

TOWN OF WEST NEW YORK
ZONING BOARD OF ADJUSTMENT
THURSDAY, MARCH 22, 2012
COMMENCING AT 7:00 P.M.

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

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

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

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1 CHAIRMAN BLANE: Before we get into
2 the Boulevard East project across from the
3 Versailles, the gas station project, let me do two
4 housekeeping matters. One, what member of the board
5 was not here at the first hearing last meeting?
6 Just one? I think Maria sent around the transcript
7 from last meeting. Did you receive it?

8 MR. GONZALEZ: Yes, I did.

9 CHAIRMAN BLANE: Did you have an
10 opportunity to review it?

11 MR. GONZALEZ: Yes, I did.

12 CHAIRMAN BLANE: And you have read it?

13 MR. GONZALEZ: Yes, I have.

14 CHAIRMAN BLANE: So, if our attorney
15 at the next meeting brings a certification that you
16 have read that transcript, you will be able to sign
17 it?

18 MR. GONZALEZ: Correct.

19 CHAIRMAN BLANE: Thank you. The next
20 does any member of the board have a member of an
21 immediate family who is within 200 feet of this
22 project? Let me say it again, any member of the
23 board have a member of his or her immediate family
24 that is within 200 feet of this project? No member
25 of the board is answering in the affirmative, so

1 therefore, I'll assume that no members of the board
2 has such a member of the immediate family. Thank
3 you.

4 Okay, that being the case, please
5 continue with the hearing on the Meridia Le
6 Boulevard application, 6609-15 Boulevard East and
7 9-67th Street in West New York. Mr. Alonso?

8 MR. ALONSO: Thank you, good evening,
9 Mr. Chairman. Alvaro Alonso on behalf of the
10 applicant. I was under strict instructions at the
11 last meeting that I had two things to answer before
12 we started. The first one was to identify the
13 witness that would be testifying as to the garbage
14 removal. I could let the board know Carl Jenne our
15 engineer will be testifying as to that. He is one
16 of the witnesses that I will be presenting --

17 CHAIRMAN BLANE: Can everybody hear?

18 MULTIPLE AUDIENCE MEMBERS: No.

19 CHAIRMAN BLANE: Can everyone hear
20 now?

21 MULTIPLE AUDIENCE MEMBERS: Yes.

22 MR. ALONSO: You had requested that I
23 provide the name of the witness that would testify
24 as to the garbage removal. That would be Carl
25 Jenne. He is our civil engineer and he will be

1 testifying this evening. One of the board members
2 had a question as to how many proposed --

3 CHAIRMAN BLANE: Let me say this, if
4 at any time during this proceeding you can't hear,
5 it is your obligation to let us know that because we
6 are not sitting where you are. We can hear. Thank
7 you.

8 MR. ALONSO: One of the board members
9 had a question as to how many employees will be
10 hired by the property owner and would be working on
11 site. My client will be testifying towards the end
12 of the hearings. Initially it's our understanding
13 that we are going to have a concierge on the
14 property, a superintendent on the property, as well
15 as a leasing agent. So, as of right now three or
16 four employees will be working on site, should this
17 application be approved. At the conclusion of the
18 last hearing Chris Pereira, our LEED certified
19 witness, completed his testimony, was questioned by
20 the public and he was going to come back to testify
21 as to any questions that the board may have,
22 however, one of the issues that came up was the
23 board required additional testimony with respect to
24 the living wall system.

25 CHAIRMAN BLANE: A little louder.

1 MR. ALONSO: Chris Pereira who
2 testified last week or last month -- Chris Pereira
3 who is the LEED certified witness testified last
4 hearing, concluded his testimony, was questioned by
5 the public and was going to come back this evening
6 to answer any questions for the board, however, one
7 of the issues that was raised was that the board
8 required more specific testimony with respect to the
9 living wall system. So, Mr. Pereira is going to
10 start his testimony by providing additional
11 information with respect to the living wall system
12 and then we will open it up to the board for any
13 questions.

14 THE WITNESS: Good evening chairman,
15 members of the board.

16 CHAIRMAN BLANE: We will continue your
17 certification and also we will continue your
18 swearing.

19 C H R I S T I A N O P E R E I R A,
20 Having been previously sworn, testified further as
21 follows:

22 THE WITNESS: I will step here so as
23 you may all remember we were talking last week about
24 the subsequent features that we are going to be
25 doing in this building and one of the features that

1 we discussed was a living wall. We had a lot of
2 questions from the members of the public on what
3 that would be and the board members as well. So, we
4 have a couple of slides just to show you what this
5 living wall system is. As you may remember
6 Albert --

7 CHAIRMAN BLANE: Why don't we wait a
8 second. I have board members who can't see, so if
9 they sit in the front row, they will be able to see
10 your testimony.

11 THE WITNESS: So, the living wall that
12 we are proposing, it's a three story wall that is
13 going to be sitting on the corner of the property
14 here. This is a wall landscaped area on the ground
15 and this living wall extends up three stories, so
16 let me show you a few slides of what this is, an
17 existing application of that that speaks throughout
18 New York and the north east. Basically what this is
19 is a series of panels and I will show you details of
20 how they are built, but there is a series of panels.
21 They are attached to the wall and they form a small
22 planting pocket that various types of vegetation are
23 planted. You can see here they are used for
24 interior areas for, you know, of course using
25 different type of plants and they are used for

1 exterior walls. This is a building that you can
2 see, you know, what it is two, four, six, seven
3 story building that they use the same system that we
4 are proposing to use here. It's a very pleasing
5 effect, you know, we have them in areas where we
6 can't afford having so much horizontal planting, a
7 vertical garden has been widely accepted now, you
8 really enhances the area and the microclimant within
9 and around theses applications. So, just to explain
10 a little bit how this works, these panels are a
11 series of pockets like I described before. You can
12 get them many different sizes depending what kind of
13 planting you are going to use. This is an elevation
14 of it. This gets attached to the wall. That is
15 what a picture of it looks like. This system comes,
16 the whole system includes a drip irrigation system
17 so once this is attached to the wall and one is
18 attached to the other, so we form a whole vertical
19 wall. There are dripping irrigation lines that run
20 across and as you can imagine, it feeds the first
21 and there are holes in the bottom of each one of
22 these cells and as the water goes in it drips into
23 the next, then there is another panel with another
24 irrigation line, so the whole system is done through
25 this irrigation system and it's quite a fantastic

1 effect as you saw pictures before. This is how the
2 system is put together, so like I said, this panel
3 will go up, irrigation system lines that ran, set in
4 place, the planting comes right after that and this
5 is the quickest schematic about how this works, so
6 each panel you can imagine the number of panels
7 above that, each one drip irrigation system, it
8 feeds the plants then it drips back down. Some
9 systems will also have a collection system that also
10 filters the water that is over irrigated, what
11 planting is over irrigated, whatever leftover water
12 that drips down gets collected and recirculated
13 back, so it's a pretty interesting system. The type
14 of planting you can get, of course it would depend
15 on the area and the region that you are, you can use
16 Evergreens so that there is always Evergreen,
17 minimum length of time. You can also choose
18 different type of plantings to make patterns and
19 drawings and beautiful things that are being done,
20 there are some beautiful walls in New York that have
21 been done as well. You know, it's nice, but that is
22 basically what we intend to do, strip garden, nice
23 brick wall that is three stories high with all sorts
24 of carrying planting material. I believe this is it
25 on the green wall. There are many more details that

1 we can go over on how it works, how the flashing is
2 done so you don't have water issues, but I don't
3 know -- I will be happy to answer, but I don't know.

4 CHAIRMAN BLANE: This explanation of
5 the green wall, this is the first time you have made
6 it to the board?

7 THE WITNESS: That is correct.

8 CHAIRMAN BLANE: That being the case,
9 I am going to open this up to the public and ask
10 whether any member of the public has any questions
11 specifically regarding the living green wall that is
12 proposed for the front of the building?

13 FEMALE AUDIENCE MEMBER: Where is the
14 green wall going to be?

15 CHAIRMAN BLANE: In the front of the
16 building, ma'am. Please come forward.

17 MS. REINER: Martha Reiner, 6600
18 Boulevard East. Question, is this taking the place
19 of the waterfall that was also mentioned or is this
20 at the 67th Street end of Boulevard East? Where is
21 this thing?

22 THE WITNESS: The leaking wall that we
23 are describing is in the corner of 67th Street. It
24 is on the corner here and it's three stories tall.
25 The waterfall feature that we had described before

1 the sign of our client is going to go on this side,
2 so we are proposing to use both, the waterfall
3 feature and a green wall.

4 MS. REINER: So, from this projection,
5 the green wall is going to be facing 67th Street not
6 Boulevard East?

7 THE WITNESS: It's on a slight angle,
8 so it faces -- really it faces more Boulevard East
9 than it faces 67th Street, but it's on a slight
10 angle, so as you are coming down Boulevard East
11 going south, you would be able to see it on a slight
12 angle.

13 MS. REINER: Are you aware of the
14 amount of wind that comes up Boulevard East and the
15 effect that that will have on a living wall? It
16 won't live long. Thank you.

17 CHAIRMAN BLANE: Yes, ma'am? Ma'am
18 step forward, please.

19 MS. DATO: Virginia Dato, 6605
20 Boulevard East. I would like to know what is going
21 to be on the other side?

22 CHAIRMAN BLANE: I'm sorry?

23 MS. DATO: What is going to be on the
24 other side right next to my building?

25 CHAIRMAN BLANE: You mean the

1 waterfall?

2 MS. DATO: What waterfall? Where is
3 it going to be?

4 CHAIRMAN BLANE: Mr. Witness, do you
5 want to answer the question?

6 THE WITNESS: It's right here, ma'am.

7 MS. DATO: What?

8 THE WITNESS: The waterfall is right
9 here.

10 MS. DATO: First of all, you have to
11 leave a certain amount of space between my building
12 and that building.

13 CHAIRMAN BLANE: Ma'am, this question
14 is only regarding the living green wall.

15 MS. DATO: Where it is going to be?
16 Right next to my building.

17 CHAIRMAN BLANE: That is the only
18 reason I opened this up because he made new
19 testimony. Do you have any questions regarding the
20 living green wall?

21 MS. DATO: Yes. I don't understand
22 it. I don't know where the waterfall is on my side
23 on 66th, 67th Street.

24 CHAIRMAN BLANE: This has nothing to
25 do with the waterfall. This is the living green

1 wall on the 67th Street side of the building.

2 MS. DATO: That is all you are talking
3 about now?

4 CHAIRMAN BLANE: That is specific
5 testimony he gave and that is why I opened it up
6 period. When the planner comes, they are also going
7 to have a planner that is going to testify to a lot
8 of things including what you are talking about. You
9 can ask him then.

10 MS. DATO: Okay. Well, I agree with
11 her. There is wind there, very bad wind. I cannot
12 walk there. It is not going to last long there.

13 CHAIRMAN BLANE: Do you have beautiful
14 trees by your house?

15 MS. DATO: Yes.

16 CHAIRMAN BLANE: Is there a wind
17 there?

18 MR. DATO: Yes.

19 CHAIRMAN BLANE: Are the trees alive
20 or dead?

21 MS. DATO: They are alive, but they
22 are going to take away my trees. They are building
23 right on top of the trees.

24 CHAIRMAN BLANE: We will see about
25 that. You have to come forward. You don't have to

1 raise you hand, you can come forward.

2 MS. RAUSCHER: My name is Carol
3 Rauscher, R-A-U-S-C-H-E-R.

4 CHAIRMAN BLANE: Address please?

5 MS. RAUSCHER: 6600 Boulevard East.
6 You mentioned the greenery and you said there were
7 many different kinds and you mentioned they use
8 certain things in the city. What do you plan on
9 using there?

10 CHAIRMAN BLANE: Let me just but in
11 here, ma'am. It doesn't really matter what his
12 answer is. Let me tell you why. We have a planner
13 and part of his company has a division regarding
14 landscaping. They are very, very stiff and strict
15 and even though the witness may give you an answer
16 now, it might not meet our requirement.

17 THE WITNESS: I agree. We have to
18 hire a consultant to be able to choose the right
19 landscaping run by the planner, so I can't tell you
20 exactly what we are going to use, but it is planting
21 that is allowed.

22 MS. RAUSCHER: It is not known now?

23 CHAIRMAN BLANE: Yes, ma'am.

24 MS. TURZYN: My name is Diane Turzyn.
25 I live at 6600 Boulevard East. My question is will

1 this attract rodents, roaches because you do have
2 the water on one side. You have the planting on the
3 another side. Right now their streets have the
4 skunks and the groundhogs from where they were doing
5 the buildings, but down below. I want to know how
6 are you going to stop that from happening?

7 THE WITNESS: I guess the short answer
8 is we are certainly improving what is there. You
9 probably have rodents and skunks and roaches because
10 of the situations on the site right now. I mean we
11 have pictures here and if you know the property
12 there is --

13 MS. TURZYN: I know the property. I
14 can see right down there.

15 THE WITNESS: -- tires, so I mean,
16 there is going to be a state of the art building,
17 clean. This is not going to be --

18 CHAIRMAN BLANE: Is this a rental or
19 an ownership building.

20 THE WITNESS: It's a rental.

21 CHAIRMAN BLANE: As a rental, are you
22 going to have a extermination contract?

23 THE WITNESS: Yes.

24 CHAIRMAN BLANE: I am sure you will.

25 CHAIRMAN BLANE: As part of your

1 extermination contract do you think you are going to
2 exterminate rodents and things like that?

3 THE WITNESS: I would certainly hope
4 so.

5 (Multiple inaudible audience members.)

6 CHAIRMAN BLANE: I must tell you,
7 ma'am, I live in the Riviera and we have an
8 extermination contract and in our whole history I
9 can't even tell you we ever had one rodent.

10 MS. TURZYN: I can.

11 CHAIRMAN BLANE: But, if we had, I
12 would assume that is covered by the extermination
13 contract.

14 MS. TURZYN: We have had them in our
15 building too and the thing is you are bringing
16 something in that is going to attract even more than
17 what we have in the neighborhood. We have down
18 below the sewage department and now a little bit
19 more to add to it.

20 CHAIRMAN BLANE: Thank you for your
21 comment.

22 MS. PUERTO: Rose Puerto, 6600. I
23 have never seen a living wall, so my question is, I
24 was just going to mention to your comment that there
25 is roaches and things that are there now because

1 it's a terrible site. We actually brought that up
2 and the Mayor was going to send an inspector
3 immediately when he heard. It is in terrible
4 condition, so hopefully he knows and it shouldn't be
5 that way now.

6 CHAIRMAN BLANE: Are you talking about
7 the gas station?

8 MS. PUERTO: Yes, so again attracting
9 the animals and we don't know what kind of
10 vegetation whatever it is will attract?

11 THE WITNESS: As much as any planting
12 that you have on the ground or the tracks, bushes it
13 is the same type of planting.

14 MS. PUERTO: Just to mention it is --
15 did you respond to the wind question because it's
16 very, very windy there, particularly in the winter.
17 Have you addressed that or have you thought about
18 that or is that a planner question?

19 THE WITNESS: No. I mean, that would
20 certainly be a question for the companies, the
21 experts that we hired to do this. Like I said there
22 are many of these walls in large cities like London,
23 Paris, New York that have the same wind corridor
24 issues that we have here. So, it's been a system
25 that has been tested and it has been used.

1 MS. PUERTO: So, if it doesn't work
2 out let's say it is really too windy in the winter,
3 what do you in the winter, what would that look
4 like?

5 CHAIRMAN BLANE: Probably have snow on
6 it.

7 THE WITNESS: Well, not necessarily.
8 As you know there are planting there, Evergreens
9 that stay green throughout the winter and green
10 during the summer. They might blossom or not. What
11 these walls usually do, which is on some of these
12 slides, they use a number of different plantings.
13 So, you may have some of these plantings that may
14 brown and dry during the winter months, but some of
15 them are Evergreens and that is kind of the beauty
16 of it as well as how professionals put them together
17 because we have this ever changing, you know, green
18 wall that turns beautiful in the wintertime because
19 sections of it are brown and sections are green and
20 in the summertime you have blossoming plants, so
21 it's the nice thing about these.

22 MS. PUERTO: I have never seen one.

23 CHAIRMAN BLANE: Thank you for your
24 comment. Yes, sir.

25 MR. CULLEN: Patrick Cullen, 72 67th

1 Street. What I would like to know, is this purely
2 hydro-phonics, this green wall or is it soil?

3 THE WITNESS: Yes.

4 MR. CULLEN: In consideration of the
5 wind that gusts up to 50 miles an hour or more and
6 considering that some of the people like myself have
7 seasonal asthma. What would you do to account for
8 the dust and dirt that will be blowing around the
9 atmosphere?

10 MR. ALONSO: That is as a result of
11 the green wall?

12 CHAIRMAN BLANE: I assume that is
13 where his question is directed?

14 THE WITNESS: It shouldn't be any
15 different than if you have a garden planted around
16 this whole property with flowers, it would be the
17 same issue, that is why, you know, we went to the
18 trouble of showing you these pockets. What happens
19 is it is not hydro-ponic, but the dirt, these are
20 the sections, it's a section cut off this as if you
21 cut a section through here and looking at the site
22 of these pockets and they are deep enough so the
23 dirt stays below and when you look at the pictures
24 of the actual planting you can see, all you see is
25 the greenery because it grows out of those pockets.

1 There is no dirt blowing around because wind doesn't
2 go through the back and what supports the --

3 MR. CULLEN: Should a cloudy day or a
4 lack of suitable hydro watering of these plantings
5 occur and the plants somewhat die that -- what will
6 hold the soil from blowing around?

7 THE WITNESS: It would certainly be
8 just like maintenance of any other garden. You have
9 part of the contract that this building would have
10 to have as a landscape company that most likely will
11 install it. They would take care of this wall and
12 make sure that nothing dies just like you have,
13 again, a horizontal garden with the same type of
14 planting.

15 MR. CULLEN: Will there be a special
16 fund to address the possible litigation drawn out by
17 asthmatic folks that live in the area that might
18 bring lawsuits to your building if they can prove
19 that there is a causal relationship between the dirt
20 that comes from this project and the dirt that they
21 are ingesting into their lungs?

22 THE WITNESS: Can you repeat the
23 question?

24 MR. CULLEN: Will there be any type of
25 legal funds set to mitigate the damages that folks

1 CHAIRMAN BLANE: The attorney answered
2 it.

3 MR. CULLEN: I have another question.
4 With regard to the vegetation, with all respect to
5 you sir, I do think it does matter because we would
6 like to know, I would like to know what kind of
7 insects will be drawn to this project that might be
8 new to the area and that could cause problems, such
9 as mosquitoes.

10 MR. ALONSO: Mr. Chairman, I don't
11 think mosquitoes are new to the area.

12 THE WITNESS: One thing we can do is
13 have an expert speak with my client and have an
14 expert that does this wall and propose some sort of
15 planting that they would be planting submitted to
16 the board for review.

17 CHAIRMAN BLANE: If the applicant
18 feels it is necessary. Thank you for your comment.
19 Yes, ma'am.

20 MS. KELLERMAN: Linda Kellerman, 6600
21 Boulevard East. This is the first time I have seen
22 something like this and since it is so high, I live
23 on the low floor across the street, will there be a
24 problem with algae getting on the bottom of the
25 terraces and getting on, let's say the building next

1 door Halifax Hall?

2 CHAIRMAN BLANE: A problem with what?

3 MS. KELLERMAN: Algae, you know with
4 the wind because it's so high. From what I know
5 about this project you don't have any other
6 landscaping in the building, just that big vertical
7 wall that is the only landscaping you have, right?

