

TOWN OF WEST NEW YORK
ZONING BOARD OF ADJUSTMENT
THURSDAY, JULY 26, 2012
COMMENCING AT 6:28 P.M.

.....
IN THE MATTER OF: :
MERIDA 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
- NELLY VASQUEZ, MEMBER
- RAMON MOREJON, MEMBER

- - - - -

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JOSEPH LAYTON, CITY PLANNER

THOMAS R. LEMANOWICZ, CITY ENGINEER

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1 CHAIRMAN BLANE: The Merida Le
2 Boulevard hearing. I will turn it over to
3 Mr. Alonso to proceed. He is the attorney for the
4 applicant.

5 MR. ALONSO: Thank you, Mr. Chairman.
6 When we concluded last time, I believe Mr. Jenne was
7 completing his responses to the questions by
8 Mr. Lemanowicz. Since then, based on the testimony
9 of the comments by the public, the comments by
10 Mr. Lemanowicz, Mr. Jenne did file revised plans and
11 Mr. Lemanowicz did submit a revised opinion letter
12 which Mr. Jenne reviewed. I am going to continue
13 with Mr. Jenne. I will call him as my next witness
14 and that is basically how the questioning is going
15 to proceed is the revisions that were made and
16 whether or not he reviewed Mr. Lemanowicz's opinion
17 and what comments or testimony he could add.

18 CHAIRMAN BLANE: For the benefit of
19 the public would you state who Mr. Jenne is.

20 MR. ALONSO: Mr. Carl Jenne is our
21 engineer, our site engineer.

22 C A R L J E N N E,
23 First having been duly sworn by the Notary,
24 testifies as follows:

25 EXAMINATION BY MR. ALONSO:

1 Q Mr. Jenne, since you last testified,
2 did you submit revised plans?

3 A Yes. They had a revision date of July
4 12th.

5 Q And --

6 CHAIRMAN BLANE: Let me try something.
7 Can everybody hear Mr. Jenne?

8 MULTIPLE AUDIENCE MEMBERS: No.

9 CHAIRMAN BLANE: Mr. Jenne, would you
10 speak into the microphone and just say yes, I will.

11 THE WITNESS: Yes, I will.

12 CHAIRMAN BLANE: Now, I will ask the
13 question. Be that as it may, could everybody hear
14 Mr. Jenne say yes, I will?

15 MULTIPLE AUDIENCE MEMBERS: Yes.

16 CHAIRMAN BLANE: Okay, fine. You're
17 going to have to testify holding the microphone.
18 Please continue.

19 Q Now, as a result of those revised
20 plans, did you receive a review letter or revised
21 review letter from Lemanowicz dated July 23rd?

22 A Yes, I did.

23 Q Did you have an opportunity to review
24 that before this evening?

25 A Yes, I did.

1 Q Based on the revised plans and the
2 letter from Mr. Lemanowicz, is there any additional
3 testimony that you need to provide?

4 A There were two issues raised in
5 Mr. Lemanowicz's letter that are still outstanding.
6 One was the survey he pointed out that while the
7 acreage -- while the square footage of the site on
8 this survey add up properly, the acreage does not.
9 There is a typo on the surveyor's drawings. I
10 provided Mr. Lemanowicz a revised survey so the
11 acreage shown for the two lots is consistent with
12 the square footage and it adds up to the same number
13 that is on the T-1 drawing which is .303 acres.

14 MR. LEMANOWICZ: Mr. Jenne, just one
15 question, DID you have a signed and sealed copy
16 delivered to the board secretary?

17 THE WITNESS: Not yet. I have them
18 out in my car. I can bring them tonight. I just
19 sent you an updated copy. You needed 18. I figured
20 I would submit all 18 with whatever next package
21 comes in. I will give you one before you leave
22 tonight and I will give the board secretary one.

23 MR. LEMANOWICZ: The one I had was an
24 e-mail version, so it wasn't signed or sealed, but
25 just to keep it all straight --

1 THE WITNESS: No problem. I have them
2 in my car. I will get them to you --

3 CHAIRMAN BLANE: To keep it straighter
4 than straight, the 18 copies that you are talking
5 about are your new plans?

6 THE WITNESS: No. Since the review
7 letter from Mr. Lemanowicz, I had the surveyor make
8 that correction and I have made him, since he was
9 going away on vacation, I made him get the 18
10 copies.

11 CHAIRMAN BLANE: The new survey that
12 accommodates our engineer's comments?

13 THE WITNESS: Correct.

14 CHAIRMAN BLANE: Prior to that, based
15 upon comments from the last hearing, you submitted
16 new plans. Our engineer submitted a new report and
17 your testimony tonight is in response to the
18 questions he had in his new report?

19 THE WITNESS: Correct.

20 CHAIRMAN BLANE: Yes, ma'am?

21 MS. ORLANDO: I am sorry to
22 interrupt -- Amy Orlando, 6600 Boulevard East
23 Apartment 8M, in chase you care. My question is
24 previously I had raised a question about --

25 CHAIRMAN BLANE: That is correct.

1 MS. ORLANDO: And I don't know what
2 the outcome from the attorney who was going to be
3 researching the matter?

4 CHAIRMAN BLANE: Well, I'll tell you
5 what I should have. Your question was whether this
6 witness has a conflict --

7 MS. ORLANDO: Potential conflict.

8 CHAIRMAN BLANE: No, has a conflict
9 because he is the engineer for Guttenberg that may
10 be within a certain distance, I guess, of the
11 project and that may be a conflict. Our attorneys
12 were supposed to research it. Not the attorney here
13 at present, but one of his partners who started the
14 hearing I guess was going to research it. I do not
15 have an answer on that, so what we are doing is we
16 are letting this gentleman testify subject to the
17 answer of the question that you have raised and if
18 in fact it is, if our attorneys come back and say
19 yes, there is a conflict that, of course, does a lot
20 to weaken his testimony. If our attorneys come back
21 and say there isn't a conflict, then his testimony
22 will stand as is. That question has not been
23 resolved. His testimony is being given subject to
24 that question being answered.

25 MS. ORLANDO: Do you have any idea --

1 CHAIRMAN BLANE: I will tell you now
2 without looking to my left, that that question will
3 be answered at our next regular meeting, which is
4 September 17th, Monday, September 17th.

5 MS. ORLANDO: Thank you very much.

6 MALE AUDIENCE MEMBER: Mr. Blane,
7 since this young lady --

8 CHAIRMAN BLANE: One at a time.
9 Please have a seat.

10 MALE AUDIENCE MEMBER: You are not
11 giving me the opportunity to speak?

12 CHAIRMAN BLANE: Please have a seat.
13 It's not time yet.

14 MALE AUDIENCE MEMBER: It is in line
15 with that same question.

16 CHAIRMAN BLANE: There will be a time
17 and a place for everything as there is in this
18 world.

19 MALE AUDIENCE MEMBER: With all due
20 respect, Mr. Blane --

21 CHAIRMAN BLANE: Do you want to stay
22 or do you want to leave?

23 MALE AUDIENCE MEMBER: I have a right
24 to speak, sir.

25 CHAIRMAN BLANE: At the right time and

1 place. There is a time for general public comment.
2 There is a time for commenting on this witness when
3 he is done with his testimony. If you don't like
4 those rules, you can leave. It is completely up to
5 you. Please continue?

6 A The next item in his review letter
7 that affects my plan was item 21 where he has
8 requested a tree break detail to be added to my
9 detail sheets. I will add the tree detail. I
10 believe those are the only questions in my reading
11 of his comment letter that addressed my plans. The
12 rest of the comments almost all related to either
13 environmental or to the parking layout and the
14 slopes and the size of the parking spaces, which is
15 not on my plans.

16 In addition to that, I did receive a
17 letter, a review letter from Mr. Layton based on my
18 revised plans. His review letter is also dated
19 July 23rd. There are two comments in his letter
20 that relate to my plans. It is item B-1 states that
21 there is an inconsistency between the parking space
22 sizes on my drawings and the architectural plans. I
23 have one note on my drawing that says parking space
24 eight by 17 typical, which is no longer the case and
25 I will remove that note from my plan and say refer

1 to sheets A-100 and A-200 for parking stall layout
2 and aisle sizes. He has one additional comment B-2
3 the depth of the reflecting pool. I have a typo in
4 my plan. It says six feet instead of six inches.
5 So, I know my testimony said six inches. The
6 architectural plans says two inches to six inches.
7 I will be revising that six foot to two inches to
8 six inches and in my review of the both reports,
9 those are the only issues that have been raised that
10 are address and reflected on my plans.

11 Q Other than anything that you have
12 already testified to in direct examination, cross
13 examination, by the public and in response to any of
14 the questions by the board, is there anything within
15 the purview of your expertise as a site engineer
16 that you have not addressed that needs to be
17 addressed in your testimony?

18 A No, there isn't.

19 MR. ALONSO: Mr. Chairman, I have
20 nothing further of Mr. Jenne.

21 CHAIRMAN BLANE: Does any board member
22 have any questions of this witness?

23 Does our planner have any questions of
24 this witness?

25 MR. LAYTON: No.

1 CHAIRMAN BLANE: Does our engineer
2 have any other questions of this witness?

3 MR. LEMANOWICZ: No.

4 CHAIRMAN BLANE: Does our attorney
5 have any questions of this witness?

6 MR. KARCZEWSKI: No.

7 CHAIRMAN BLANE: Now, does any member
8 of the public have any questions of this witness?

9 MR. SOLARES: Ricky Solares, Region
10 Place, West New York. My question is very simple.
11 In reference to this gentleman, and I understand I
12 apologize to you if I irritated you by speaking out
13 of turn.

14 CHAIRMAN BLANE: You have never
15 irritated me your whole life.

16 MR. SOLARES: If I did, I apologize.
17 My question is simple, if we don't know whether or
18 not it is a conflict for this gentleman to speak,
19 why are we letting him speak because he has already
20 given his testimony as a professional to this board?
21 He has already put those ideas in this board's mind
22 to make a decision on something that we do not know
23 whether or not it is a conflict or not, sir. That
24 is the only reason why I stood up out of turn.

25 CHAIRMAN BLANE: It is not uncommon

1 whether you're in court or before a board to permit
2 testimony subject to the answering of a question.
3 The question in this case is whether this individual
4 has a conflict. Consequently, the determination
5 that was made by the chair was to permit him to
6 testify subject to that question being answered.
7 If, in fact, there is a conflict, then it would seem
8 to me that the applicant has to get a new engineer
9 and give new testimony. If it's not a conflict then
10 his testimony can, in fact, and will be permitted to
11 stand.

12 MR. SOLARES: Thank you, sir.

13 CHAIRMAN BLANE: Thank you for your
14 comment. Is there any other member of the public
15 that has a question of the engineer?

16 MR. ALONSO: Mr. Chairman, I am just
17 going to ask, since Mr. Jenne was already subjected
18 to lengthy examination by the public, that any
19 questions be limited to the testimony this evening.

20 CHAIRMAN BLANE: Let's not prejudge.
21 Let's find out what the question is.

22 MS. MASTRELLI: Fran Mastrelli. I am
23 not sure if this is a question for the engineer and
24 I asked the question of the town planner.

25 CHAIRMAN BLANE: Why don't you ask the

1 question and we will determine who it should be.

2 MS. MASTRELLI: I saw this property in
3 the paper and I bought it and I came and I said to
4 the West New York town planner, what can I put on my
5 property? What are the guidelines? Do I need
6 variances or easements? What can I put there?

7 CHAIRMAN BLANE: Well, the land is, in
8 fact, under zoning that permits a high-rise of up to
9 12 stories. The secret here, quite frankly, they
10 are seeking a high-rise that is 13 stories.

11 MS. MASTRELLI: Even though in that
12 area that is surrounded by private homes on one side
13 to the north on that -- on the other side to the
14 north if you go across the street that building is
15 only six --

16 MR. ALONSO: Mr. Chairman, with all
17 due respect --

18 THE WITNESS: -- stories --

19 CHAIRMAN BLANE: The answer to your
20 question is, yes.

21 MR. ALONSO: Mr. Chairman, with all
22 dues respect that is a planning question not an
23 engineering question.

24 CHAIRMAN BLANE: There will be a
25 planner. The planner has not testified yet. So,

1 why don't you hold that question for the planner.

2 MS. MASTRELLI: The board's planner?

3 CHAIRMAN BLANE: No, not the board's
4 planner. The applicant's planner.

5 MS. MASTRELLI: Okay, but what does
6 the West New York board planner say?

7 CHAIRMAN BLANE: I just told you. It
8 is zoned for 12 stories.

9 MS. MASTRELLI: On that small --

10 CHAIRMAN BLANE: Yes.

11 MS. PALERMO: Joan Palermo, 6600
12 Boulevard East. My question is what a lot of people
13 just said my understanding, and I know Mr. Blane,
14 you mentioned on several occasions during these
15 proceedings that that area is zoned for 12 stories,
16 however, my understanding is that the zoning law
17 requires that a 12 story building be on a lot of at
18 least 40,000 square feet, four zero, and this lot is
19 barely 13,000 square feet that is one three. So,
20 when you say that the area is zoned for 12 stories
21 without also saying that a 12 story building
22 requires 40,000 feet, isn't that misleading?

23 CHAIRMAN BLANE: I don't know if it's
24 misleading.

25 MR. ALONSO: It is an engineering

1 question portion of the hearing and that has nothing
2 to do with engineering.

3 MS. PALERMO: My question is directly
4 related to what Mr. Blane just said.

5 CHAIRMAN BLANE: That is correct. I
6 take your criticism and I think to a certain degree
7 you are correct, that the size of the lot also
8 affects the zoning and that is the reason, I assume,
9 that they are asking for a variance of that nature.

