haven't done that take a look at
13 that. It's not only about the material of the
14 glass, but how the glass -- because I am telling you
15 it is really bad.

16 THE WITNESS: We are aware of that. I
17 used to live in the Stone Hench myself facing the
18 east, so I am well aware of it.

19 MS. WALKER: What have you done in
20 terms of the glass --

21 THE WITNESS: We will be designing a
22 glass that does not that type of effective quality,
23 but that will be, of course down, the line, if we
24 ever get this application approved. So, I mean
25 there are many different types of things you could

1 do with glass these days. It is incredible. Of
2 course we are trying to pursue a LEED certification
3 for this project, therefore, we need to be able to
4 have energy saving windows and so forth so there
5 will be -- there are a lot of things that we will be
6 doing in order to -- again, this building is not a
7 standard building where you can find a window from
8 the grocery next door. We are going to design this
9 building with the best ingredients and the best
10 elements that we can actually come up with.

11 MS. WALKER: Until it gets -- I think
12 that is great and I think your intentions are
13 wonderful. But I also know new real estate
14 construction in the New York area and I know what
15 happens when budgets and intentions don't meet.

16 THE WITNESS: We have no budget.

17 MS. WALKER: Exactly. That is all I
18 have to say. I thank you very much.

19 MR. BREAKSTONE: I am going to go over
20 some territory that a few people inquired about, but
21 I just want --

22 MULTIPLE AUDIENCE MEMBERS: Louder.

23 MR. BREAKSTONE: I am going to go over
24 some territory that a few people already inquired
25 about, it's obviously a major concern to the people

1 that live in the neighborhood. At the beginning of
2 your discussion/presentation you said that this
3 building would blend in in the community --

4 MULTIPLE AUDIENCE MEMBERS: Louder.

5 MS. BREAKSTONE: You said that the
6 building would be blending in with the neighborhood,
7 with the look of the neighborhood. How do you
8 justify that?

9 THE WITNESS: I don't know if I said
10 that. I said it was size wise and scale wise
11 basically it is going to be fitting with the area.
12 All of the areas, all the zones adjacent to it is
13 zoned for 12 stories. We are at 13 stories. So, we
14 are not that apart from what is actually already
15 allowed in all of the lots across the street and
16 adjacent to us. So, that is what I was referring to
17 when I was saying it would blend in because
18 basically it almost matches exactly what is allowed,
19 as far as height wise. So, that is what I was
20 referring to. If I said blend in, I don't believe I
21 said that --

22 MR. BREAKSTONE: You did, but actually
23 that was literally --

24 THE WITNESS: Our building does not --
25 our building is a beautiful structure. Many

1 buildings in the area have not even been up-kept for
2 many, many years. So, our building is going to be a
3 state of the art building with modern safety
4 elements, glazing, finished materials of the best
5 quality. That is what we are proposing on doing
6 here.

7 MR. BREAKSTONE: In other words, you
8 would say that it really is way, way beyond what we
9 would consider conforming to the look of the
10 neighborhood?

11 THE WITNESS: I think it is a much
12 more attractive building, yes.

13 MR. BREAKSTONE: And what exists in
14 the neighborhood?

15 THE WITNESS: That is correct, yes. I
16 think that is pretty clear.

17 MR. BREAKSTONE: I would say that the
18 building that you are proposing is absolutely in
19 stark opposition to the community standards.

20 CHAIRMAN BLANE: We are not having an
21 argument. You are allowing you to make general
22 comments at end when all the witness's questions are
23 done. This is the period to ask the witness
24 questions.

25 MR. BREAKSTONE: Fair enough. I just

1 wanted to express my surprise at your comment that
2 it blended in when I was wondering --

3 CHAIRMAN BLANE: The board will take
4 judicial notice that the architect expert admitted
5 that he misspoke if he, in fact, said those words.

6 MR. BREAKSTONE: Okay. Your design on
7 this lot requires basically maybe more than 20
8 variances, so in effect, it is in opposition to more
9 than 20 local housing and zoning ordinances.

10 THE WITNESS: I think that is
11 something you should take up with the planner when
12 the planner is going to do his presentation.

13 MR. BREAKSTONE: Okay, we will take
14 that up with the planner then. Do you have a copy
15 of the filing that was submitted to the Board of
16 Adjustment on February 3rd? It says literally
17 application for variance form, the terms of the
18 articles in sections of the zoning ordinance of the
19 Town of West New York, Hudson County, New Jersey.

20 THE WITNESS: I don't know what you
21 are referring to.

22 MR. BREAKSTONE: It was filed with
23 this board. I have a copy of it right here on
24 February 3rd. I can give a number.

25 MR. ALONSO: Maybe if you show the

1 witness the document he may be able to recognize it.

2 MR. BREAKSTONE: I would be happy to.

3 THE WITNESS: This was part of the
4 application, but I did not fill this application
5 out.

6 MR. BREAKSTONE: So, who would I have
7 to --

8 CHAIRMAN BLANE: Oh, you mean this?
9 That looks like it's the Board of Adjustment.

10 MR. ALONSO: It is the application.

11 MR. BREAKSTONE: So, do I ask
12 questions to the board itself on this or who should
13 I address?

14 CHAIRMAN BLANE: What is the question?

15 MR. BREAKSTONE: My question is if you
16 take a look at number 12.

17 MR. ALONSO: Mr. Chairman, before we
18 go any further the architect testified that he did
19 not prepare the application. He is not familiar
20 with the application and he can't answer the
21 question as to the application.

22 CHAIRMAN BLANE: As the chair I am
23 just curious about the question. I understand that
24 it can't be answered at the moment.

25 MR. BREAKSTONE: Hopefully, we can

1 determine who can answer the question.

2 CHAIRMAN BLANE: We can't unless we
3 know what the question is.

4 MR. BREAKSTONE: Exactly, so here's
5 the question finally. We have a lot size as being
6 less than 100 feet by less than 120 feet and yet
7 that sort of the math is giving us an area in excess
8 of 13,000 feet. By my math that area should be less
9 than 12,000.

10 CHAIRMAN BLANE: I think that was
11 pointed out, quite frankly, in one of the reports,
12 either the planner or the engineer. So, somebody
13 will have to deal with that.

14 MR. GARCIA: Our engineer actually
15 brought that up in our report.

16 CHAIRMAN BLANE: It is on our
17 engineer's report, so at the next meeting when the
18 applicant's experts are ready to deal with the
19 zoning board engineer's and planner's reports, that
20 is when it will have to be answered. I saw that
21 already, and number two, that is a variance that is
22 being asked for also, once you get the correct
23 number.

24 MR. BREAKSTONE: In your design there
25 is 123 units; is that right?

1 THE WITNESS: Yes.

2 MR. BREAKSTONE: And there is 107
3 parking spaces?

4 THE WITNESS: That's correct.

5 MR. BREAKSTONE: I took an informal
6 survey in the building where I live among 25 of the
7 residents and those residents have ownership and
8 they keep 48 cars on the streets. How do you
9 justify 107 parking spots for 123 units when we do
10 our math we are sort of coming up with in excess of
11 maybe 200 cars for that building.

12 MR. ALONSO: Mr. Chairman, that is
13 planning and traffic question.

14 CHAIRMAN BLANE: The other thing I
15 would also tell you is that there are certain
16 requirements in state law.

17 MR. BREAKSTONE: They are also asking
18 for a variance on parking spots.

19 CHAIRMAN BLANE: Of that size, not
20 number, 107 is the minimum.

21 MR. BREAKSTONE: We have to bring this
22 up though with the traffic person. Anything related
23 to vehicles and the planner with the planner
24 regarding parking spaces, size, things like that and
25 number.

1 CHAIRMAN BLANE: Sure.

2 MR. BREAKSTONE: You as an architect
3 don't really take anything into account as far as
4 the impact on the community?

5 THE WITNESS: That would be more the
6 planner.

7 CHAIRMAN BLANE: That would be the
8 planner.

9 MR. BREAKSTONE: Okay, we will be
10 back.

11 CHAIRMAN BLANE: I hope so. Yes, sir.

12 MR. BORDEN: I am Doug Borden. I am
13 in 6600 Boulevard East. I just want to ask a couple
14 of questions. The building is beautiful I have to
15 say. Have you done any buildings --

16 CHAIRMAN BLANE: Would you do me a
17 favor, would you stand over there on the other side
18 of the rail because that way your voice could be
19 heard by the people behind you, otherwise -- before
20 you had your back --

21 MR. BORDEN: But I can't because I am
22 in the way of the light and I want to point
23 something out.

24 CHAIRMAN BLANE: Just step back.

25 MR. BORDEN: I want to know if you

1 question, it's probably not --

2 CHAIRMAN BLANE: Please ask it and let
3 them tell you.

4 MR. BORDEN: Since these are rental
5 units now, does this city allow for this building to
6 be converted into residential for sale?

7 MR. ALONSO: I can answer that. West
8 New York wouldn't have jurisdiction over that. That
9 goes to the Department of Community Affairs.

10 CHAIRMAN BLANE: I think the question
11 is can a residential building ever be converted into
12 a co-op or condominium?

13 MR. ALONSO: Yes.

14 CHAIRMAN BLANE: The answer is yes.

15 MR. BORDEN: And is there a timeframe
16 that the town has to make a decision?

17 CHAIRMAN BLANE: This is the state.
18 The state gives the approval.

19 MR. BORDEN: In a couple years
20 presumably this could actually be converted into
21 units for sale?

22 CHAIRMAN BLANE: Possibly.

23 MR. BORDEN: And I have to concur with
24 you as well, I do think that this building will
25 create a lot of depth and a lot of shadows,

1 especially on our building, anybody under 12 stories
2 and one other thing, is the town actually zoned, is
3 that the accurate zoning, 12 stories high?