8 THE WITNESS: No, we also have some
9 landscaping on the rooftop, there is a terrace. At
10 the ground floor we are planting trees on the
11 sidewalk and we have that green living wall --

12 MS. KELLERMAN: Nothing in front?

13 THE WITNESS: No, nothing in front.
14 Well, there is some -- what?

15 MS. KELLERMAN: I have heard about the
16 building, you have to forgive me, I am pretty
17 ignorant and especially about gardening, but it
18 seems like most normal high-rises have some type of
19 nice landscaping in front of the building. It seems
20 like this is just lacking. They are just trying to
21 squeeze some on the side of the building just to get
22 it in to say that they have landscaping. I am just
23 pretty ignorant. It just seems like they are trying
24 to squeeze in as much as possible, just squeeze the
25 people in.

1 CHAIRMAN BLANE: Thank you for your
2 comments.

3 MS. ORLANDO: Amy Orlando, I live at
4 6600 Boulevard East.

5 I have a waterfall question for you.
6 Would you be kind enough to go back to the slide
7 with the waterfall?

8 MR. ALONSO: Mr. Chairman, I thought
9 we limited it to the living wall?

10 MS. ORLANDO: I thought the waterfall
11 and the living wall were friends?

12 CHAIRMAN BLANE: We are all friends
13 here, you know that from the last hearing. What
14 happened was he testified as to the green living
15 wall and I asked him whether he had testified to
16 that at the prior hearing. He said no. So,
17 therefore, I felt as a matter of fairness I should
18 permit the public to ask him questions about the
19 green living wall and that is all that is being
20 done.

21 MS. ORLANDO: When was the question
22 period for the waterfall?

23 CHAIRMAN BLANE: It really depends.
24 It was probably last hearing, but I would think you
25 might be able to slip it in with the planner?

1 MS. ORLANDO: Would that be all right,
2 with the planner not the LEED person?

3 CHAIRMAN BLANE: Or the civil
4 engineer.

5 MS. ORLANDO: I am happy to ask
6 whoever it is, I would like to ask. I don't
7 remember who that person might be.

8 CHAIRMAN BLANE: As I remember from
9 the last hearing the civil engineer was going to
10 answer everything.

11 MS. ORLANDO: Is that the one who
12 couldn't make it tonight?

13 CHAIRMAN BLANE: No, he is here. I
14 don't know if we will get to him. Be that as it
15 may, I would think in the future one or another
16 witness will be able to answer your questions
17 regarding the waterfall.

18 MS. ORLANDO: Would you identify that
19 person for me so I know when it's my turn?

20 CHAIRMAN BLANE: He is only here
21 answering questions regarding the green living wall
22 at the moment.

23 MS. ORLANDO: So, the waterfall guy
24 appears to be named later?

25 CHAIRMAN BLANE: Yes.

1 MS. ORLANDO: You will let me know
2 when that guy is going to come up?

3 CHAIRMAN BLANE: We will all hear him.

4 MS. ORLANDO: Okay, great. I will be
5 back.

6 CHAIRMAN BLANE: Yes, sir?

7 MR. FEDORKO: Gabriel Fedorko, 6600
8 Boulevard East. The planting wall is obviously on
9 the corner of 67th Street. This is just a comment,
10 I think this area may get the least amount of
11 sunlight of your site. I just want to point that
12 out since this is facing northeast. Thank you.

13 CHAIRMAN BLANE: Thank you. Yes,
14 ma'am?

15 MS. MCGREEVEY: Hi, my name is Annie
16 McGreevey. I live at 6600 Boulevard East.

17 I just wanted to make a comment. It's
18 a very beautiful looking wall and then first I
19 didn't know what it was, but actually I owned a home
20 where I had a living fence and I had a great deal of
21 trouble with it because it invites rodents. They
22 have food and shelter and water. Now, to be able to
23 get food from garbage or whatever from the street,
24 they will have shelter in this living wall and they
25 have water because the wall is constantly being

1 watered and once you have them in your building, it
2 was near impossible to get them out of our attic is
3 what happened. They would escape to the living
4 fence and then come back into our house and nest.
5 So, I was sitting there listening to this and seeing
6 the beautiful picture and everything, and it's
7 really a consideration and something that I have
8 experienced myself and I thought I should bring it
9 to your attention. Thank you.

10 MR. EVANS: Jonathan Evans, 6600
11 Boulevard East. I have got a LEED question actually
12 about what kind of equipment or what kind of points
13 this type of feature works towards the building and
14 how does that sort of let's say equivalent in terms
15 of different kinds of plantings, traditional
16 plantings and this is a real bonus for the building
17 or it seems to mitigate the fact that there is no
18 space for real greenery, which somebody brought up,
19 but I wonder if some calculations have been official
20 this type of feature is -- and if in fact it could
21 be valued engineering out of the building if, in
22 fact, it becomes problematic for civil engineering
23 reasons or cost reasons?

24 THE WITNESS: In regards to LEED
25 having additional landscape what this will do is we

1 will help with the microclimate, so when you have
2 urban areas where you will have a lot of landscaping
3 having some green also would help reducing
4 microclimate temperatures of the area so there is no
5 real point that we are looking to do this for LEED.
6 It is really a discussion we have been having with
7 the developer to provide something distinctive.
8 Something that is nice. Something that hasn't been
9 done yet in West New York. It is certainly picking
10 up a lot of acceptance throughout the world in urban
11 areas, having been able to increase the amount of
12 greenage in the building. So, you have cities like
13 Chicago here really all the roots, you know, it's
14 great. You only see when you are flying on the
15 helicopter if you're going to talk about the Sears
16 tower, these walls allow people that are living
17 there to be able to interact and see these things,
18 you know, having a roof garden that is collecting.
19 It is great. I am all for it, but this allows more
20 of an interaction, more of an esthetic into the
21 public that is inter-directing the street level with
22 the building rather than just the occupants that
23 have access to the roof.

24 MR. EVANS: I understand what you are
25 saying to put it there. I think you are overstating

1 what a public gathering place that corner is and I
2 think you are actually overstating the reason it is
3 here other than it's a sexy feature. The places
4 that I have seen it in Europe mostly are puppet
5 places, places where people want to be, where they
6 actually have some space to enjoy the landscaping
7 and using this other space and elements that allow
8 people to gather and attract people. This is at a
9 45 degree angle. It's three stories high because
10 there is a parking garage behind it. I get, I
11 understand it is going to be better than the blank
12 wall, but it seems like it is the sky. I don't
13 think it is in a position to be a public amenity.
14 This is my comment.

15 CHAIRMAN BLANE: Yes, ma'am. I would
16 just like to let all those know who are clapping, I
17 know we spent the same amount of applause when the
18 applicant is testifying.

19 MS. ADORNO: Myra Adorno, 6600
20 Boulevard East. In regards to the living wall, how
21 secure will this living wall be considering that's a
22 complete wind tunnel and especially since across the
23 street there is a bus stop and we are all waiting
24 there for all the buses to commute into work on a
25 daily basis?

1 THE WITNESS: Certainly we have
2 building requirements, so it will be secure. Those
3 are the usual panels as well as the panels that are
4 secured to the wall as according to the system they
5 will be as secure as any other window or claim that
6 is being put into the building.

7 MS. ADORNO: I thought, and I could
8 have misunderstood, I thought you said periodically
9 some of the plantings will be replaced. How will
10 that be done?

11 THE WITNESS: I didn't say replaced,
12 but I said maintained, so the building would have a
13 contract with a landscape professional that is, you
14 know, that that is what they do. They maintain this
15 horizontal or vertical living wall. There will be
16 maintenance. If a plant dies or something, I am
17 pretty sure they will replace it just like if you
18 have a garden in front of your building.

19 MS. ADORNO: I am not sure if this
20 question is for you, but on the maintenance how will
21 they get to the elevation, third floor, second floor
22 if they need to replace any of the plantings and so
23 on? Will they be blocking the street with some kind
24 of equipment kind of like a cherry picker I am
25 thinking? I don't know.

1 THE WITNESS: I spoke with a few
2 contractors that do this type of work in this area
3 and they have told me that the maintenance is done
4 with a boom truck, so they have kind of what PSE&G
5 uses, so if it is a higher wall like this, three
6 stories they will use something like that. For
7 small walls they would just use a ladder.

8 MS. ADORNO: So, will the sidewalk be
9 blocked during that time from pedestrians?

10 THE WITNESS: Well, I would imagine
11 that we would have to just like if you would to
12 replace a tree that died or maintain -- I mean this
13 doesn't take that much maintenance. From what I was
14 told by his professionals you have somebody here
15 maybe springtime and maybe in the fall and it's not
16 a daily or weekly maintenance.

17 MS. ADORNO: So, my next question will
18 be in regards to the traffic being blocked either on
19 Boulevard East or 67th Street so I guess that should
20 wait for the traffic expert?

21 CHAIRMAN BLANE: Traffic engineer,
22 yeah.

23 MS. ADORNO: Okay, thank you.

24 CHAIRMAN BLANE: Anybody else have a
25 question? Yes, sir.

1 MR. KREL: Ilya Krel, 6600 Boulevard
2 East. You mentioned that the building will have a
3 contract for maintenance, but if at some point in
4 the future half a year from now they decide that
5 they need more profit and they drop the maintenance
6 in that they don't hire the maintenance for that,
7 what is the provision to remove that wall because it
8 will start to get old, you will have pockets of
9 things there for garbage collecting things? I would
10 assume the town cannot force them to maintain this
11 wall to keep the green and they can force them to
12 clean it up, but they can't force them to keep the
13 wall green if they don't want to pay for that?

14 CHAIRMAN BLANE: Don't make that
15 assumption. You went right past that assumption. I
16 saw you. The town can enforce the habitat on that
17 wall. They can force them to keep it up and if it
18 gets bad they can force them to take it down.

19 MR. KREL: Thank you.

20 CHAIRMAN BLANE: The town has an
21 interest in that in terms of quality of life issue.

22 MS. THATCHER: Hi, Ginger Thatcher,
23 6600 Boulevard East. Since you mention that this is
24 being based on all of these types of walls that have
25 been put in urban areas and specifically many of

1 these have been put up, as you said, to residential
2 areas, I would like to know where I can go in New
3 York and find one? What residence? Where are they
4 so that we can see what it looks like and actually
5 ask people who live in these residences how is it
6 going?

7 THE WITNESS: That's a great idea. We
8 will get a few addresses from several of these
9 walls.

10 CHAIRMAN BLANE: What I would ask you
11 to do is get as many addresses as you can in New
12 York City right and give them to our secretary Maria
13 Varela. Maria Varela got claps? What I would say
14 is that how much time should we give them, four
15 days? Four or five days from now call Maria, get
16 all the addresses from her. Do you know the phone
17 number? You can call the main number and ask for
18 the zoning board.

19 MS. PALERMO: Joan Palermo, 6600
20 Boulevard East. How wide is this wall supposed to
21 be?

22 THE WITNESS: This wall is about ten
23 feet at the base and it's just short of three
24 stories because the level of the street. I would
25 say about 30 feet, close to 30 feet, so it's about

1 10 by 30.

2 MS. PALERMO: Okay, thank you.

3 MR. BORDEN: My name is Douglas
4 Borden, B-O-R-D-E-N. I am at 6600 Boulevard East.
5 A couple questions about the LEEDS as well. I
6 believe the last month you testified that this
7 project is being promoted by, I'm sorry I was late
8 so I didn't catch if you reviewed it in the
9 beginning, but you testified that the project is
10 being, I want to say promoted by another government
11 agency. Did you mention that or it is sponsored or
12 it is --

13 CHAIRMAN BLANE: I think it is to the
14 witness, the expert, I think what he is talking
15 about is you did say that, I believe, one of the
16 governmental agencies regarding LEEDS was looking
17 towards this as being one of the first --

18 MR. BORDEN: Being an example.

19 CHAIRMAN BLANE: Being an example.

20 MR. ALONSO: Are we referring to the
21 wall or to the building?

22 CHAIRMAN BLANE: The building itself,
23 I thought.

24 MR. BORDEN: The whole LEEDS project.

25 THE WITNESS: That we did mention two

1 things. We mentioned that the building most likely
2 will be Energy Star, which is a governmental LEEDS
3 and EPA governmental agency that has a program as
4 well.

5 MR. BORDEN: What is the name of it?

6 THE WITNESS: Energy Star. Just like
7 the Energy Star you have on your fridges.

8 MR. BORDEN: It is sponsored by who,
9 EPA?

10 THE WITNESS: EPA.

11 MR. BORDEN: Am I allowed to ask a
12 question off topic on here?

13 CHAIRMAN BLANE: You have answered
14 your own question. What did you ask?

15 MR. BORDEN: I was asking about the
16 LEEDS and government agency.

17 CHAIRMAN BLANE: What did you ask me?

18 MR. BORDEN: If I am allowed to answer
19 something that is off topic from here?

20 CHAIRMAN BLANE: That question has
21 it's own answer right in the question. No.

22 MR. BORDEN: Because I wanted to ask
23 about this last time I was here. I didn't know that
24 we were cut off from asking questions entirely about
25 LEEDS or will you have another period of time where

1 we can ask about the whole LEEDS project?

2 CHAIRMAN BLANE: If it's about LEEDS I
3 will permit it because he is also an expert
4 regarding LEEDS. He is standing right in front of
5 you.

6 MR. BORDEN: At this point I wanted to
7 ask about this agency. Does this agency look at the
8 impact that sunlight and space also has on a
9 project?

10 THE WITNESS: I guess you are talking
11 about the LEED program whether it looks -- yes,
12 there are aspects of the program that deal with the
13 light and view and the placement of the building,
14 where it is cited, if it's an urban area or not,
15 yes.

16 MR. BORDEN: Well, then my point here
17 and I would like to ask about this, do they, because
18 you had testified that you talked about the
19 microclimate, temperature I guess that is all the
20 area around the building and the architect last time
21 he also testified that this building would create a
22 lot of shadows and so my question is does this
23 agency and does LEEDS, do they -- have they taken a
24 look at a condition that people suffer from a lack
25 of sunlight? Have you ever heard of something

1 called seasonal effect disorder?

2 THE WITNESS: No, I have not.

3 MR. BORDEN: So, there has been a lot
4 of studies on seasonal effect disorder.

5 MR. ALONSO: Mr. Chairman, I think
6 this is going beyond the scope of his expertise.

7 MR. BORDEN: I am just saying the way
8 this building is going to be structured it's going
9 to block a lot of sunlight. What I have heard from
10 you are a lot of good things --

11 MR. ALONSO: You understand that you
12 are posing questions, you are not making comments at
13 point. If you have a question with respect to the
14 green wall then you can ask that question, but he is
15 not here to testify as an expert in seasonal
16 disorder.

17 CHAIRMAN BLANE: I do understand there
18 will be somebody to testify as to sunlight studies
19 and things like that.

20 MR. ALONSO: That is correct.

21 CHAIRMAN BLANE: Why don't you hold
22 that question until then.

23 MR. BORDEN: Then my last comment
24 would be this is going to cut off a lot of sunlight
25 to the Halifax and it's going to cut a lot of

1 sunlight -- it is. I can show you pictures.

2 CHAIRMAN BLANE: I would hold that
3 question to the witness --

4 MR. BORDEN: My comment is I heard a
5 lot of benefits that you are claiming that this
6 project is going to have for your residents and I
7 don't hear a lot of benefits that are going to be
8 for the rest of the community, that was my comment.

9 CHAIRMAN BLANE: Or the neighborhood.
10 Does anybody else have a question or any questions
11 regarding this witness and green living wall? I
12 don't see anybody, so that takes care of those
13 questions.

14 Does the board have any questions
15 regarding LEEDS or the living green wall regarding
16 this witness? Our planner?

17 MR. LAYTON: No.

18 CHAIRMAN BLANE: Our attorney?

19 MR. GARCIA: No.

20 CHAIRMAN BLANE: Our engineer?

21 MR. LEMANOWICZ: No.

22 CHAIRMAN BLANE: Thank you very much,
23 no further questions. Can I take five minutes
24 before you call your next witness. I would just
25 like to raise something. I received today or

1 yesterday, I suppose, the newest engineering report
2 from our engineer regarding the building and I also
3 note that, I don't know whether it is important, but
4 our engineer did not have the March 19th new
5 planner's report, that this new engineer's report
6 dated March 20th did not include the March 19th
7 planner's report, but the March 19th planner's
8 report only states the differences. It doesn't
9 really comment on the differences. It just states
10 the differences. I am just bringing that to the
11 engineer's attention, but what the reason why I am
12 raising it is because there are some things here,
13 some items 19, 20, 29 et cetera, et cetera, that
14 relate to the architect, at least in my mind. So, I
15 guess what I am asking you, Mr. Attorney, is how are
16 you going to deal with this new board engineer's
17 report dated March 20th?

18 MR. ALONSO: Mr. Chairman, it is my
19 intention to call as my last witness this evening
20 Mr. Carl Jenne who is our engineer. There is some
21 additional testimony that Mr. Arencibia needs to
22 testify to with respect to issues that were raised,
23 but since Mr. Jenne was going to testify, scheduled
24 to testify today, Mr. Arencibia is not prepared to
25 respond to those comments, but he will be at the

1 next meeting.

2 CHAIRMAN BLANE: The architect is not
3 prepared to respond to the comments because the
4 engineer is going to testify?

5 MR. ALONSO: Correct. He has got
6 lengthy testimony.

7 CHAIRMAN BLANE: Not because of
8 knowledge because of time?

9 MR. ALONSO: Correct.

10 CHAIRMAN BLANE: I thought you meant
11 because of knowledge. I didn't understand. Please
12 call your next witness.

13 MR. ALONSO: Mr. Jenne.

14 CHAIRMAN BLANE: Take a five minute
15 break for one of the board members. Why don't we
16 break until quarter of eight.

17 (Whereupon a brief recess was taken.)

18 MR. ALONSO: In order to keep the
19 process fair, I am just going to object to the
20 introduction of this exhibit, which is the one that
21 is unmarked. It is not authenticated. It is not a
22 true representation of what the building is and it's
23 out of scale, so I think it would be prejudicial and
24 unfair to have that. If whoever wants to bring it
25 forward later wants to introduce it --

1 MR. BORDEN: I'll take that down.

2 MR. ALONSO: Thank you.

3 CHAIRMAN BLANE: Thank you, Mr.

4 Borden.

5 THE WITNESS: My name is Carl Jenne.

6 Last name is spelled, J-E-N-N-E.

7 C A R L J E N N E,

8 First having been duly sworn by the Notary,

9 testified as follows:

10 EXAMINATION BY MR. ALONSO:

11 Q Mr. Jenne, can you review your
12 professional qualifications in engineering?

13 FEMALE AUDIENCE MEMBER: Louder
14 please.

15 CHAIRMAN BLANE: His professional
16 qualifications in engineering so the board can
17 decide whether they want to certify him as an expert
18 witness in this case or not.

19 A I'm a graduate Engineer from the
20 Steven's Institute of Technology. I also have an
21 MBA from Rutgers. I am licensed in the State of New
22 Jersey since 1980. In the State of New York since
23 1982. I have been practicing since that time in all
24 aspects of civil engineering. I have been, for the
25 last six years, the Planning/Zoning Board Engineer

1 in Guttenberg. For five years I was the township
2 engineer in Ridgefield, New Jersey, just up the
3 hill. I have -- I don't remember being before this
4 board before. I have been before boards in a lot of
5 different places. I do site design. I do municipal
6 engineering. I have done large highway projects.

7 CHAIRMAN BLANE: How many zoning
8 boards in Hudson County have you appeared before?

9 THE WITNESS: I have appeared
10 before -- I represent Guttenberg. I have appeared
11 before North Bergen and I have appeared before
12 Hudson County Planning Board. I don't know whether
13 there are any towns or cities I have appeared
14 before.