10 MS. PALERMO: A very large variance.

11 CHAIRMAN BLANE: I understand that.

12 MS. PALERMO: I just wanted to clarify
13 as I said, it is relevant.

14 CHAIRMAN BLANE: The size of the lot
15 is part of the zoning and the lot is small for the
16 permitted 12 stories; is that fair?

17 MS. PALERMO: Yes.

18 CHAIRMAN BLANE: Thank you. Our
19 attorney just confirmed with his partner, as modern
20 communication permitted people to do, I would ask
21 his partner will provide the board with a written
22 statement, but I will permit our attorney to respond
23 to the issue of whether the applicant's engineer has
24 or does not have a conflict in this matter.

25 MR. KARCZEWSKI: As per the research

1 done by George Garcia, who is a member of our firm,
2 the testimony of this engineer, there is no conflict
3 what so ever.

4 CHAIRMAN BLANE: And that will be put
5 in writing and submitted to all board members, I
6 assume, by no later than the next regular meeting,
7 September 17th. The communication from, I guess,
8 one of the partners in a law firm that represents
9 this board is that there is not, in fact, a conflict
10 and I would like a, since he has done the research
11 then there is no problem with giving us more than
12 just a one sentence response to this issue and I
13 would like to read the response that we get. Very
14 quickly Amy.

15 MS. ORLANDO: Very quickly, I promise.
16 I would also like to ask if you could be so kind to
17 confer about the notice provisions. Your partner, I
18 guess at your firm was going to find out whether or
19 not adequate notice and the distance of 200 feet was
20 going to be investigated, whether or not it was
21 within the 200 feet.

22 MR. BLANE: What was within the
23 200 feet?

24 MS. ORLANDO: The property that is
25 being developed. I have raised the question as to

1 whether or not it was within 200 feet of the Town of
2 Guttenberg. That was a lot of the reason for my
3 concern, no offense intended to you personally, of
4 whether or not this permitted a conflict. One of
5 the things that they were going to research, the
6 other attorney who was here on the previous
7 hearings, was whether or not it was, in fact, within
8 that 200 feet or whether it was a distance of
9 greater than 200 feet in connection with this
10 potential development.

11 CHAIRMAN BLANE: I will leave it to
12 our attorneys to answer, but why would that make a
13 difference as long as all of the residents within
14 the 200 feet area were noticed. Does it make a
15 difference --

16 MS. ORLANDO: I'm sorry, I shouldn't
17 have said notice. It is not about the notice. It
18 is about the --

19 CHAIRMAN BLANE: That is the word that
20 you used.

21 MS. ORLANDO: My mistake.

22 MR. ALONSO: Mr. Chairman, maybe these
23 questions are premature. We will wait for Mr.
24 Garcia's written opinion and then we will discuss
25 it.

1 CHAIRMAN BLANE: By the next regular
2 meeting we are going to get actual papers with the
3 explanation as to this evening.

4 MS. ORLANDO: Then we can maybe check
5 it against the questions that were posed at the
6 time, which is better than the wording that I am
7 providing at the time you note in the transcripts.

8 CHAIRMAN BLANE: What has been
9 researched is whether or not there is a conflict as
10 the town engineer of Guttenberg.

11 MR. KARCEWSKI: There is no conflict.

12 CHAIRMAN BLANE: Thank you. Does any
13 other member of the public have a question for this
14 engineering expert? Not seeing any, I will close
15 that portion of the hearing and request Mr. Alonso
16 to present his next witness. Thank you, sir.

17 MR. ALONSO: Mr. Chairman, we will
18 recall Mr. Albert Arencibia the architect.

19 A L B E R T A R E N C I B I A,
20 First having been duly sworn by the Notary,
21 testified as follows:

22 EXAMINATION BY MR. ALONSO:

23 Q Mr. Arencibia, as with Mr. Jenne, did
24 you also submit revised architectural plans as a
25 result of comments and questions raised at the prior

1 hearings?

2 A Yes, we did.

3 Q Did you also have an opportunity to
4 review Mr. Lemanowicz's report dated July 23rd?

5 A Yes, I did.

6 Q At this time can you please review
7 with the board what those revised plans are?

8 A Yes. Basically the bulk of the report
9 had to deal with the parking spaces in the garage
10 and the size of the parking spaces and some of the
11 ingress and egress requirements for the actual
12 parking spaces themselves. What we did was in order
13 to accommodate the additional handicapped spots that
14 were necessary, in order to put into the plans, we
15 actually adjusted some of the parking spaces,
16 created some areas that are more comfortable for
17 some of the concerned areas that Mr. Lemanowicz had
18 and we were able to accommodate all the handicapped
19 spaces that we needed. One of the things that
20 resulted is that some of the parking spaces were
21 actually made smaller as a result of that, but we
22 are still able to comply with the total number of
23 parking spaces required for the application.

24 CHAIRMAN BLANE: By miniaturizing the
25 parking spaces you keep the number that is required.

1 Why is that a surprise to anybody? It was an
2 emphatic assertion I will say.

3 THE WITNESS: Again, yes, we made some
4 parking spaces smaller, but it is our belief and our
5 understanding that the parking spaces will work
6 based on subcompact cars are available on the
7 market. Compact cars are available on the market.

8 CHAIRMAN BLANE: That is another
9 variance that you are asking for?

10 THE WITNESS: For the parking size
11 spaces, yes, that is correct.

12 CHAIRMAN BLANE: That is fine.

13 THE WITNESS: This is what everybody
14 looked at the plan on the screen. This parking
15 space right off of the ingress of Kennedy Boulevard
16 on the north side, just a little tight space before.
17 Now, we are able to widen that space out so there is
18 plenty of space to come in here and then back into
19 that and have plenty of space to open the door and
20 get out. So, there is not much of an issue of this
21 parking space where before it was a little on the
22 tighter side.

23 CHAIRMAN BLANE: For the benefit of
24 the record, when you say this parking space do you
25 want to identify it?

1 THE WITNESS: It is labeled D and it
2 is on the northeast corner of the building. With
3 respect to the outlets, they all remain the same.
4 We provided one handicapped space here which has
5 direct access off to the lobby on the rear of the
6 building, so there are two elevators so they are
7 separated. One for the front of the building. One
8 for the rear. This handicapped spot has access to
9 the lobby on the ground floor. Okay, now with
10 respect to there was also --

11 MR. LEMANOWICZ: Mr. Arencibia, can
12 you go back. I would rather ask my question so we
13 can have this as we go because if you go through
14 everything --

15 CHAIRMAN BLANE: Why don't you come
16 forward, number one. Number two, what our engineer
17 is saying is instead of the architect giving his
18 whole new testimony and then the engineer asking
19 questions, the engineer would rather ask question as
20 the architect's testimony is going along. So, that
21 being the case, I will leave it to Mr. Lemanowicz
22 our engineer regarding the architect's testimony.

23 MR. LEMANOWICZ: Mr. Arencibia, the
24 first parking space that you looked at, the issue
25 was not the width and the door opening. An issue

1 was that if someone is entering from Kennedy
2 Boulevard, there is a wall there and there is no way
3 for that person coming into that driveway to see
4 someone backing out of that spot and vice versa.

5 THE WITNESS: I believe there was
6 testimony at the last meeting that we proposed a
7 couple different things. You can put a mirror here
8 on the wall here so you can do that. That was part
9 of the testimony. I just don't want to go back
10 through testimony that I did before.

11 MR. LEMANOWICZ: I don't recall it
12 being discussed. If that is the proposal that is
13 fine.

14 CHAIRMAN BLANE: Time out. Excuse me.
15 I am not concerned with going back over prior
16 testimony. I am much more concerned with the
17 questions of our engineer being satisfactorily
18 answered and those are two different issues. If
19 those questions still exist and the satisfactory
20 answer requires repeating prior testimony, that
21 should be done because otherwise we don't have
22 satisfactory answers and they will just continue to
23 hang out there. I don't remember the mirror either.
24 The mirror could be a good idea. It could be a
25 satisfactory solution. If that was prior testimony,

1 I'm glad you repeated prior testimony. So, now we
2 have some type of response to at least that question
3 by our engineer. Do you get the drift?

4 THE WITNESS: Yes.

5 MR. LEMANOWICZ: Secondly, the
6 handicapped space, how are you proposing to sign
7 that because the ADA requires a sign at the spacing
8 end. Now, if you are going to make that a pull
9 through spot, you can't do that.

10 CHAIRMAN BLANE: A what spot?

11 MR. LEMANOWICZ: The handicapped space
12 it looks like it is supposed to be a pull through
13 spot, which means you can't put the sign where it is
14 supposed to go. Just wondering where -- there is no
15 signs for any of the handicapped spaces shown on the
16 plan, but I am just wondering which proposal is for
17 that particular one because the other ones are
18 standard.

19 THE WITNESS: Of course there will be
20 the decals on the ground which will designate that
21 is a handicapped spot. That is one. I know you're
22 referring to the sign is usually at the end of the
23 parking space. We can possibly either put a sign at
24 the very end of the spot here. You can even get a
25 roll bar in front to stop the car from actually

1 going and hitting the sign. That would limit then
2 the pass through, which to me it seems that the pass
3 through is probably more convenient if someone is
4 handicapped to have access to. We can possibly put
5 in the handicapped only space sign on this wall
6 adjacent to it, although not right in front of the
7 space, I think between the sign on the ground and
8 the sign on the wall --

9 CHAIRMAN BLANE: Is that a wall?

10 THE WITNESS: Yes, it is a wall.

11 CHAIRMAN BLANE: Can't you put a large
12 handicapped sign on the wall.

13 THE WITNESS: Yes, we can.

14 CHAIRMAN BLANE: Is that resolved?

15 MR. LEMANOWICZ: I believe that is
16 okay. We need to just make sure. The whole
17 handicapped thing is very sensitive right now.

18 THE WITNESS: It is supposed to be a
19 certain height, the end of the parking space, so
20 forth and so on, but that would be a proposal, put a
21 handicapped sign on the wall as well as the graphic
22 sign on the floor and keep it pass through so it is
23 sort of easier for them to access it.

24 MR. LEMANOWICZ: I agree with that. I
25 want to make sure the space is legal, so if someone

1 does get ticketed, it can stick. That is all I have
2 on that floor. Those are the items that you hit.
3 Thank you.

4 THE WITNESS: On this floor, I know
5 one of the issues was we didn't have enough back up
6 aisle space here because we had two cars
7 accommodating this area, this curbed area in the
8 front of the building. So, what we have done is we
9 removed one of the parking spaces here and shifted
10 it over and reworked the parking in this particular
11 location here and something that we are able to make
12 sure that every car here has at least a minimum 22
13 feet, so it won't interfere with anyone backing in
14 and out. There is, between the elevator and the
15 parking space here a 20-foot eight aisleway,
16 however, there is actually no cars backing into this
17 space what so ever. This is just basically an
18 access space to get into the lobby. So, any of
19 these cars of more than 22 feet would back up in
20 here, and I know that the comment was made that
21 well, this isn't a narrow spot. Even if this was a
22 foot out, the car was a foot out, you still have
23 more than 19 feet, which is more than enough space
24 for the volume of traffic that you're going to have
25 in a private parking garage to be able to either

1 wait for the car to go by or have some person pass
2 by before they go ahead and leave the parking space.
3 I believe that although I know you mentioned the
4 20-foot eight is not the 22, we don't have any other
5 parking in this particular area. There is nobody
6 backing into the space, so we believe that the way
7 it is designed it works as well. Do you want -- I
8 don't know --

9 MR. LEMANOWICZ: If you just tell me
10 which comment you are on because unfortunately mine
11 are mixed between yours and traffic and I'm trying
12 to find you in the letter here.

13 THE WITNESS: What happens over here
14 is we make so many spaces, so many spaces that are
15 labeled C because they are smaller spaces, seven
16 foot wide. One of the comments in your letter was
17 that it is hard to open the doors and everything.
18 That was a very good comment. What we did was we
19 have this location where we have these columns in
20 between. What we have done, we shifted the C spaces
21 on both sides of the column so you are able to pick
22 up an additional foot so you can actually open your
23 door in those spaces. So at least for all practical
24 purposes, it's a clear space so you can actually
25 open your door so you have basically eight feet.

1 So, those became much more usable to us as far as
2 opening the door.

3 MR. LEMANOWICZ: So, you are saying if
4 there is a seven foot space, there is always a
5 column next to it?

6 THE WITNESS: That's correct. I don't
7 think there was anything else in your comments. Was
8 there anything else that you have in your notes?

9 MR. LEMANOWICZ: Parking level one had
10 the two dead end aisles.

11 THE WITNESS: Right. That is still
12 going to be the case. We believe that you can do a
13 K turn and get out of that space.

14 MR. LEMANOWICZ: Those aisles were the
15 22's?

16 THE WITNESS: Yes, sir.

17 MR. LEMANOWICZ: I am just trying to
18 go through it to see if I can pick out which one is
19 yours. You're not going to get into the ramp slope?

20 THE WITNESS: I think that I discussed
21 that. It was brought up in your letter so we might
22 as well discuss that.

23 MR. LEMANOWICZ: I wasn't sure if you
24 were doing that or the traffic person.

25 THE WITNESS: I think we actually

1 discussed this before when I showed Tom he had made
2 some comments with respect to the slope of the
3 ramping into the space and we actually redesigned
4 the ramp here so the board can see that. There is
5 this little section and we actually have an exhibit
6 that I believe you can look at so we can hand out.

7 MR. LEMANOWICZ: Just as a point of
8 explanation, Mr. Arencibia, correct me if I am
9 wrong, but in my previous letters there was an issue
10 with how the architectural plans with respect to the
11 garage level spoke to the engineering plans and
12 there was some discrepancies there. In fixing the
13 discrepancies the slopes of the ramps from the two
14 garages have changed?