4 CHAIRMAN BLANE: That is my
5 understanding.

6 MR. BORDEN: I just want to point out
7 on this a little bit, I thought this was a
8 little bit -- the way this picture is, I think it's
9 a little bit disingenuous. I think you represented
10 to everybody that it kind of fits in with the way,
11 correct me if I am wrong, the way the buildings are
12 situated next to each other. It kind of blends in
13 in terms of the height?

14 THE WITNESS: What I was pointing out
15 is that you have basically mixed high-rise, mixed
16 buildings and you have some high-rise buildings on
17 both sides of the street and that is what I was
18 pointing out.

19 MR. BORDEN: Okay, I would disagree to
20 some extent because the picture is a little weird
21 the way it is taken because this actuality this is a
22 very -- this is a wide area right here, number one.
23 This is actually off to the left of these buildings
24 and this building right here, which is the Halifax,
25 which is only five stories, six stories, that is

1 also off to the right of this building. In this
2 picture it looks like it is right behind this
3 building, it is not. It is really right to the
4 right of it, so that creates a lot of open space
5 here. This creates a lot of open space here. If
6 you look at this building here, which is -- I am not
7 sure the name of that building, and also you have
8 the little house here, then you have this building
9 here, which is I think five stories -- the Harbor
10 that is also to the left of this building, so if you
11 continue down here and this is what six and five and
12 one story and this is I think about six stories as
13 well and if you continue here that is when you see
14 the increase in height --

15 THE WITNESS: Actually that is over
16 ten stories that building.

17 MR. BORDEN: That is what I am
18 saying -- which one?

19 THE WITNESS: The one up there.

20 MR. BORDEN: This one here?

21 THE WITNESS: Yes.

22 MR. BORDEN: Once again it is off to
23 the left, you have a lot of open space.

24 THE WITNESS: That wasn't the point I
25 was making.

1 MR. BORDEN: I am making that point.
2 My point here is that this one is 12 stories high
3 and if you continue south, you will see the Tower
4 West and once again across from Tower West there is
5 nothing over five stories there and that is a very
6 wide area around Tower West. We don't have anything
7 to show, so I can't prove that to you right now
8 because I don't have those pictures, but what I am
9 saying is I disagree that it does go with how
10 everything else goes throughout the town, and that
11 is probably why this is not zoned for medium or high
12 density construction. That is all I wanted to say.

13 CHAIRMAN BLANE: Thank you very much.

14 MR. FEDORKO: I will be brief. I
15 think everyone has kind of covered some of my
16 questions. When you designed the building, you had
17 someone do the zoning analysis, the planner; is that
18 right?

19 THE WITNESS: Combination. We
20 designed it with the zoning in mind, yes.

21 MR. FEDORKO: So, you had a zoning
22 analysis to determine the design of the building.

23 THE WITNESS: Yes.

24 MR. FEDORKO: So, you had the zoning
25 analysis that determined basically the size of the

1 building that you designed?

2 THE WITNESS: We had the information
3 of what the zone would permit and based on the
4 criteria between my client and ourselves we came up
5 with a design for the building that would satisfy my
6 client's criteria and also try to accommodate the
7 zoning to as close to a degree as possible.

8 MR. FEDORKO: With 20 variances?

9 THE WITNESS: That is correct. That
10 is why we are here. If there were no variances we
11 wouldn't be here.

12 MR. FEDORKO: I am very
13 uncomfortable -- I guess these questions are for the
14 planner, however, I am really uncomfortable with 20
15 variances for a building. The signage allowed is
16 six square feet I think you have 200 square feet.
17 That is 400 percent more than is required.

18 MR. ALONSO: Mr. Chairman, if he is
19 going to go through the list of variances, he should
20 save that for the planner.

21 MR. FEDORKO: I am just saying that if
22 you are given the criteria to design the building, I
23 think you should try to stay within the laws of
24 local ordinances to try to at least adhere to as
25 many ordinances as possible. Here you are looking

1 for 20 variances. I think it is excessive. I just
2 wanted to let you know that. I am in favor of
3 responsible development, but this is just very
4 excessive in terms of variances that you are
5 requesting so --

6 CHAIRMAN BLANE: The planner is going
7 to have to answer your question. Thank you.

8 MR. FEDORKO: Okay, thank you.

9 CHAIRMAN BLANE: Yes, sir.

10 MR. EVANS: My one comment is I
11 studied architecture and done a little planning, so
12 I understand the challenges of proposing a project
13 and also the public negotiating process that
14 actually sort of, hopefully, everybody gets a little
15 and gives a little and in the end everybody, you can
16 get a project and the neighbors can be happy. The
17 one thing that I noticed of all of the conflicts
18 that seem to come up with the project, is actually
19 part of the problem is the constraints of the site
20 and putting all those units in that building on a
21 side street that is very narrow. There is a lot of
22 traffic. There is a lot of pedestrians that are
23 crossing to two bus stops. There is no striping on
24 the street. It's a really busy place, but I think
25 the most -- to me the most egregious problem that is

1 presented by the number of units is the fact that
2 you have got to put all those cars in the garage and
3 you have got three levels of parking that basically
4 front the street. The solution that you came up
5 with is elegant in some ways for the building, but
6 it's not elegant for the neighbors. In fact, we are
7 facing a porte-cochere, a dark space and a lot of
8 traffic, as other people have said going in and out.
9 Now, I think this is a problem. Parking can't go
10 underground. It is too expensive to do. You are
11 asking for less spaces or more spaces that are
12 required, that is going to be another issue, but
13 there is something about the elegance that you say
14 that you are conveying with the building that
15 actually to the neighbors or people that walk the
16 Boulevard who actually see the fronts of everybody
17 else's building they are going to see the cars at
18 this building and they are going to see a barrier
19 between them and whatever the building is and you
20 have got a three story dark space that privatizes
21 very much something that in some ways it may not be
22 the most sophisticated design in New Jersey or
23 anywhere, but it actually has a sort of
24 accessibility for the people who live on the street.
25 People see their front door. There is a little bit

1 of landscaping. It belongs to the street as well as
2 to the people in the building itself and you are
3 claiming to have the most elegant, better than
4 everybody else building in the neighborhood, but in
5 fact, you have made it the most private, the most
6 separate and it doesn't belong to the street. It's
7 constrained to belong to it and I think those are
8 the challenges and I think that is probably what
9 this whole process will perhaps help mediate in some
10 way.

11 CHAIRMAN BLANE: Thank you very much.
12 Yes, ma'am? Are you going to use the
13 pictures?

14 MS. ORLANDO: Yeah. Actually, if you
15 could just bring up the one where you have the big
16 -- what was it an M or a W. The red one. I would
17 just -- I have a few comments. I have heard what a
18 lot of people have had to say and while I might be
19 repeating some concerns that have previously been
20 expressed, I feel compelled to reiterate them so I
21 apologize in advance if you feel that I am
22 overstepping.

23 MR. ALONSO: Mr. Chairman, if I just
24 may because a lot of, like the last person who came
25 up didn't have a question, just made comments --

1 MS. ORLANDO: I have questions.

2 CHAIRMAN BLANE: First of all, anybody
3 behind here shouldn't speak while we are speaking up
4 here unless they are up there. Second of all, Mr.
5 Alonso, you are done with your comment?

6 MR. ALONSO: Yes, I am, thank you.

7 MS. ORLANDO: I would like to just
8 confirm that I understand correctly that all these
9 units will be rental units?

10 THE WITNESS: That is correct.

11 MS. ORLANDO: And that the potential
12 exists that at some point at some future date there
13 may or may not be an application to convert to condo
14 or co-op or some other ownership type building?

15 THE WITNESS: It could have.

16 MS. ORLANDO: The potential exists?

17 THE WITNESS: Sure.

18 CHAIRMAN BLANE: You said may or may
19 not?

20 MS. ORLANDO: Yes, you may or may not
21 decide to do that, but the potential exists?

22 CHAIRMAN BLANE: That is correct.

23 MS. ORLANDO: Thank you for confirming
24 my question.

25 MR. ALONSO: Just so the record is

1 clear, it's an application for a rental building.
2 We have no intention of --

3 CHAIRMAN BLANE: Let me state it this
4 way. The only people that have mentioned anything
5 besides the rental building are the public
6 questioners who are coming forward. The applicant
7 in no way has mentioned or indicated or alluded to
8 anything other than a rental building, however,
9 there is always a potential in this world -- I
10 shouldn't say that, in the State of New Jersey for
11 any rental building to apply to the State for any
12 common ownership building.

13 MS. ORLANDO: Correct.

14 CHAIRMAN BLANE: Please continue.

15 MS. ORLANDO: I just wanted to confirm
16 that they weren't going to confirm that this would
17 only ever be a rental unit building. I'm just
18 saying the door is open and I understand the door is
19 open on any building in New Jersey. Okay, fine,
20 thank you.

21 Moving along I would like to know, and
22 you may not -- again you may not be the person to be
23 asking this question, so I apologize in advance, but
24 is there an application before the Hudson County
25 Planning Board with respect to the driveways on JFK

1 Boulevard East for the ingress and egress or not at
2 this juncture?

3 THE WITNESS: Not at this juncture.
4 There will be in the future thought, however, right?

5 THE WITNESS: Yes. If this
6 application moves forward then we will have to go to
7 the county.

8 MS. ORLANDO: Okay, thank you. My
9 next question there are balconies. Correct?

10 THE WITNESS: That is correct.

11 MS. ORLANDO: And they will
12 overhanging on to the pedestrian pathway below on
13 the street level?

14 CHAIRMAN BLANE: Only the ones on the
15 right.

16 MS. ORLANDO: This way?

17 THE WITNESS: On the corner of 67th
18 and Bergenline.

19 CHAIRMAN BLANE: Put the last slide
20 back up. The ones on the left as we saw in prior
21 slides are within the property line. The ones on
22 the right which are on the northern side are a
23 little bit over. So, they do hang over onto the
24 sidewalk a little bit as the architect confirmed.