15 CHAIRMAN BLANE: Is that it?

16 THE WITNESS: Unless you want me to
17 add more. I can go on for an hour.

18 CHAIRMAN BLANE: I just want to know
19 if you are done or not.

20 THE WITNESS: I think I am done unless
21 you have a question? I am done.

22 CHAIRMAN BLANE: That being the case I
23 will ask any board member whether or not they have
24 any questions of this witnesses' qualifications.
25 Not seeing any I will ask our planner whether he has

1 any questions?

2 MR. LAYTON: No.

3 CHAIRMAN BLANE: Our attorney?

4 MR. GARCIA: No.

5 CHAIRMAN BLANE: Our engineer?

6 MR. LEMANOWICZ: No, Mr. Chairman,

7 thank you.

8 CHAIRMAN BLANE: That being the case,
9 we will accept you as a witness for civil
10 engineering in this matter. Please continue.

11 THE WITNESS: Thank you, very much.

12 Q Let me just ask you some preliminary
13 questions.

14 MULTIPLE AUDIENCE MEMBERS: We have a
15 question.

16 CHAIRMAN BLANE: You don't have any
17 questions regarding this man's qualifications.

18 MULTIPLE AUDIENCE MEMBERS: Yes, we
19 do.

20 CHAIRMAN BLANE: No, you don't. That
21 is for this board's decision only.

22 Q Mr. Jenne, were you present at the
23 last hearing?

24 A Yes, I was.

25 CHAIRMAN BLANE: Let me say something

1 right now. This board, I think I said it at the
2 last meeting, this board is a quasi judicial board,
3 which means it acts like judges, which means whether
4 this person is an expert or you are not an expert or
5 you are an expert and this person is not an expert,
6 the board can give whatever weight it wants to the
7 testimony within its own knowledge as well as the
8 knowledge of the witness. So, being an expert does
9 qualify him to make certain statements that he
10 otherwise couldn't make, but as to how the board
11 receives them, that is the board's discretion.

12 FEMALE AUDIENCE MEMBER: May I?

13 CHAIRMAN BLANE: No.

14 Q Did you prepare or oversee the
15 preparation of the engineering site plan?

16 A Yes, I did.

17 Q And prior to this evening, did you
18 review the reports by Maser dated February 16th and
19 March 19, 2012 as well as the Remington and Vernick
20 engineering reports dated February 21st and March
21 20, 2012?

22 A Yes, I did.

23 Q So, to the extent that you can, please
24 try to incorporate those comments into your
25 testimony. So, I just want to turn the microphone

1 over to you and can you review the site plan?

2 A A couple of questions that came up
3 that I want to incorporate in came up at the last
4 meeting. One of the things was about the size of
5 the lot because there were some distances provided
6 for some of the side --

7 CHAIRMAN BLANE: Can everybody hear?

8 MULTIPLE AUDIENCE MEMBERS: Yes.

9 THE WITNESS: They could hear me
10 without it.

11 MULTIPLE AUDIENCE MEMBERS: No.

12 CHAIRMAN BLANE: It is much more
13 important that I know they can hear than you telling
14 me they can.

15 A The property is 100 foot along the
16 back, along the western side. It is 35 foot and 106
17 or 151 foot along the southern boundary because
18 Kennedy Boulevard is on an angle. It is 35 foot and
19 I don't remember what the number is. It is about
20 130 foot off the frontage and it is about 150 in the
21 back and the size of the lot is indeed -- that works
22 out when you do the calculations of the lot with all
23 the full dimensions. There is no question that the
24 lot is the size that the application states it is.
25 It was testified to before, the property has an

1 existing residence on the back 35 foot. It has a
2 garage in the front. The property itself that it is
3 on has a significant slope across it from the rear
4 corner. The ground elevation in the back here is
5 about elevation 191. The elevation in the front has
6 two. The property adjacent to the south of this
7 property is about eight foot higher than the garage
8 and when I show you pictures later you will see that
9 there is a wall not that is holding back the garage
10 property, that is holding back the earth from the
11 house, Ms. Dato's property. If you go from the
12 ground elevation in the back to the ground elevation
13 at the street, it drops 16 foot from the back to the
14 front, 16 foot difference in elevation. If you go
15 across the back to the top of the wall it drops
16 about ten foot. Across this side it drops three
17 foot. It is three foot higher elevation here than
18 at the street across the front. It also drops about
19 three foot. It is higher at 67th Street and to the
20 south it drops an elevation and across down 67th
21 Street it drops 12 foot and the average slope is
22 about nine percent, as has been represented before
23 by some of the residents as to the slope on the
24 sidewalk.

25 The applicant is proposing to build

1 along the property line, which requires one of the
2 variances on the south side. He is proposing to
3 move the building six inches away from the property
4 line on the west, and the reason for that six inches
5 is so that there is sufficient width between the
6 adjacent building and our building three foot to
7 provide access, so we moved the building back six
8 inches. The building is proposed to be on the
9 property line along 67th Street to the north and not
10 fully, but close to the property line on the east
11 along Kennedy Boulevard. As also was testified --

12 CHAIRMAN BLANE: I'm sorry was the
13 testimony regarding the property line on the south?

14 THE WITNESS: On the south side, the
15 building is proposed to be constructed along the
16 property line.

17 CHAIRMAN BLANE: On the property line
18 itself?

19 THE WITNESS: Yes. As the architect
20 testified to the building has two, the first two
21 levels are for parking. The circulation for the
22 parking in the front, the building line -- let me
23 stand back and use the pointer, it might be a little
24 bit easier. The property line therefore is
25 six inches back from this building line. The

1 property line is along that building line. The
2 property line in the front runs here and the
3 building is slightly set back on this corner which
4 is where the landscape area is proposed and the
5 living wall that Mr. Pereira testified to. The
6 front then has a curve to it and it comes back out
7 on the south side to the waterfall area. Therefore,
8 everything outside of here is outside the building
9 and from this curve line inside is in the covered
10 porte cochere part of the building. As the
11 architect had testified, access to the first floor
12 is from Kennedy Boulevard in and out of the details
13 of that in the traffic aisles and everything, the
14 traffic engineer will testify to. Access to the
15 second floor parking here at the higher end on 67th
16 Street. Access to the third floor parking is here
17 and I might have misstated before that there were
18 two levels of parking. I said that in error. There
19 are three levels of parking, I apologize. As far as
20 the grading is concerned, there is very little we
21 can do to change any of the grading on the sidewalk
22 along 67th Street. We are replacing the curb. We
23 are replacing the sidewalk. The sidewalk will have
24 a proper cross grade to it for safe walking and even
25 though the slope itself exceeds ADA standards, the

1 cross slope on the sidewalk needs to be two percent
2 or less which it will, that will put the existing
3 grade at the building roughly the elevation at the
4 building that the sidewalk currently is at that
5 location. So, there is really no change outside the
6 building along the sidewalk area. Along the major
7 sidewalk area in the front there is also no change
8 in elevation up to the building area. One of the
9 comments that the engineer had that I can address
10 now, this parking to the second parking level is in
11 and out. In his letter he comments that I have a no
12 left turn sign, but it's on the wrong side of the
13 exit. It is on the left side. No left turn would
14 mean if you are -- no right turn, rather, it says
15 but it is on the left side of the exit, so a no
16 right turn would mean that you can't get out. I
17 believe he meant a no left turn, which is what you
18 don't want because people cannot go the wrong way on
19 a one way street. I do have the sign on the right
20 side of the road. It is a no left turn sign,
21 however, the plan itself shows the sign face to be
22 on the street side, and I will correct that in my
23 plans to physically show that the sign face will be
24 facing the building not facing the street. One of
25 his comments. He had another comment about the

1 entrance that is here where I show a stop sign and
2 what I erroneously called an R5-5. It should be
3 R5-1, which is included in the details of the plan.
4 That is one way, do not enter. Since this is one
5 way traffic coming in, we have a do not enter sign
6 facing the inside so that people see with the sign
7 that they should not be going out that way. The
8 signs on the exit have a stop sign on the inside and
9 have a do not enter sign on the outside. I will
10 change the plan from an R5-5 designation to an R5-1.
11 Those are the two of the comments.

12 CHAIRMAN BLANE: That is on the
13 Boulevard East side?

14 THE WITNESS: That is on the Boulevard
15 East side.

16 CHAIRMAN BLANE: Do you have any signs
17 that say no left turn or no right turn on those
18 exits?

19 THE WITNESS: I do not. That's a
20 question for the traffic engineer because he has
21 addressed traffic flow and everything else. It is
22 not on my plans. Whether it is needed or not would
23 be a question for the traffic engineer. As was
24 discussed previously, this is where the waterfall
25 and water area will be. We have shown a curb around

1 there. I believe the depth is probably three to
2 four inches, two to three inches of water is what is
3 anticipated. There was a question about the
4 retaining wall here. I remember it came up in the
5 last meeting from one of the residents. As I
6 described earlier, the property adjacent to the
7 south, Ms. Dato's property is higher and there is an
8 existing retaining wall that runs at least
9 three-quarters of the way back on this side. Our
10 client is not building a retaining wall along that
11 property line. We would wish her property was down
12 at street level as opposed to eight foot higher,
13 which I pictured is designated later. What we are
14 doing, she has a nice stone retaining wall along
15 Boulevard East and it comes back a little bit then
16 there is an ugly concrete wall in front of it, then
17 it goes to some sort of wall that is collapsing.
18 That runs back into the garage area because we are
19 not -- have no confidence in the structural
20 integrity of that wall and because our building is
21 coming a lot closer. The existing garage building
22 is about here, so our building is coming out closer
23 to the street. We really -- we will not be taking
24 down her stone wall, but we have to take down that
25 small section of concrete wall and we have to

1 replace it with a concrete wall that will be strong
2 enough to hold back her property. That relates to
3 the question about the eight foot high retaining
4 wall.

5 CHAIRMAN BLANE: How far does that go?

6 THE WITNESS: It goes from the
7 property line back to the building, which is
8 probably ten feet maybe, ten, 15 feet. That wall as
9 I said now, the concrete wall goes back probably 50
10 foot and then it kind of disappears and there is
11 really the picture that I have later, there is
12 really a very poor retaining wall that goes further
13 back then it's collapsing.

14 CHAIRMAN BLANE: Since we are on that
15 side of the building, when the building is being
16 built, how do you protect the safety of trees on her
17 property?

18 THE WITNESS: There are five trees
19 altogether on her property. In the back corner is a
20 30 inch diameter tree. This is what -- this is a
21 blow up of the area along Ms. Dato's property. I
22 went out after the last meeting. I located her
23 house. I located the trees. She was gracious
24 enough to invite me on her property and speak with
25 me while I was there. So, this is a blow up of that

1 area. In the rear about a foot or so off the
2 property line is a 30 inch tree. In this location
3 right here there is a twelve inch tree that is about
4 three foot off the property line then there is a 17
5 inch tree that is maybe about ten foot off the
6 property line.

7 CHAIRMAN BLANE: You're talking
8 diameter?

9 THE WITNESS: Correct. There is a 21
10 one inch diameter tree that is right near the
11 property line and her fence in this location. Here
12 is the -- I don't have a picture in the back of the
13 30 inch. This 12 inch tree is right here. The
14 17 inch tree is right here. This 21 inch tree is
15 right there and then there is one additional 13 inch
16 tree here that is also near the property line.

17 The property line now she has a fence.
18 The fence is about a foot or so on her side of the
19 property line. Some of the fence is on the property
20 line. In some areas the fence is in a little bit,
21 so that the fence is roughly where the property line
22 is, but not exactly. Do you want to go to the next
23 pictures. This is a view of back here, her 30 inch
24 tree looking out towards Boulevard East and this is
25 a little bit closer, so here is her chain link

1 fence. Again there are five trees total over here.
2 There is a lot of shrub trees that are growing
3 between the fence and this wall. I don't know if
4 you can tell from this picture, but this section of
5 the wall is leaning over significantly. This is a
6 small tree that is on the applicant's property. You
7 can see the ground is not only as the wall, but then
8 slope down to the building. All of these trees in
9 the front that are near the property line. There
10 were three. Their roots are all now growing into
11 and through and over the existing retaining wall
12 that is there. So, to some level the roots have
13 been stopped and blocked off by that retaining wall
14 that is near the property line. Can I say that when
15 construction is done that there will be no damage to
16 the roots system in the tree? No, I can't say that.
17 Depending upon how the construction is done, the
18 condition of the tree, you know, there in all
19 likelihood will be some damage to those trees
20 because the tree root system is not on her property.
21 The trees are within a foot or so from the property
22 line. The tree root system is on the applicant's
23 property. Mitigation to that, I think my applicant
24 would not have any problem with providing some
25 landscaping along her property line.

1 CHAIRMAN BLANE: How about replacing
2 some of her trees?

3 THE WITNESS: We can do that to and
4 the reason I say that, this is a picture on
5 Ms. Dato's south property line, so in other words
6 here is the north property line where the garage is.
7 If you go over here to the south property line, her
8 property is also raised there. This is the building
9 to the south of her and there is a retaining wall in
10 between. She also has about three trees that are
11 nice trees that are growing within a few foot of
12 that retaining wall on that side. Those trees have
13 all survived. Their root system has been limited on
14 that side just like it has been on this side because
15 of the retaining walls because when her property was
16 built or the properties adjacent to her were built,
17 her property was significantly higher than the
18 adjacent properties.

19 CHAIRMAN BLANE: As the town engineer
20 for Guttenberg are you also the Zoning Board
21 Engineer?

22 THE WITNESS: Yes. I am not the town
23 engineer. I am the Zoning Board Engineer.

24 CHAIRMAN BLANE: As the Zoning Board
25 Engineer of Guttenberg, you know how priceless trees

1 like the ones on her property are in such a densely
2 populated urban area as we live in?

3 THE WITNESS: Yes.

4 CHAIRMAN BLANE: Can you represent
5 that if, in fact, there is damage done to those
6 trees that they will be replaced? Let's put it this
7 way, excuse me, let's put it this way there is only
8 one answer to that question.

9 THE WITNESS: I believe if the board
10 makes that a condition of whatever action they take,
11 the applicant will comply.

12 CHAIRMAN BLANE: Thank you. Please
13 continue.

14 THE WITNESS: So, the fact is that
15 this tree may or may not have impact. The 30 inch
16 in the back may or may not, depending upon where its
17 root system is. These trees and these two trees in
18 the front they already have a retaining wall next to
19 them. There may be some, but as you can see from
20 those trees and the trees on the other side that
21 even large trees close to the property line can work
22 very well and live harmoniously with the retaining
23 wall right next to it. So, that addresses the tree
24 issue that was also raised. Could you go back to
25 the other slide?

1 MS. DATO: Could I say something?

2 CHAIRMAN BLANE: No, no. At the end
3 of his testimony, it will be open to the public for
4 questioning just like the other witnesses. Please
5 continue.

6 THE WITNESS: Again, going back
7 another question Ms. Dato has raised was during the
8 construction what impact would it have on her house
9 because it's an old house. Again, this is going
10 back to the pictures looking from the back of her
11 property, the west end looking out towards the east,
12 her house is at closest about ten foot or so away
13 from the property line and it steps back a little
14 bit. Construction such as the applicant is
15 proposing is done very frequently. It's done in New
16 York City all the time, in major cities done all the
17 time. It's done in New Jersey in the cities all the
18 time where the construction is to the property line.
19 There is special sheeting that they have to do.
20 There are special precautions that are taken during
21 construction that can be met to minimize any
22 vibration and damage. I have required in Guttenberg
23 for a number of years now and I always advise my
24 clients when I am on the other side working for them
25 for two reasons. Get required that the applicant do

1 a condition survey of the buildings around the
2 property prior to any construction. I say this to
3 my applicants because guaranteed when construction
4 is done, everybody will have cracks that never
5 existed before the construction was done and it
6 helps them to have a level playing field for what is
7 a crack that they caused and a crack that they
8 didn't cause. For the property owner itself, it
9 documents what was there and they have legal
10 recourse as any construction matter through --

11 CHAIRMAN BLANE: And if the board
12 approves this application that will be done in this
13 case; is that correct?

14 THE WITNESS: I would recommend that
15 the board include that.

16 CHAIRMAN BLANE: Sir, who are you?

17 MALE AUDIENCE MEMBER: I am
18 representing the developer.

19 CHAIRMAN BLANE: That is all I wanted
20 to hear. He is shaking his head yes, which means to
21 me that the answer to my question is an affirmative,
22 that it will be done in this case if, in fact, the
23 board approves. Thank you very much, I appreciate
24 it.

25 THE WITNESS: Okay, we can go ahead

1 now. I think that addressed the issue with the
2 house. Getting to the wall, this is a picture from
3 Boulevard East looking at the front of Ms. Dato's
4 house. As you can see she has an entrance doorway.
5 Her garage is over here. She has an entrance
6 doorway that you go in and you walk up to the area.
7 I have pictures of before. She has steps that come
8 up to the front entrance that is back here. She has
9 a retaining wall in the front. That is a doorway.
10 It is about seven, eight foot high. As you go
11 around the corner this is looking towards her house
12 from 67th Street across the gasoline station, this
13 is the corner, the opposite corner here, right
14 there. You can see that her stone wall turns around
15 and then you have a concrete wall in front of it
16 that is not quite as high. You can see some level
17 of plantings in here. They are not trees and
18 shrubbery, hedges. As you go back this is a picture
19 now from here looking back towards the garage. You
20 can see that concrete wall is running close to the
21 building. You can see another wall here. You can
22 see roots coming through. These are the trees that
23 we have, so the reason that we are building the wall
24 in that corner is because we have to maintain her
25 property. The reconstruction of the wall in the

1 corner is because we have no confidence in what this
2 is doing. This wall also comes in at an angle into
3 the property. It does not run along the property
4 line. It's a partial angle and as it goes back it
5 is not as high as her property. So, this wall is
6 not holing back all of her earth. That is what this
7 other wall on top was. Everything happens over
8 here. It's very possible that the property along
9 the side of the house was raised at one point in
10 time. It could be that there was another wall on
11 top. You don't know at this point in time and what
12 we do know is what gets put back has to be higher
13 and that her property, this is our applicant's
14 property, her property is at the fence line, but we
15 have to do a better job near the fence line. We
16 have to do a better job of protecting the slope of
17 her property since it is so much higher. Can we go
18 to the next?

19 There was a discussion about the
20 garbage. I am the garbage guy.

21 CHAIRMAN BLANE: That may be in
22 Guttenberg, but we think of you more highly about
23 that here.

24 MS. DATO: Can I speak about my fence?

25 CHAIRMAN BLANE: Soon.

1 THE WITNESS: This is the site plan.
2 We have proposed a parking space that would double
3 as a loading dock should we get approval, by a
4 loading zone, loading space should we get approval
5 from the Mayor and Council.

6 MULTIPLE AUDIENCE MEMBERS: Please
7 speak up. We can't hear.

8 CHAIRMAN BLANE: They need a loading
9 zone that this board does not give, that can only be
10 gotten from the Mayor and Council.

11 THE WITNESS: We have proposed a
12 loading zone on 67th Street near Kennedy Boulevard
13 that the applicant is going to petition the Mayor
14 and Council to allow that to be --

15 CHAIRMAN BLANE: Let me just interrupt
16 for a moment. We have another project on Park
17 Avenue, a Family Dollar Store. They also needed a
18 loading zone. If there is an approval the board
19 approves subject to them getting that loading zone.
20 The board does not grant the variance for the
21 loading zone because if the board granted the
22 variance for the loading zone, that would mean they
23 wouldn't have to get a loading zone. So, instead of
24 granting the variance for the loading zone, if there
25 is an approval, I'm not saying either way, the board

1 would approve subject to them appearing and apply to
2 the Mayor and Commissioners for the appropriate
3 loading zone. Please continue.