15 THE WITNESS: That's correct, yes. I
16 don't know if you want to mark this as an exhibit?

17 MR. ALONSO: We will mark it as an
18 exhibit.

19 CHAIRMAN BLANE: What number? I think
20 that would be A-1.

21 Q Mr. Arencibia, before you proceed can
22 you please identify what the document is that was
23 marked as A-1?

24 A Giving you -- basically it is a sketch
25 called SK-10, which I guess would be exhibit one,

1 but that shows --

2 CHAIRMAN BLANE: Excuse me, Maria.

3 Mark it as A-1 with today's date. Please continue.

4 (Sketch was received and marked A-1.)

5 THE WITNESS: What you have in your
6 hand is basically what you're seeing here on the
7 screen itself. It's a little different on the
8 screen. One of the issues that we had Mr.
9 Lemanowicz was concerned about bottoming out the car
10 the way the ramp was done from the transition of the
11 ramp here and at the top. So, what we have done is
12 we have actually softened the ramp so that by
13 softening the ramp you don't have the issue of
14 bottoming out the car. The space where the cars go
15 up there is a couple transitions that you can see
16 here. You have the first ten foot. It's at an
17 eight percent slope. From there on it goes to a
18 60 percent slope or ten feet and then it goes up to
19 a 20 percent for 19-foot eight. Again, it goes down
20 to ten -- 16 degree slope and then back down to an
21 eight degree slope. So, therefore, it is a much
22 softer slope coming in and arriving at the very top
23 of the floor because by doing this we don't have the
24 bottoming out issues that Mr. Lemanowicz had pointed
25 out to us. You are also able to accommodate it

1 without having any excessive slope in our
2 estimation. The heights will be maintained eight
3 foot three openings, so the minimum height would be
4 eight foot three. There is no problem as far as the
5 height is concerned and based on the fact that this
6 is just an entrance ramp and only for about 19 feet,
7 a little less than 20 feet that the slope exceeds
8 20 percent, we feel that this is a safe solution for
9 the people accessing the parking area. Again, this
10 is just for residents. It is not a public parking.
11 You can see here basically this would be the ramp
12 coming up here, you make your transition and then it
13 levels off over here.

14 CHAIRMAN BLANE: This is an internal
15 ramp?

16 THE WITNESS: Correct and there is no
17 parking off of that ramp what so ever. It is just
18 ingress and egress period, nothing else. As you get
19 to the very top of the third floor, we located the
20 handicapped spots in the corner over here. Some of
21 the issues, of course because of the ramping on the
22 south east corner of the building, there would be
23 two handicapped parking spaces parked here, so you
24 have plenty of back up aisle space behind and it
25 will come from the parking spots here and you just

1 walk across and go into the elevator right across
2 the aisle.

3 MR. LEMANOWICZ: Mr. Arencibia, I am
4 going to go back there. I am going to go back to
5 the ramp thing, I was just finding the word here.
6 The ramp is now -- the ramp on the set of plans that
7 I reviewed was 19 percent. With this change I just
8 see now it is up to 20 percent.

9 THE WITNESS: For a small section.

10 MR. LEMANOWICZ: Right. Now, just for
11 comparison purposes the handicapped ramps that you
12 see for people with wheelchairs and stuff that go
13 around staircases, that is eight percent 8.3
14 percent. So, this is roughly two and a half times
15 steep as a handicapped ramp that you see everywhere.
16 Just for comparison I have a document called
17 Dimensions of Parking Fourth Addition by the Urban
18 Land Institute National Parking Association that
19 says non-parking ramps should be limited to twelve
20 and a half percent grade unless signage specifically
21 prohibits pedestrian use of ramps. Ramps greater
22 than 15 percent can be psychological barriers to
23 some drivers, particularly in the case of a down
24 bound ramp. Another document called a Traffic
25 Engineering Handbook by the Institute of

1 Transportation Engineers Fourth Addition says ramps
2 without parking should be limited to about ten to
3 12 percent. Grades up to 15 or 20 allow only
4 attended parking structures, which means you have
5 basically a professional parking person driving
6 these cars to get them up and down these ramps and
7 park them.

8 THE WITNESS: That also means that
9 those are public parking spaces. That is our point.
10 Our point here is this is residential. This is
11 private parking. It is not a garage, an open
12 garage.

13 MR. LEMANOWICZ: I understand that
14 could be interpreted that way. The one document
15 says it shouldn't be over 15. The other one does
16 give it to 20 percent under special conditions. I
17 think 20 percent is excessive. Again, it is hard to
18 visualize so I like to throw examples at people. A
19 Toyota Camry, the Camry and Corolla are the basic
20 cars here. On this ramp your front tire would be
21 about 21 inches higher than the back tire, which is
22 the height of four curbs, that is how high that
23 front end is going to be off the ground -- not off
24 the ground, but that is the tilt that you are going
25 to be experiencing and I think that is uncomfortable

1 and can be frankly scary to some people trying to
2 navigate, but that is --

3 MR. ALONSO: Mr. Arencibia, based on
4 your plan, for what length is the 20 percent?

5 THE WITNESS: Less than 20 feet. It
6 is basically the length of a car and a little bit
7 more than a car, a car and a quarter.

8 CHAIRMAN BLANE: What is the length?

9 THE WITNESS: Nineteen foot eight,
10 little less than 20-foot.

11 MR. LEMANOWICZ: Again, Mr. Chairman,
12 I have literally seen this just now, so I really
13 haven't had a chance to look at it to see if the
14 bottoming out, this is the word, because of the
15 transition length, it's a little trickier to figure
16 the whole bottoming out. But there are two issues.
17 Number one was the no rubbing as you changed, but
18 also the example I had in my letter is when the car
19 goes over the crest that the bottom would actually
20 scrape against the body.

21 THE WITNESS: That was my previous
22 map. That is why we made the adjustment based on
23 your comment.

24 MR. LEMANOWICZ: I understand that. I
25 just want to make sure, particularly now as you go

1 around town there are a lot of cars that are
2 lowered. That's a concern. The whole clearance
3 issue, but I will have to look at this and see if
4 it's been addressed.

5 THE WITNESS: Again, one of the good
6 things, again it is not a public parking space, that
7 is number one. Another good thing about this is that
8 there is going to be assigned parking, so if there
9 is any smaller cars that are going to be put next to
10 where the smaller parking spaces are, subcompact
11 cars, if there are any larger cars they are going to
12 be put in places where they are going to be able to
13 accommodate more of the larger cars. So, you have
14 flexibility. There will be assigned parking spaces
15 in that respect that will help the situation that we
16 have.

17 CHAIRMAN BLANE: So, essentially what
18 you are saying is that those people that are going
19 to drive up this slope, your question is whether
20 they are afraid of heights or not? Let me ask the
21 engineer a question that is not sarcastic. What was
22 the height of the tilt again with the 20 percent
23 slope?

24 MR. LEMANOWICZ: I didn't figure for
25 the 20. We went from 19 and 20, but at 19 percent

1 THE WITNESS: Yes. Anything else in
2 your comments?

3 MR. LEMANOWICZ: That is all on where
4 you have been so far.

5 THE WITNESS: Excuse me, I was told it
6 is 22 feet not 20.

7 Q Mr. Arencibia, in addition to those
8 comments there was a comment, technical point number
9 one, with respect to submitting sheet T-1?

10 A Yes.

11 Q Did you bring T-1 with you?

12 A Yes.

13 THE ALONSO: We are just going to, for
14 the record, submit T-1, 18 copies to the board
15 secretary.

16 Q Can you just explain what T-1 is?

17 A On T-1 what we have actually put on
18 there in order to clarify the issues for the
19 different site --

20 CHAIRMAN BLANE: Why don't you let our
21 secretary hand them out to the board so we can
22 follow along.

23 A T-1 what we did in there is basically
24 since we made some modifications to the parking
25 spaces, parking sizes, so forth and so on, we have

1 I have no further questions with respect to the
2 parking. I believe that based on the testimony of
3 Mr. Peregoy with respect to parking and traffic in
4 the past and with respect to the testimony of the
5 witnesses you already heard, as well as the revised
6 plans, we believe that we addressed all the comments
7 that Mr. Lemanowicz had in terms of parking and
8 traffic. Mr. Peregoy is here in the event that the
9 board does have any questions of Mr. Lemanowicz just
10 for clarification purposes. If they don't, I can
11 release Mr. Peregoy and then we can move onto the
12 sun shadow study. So, I just didn't want to jump to
13 the sun shadow study and then have Mr. Peregoy come
14 back another date. I figured we would just finish
15 any questions or comments with respect to parking
16 this evening.

17 CHAIRMAN BLANE: We will find out, I
18 would say within a minute, as to whether he answered
19 all of Mr. Lemanowicz's questions. As you know
20 after the board has questions, we then ask our
21 engineer if he has any questions. Does any board
22 member have any questions? Does our planner have
23 any questions?

24 MR. LAYTON: No.

25 CHAIRMAN BLANE: Does our attorney

1 have any questions?

2 MR. KARCZEWSKI: No.

3 CHAIRMAN BLANE: Does our engineer
4 have any questions?

5 MR. LEMANOWICZ: Just one more
6 Mr. Chairman. I'm not sure this witness is the
7 correct one, but we have discussed about warning
8 devices for cars coming out of the garages. There
9 is nothing on the plans yet. When are we going to
10 see those? We talked about a light, an automatic
11 opener, different things about how to warn people
12 that a car is coming out on to the sidewalk.

13 THE WITNESS: I think we can come up
14 with something between your office and our office.
15 We would be more than happy to do that, put a sign
16 on the inside or outside. I don't believe that
17 would be an issue as far as our client is concerned.

18 MR. LEMANOWICZ: If the board is
19 looking for a positive vote on this and they desire
20 that device, I would just ask for some specificity
21 as far as what we are looking for so that I don't
22 have to assume too much if that is a condition that
23 the board chooses to put on.

24 CHAIRMAN BLANE: This is what we will
25 do between now and the next meeting, September 17th,

1 I will ask the architect, our engineer to confer
2 with our attorney because he has notes on all the
3 stuff that the applicant agreed to put on as warning
4 device for mostly leaving the garages and other
5 members --

6 THE WITNESS: Signage and the whole
7 bit.

8 CHAIRMAN BLANE: I think there was
9 also a call for -- there was a multitude of things
10 as I remember that we discussed also with the
11 traffic engineer, as I recall. So, if you want to
12 bring him into that, that is fine. I think our
13 attorney has most of that.

14 THE WITNESS: Again, I don't think my
15 client will have any problems with that. We want to
16 make sure that everybody is safe, so that is not a
17 problem.

18 CHAIRMAN BLANE: Let's first determine
19 what the engineer says as to what you already agreed
20 to and if other things have to be done to accomplish
21 that, that is fine also.

22 MR. LEMANOWICZ: That is the only
23 outstanding item I have for this witness.

24 CHAIRMAN BLANE: Does any member of
25 the public have any questions of this architect

1 regarding his testimony, please come forward.

2 You can't jump the line, sir. Yes,
3 ma'am?

4 MS. KELLERMAN: I have a couple of
5 questions. Linda Kellerman, 6600 Boulevard East,
6 West New York, New Jersey. I understand, of course,
7 the revised changes and the dimensions of the
8 parking spaces and given that a lot of people have
9 SUV's honestly, how many parking spaces that you
10 have in this revised plan do you think could
11 accommodate the average SUV like a Lexus SUV?

12 CHAIRMAN BLANE: You have a list as I
13 recall.

14 MS. KELLERMAN: Approximately because
15 there are a lot of --

16 CHAIRMAN BLANE: Excuse me, ma'am, it
17 is on the list.

18 THE WITNESS: Right now basically you
19 are looking at approximately 40, 80, 94 -- 95.

20 MS. KELLERMAN: Ninety-five out of 100
21 spaces can accommodate --

22 THE WITNESS: A hundred seven.

23 MS. KELLERMAN: -- a hundred and seven
24 spaces could accommodate an SUV even though that is
25 quite -- seven feet wide spaces now?

1 THE WITNESS: Yes.

2 MS. KELLERMAN: Could you show me on
3 one of the plans where the seven feet wide spaces
4 are? I'm a little confused. Are they the C?

5 THE WITNESS: They would be the C. It
6 would be the spaces in between the columns, so this
7 way you pick up a space at the columns. So, this
8 space would be picked up by both of these spaces.
9 These would be the C, so in between the columns you
10 pick up an additional foot, so although there is
11 seven you actually have another foot because it is
12 an open space next to it.

13 MS. KELLERMAN: So, this column --

14 THE WITNESS: There is no column here.
15 There is only a column at the very end. So, there
16 is space so you can open the door.

17 MS. KELLERMAN: Okay, so the thing is
18 all the seven feet wide spaces are going to have
19 something like this that would be open?

20 THE WITNESS: That is correct.

21 MS. KELLERMAN: Okay, fine. There was
22 something like this, let's say mechanical room,
23 let's say above the mechanical room somebody has a
24 big SUV and they park there and they didn't pull in
25 enough and then to the right of the mechanical room

1 there is another SUV or another car, is there going
2 to be a problem with blocking if somebody doesn't
3 park correctly?

4 THE WITNESS: It always is. If
5 someone doesn't park correctly we can tow them. We
6 can take them out. We can ticket them. You have a
7 space that is deep enough so that you will be able
8 to park there. It should not be a problem.

9 MS. KELLERMAN: So, one should be able
10 to back out if this is parked properly one should be
11 able to back out without interfering with the other
12 person in that corner?