25 MS. ORLANDO: So, there are some units

1 that do have a partial overhang on part of the
2 building on to the sidewalk?

3 CHAIRMAN BLANE: Correct.

4 MS. ORLANDO: Also this has in excess
5 of 95 percent of the lot is covered by the building,
6 by the structure and the garage entryway, 95 percent
7 of the parcel is in excess of 95 percent, right?

8 THE WITNESS: Yes.

9 MS. ORLANDO: So, the set back
10 requirements are 200 times, ten and 15 times the
11 current code requirement?

12 THE WITNESS: If you want to get into
13 that degree then the planner would be the person
14 that you should bring these things up to. I can't
15 figure out the 200 percentage or 100, or 25 or five.

16 MS. ORLANDO: It's 200 feet and you
17 have zero, so I am guessing -- somebody help me with
18 the math, that that would be 200 times what the
19 requirement would be. So, that is where I am
20 getting my numbers from. Maybe that is a question
21 for another expert. I apologize. If I understand
22 correctly there are 20 requested variances on this
23 application?

24 THE WITNESS: I haven't counted it. I
25 believe so.

1 MS. ORLANDO: Assuming that to be
2 true, I would like to ask if this is unprecedented
3 that 20 is the first time --

4 CHAIRMAN BLANE: No, it is not.

5 MS. ORLANDO: There has been more than
6 20?

7 CHAIRMAN BLANE: Yes, there has.

8 MS. ORLANDO: Okay, thank you. As far
9 as the sign goes, I think part of the reason I asked
10 if it was M or W because to me that looks like a W
11 hotel and I don't really understand why you would
12 have signs of this size, which frankly in my
13 personal opinion, are ginormous.

14 CHAIRMAN BLANE: Are what?

15 MS. ORLANDO: Ginormous and I am
16 wondering are they going to be neon? Will they be
17 lit, back lit? Are they going to twinkle? To me
18 this is like Time Square and I am wondering, I know
19 that you are not the lighting guy, but obviously, a
20 red M at night is not going to make you happy.
21 Something is going to be lit and is it going to be
22 lit into the windows of my neighbors at the
23 Versailles or my neighbors on the next block on the
24 street level and the top of the building, so will
25 that signage not only be in excess of the

1 requirement, but will it be lit or neon or flashing
2 or chaser lights, I don't know. Do we know the
3 answer to what the end is going to be?

4 THE WITNESS: We do not have the
5 answer to that right now, no.

6 MS. ORLANDO: That is my question for
7 that. I know that you are not the environmental
8 guy, but I am wondering if anyone knows the answer
9 to the status of the existing monitor well that is
10 on the gas station?

11 MR. ALONSO: That will be the
12 environmental guy.

13 MS. ORLANDO: I am come back to him.
14 So, we also -- then my question about whether or not
15 the site has been assessed recently for
16 contamination is also the environmental guy? I will
17 come back to him. We don't know whether or not
18 there is a no further action letter? Again, the
19 environmental guy? I have a lot of questions for
20 him. As far as the loading dock is concerned, is
21 that a question for you?

22 THE WITNESS: Actually, more the
23 traffic guy, but what question are you asking?

24 MS. ORLANDO: Where are you going to
25 get a delivery?

1 THE WITNESS: On the side street, 67th
2 Street.

3 MS. ORLANDO: Would that be one of the
4 garage entrances that you will be entering a truck
5 into on the side street, that narrow side street?

6 THE WITNESS: We are proposing a
7 parking truck on the side of the street on 67th try
8 to make a delivery.

9 MS. ORLANDO: I'm sorry you are
10 proposing a parking truck?

11 THE WITNESS: A loading zone area so
12 they can do deliveries.

13 MS. ORLANDO: Where would that be in
14 relation to the -- can you go to the garage screen
15 so I can see where that would be in relation to the
16 garage entry -- the two garage entries, ingress and
17 egress, two ingress and two egress into 67th Street?

18 THE WITNESS: Correct.

19 MS. ORLANDO: Where would that be in
20 relation --

21 THE WITNESS: It would be roughly this
22 area.

23 MS. ORLANDO: Roughly that area.
24 Where are the two entryways into the garage on 67th
25 Street?

1 THE WITNESS: So, the truck would be
2 here. This is one curb cut here. This is another
3 curb cut here. So, the truck will be parking here,
4 so the loading either in here or in this depending
5 on which way he is going.

6 MS. ORLANDO: So, he is going to park
7 over here, back up --

8 THE WITNESS: No, over here --

9 MS. ORLANDO: He is going to park over
10 here. He is going to back up because it's a one way
11 coming down Boulevard East, correct, it's a one way
12 street?

13 THE WITNESS: No. Yes. He is just
14 going to park.

15 MS. ORLANDO: He is going to park and
16 he is going to get a hand truck and deliver pipes
17 or, I don't know, windows or whatever needs --

18 THE WITNESS: You mean during
19 construction are you saying?

20 MS. ORLANDO: I mean, when it is
21 erected and things need to be -- radiators I don't
22 know, whatever needs to be delivered to maintain the
23 property?

24 MR. ALONSO: Are you talking about
25 during the construction phase --

1 MS. ORLANDO: No. I am talking about
2 when the building is complete. When you need to
3 load things into the building. Obviously, you are
4 going to --

5 THE WITNESS: -- probably furnish it
6 moving in and out, that would probably be the main
7 reason why you would have the loading dock there so
8 you can bring furniture in and out.

9 MS. ORLANDO: So, you will never have
10 like janitorial supplies? You will never have like
11 drums, gallon drums? It's going to be some guy with
12 a hand truck double parked, clearly double parking
13 because there is no parking spot?

14 THE WITNESS: It is not double
15 parking.

16 MS. ORLANDO: They will be parking in
17 that parking spot that you will have reserved for
18 them for deliveries?

19 THE WITNESS: This is a traffic
20 consultant question.

21 MS. ORLANDO: We will have to come
22 back to him.

23 THE WITNESS: I just wanted to tell
24 you where it was.

25 MS. ORLANDO: I very much appreciate

1 it because I couldn't figure out where you were
2 going to put the truck and how you can back it in
3 and it is very confusing to me, so thank you for
4 clearing that much up. Also again this might be the
5 traffic guy, but as far as the parking garage on
6 level one you have the two aisles that dead end, so
7 somebody has to back up 160 feet to get their car
8 out of the garage onto 67th Street. Is that -- do I
9 understand that correctly?

10 THE WITNESS: That is also a traffic
11 question.

12 MS. ORLANDO: Okay, we will come back
13 to him. There are also two spaces on the first
14 level of the garage that are located at the
15 intersection of Boulevard East and 67th, I think,
16 Street and those vehicles will be hidden? Is this
17 the traffic guy?

18 CHAIRMAN BLANE: I bet this is the
19 traffic guy.

20 MS. ORLANDO: Okay, I will come back
21 to him. The depth of the parking levels on two and
22 three is also the traffic guy, right?

23 CHAIRMAN BLANE: Did you say parking?

24 MS. ORLANDO: I did.

25 CHAIRMAN BLANE: I say traffic.

1 MS. ORLANDO: How are you going to
2 remove the trash? Parking guy?

3 THE WITNESS: I discussed that
4 earlier.

5 MS. ORLANDO: Could you repeat it for
6 me please.

7 THE WITNESS: Basically the containers
8 are here so the truck will park over here.

9 MS. ORLANDO: A garbage truck, a dump
10 truck, the town truck, a private vendor?

11 THE WITNESS: It will probably be a
12 private vendor. They will park here, bring in the
13 containers here, pull the containers here, then
14 bring them out.

15 MS. ORLANDO: He is going to park
16 there. What is a container? Is it one of those big
17 things that are like metal things?

18 THE WITNESS: You see these little
19 containers in here.

20 MS. ORLANDO: What is little?

21 THE WITNESS: Two and a half, three.

22 MS. ORLANDO: Two and a half, three
23 feet?

24 THE WITNESS: Tons.

25 MS. ORLANDO: Three tons? That is

1 little? And he is going to have a hand truck or
2 dolly?

3 THE WITNESS: They have actually a
4 motorized dolly that if they need, if it's too heavy
5 they can do that or they can actually just wheel it
6 out.

7 MS. ORLANDO: Three tons you are going
8 to wheel out? Okay and that is --

9 CHAIRMAN BLANE: They have very big
10 guys.

11 MS. ORLANDO: In addition of which
12 they have to worry about that five percent gradine
13 pitch as the garbage goes flying down the garage or
14 up the garage?

15 CHAIRMAN BLANE: Flying up.

16 MS. ORLANDO: So, they are really
17 strong. While the truck is in the reserved parking
18 space that we have yet to accommodate, right, I
19 understand that correctly? I have an issue with
20 that and I have big concerns about that.

21 CHAIRMAN BLANE: Did you say parking
22 space?

23 MS. ORLANDO: No. Well, truck parking
24 space.

25 CHAIRMAN BLANE: I say traffic.

1 MS. ORLANDO: But I was talking about
2 trash.

3 MR. ALONSO: Mr. Chairman, with
4 respect to the trash it is going to be a private
5 hauler and they have -- they know how to do it.