4 FEMALE AUDIENCE MEMBER: Is that where
5 the trees are?

6 CHAIRMAN BLANE: No.

7 THE WITNESS: We have a loading zone
8 there. If you can go to the next? This is the
9 architect's drawing of the second level of parking.
10 That loading zone that I just showed on my site plan
11 is right here. This is 67th. This is Kennedy
12 Boulevard. That is where we propose that the
13 garbage hauler will come in and park his vehicle in
14 that loading zone. The access route to the garbage
15 which is located in the center of the second floor
16 would be up the sidewalk, which is about
17 nine percent at most up the ramp, that is about five
18 across to the garbage containers. There is a slope.
19 There was some question about how would they do
20 that? What is the size of the dumpster? What about
21 safety? I talked to the garbage hauler that they
22 use. He says he does this all the time and his men
23 wheel them by hand and I said that is not acceptable
24 to us. This is a company that provides a motorized
25 vehicle. It frankly hooks up to it like a hitch on

1 a car. You have got a dumper. You have the
2 motorized vehicle that connects up into it. It's
3 motorized. It takes you up and in, up the
4 nine percent slope is not a problem, up into the
5 building, up to the garbage area, safely back and
6 forth because they are connected. That is how the
7 applicant proposes to handle getting in and out of
8 the building with taking care of the garbage. If
9 you go back to the lighting, one of the questions
10 that was raised is what about the down lighting.
11 This is a computerized representation of the
12 lighting level, which the engineer has had and
13 reviewed and didn't have any comments on. Currently
14 there is a streetlight on 67th Street just uphill on
15 the other side. There is a streetlight on the
16 corner on the west side north of 67th on Boulevard
17 East. There are streetlights on the opposite side
18 of Kennedy Boulevard. What we have done is we have
19 taken into account the lighting level from them as
20 well as the lighting that is being put on the
21 building. We have lighting on either side of the
22 driveway access here, down lighting. We have down
23 lighting on the side of either access here. We have
24 a light in the front area here. We have lights on
25 the three columns and we have a light over here and

1 this is the lighting pattern things that they
2 generate. We have taken it out to the center of the
3 street. The lighting levels are fine from a
4 standpoint of meeting standards. We don't have any
5 issue with spill over lighting onto adjacent
6 properties. Usually the issue with designing
7 lighting is not that you have lighting for the
8 public road, but you would have lighting to the
9 private property, you want to make sure that the
10 lighting that flows off your property onto the
11 adjacent property is not excessive. That is not the
12 case with us because our only lighting will be on
13 the public side. The fixture is now shown on the
14 plans and we have included the fixture on the
15 drawings that we submitted. This is the look of
16 what we are looking at that for the pictures.

17 In reviewing the memorandum from Mr.
18 Layton, there are no issues that I saw regarding
19 engineering in that memo. His big comment
20 previously was that the original site drawing I had
21 included the site and the lighting and the existing
22 conditions were a little bit too light to read. With
23 this last submission I separated the site design,
24 which is another drawing from this which is the
25 lighting drawing. There were no questions that I

1 saw or issues that I saw that he raised in his last
2 review letter.

3 Regarding Mr. Lemanowicz's letter,
4 while I just got it the day before yesterday, I can
5 address the comments either how they will be done
6 or -- and what impact, if any, in my opinion they
7 will have on the design as presented. His comment
8 number three relates back to a comment in his first
9 letter about the total acreage of the property. The
10 original survey that was provided by our surveyor he
11 didn't include the acreage, the size, the square
12 footage. He subsequently did that survey, but
13 apparently it didn't make it to the board, so that
14 survey is showing the total acreage that we use in
15 our analysis will be provided. His comment related
16 to this. As I had mentioned that when I met Ms.
17 Dato I had picked up the location of the trees in
18 her building. We wanted that included on the
19 survey. The surveyor does work with me. He has the
20 information. He will be providing that drawing and
21 we will get that to provide a base survey that
22 includes the area and the additional information
23 that was picked up, signed and sealed by a licensed
24 surveyor. That addresses item number three.

25 In item number four it had a couple of

1 things associated with it. The one I can deal with
2 is the street parking. Currently there is a
3 driveway here. I think it is -- there is a driveway
4 here which is crossed out for no parking. There is
5 a 19 foot area, which fits one car. Because you can
6 pull in and pull out, 19 foot is acceptable. It is
7 not parallel parking. There is then a driveway for
8 the residents that is part of this project. There
9 is then a 72 foot area all the way down to the stop
10 line. There is 72 feet of parallel parking.

11 Legally you can get three parking spaces. As many
12 as five people squeeze in there, but in reality you
13 know three, maybe four spaces, so there are four at
14 most five spaces along 67th Street.

15 CHAIRMAN BLANE: You are talking about
16 the north side of 67th?

17 THE WITNESS: Our side, the south
18 side. Our side.

19 CHAIRMAN BLANE: Isn't that where the
20 loading zone is going?

21 THE WITNESS: I am talking about
22 existing. There are four, maybe five existing
23 parking spaces on that side. With our proposed
24 design we maintain a parking space between the
25 property line and our first driveway. There is

1 sufficient room for a parking space in between, that
2 is two and the other parking, there is a 30 foot
3 area in the front or more where we have our loading
4 zone. Probably three cars in West New York could
5 fit there, maybe two. I'll take credit for only
6 one. People won't park more because they will just
7 park closer to the street. That is a loading zone
8 proposed. It will only be part time, so we will go
9 from four to five parking spaces down to three along
10 the south curb line of 67th Street. In the front
11 there is a 31 foot area that is between the current
12 driveways to the garage, which are here. There is a
13 31 foot area, which isn't two cars, but maybe two
14 cars park there. Our proposed design maintains
15 about 34 foot between, so we are not losing any
16 parking spaces in that area. That addresses the
17 parking. So, yes, by virtue of this construction
18 there will be, you know, one to two parking spaces
19 reduced on the south side, 67th Street.

20 CHAIRMAN BLANE: I assume the elephant
21 and gorilla, however you want to put it, in the room
22 that we are not discussing is the safety issues and
23 things like that because the traffic engineer will
24 respond to them?

25 THE WITNESS: Correct. As item number

1 six states that no right turn signs are shown on the
2 drawing on 67th Street except they are on the left
3 side of the exit. I think he is in error. The
4 signs we have are on the left side of the exit
5 because they are no left turn signs because left
6 turns would be going against the traffic, however,
7 when my drafter drew it, he shows the dot of the
8 post on the wrong side. He shows the sign facing
9 67th Street and the dot that is proposed facing the
10 building. We will just move it to the other side.
11 It would never be built that way, but we will
12 correct that. Regarding the signage on the
13 Boulevard East side related to both we have an error
14 in our plan that calls for an R5-5 sign. There is
15 no detail for an R5-5 sign because it is an R5-1
16 sign that there is a detail for. R5-1 sign says do
17 not enter and because this is an entry only, we have
18 R-5-1 signs facing the building so that someone who
19 may be going this way, sees that it is a do not
20 enter to go out on this exit, which is an exit. We
21 have a double mounted sign, a stop sign looking back
22 towards the building and an R5-1 no entry on the
23 Kennedy Boulevard side. That should address his
24 comments six, seven and eight. We will correct that
25 on the dimensional design. His comment 20 says the

1 proposed grading on Kennedy Boulevard is incomplete.
2 As I stated earlier the building line is here.
3 While this is an opening, it's the columns in front.
4 This is all building on top of it, so the only site
5 work outside is here. What I have shown in the
6 drawing the spot elevations at the building I have
7 show some spot elevations inside because the grading
8 is a little bit tight. What I am showing in the
9 design is that there will be a high point on this
10 side, the driveway will come up a little bit, we are
11 only talking about a couple inches. There will be a
12 high point here and then sloping back into the
13 garage we will try to do the same thing here, but I
14 am not confident it could make it work, so I added a
15 trench drain inside the garage area so that if any
16 water comes in with the cars, since it will be
17 sloped from here out, there won't be any water
18 falling on here. It will be picked up by the roof.
19 Any water that comes in with the cars will be picked
20 up by this trench drain. Probably not needed, but
21 it's safe to be able to do that. I don't expect
22 that there is any water from that. That trench
23 drain connects up into the storm water system. I
24 will then describe the slope system. The town
25 requirement for storm water run off are minimal.

1 The criteria that is controlling for this is the
2 standards from the North Hudson Sewer Authority
3 because it is a combined sewer system. They require
4 that you reduce the flow to at minimum, depending
5 upon whether you are adding more impervious or not
6 to more than the existing flow for up to a ten year
7 storm at 25 and then in some cases you have to
8 reduce the ten year storm down to a two year level.
9 The calculations that I have done, which I submitted
10 in the storm water report for this underground
11 system, which I will describe, were based on the
12 criteria. I need to get the approval from the North
13 Hudson Sewer Authority, which is more restrictive
14 than West New York standards and that was the design
15 that I proposed for. Basically what we will have is
16 we will have the roof liters coming down into this
17 system which is comprised of a concrete box under
18 the pavement about 13 foot long. Three, 33 inch
19 pipes that come off -- 30 inch pipes rather that
20 come off of it and at the end over here there is a
21 wall basically that comes up part high. There is a
22 small pipe low level outlet and then there is a wear
23 on top. So, physically what happens is that the
24 water flows in, it flows into this box, it's
25 restricted by that small pipe as to how much can

1 leave. The rest of it back up, ponds up and fills
2 up these pipes, has a detention basin that you have
3 above ground. When the water raises to the level of
4 the spill way, it flows over the spill way and I
5 have designed this system, since it is enclosed in
6 the building beyond the requirements of the sewer
7 authority designed it to contain the hundred year
8 flow without over topping and to actually reduce the
9 flow that is coming off the site after development
10 from what exists now during that hundred year
11 rainfall. I did that because I don't want this
12 system, except for a catastrophic circumstance, to
13 have any impact on the building, so I have designed
14 it well above not only West New York standards, but
15 above the sewer authority. That's a detention
16 system. The out fall from the detention system is a
17 pipe that goes out and connects into the existing
18 combined sewer manhole that is on the -- under the
19 sidewalk. In a previous plan I show the clean out
20 for that line to be able to clean it. I showed that
21 in the pool area. It is doable. It's sealable. It
22 was recommended we eliminate it, so I did because we
23 now can snake it out from this chamber, however I
24 left a little note right there that says CO for
25 clean out. It is still on the plans. That little

1 CO will disappear and the comment regarding the
2 clean out will be addressed. I will redo the storm
3 water management report. I did not redo it now.
4 The storm water management report will address the
5 final lot coverage number because we have done some
6 changes from the additional plan. The engineer
7 points out that the lot coverage is 95.5 percent
8 where the plans and the designs call for 96.84. We
9 will make the difference, but in terms of the impact
10 on the flow you probably won't see it, so we will
11 make sure that the numbers work, but in my opinion
12 it has no impact on what I have designed. He also
13 asks for more details on the chamber. I have on the
14 detail sheet provided a lot of dimension and stuff.
15 I will get on the phone with him and find out
16 exactly what additional dimension that he wants for
17 that. There was a question about what the rear
18 coefficient is in my engineering calculations for
19 the design. Two engineers having slightly different
20 opinions as to what numbers to use in a calculation.
21 I will work it without with them.

22 CHAIRMAN BLANE: But only one of the
23 two is important.

24 THE WITNESS: So, we will work out
25 what is reasonable and I will do whatever is needed

1 to have it pass as much. He also had a comment
2 about how the pipe systems were going to be capped
3 off. I don't need the volume for a header pipe.
4 Sometimes these are designed so that you have a pipe
5 that runs across them at the end. I don't need the
6 volume for that. I will talk it over with my
7 client. I will either put caps on the end because
8 they are sloped down slightly, I will either cap the
9 end or put a header pipe on it and make sure that is
10 covered in the detail. It has no impact on the
11 calculations that I proposed. There were three
12 corrections to the details. He wants all the
13 concrete to be designated as New Jersey DOT Class D
14 trained. I believe I just have the concrete
15 strength called out. I'll make that change. The
16 trenching detail he wants changed, so it is only
17 stone, dense graded aggregate coming back to the
18 surface. I make that change and he wants a tree
19 planting detail for the grades for the tree
20 plantings, which I will also add. He notes that
21 there is a treatment works approval for a sewer
22 extension. We are not sure of that yet. I think we
23 are below the 8,000-gallon per day limit, but if
24 there is, we will certainly do that. Either way the
25 North Hudson Sewer Authority requires that you fill

1 out those forms even for less flows. It is all part
2 of the process that they have. I just don't think
3 that is needed to go to the DEP because I don't
4 believe it will exceed the threshold when you have
5 to go to DEP.

6 CHAIRMAN BLANE: Comment 30 in the
7 engineering report relates to a sheet C4 notes that
8 16,225 square feet of disturbance is proposed. For
9 the benefit of the board, would you just explain
10 what that means? It sounds very violent.

11 THE WITNESS: It is related to soil
12 erosion standards. One of the other submissions is
13 Soil Conservation District and you have to identify
14 how much land is disturbed.

15 CHAIRMAN BLANE: Disturbance of soil.

16 THE WITNESS: Since I am going beyond
17 the property lines out to the street to replace the
18 curb, since I am also doing some trenching work in
19 the street, I am actually proposing a repair strip.
20 The county always likes a two foot repair strip when
21 you put the curbs in, so I have a two foot repair
22 strip along Kennedy Boulevard, dropped it down to
23 one foot. When my technician went into the CAD
24 program and laid out those areas and asked him to do
25 a calculation I came up -- he came up with 16,225.

1 I will verify what the discrepancy is. Also
2 mentioned --

3 CHAIRMAN BLANE: I just wanted to make
4 sure that nobody left this room thinking the square
5 foot of disturbance related to, you know, explosions
6 or things like that because that is how rumors start
7 and I just wanted to --

8 THE WITNESS: I wish I can say that
9 the soil disturbance is a disturbance that will keep
10 all rodents away, but it probably will not. He also
11 mentions Hudson County Planning Board, which we are
12 prepared to go to. We haven't filed that yet. Soil
13 Conservation District, which my plans are done, we
14 just haven't made the submission. I already
15 discussed the North Hudson Sewer Authority. I
16 believe that addresses those comments. If I could
17 go back to my notes from the last meeting, there may
18 or may not have been a few other things that someone
19 graciously said the engineer will testify to that.

20 Item number one was garbage removal,
21 which I did. Traffic, traffic, traffic, traffic
22 remember you kept say the traffic engineer will do
23 it. Proposed loading zones, I believe I have
24 addressed that tonight. Arrangements with Ms. Dato
25 to look at her property and all, I believe I have

1 addressed that. The eight foot wall I believe I
2 have addressed in the front. Unless I have missed
3 something, I think all the things that was said that
4 I will testify to I have testified to. I will not
5 be testifying to the waterfall in case someone wants
6 to volunteer that for me, that is not a civil
7 engineer.

8 Q The only other issue that was raised,
9 I don't know if you can or cannot testify to --

10 MULTIPLE AUDIENCE MEMBERS: Can't hear
11 you.

12 THE WITNESS: I was asked to see if I
13 could address the question related to wind tunnel
14 effect. I am not a wind expert and I cannot testify
15 to wind tunnel effect.

16 MR. ALONSO: I have nothing further.

17 CHAIRMAN BLANE: Would any member of
18 the public like to come forward and ask questions of
19 their civil engineer? Yes, Ms. Dato, why don't you
20 come first.

21 MS. DATO: Virginia Dato, 6605
22 Boulevard East. I want to address the fence. They
23 are going to build right on top of the fence. My
24 property goes right under all hedges over there.
25 Did you see the hedges?

1 THE WITNESS: I did.

2 MS. DATO: They are mine. That wall
3 over there is ours too, so it goes back.

4 THE WITNESS: According to the survey
5 we have that some of that is on your property and
6 some of it is not. The contractor, the first thing
7 that he will do, that the building department will
8 require him to do -- you really can't hear me? I
9 have never had anybody say they can't hear --

10 MULTIPLE AUDIENCE MEMBERS: We can't
11 hear you in the back.

12 THE WITNESS: I apologize. I am happy
13 because I have never been told that someone couldn't
14 hear me. They always tell me I am loud.

15 CHAIRMAN BLANE: You may hear a lot of
16 things for the first time.

17 THE WITNESS: Our surveyor identifies
18 as I review with you when I was out in the field,
19 that your property, that the property line is mostly
20 on the other side of the fence within a foot or so
21 on the other side of your fence and it varies about
22 a foot or so, yes.

23 MS. DATO: Whatever it is up to the
24 wall and it goes like this and it goes here and it
25 goes like that.

1 CHAIRMAN BLANE: Ms. Dato, the two of
2 you -- listen to me. The two of you can't speak at
3 the same time because she has to hear it.

4 THE WITNESS: The applicant will not
5 do any construction for the building of their
6 building, their building will not extent on to your
7 property. The first thing that will be done, which
8 the building department will be involved with, is
9 they will hire a surveyor to go out and locate the
10 property line. At that point in time if you
11 disagree with where it is, that can be resolved
12 through you hiring a surveyor, asking the building
13 department to hire a surveyor, so any question as to
14 where that property line is can be resolved.

15 MS. DATO: Isn't there a variance that
16 you have to have a certain amount of side yard?
17 Isn't that going to be -- there is not going to be
18 no side yard there.

19 CHAIRMAN BLANE: That is one of the
20 variances they are asking for.

21 MS. DATO: They are asking for
22 17 feet.

23 CHAIRMAN BLANE: That is one of the
24 variances they are asking for.

25 MS. DATO: And they are not giving me

1 anything. They are building right up against the
2 fence.

3 CHAIRMAN BLANE: I don't know if they
4 are disallowed of building right up against the
5 fence --

6 MS. DATO: Yes, they are building
7 right up against the fence. They are not giving no
8 side yard at all. It is supposed to be 17 feet.

9 CHAIRMAN BLANE: But that is on their
10 property. They are not giving it and that is why
11 they are asking for a variance.

12 MS. DATO: Second of all, the trees
13 are not going to survive with that great building.
14 None of my property -- all of my sunlight is going
15 to go away. All my light, sunlight. All my
16 property is going to be dead for leaves and stuff.
17 Second of all, that house is like a hundred years
18 old. It is not going to survive all this thing and
19 not only that, my husband and I are both over 80
20 years old. I am not going to survive this building
21 next door. I am not up to it. We are not up to it.
22 I was there --

23 CHAIRMAN BLANE: Let me ask you a
24 question.

25 MS. DATO: What?

1 CHAIRMAN BLANE: That property is now
2 zoned, it is permitted to build a 12 story
3 high-rise. It's permitted. If they had a 12 story
4 high-rise that was planned within the restriction of
5 the zoning ordinance, right -- listen to me, they
6 wouldn't even have to come before this board. Do
7 you understand that?

8 MS. DATO: Yeah, I know.

9 CHAIRMAN BLANE: So, to get aggravated
10 because it is 13 stories as opposed to 12, whether
11 it is permitted to be 12 is a different issue than
12 the trees and things like that. That is all I will
13 suggest to you.

14 MS. DATO: But I have a beautiful yard
15 back there. With that big building all my sunlight
16 and lights are going to go away and the trees are
17 not going to survive. Nothing is going to survive
18 there, not even me that is going to survive.

19 CHAIRMAN BLANE: Do you have a
20 question of this civil engineer because general
21 questions generally are kept to the end.

22 MS. DATO: Well, it's supposed to be
23 17 feet.

24 CHAIRMAN BLANE: That is a variance
25 that they are asking for. It is up to the board to

1 decide whether they want to grant it or not.

2 MS. DATO: You know, when the Galaxy
3 was built I was there.

4 CHAIRMAN BLANE: Ms. Dato, do you have
5 a question of this civil engineer?

6 MS. DATO: Do you know the mess it's
7 going to make on my property and everything else? I
8 want my 17 feet.

9 CHAIRMAN BLANE: Thank you very much
10 for your comments.

11 MS. DATO: And there is a lot of other
12 questions I have for parking stuff and everything
13 else and there is a tunnel, believe me, I am there
14 59 years and there is a wind tunnel there and you
15 are going to have the waterfall there. The wind is
16 so bad the water is all going to go onto my
17 property. It is all going to go onto my property.