13 THE WITNESS: Yes.

14 MS. KELLERMAN: That is an example and
15 there is another example like on the other level?

16 THE WITNESS: Yes.

17 MS. KELLERMAM: Okay, thank you.

18 MS. GONZALES: I am Maureen Gonzales,
19 G-O-N-Z-A-L-E-S, 6600 Boulevard East. I understand
20 that this is a rental building and I have a
21 hypothetical question. I rent apartment 110. I
22 have a Fiat. I am assigned to space number 37,
23 however, I am moving out next month and the person
24 that is moving in has a Lexus SUV. Now, the ramp is
25 going to accommodate me in a small -- going up the

1 parking, that ramp, but will it accommodate my car,
2 the new car, the Lexus? How are you going to
3 control who has what kind of a car assigned to the
4 old space where the apartment is being vacated?
5 That is impossible unless you then go to everybody
6 around --

7 MR. ALONSO: That is a management
8 issue.

9 CHAIRMAN BLANE: The question was
10 whether the ramp can accommodate an SUV.

11 THE WITNESS: It can.

12 MS. GONZALES: Well, also not only
13 that --

14 CHAIRMAN BLANE: He already testified
15 that 94 of the 107 spaces can accommodate SUV's.

16 MS. GONZALES: Right, but if my space
17 that I was assigned to doesn't then how are they
18 going to accommodate me as the new tenant?

19 CHAIRMAN BLANE: That is a management
20 problem.

21 MS. GONZALES: So, then they have to
22 assign everybody in the building with an SUV --

23 CHAIRMAN BLANE: Let me give you an
24 example. Let's say the person who has an SUV is
25 moving out the same time you are, hypothetically if

1 that is the case, you come in with the SUV. The
2 other person comes in with a brand new Fiat.

3 MS. GONZALES: That is the problem --

4 CHAIRMAN BLANE: No, it is not. It is
5 similar to your hypothetical.

6 MS. GONZALES: But it is a problem
7 management wise.

8 CHAIRMAN BLANE: It's a problem only
9 if there are only 13 spaces left when you come in
10 with your SUV, that is the only time it's a problem.
11 Thirteen out of 107.

12 MS. GONZALES: Right, but it could
13 happen. My problem is it does become a major, I
14 believe, a problem for management.

15 CHAIRMAN BLANE: That is fine. I
16 appreciate your comment. Thank you. Yes, sir?

17 MR. CULLEN: Patrick Cullen, 72 67th
18 Street. Mr. Blane, if I could just peg the
19 indulgence of a public service announcement. After
20 9:00 if you don't live in this town and you don't
21 have a blue sticker on your car and you are parked
22 on Harrison, Tyler, Palisade, Hudson or any point
23 west of -- on 60th Street west of Palisade, if my
24 direction is right, you will get a ticket. So you
25 have to go out and move your car or you go to 224

1 60th Street, the western parking lot and pay three
2 dollars and get that receipt and put it on your
3 dashboard.

4 CHAIRMAN BLANE: You know what that
5 means? That means that this gentleman can ask any
6 question he wants any time he wants because that
7 public service announcement was very well done and
8 very important and I am very glad he did it.

9 MR. CULLEN: Thank you, Mr. Blane. I
10 used to work for the parking authority and I gave
11 someone a ticket.

12 CHAIRMAN BLANE: There is a new
13 ordinance since last September and the fines are
14 very, very large. I believe they are \$60 or
15 something like that. It is all over town and if you
16 don't have the parking sticker, you're going to be
17 subject to those fines after 9:00. It is important.
18 Thank you. Do you have any questions of the
19 engineer?

20 MR. CULLEN: Yes, I do. The board's
21 engineer, yes, I do. I would like to call on the
22 question, with all due respect, the board's
23 engineer. You referred to a handbook that was
24 fourth addition and you said that you had concerns
25 about the inclination that was between 19 and

1 20-degrees?

2 CHAIRMAN BLANE: That's correct.

3 MR. CULLEN: You mentioned, I am not
4 sure if it was your opinion or the wording of the
5 person that wrote that state guideline that perhaps
6 a professional driver could negotiate the
7 inclination of that and there was comment either by
8 the engineer or the attorney, the same, this is not
9 a public garage, it's a private garage.

10 CHAIRMAN BLANE: Let me just correct
11 you. The word was attendant and I guess that is
12 what you meant by professional and the response was
13 this wasn't right. This was, in fact, a private
14 garage that will not have an attendant. It is not a
15 public garage.

16 MR. CULLEN: So, in other words, thank
17 you Mr. Blane, you just stole most of my thunder.
18 We have enough thunder outside. So, therefore a
19 person as a guest or an occupant using this garage
20 doesn't make that person more professional because
21 they are in this building. They are just as good or
22 bad a driver as anyone on the street is. Right?
23 So, all right, so therefore, okay let me -- I want
24 to --

25 CHAIRMAN BLANE: The board accepts the

1 thrust of your comment. I think we also saw back to
2 the comments of your own engineer and the response
3 by the applicant that they feel that the slope that
4 they show tonight is satisfactory. That is
5 something for the board to weigh.

6 MR. CULLEN: Okay, if a person has a
7 mechanical break down on this ramp, there is a whole
8 school of possibilities and scenarios that could
9 happen if there is a mechanical break down, if a
10 person is handicapped or overweight, there is all
11 this climate control --

12 MR. ALONSO: We do not know at the
13 time we have discussed that.

14 MR. CULLEN: -- on this 20-degree
15 slope and the person is 300 pounds. They are
16 diabetic. They are nearsighted. They just broke
17 down on the ramp --

18 CHAIRMAN BLANE: But are they
19 left-handed?

20 MR. CULLEN: You mean like Simon Bar
21 Sinister or --

22 CHAIRMAN BLANE: All I said is are
23 they left-handed.

24 MR. CULLEN: That is a joke. Right?

25 CHAIRMAN BLANE: Yes.

1 MR. CULLEN: I am concerned even
2 though I don't have any horse in this race. I am
3 obviously against this project, but I am concerned
4 about the welfare of the people if the board
5 approves. I hope they don't, but that is their
6 choice, not mine. Are there any possibilities that
7 a person in such a state of dire straights with one
8 paddle up the creek with no paddle --

9 MR. ALONSO: We will call an
10 ambulance.

11 MR. CULLEN: Do you see any -- how
12 would you address that?

13 THE WITNESS: You can go on a diet,
14 exercise more, use my cell phone if I am in trouble.

15 MR. CULLEN: I have another question
16 about the parking situation.

17 CHAIRMAN BLANE: Let's not move away
18 from that. Somewhere in your mind there was a
19 serious question that you were concerned about. All
20 right so instead of -- and that is why I said left
21 handed instead of putting all those conditions on
22 it. We can put an individual in a car on that ramp
23 with every bad condition known to man, that doesn't
24 get us where you want us to go to. You want to know
25 if somebody has a disability is that the issue and

1 they are in a car on the ramp and the car becomes
2 disabled what happens?

3 MR. CULLEN: They would have to get
4 out of the ramp. I am very concerned, Mr. Blane,
5 our engineer -- the engineer for the project was
6 truthful and said he is not sure if it's going to be
7 climate controlled, so if it is 28 degrees and you
8 have some ice on that ramp, the person can get hurt
9 by getting out of that car and sliding on the ramp.

10 CHAIRMAN BLANE: But even beyond the
11 garage freezing over, somebody who has a disability
12 that is stuck on the ramp has to be helped one way
13 or another and that to me is a management situation,
14 but it is an issue that you rightfully raised and
15 has to be considered.

16 MR. CULLEN: Since the engineer also
17 testified there is a handicapped --

18 CHAIRMAN BLANE: Architect.

19 MR. CULLEN: Architect testified as to
20 the handicapped spots, I have a question or two
21 about that, if I may. In this revised plan of
22 handicapped spots how many handicapped spots do you
23 now have?

24 THE WITNESS: Five.

25 MR. CULLEN: Has it always been the

1 case?

2 THE WITNESS: No.

3 MR. CULLEN: What was it in the past?

4 THE WITNESS: Three.

5 MR. CULLEN: So, it went up the two?

6 THE WITNESS: Yes.

7 MR. CULLEN: Have the total spots then
8 went up by two?

9 THE WITNESS: No.

10 MR. CULLEN: So, therefore, you took
11 away two of the regular spots to give to the
12 handicapped people?

13 THE WITNESS: Yes.

14 MR. CULLEN: What if, hypothetically,
15 there are no handicapped people on any given
16 scenario, but they have visitors or people that want
17 to use the regular spots, but they can't so now you
18 have, because of the two extra handicapped spots
19 that no one is using, you have two motorists that
20 live there or are guests there that now have to park
21 on the street, you have now taken up two more spots.
22 Correct?

23 MR. ALONSO: That is the requirement;
24 isn't it, Mr. Arencibia?

25 THE WITNESS: Yes.

1 MR. CULLEN: I respect that. I
2 understand what your attorney is -- I agree it's a
3 requirement, however, isn't there a certain
4 requirement for how many spots you can have based
5 upon -- how many parking spots visa via how many
6 living spots and now we have to cut back on two of
7 them. We are already cutting to the bone. We see
8 you cut back on the spaces and now you're cutting
9 back on the size of each space and now you're
10 cutting back on the spaces themselves, which means
11 we are dumping more cars on the neighborhood. That
12 is one of the biggest beefs that we have, parking,
13 parking, parking.

14 MR. ALONSO: Mr. Arencibia, are we
15 complying with the parking requirements in terms of
16 number of spaces and, therefore, not requesting a
17 parking variance in terms of number of spaces?

18 THE WITNESS: Yes.

19 CHAIRMAN BLANE: You have a hundred
20 and two regular spaces?

21 THE WITNESS: Yes.

22 CHAIRMAN BLANE: How many do you need?
23 What I just did I just took 107 and subtracted the
24 five to get 102. Does anyone know the answer to
25 that question?

1 MR. ALONSO: There is no requirement.
2 It is 107 parking spaces. Out of that we have to
3 provide five handicapped spaces.

4 THE WITNESS: Ordinance one to one
5 bedroom, 1.5 to two bedroom, so -- RSIS.

6 CHAIRMAN BLANE: The reason why --

7 MR. JENNE: I will provide testimony
8 if you want it.

9 CHAIRMAN BLANE: I don't want it. The
10 reason why I am suspicious of that is because the
11 amount of parking spaces that are required I believe
12 are based upon the bedrooms.

13 THE WITNESS: High-rises -- it is
14 different whether it is a high-rise or mid-rise, so
15 it changes, the numbers change.

16 CHAIRMAN BLANE: But they are always
17 based on the bedrooms?

18 MR. ALONSO: Correct. One space --
19 point eight spaces per one bedroom, two for a two
20 bedroom.

21 CHAIRMAN BLANE: It is based upon the
22 bedrooms.

23 THE WITNESS: And the type of
24 building.

25 CHAIRMAN BLANE: In this building

1 you're required to provide 107 spaces; is that
2 right?

3 THE WITNESS: That is correct.

4 CHAIRMAN BLANE: I would bet you
5 dollars to doughnuts that the five handicapped
6 spaces are on top of the 107 that are required by
7 the bedrooms.

8 MR. ALONSO: I won't take that bet
9 because it may be improper. I will have Mr. Jenne
10 testify and clarify that issue for the board once we
11 are done with Mr. Arencibia.

12 MR. CULLEN: Mr. Blane, sir, thank you
13 for indulging me.

14 CHAIRMAN BLANE: Thank you.

15 MR. WINTERNHEIMER: Dana
16 Winternheimer, 6701 Boulevard East. I had a
17 question about your C spaces. Those are supposed to
18 be the smallest spaces. Correct?

19 THE WITNESS: Correct.

20 CHAIRMAN BLANE: Excuse me, let me
21 butt in. I just confirmed with our engineer and
22 evidentially I am wrong and my thought process was
23 misplaced. I have regained my thought process and I
24 have been told that the amount of parking spaces is
25 inclusive of the handicapped spaces. In other

1 words, 107 includes the five. It is not 107 plus,
2 of bedrooms plus five, which makes a lot more sense
3 to me. But even though it makes a lot more sense to
4 me, legally it is not factually correct. So, the
5 107 that this applicant is providing is the required
6 number that they have to provide inclusive of the
7 five handicapped. I'm sorry for interrupting you.
8 Please continue.

9 MR. WINTERNHEIMER: On the C spaces
10 you testified that in spite of in their small size
11 they were acceptable because there were pillars in
12 between every C size parking space that was adjacent
13 to another C, yet on the plans you have three C size
14 parking spaces with no pillars between them. Are
15 those -- these are the new plans you just brought
16 today. Right?

17 THE WITNESS: We have updated the
18 plans -- these have not been updated to show the
19 other C spots next to the columns. Those we would
20 still have to update and get copies.

21 MR. WINTERNHEIMER: These are the
22 plans that you brought in today?

23 THE WITNESS: No, no.

24 MR. WINTERNHEIMER: They are not the
25 updated --

1 THE WITNESS: These plans have been
2 there for over two weeks.

3 MR. WINTERNHEIMER: These. The board
4 has the new ones?

5 THE WITNESS: We are proposing -- what
6 we are showing on the screen, we are proposing,
7 providing comments from Mr. Lemanowicz as well, we
8 are showing the location of the C spaces next to the
9 columns located on the --

10 MR. WINTERNHEIMER: So, you will be
11 having new drawings that show what you just
12 testified to?

13 THE WITNESS: Yes.

14 MR. WINTERNHEIMER: This may be a
15 question for the traffic guy because he was talking
16 about it at the last hearing, but the mirrors for
17 the spaces I believe on the first floor adjacent to
18 the wall --

19 THE WITNESS: There was a discussion
20 about mirrors?

21 MR. WINTERNHEIMER: Yes, there was at
22 the last meeting. I think the problem that was
23 brought up at the last meeting is that between the
24 street and the curb and the wall there isn't room
25 for a vehicle entering to actually stop and use

1 those mirrors without impeding traffic on the
2 Boulevard. Has that been addressed in your new
3 proposal?

4 THE WITNESS: No.

5 MR. WINTERNHEIMER: So, that hasn't
6 been addressed. Also, it was mentioned the warning
7 devices for traffic entering and exiting, I live on
8 67th Street, so I would really like to know what you
9 propose for a warning device on the sidewalk? Is it
10 going to be a flashing light in my bedroom window
11 all night while people come and go? I would like to
12 see what you propose. Thank you.