6 MS. ORLANDO: On 67th Street?

7 MR. ALONSO: They will know how to do
8 it.

9 MS. ORLANDO: And that will not
10 inconvenience the rest of the neighborhood?

11 MR. ALONSO: It can't.

12 MS. ORLANDO: It can't? And we can
13 hold you to that, sir?

14 MR. ALONSO: You can hold the hauler
15 to that, yes, not me.

16 MS. ORLANDO: Well, I mean either you
17 can commit or you can't.

18 MR. ALONSO: Me, no. The hauler, yes.

19 MS. ORLANDO: We need the garbage guy
20 to come.

21 MR. ALONSO: Mr. Chairman, you never
22 have the garbage -- the haulers come in. The
23 representation is that it's a private vendor --

24 MS. ORLANDO: You have 123 units worth
25 of garbage.

1 CHAIRMAN BLANE: -- wouldn't make that
2 and you don't make that. Does the planner -- who
3 makes representations regarding the trash planning?
4 That is the planner.

5 MR. LAYTON: Environmental maybe.

6 CHAIRMAN BLANE: That is the engineer
7 as to the trash operations in the building?

8 MR. ALONSO: We will have somebody
9 provide additional testimony.

10 CHAIRMAN BLANE: What will that expert
11 be called, so that this lady knows.

12 MR. ALONSO: We will let you know. I
13 was just asking --

14 CHAIRMAN BLANE: Are you going to be
15 here next hearing?

16 MS. ORLANDO: Oh, you can take that to
17 the bank. Yeah, for sure.

18 CHAIRMAN BLANE: At the beginning of
19 the next hearing before anything else, Mr. Alonso, I
20 want you to stand up and to announce the title name
21 of the expert that is going to answer this lady's
22 questions regarding the trash operation.

23 MS. ORLANDO: For the 123 units worth
24 of trash. The ADS parallel pipe installation
25 detail, is that you, ADS pipe excavation site?

1 THE WITNESS: That would be the civil.

2 MS. ORLANDO: Civil?

3 CHAIRMAN BLANE: Engineer.

4 MS. ORLANDO: Is he here tonight?

5 THE WITNESS: Yes, he is.

6 MR. ALONSO: He hasn't testified yet.

7 MS. ORLANDO: Am I allowed to ask him
8 a question?

9 CHAIRMAN BLANE: After he testifies.

10 MS. ORLANDO: I'll come back to him
11 to.

12 Last question I have for the moment,
13 the eight foot fence, there is an eight foot fence
14 according to the application?

15 CHAIRMAN BLANE: Is that on the south
16 side of the building? Do you have a fence anywhere
17 on the building?

18 THE WITNESS: Not that I am aware of.

19 MS. ORLANDO: That is not what the
20 application I read says.

21 MR. LAYTON: It's a wall.

22 MS. ORLANDO: No, I read the word
23 fence.

24 MR. LAYTON: The section of the
25 ordinance says fences and walls.

1 CHAIRMAN BLANE: Is it eight feet?

2 MR. LAYTON: Yeah, but it's a wall.

3 It's not a fence. The section of the ordinance says
4 contained in. The title of the section is called
5 fences and walls. It doesn't mean they have an
6 eight foot fence.

7 CHAIRMAN BLANE: What is the question?

8 MS. ORLANDO: My question is why do
9 you need an eight foot fence if four feet is the
10 current zoning -- it's the current code, why does it
11 have to be twice as big?

12 CHAIRMAN BLANE: Can I rephrase that?
13 Whether it is a fence or wall doesn't matter. The
14 question is why does it have to be eight feet
15 instead of four feet?

16 MS. ORLANDO: Yes, thank you and is
17 that a question for him?

18 THE WITNESS: That can be answered by
19 the civil engineer.

20 MS. ORLANDO: That is all I have for
21 now other than I would like to say one more thing.
22 Your building design, I also want to make the same
23 comment that other people have made which is there
24 is nowhere along the Boulevard where there are two
25 high rises fronting each other, which for those of

1 us who are claustrophobic, won't enjoy no matter how
2 esthetically pleasing your design may be. I also do
3 not feel while you have a nice design, it is not in
4 keeping with the neighborhood by any stretch and I
5 frankly do not understand why there needs to be such
6 a -- this -- if you look around the neighborhood and
7 you look around the area and while I can very well
8 appreciate the fact the town does need ratables,
9 that it is an issue to be considered in any
10 development, I happen to be prodevelopment, but I am
11 prodevelopment in a way that makes sense and to me
12 this is a monstrosity. It's too big for the size
13 parcel it is on. The units are tiny to cram them
14 in --

15 MR. ALONSO: Mr. Chairman, is there a
16 question?

17 MS. ORLANDO: I was told I was allowed
18 to make comments as well as questions.

19 CHAIRMAN BLANE: No. Who told you
20 that?

21 MS. ORLANDO: I could have sworn you
22 said questions and comments.

23 CHAIRMAN BLANE: The way it works
24 is --

25 MS. ORLANDO: At the end I have to

1 double back?

2 CHAIRMAN BLANE: You don't have to
3 double back because you never started in the first
4 place. The way it works is the applicant's experts
5 testify in different categories, the engineer, the
6 architect, whatever then the public asks some
7 questions. The board asks some questions. The
8 planner, the attorney and the engineer asks some
9 questions. When all the applicant's experts are
10 done, then the public gets another chance to make
11 general comments at the end.

12 MS. ORLANDO: Can I ask one more
13 question? Would you explain to me what necessitates
14 having a building development that is so excessive
15 to the current code?

16 CHAIRMAN BLANE: Planner, planner.

17 MS. ORLANDO: Okay.

18 CHAIRMAN BLANE: That is where you are
19 going with the question, you are going through how
20 many variances they need. That is where you were
21 going --

22 MS. ORLANDO: I just didn't know why
23 it needs to be so big and so much. So, if that is
24 the planner guy, I will defer to you.

25 CHAIRMAN BLANE: Would you agree?

1 THE WITNESS: Yes, sir.

2 MR. LAYTON: Mr. Chairman, before
3 anyone else gets up and talks about 20 variances
4 they do have a number of variances, but in fact they
5 have 14 variances, two of which are for signs, two
6 of the 14 are for the signs.

7 CHAIRMAN BLANE: Actually, I would
8 expect their planner will testify to this.

9 MR. LAYTON: Right, plus there would
10 be one more variance for a loading dock.

11 CHAIRMAN BLANE: We will abide the
12 event when their planner testifies and then
13 afterwards the public can ask all the questions they
14 like.

15 MR. LAYTON: Speaker after speaker
16 seems to be repeating what the other speaker says
17 about 20 variances.

18 CHAIRMAN BLANE: And you find that
19 unusual?

20 MR. LAYTON: No, no.

21 CHAIRMAN BLANE: Does any other member
22 of the public have a question of the applicant's
23 architect whose testimony we have heard tonight.
24 After a very lengthy pause I see no other members of
25 the public coming forward, so I will ask the board

1 members -- five minutes recess.

2 (Whereupon a brief recess was taken.)

3 CHAIRMAN BLANE: Do any board members
4 have any questions of this architect? Please?

5 MR. ALVAREZ: Do you have any views of
6 what those tenants are going to be seeing? I see
7 that you show just the front to Boulevard East. I
8 mean do you have any views on 67th on the other
9 property line of the lady that was --

10 THE WITNESS: View from where? I
11 don't understand.

12 MR. ALVAREZ: What you have been
13 showing us today is just the front view. I mean
14 what is -- do you have any views from the other
15 side, from 67th how that building is going to look
16 like if I am on 67th? This is 67.

17 THE WITNESS: This is 67th Street
18 here.

19 CHAIRMAN BLANE: You mean the right
20 side of the building, those windows, what they are
21 seeing from those windows?

22 THE WITNESS: This is 67th right here.
23 See this is the slope coming down and this is
24 Boulevard East coming here.

25 MR. ALVAREZ: Any view from her

1 property side?

2 CHAIRMAN BLANE: Her property is on
3 the left.

4 THE WITNESS: This is the view facing
5 the woman's -- the house you saw, this is the view
6 facing her house.

7 MR. ALVAREZ: That is going to be a
8 wall and she is going to be facing a wall? How high
9 is that wall because you said that the garage is
10 going to be enclosed, that way it is not going to
11 be --

12 THE WITNESS: Correct, this is
13 enclosed. We have some detailing on the outside
14 wall --

15 CHAIRMAN BLANE: So, is that a three
16 story wall?

17 THE WITNESS: It is a three story wall
18 with some details. As you can see here we have
19 indentations so that it is not just like one massive
20 wall. We are actually breaking it up with some
21 details on the wall itself.

22 (Multiple inaudible voices.)

23 CHAIRMAN BLANE: Three stories.

24 THE WITNESS: The property line is
25 right around here. See this line here so it is

1 actually not quite three, basically two.

2 FEMALE AUDIENCE MEMBER: Isn't it
3 supposed to be a certain amount?

4 CHAIRMAN BLANE: Ma'am, we can't work
5 this way, I'm sorry. Right now the board is asking
6 questions.

7 THE WITNESS: If you see this
8 basically this is the line of her side, right here.

9 MR. ALVAREZ: That is going to be
10 right on the border line?

11 THE WITNESS: On the property line.
12 This from here on this is all set back. This is all
13 set back and this projects facing more toward the
14 front, so that setting back.

15 FEMALE AUDIENCE MEMBER: Set back from
16 what?

17 CHAIRMAN BLANE: I'm sorry there is no
18 question from the audience at this point.

19 MR. ALVAREZ: Do you know how much set
20 back -- I mean how much property that she have to
21 her house? What is the space that you will really
22 have. How close that wall will be from her physical
23 house?