18 CHAIRMAN BLANE: Thank you for your
19 comments.

20 MR. CULLEN: Has there been a study of
21 the sympathetic vibrations that will occur when you
22 have 107 cars driving in the neighborhood on the
23 existing asphalt on 67th Street going into the ramps
24 and then driving around to find their parking spot,
25 will that affect the existing foundations of either

1 this woman's property, the property of the
2 Versailles across the street or the Halifax Hall or
3 any other property?

4 THE WITNESS: I am not an expert in
5 vibration. I cannot testify to it.

6 MR. CULLEN: Okay, we would hope that
7 at future hearings we could have an expert that can
8 testify on behalf of the people that you represent.

9 The second question is with the fuel
10 exhaust from a hundred up to 107 vehicles that are
11 being asked to be allowed to come here, will that
12 meet EPA standards for the residents of your
13 building and also for the environment, will that
14 affect the toxins in the air?

15 THE WITNESS: The parking is all
16 enclosed in the building. There will be an exhaust
17 system, evacuation system in the building which
18 would carry it up and out the top of the building.
19 There are parking lots all over that are in the same
20 situation as this. So, I don't see this being any
21 different than many, many parking lots or large
22 residential buildings in this area.

23 MR. CULLEN: Okay, finally you
24 mentioned that we are going to lose, if I can
25 extrapolate, we are going to lose between one and

1 three parking spaces on 67th Street. It might be up
2 to three spaces on your plan and we could fit, I
3 think it was up to five or six currently.

4 THE WITNESS: With people squeezing in
5 well beyond what is standard.

6 MR. CULLEN: There is a reason why I
7 am asking this question. I imagine the people that
8 park there, 107 cars up there are going to have to
9 have a sticker for their vehicle so, you know, that
10 they are allowed to go into your garage?

11 THE WITNESS: My understanding is that
12 they will all have assigned spaces. The engineer
13 also recommended that and, therefore, there will be
14 some level of stickers for them, I assume, or a
15 beeper or something to get access.

16 MR. CULLEN: Will they also be
17 allowed, and I don't know if my question is directed
18 to the board for you to consider, would the people
19 with stickers still be allowed to park anywhere in
20 the neighborhood.

21 MR. ALONSO: They are. There is
22 nothing that would prohibit somebody from parking on
23 the street.

24 CHAIRMAN BLANE: Well, right now I
25 guess as long as they have a West New York parking

1 sticker they can.

2 MR. CULLEN: Okay, thank you, Your
3 Honor -- Mr. Chairman.

4 CHAIRMAN BLANE: I have been called
5 worse.

6 MR. CULLEN: I would just like to
7 point out that I did a scientific study on
8 March 1st, Sunday, between 20:00 hours and 21:30
9 hours, 8:00 p.m. to 9:30 p.m. of civilians and I
10 noticed with regard to the Overlook Terrace and the
11 parking environment they have five parking lots and
12 they accommodate between three and 400 parking
13 spaces. I checked the parking situation from 60th
14 down to 54th Street on Boulevard East, Park Avenue
15 and checked the side streets from 59th Street from
16 Park Avenue to Broadway down to 55th Street, Park
17 Avenue to Broadway and I found no less than 31
18 vehicles with Overlook stickers parked in the
19 neighborhood when they could have easily parked in
20 those parking lots. So, what are you going to do to
21 make sure that these people that already have 107
22 spots, which I feel is not enough for 123 units,
23 eight of which are two bedroom, how are you going to
24 permit these people from taking up precious spots?
25 Anyone that lives in our neighborhood knows that you

1 can drive around for an hour or more after five p.m.
2 on Sunday or after eight p.m. Monday through
3 Thursday to try to get a parking spot. We need
4 parking and you are taking away our parking spots.

5 THE WITNESS: My only response is that
6 the applicant is providing all the parking that the
7 New Jersey Residential Standards for construction
8 call for and that historically, as testimony that I
9 have heard in Guttenberg for eight years, this area
10 has a lot lower parking need based on documented
11 facts.

12 MULTIPLE AUDIENCE MEMBERS: No way.

13 THE WITNESS: Not every place in
14 general, but the standards -- let me rephrase that.
15 Those standards are for the entire state including
16 out in no man's land where everybody has to drive
17 and, therefore, we are meeting those standards and
18 all I can say is that there are studies that compare
19 the parking needs in urban areas such as this to the
20 standards set for the entire state that state that
21 the parking that is required is less than what the
22 standard calls for because it was based on the
23 entire state.

24 CHAIRMAN BLANE: Excuse me, you know
25 that doesn't make any sense whatsoever. Let me just

1 understand what you just said. You said that there
2 are studies that show that the parking requirement
3 in an urban area is less than the RSIS because that
4 takes in the whole state, it includes rural areas?

5 THE WITNESS: Correct.

6 CHAIRMAN BLANE: I am just telling you
7 to me that makes no sense whatsoever.

8 THE WITNESS: I am not disputing your
9 feeling.

10 CHAIRMAN BLANE: Thank you. Let me
11 just say great minds think alike. Please continue.

12 MR. CULLEN: Thank you for clearing up
13 what I perceive as opposition on this gentleman's
14 part. I apologize for my coloration. I am not
15 trying to color what you said.

16 CHAIRMAN BLANE: I accept your
17 apology.

18 MR. CULLEN: Thank you, sir. My
19 fourth grade New Jersey Civics told me that New
20 Jersey is the most densely populated state. It
21 further said that Hudson County is the most densely
22 populated county in the state. It further says that
23 Union City ranks number one per cap in density in
24 the country and West New York was number two. It
25 might be number three right now. So, with all

1 respect, I don't know where you live, sir, and what
2 I am getting at is, again, people clapped when I
3 said you can drive for hours to find a parking spot
4 and it is ridiculous that you have to compete.

5 CHAIRMAN BLANE: Accept this is not
6 the traffic engineer.

7 MR. CULLEN: All right, I would just
8 hope that there could be some mechanism --

9 CHAIRMAN BLANE: I would wait for the
10 traffic -- we often say that Union City and West New
11 York really flipped depending upon the year as the
12 most densely populated in the country, but I would
13 wait for that question for the traffic engineer.

14 MR. CULLEN: Will that be in the
15 future hearing?

16 CHAIRMAN BLANE: Yes.

17 THE WITNESS: If I could add one
18 thing, understand that because of the way I poorly
19 worded it, I am not saying that there is not a
20 parking traffic problem here. That is not what I'm
21 saying. I know that there is a problem. I grew up
22 in Oakland. I commuted to Hoboken. I have been the
23 Zoning Board Engineer for Guttenberg for eight
24 years. I know there is an issue. My point is that
25 when we design something now to RSIS standards,

1 which is based on the entire state, where I live in
2 Somerset County, everybody drives. You can't get
3 anywhere without driving. The commuting is
4 virtually zero by mass transit. The standards for
5 the state are for the entire state, therefore, not
6 that there isn't a parking problem, but the amount
7 of parking that RSIS calls for is more than is
8 typically needed, is typically required for the
9 parking for a given type of building here. Not that
10 you don't have a parking problem. The parking
11 problem that I observed in Guttenberg is that you
12 have a lot of people with multiple cars, no garages.
13 They have converted the garages into the house, so
14 that there is no off-street parking. New
15 developments that come in have to have off-street
16 parking. Part of what we have learned in
17 Guttenberg, we have actually gone out, the chairman
18 has gone out and done surveys of new buildings that
19 were put up that even had variances for RSIS
20 standards for parking and what he found is that all
21 of the spaces were not being used, but the specifics
22 of that should be testimony from the traffic
23 engineer.

24 MR. CULLEN: It is patently and
25 inherently unfair to use statewide RSIS standards

1 that take into account the Pine Barrens where the
2 New Jersey Devil is and Somerset County where you
3 have variable population --

4 CHAIRMAN BLANE: Excuse me, excuse me.
5 Have you personally seen the New Jersey Devil?
6 Listen to what you said.

7 MR. CULLEN: Sometimes truth is
8 stranger than fiction.

9 CHAIRMAN BLANE: That is true. What
10 you are saying now is something that this board
11 knows. We have said it straight to traffic
12 engineers who have presented the statewide survey to
13 the board in support of an application. I would go
14 a step further. As opposed to being typical for a
15 typical urban area, I would not accept West New York
16 as a typical urban area in the sense of its parking
17 problem. I would go lower than that. West New York
18 has a tremendous, tremendous parking problem we all
19 know about. It's a given. That is something that
20 this board is very well aware of.

21 MR. CULLEN: Thank you, Mr. Chairman,
22 all members for considering that. Thank you.

23 MS. KELLERMAN: My name is Linda
24 Kellerman, 6600 Boulevard East. I understand one of
25 the variances, if I am not mistaken, is a total lot

1 side of about 12,000 square feet and it's supposed
2 to be like for a 13 story building, 40,000 square
3 feet for the type of 107 residents, is that correct,
4 that you are minimizing on the lot side?

5 THE WITNESS: There is no variance
6 required for the lot size. The lot is big enough
7 for development. The variances are for the number
8 of units that are being put on the property. So, it
9 is how you look at it, but there is no variance
10 being requested by this board that the board needs
11 to grant for lot size.

12 MS. KELLERMAN: So, the 107 units you
13 are trying to put that in a 12,000 foot lot size
14 where it is 107 units you really should go into
15 40,000 lot size, is that a correct assumption?

16 THE WITNESS: I don't know what the
17 number is. All I know is that part of the
18 application the applicant is asking for a variance
19 for density.

20 MS. KELLERMAN: The thing is there is
21 a total lot size of about 12,000 square feet?

22 THE WITNESS: Roughly 13,000.

23 MS. KELLERMAN: I'm a little bit
24 confused. I live in the Versailles. It's a similar
25 even a bigger high-rise building because they have

1 one garage entrance and exit period, with
2 landscaping in the front, beautiful landscaping and
3 this is an engineering question, correct me if I am
4 wrong, you have three separate entrances and exits
5 depending on what level you park under this proposed
6 building; is that correct?

7 THE WITNESS: There are actually four.

8 MS. KELLERMAN: Are you aware that
9 there is a lot of pedestrian traffic on 67th Street,
10 especially on Boulevard East you have people going
11 to the bus and they walk along the automobile repair
12 shop? Are you aware of all the pedestrian traffic
13 and the cars coming in and out of the garage?

14 THE WITNESS: I stated at the last
15 meeting that is a question for the traffic engineer,
16 which I am not.

17 MS. KELLERMAN: The thing is you
18 designed the building with the garages.

19 THE WITNESS: I am the civil engineer.
20 I design from the outside of the building to the
21 street, where the doors go, how many doors there
22 are. That is between the owner and the architect.
23 I just connect the building to the real world.

24 MS. KELLERMAN: Another question, are
25 you responsible for the gas station, what to do with

1 the gas station underneath?

2 THE WITNESS: Also at the last meeting
3 that question was brought up. The applicant will
4 have their expert who is looking at the tanks doing
5 phase one, whatever remediation and that will be an
6 expert that will also be brought before the board in
7 the future.

8 MS. KELLERMAN: Thank you.

9 MS. ORLANDO: Amy Orlando, 6600
10 Boulevard East. Okay, my first question is I would
11 like to understand, I do not question your
12 credentials as a planner. I am sure you are
13 certified as an expert.

14 CHAIRMAN BLANE: Civil engineer.

15 MS. ORLANDO: Civil engineer, I stand
16 corrected. My bad. However, the question I have
17 about your testifying at this hearing is that you
18 stated that you are the engineer for the Town of
19 Guttenberg.

20 THE WITNESS: I am the zoning planning

21 --

22 MS. ORLANDO: You are the Zoning
23 Planning Board engineer for the Town of Guttenberg
24 and you are currently serving in that position?

25 THE WITNESS: Correct.

1 MS. ORLANDO: And that is within
2 200 feet of this proposed development, is that
3 correct, the Town of Guttenberg? Because the sign
4 is right there where the dog poop starts, so my
5 question to this zoning board is is there really not
6 something to be considered as to whether or not this
7 is a disinterested expert, if you will, for lack of
8 a better way to -- I am not trying to be disparaging
9 at all. I hope you understand that. I do recognize
10 your professional reputation and I am not calling
11 that into question for a minute.

12 CHAIRMAN BLANE: Let's not go
13 overboard. I am trying to --

14 MS. ORLANDO: That is what I was
15 getting at earlier.

16 CHAIRMAN BLANE: I understand exactly
17 what you are saying. I am trying -- let's say an
18 attorney had a law office within 200 feet, I would
19 believe that attorney could still represent an
20 applicant before this board. I'm sorry, I am going
21 to leave it to our attorney.

22 MR. GARCIA: If I may I believe if
23 this is within 200 feet of Guttenberg, Guttenberg
24 would have been notified and I believe that if
25 Guttenberg had an objection to this application, the

1 engineer would probably be conflicted, but I haven't
2 seen anything to the contrary where the Township of
3 Guttenberg, his employer has put any objection on
4 the record for this application.

5 MS. ORLANDO: Can you confirm that
6 they have actually been notified? Can we determine
7 whether or not it is within 200 feet?

8 MR. GARCIA: I believe at the initial
9 hearing the notices that were provided -- that the
10 initial hearing the attorney for the applicant
11 provided us with copies of notices, which I believe
12 were delivered to Guttenberg. I will double check
13 that. I have them here, but just to clarify if
14 Guttenberg is within 200 feet of this application,
15 they are notified so they can either object or take
16 no action as to the proposed development. I have
17 not seen anything in this file that has come from
18 Guttenberg objecting to this proposal, so they have
19 been notified. I am sure if there was an objection
20 as a professional I am sure --

21 CHAIRMAN BLANE: We are going to go
22 past this. Excuse me, I am going to resolve it.
23 Between now and there will be another night the next
24 hearing, I am going to ask our attorney to look into
25 number one, whether this is within 200 feet of

1 Guttenberg; number two, and if it is whether there
2 is conflict whether or not the employer objects or
3 not, whether there is a conflict for the employee
4 to, in fact, testify because I do remember that we
5 have had different things with the West New York
6 Board of Education and in each case an employee of
7 the West New York Board of Education who was on his
8 board, has to recuse whether or not the West New
9 York Board of Education objected or not. I am not
10 saying that my line of thinking is correct. I am
11 saying there is such a line of thinking. I am just
12 asking our attorney to number one, find out whether
13 in fact this application, this project is within
14 200 feet. If it's not, it is over and done with.
15 If it is whether or not an employee of the township
16 would be conflicted in testimony.

17 MR. GARCIA: I will have an answer for
18 both the questions by the next meeting.

19 MS. ORLANDO: I am not finished.

20 THE WITNESS: If I can clarify, I am
21 not an employee of Guttenberg. I am a consultant
22 just like Remington, Vernick is. I am not an
23 employee. I am a consultant.

24 CHAIRMAN BLANE: You said that three
25 times, so I will make it clear what I am saying.

1 MS. ORLANDO: Here is my question
2 about the waterfall, correct me if I am wrong --

3 MR. ALONSO: Mr. Chairman? Mr.
4 Chairman? Hold on. Hold on.

5 CHAIRMAN BLANE: I know he can't
6 answer it. I just want to know what the question
7 is.

8 MR. ALONSO: Mr. Arencibia is going to
9 testify at the next hearing, as I indicated at the
10 beginning.

11 CHAIRMAN BLANE: The architect is --
12 the architect --

13 MS. ORLANDO: I am sorry, everybody is
14 talking and pointing different fingers. Okay,
15 sorry.

16 CHAIRMAN BLANE: What do you mean by
17 pointing different fingers? The record can be read
18 wrong. I just want it clear because I remember you
19 from the last hearing. The architect will, in fact,
20 testify at the next hearing, the attorney has
21 represented. The waterfall questions go to the
22 architect.

23 MS. ORLANDO: We will come back to
24 that then. Thank you for identifying him to. I
25 would like to, now you might not be the right guy

1 for this question either. I would like to know
2 where is the snow removal going to go? Are you the
3 snow guy?

4 CHAIRMAN BLANE: Yes, he is the snow
5 guy.

6 THE WITNESS: Snow removal is a
7 maintenance issue. As I indicated the applicant is
8 building to the property line. The only snow here
9 will be snow on the sidewalk, which is snow that
10 occurred now. With the development the property
11 owner is responsible for the snow. This property
12 owner will be, as every other property owner in West
13 New York is. In the front, the only areas that are
14 their's that are not private property is this little
15 area here and there. Right now there is a garage
16 there that there is snow on. I cannot say how it
17 will be done, but it will need to be done in
18 conformance with the West New York standards from
19 where you can put snow. The same standards apply to
20 every property owner who has frontage on a public
21 street in West New York.

22 MS. ORLANDO: So, if I also understand
23 the -- now wait this might be the traffic guy, let
24 me preface it. There are four entrances, three of
25 which are vehicular, entrances and exits -- time

1 out, traffic guy? Okay next question. Are you the
2 sign guy?

3 THE WITNESS: Which sign?

4 MS. ORLANDO: The M. Who is the sign
5 guy?

6 CHAIRMAN BLANE: Architect, next
7 hearing.

8 MS. ORLANDO: Next meeting. This
9 property --

10 CHAIRMAN BLANE: Are you taking notes?

11 MS. ORLANDO: I have notes right here.

12 CHAIRMAN BLANE: No, no. I mean which
13 guy is which.

14 MS. ORLANDO: Oh, no, I have it here.
15 This is -- one of the parcels as we all know is an
16 unsightly gas station. I am just going to say it.
17 We don't like it. We don't like those tires. It is
18 nasty. It is ugly. We would like to see something
19 really pretty go up there, not clear to me that I
20 want this going up there because I think this is
21 like the Empire State Building, but I digress. I
22 would like to know --

23 CHAIRMAN BLANE: Actually you didn't.
24 How tall is not too tall?

25 MS. ORLANDO: I don't have a problem

1 necessarily with height in the sense that they are
2 asking or a variance because the problem, the big
3 problems that I have with this, the big objection, I
4 should say that many of the strongest objections I
5 should quantify because I have a lot of objections
6 to this development, is there are no setbacks. The
7 parking, I know it's not your item, big issue there
8 is a monitoring well --

9 CHAIRMAN BLANE: Is this in answer to
10 my question how high is not too high?

11 MS. ORLANDO: I am not so much
12 concerned with the height of the building.

13 CHAIRMAN BLANE: I thought you said
14 Empire State Building. I mean would ten stories be
15 all right? Would eight stories be all right?

16 MS. ORLANDO: Twelve, which is how it
17 is zoned, I am actually okay with as long as it is a
18 conforming use with the current zoning as it is, not
19 my first choice, but I would be fine with that.

20 CHAIRMAN BLANE: Please continue.

21 MS. ORLANDO: Back to the monitoring
22 well, are you the monitoring well guy because you
23 are constructing over it? No?

24 CHAIRMAN BLANE: Who is the monitoring
25 well guy?

1 THE WITNESS: The environmental
2 engineer. He is doing the study of what is there
3 now. What he has found out what the remediation
4 requirements will be.

5 MS. ORLANDO: And are we getting a
6 report from him? Are we getting a Phase One
7 Environmental Report?

8 MR. ALONSO: He will testify.

9 MS. ORLANDO: He will be testifying.
10 So, how is this application complete if we don't
11 have that information? Would that not be a
12 component of the zoning application?

13 CHAIRMAN BLANE: Maybe because he
14 didn't testify yet?

15 MS. ORLANDO: No, because there is no
16 environmental report in connection with the property
17 that has been submitted.