13 CHAIRMAN BLANE: Let me just respond
14 to that. What I would ask is that the architect,
15 maybe the traffic engineer or our engineer and the
16 attorney who has all this written down to confer
17 prior to the next regular scheduled meeting
18 September 17th at that meeting new plans or whatever
19 are necessary, to show these warnings signals or to
20 tell us what they are, should be divulged to us at
21 that time.

22 MS. PUERTO: Rose Puerto, 6600
23 Boulevard East. The question that Dana posed to you
24 about the mirror, where would -- can you show me
25 where that mirror was proposed to go?

1 THE WITNESS: Not right now. We will
2 revise drawings and take into consideration all the
3 issues that were raised.

4 MS. PUERTO: You testified,
5 Mr. Arencibia, you testified I guess pretty
6 extensively about the compact cars because in the --
7 and I am reading from the engineer's comments or
8 responses to the revised site plans where it says
9 the ordinance, which is that the zoning ordinance,
10 is that what you make reference to, the zoning
11 ordinance allows 15 percent of the parking spaces to
12 be compact car spaces, but the application proposes
13 100 percent of the spaces to be substandard in size
14 and 5.7 percent are at least one dimension smaller.
15 When you were, I guess, when you were drafting these
16 plans and stating that this is fine, the compact
17 spaces are allowable because cars will fit, what is
18 the basis of what you are saying, your argument?
19 How do you know this? Is it an opinion or is it a
20 study or something technical that you looked at?

21 MR. ALONSO: Is that based on the
22 testimony by the traffic engineer?

23 THE WITNESS: Yes, that is basically
24 what it was. I mean most people drive smaller cars
25 these days and the thing is --

1 FEMALE AUDIENCE MEMBER: I have a
2 large van.

3 CHAIRMAN BLANE: Excuse me, who said
4 that. Would you please leave. Please leave. Thank
5 you.

6 MR. ALONSO: Mr. Arencibia, as an
7 expert witness in architecture do you consult with
8 other experts in the project?

9 THE WITNESS: Yes.

10 MR. ALONSO: Do you rely also on some
11 of the testimony that they provide to the board in
12 order to draw your plans?

13 THE WITNESS: Of course.

14 MR. ALONSO: And to Ms. Puerto's
15 question, do you rely on the testimony by Mr.
16 Perego with respect to the compact vehicles?

17 THE WITNESS: Yes. That is one of the
18 reasons why we made those changes with respect to
19 the smaller parking spaces to allow more of them.
20 So, we actually have had conversations and, yes, we
21 did so.

22 MS. PUERTO: Just to get so I
23 understand, Mr. Perego provided the information
24 from studies, I guess, that compact cars would fit
25 within these spaces no problem, I guess. Is that

1 what we are saying?

2 THE WITNESS: Yes.

3 MR. ALONSO: This was his testimony.

4 MS. PUERTO: The ramp, just another
5 question, that's a brand new drawing or exhibit.
6 Is that available to the public immediately?

7 THE WITNESS: It's been here for two
8 weeks.

9 MS. PUERTO: Not what I --

10 THE WITNESS: These drawings right
11 here?

12 CHAIRMAN BLANE: The ramp.

13 THE WITNESS: No, that was --

14 MS. PUERTO: Is that something that
15 would be available tonight to me?

16 CHAIRMAN BLANE: Would you have an
17 extra one right now?

18 THE WITNESS: Yeah, uh-huh.

19 MS. PUERTO: So, that the board
20 engineer's comments describe again the most common
21 car is a Toyota Camry, which I have a Toyota Camry.
22 I don't only see small cars or small compact cars.
23 I do see a variety of cars empirically just looking.
24 He mention that because of the spaces, opening the
25 doors would leave a very small amount of space area

1 for the passengers to get out and you did explain, I
2 think, that in those seven foot spots there is going
3 to be a column, so there is going to be that in
4 between so it allows for an extra foot?

5 THE WITNESS: Correct.

6 MS. PUERTO: And I would like to ask
7 the board engineer, do you agree that this would be
8 okay and this will allow enough space for the cars?

9 MR. LEMANOWICZ: I don't have those
10 plans yet. The plans I have are the ones that are
11 here that do not show the cars like that. It seems
12 to make sense, but again I haven't seen the plans
13 where the spaces are revised.

14 MS. PUERTO: Just another question
15 that I will pose to Mr. Arencibia and then also to
16 the board engineer. Does it make sense that we
17 really don't know what kind of cars these people are
18 going to have? They could all be very large cars.
19 If it's, for example, mostly very large cars will
20 the spaces as you have drawn them accommodate that?

21 THE WITNESS: Large cars -- if they
22 are all large cars, if every single car there was a
23 large car it would be hard to park in separate
24 spaces, yes.

25 MS. PUERTO: Parking would be

1 difficult. With respect to the slope, and my
2 understanding from the comments from the board
3 engineer does it seem -- are the revised site
4 drawings, the revised site plan are they in
5 contradiction to the traffic expert's report where
6 it is stated that the site plan was prepared in a
7 manner consistent with accepted traffic and
8 engineering design, I can't read my own writing, is
9 it consistent with standard traffic and engineering
10 design or does it require a variance for that?

11 THE WITNESS: We are asking for a
12 variance for some of these smaller spaces. We
13 consulted with our traffic engineer.

14 MS. PUERTO: My question is the
15 testimony that I heard you give about the slope, the
16 entranceway that is 20 percent grade and what the
17 engineer, what I understood him to say is because he
18 cited from some traffic reports and so my question
19 is is the revised site plan in contradiction then to
20 or is the traffic report in contradiction to the
21 revised site plan because the traffic report says
22 the site plan has been prepared in a manor
23 consistent with accepted traffic and engineering
24 design standards. Has it been prepared in
25 accordance with the accepted traffic and engineering

1 or are you asking now for a variance to that?

2 THE WITNESS: Yes.

3 MS. PUERTO: It is in accordance?

4 THE WITNESS: Yes.

5 MS. PUERTO: Do you agree with that?

6 MR. LEMANOWICZ: There is a number --
7 there are many different standards. Unfortunately,
8 there is -- a lot of different people publish
9 different things. An accepted standard has also
10 been as part of testimony you can say that as
11 experience that is part of the testimony when they
12 go and vary slightly from an accepted standard. I
13 read from two different standards that said two
14 different things. So, that is part of the board's
15 responsibility is to listen to the various things,
16 listen to the various sources and decide based upon
17 all that information if it's consistent. Because
18 you will notice it doesn't say -- it doesn't match
19 precisely. It says is it consistent because again
20 there are a number of standards.

21 MS. PUERTO: That makes it difficult.
22 My last question, and Linda had asked, Linda asked
23 how many spaces could accommodate an SUV and you
24 said 94, 90 plus?

25 THE WITNESS: Ninety-five.

1 MS. PUERTO: But you just said to me,
2 an SUV seems pretty big to me. Ninety plus SUV's
3 all at once would be accommodated in there?

4 THE WITNESS: I didn't say all of
5 them.

6 MS. PUERTO: Well, how many SUV's at a
7 time do you estimate would fit there?

8 THE WITNESS: You said all of them.
9 If every person has a large SUV then it would be
10 very difficult to use the seven foot spots.

11 MS. PUERTO: So, 90 plus what did you
12 mean 94 --

13 THE WITNESS: Ninety-four are wide
14 enough to accommodate the SUV.

15 MS. PUERTO: One at a time.

16 THE WITNESS: Yes.

17 MS. PUERTO: How many total estimated
18 would accommodate SUV's if a certain percentage of
19 people had SUV's.

20 MR. ALONSO: I believe the testimony
21 is 95.

22 THE WITNESS: Ninety-five.

23 MS. PUERTO: So, if 95 people -- 95
24 SUV's can fit at one time?

25 THE WITNESS: Ninety-five.

1 MS. PUERTO: Can they open the car
2 doors?

3 THE WITNESS: Ninety-five, yes.

4 CHAIRMAN BLANE: That is his answer.

5 MS. PUERTO: I find it hard to
6 believe, but thank you.

7 MR. EVANS: Jonathan Evans, 6600
8 Boulevard East. At a previous meeting I had tried
9 to recreate the generation of the need for 107
10 spaces because that seems, that's a given here, but
11 when I looked at all the plans and tried to
12 understand bedroom units and things like that, I
13 noticed some kind of units that confused me and I
14 asked Mr. -- if the next set of plans would actually
15 include a count and a designation of which were one
16 bedroom, which were considered one bedroom, two
17 bedroom, three bedroom, the mix of units so that it
18 was really easy for anybody looking at the plans to
19 see how you called out the units. So, I don't know
20 if that is on the newer set of plans, but maybe you
21 can walk through a typical floor.

22 MR. ALONSO: Mr. Arencibia, you
23 testified at the first hearing with respect to the
24 break down of the units and you identified them in
25 the plans?

1 THE WITNESS: Yes.

2 MR. ALONSO: And you were questioned
3 about it at that time?

4 THE WITNESS: Yes.

5 MR. ALONSO: Have they changed?

6 THE WITNESS: No.

7 MR. EVANS: Can I be indulged here. I
8 don't accept that this is necessarily -- I know now
9 Mr. Blane said you can believe it or not believe it.
10 That whole series of stacked units that has no
11 windows, that has a room that actually has -- it is
12 a habitable room size, but it has no windows. It is
13 called out as a one bedroom unit, but technically
14 looks like a two bedroom unit. How does that happen
15 and how do these plans come back for requests for
16 changes or is that actually the way that you are
17 going to build or at some point do you say by the
18 way, we are going to fix the facade, we are going to
19 put windows here and then all of sudden a one
20 bedroom unit becomes --

21 CHAIRMAN BLANE: No. They would have
22 to come back to do that. They would have to -- to
23 do a floor of windows or to add windows, things like
24 that, I would think they would have to come back to
25 the board or at least the code official one of the

1 two.

2 MR. EVANS: Are there any code
3 violations by --

4 CHAIRMAN BLANE: They are not in
5 accordance with their plans.

6 MR. EVANS: Once they are occupied,
7 they are occupied in a way that they could get away
8 with different than the way they call a one bedroom
9 and two bedroom?

10 CHAIRMAN BLANE: That is all over
11 town.

12 MR. EVANS: Not in a luxury rental.

13 CHAIRMAN BLANE: Then it won't happen.
14 How is that? Be that as it may, that was a very
15 flippant answer by me. Be that as it may, that is
16 really what the board does. It either accepts or
17 doesn't accept. It accepts an application based
18 upon plans that are submitted and that is what is
19 the approval, if there is an approval, is based
20 upon. If there is a deviation from that, that is up
21 to the code official in the town code office to
22 enforce and to penalize. Those are the different
23 jurisdictions.

24 MR. EVANS: That is also rated in your
25 decision when you anticipate --

1 CHAIRMAN BLANE: We do not anticipate.
2 I would never anticipate an applicant deviating from
3 the plans that he has presented to us without
4 additional approval.

5 MR. EVANS: Of a different type of
6 occupancy that is actually called out in the
7 designation of the number of bedroom units?

8 CHAIRMAN BLANE: Just because there is
9 a room without a window does not necessarily
10 indicate to me that it's a bedroom. Thank you.

11 Yes, ma'am? You name?

12 MS. IOANNIDES: Christina Ioannides,
13 6040 Kennedy Boulevard. It's not really pertaining
14 to the plans, I don't know if you would know this
15 answer because it is a rental, does that come with a
16 parking spot or do they have to pay for that?

17 MR. ALONSO: That's a management
18 issue.

19 THE WITNESS: I don't know.

20 MS. IOANNIDES: If you are not sure of
21 that, does each apartment --

22 THE WITNESS: Has a parking space.

23 MS. IOANNIDES: One, just one assigned
24 parking spot?

25 THE WITNESS: Yes.

1 MS. IOANNIDES: So, if there is a
2 couple with two cars what happens?

3 THE WITNESS: Then they -- I don't
4 know how they would work that out, but that would be
5 management.

6 MS. IOANNIDES: That means there is a
7 good possibility, I guess, it increases parking,
8 needed parking on the street; is that correct? If
9 you are only assigning one parking spot to an
10 apartment and there is a couple and you want two
11 parking spots, I know you are not sure if they have
12 to pay for it, but if they cannot get another
13 parking spot, now they have to be forced to park in
14 the street; is that correct?

15 MR. ALONSO: Or not, rent a space.

16 MS. IOANNIDES: This is basically
17 increasing --

18 THE WITNESS: It is possible.

19 MS. IOANNIDES: Has that been
20 considered at all?

21 CHAIRMAN BLANE: The basis of your
22 question of your thrust really is they are only
23 required for the purpose of this board to meet the
24 parking requires as stated in the law.

25 MS. IOANNIDES: I understand that.

1 CHAIRMAN BLANE: That is what they are
2 doing. The board, I don't believe, can reject their
3 application when they meet those requirements
4 because there is a potential of more cars than are
5 accommodated by the legal requirements.

6 MS. IOANNIDES: That is fine. What
7 I'm just asking is if they have to pay for it and
8 because it's a rental, there is a chance maybe some
9 of us won't pay 150 or whatever they charge there --

10 CHAIRMAN BLANE: If they have to pay
11 for it I would think it would be part of the rent,
12 that is generally the way it is done.

13 MS. IOANNIDES: I don't know. I have
14 not rented in a long time. I am actually not sure.

15 CHAIRMAN BLANE: Each apartment has a
16 space. You can't do it in such a way that the
17 apartment doesn't have a space.

18 MS. IOANNIDES: It all depends if they
19 want to generate additional revenue. You rent your
20 apartment for \$1,000 and if want to spend another
21 \$150 or if you pay \$1,000 and you park in the
22 street.