24 THE WITNESS: I really can't tell you.
25 Actually I can show you that the property line is

1 here, but I can't tell you there is a fence here
2 just basically on the other side of the property but
3 right adjacent to it, so I don't know how far her
4 house is from there. We don't have a location of
5 that exact house here. See, over here on the rear
6 property we have the wall of the other house, but on
7 the adjacent property we don't have that. It has to
8 be about 15 feet or so.

9 MR. ALVAREZ: Fifteen?

10 THE WITNESS: Yeah, because she has
11 trees along the side. It looks like about roughly
12 20 feet from the property line and that is the
13 closest point to the house.

14 MR. ALVAREZ: Thank you.

15 CHAIRMAN BLANE: Any other questions
16 by anyone -- I'm sorry, you are done?

17 MR. ALVAREZ: Yes, I am done.

18 CHAIRMAN BLANE: Are there any other
19 questions by any other board member?

20 MR. RIVERA: Just out of curiosity, I
21 don't know if you can, and if everything goes out
22 well for this project and the Boulevard is complete
23 and successful, how much employment do you project
24 for this building since you are going to provide
25 services -- hold on a second, I just wrote it down.

1 You are going to provide services for the residents,
2 since you have, you know, a gym and --

3 THE WITNESS: I mean, there will be a
4 number of employees. I am not sure. I can't really
5 answer how many will be hired.

6 MR. ALONSO: We can get that
7 information for the next meeting.

8 THE WITNESS: Of course we will have a
9 fitness center. There will be somebody taking care
10 of the roof garden. Somebody taking care of --

11 CHAIRMAN BLANE: Why don't we make the
12 answer to the board member's question number two and
13 not only the total amount of employees, but also an
14 estimate as to where the employees will be working,
15 the fitness center, the garbage room, the concierge
16 desk, et cetera, et cetera, et cetera.

17 THE WITNESS: Right okay.

18 CHAIRMAN BLANE: Anything else? Any
19 other board member have any questions. Does our
20 planner have any questions?

21 MR. LAYTON: Yes.

22 CHAIRMAN BLANE: He is not going to
23 deal with your report until next time.

24 MR. LAYTON: The architect, something
25 he presented tonight. The living wall, I don't

1 remember seeing that in the application documents.
2 What is that going to consist of?

3 THE WITNESS: Basically they have
4 certain types of systems they actually design and
5 actually mount vertically onto the wall and then
6 they have a type of plant scape that actually are
7 made to work within -- they work within like a sort
8 of trellis work within the wall.

9 MR. LAYTON: Like lines.

10 THE WITNESS: Like lines, correct.
11 There are many different types of systems. We will
12 have to get you more information on the system that
13 we are proposing, but there are many different --
14 there are wired ones, actual rod ones. There are
15 actually wood ones. There are many different types.
16 I can bring that information to the next meeting if
17 you would like.

18 CHAIRMAN BLANE: I assume whatever
19 system you are going to use will either be done in
20 conjunction with or approved by our planner?

21 THE WITNESS: Of course.

22 CHAIRMAN BLANE: Mr. Planner, do you
23 have any other questions? Mr. Engineer, do you have
24 any questions of the architect at this point
25 understanding that, I guess at the next meeting he

1 is going to answer your report.

2 MR. LEMANOWICZ: Just one, Mr.
3 Chairman. Very early in your testimony you spoke
4 about the six inch set back on the west side of the
5 building and I thought you said something about a
6 three foot walkway. I just didn't pick all that up.

7 THE WITNESS: Yes, because the house
8 to the rear, so we can put it up, the existing house
9 to the rear here between the property line and the
10 house, it is only two and half feet walkway there,
11 so what we did was we set our rear wall six inches
12 back from that so they would be able to enjoy the
13 rear yard and still have the three foot wide access
14 aisleway out to the front of the property. So,
15 their house existing is set back two and a half feet
16 from the rear property line. So, we are setting
17 ours building back six feet off of that -- I mean,
18 excuse me, six inches so they can have at least a
19 three foot aisleway out to the front.

20 MR. LEMANOWICZ: In order to protect
21 that and to protect the statement you just said, are
22 you going to be granting that property an easement,
23 an access easement on that six inches?

24 THE WITNESS: Legally I don't know how
25 we are going to be handling that. We are just

1 leaving the space so they can actually utilize it.

2 I don't know if we need to give them an easement.

3 MR. LEMANOWICZ: What I am saying is
4 right now you are testifying you are going to give
5 them that, but there is nothing aside from an
6 easement that can guarantee that will happen in
7 perpetuity.

8 CHAIRMAN BLANE: Why don't you just
9 think about it and give us an answer --

10 MR. ALONSO: I will address it with
11 the client.

12 CHAIRMAN BLANE: I wouldn't think the
13 six inches wouldn't be a big deal. Thank you, Mr.
14 Engineer. Does our attorney have any questions of
15 the architect?

16 MR. GARCIA: No.

17 CHAIRMAN BLANE: Not seeing any, thank
18 you for your -- before we do that, young lady you
19 had a question? I am talking about the woman behind
20 you, ma'am.

21 FEMALE AUDIENCE MEMBER: Do I have a
22 question?

23 CHAIRMAN BLANE: Yeah, you were making
24 a comment about something the architect said.

25 (Multiple inaudible voices.)

1 FEMALE AUDIENCE MEMBER: I don't know
2 what comment. I had a few comments.

3 CHAIRMAN BLANE: That is the engineer.
4 I'm sorry. Thank you very much, Mr. Architect.

5 THE WITNESS: Thank you very much. It
6 has been enjoyable as always to be in front of you
7 guy's again.

8 MR. ALONSO: Mr. Chairman, my next
9 witness is Christiano Pereira. He is a LEED expert.

10 C H R I S T I A N O P E R E I R A,
11 First having been duly sworn by the Notary,
12 testified as follows:

13 EXAMINATION BY MR. ALONSO:

14 CHAIRMAN BLANE: Before you continue,
15 did you testify in January?

16 THE WITNESS: No.

17 CHAIRMAN BLANE: That being the case,
18 why don't we have you certified.

19 Q Mr. Pereira, can you review your
20 qualifications in LEED certification?

21 A Sure. LEED is a program that was
22 designed by USGBC and in order to be qualified as a
23 consultant or a LEED AP, which is accredited
24 professional and we have to go through education and
25 take an exam and pass it in order to be able to

1 perform LEED consulting.

2 Q Did you testify before this board in
3 the past?

4 A Yes, I have.

5 Q Were you qualified as a LEED certified
6 professional?

7 A Yes, I was.

8 CHAIRMAN BLANE: Does any board member
9 have any questions regarding this gentleman who is
10 proposed as a LEED expert witness? Does our
11 planner?

12 MR. LAYTON: I think it would be
13 helpful if they indicated what LEED stood for.

14 CHAIRMAN BLANE: That is part of his
15 presentation, as I recall his last presentation.

16 MR. LAYTON: Actually being LEED
17 certified that means Leadership in Energy and
18 Environmental Design?

19 THE WITNESS: That is correct.

20 CHAIRMAN BLANE: Thank you. Planner
21 have any other questions? Does our attorney have
22 any questions? Does our engineer have any
23 questions?

24 MR. LEMANOWICZ: Have you ever
25 testified in this matter before any other boards?

1 THE WITNESS: Yes, on the same board
2 last year?

3 MR. LEMANOWICZ: Any more than just
4 this one?

5 THE WITNESS: No.

6 MR. LEMANOWICZ: This is your second?

7 THE WITNESS: Correct.

8 CHAIRMAN BLANE: Does anybody else
9 have any questions of this expert? Not seeing any
10 we will continue you certifications from the last
11 one.

12 THE WITNESS: So, what I will be
13 talking about, Mr. Chairman, I think you have seen
14 most of this presentation, but I think it would be
15 helpful to a lot of the members of the board and
16 sitting in the audience, I will be talking about not
17 only LEED, which is as I mentioned before, was
18 created by the US Green Building Council. I will
19 also be talking a little bit about Energy Star,
20 which is not a program by the EPA that guides us as
21 to how to design more sustainable or energy
22 efficient buildings. The USGBC, US Green Building
23 Council, is a nonprofit organization that was
24 created I believe in 2001 and they have set a goal
25 and created a number of programs which they

1 designated LEED, which is Leadership in Energy and
2 Environmental Design. These programs are intended
3 to guide us designers and engineers and home owners
4 on how to design an efficient building that is going
5 to last longer. That uses locations and linkages
6 and takes energy concentration at the site and how
7 to work with materials and a number of items such as
8 water and energy and air quality. So what USGBC did
9 is they created a program which is called LEED for
10 homes and just before I go any further, LEED for
11 homes it is really intended to certify residential
12 units from homes and up to six story buildings.
13 Because this is something that has come up a lot
14 recently on this type of development, on this size
15 development we have made an application with the
16 USGBC to allow us to run this building we are
17 proposing through the LEED for homes program. We
18 have not gotten an answer back yet, but it is our
19 understanding they would very much like to do so, so
20 we are pursuing that route. There are also other
21 types of LEED certification which are, I will now
22 mention a few, LEED NC which is new construction?
23 LEED for schools. There is LEED for interior fit
24 outs, so there is a number of programs. They also
25 use the logo LEED and basically as the GBC created

1 the initial program under new construction they
2 realized that they needed to address issues that are
3 more specific to each type of construction that the
4 architect, the engineer and the owners are building.
5 In our case we have applied for the LEED for homes,
6 and like I said we don't have an answer back yet,
7 that is where we intend to go. The way the rating
8 system goes is we have eight categories. There is
9 an extensive guideline for each one of these
10 categories and some of the categories, as you can
11 see here and I will flip another slide, but you have
12 site selection, water efficiency, materials and
13 resources, energy and atmosphere, indoor
14 environmental quality. All of these issues are
15 taken into consideration as we are designing, so as
16 we start designing a building, we go through these
17 guidelines and what the program does is for each one
18 of these categories it will give you certain
19 specific items that you must comply to. Those are
20 what we call prerequisites. So, in the water
21 efficiency, for instance, we must comply to a
22 minimum or to a maximum water flow standard for
23 faucets so that we can reserve water, so that we are
24 not wasting water every time a faucet is open. That
25 you have a minimum amount of gallons that our toilet