18 CHAIRMAN BLANE: You don't always need
19 written reports as opposed to having people testify.

20 MS. ORLANDO: Do they have to properly
21 notice you that he is testifying and is this the
22 notification process?

23 CHAIRMAN BLANE: I thought that is
24 what the attorney just said.

25 MS. ORLANDO: I just didn't understand

1 that this is the notification process?

2 MR. ALONSO: I said it at the last
3 meeting too.

4 CHAIRMAN BLANE: They do not have to
5 present a list of witnesses or experts. It is their
6 job to present certain proofs. If they fail on that
7 because they don't present a certain witness or
8 certain proofs that is their problem, so they have
9 to -- it is their responsibility to bring this to
10 the board and to overcome whatever they have to
11 overcome. They don't have to explain to the board
12 how they are going to do that because the burden is
13 completely theirs and if they fail, they fail.

14 MS. ORLANDO: Okay, so I would like to
15 understand, and maybe you are not the right guy for
16 this either, why a development that is this size and
17 this high with this many units? Is this an
18 engineering question?

19 CHAIRMAN BLANE: That is the planner.

20 MS. ORLANDO: Is that the planner? Am
21 I back to the traffic guy?

22 MR. ALONSO: It is not even a planning
23 question.

24 CHAIRMAN BLANE: Well, it is more
25 planner than anything else. It is a philosophical

1 question that really doesn't have to be answered.

2 MS. ORLANDO: But can it be asked?

3 MR. ALONSO: Not to this witness.

4 CHAIRMAN BLANE: Of course it can be
5 asked.

6 MS. ORLANDO: Can I ask another
7 question that may not want to be answered. I would
8 like to know if it would have been possible for a
9 building to have been designed that would have
10 complied with the ordinances that are currently in
11 place?

12 MR. ALONSO: It is not a relevant
13 question.

14 CHAIRMAN BLANE: Planner. Planner and
15 the answer is obviously, yes. That doesn't mean
16 that that is what the applicant wanted to do and I
17 don't know the details of really what that would
18 encompass for the applicant or a project like this,
19 but any time an applicant comes before the board for
20 a variance, in my mind, unless there is a physical
21 restriction that doesn't permit them to do it, the
22 other side of the coin is they can generally do what
23 you are talking about, which is to make that project
24 such that they don't need a variance.

25 MS. ORLANDO: But they chose not to.

1 I am just wondering --

2 CHAIRMAN BLANE: That is their choice.

3 MS. ORLANDO: I understand that and I
4 recognize this is America and it is their right to
5 do so and it is their right to come here requesting
6 these variances. I get the whole thing. I was just
7 wondering if I could ask what would be the
8 motivating factor in the decision making process and
9 maybe I can't ask this question, maybe they don't
10 have to answer it. I don't really know, but I would
11 like to have asked it because I am curious myself
12 why if the town feels that this is the appropriate
13 use and best use and they have not rezoned the town
14 to have it be a different density, a different
15 height, a different in -- keep in a high density
16 area. They have purposely elected --

17 MR. ALONSO: Mr. Chairman, can I just
18 object here. She has been up here a while and she
19 hasn't asked one engineering question. Can we ask
20 some engineering questions? We would be glad to
21 answer it. If she wants to make a comment at the
22 end, she is free to make a comment, but we need to
23 move on.

24 CHAIRMAN BLANE: I think he is right.

25 MS. ORLANDO: We can move on. I just

1 would like to have asked the question. I'm sorry he
2 doesn't like the question. I'm sorry he wants to
3 move on. I'm sorry it is not in regards to here,
4 but --

5 MR. ALONSO: It is inappropriate.

6 CHAIRMAN BLANE: Let's do it this
7 way --

8 MS. ORLANDO: I don't know that it is
9 inappropriate, sir. I would beg to differ with you
10 on that.

11 CHAIRMAN BLANE: Let's do two things.
12 One, let's try that again with the planner. I don't
13 know if you are going to get an answer, but number
14 two sometimes even though they are posed in the form
15 of questions can really be general comments and I
16 would suggest that maybe that is the line that is
17 being drawing, and after all the witnesses and the
18 public has a chance to ask questions of the witness,
19 there is another time for general comment regarding
20 the project in general. That might be where this
21 may end up. These type of questions may end up,
22 philosophical questions, things like that really are
23 more general comments than questions because I
24 understand what you are saying, you are right. You
25 are right. Developers always have a choice and they

1 chose one thing or another. It may be because,
2 let's say with the duplexes on top, it's easier to
3 rent the whole building. I don't know the answer to
4 that. Maybe that is the style that the developer
5 likes or maybe that is the development that the
6 developer likes. That is why he went 13 stories
7 instead of 12, you don't need a variance for height
8 for 12. But he went 13. He didn't have to get the
9 duplexes. Maybe that is what he wanted, maybe that
10 is the type of building that he wanted. That is a
11 philosophical response, you know, a philosophical
12 question because the answer is what? That should be
13 reversed a philosophical question why. The answer
14 is because. That is really where we are going at
15 this point, so why don't you continue maybe to more
16 reality based questions.

17 MS. ORLANDO: First of all, that was a
18 reality based question, for the record. I am glad
19 we had this time together. At this point I would
20 like to yield to the next person that has a
21 question.

22 THE WITNESS: I would like to clarify
23 that was brought to my attention. I am not the
24 planner and I shouldn't have provided any testimony
25 regarding the variances. I was incorrect that we do

1 not need an area variance. I was incorrect in that.
2 The applicant is asking for an area variance 40,000
3 square foot lot area is required and we are
4 providing 13,195, so I am in error and I wanted to
5 correct that.

6 CHAIRMAN BLANE: Thank you, I
7 appreciate that.

8 MR. FEDORKO: Gabriel Fedorko, 6600
9 Boulevard East. I just want to get some matter
10 cleared up regarding the survey. Was a survey every
11 filed, a land surveyor's sealed survey?

12 THE WITNESS: Filed with who?

13 MR. FEDORKO: With part of the
14 application?

15 THE WITNESS: Yes, the survey was
16 filed. The engineer found one comment initially
17 that it did not show in a number on the plan what
18 the total area was. That was his original comment,
19 but a property survey signed and sealed with a
20 licensed surveyor was provided. It was updated to
21 include that area, which I understand did not make
22 it to the engineer and it will be further updated as
23 I testified to earlier to include the area along
24 Ms. Dato's property signed and sealed by a licensed
25 surveyor in the State of New Jersey.

1 MR. FEDORKO: Thank you for clearing
2 that up for me up. You know I have an application
3 here dated February 3rd. I don't know, it's called
4 calendar number 2012-03. Is this the application
5 for variance, does anyone know?

6 MR. GARCIA: This is the application
7 that was filed.

8 MR. FEDORKO: Item number twelve, I
9 went to your sheet number T-1.

10 THE WITNESS: T-1 is an architect
11 sheet.

12 MR. FEDORKO: I also went to C-1.

13 THE WITNESS: C-1 is my sheet.

14 MR. FEDORKO: On item number twelve,
15 we have a size of a lot indicated as 99.96 by 119.6
16 and you have a total area of 13,194. Mathematically
17 I did that math. Is there something I am missing?

18 THE WITNESS: I thought I testified to
19 that earlier. The property is not square. It's
20 rectangular and when you are provided that
21 information to fill out, typically because some lots
22 have many, many different courses to them, the
23 attorney filling out the form doesn't list every
24 single one so that those are probably the
25 dimensions, here are the dimensions here.

1 MR. FEDORKO: I have a couple of other
2 questions related to that. On the town's
3 engineering comments he referred to sheet number C-1
4 I believe as a site plan?

5 THE WITNESS: Correct.

6 MR. FEDORKO: I think the title of the
7 drawing was lay out grading and utility plan?

8 THE WITNESS: Correct.

9 MR. FEDORKO: I found that a little
10 confusing. I actually looked at -- this is T-1 --
11 C-1?

12 THE WITNESS: No.

13 MR. FEDORKO: That is not C-1?

14 THE WITNESS: That is C-2 the lighting
15 plan.

16 THE WITNESS: That was C-2, the new
17 lighting plan. This is C-1.

18 MR. FEDORKO: I actually had a signed
19 sealed set I was able to look at it quickly last
20 night. I found it very, very, very difficult to
21 read. You have utilities, you have landscape, you
22 have lighting. You have a floor plan. You have top
23 of curb, bottom of curb. You have a lot of
24 information. I found it very difficult to read. I
25 was wondering if you could be so kind as to make a

1 site plan or separate plan. Could I request that?

2 CHAIRMAN BLANE: No, there is no
3 provision for that.

4 THE WITNESS: I already separated the
5 initial submission, which you may or may not have
6 looked at also included the lighting on here. One
7 of the comments from both the planner and I believe
8 the engineer to was to separate it and what I do
9 typical standard is you show the existing conditions
10 in a lighter shade in the back. What I did is I
11 took the lighting information off to another sheet
12 and increased the density of the background
13 information. This is a typical drawing and, in
14 fact, there are drawings that are submitted in towns
15 all over the state that are a lot more dense than
16 this. I understand you know for someone not used to
17 reading drawings it might be confusing, but it's a
18 standard level of detail.

19 MR. FEDORKO: I found it really full
20 of information. A lot of information overlapped, so
21 it was very difficult for me to read. I also
22 happened to --

23 CHAIRMAN BLANE: Excuse me, are you
24 objecting because the drawing had too much
25 information?

1 MR. FEDORKO: I am objecting because I
2 couldn't quite make out the street elevations, top
3 of curb, bottom of curb.

4 CHAIRMAN BLANE: Some were over
5 others?

6 MR. FEDORKO: Yes.

7 CHAIRMAN BLANE: Please continue.

8 THE WITNESS: I said typically what
9 you see over is in dark you will see the proposed
10 information on top and underneath you will see the
11 existing and you don't need to see the existing on
12 this drawing. If an engineer or a contractor was
13 reviewing it, needed to know the existing, he would
14 pull out the existing conditions. I don't believe I
15 have any overprints between proposed information and
16 proposed information. The overprint is between
17 proposed and existing which will disappear after the
18 construction.

19 MR. FEDORKO: I will revisit the
20 drawings. In any event, I also dropped an
21 engineering scale on the site line, the lines and I
22 think I used the graphic scale as well as an
23 engineering scale and I sort of guesstimated the
24 length of this property line. I think you said it
25 was 135 feet.

1 THE WITNESS: The surveyor shows a 35
2 foot course with a house in the back. He then shows
3 106.86 foot course for the front. So, you need to
4 add those two numbers to go from the front property
5 line here to back there.

6 MR. FEDORKO: I guess I might be
7 wrong, but you might want to drop a scale on it
8 because I get 125 feet. I just I think you should
9 revisit that because it's -- I am concerned about --

10 CHAIRMAN BLANE: Okay, just check it.

11 MR. FEDORKO: The woman that was here
12 regarding her trees, I just wanted to mention before
13 the development was even in anyone's mind, the trees
14 were there. I just wanted to make a comment about
15 that.

16 MS. DATO: Right, they are there over
17 75 years.

18 CHAIRMAN BLANE: Don't get her
19 started, please. Plus that is a general comment.

20 MR. FEDORKO: In regards to the
21 garbage, you know, I think the garbage is going to
22 be going up a ramp and then coming to the sidewalk
23 level and then they are going to be shooting down
24 67th Street and if one of these robots seems to want
25 to decide to go down onto Boulevard East, would that

1 be a problem?

2 THE WITNESS: If a car was parked on
3 the side of the road and someone doesn't put it in
4 gear, it could be a problem. It's a motorized
5 machine of significant weight. It is geared. It is
6 connected with a pin to the garbage. The size of
7 the machine is sized to the weight of that. I
8 cannot say that nothing willing ever happen. I
9 remember getting a call when I was 18 years old and
10 my father parked our 1968 Catalina two years old on
11 the side of the road and magically it went down the
12 hill into a telephone pole. He swears it was in
13 park. He swears the brake was on. Things happen.

14 MR. FEDORKO: It's going to be picking
15 up garbage, you know, with this machine frequently.
16 Just thought I would mention that this slope is
17 about what ten percent coming down 67th Street?

18 THE WITNESS: Nine percent.

19 MR. FEDORKO: That means every ten
20 feet approximately one foot of slope?

21 THE WITNESS: Approximately.

22 MR. FEDORKO: My last comment I think
23 it has to do with the RS1 regulations.

24 THE WITNESS: RSIS?

25 MR. FEDORKO: The parking that you

1 were making reference before.

2 THE WITNESS: RSIS, Residential Site
3 Improvement Standard is published by the Department
4 of Community Affairs.

5 CHAIRMAN BLANE: It's an I not a 1.

6 MR. FEDORKO: I thought I heard RSA.
7 In any event you stated that you follow the RSA
8 guidelines for the parking based on the requirements
9 of RSIS or RSA whatever it is?

10 THE WITNESS: The project does comply
11 with the parking requirements as set forth in RSIS
12 for this type of building, for this number of units
13 for this type.

14 MR. FEDORKO: I was just wondering, do
15 they have a size requirement as well as a number of
16 parking space requirement.

17 THE WITNESS: Yes. And the size of
18 the spaces are another variance that is being asked
19 for.

20 MR. FEDORKO: So, they are in
21 compliance with the quantity, with the number, but
22 not necessarily --

23 THE WITNESS: We can go back to the
24 number slide. You have to admit it was a good
25 slide.

1 MR. FEDORKO: It was an excellent
2 slide.

3 THE WITNESS: We tried to get you the
4 video. They have a video on their site that
5 shows --

6 CHAIRMAN BLANE: Can we please get
7 away from the number.

8 MR. FEDORKO: Thank you very much for
9 your time.

10 MS. PUERTO: Rose Puerto, 6600
11 Boulevard East. My first question --

12 CHAIRMAN BLANE: You're going to have
13 to leave that with us. We are going to mark that.

14 MS. PUERTO: Do I have to leave this?

15 CHAIRMAN BLANE: If you're going to
16 testify to it. It is going to be marked.

17 MS. PUERTO: Okay. My question is
18 because I didn't understand --

19 CHAIRMAN BLANE: Before you continue
20 let's mark it O-1.

21 (Photograph was received and marked
22 O-1.)

23 MR. ALONSO: I just have to ask you a
24 couple questions. Did you take this photograph?

25 MS. PUERTO: Yes, sir.

1 MR. ALONSO: Where did you take it
2 from?

3 MS. PUERTO: My terrace.

4 MR. ALONSO: What story is that on?

5 MS. PUERTO: Twelfth.

6 MR. ALONSO: Does that accurately
7 reflect the condition of the site?

8 MS. PUERTO: When I took it, yeah.

9 MR. ALONSO: When did you take it?

10 MS. PUERTO: Maybe about a week ago.
11 When -- maybe about a week ago.

12 MR. ALONSO: It was recent?

13 MS. PUERTO: It was recent, yes.

14 MS. PUERTO: The reason, I just wanted
15 to ask you a question because I didn't fully
16 understand when you were talking about property
17 lines, that you are building to the property lines,
18 so I just wanted you to point out, is it Ms. Dato?
19 How close, if you could just show us, how close to
20 her house would it actually be physically on that
21 picture?

22 CHAIRMAN BLANE: From the house to the
23 property line?

24 MS. PUERTO: Can you show me where --
25 the house is ten feet away to the property line.

1 THE WITNESS: Did you see the fence on
2 the photo?

3 MS. PUERTO: I'll take a look if you
4 point it out.

5 THE WITNESS: Her property line varies
6 between roughly the fence to a foot, a foot and a
7 half inside and the fence isn't even on the garage.
8 The property line is on the garage side of her chain
9 link fence plus or minus zero to 12, 15 inches. Can
10 I just point something out on that, so on here is
11 it -- are you saying her property line is just
12 inside there?

13 THE WITNESS: Her property line is
14 just inside of the fence.

15 MS. PUERTO: So, the garage is going
16 to be right built to it.

17 THE WITNESS: The building is proposed
18 to go right up to the property line.

19 MS. PUERTO: It is right on there, on
20 the property line?

21 THE WITNESS: On this side of the
22 fence it varies from on the fence to --

23 MS. DATO: From here what am I looking
24 at?

25 THE WITNESS: I think the architect

1 testified to what the elevations of the building
2 are.

3 MS. DATO: I am going to look at the
4 wall.

5 CHAIRMAN BLANE: Excuse me --

6 MS. DATO: I just want to look at
7 where the property line would be.

8 MS. PUERTO: I have a question about
9 the entrance to the driveway on 67th Street. The
10 entrance to the driveway on 67th Street there is one
11 entrance. Does that lead to both levels two and
12 three?

13 THE WITNESS: No, there are two
14 entrances. Back on to the west side roughly in the
15 area where the existing driveway is for that
16 residence and entry and exit to the second parking
17 level than closer to the street about 19 foot away
18 is an entrance and exit to the third parking level.

19 MS. PUERTO: So, it's two separate --

20 THE WITNESS: They are two separate
21 entrances and exits on 67th Street.

22 MS. PUERTO: Just a question again
23 about the trees and the house, again, because that
24 is the view that I get and in the fall it is very
25 pretty because it's very full and lush and green.

1 The trees will likely die because as you said I
2 think the roots are growing into the retaining wall
3 and are on the applicant's property at this point.
4 Would it save the trees or would it help if the
5 property was built not to that property line, but if
6 there was more space? If you could build that
7 smaller, a little smaller on that side to save that
8 tree?

9 CHAIRMAN BLANE: Of course.

10 MS. PUERTO: Is that something that
11 could be considered to save the trees and to not be
12 right on top of her house?

13 CHAIRMAN BLANE: It is not the
14 applicant's present choice.

15 MS. PUERTO: You answered about the
16 fumes, there is no fumes. They are all going up
17 through an exhaust to the roof, that was one
18 question. I have a question about the loading zone.
19 On 67th Streety and that has to be petitioned for,
20 it's on public property, is that --

21 CHAIRMAN BLANE: It is on a street.
22 The street is controlled by the town, the Board of
23 Commissioners. It has to be applied for through the
24 police department to the Board of Commissioners and
25 either approved or disapproved.

1 MS. PUERTO: Do most of the projects
2 that you work on have this situation or is the
3 loading zone typically on the site?

4 THE WITNESS: For a building with
5 interior parking I very seldom see loading zones
6 inside. They are -- typically dumpsters are rolled
7 out to the street for carting pick up. The
8 applicant is not proposing that at all. Sometimes
9 they have an area adjacent to the street, whether
10 there is a partition wall right by the street and
11 door and all of the building members have to have
12 the garbage go down in that area so it is hidden
13 from the street inside the building, but it is
14 readily accessible, then a garbage hauler comes in,
15 they open the door. They wheel it out directly and
16 put it in the garbage container. Sometime it's like
17 that. Sometimes they just wheel them onto the
18 sidewalk if that is on the application. It is
19 because in a parking lot the requirement for a
20 garbage truck to get in a parking lot makes the
21 under clearance extremely tall, which makes the
22 building taller and that typically is not how this
23 garbage is handled.

24 MS. PUERTO: In the area, I guess in
25 Guttenberg, which you would be most familiar with

1 also and West New York, is that how it is typically
2 done where they are on the street or --

3 THE WITNESS: In eight years I have
4 not seen one application come before the board that
5 had interior parking with a parking level so high
6 that a garbage truck could go inside.