23 CHAIRMAN BLANE: Okay, that's a
24 management decision.

25 MS. IOANNIDES: I guess the gentleman

1 THE WITNESS: See this, that's a
2 column.

3 MR. ALONSO: Mr. Chairman, he has
4 already testified that there will be revised plans
5 with respect to the C spaces, so there is no need to
6 beat a dead horse and to testify as to plans that
7 are no longer going to be relevant. They are going
8 to be revised.

9 MS. ORLANDO: Am I able to ask him at
10 a later date?

11 MR. ALONSO: Yes.

12 CHAIRMAN BLANE: At the next hearing
13 she can ask questions about the new plans?

14 MR. ALONSO: Yes, she can.

15 MS. ORLANDO: By the way, if next time
16 is September 17th, according to my date planner that
17 is Rosh Hashanah. Are you all going to be meeting
18 then?

19 CHAIRMAN BLANE: Yes.

20 MS. ORLANDO: Going to the matter at
21 hand, I want to ask about the driveways that you
22 have drawn. Are you the driveway guy?

23 THE WITNESS: I don't know what the
24 question is.

25 MS. ORLANDO: Here is the thing.

1 According to the town engineer's report there was
2 supposed to be a left in and left out movement with
3 Boulevard East?

4 THE WITNESS: Correct.

5 MS. ORLANDO: And the status of the
6 application before the Hudson County Planning board?

7 THE WITNESS: Right.

8 MS. ORLANDO: Have you been able to
9 advise us of the status?

10 THE WITNESS: No. We are waiting to
11 find out what we are going to do at this meeting.
12 We are waiting to find out what the status is from
13 this board first before we go ahead and submit it to
14 the town. However, that's a county issue. That is
15 not an issue that will be addressed by this board
16 since it is a county road.

17 MS. ORLANDO: So, my next question is
18 okay the two parking spaces on parking level one,
19 however, Boulevard East and 67th Street that are
20 hidden from view, that parking level one that you
21 have on screen, sir, thank you, D and F on the top
22 of -- right those ones, they are hidden from view.
23 Have they been revised?

24 THE WITNESS: Those were revised, yes.

25 MS. ORLANDO: They were revised?

1 THE WITNESS: Yes.

2 MS. ORLANDO: So, they are part of the
3 new plans that were submitted tonight?

4 THE WITNESS: Yes.

5 MS. ORLANDO: That is not the revision
6 on the screen?

7 THE WITNESS: Yes, they have been
8 revised. That is what we have.

9 MS. ORLANDO: What you see on the
10 screen has been revised? That is the revision?

11 THE WITNESS: Yes.

12 MS. ORLANDO: So, how is that not
13 hidden from view?

14 THE WITNESS: There was a question
15 with respect to how they work. There was a question
16 with respect to if they can see from the outside a
17 car coming in, so forth and so on. We said we will
18 address that. We talked about putting some mirrors
19 on the wall. There was additional questions with
20 respect to how that works, whether you can see it or
21 not, but we will be addressing all that while we
22 design the mirror, how to deal with the mirror
23 whether we are opening up an area.

24 CHAIRMAN BLANE: That will be on the
25 new plans on the 17th of September?

1 THE WITNESS: That's correct.

2 MS. ORLANDO: You don't do the trees.

3 Right?

4 THE WITNESS: Not with these hands.

5 MS. ORLANDO: I know what I wanted to

6 ask you about. I wanted to ask you about the ramp,

7 the new ramp, is it going to connect parking level

8 one, two and three to each other; is that correct?

9 Did I understand that correctly?

10 THE WITNESS: The ramp?

11 MS. ORLANDO: The ramp that is the

12 ramp where the guy got everybody falling down, left

13 handed guy?

14 THE WITNESS: It's going to be this

15 ramp. This level two up to three.

16 MS. ORLANDO: Level two and level

17 three will now be connected?

18 THE WITNESS: They were connected

19 before.

20 MS. ORLANDO: They were separate

21 driveway entrances and exits for the second and

22 third level?

23 THE WITNESS: There is one entrance

24 over here. This is separate.

25 MS. ORLANDO: So, back to the second

1 and third packing level garage ramp.

2 THE WITNESS: This ramp, this is here.
3 This is the one that we are talking about ends up --

4 MS. ORLANDO: That is the ramp up on
5 67th Street into the third floor?

6 THE WITNESS: Correct --

7 MR. ALONSO: Let him finish. You need
8 to let him finish so she take down what you are
9 saying.

10 THE WITNESS: This ramp, the one we
11 are talking about, changing applying additional
12 drawings today which you have a copy of, this is the
13 ramp here that is going to go up and it goes up to
14 the third floor. Each floor is independent. You
15 have one from the front, Kennedy Boulevard. One
16 from the rear that goes up to the second and you
17 have this one that goes up to the third. Each floor
18 has its own access.

19 MS. ORLANDO: And two and three levels
20 are connected?

21 THE WITNESS: No.

22 MS. ORLANDO: I don't follow. That is
23 okay.

24 CHAIRMAN BLANE: The ramp goes from
25 what level to what level?

1 THE WITNESS: It goes from street
2 level, which is somewhere between two and three to
3 the third.

4 MS. ORLANDO: What about the ramp for
5 the second floor, that goes only to the second
6 floor?

7 THE WITNESS: Yes.

8 MS. ORLANDO: There is no connection
9 to the second and third floor for a vehicle.
10 Correct?

11 THE WITNESS: I think I said that.

12 MS. ORLANDO: I want you to confirm
13 that you did say that.

14 THE WITNESS: There is no connection
15 between the second and third floor.

16 MS. ORLANDO: So, you have a ramp that
17 is 22 feet wide, I think you said?

18 THE WITNESS: Yes.

19 MS. ORLANDO: How wide are -- is it
20 going to be the access for a left car -- an ingress
21 and an egress vehicle exiting and entering
22 simultaneously in the 22 feet?

23 THE WITNESS: Well, you probably
24 divide it by two.

25 MS. ORLANDO: So 11 feet per vehicle?

1 THE WITNESS: Yes.

2 MS. ORLANDO: That does not include
3 any kind of guard ramp or any kind of garage gate
4 railing that would need to narrow the actual
5 entrance to the garage structure; is that correct?

6 THE WITNESS: Wall to wall.

7 MS. ORLANDO: Wall to wall. Is that
8 in compliance with -- is there an industry standard
9 for that and if so what is the required industry
10 width for that?

11 THE WITNESS: I don't know exactly the
12 required industry standard. Maybe Mr. Lemanowicz
13 does.

14 MR. LEMANOWICZ: The ordinance
15 requires 24 feet.

16 MS. ORLANDO: So, the ordinance
17 requires 24 feet?

18 MR. LEMANOWICZ: You would only go to
19 an accepted standard when the applicant is looking
20 to deviate from that or if there is something that
21 is not addressed in the ordinance then we step down
22 and go to other sources, other resources, you know,
23 public works, that kind of thing. In this case the
24 ordinance says 24 feet.

25 MS. ORLANDO: Okay. So, also I would

1 like to understand too the requirement by the town
2 driveways are supposed to be two per 700 feet of
3 frontage. You are asking for a variance for this.
4 Why do we have to have four driveways within the
5 space of the two parcels, which I don't know the 13
6 and change feet, square footage --

7 MR. ALONSO: Mr. Chairman, I think
8 there was a lot of testimony with respect to this.

9 CHAIRMAN BLANE: There was. That is
10 the option of the applicant.

11 MS. ORLANDO: There must be a reason
12 that you have to have three driveways.

13 MR. ALONSO: It was stated in the
14 testimony.

15 MS. ORLANDO: So, we can't possibly
16 revisit that. We can't just say that again.

17 MR. ALONSO: I believe there was
18 testimony from the engineer, the traffic engineer
19 and the architect. We can't revisit the testimony
20 of all three witnesses.

21 MS. ORLANDO: I would like to go on
22 the record saying I do not agree with the lack of a
23 need to reiterate the position, but that is all
24 right.

25 CHAIRMAN BLANE: You do not agree that

1 there is a need.

2 MS. ORLANDO: I think we need to say
3 what the answer is, however you want to say that. I
4 would like to have the record -- I would like the
5 answer on record to that question and they are
6 saying it's been asked and answered. I understand
7 that.

8 CHAIRMAN BLANE: Excuse me. They are
9 saying there is a need and that is why they need
10 that amount of driveway. You don't agree there is a
11 need for that. That is probably in your opinion a
12 safety reason why it shouldn't be; is that correct?

13 MS. ORLANDO: I have asked to find out
14 what their reason for the four driveways are.

15 CHAIRMAN BLANE: Okay, thank you.

16 MS. ORLANDO: Also, I would like to
17 come back to this gentleman's question about the
18 left-handed person who is disabled on the floor.
19 What about in an emergency situation if people need
20 to vacate the parking, what happens then?

21 CHAIRMAN BLANE: That is going to have
22 to be a plan developed by management, as it is
23 everywhere, including your apartment and my
24 apartment building.

25 MS. ORLANDO: All right, thank you

1 very much.

2 CHAIRMAN BLANE: Thank you, next
3 please.

4 MR. SOLARES: Ricky Solares, 6602
5 Lincoln Place. I have a couple of different
6 questions. I apologize because I know that you have
7 had various meetings. I was not here and they might
8 have been answered previously. My understanding is
9 that the lot is a 13,000 square foot lot; is that
10 correct?

11 THE WITNESS: Roughly.

12 MR. SOLARES: Currently what is
13 allowed to be built on that lot?

14 THE WITNESS: A twelve story building.

15 MR. SOLARES: A twelve story building
16 in a 13,000 square foot --

17 THE WITNESS: The zone is 12 story.
18 We are in a zone for twelve story building.

19 MR. SOLARES: That is not my question.
20 You have 13,000 square feet. You are in a zone for
21 that type of building. Is that permissible within
22 13,000 square feet?

23 THE WITNESS: That is why we are here.

24 MR. SOLARES: So, you are asking for a
25 zoning variance because the square footage that you

1 have does not allow a 12 story building; is that
2 correct?

3 THE WITNESS: That is why we are here.

4 MR. SOLARES: Basically that is
5 correct?

6 MR. ALONSO: That is planning
7 testimony.

8 MR. SOLARES: Right now that building,
9 if I am not mistaken, and out of sheer coincidence
10 wasn't here in this room, I spoke to your associate
11 and I told him to convince me of why I shouldn't
12 protest against this building. He said to me that
13 right now on that lot you can build two two family
14 homes, is that not correct, sir? You made that
15 statement to me in the hallway? Yes? No? So, then
16 you are calling me a liar?

17 MR. ALONSO: For the record no one is
18 calling anybody a liar.

19 CHAIRMAN BLANE: Right.

20 MR. SOLARES: I asked a question of
21 him earlier. I am asking now his associate --

22 MR. KARCZEWSKI: There is no
23 testimony.

24 CHAIRMAN BLANE: Do you have a
25 question?

1 MR. SOLARES: Yes, I do.

2 CHAIRMAN BLANE: The question that you
3 just asked is for the planner.

4 MR. SOLARES: So, you believe it would
5 be for the planner. I don't know who would have to
6 answer that question.

7 CHAIRMAN BLANE: It is for the
8 planner. The planner has not yet testified. The
9 planner will testify in the future and if he hasn't
10 answered that question, which I hope he will, then
11 certainly you can raise it again.

12 MR. SOLARES: Okay, thank you very
13 much. I don't believe that anyone here wants to
14 build an unsafe building. I had various questions
15 by a lot of different people, experts, testimony as
16 to, you know, how big a parking space should be?
17 What the angle of the slope should be and all that.
18 I think everybody here, including this board, wants
19 to build a safe building. The planner wants to
20 build a safe building. My biggest concern is the
21 impact that a building of this size and this
22 magnitude is going to have on the neighborhood. I
23 live two blocks up. I don't know if I am within the
24 200 --

25 MR. ALONSO: Mr. Chairman, if he has a

1 question for the architect, I would appreciate it?

2 CHAIRMAN BLANE: I don't know if you
3 know the protocol procedure of the zoning board.
4 General comments by the public, which is where you
5 are sort of leading, are contained once the
6 applicant has made all of their presentation. The
7 public at that point in time, each member of the
8 public can come up and make whatever general
9 comments they want, however they want. Right now
10 all we are doing is taking direct questions for this
11 architect regarding what he testified on tonight.

12 MR. SOLARES: So, then the only
13 question I would have has to be asked of the planner
14 as to the square footage?

15 CHAIRMAN BLANE: If that is your only
16 question the answer is yes.

17 MR. SOLARES: Thank you.

18 CHAIRMAN BLANE: Let me say one other
19 thing, Mr. Solares, if you would have been at one of
20 the other three or so hearings, the event that just
21 took place was not the first time. In other words,
22 there have been many other occasions during the
23 course of this whole thing where people have asked
24 questions of the witnesses and they have been told
25 that the appropriate witness will be coming in the

1 future. That is when it is appropriate to ask that
2 question.

3 MR. SOLARES: That is fine.

4 Unfortunately, I was never notified. I don't know
5 if I am within the 200-foot range or not. I will
6 measure it and I will let you know, but I was never
7 notified. This impacts a lot more than just
8 200 feet, believe me. I know that you have to go
9 within that, but I will measure it and let you know.

10 MR. CULLEN: Mr. Blane, if I may use
11 that -- thank you for the second bite of the apple.
12 This does require the indulgence of the engineer of
13 the project and also the board's engineer. Because,
14 sir, addressing the board's engineer you had said
15 earlier that following the fourth addition study,
16 that state manual with the 20-degree grade, if I am
17 not mistaken you said that it required a
18 professional driver to drive up those ramps and you
19 said such as an attendant and, sir -- I am looking
20 at the wrong guy. I apologize.