1 can flush, you know, as you go through the system
2 there are a number of prerequisites you must meet,
3 so it is not just applying for the certification and
4 meeting a couple little things that you will be able
5 to get your building certified. As we go through
6 that analysis a lot of decisions are made that makes
7 this building much more energy efficient, but also
8 they will take into consideration the quality of air
9 inside the homes or in this case inside the
10 apartments, how much energy you spend to heat and
11 cool your space, light fixtures that you use, so on
12 and so forth. So, the intention is conserve energy
13 and, you know, the bench mark is that buildings that
14 are certified under LEED are usually 70 or
15 30 percent better than the building that is built to
16 code and, you know, we have just recently had an
17 update in our code system which has become a lot
18 more strick because of programs such as LEED and
19 Energy Star, but you know, still LEED will push it a
20 little further and we will deliver a building that
21 will be more efficient, it will last longer and be
22 healthier for the residents. So like I said, these
23 are the various different programs that the LEED
24 system has new construction, neighborhood
25 developments, schools, retail. Like I said, these

1 are -- the usual average savings on buildings that
2 are certified on LEED usually we have a 30 percent
3 savings in energy, 35 percent savings on carbon
4 savings, 30 to 50 percent savings on water and waste
5 anywhere from 50 to 90 percent. It is clearly a
6 great bench mark for any new building to be built
7 here and address, you know, issues that we have now.
8 Energy is getting more and more expensive. So, is
9 gas and we are running out of gas and oil as we all
10 know. The US -- did I go back. I think this is
11 going back now. I apologize. So, just to give an
12 idea on certain parts of these categories that we
13 analyze these buildings through, under innovation
14 design we will do an integrated project planning, so
15 from the get go what LEED requires that you do is to
16 have a team of experts in the field of
17 sustainability so you are going to get engineers,
18 you are going to get your structure in engineers,
19 mechanical, electrical and plumbing. The architects
20 and environmental consultants that sit down with you
21 and they will be part of the planning from day one
22 and the idea behind that there is communication and
23 people can -- they will be able to design a better
24 building, quality management for new buildings so
25 through our construction there is a third party

1 contractor that is hired by the developer to come in
2 and inspect the items that have been said that there
3 will be done to the building. So, right before you
4 start Sheetrocking your walls, there will be an
5 inspector that is going to come and inspect all the
6 things that we put in our plans to comply with the
7 system, that they are actually done. They will
8 verify the lab of insulation. They will verify that
9 the walls are sealed and nice and tight that the
10 windows are installed correctly, that the deduct
11 work is not leaking and all the things that we call
12 for in the plans. Right now we have inspections
13 from the building department, but the building
14 department does not inspect those things to that
15 extent. So, you have a third party verification
16 company that will come in and inspect those things
17 in order to ensure that, again, what we designed is
18 what is done and just flip through a couple ones.
19 In your location you have community resources, so we
20 will look and see what is around so that we plan
21 better where we put our buildings, that there are
22 community resources. That there is infrastructure
23 on the site instead of creating new property that
24 has no infrastructure such as sewer, water service.
25 So, you look at landscaping, we know an evasive

1 plan, so we look at -- we do see the local heat
2 island effect, so for instance the comment that we
3 had earlier about the glare, we look into those
4 things. We look at roofs. They are not black
5 roofs. They are white roofs, for instance that will
6 reflect most of the heating back into the atmosphere
7 instead of keeping it and creating what we call a
8 local height island. We will look into non-toxic
9 pest control, surface water management, all of those
10 things are also discussed with the program and I
11 think I keep going back. A little more on indoor
12 environmental quality. So, we look at Energy Star
13 as I mentioned before is a program, I am just
14 briefly touching base on it, but Energy Star is a
15 program by the EPA, much like Energy Star logos that
16 you get on fridges or televisions, the little blue
17 logo. Energy Star has a program to certify your
18 home or building as well. So, LEED takes that into
19 consideration and you can get a lot of points by
20 following these guidelines from Energy Star. We
21 looked at combustion venting. We looked at moisture
22 control, so that the air we are not going to get a
23 unit that is going to be creating mold and making
24 people sick, that we are going to have enough air
25 changes so fresh air coming into the apartment

1 instead of sealing it completely so that we don't
2 make people sick. So, there are a number of things
3 that I looked through that indoor environmental
4 quality section.

5 Awareness and education I think is
6 very important. The building owner has as part of
7 their requirements to comply with the program that
8 they have to educate building residents so you know
9 you can do all these beautiful things, but if you
10 don't explain to somebody that they have a
11 programmable thermostat that can save them
12 80 percent of energy if they turn it off during the
13 day and how to do it, it's pointless. There is a
14 whole section of the program that requires that
15 education of the building tenants or the building
16 owners once the building is completed. And I will
17 touch just a little bit on Energy Star just so we
18 all understand. So, the Energy Star is a -- to earn
19 Energy Star at home, in this case they mention home,
20 but it is the same for the building. They have a
21 high-rise program. A home must be very strict
22 energy efficiency citings. The home, for a home,
23 single family home, that home must be 50 percent or
24 more efficient than a home that is built to a 2004
25 energy efficiency code or the National Resonation

1 for old energy section for high rises because the
2 guidelines that we have for homes don't really
3 apply, you know, you have different area
4 concentrations and it's a completely different
5 building type so Energy Star has a program that is
6 called multi-family high-rise pilot. There was a
7 pilot and it's now a program what we need to do and
8 to achieve Energy Star is that we need to show a
9 20 percent savings over AHACA which is a code issue
10 by the air conditioning and -- Air Handling and Air
11 Condition Association that sets guidelines and we
12 have to meet those, we have to be 20 percent better
13 than those minimum guidelines. So, in essence you
14 usually end up for homes what Energy Star does is
15 they have their HERS index, which is the Home Energy
16 Rating System and usually a home that is built to
17 code would be at a hundred percent. A home that is
18 built to Energy Star standards would be at around
19 70. So, that is basically how they rate. And then
20 a home that is net zero home is you have no utility
21 bills. You are either very efficient or you are
22 generating your own will be at zero. So, you start
23 from a hundred code and go -- Energy Star started
24 really just pointing and evaluating projects only on
25 the energy side and more recently the EPA has been

1 very aggressive on really getting us to another
2 level on our energy codes and they are now analyzing
3 our water heating systems, our insulations, our
4 window qualities, if they are low rate or not and
5 rating them. They are making sure our duct work is
6 also sealed tight so that they will have inspectors
7 that would come and do that as well, and reduce the
8 infiltration from the walls from the outside in each
9 of the units. So, Energy Star has been looking at a
10 lot more things than we did initially, but that is
11 basically as we evolved into this program, EPA is
12 taking, you know, the LEED from LEED and all these
13 other programs and saying well, you know the
14 industry is getting used to it. Let's start making
15 this a requirement and little by little they are
16 making the code very, very sustainable. So, with
17 that being said, what our client asked us to do is,
18 and he does a lot of development throughout the
19 whole state and he requested that all, and he does
20 that for all of his buildings, he wants to achieve
21 either LEED or Energy Star or some other type of
22 sustainable certification. So, in this case that is
23 why we are trying to pursue LEED, if the GBC allows
24 us to do, it will be the first in the world to be
25 allowed to do that and it will be a great testing

1 ground for how the system performs on a high-rise
2 building, but --

3 CHAIRMAN BLANE: It will be the first
4 what in the world?

5 THE WITNESS: The first LEED for homes
6 building that is a high-rise, that is more than
7 eight stories and we have got a good indication that
8 they would like us to do that. They do want to test
9 that and -- they want to see how their system
10 performs for higher buildings like this. They have
11 right now, as they started with the homes, they
12 created the mid-rise pilot which allow us to certify
13 six stories over parking or over stores and we have
14 done a lot of buildings like this. We are doing one
15 right now right here in West New York and they have
16 indicated to us that they want to try to push the
17 limits and go a little higher. They are looking at
18 this as a good pilot for them. So, you know, our
19 client instructed us that he wanted to have, and he
20 is really, as my partner Albert spoke about the
21 features that he wants to provide to the residents
22 with systems that will take messages and e-mail them
23 to iPhones or tablets or security systems that you
24 can see from within your home, just see everything
25 that is going on in the building. Key fobs, you

1 need a key fob to go into the elevator and go to
2 your floor, so all of those things are things that
3 they believe will give the residents a sense of
4 security, a sense of home, a sense of pride and
5 those are guidelines that really enforces as we are
6 designing these buildings. So, from the get go the
7 green walls and the roof gardens and the type of
8 fixtures or windows we use, those are all things
9 that we discussed from day one that we try to take
10 into consideration with the new design. So, we are
11 looking at how do we use more recycles or salvage in
12 the construction debris and well, how we recycle
13 debris, but how do we use recycled materials and
14 that doesn't mean buy an old window, but we are
15 going to buy a new window that has parts of the
16 manufacture of that window using materials that are
17 either recycled or that are easily recyclable in the
18 future when this building eventually gets
19 demolished. So, those are things that we looked
20 when selecting materials and selecting windows,
21 floors and paintings. We look at providing parking
22 for bicycles because, you know, LEED understands
23 that in urban areas like this a lot of people use
24 their bikes. Providing space for them to store them
25 securely inside the building is one of the

1 prerequisites. We looked at that as well. We
2 actually complied much more than what LEED requires
3 us to provide. Like I said before, fixtures that
4 would conserve water, efficient toilets, windows
5 that will perform better than the standard window,
6 either a window that is rated Energy Star, if they
7 have them so that, you know, we have less heat gain,
8 less heat loss during the winter time so that the
9 residents here are not spending \$300 a month on
10 their utilities, but they are spending maybe 50.
11 Those are the things that we look at as a benefit to
12 the residents. Like I mentioned before, the air
13 quality, all of those things. People that live in
14 the building they will experience this much cleaner
15 air, very low energy consumption, water consumption,
16 so on and so forth. LEED requires us to use very
17 efficient appliances. The appliances will be
18 supplied as a rental unit. We will supply all the
19 appliances. They will all be Energy Star
20 appliances. The paints and the glue and even the
21 cabinets we buy, we have to make sure that they have
22 low VOC, volatile organic compound, so as we glue a
23 floor and we use a glue, that the glue that we use
24 is not off gassing this harmful new car smell that
25 we all like, but that is really harmful to all of

1 us. All of these things are also taken into
2 consideration on the design of a LEED building or
3 energy sustainable building and that is basically my
4 testimony.