7 MS. PUERTO: I have a question about
8 the parking spots because I took a look also at the
9 site.

10 THE WITNESS: The outside spaces you
11 mean?

12 MS. PUERTO: I have a question about
13 the outside on the street and actually inside as
14 well.

15 CHAIRMAN BLANE: I think the inside is
16 the traffic engineer.

17 MS. PUERTO: Traffic for the sign?

18 CHAIRMAN BLANE: Yes.

19 MS. PUERTO: RSIS?

20 CHAIRMAN BLANE: Definitely.

21 MS. PUERTO: The traffic engineer?
22 Even though it is something that is in the building?

23 THE WITNESS: I wouldn't want the
24 architect to do it, let's put it that way.

25 MS. PUERTO: Did you not do it?

1 CHAIRMAN BLANE: The traffic engineer
2 is going to have to justify it.

3 MS. PUERTO: The size is
4 non-compliance.

5 CHAIRMAN BLANE: Everything relating
6 to --

7 MS. PUERTO: Traffic. Okay the
8 parking spots outside then, when I did the math
9 pretty much, I did the math. I counted the spaces
10 inside, which is not your purview. I looked at the
11 engineer's recommendations and removal of six
12 parking spots because they ended at dead ends. They
13 should be removed, two compact cars should be
14 removed. Ultimately in the interior 107 spots goes
15 to about 97, then they have to borrow another two to
16 make it the handicapped spots because you have to be
17 in ADA compliance or you get sued a lot. Now, you
18 are down to like 94 spots inside not 107. I will
19 ask the traffic engineer. On the street if you have
20 on 67th Street the two driveways, the loading zone
21 and then the whole front, six spots basically are
22 eliminated from on street parking, is that correct?

23 THE WITNESS: No. Again, as I
24 testified, right now there is driveway here for the
25 adjacent property. There is a driveway for this

1 property, one parking spot here. This is 72 feet
2 room here down to the stop bar, 72 foot at 20 foot
3 parking space, which is even small or parallel
4 parking, it should be 22 to 24 feet, three spaces,
5 maybe four, so there are four to five along here,
6 which what I said four to five existing curb side
7 parking spaces. In the front this is all drop curb.
8 There is 19 -- 31 feet in the middle, which is one
9 parking space. There is drop curb over here. We
10 are proposing 34 foot between the two entrances, so
11 you could get two cars in 31, but if you could get
12 them in 31, you can easily get them in 34 too, but I
13 will call it a wash so we are providing one, two,
14 and three. The third spot will be a loading zone
15 part of the time, that is what the applicant
16 proposes, not all the time. So, we go from four to
17 five to three and we go from one to one. So, it's
18 five to six down to four.

19 MS. PUERTO: Are you the correct
20 person that would speak to -- so, you are not the
21 correct person that I would speak to about number of
22 107?

23 CHAIRMAN BLANE: No, that is the
24 traffic.

25 MS. PUERTO: That is the traffic

1 person.

2 CHAIRMAN BLANE: But I completely
3 understand what you are saying. The problem with
4 that is, of course, if the RSIS requirement is 107
5 and you start nickel and diming it, as we are, I
6 really shouldn't put it that way because the size of
7 the -- the location of the parking spaces and the
8 handicapped spots are important and bring it down
9 and down and down, then they don't meet that
10 requirement.

11 MS. PUERTO: That's a question for
12 that person again. I'm asking about parking as far
13 as number because I was comparing it to --

14 CHAIRMAN BLANE: Let's put it this
15 way, anything about the parking internally that is
16 the parking engineer. Parking externally that is
17 the civil engineer.

18 MS. PUERTO: I'm a little confused
19 only because the question and the issue is not so
20 much, it is the premise --

21 CHAIRMAN BLANE: You know what, ask
22 the question.

23 MS. PUERTO: When I compared what the
24 assumptions are for Meridia, which is that there is
25 123 units and 107 parking spots. I compare it to

1 the Versailles and I compared it to Tower West and I
2 got the actual number of units and parking spots and
3 in the Versailles we have 289 apartments. We have
4 only 20 apartments that don't have cars. All the
5 others do. We rent a spot. In fact, I have two
6 spots and they rent out approximately 320 spots and
7 there are still some people, some residents that
8 park on the street because they don't want to pay
9 the \$90 a month.

10 CHAIRMAN BLANE: Rose, is this a
11 question?

12 MS. PUERTO: Maybe you can help me
13 derive a question because I don't understand -- I
14 really question the assumption --

15 CHAIRMAN BLANE: It is very simple,
16 the state statute, the state ordinance, statute,
17 whatever it is has a requirement for a certain
18 amount of units in a building. The requirement for
19 the building this size is 107 parking spaces. It is
20 stated.

21 MS. PUERTO: I understand the statutes.
22 I absolutely disagree and I think it is unrealistic
23 when you look at Tower West rents out all of their
24 spaces. I can understand and I can say well, the
25 law says this. Empirically look at what it is. I

1 live here, I see it. You live here, you see it.
2 Whether the RSIS says it, they put 107, which
3 actually will be reduced to 90, it's unrealistic and
4 I think everybody knows that.

5 CHAIRMAN BLANE: That's a general
6 comment.

7 MS. PUERTO: That is my general
8 comment and I don't know who answers that?

9 CHAIRMAN BLANE: This is not the time
10 of general comments. I think almost everybody in
11 this room knows that or should.

12 MR. ALONSO: Traffic engineer.

13 MS. PUERTO: Traffic engineer. And
14 then just smile and say we will just assume --

15 MR. ALONSO: You are asking the wrong
16 guy.

17 MS. PUERTO: I don't mean to be
18 badgering you. I'm just saying it is very
19 frustrating.

20 CHAIRMAN BLANE: It is frustrating on
21 this board's part also because we cannot require
22 them to do more than what the statute requires.

23 MS. PUERTO: But you can say if it's
24 acceptable or not, I understand and I will leave it
25 at that.

1 CHAIRMAN BLANE: We don't have much
2 choice if it meets the requirements of the statute,
3 whether it is acceptable or not regarding that,
4 regarding the number. They are coming for variances
5 for other things relating to parking, including
6 location of the spaces, you have seen the engineer's
7 reports, location of the spaces, the size of the
8 spaces, et cetera, et cetera, et cetera. Those are
9 different issues, but as to the number if they meet
10 the number under the statute, the board has very
11 little discretion.

12 MS. PUERTO: I will ask the traffic
13 engineer the question, which is more appropriate.
14 The New York -- the West New York Zoning Ordinance
15 is this -- is this being -- the way that it is
16 planned now, is this planned to be considered a high
17 density building?

18 MR. ALONSO: Question for the
19 architect and planner, not the civil engineer.

20 CHAIRMAN BLANE: It's been stated that
21 the architect is going to testify at the next
22 hearing and we haven't even started with the planner
23 yet or the traffic engineer or the environmental
24 engineer.

25 MS. PUERTO: I guess that is it

1 because I have a lot of traffic and parking. Can I
2 just take a look because there is a lot of comments
3 on the engineer's report that I am just wondering --

4 CHAIRMAN BLANE: Take your time, the
5 five people behind you are glad to wait.

6 MS. PUERTO: I guess my only question
7 then is if you --

8 CHAIRMAN BLANE: Why don't we do it
9 this way. Why don't you go sit down, get it
10 together --

11 MS. PUERTO: No, I just have one
12 question. If you build on something that was within
13 the zoning ordinances, what would it look like?

14 THE WITNESS: I can't answer that.

15 MS. PUERTO: Well, it would be 80
16 units per acre instead of 400 units per acre,
17 something like that; is that correct?

18 MR. ALONSO: It could be a one family.
19 It could be anything.

20 MS. PUERTO: It would be a one family?

21 MR. ALONSO: It could be.

22 MS. PUERTO: But it could be 80 units
23 per acre instead of 430, is that right?

24 MR. ALONSO: But, again, we are not
25 proposing any of that stuff. This is what we are

1 proposing.

2 MS. PUERTO: As opposed to something
3 that fits, which is 80 units?

4 CHAIRMAN BLANE: Correct.

5 MS. PUERTO: All right, I just want to
6 get that on the record. Thank you.

7 CHAIRMAN BLANE: Thank you. Yes, sir?
8 Good evening.

9 MR. WINTERNHEIMER: Last name is
10 Winternheimer, W-I-N-T-E-R-N-H-E-I-M-E-R. Dan,
11 D-A-N-A, 6701 Boulevard East. Okay I have some
12 questions about the trash. How many dumpsters do
13 you propose to have?

14 THE WITNESS: If I recollect the plan
15 I think the architect laid out six.

16 MR. WINTERNHEIMER: How often would
17 those be serviced?

18 THE WITNESS: I can't answer what the
19 schedule is. It depends upon the tenants. It
20 depends upon the usage. The owner who has buildings
21 like this has, you know, operates the building. He
22 knows what is needed. He monitors it and has a
23 hauling contractor on board to handle garbage. He
24 doesn't want the garbage to be overflowing because
25 his tenants won't be happy.

1 MR. WINTERNHEIMER: Actually, what I
2 am getting at how often are we going to have garbage
3 trucks idling outside our window while the little
4 trolley pushes six dumpsters back and forth?

5 THE WITNESS: I can't --

6 MR. WINTERNHEIMER: What times of day?
7 Well, you're the trash guy.

8 CHAIRMAN BLANE: Can we get that
9 answer for the next meeting?

10 MR. WINTERNHEIMER: I came up with
11 about 17.6 dumpsters to service that many units
12 periodically.

13 CHAIRMAN BLANE: It's a relevant
14 issue.

15 MR. WINTERNHEIMER: So, are we going
16 to have a truck parked outside all night moving 17
17 dumpsters or are we going to have them out there
18 three times a week? Are they going to be coming in
19 the middle of the night?

20 CHAIRMAN BLANE: He said he would get
21 the answer in the next meeting.

22 MR. WINTERNHEIMER: One other
23 question. This may be you, maybe not. Will you be
24 using a tower crane to construct the building?

25 THE WITNESS: In all likelihood, but I

1 don't know. That's a constructability issue for the
2 contractor.

3 MR. WINTERNHEIMER: Can we find out if
4 they are using a crane and what they intend to do to
5 address trespass in air rights with that crane and
6 also indemnify any properties that they would be
7 swinging over?

8 THE WITNESS: That I can answer.
9 Those are all items that are covered in the
10 ordinances in the Town of West New York. Any crane
11 that is brought in will have to be approved by the
12 building department and engineer, the location, the
13 equipment, the safety around it for blocking
14 sidewalks, the liability from the contractor for
15 what happened. That is standard in any
16 construction.

17 CHAIRMAN BLANE: Let me go farther.
18 General rule in all of our resolutions we have a
19 clause that says that the applicant has to meet all
20 the municipal ordinances, state laws, et cetera, et
21 cetera, et cetera.

22 MR. WINTERNHEIMER: Okay, I guess that
23 is it.

24 MS. DAFFNEY: Margaret Daffney, 6600
25 Boulevard East. One follow up question on the

1 trash. You indicated the loading zone is on the
2 street and requires permission from the
3 Commissioners and the Mayor?

4 CHAIRMAN BLANE: That is correct.

5 MS. DAFFNEY: Is there a plan B in the
6 event that is disapproved?

7 THE WITNESS: The owner has to come up
8 with a plan B if it is not approved.

9 CHAIRMAN BLANE: First of all, the
10 approval by this board, there is no issue of loading
11 zone unless this board approves the project. If
12 this board does approve the project, it would
13 approve it subject to them getting approval for the
14 loading zone from the municipality. If they don't
15 get that, that would affect, I assume, the validity
16 of the approval by this board.

17 MS. DAFFNEY: Thank you for clarifying
18 that. Another question. I grew up on a lot
19 approximately this size, roughly this configuration
20 with the driveway just about where you are proposing
21 it here, but it was a single family, so that was the
22 only driveway and we easily got ten cars parked all
23 the way around when my parents had a party, but it
24 was a single family housing area. This did not
25 present a problem. You stated that the RSIS

1 standards are statewide, yes?

2 CHAIRMAN BLANE: Yes.

3 MS. DAFFNEY: Is it not fair to assume
4 that the standards contemplate that a fair number of
5 the state is composed of single family residences
6 where there is not a problem of all the excess cars?

7 THE WITNESS: While the specifics, the
8 details of it should be traffic engineer, the
9 standard that we use, and it's not for the parking
10 along the street, it is for the parking in the
11 building is specific to this level of density and
12 this level of density you are typically going to see
13 in an urban area. You are not going to see it in
14 the pinelands.

15 MS. DAFFNEY: Thank you. One question
16 on a totally different topic. My background is
17 insurance. If a fire were to break out roughly
18 where it says Lot 9 on the seventh or eighth floor,
19 how will the fire department gain access to fight
20 that fire given this is all the way up to the
21 property line and this is virtually on the property
22 line?

23 THE WITNESS: The fire department
24 deals with this type of construction and fires in
25 areas like this where the buildings are next to each

1 other all the time. I am not a fire expert. I
2 can't describe how they are going to do it, but this
3 is a unique circumstance. We are building, and in
4 fact, there is room on either side, where in a lot
5 of cases you have buildings right next to each other
6 along Boulevard East in many areas. You have
7 buildings right along side of each other. It's a
8 more difficult situation than this because here you
9 have at least access on two sides and while it is
10 private property, you have access on the other two
11 sides as well.

12 MS. DAFFNEY: I would like to point
13 out that the homes that I keep a journal as it were
14 are not 13 stories. They are typically six stories
15 and under.

16 THE WITNESS: I would like to add one
17 other thing, the building is fully sprinklered.

18 MS. DAFFNEY: If I recall correctly
19 that is a requirement of the state or county fire
20 code?

21 THE WITNESS: Right.

22 MS. DAFFNEY: So, you are not going
23 above and beyond what is required?

24 THE WITNESS: I was just pointing out
25 that if there is a fire there, in all likelihood the

1 sprinkler system itself would come on and do most of
2 the extinguishing. In all likelihood it will do
3 both.

4 MR. EVANS: Jonathan Evans, 6600
5 Boulevard East. I have one actually a question that
6 remains in my mind from the architect's
7 presentation. I think it actually can be seen as an
8 engineering problem. There are overhangs, there are
9 terraces. I remember that overhang, the sidewalk in
10 some part of this building of this northeast corner?

11 THE WITNESS: While I am not the
12 architect, if I recollect it is here, this area
13 right here.

14 MR. EVANS: My concern is because I
15 live in a building and I have a great terrace and I
16 have neighbors that have terraces above me and
17 sometimes when my neighbors water the plants the
18 water comes cascading down and I wonder if there is
19 actually a drainage issue that is being considered
20 here so that, in fact, any of those kind of private
21 use impacts don't impact the sidewalk?

22 THE WITNESS: It is associated with
23 the design of the building and you have to ask the
24 architect that question at the next meeting.

25 MR. EVANS: Water run off is not for

1 you?

2 THE WITNESS: Not for the building. I
3 do the site. I don't design the roof.

4 MR. EVANS: Isn't the whole
5 calculation of water run off --

6 THE WITNESS: I have taken into
7 account the amount of water. My system that I have
8 designed underground takes into account all the
9 water that falls on it, but I'm not responsible for
10 the design of piping it from where it is picked up
11 in the building down to there, that is the
12 architect.

13 MR. EVANS: How much water did you
14 calculate that would come off the terraces?

15 THE WITNESS: In terms of the overall
16 water coming off, it is a very small amount. I did
17 not calculate out that area.

18 MR. EVANS: I have a question because
19 you brought it up and it's something that I think
20 that I don't fully understand about approvals and
21 approvals actually are conditional upon the city
22 also approving. It is -- don't you -- are you also
23 capable of giving conditional approvals with all the
24 conditions that have to be met for approval or do
25 you give a full approval --

1 CHAIRMAN BLANE: What did you just
2 say?

3 MR. EVANS: I am confused because I
4 said that if the project is approved, then this
5 thing about the loading zone goes to the city and
6 that the final approval --

7 CHAIRMAN BLANE: If the project is
8 approved, as far as I am concerned, if it's
9 approved, we have done this before, the project
10 would be approved conditioned upon the applicant
11 getting an appropriate loading zone approval from
12 the municipality.

13 MR. EVANS: So, that is a separate
14 process that has to take place before you approve
15 that?

16 CHAIRMAN BLANE: No, we would approve
17 it -- our approval would be valid conditioned upon
18 them doing something else, which is getting the
19 loading zone approval from the municipality. That
20 is in limbo. If they got it, then everything is
21 complete. If they didn't get it then that would
22 invalidate our approval.

23 MR. EVANS: But the approvals also
24 that you give can be filled with conditions?

25 CHAIRMAN BLANE: Absolutely,

1 requirements.

2 MR. EVANS: Requirements. I thought
3 so, but that confused me about how two different
4 departments could sort of be doing two separate
5 things.

6 CHAIRMAN BLANE: Let's pretend that
7 they didn't need a loading zone, that issue is out
8 the window, but we could certainly ask them for more
9 trees or we could make other requirements that we
10 thought were necessary to improve the project if we
11 approved it.

12 MR. EVANS: All right, thank you.

13 MR. ORTEGA: Humberto Ortega, 6040
14 Boulevard East. Just a couple simple questions
15 regarding the lot. I believe the initial
16 application showed 100 by 120 size to 1,000 square
17 feet. Now, we were shown dimensions that are 100 by
18 151 on the long side or 100 -- let me see the
19 number, 151 here, 130, it's a parallelogram instead
20 of a square and then a comment was said that the
21 final acreage would be provided at some future
22 point. Will a new application be submitted then?

23 THE WITNESS: The application that was
24 submitted included this survey for this property,
25 which showed all of these numbers. That hasn't

1 changed. The application called out what the total
2 area was, that has not changed. What you are
3 referring to is when, can I point to the attorney,
4 when someone filled out the application form there
5 is an item on there that says what is the size and
6 the size is correct. It then asked for the
7 dimensions, okay. It doesn't give you a space to
8 say it is a parallelogram with this much on this
9 side and this much here because a lot of properties
10 have a curve in it. I doesn't do that. It's not
11 meant -- that section is not meant in my years of
12 doing this to be a detailed surveyor's calculation
13 through the numbers to calculate out what the area
14 is, it is approximate. So, the area has not
15 changed. What the engineer had asked for is the
16 surveyor who provided the survey with all of those
17 numbers on it, when he published the first survey
18 and signed and sealed it, he did everything except
19 write down on there the size of the lot and it is no
20 different than the size that we calculated. It's no
21 different than anything, but the engineer does not
22 have that signed and sealed by a licensed surveyor,
23 he will provided that.

24 MR. ORTEGA: So, then a follow up
25 question. I believe you quoted a couple numbers on

1 this, one was 95.5. The other was 96.84. Maybe I
2 heard wrong, but if that -- then you said several
3 times that the building is going to go right out to
4 the property line except for a little strip here,
5 six inches that you need to provide some kind of
6 access. To me that works out to be almost 100
7 percent coverage not 95, 96.

8 THE WITNESS: You are partially
9 correct. I said that the building goes out to the
10 property line along 67th Street. We moved it six
11 inches back here. It is on the property line here,
12 but it's not on the property line in the front. It
13 is not on the property line in the front. It is
14 inside the property line and the discrepancy between
15 the numbers, okay, I will clarify, but in reality 95
16 point something percent to 96 point something, it is
17 important to have one number, but in the scheme of
18 things it doesn't have any impact.

19 MR. ORTEGA: What book did you use?

20 THE WITNESS: I do -- we both go back
21 to slide rules, at least I do. I go back to slide
22 rules. You don't have that.

23 CHAIRMAN BLANE: Excuse me, this
24 discussion may be entertaining for the two of you,
25 but there are only two people that it is

1 entertaining for.

2 MR. BORDEN: May I enter this into an
3 exhibit?

4 MR. GARCIA: O-2.

5 (Photograph was received and marked
6 O2.)