21 MR. LEMANOWICZ: The standard
22 suggested an attendant parking and the applicant
23 indicated that and it certainly could be applied
24 that way that if you had a public parking garage,
25 for instance for a mall, okay, where you don't have

1 necessarily the same group of people every day and
2 that the implication of an attendant means that you
3 are to have someone familiar with the garage to be
4 parking the cars and the applicant indicated that
5 since this is not a public parking garage like for a
6 shopping mall or whatever, that the people that use
7 this garage are familiar.

8 MR. CULLEN: I don't mean to be
9 facetious in my response to this then. Will the
10 people, hopefully it is not approved, but if it is
11 approved will they be given a familiarization course
12 like a month to get use to those ramps so there are
13 no head-on collisions or any problems?

14 CHAIRMAN BLANE: Whether they will or
15 they won't, I think we can take notice of the fact
16 that they are not considered to be attendants or
17 professionals.

18 MR. CULLEN: I appreciate you taking
19 note of that and also --

20 CHAIRMAN BLANE: But that is part of
21 the whole judgment that the board has to make.

22 MR. CULLEN: Again, if I can beg the
23 indulgence of the attorney, the engineer and I am
24 not trying to sneak around any corner. I am not
25 asking a question I am not entitled to, but there

1 was a comment you made, Mr. Blane, about how the
2 board only has to consider that the apartment
3 complex provide one spot per unit.

4 CHAIRMAN BLANE: No, I didn't say
5 that. What I said was there is a certain amount of
6 parking spaces that are required for certain
7 buildings. The buildings that are being proposed by
8 the applicant requires under state law a total of
9 107 parking spaces. That is not necessarily -- it
10 has got nothing to do with necessarily one or two or
11 one half. It depends upon how many bedroom units of
12 each size are in the building.

13 MR. CULLEN: There was a lady who
14 asked a question, what if you have two people, to
15 drivers and they are only entitled to one spot. I
16 am not trying to get around the issue. I know you
17 are an interested party for your client, I respect
18 that. I just hope that everyone here would consider
19 that the needs of the people, especially Mr. Solares
20 and the others that live within or without the
21 200 feet that drive around for three hours looking
22 for a parking spot, that are going to be affected by
23 the couples that have two or three cars or more if
24 they turn that windowless room into a bedroom and
25 then we will be driving around for more than three

1 hours looking for parking spots. I had to get that
2 in.

3 CHAIRMAN BLANE: Thank you for your
4 comment. Who is next?

5 MS. DATO: Virginia Dato, 6605
6 Boulevard East right next door to the building.

7 CHAIRMAN BLANE: Do you have a
8 question?

9 MS. DATO: Yes, the parking is going
10 right on my line. They are going to park --

11 CHAIRMAN BLANE: What is your
12 question?

13 MS. DATO: My question is it's
14 supposed to have 17 feet, at least 17 feet for my
15 house, my line to where the house is being built.
16 They are give me nothing, number one. They are
17 taking away all my trees.

18 CHAIRMAN BLANE: What is your
19 question?

20 MS. DATO: That is it. I want to know
21 what are you going to do? Besides the fact if there
22 is a fire. If there is a fire --

23 CHAIRMAN BLANE: I guess your question
24 is whether, based upon what is being proposed, the
25 board is going to grant those variances and approve

1 the project. Is that your question?

2 MS. DATO: Yes. I hope they don't.

3 CHAIRMAN BLANE: I understand you hope
4 they don'.

5 MS. DATO: But I am right there. What
6 happens if there is a fire inside the garage? I am
7 looking out the window and I am going to see --

8 CHAIRMAN BLANE: Ma'am, do you have a
9 question?

10 MS. DATO: Yes, I want to know about
11 the trees and everything. Why can't I ask that now?
12 All my trees and all the trees on the property,
13 there is like 17 trees between mine and the other --

14 CHAIRMAN BLANE: That will have to be
15 part of the board's judgment as to whether it
16 approves or doesn't approve.

17 MS. DATO: The neighborhood would be
18 changed. It wouldn't be the same.

19 CHAIRMAN BLANE: Next please. Thank
20 you.

21 MS. DATO: I am the one that is right
22 next door to it.

23 CHAIRMAN BLANE: Do you have any
24 questions?

25 MS. DATO: You don't want to hear from

1 me.

2 CHAIRMAN BLANE: Do you have a
3 question of this witness?

4 MS. DATO: What about the parking
5 right close to me. I am going to near the noise
6 from the cars.

7 CHAIRMAN BLANE: Ma'am, let me explain
8 to you the same thing I explain to Mr. Solares.

9 MS. DATO: There is going to be cars
10 there.

11 CHAIRMAN BLANE: Let me explain to you
12 the same thing I explained to Mr. Solares. The
13 procedure before the zoning board is that the
14 applicant proposes an application and gives it
15 testimony. As opposed to waiting for the whole
16 testimony to be done and then have the public ask
17 questions, we are not doing it that way. We could
18 do it that way. What we are permitting is after
19 each witness to permit the public to ask questions.
20 However, once the applicant is done, the public,
21 like you are doing now, will have an opportunity to
22 give general comments on the project.

23 MS. DATO: But I have something to do
24 something with the garage if it's going to be right
25 near my property with the parking and all. I am

1 going to near the noise.

2 CHAIRMAN BLANE: Those types of
3 general comments should be given when the applicant
4 is done giving their testimony. I would ask you to
5 hold your comments until that point.

6 MS. DATO: All right, I will.

7 CHAIRMAN BLANE: Thank you. Next
8 please.

9 MR. NEWBERRY: Terry Newberry, 6040
10 Boulevard East. I feel for the architect. I was
11 going to major in architecture and that is probably
12 why I didn't because what you are going through
13 right now. I guess what I want to ask you is would
14 your life be easier if you were to design a building
15 that was half the size for this lot?

16 THE WITNESS: No. It's about the same
17 amount of work.

18 CHAIRMAN BLANE: I think your question
19 has the answer inside of it, but by the same token
20 the architect gave you an answer and all answers by
21 all of the applicant's witnesses to questions by the
22 public or board members, are to be weighed by the
23 board. Thank you.

24 MS. IOANNIDES: Christina Ioannides,
25 6040 Boulevard East. Just a quick question coming

1 back to the bedroom without the windows. Does that
2 not become a safety issue or a fire hazard? Let's
3 just say a fire breaks out in the apartment and they
4 can't leave from the door, how does the people that
5 are in that room leave?

6 THE WITNESS: I don't know of a
7 bedroom that we have without windows. The question
8 was asked before whether -- do you have to have an
9 actual window in order to be a bedroom and my answer
10 was no, not by code. I am not aware on any of the
11 units here that have a bedroom that have no windows.

12 MS. IOANNIDES: Why would the issue --

13 THE WITNESS: I am just answering the
14 questions.

15 CHAIRMAN BLANE: The content was
16 somebody raised an issue these rooms that have no
17 windows could they be made into a bedroom? In other
18 words, the suggestion was even though they are
19 proposing a one bedroom unit, could they try and
20 make the room without a window into two bedrooms.
21 That was the context that just came in. What didn't
22 come in was a bedroom having no windows. They are
23 not proposing a bedroom with no windows.

24 THE WITNESS: And those rooms have no
25 doors, no closets and it is a rental, so it is not

1 that they could do anything they want. If they
2 wanted to convert it into a room, they have to bring
3 materials into the building. They would be doing
4 construction.

5 MS. IOANNIDES: If they want to do
6 something illegally --

7 THE WITNESS: You're looking at a
8 high-rise building that is going to be a luxury
9 high-rise building, so I doubt that would be
10 happening.

11 MS. IOANNIDES: I just want to ask you
12 a quick question. You put a proposal in. You say
13 there is no -- you just said there is not going to
14 be a bedroom without a window. What stops you from,
15 let's just say this get approved, from you guys
16 doing that?

17 THE WITNESS: Nothing, enforcement.
18 Nothing, that is it.

19 MS. IOANNIDES: I was just wondering.

20 MR. FEDORKO: My name is Gabriel
21 Fedorko, 6600 Boulevard East. We might have touched
22 upon this, but I am wondering if I could run a
23 question by the board's engineer. I am looking at
24 drawing A-101 where you have tandem spaces. They
25 are back to back spaces. There were two on the last

1 set of drawings. Now there are four spaces that are
2 tandem back to back. I am wondering how that fits
3 in the formula? Is there any regulation regarding
4 back to pack spaces where one space is inaccessible?

5 MR. LEMANOWICZ: The tandem space is
6 going to require relief, but in this particular case
7 we have to make sure that those spaces are for the
8 same unit and the applicant has indicated that they
9 are assigned spaces so that you are not -- one unit
10 owner is not blocking somebody else in.

11 MR. FEDORKO: So, this is not one
12 space per unit. In some cases some of the units
13 will have two spaces?

14 MR. LEMANOWICZ: You would have to ask
15 the applicant, but I believe so.

16 MR. ALONSO: Mr. Arencibia, how many
17 total units are in the building?

18 THE WITNESS: A hundred and seven
19 spaces will accommodate the number of units. We
20 only have four locations of spaces that will be
21 tandem. If there are four units in the building
22 that will need two cars, there might be somebody
23 there that doesn't need any cars, so, that's how
24 that would work out. The same unit would have the
25 tandem spaces. That's how it would work.

1 MR. FEDORKO: Thank you. I would also
2 like to ask the architect if in his next submission
3 it would be possible to put the revision clouds
4 around the areas specifically that have changed
5 instead of just the title bars. Is that possible?
6 If you like notice right here you have different
7 ones. You said some spaces have changed here, you
8 also changed some spaces here.

9 THE WITNESS: Yes. Sometimes what
10 happens when you do a title like, if there are
11 numerous changes on one sheet it gets more
12 confusing. In order to not make it confusing so
13 everybody can actually read it and see it better,
14 you just cloud the entire label so you know that
15 there are many changes that have been done. If you
16 would like to go in that direction, we have no
17 problem in our end to do that. If the board would
18 like us to do that, we will do that.

19 CHAIRMAN BLANE: I really don't care.

20 MR. FEDORKO: Thank you very much.

21 CHAIRMAN BLANE: Actually, I will
22 leave it to the two of you, whichever you think is
23 clearer. How is that?

24 MS. KELLERMAN: Linda Kellerman, 6600
25 Boulevard East and what I wanted to ask you is how

1 many years experience do you have as an architect?

2 THE WITNESS: Oh, God --

3 MS. KELLERMAN: Over 20, would that be
4 reasonable?

5 THE WITNESS: I think 20 is
6 reasonable.

7 MS. KELLERMAN: This is for both the
8 engineer and the architect. If this is a 13,000
9 square foot lot with four driveways, is this
10 common -- is this the new thing in building design
11 now? Is this common and is it successful if it's
12 done? I mean, how common is this?

13 THE WITNESS: It is not common, but
14 neither is any other building that we design. If it
15 was common we would be making a lot of money as
16 architects. Clients come to you with different
17 ideas, sites are different. There is elevation,
18 height so every single building is different.
19 That's the beauty of architecture. Every single
20 building is different, so you can massage it a
21 certain way. You can design it a certain way. You
22 can have the amount of space in different
23 directions, opening in other directions. That is
24 what is beautiful about architecture. So, is this
25 common, no, but neither is any other client that

1 comes with any other project.

2 MS. KELLERMAN: I don't know if you
3 just did, whether this is common with four driveways
4 and 13,000 square foot, have you ever come across
5 something like that?

6 MR. LEMANOWICZ: No.

7 MS. KELLERMAN: You haven't. Is this
8 something -- have you never done something similar
9 to this four driveways in such a small lot?

10 THE WITNESS: I have done other
11 projects that have many driveways, yes.

12 MS. KELLERMAN: With this small lot.
13 Has it been successful?

14 THE WITNESS: Again, I can't remember
15 the specifics of the project, but I have done many
16 different projects --

17 MS. KELLERMAN: With 13,000 square
18 feet?

19 THE WITNESS: I don't have a break
20 down.

21 MS. KELLERMAN: Something similar that
22 has it be successful? There has been no complaints?

23 THE WITNESS: Again, every single
24 project stands on its own merit. I wouldn't want to
25 compare this project, basically the occupancy, the

1 type, the location, the number of people, there are
2 too many things that go into all projects, so you
3 can't just specifically say this project works well
4 here, so it will work well anywhere. Everything is
5 specific to the location. We feel that this project
6 the way it is designed will work well with what we
7 have.

8 MS. KELLERMAN: My next question is I
9 mean I am going to be honest, this is my first
10 zoning board meeting. I am really very naive to
11 this.

12 CHAIRMAN BLANE: How are you enjoying
13 yourself?

14 MS. KELLERMAN: I am naive. I am
15 naive.

16 CHAIRMAN BLANE: You can still enjoy
17 yourself.

18 MS. KELLERMAN: It's interesting. I
19 have been going to the zoning board since March,
20 April, June with this development.

21 CHAIRMAN BLANE: It has always been in
22 front of this zoning board.

23 MS. KELLERMAN: It has always been in
24 from of this zoning board. And also North Bergen
25 because North Bergen came later, like I think last

1 month. This is very unusual. I have another
2 question. You got me off track. The revision I
3 don't know what an architect does exactly with all
4 this. Is this common making all these revisions,
5 maybe making more revisions based upon people's
6 questions and the engineer?

7 THE WITNESS: It happens.

8 MS. KELLERMAM: Like four or five
9 times in a garage I mean, not even the time?

10 THE WITNESS: Go to New York the
11 buildings out there will take a year.

12 MS. KELLERMAN: It is common to do all
13 these revisions?

14 THE WITNESS: We have done
15 applications where I had made up to ten applications
16 I am familiar with it and we deal with it.