5 CHAIRMAN BLANE: Thank you. Does any
6 member of the public -- please come forward.

7 MS. REINER: I have a tree. I have
8 all sorts of things and I look at this, do you think
9 that LEED would feel that the water fountain out
10 front was a good conservative use of water?

11 THE WITNESS: Well, it's a good
12 question because we have analyzed a few different
13 things to put in that corner of the building. Our
14 first consideration was to use a green wall there as
15 well, so that would reflect both sides of the
16 property with green wall. This is still one of the
17 things that we are discussing. Our client has,
18 if -- he uses this water feature, these water
19 fountains on most of the buildings that he does. It
20 is sort of a landmark kind of his logo. He likes to
21 do that because it's like creating a brand.

22 MS. REINER: That may have been true
23 in the past. It is not eco friendly and when you
24 are talking about this it's a building that will be,
25 that does not fit in and it will drive me insane

1 that because of that. Now, the other thing is that
2 you have talked about this draught tolerance plan
3 and yet the pictures don't appear to be that. Are
4 those trees the little things up there drought
5 tolerant?

6 THE WITNESS: Those are illustrated
7 renderings and we tried to convey what we wanted to
8 do there eventually. We didn't select the type of
9 trees, but that is one of the requirements, so if we
10 don't use draught tolerant plans we would not be
11 able to achieve. So, those are one of the good
12 things the program would force us to do.

13 MS. REINER: The other thing that I am
14 concerned about because we were talking about the
15 trees, the old growth trees that we don't want to
16 destroy and yes, I am very aware that when you have
17 a tree that extends over the property line, so do
18 the roots.

19 THE WITNESS: Certainly, yes.

20 MS. REINER: And when you build and
21 cut those roots, you kill those trees.

22 THE WITNESS: Well, we will have the
23 civil engineer talk about that, but he will be
24 talking about that.

25 MS. REINER: You don't want to deal

1 with it.

2 THE WITNESS: It is not that, ma'am.

3 MS. REINER: All of you know this
4 happens.

5 THE WITNESS: It happens everywhere in
6 every development. It's just I am not the right
7 person to talk to about it.

8 MS. REINER: We have learned and that
9 is what LEED is saying to you is that they want
10 trees. They are not going to be happy with you
11 taking down six trees by cutting the roots and
12 putting up something small. That is my last comment
13 on environment.

14 CHAIRMAN BLANE: Ma'am, are you going
15 to be at the next hearing next month?

16 MS. REINER: Definitely.

17 CHAIRMAN BLANE: I want you to ask
18 that question to somebody that can give you an
19 answer.

20 MS. REINER: I am going to do a little
21 more homework because I have just recently in the
22 past several months become familiar with Green
23 Faith. Are you familiar with the program Green
24 Faith.

25 CHAIRMAN BLANE: Is it Irish?

1 MS. REINER: It's God given.

2 CHAIRMAN BLANE: Seriously, I would
3 like you to --

4 MS. REINER: I will be here.

5 CHAIRMAN BLANE: You can ask that
6 questions of several engineers.

7 MS. REINER: Absolutely.

8 MS. PUERTO: I actually have the same
9 question about the trees because it's all for the
10 green and conservation of the natural resources, but
11 again I mean, again, I see her trees, so something
12 is going to have to happen, but I guess you are
13 aware of that?

14 THE WITNESS: We are and just for the
15 record, I can't remember if it was the engineer or
16 planner has in their report requested those to be
17 addressed, those issues. So, quite honestly it is
18 really hard for us to talk about that today because
19 we don't know exactly where those trees are located.
20 So, we are going to have to get a survey of their
21 location, the trees so we can actually our civil
22 engineer will be able to discuss that. That is,
23 unfortunately, what we are trying to avoid because
24 we don't want to speak out of --

25 CHAIRMAN BLANE: You should take the

1 message back that that is a very, very important
2 issue to the board, especially in light of the
3 testimony that if, in fact, the roots are cut by
4 this wall, I don't know how they are going to just
5 to close to that wall that we look at two or three
6 stories with the overhanging trees. That is the
7 problem. That is a problem that is going to have to
8 be resolved.

9 THE WITNESS: Right, we understand
10 that. We need to locate those trees and know
11 exactly what we are talking about.

12 MS. PUERTO: Did you visit this site
13 prior to creating the --

14 THE WITNESS: Yes.

15 MS. PUERTO: You did see what you were
16 working with?

17 THE WITNESS: Yeah, we did.

18 MS. PUERTO: My last question is just
19 with the garages and they seem to be kind of
20 enclosed. How is the ventilation and the air
21 quality is that all something that is taken care of?

22 THE WITNESS: That would also not be a
23 question for me under LEED.

24 CHAIRMAN BLANE: That would be the
25 civil engineer.

1 THE WITNESS: The civil engineer, but,
2 yes, the garage, I will briefly just say --

3 CHAIRMAN BLANE: The architect
4 testified it was going to be mechanical exhaust.

5 THE WITNESS: So, there won't been any
6 fumes by way exhaust of garages like this.

7 MR. EVANS: Jonathan Evans. I live at
8 the Versailles. I am not clear on the
9 classifications of what you are seeking in LEED.
10 You are seeking to apply for a category that is new
11 to this building, but there are some buildings that
12 market themselves as LEED whatever reaching some
13 kind of standards, there is a few of them in lower
14 Manhattan I think that are used as a big selling
15 point. They are high-rises. So, did they get this
16 individual home thing or what did they get?

17 THE WITNESS: Yes. They went under
18 LEED new construction, LEED NC.

19 MR. EVANS: Why are you not going for
20 that?

21 THE WITNESS: The real reason is there
22 is a much higher cost on pursuing LEED for new
23 construction because there is -- the monitoring that
24 is required for doing construct for LEED NC, it's
25 really in par with the industry for very large

1 buildings such as New York Times or the new Bank of
2 America building. Those are buildings that really
3 apply for the NC.

4 MR. EVANS: The residential ones that
5 are in Battery Park?

6 THE WITNESS: They are in large
7 residential buildings such as the ones -- right,
8 those usually go because then when you are talking
9 about a much larger building like this, let's just
10 talk about the HVAC system you are going to be
11 dealing with a chider in the roof or a boiler. A
12 smaller building like this is not.

13 MR. EVANS: It's an economy of scale?

14 THE WITNESS: It' an economy of scale.

15 MR. EVANS: I think that in fairness
16 to selling to people that are not that familiar with
17 it you make it sound like you are inventing a brand
18 new category that you are going to achieve. What
19 you are really doing is seeking a lesser standard
20 that is perhaps a stretch of somewhere between new
21 construction and residential LEED that has not yet
22 been approved for this building.

23 THE WITNESS: No, I would say that's a
24 stretch on your part. All of the LEED programs were
25 designed, like I said before, with the certain type

1 or typology of the building in mind. So, a
2 residential building of this nature 13 stories is
3 very equal to a -- and they have done up to eight
4 story buildings certified to the LEED of homes. It
5 is a standard really resonates with the residential
6 aspect of construction in civil engineering, so it
7 is not an error by any means.

8 MR. EVANS: Why did they stop at
9 eight? Why is this pushing the envelope? What is
10 the discrepancy between full LEED and new
11 construction versus a push to actually make it, and
12 I am not against it, I understand the cost here, but
13 I think it would be fair to explain that this is
14 actually a kind of market driven thing that burden
15 to be LEED at a certain scale is to erroneous that
16 this is actually smaller scale and should actually
17 have some relaxation of LEED standards for a larger
18 building. That is kind of what it is.

19 THE WITNESS: It is really not where
20 you are kind of taking it. When you look at
21 residential construction and you look at the use of
22 that space, the use of that unit you have residents
23 that most of the time during the day they are not
24 there. They are working. They come home at night,
25 so there are aspects of the air quality for

1 residents they are different than an office
2 environment or an industrial environment. So, it is
3 not that it's a lesser or it's an easier way to do
4 it. It's just that it really takes into
5 consideration the use of the space. So, it's a
6 program that was designed to deal with residential
7 type of construction.

8 MR. EVANS: Of bigger buildings?

9 THE WITNESS: They really act more
10 like an industrial or an office building. When they
11 are that high, you have windows on the upper floor
12 that is different than in smaller construction like
13 that. You have air condition, like I said, the air
14 condition work completely different than a building
15 like that.

16 MR. EVANS: Why do they stop at eight
17 stories and what is the next push? Is it pushed to
18 12, is it going to be to 17 and what is going to be
19 the new threshold that will allow this building to
20 actually get certified because it may, it may not.