17 MS. KELLERMAN: Anyway, thank you very
18 much.

19 CHAIRMAN BLANE: Yes, sir.

20 MR. SOLARES: You got my information
21 previously.

22 CHAIRMAN BLANE: Excuse me, ma'am, I
23 think you were told to leave.

24 FEMALE AUDIENCE MEMBER: I took my
25 banishment. Can I ask a question.

1 MR. SOLARES: The young lady that was
2 up here before put a question in my mind. Have you
3 ever built a 12 story building of 123 units on a
4 13,000 square foot lot?

5 MR. ALONSO: Have you ever build one
6 is the question.

7 THE WITNESS: No.

8 MR. SOLARES: Have you ever designed
9 one?

10 THE WITNESS: No.

11 MR. SOLARES: No. You have never
12 designed a 12 story unit of 123 units on a 13,000
13 square foot lot?

14 THE WITNESS: I will tell you in
15 Spanish. No.

16 MS. MASTRELLI: Fran Mastrelli, 6040
17 Boulevard East. Are there any accommodations for
18 people, UPS, the guy bringing the mail, deliveries,
19 where would that be?

20 THE WITNESS: There will be a loading
21 zone at the corner. That was part of the testimony
22 provided before.

23 MS. MASTRELLI: I wasn't here. I'm
24 sorry. Can you just show it?

25 THE WITNESS: In this corner here.

1 MS. MASTRELLI: On the street next to
2 the building?

3 THE WITNESS: Yes. That was the
4 testimony.

5 MS. MASTRELLI: It was, okay. But I
6 wasn't here.

7 THE WITNESS: I believe it's 30 by 10.

8 MS. MASTRELLI: That is the only place
9 they can offload? Was there any consideration given
10 to instead of having this ingress and egress coming
11 in and out not having it on Kennedy Boulevard and
12 having the building pushed in?

13 THE WITNESS: No.

14 MS. MASTRELLI: So, it doesn't become
15 a very dangerous spot because I know on my building
16 we have a pretty long driveway to get there. Many
17 of the other high-rises have that long, there is
18 nothing and you have a child coming across that
19 sidewalk --

20 CHAIRMAN BLANE: Do you have a
21 question, ma'am?

22 MS. MASTRELLI: What will be done
23 about that? I know you talked about an arm. What
24 is the fix for that dangerous situation?

25 CHAIRMAN BLANE: I mean on

1 September 17th they are coming back with all the
2 fixes for warnings, if that is your question.

3 MS. MASTRELLI: Okay, thank you.

4 MS. ADORNO: Marie Adorno, 6600
5 Kennedy Boulevard East. My question is about the
6 garbage removal with the dumpsters. If I understand
7 correctly the dumpsters are stored on the third
8 level --

9 THE WITNESS: I believe that is what I
10 said, yes.

11 MS. ADORNO: -- of the garage? What
12 is the clearance? Because if I understood correctly
13 there were two handicapped spots in front of the
14 door, the doors where the garbage is being
15 contained.

16 THE WITNESS: In here? This is a
17 walkway in the middle that you take the containers
18 out and down the driveway to the side.

19 MS. ADORNO: The clearance for the
20 dumpsters, are they going to be manually taken down
21 the driveway?

22 THE WITNESS: They are going to be
23 manually taken down, yes.

24 MS. ADORNO: That is kind of steep
25 that ramp.

1 THE WITNESS: This ramp is not the one
2 that we are talking about. This is a lesser one
3 coming down this way.

4 MS. ADORNO: There is no risk to
5 pedestrians or vehicular traffic, no safety issues?

6 THE WITNESS: There should not be
7 there.

8 MS. ADORNO: When they are coming off
9 the top of the ramp, that incline it is going to
10 be -- because they are small wheels on those cubic,
11 small dumpsters?

12 THE WITNESS: Yes. This is not the
13 ramp over here. This is it smaller slope ramp
14 because you have parking on this side of this ramp,
15 so by law you can't provide it to be so steep. This
16 one is a much smaller slope.

17 MS. ADORNO: Okay, thank you.

18 CHAIRMAN BLANE: Are there anymore
19 questions of the public regarding this architectural
20 witness who testified tonight?

21 MR. ALONSO: Again, in terms of his
22 testimony we limited it just to the revisions. He
23 still has to testify as to the shadow study, which
24 will be next.

25 CHAIRMAN BLANE: He may also have to

1 testify as to the warnings and everything else on
2 the 17th.

3 MR. ALONSO: Correct. He is prepared
4 to proceed with the shadow study.

5 CHAIRMAN BLANE: Not tonight, no. I
6 will tell you why not tonight. I don't think it
7 would be fair to the public because he may testify
8 to it, but there is no way in the 20 minutes we are
9 going to get through the shadow study considering
10 that the Versailles has a swimming pool. So, we are
11 going to have a lot of comments on the shadow study.
12 So, I would rather cut the hearing now. Generally
13 we go to 10:30 at night.

14 MR. ALONSO: Let me do this then, only
15 because Mr. Peregoy is still here and we did
16 basically focus this evening on the parking,
17 revisions of the parking. If the board still has
18 any questions or requires any further clarification
19 with respect to any parking or traffic issues then
20 Mr. Peregoy is here. Otherwise, I am just going to
21 release him as my witness and he won't be back.

22 CHAIRMAN BLANE: Let's me go back.
23 Does the board have any questions regarding the
24 traffic, not necessarily parking because the
25 architect can testify as to the parking, but

1 regarding the traffic or the traffic circulation or
2 the traffic impact of the cars coming onto the
3 street, which he has already testified to. Does the
4 board have any other questions regarding that? I
5 don't see anybody raising their hand. Does our
6 planner have any other questions regarding that?

7 MR. LAYTON: I would like to hear the
8 traffic expert talk about the steepness of that
9 ramp. Does our attorney have any questions?

10 MR. KARCZEWSKI: I do not.

11 CHAIRMAN BLANE: Does our engineer
12 have any?

13 MR. LEMANOWICZ: No, Mr. Chairman, I
14 am done.

15 CHAIRMAN BLANE: Would you come
16 forward? I guess Mr. Arencibia we can let you go
17 for tonight.

18 THE WITNESS: No shadow study?

19 CHAIRMAN BLANE: Not tonight. I would
20 expect you are going to have questions on that.

21 The question related to I guess
22 Mr. Arencibia's testimony regarding the ramp and the
23 gauge of ramp of the slope, I guess our planner
24 would like to hear you testify as to that.

25 C R A I G P E R E G O Y,

1 Having been previously sworn by the Notary,
2 testifies further as follows:

3 THE WITNESS: I don't design parking
4 garages in terms of the different levels. That is
5 really not my area of expertise. The slopes, that
6 would be a building permit issue. I look at the two
7 dimensional plan, the geometric plan. As far as the
8 ramp, it's not really something that is in my area
9 of expertise.

10 MR. LAYTON: What about roads, do you
11 design the roads? In other words, what is the
12 maximum slope permitted on a roadway, a local road?

13 MR. PEREGOY: I don't know. We don't
14 design local roads. I do traffic impact studies and
15 analyze the parking.

16 CHAIRMAN BLANE: Thank you for your
17 attempt to be helpful. Let me just direct my
18 comment to our planner. We had a state required
19 engineer as to what 20 percent slope may mean, may
20 not mean and things like that. That to me is all
21 part of the consideration and also the response by
22 the applicant to those comments and that is all part
23 of the consideration that this board takes into
24 effect when weighing whether, in fact, the slope is
25 satisfactory to the board, which should be part of

1 the board's judgment, as should every aspect of this
2 development. That is just one of them. I mean the
3 applicant is sitting there and saying this is
4 satisfactory. Our engineer, I don't think it is
5 satisfactory to him. It's up to the board to
6 determine what type of weight to give to each one.

7 MR. LAYTON: I thought that the
8 traffic engineer might be familiar --

9 CHAIRMAN BLANE: The traffic engineer
10 just told you I think that he can be of no help in
11 this regard.

12 THE WITNESS: I can offer a little bit
13 of help. I am familiar with the publications that
14 your engineer referred to. They are generally for
15 public parking lots. Those standards wouldn't
16 necessarily hold in this case, but again I am not --

17 CHAIRMAN BLANE: We disagree so many
18 times before. We always do. To me it's a matter of
19 and manor of driving and that to me doesn't matter
20 whether it's public or private to say quite frankly,
21 that it's satisfactory to have a 20 percent slope
22 because you have an attendant parking to me doesn't
23 bode well for the private parking spaces because we
24 don't have an attendant parking, but we have a
25 20 percent slope. Do you understand my thought?

1 THE WITNESS: I understand that
2 thought and I will tell you that there are roadways,
3 public roadways in Hudson county in this region that
4 have more than a 20 percent slope.

5 CHAIRMAN BLANE: You said you don't
6 know anything about it. I thank you for your time.

7 MR. ALONSO: I have no further
8 witnesses this evening.

9 CHAIRMAN BLANE: What are we going to
10 start with on the 17th?

11 MR. ALONSO: The 17th we will have Mr.
12 Arencibia testify as to the revisions.

13 CHAIRMAN BLANE: Including all the
14 warning stuff?

15 MR. ALONSO: Correct.

16 CHAIRMAN BLANE: Then we will have the
17 shadow study?

18 MR. ALONSO: We will have the shadow
19 study. Depending on the length of the questions
20 from the public then we will have Mr. McDonough, our
21 planner.

22 CHAIRMAN BLANE: Do you have any other
23 witnesses after that?

24 MR. ALONSO: No.

25 CHAIRMAN BLANE: So the public

1 understands what is left. What is left is the
2 revisions of the architect as being proposed, which
3 included all the warnings item that were asked about
4 tonight, you can ask questions of those. Then we
5 will have the shadow study again by the architect
6 and you can ask questions on that and lastly there
7 is only one more witness. That will be the planner
8 and I expect there will be a lot of questions from
9 what I have heard tonight, a lot of questions from
10 the planner also. That will be on Monday,
11 September 17th and, again, I would request you all
12 not to come until -- we will do the same thing 8:00.
13 We have three that we postponed. I will tell you
14 right now the one on 6025-6031 Boulevard East will
15 not be heard that night. We will have two others
16 that are relatively minor. One is a sandwich shop
17 and the other is what a 16 unit building. I think
18 we can get by those two probably with the
19 administrative work within a hour and a half then we
20 will go forward again with the continuation of this
21 hearing. I will also tell you that on that night I
22 certainly expect that the board will vote on a
23 vice-chair. Once we have that in place, it is my
24 impression that the applicant for the 6025-6031
25 project is going to want a special meeting. Then we

1 also may be up to date that night and fully inform
2 everybody one way or another. So, the 6025-6031 may
3 be on the agenda, but it will not be heard that
4 night similar to tonight, however, what will be on
5 the agenda I will tell you now will be, the Tapia
6 project. That is the 406 56th Street, the 16 unit
7 multiple building and the Tawflik 5211 Bergenline
8 Avenue, which is the sandwich shop. Those two will
9 definitely be heard that night. The Boulevard East
10 6025-31 may be on the agenda. If it is on the
11 agenda it is only for two purpose. One is, of
12 course, to have the vote -- the election of a
13 vice-chair. The second is to set a date to start
14 that hearing, whether it is the next regular meeting
15 or a special meeting, we should do it that night.
16 That is going to be very quick and then we are going
17 to continue with this hearing at 8:00, so if you are
18 not interested in anything before, if you are only
19 interested in the Merida Le Boulevard/Exxon, I'm
20 going to call it the Exxon project across from
21 Versailles, you should be here at 8:00, Monday,
22 September the 17th at this location.

23 MR. CULLEN: Mr. Blane, there is no
24 reason that we should suspect that you are not going
25 to be with us past September 17th because you are

1 electing a vice-chair. You are still going to be
2 here?

3 CHAIRMAN BLANE: When the issue of the
4 election that is on this agenda came up, I explained
5 that much like everybody within 200 feet has to get
6 noticed because they have an interest, when the
7 chair is -- I can't see through him either, but he
8 will move. When the chair is also within 200 feet
9 the chair has to do what we call recuse himself
10 because he has a conflict. Since I live at 6040
11 Boulevard East, which is within 200 feet of the
12 6025-31 project, I have to recuse myself from this
13 chair, in fact from any deliberation or discussion
14 regarding that project. That should fall on our
15 vice-chair, who would sit in this seat and conduct
16 that hearing. We used to have one. He left.
17 Because the chair is so talented, we have not had
18 the need or the chair, at least has not felt the
19 need to ask for election of a vice-chair. Quite
20 frankly, the chair never even imagined that
21 situation, however, it has arisen so now we have to
22 deal with it as we deal with everything else. Which
23 means that on September 17th we are going to elect a
24 vice-chair. We will set a date for that hearing and
25 that will be off and running and everybody will know

1 about it. But it is only regarding that
2 application, but thank you for your concern. I
3 appreciate it. That being the case, it is now open
4 to the public to come forward and to shower praise
5 on this board. For the benefit of the stenographer
6 I will describe that as a thunderous applause
7 because she says she couldn't say that because she
8 can't make that determination. So, if I say it it
9 is correct. No one is coming forward. I would
10 entertain a motion to adjourn. All in favor aye?

11 (Whereupon all present board members
12 respond.)

13 (Whereupon the hearing was concluded.)

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C E R T I F I C A T E

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I, EILEEN THERESA CORLETT, C.C.R, a Notary Public of the State of New Jersey, Notary ID. # 2108104, Certified Court Reporter of the State of New Jersey, hereby certify that the foregoing is a verbatim record of the testimony provided under oath before any court, referee, board, commission or other body created by statute of the State of New Jersey.

I am not related to the parties involved in this action; I have no financial interest, not am I related to an agent of or employed by anyone with a financial interest in the outcome of this action.

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



A handwritten signature in black ink that reads "Eileen Theresa Corlett".

EILEEN THERESA CORLETT, C.C.R.
License # XIO2077, and Notary
Public of the State of New
Jersey #2108104, Notary
Expiration Date
December 24, 2013

Dated:

A

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