21 THE WITNESS: It may not, but what I
22 started by saying is our client has told us that he
23 will pursue any sustainable certification. If it is
24 LEED great because he would like to do it. He
25 believes in the program. He has done other

1 buildings on those lines and he knows for him as a
2 building owner, as a landlord that is a building
3 that is going to last longer. So, it makes sense
4 that the builder is going to spend less, that the
5 tenants are going to spend less on a month-to-month
6 basis, so you will be able to keep those. So, all
7 of those things, and if it is not LEED, like I said
8 it's going to be Energy Star and Energy Star for
9 sure we are doing that.

10 MR. EVANS: That is not as erroneous I
11 imagine.

12 THE WITNESS: Like I said in my
13 testimony, you would be surprised because it used
14 not be. They have made it much more erroneous right
15 now. They were dealing with water issues they never
16 did before, air quality issues they never did
17 before, so it is getting erroneous.

18 CHAIRMAN BLANE: Thank you. Any other
19 members of the public have any questions?

20 MS. WALKER: My name is Jo Walker from
21 the Versailles. I have a few questions. I have
22 been involved in several LEED projects. Most of
23 them have been -- have not gone through fully
24 because of the cost.

25 THE WITNESS: NC?

1 MS. WALKER: NC, yes, definitely NC,
2 not just because of the cost of the filing, which is
3 significant, but also the increased cost of
4 construction.

5 THE WITNESS: And the commissioning.

6 MS. WALKER: Absolutely, and the
7 commissioning. So, I am assuming all of that or
8 some aspects of these things have to do with the
9 same pilot?

10 THE WITNESS: Commissioning, by the
11 way I think I should explain LEED NC, LEED schools
12 and all of the other LEEDS you need to hire a
13 commissioning agent, which is basically the firm
14 that is going to come, engineering firm that is
15 going to come inspect your equipment to make sure
16 that it is built the way we designed it because
17 quite frankly, most often engineers design
18 something, something else is built, so what LEED and
19 many of these other programs did is they realized
20 that if they don't inspect the construction to make
21 sure that it is being done the way it was designed,
22 it was pointless because, you know, you can tell
23 people you are doing all these wonderful things and
24 if nobody is checking it, what is the point. So
25 commissioning because these firms do charge a lot of

1 money for commissioning as well. It is a burden on
2 certifications. What the GBC tries to do for the
3 homes because now they are looking at a guy that is
4 building his house, he wants to have a green home.
5 He can't afford the \$200,000 fee for an engineering
6 from 2000 to come in and inspect his home, so LEED
7 developed a program that is more in tune with this
8 mark and that is basically what LEED for homes is.

9 MS. WALKER: I'm a believer in LEED,
10 but I must say that for tenant based residential
11 construction, ongoing maintenance to maintain a LEED
12 standard within tenant occupied spaces is virtually
13 impossible, seriously because the guy is going to go
14 to Home Depot and change his faucet. A guy is not
15 going to use his thermostat the way it's actually
16 programmed. It's difficult. I am not saying that
17 it isn't something good to strive for.

18 THE WITNESS: For a condominium maybe.

19 MS. WALKER: But this isn't a condo is
20 it?

21 THE WITNESS: It is not. The landlord
22 has control of those things. You know, nobody is
23 going to be putting in a dishwasher, changing a
24 dishwasher. They would call the landlord, hey, my
25 dishwasher is broken. So, yes, I would agree with

1 you in a home, but not as much --

2 MS. WALKER: What level of LEED are
3 you shooting for?

4 THE WITNESS: That is another thing, I
5 apologize, I didn't explain. So, LEED is a point
6 system, so within all those categories and I'm sorry
7 you asked --

8 MS. WALKER: I mean, I think everybody
9 here needs to understand this.

10 THE WITNESS: LEED within each of
11 those categories that we discussed you are going to
12 have prerequisites as we discussed where you need to
13 do certain things. There is no question. There is
14 no option. You need to do them. Those will not
15 give you any points, but there are a number of
16 things that they will give you options. So, maybe
17 in a certain part of the country where variety let's
18 heating temperature used to generate electricity PV
19 panels, so, what LEED does is for every one of these
20 categories, the items are not prerequisite that you
21 must do, you can gain points and as you add up all
22 these points you are going to get your numbers. So,
23 the more things you do, the greener your building
24 is, the more efficient it is and the more points you
25 get you get in different categories. So, just like

1 that we have silver, gold and bronze. LEED had a
2 certified level. It has a silver, a gold and a
3 platinum level. Platinum being the best certified
4 being the most basic system. It is our experience
5 from other buildings we have done LEED for homes is
6 that by the time we are doing Energy Star we are at
7 a silver level.

8 MS. WALKER: So, you are going up to
9 silver?

10 THE WITNESS: Most likely going to
11 Silver.

12 MS. WALKER: But you haven't done an
13 analysis of the building yet to see if that is
14 feasible?

15 THE WITNESS: We have not yet because
16 we are waiting for the GBC --

17 MS. WALKER: I am wondering in terms
18 of the bicycles that you are providing I noticed in
19 the floor plans that the bicycles are unfortunately
20 located all the way to the very butt end of the
21 garage past all the cars which seem incredibly
22 unsafe and actually not terribly green because you
23 are asking your bicyclists to pass parking spaces in
24 order to park their bikes. So, is it something like
25 that a thing that would cause that point to not be

1 accessible to you.

2 THE WITNESS: No, not necessarily.

3 MS. WALKER: But it's not good
4 practice, wouldn't you agree?

5 THE WITNESS: I wouldn't say that, you
6 know, not only we are exchanging, yes, we can put it
7 up front and lose some parking spaces for the
8 bicycle racks, yes, we could, but then we are going
9 to have an argument here, why don't we have at least
10 the minimum amount of parking spaces.

11 MS. WALKER: I am wondering also from
12 the LEED point of view for heat island effect and
13 that sort of thing, with all reflectivity and that
14 on the facade of the building, never mind the roof
15 because I am assuming that there is going to be a
16 nice design on the roof to resolve that and I don't
17 see evidence of a green roof anywhere in this
18 building. Right now what I am wondering is do the
19 fact that at grade there are eliminated setbacks,
20 let's not even say reduced setbacks. There is no
21 setbacks because this building is being built
22 directly to the building line or to the property
23 line, and you know, if we think how property set
24 backs work, you have them for buildings on each side
25 of the lot, so it is not just the one setback you

1 kind of double it and increase the amount of air
2 flow and all that sort of thing that happened down
3 at grade. How is that going to effect how this
4 building -- the issues at grade, run off and all of
5 that -- those situations because the building is
6 absolutely maxed out to the absolute property line
7 of the building?

8 THE WITNESS: How many inches?

9 MS. WALKER: Yeah, six inches away
10 from the property line of the building?

11 THE WITNESS: Some of those are things
12 that the civil engineer will be testifying to. In
13 that reference to the heat island effect, you know,
14 what LEED will require us to do is look at materials
15 and their reflectivity and deal with that, you know,
16 windows especially would not have a glare for
17 efficiency higher than X. So, those are things that
18 we are going to be addressing through --

19 MS. WALKER: One last question, if
20 this building doesn't get LEED, I mean you said you
21 will do Energy Star, which is sort of about the
22 interior of the building and mechanical system and
23 all those sorts of things, equipment and all of
24 that. If you don't get LEED, I am assuming there is
25 going to be some for tax credit for the building in

1 order to get LEED if you get LEED?

2 THE WITNESS: No. There is really no
3 tax credit programs for LEED, no, not for this type.
4 There are not tax credit, there are some grants for
5 Energy Star. When you do Energy Star, like I said,
6 you have a lot of points already with LEED when you
7 do Energy Star because Energy Star is dealing with a
8 lot of stuff that LEED does, so there are some
9 grants, but frankly, and you can ask that to any
10 developer that is doing LEED right now, LEED for
11 homes, which is what I am more familiar with, the
12 grants that you get from the EPA barely cover the
13 fees that are going to be charged by your
14 third-party inspector, which is infringing on the
15 commission on the homes then. So, you don't have
16 any savings on the upgrades that you do in the
17 building or any tax benefits.

18 MS. WALKER: I guess for me, and it's
19 just the last thing of what I really wonder about in
20 a co-op or condo where you have owners who are
21 paying maintenance, where part of the ongoing
22 control of these LEED systems and the monitoring can
23 be rolled into maintenance, I don't quite understand
24 how in a tight rental market, how that is going to
25 actually work. And I know you can't answer that

1 question, that is part of the economics of the
2 building, but this is why I have seen a lot of LEED
3 fall through because economics at the end of the day
4 between value engineering, cost of construction and
5 cost of maintenance don't really work.

6 THE WITNESS: That is good for LEED
7 homes. Right now we are doing three LEED for home
8 projects. They are all going and they have all
9 passed a lot of their inspections so that is why I
10 applaud him for really thinking of a program that
11 relates to residential because they are making sure
12 what they are telling you to do makes sense for a
13 residential type building.

14 MS. WALKER: Okay thank you, that is
15 all I have.

16 CHAIRMAN BLANE: Thank you it is
17 10:00. I am not in going to ask whether anybody
18 else from the public has questions because the board
19 is not going to get a chance tonight either.
20 Neither will our planner or our attorney or our
21 engineer, therefore this expert LEED witness is
22 going to have to come back anyway. So, this hearing
23 will be adjourned until our next meeting which is
24 when?

25 MS. VARELA: March 22nd.

1 CHAIRMAN BLANE: March 22nd, same time
2 6:30, same place. Thank you all for coming. We
3 appreciate your input.

4 (Whereupon the hearing was concluded
5 at 10:10 in the evening.)

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