7 MR. ALONSO: Did you take this
8 photograph?

9 MR. BORDEN: Yes, I did.

10 MR. ALONSO: When did you take it?

11 MR. BORDEN: Last week.

12 MR. ALONSO: Where did you take it
13 from?

14 MR. BORDEN: From my 12th floor
15 balcony.

16 MR. ALONSO: Would that be the same
17 balcony that was taken O-1?

18 MR. BORDEN: Yes.

19 MR. ALONSO: Okay.

20 MR. BORDEN: Mr. Jenne, you are the
21 expert and I did want to just make one comment about
22 a fellow friend of mine and a person that lives in
23 the same building, Linda Kellerman, it took a lot
24 for her, and I know you apologized, you are the
25 expert. She came up here. She was questioning

1 something about the square footage of your lot and
2 she was very confused when she left and you are the
3 expert and on your plans, you guys have a plan, on
4 the plans right here say that you are applying for a
5 Class C variance. I don't know how you missed that
6 and she didn't feel very good going out of here.
7 She was totally confused, so somebody should help me
8 reach out to her.

9 THE WITNESS: If I could, I am
10 confused by your question.

11 MR. BORDEN: Linda Kellerman?

12 THE WITNESS: Ms. Dato I had talked
13 about the property line. The lady right here, she
14 lives next door. This is a conversation that she
15 and I had had numerous times as to where her
16 property line is when I was out to met her. I don't
17 recollect, I could be incorrect, that there was
18 anybody else that I was discussing the property line
19 with.

20 MR. BORDEN: There was woman that came
21 up here and was questioning the amount of units that
22 you are trying to squeeze into the property and the
23 commissioner talked about how you don't need that
24 area because you are allowed to build 13 stories.

25 CHAIRMAN BLANE: No, no, no. That is

1 impossible. No one ever said that this is zoned for
2 13 stories, never.

3 THE WITNESS: If it is the woman that
4 was talking --

5 CHAIRMAN BLANE: It is zoned for 12
6 stories.

7 THE WITNESS: I apologize when maybe
8 it's the woman who was talking to me about you can
9 build -- you are supposed to have 40,000 square foot
10 or something?

11 MR. BORDEN: Right.

12 THE WITNESS: I realized I was in
13 error for that and I did correct the record.

14 MR. BORDEN: I thank you for that and
15 that is who I was speaking of, Linda Kellerman.

16 CHAIRMAN BLANE: Okay, maybe you
17 should tell her then. What happened was he answered
18 that he didn't need a variance for the size and then
19 he came back, maybe she had left already --

20 MR. BORDEN: She had left already.

21 CHAIRMAN BLANE: He said, he
22 apologized. You didn't see him? He was on his
23 knees.

24 MR. BORDEN: I have already said that
25 he has already apologized.

1 CHAIRMAN BLANE: I thought we were
2 having a religious ceremony.

3 MR. BORDEN: I think it would be nice
4 if you reached out to her. This is the type of
5 thing that can squelch speech.

6 CHAIRMAN BLANE: Isn't it much easier
7 for somebody in her building to tell her?

8 MR. BORDEN: I didn't make the
9 mistake. The expert made the mistake, not me.

10 CHAIRMAN BLANE: Thank you for your
11 cooperation, I appreciate it.

12 MR. GARCIA: Can I just ask a quick
13 question before you proceed? We marked this as O-2,
14 can you just tell me what the picture is of? I know
15 it is facing south on Boulevard East. I just want
16 to make sure.

17 MR. BORDEN: Let me go to that right
18 now. I will start out with that. What I was trying
19 to illustrate with this picture right here is this
20 is the building to the south of us and it is, I
21 think it's 6515 and it's an 11 story building. I
22 just wanted to make a point that there is nothing in
23 front of it, so that is open space. You can
24 overlook the river and everything if you look at the
25 Halifax, which I have that picture too that has the

1 same condition to it where there is complete open
2 space to it and that is only a six story building, I
3 believe. When I was looking at an old zoning map,
4 and these people were smart people, just guys all
5 sitting on this zoning board today, so they zoned
6 the city in such a way that it makes sense that it
7 created space and it created an environment that,
8 you know, people really wanted to live in and you
9 can see on this old zoning board, and I can submit
10 this to you guys too, at 67th Street going south
11 it's high density and I believe they planned it that
12 way for a reason because there was nothing in front
13 of them. As soon as you go into 67th Street that is
14 where you go into excuse -- that is high density
15 there. As soon as you go into 67th Street that
16 immediately goes to medium density and they did that
17 for a reason. So, I just would like the board to
18 take that into consideration because I don't think
19 these developers are taking that into consideration.
20 Would you like that to --

21 MR. ALONSO: It is not a question for
22 the engineer. I don't think it is appropriate.

23 MR. BORDEN: My question is did you
24 take that into consideration that you are going to
25 be building directly opposite our building, which is

1 a 23 story building, and there is no other piece of
2 property throughout West New York that has that same
3 situation. Did you take that into consideration?

4 MR. ALONSO: The answer is they did.
5 That is the application that was filed.

6 THE WITNESS: I can say the following,
7 the environmental engineer did not take that into
8 consideration doing his work. The traffic engineer
9 did not and I am the civil engineer, I did not and
10 the applicant, obviously, took that into
11 consideration when they proposed to have this
12 building.

13 MR. BORDEN: So, I hope we heard that
14 applicant did not take that into consideration.

15 THE WITNESS: That is not what I said.

16 MR. ALONSO: That is not what he said.

17 MR. BORDEN: The applicant did take
18 that into consideration, but none of these guys,
19 including the architect or the planner or the --

20 CHAIRMAN BLANE: No, he didn't say
21 that.

22 MR. BORDEN: Did you take that into
23 consideration?

24 THE WITNESS: I am not a planner.
25 That is a question for the planner.

1 MR. BORDEN: You are the civil
2 engineer?

3 THE WITNESS: My point was it is not
4 part of the civil engineering, traffic engineering
5 or environmental engineering?

6 MR. BORDEN: So, that wasn't taken
7 into consideration?

8 THE WITNESS: It is immaterial. I
9 also didn't take into consideration a satellite
10 falling from the sky. It is immaterial to my
11 design.

12 MR. BORDEN: I just wanted to go back
13 to the variance that you are looking for from 80 to
14 406 units per square acre. Correct?

15 THE WITNESS: I don't believe that is
16 civil engineering, I believe that is planning.

17 MR. BORDEN: So, let me ask you a
18 question, is one of the variances that your company
19 is asking for to go from 80 units to 406 units?

20 THE WITNESS: I am not the company
21 proposing this. I am the civil engineer.

22 MR. BORDEN: As an engineer -- can I
23 ask you a hypothetical question?

24 THE WITNESS: You can ask any question
25 you want.

1 MR. BORDEN: If you stuck to the
2 variance that this city already has -- excuse me, if
3 you stuck to the zoning rules, how many floors do
4 you think -- they are asking for 123 units, how many
5 floors would this piece of property be if you just
6 stuck within the variance, within the zoning rules?

7 THE WITNESS: Let me rephrase my
8 previous comment. It is not a question of the civil
9 engineer.

10 CHAIRMAN BLANE: That sounds much more
11 like a planning question.

12 MR. BORDEN: I would like to ask you
13 another question about since you are an expert in
14 this, how many -- if you were to draw up a plan for
15 parking of nine by 18 --

16 CHAIRMAN BLANE: Doesn't that sound
17 like the traffic engineer?

18 MR. BORDEN: It could be. It is also
19 something that he has engineered. Correct?

20 CHAIRMAN BLANE: No, actually he is
21 responsible for external parking, not the internal
22 parking. The internal parking, traffic engineer.

23 MR. BORDEN: Okay, but you did design
24 everything?

25 CHAIRMAN BLANE: Everything is a very

1 big word.

2 MR. BORDEN: Let me ask you a
3 question, how did you come to design this building
4 with -- so far out of the range?

5 THE WITNESS: It is not a civil
6 engineering question. I designed, as the Chairman
7 had said, from the building line out. I don't set
8 where the building line is. I don't set where the
9 top of the building is. I don't do anything with
10 the design inside the building.

11 CHAIRMAN BLANE: We still have the
12 environmental engineer, the traffic engineer and the
13 planner in front of us. They haven't testified yet.

14 MR. BORDEN: Well, that is all my
15 questions then.

16 CHAIRMAN BLANE: Yes, ma'am?

17 MS. PEREZ: Mary Perez, I live at 6600
18 Boulevard East. The question I have and you may
19 not -- I want to confirm something I heard you say
20 when you were explaining the design of the garage.
21 Did I hear you correctly when you said the garage is
22 totally enclosed and the ventilation consists of an
23 extraction system that takes everything up
24 throughout the roof, that is what I remember you
25 saying. Is that accurate?

1 THE WITNESS: That is my
2 understanding. It certainly is an extraction system
3 because I know by code even though it's an
4 architectural issue, you can't have the fumes in the
5 building. I cannot testify specifically to where it
6 goes. You will need to talk to the architect. It
7 is his building.

8 CHAIRMAN BLANE: The architect will be
9 testifying at the next meeting.

10 MS. PEREZ: My question was going to
11 be, and I don't know if it falls, is there a back up
12 generator for this system as part of the design?

13 CHAIRMAN BLANE: Why don't you ask the
14 architect next month?

15 MS. PEREZ: Okay. I didn't get the
16 correct definition of the way the garage was built.

17 CHAIRMAN BLANE: Yes, ma'am.

18 MR. WONG: Peggy Wong.

19 CHAIRMAN BLANE: Address, please?

20 MS. WONG: 8550 Boulevard East, North
21 Bergen, New Jersey. I just have a simple request of
22 either the applicant or the board. In view of some
23 of the misdirection of some of these questions
24 tonight, so that we don't have to go through it
25 again the next time, is there, and I just heard you

1 say that the architect will be testifying at the
2 next hearing, can we get sort of a list of who else
3 will be testifying? Will it be the traffic
4 engineer?

5 CHAIRMAN BLANE: That is not going to
6 stop what happens, trust me.

7 MS. WONG: Be optimistic.

8 CHAIRMAN BLANE: I am being
9 optimistic, believe me. Instead of preventing
10 people from asking questions, which we can do like
11 this, we would rather do the other way which is let
12 people ask the questions and then decide whether it
13 is appropriate or not. People are going to ask
14 questions anyway. We are going to have the
15 architect. We are going to have an environmental
16 engineer. We are going to have a traffic engineer
17 and we are going to have a planner.

18 MS. WONG: But you can't say whether
19 they are all going to appear at the next hearing?

20 CHAIRMAN BLANE: I can tell you they
21 won't.

22 FEMALE AUDIENCE MEMBER: Why?

23 CHAIRMAN BLANE: Why? Because we are
24 not going to have enough time for four witnesses,
25 simple as that.

1 THE WITNESS: Besides the architect,
2 who else will be here?

3 CHAIRMAN BLANE: How about if we do
4 this, how about if we put some responsibility on the
5 people that are asking the questions to use their
6 intelligence and discern whether the question they
7 are asking relates to the civil engineer or relates
8 to the architect when they start out by saying I
9 have a question, Mr. Civil Engineer about traffic.
10 There should be something that goes off in
11 somebody's head that says that is a question for the
12 traffic engineer. Do you see where I am leading?

13 MS. WONG: You are absolutely right,
14 but for some of us it's a learning experience and
15 tonight has been definitely a learning experience.

16 CHAIRMAN BLANE: And I hope you
17 enjoyed it.

18 MS. WONG: I'm tickled pink I spent
19 the night here.

20 CHAIRMAN BLANE: We don't cut anybody
21 off like some municipalities do.

22 MS. WONG: But what I'm staying is
23 that instead of allowing these people, as you just
24 said a few moments ago, to ask the question and to
25 be bluntly shot down, it is very discouraging to

1 them because they put a lot of time and effort to
2 deciding whether they want to come to the hearing
3 tonight and give their opinion and if they are going
4 to ask questions and if it's misdirected at the next
5 hearing, that is their fault, true, but if they are
6 told ahead of time that besides the architect there
7 may be one other consultant here, they can still
8 formulate their thoughts after going through what
9 they went through tonight, and I, sitting in the
10 audience listening to this, it is excruciating. For
11 us, maybe not for the applicant because they are
12 having a good time up there.

13 THE WITNESS: It is not easy for me.
14 I am just trying to keep a happy face.

15 MS. WONG: No, you are having a good
16 time. I can see it.

17 THE WITNESS: I am trying to have a
18 happy face.

19 MS. WONG: Yes, I know that. To get
20 the most out of this for the public and for the
21 board, if the public can be given a heads up besides
22 the architect.

23 CHAIRMAN BLANE: This is the best I
24 can do because I can't formulate somebody's
25 questions. I can't give somebody the wisdom to

1 understand who is the appropriate person. What I
2 can do is ask the attorney for the next hearing, and
3 I will only do two, and I don't even know like
4 tonight we really didn't get -- we only really had
5 the one. What two witnesses do you propose to
6 present at the next hearing?

7 MR. ALONSO: I don't know if we are
8 going to finish with the engineer.

9 CHAIRMAN BLANE: We probably won't
10 because the board may have questions, our engineer
11 may have questions.

12 MR. ALONSO: Correct, so probably the
13 engineer. Mr. Arencibia.

14 CHAIRMAN BLANE: The architect?

15 MR. ALONSO: The architect.

16 MALE AUDIENCE MEMBER: The planner.

17 MR. ALONSO: Mr. Chairman, just so the
18 public understands, I have the right to present the
19 witnesses in the order that I believe is best for
20 the application.

21 CHAIRMAN BLANE: The next hearing, as
22 I understand it we are going to finish with the
23 civil engineer. The architect will testify also and
24 who is the next witness after that?

25 MR. ALONSO: The next witness will be

1 environmental.

2 CHAIRMAN BLANE: That is what is going
3 to be the next hearing. That is what is going to be
4 next hearing. We are not going to finish with the
5 civil engineer tonight. We only have 15 more
6 minutes. Then actually our engineer may have his
7 own questions that may not be interesting to you.
8 It would be interesting to the board. We also have
9 the architect. He is going to testify to whatever
10 limited degree he is going to testify then we are
11 going to have the environmental engineer at the next
12 meeting.

13 MS. WONG: I have one question. After
14 sitting through all this, I just want to make sure
15 we are not being driven into a dead end on this, and
16 I say this with high sarcasm, we were told tonight
17 that a lot of questions that were being directed
18 about the parking inside the garage would be
19 answered by the traffic consultant. I just want to
20 make sure that he is the one who also laid out the
21 parking spaces in the garage?

22 MR. ALONSO: Mr. Chairman, if I may
23 just for the record because this may just to
24 preserve the record because I don't know what is
25 going to happen if this application will be approved

1 or if it's going to be denied, but I can almost
2 foresee an appeal coming down the road. Ms. Wong
3 lives in another town. I don't believe she is a
4 partying interest under the statue. I don't believe
5 she really is permitted to come and address the
6 board so --

7 CHAIRMAN BLANE: Excuse me, please let
8 him finish.

9 MR. ALONSO: Although Ms. Wong is
10 leading you to believe that this is the first time
11 she is coming before a board, she is a regular in
12 North Bergen. She goes to Hudson County Planning
13 Boards on a regular basis and objects to a lot of
14 the applications. So, I believe that under the
15 Municipal Land Use Law, she is not a partying
16 interest. She really doesn't have the right to be
17 addressing the board, so I will just preserve that.

18 CHAIRMAN BLANE: That's fine. Now let
19 me just ask one question, will the traffic engineer
20 speak to the parking spaces?

21 MR. ALONSO: Yes.

22 CHAIRMAN BLANE: Thank you very much
23 for you comments, Ms. Wong, that was your question.

24 MS. WONG: I am a resident of Hudson
25 County my whole life. I live on Boulevard East. I

1 am affected by this development. If you think that
2 I don't have any right to appear and speak here,
3 then you should say so because then I'll take it to
4 other sources. I think I have every right to appear
5 here and speak my mind.

6 MR. EVANS: Jonathan Evans, 6600. I
7 am feeling the frustration. I know the questions
8 keep repeating. They are not relevant to the civil
9 engineer, but I do observe, because I have come to
10 these meetings, is that a lot of the basic
11 questions, the things that happen before the
12 architect even starts drawing is the planning
13 analysis and a lot of the questions have to do with
14 planning and I know that you are beholdng to the
15 applicant here, but the public is curious about the
16 most essential issues here and those are the
17 planning issues and I would like --

18 MR. ALONSO: But I will tell you why
19 he is not coming. I am going to tell you. I am
20 just going to cut to the chase. The expert is
21 testifying as an expert based on their experience
22 and their knowledge. An expert who testifies and it
23 is not based on any facts, it is called a net
24 opinion. A net opinion is worthless, so the planner
25 cannot come in and give planning testimony without

1 the facts being established by the architect, the
2 engineer, the traffic engineer, the environmental
3 engineer, the client testifying. We need those
4 facts to be established so that he can justify the
5 granting of the variances. So, until everybody
6 testifies, he is not coming.

7 MR. EVANS: I guess I kind of
8 understand it, but when I was in architecture, the
9 first thing that we did was did the zoning analysis
10 and planning analysis, so that is why I think all of
11 my colleagues here are confused --

12 CHAIRMAN BLANE: Excuse me. There is
13 a little bit of frustration building up. Whether
14 you understand it or not, you should understand what
15 the attorney just said. It makes a great deal of
16 sense. If the planner testifies first without the
17 facts being established by the attorney, his opinion
18 is worthless going forward in an appeal or a case
19 itself. That is why everybody who is a factual
20 witness, as what we have been hearing, has to
21 testify before the planner.

22 MR. EVANS: He is the last person to
23 testify?

24 CHAIRMAN BLANE: Correct. Isn't that
25 what the attorney said?

1 MR. EVANS: Yes.

2 CHAIRMAN BLANE: That being the case,
3 if the public gets frustrated because of that, there
4 is very little the board can do about it.

5 MR. EVANS: You clarified it for us.

6 CHAIRMAN BLANE: I am glad I have.
7 Quite frankly, I feel that this board is run in a
8 very fair and open way. We don't cut people off,
9 unless we have to. We let everybody talk. If the
10 questions aren't relevant, we tell them at that time
11 after they ask them as opposed to shutting them up
12 after a sentence or two. This board generally has
13 gotten a great deal of praise for the way it
14 operates. There has been no complaints before this
15 "frustration" has evidentially developed.

16 MR. EVANS: I am not commenting about
17 that. I am actually saying we didn't understand
18 that.

19 CHAIRMAN BLANE: That is not the way
20 it was taken because when you talk about frustration
21 because of the way an applicant wants to present
22 their case, that has not nothing -- even in normal
23 court of law, you can't tell an applicant what
24 witnesses to present, when to present them, who to
25 present, what order. You can't do that. That is up

1 to the applicant. If the applicant fails, that is
2 the applicant's fault.

3 MR. EVANS: I understand the process
4 now, which I didn't before. I also think that
5 because a lot of us are new here, I didn't know
6 that. That was the questions that seemed to be
7 begging answers that came up again and again and
8 again seem to be back to a couple of things that
9 will not be addressed until later and now I
10 understand why.

11 CHAIRMAN BLANE: I think a good idea
12 would be maybe the people who have questions maybe
13 get together the night before in a group and each go
14 over your questions so that you don't ask duplicate
15 questions; number one, and number two, maybe you can
16 organize who you want to direct them to because that
17 is not the board's purview, that is your purview in
18 asking questions, and I don't mean to preach as to
19 your responsibility, but by the same token don't
20 blame the board because we have objector after
21 objector after objector who comes with questions
22 that may not be relevant for a certain witness, when
23 they see two or three objectors before them being
24 told the same thing. That is not a fair criticism
25 at all.

1 MR. EVANS: I am not criticizing the
2 board here. I am actually saying I guess there is
3 knowledge that we will get and I didn't know when we
4 will get it. That is all.

5 CHAIRMAN BLANE: I appreciate that
6 completely. I had a learning curve when I first
7 came on the board. Be that as it may, I think it's
8 a great idea if you people get together the night
9 before the next hearing is, organize yourselves, go
10 over the questions so you know who should be asked
11 what so there are no duplicate questions. It would
12 run a lot smoother. That generally does not happen.

13 MR. EVANS: I understand.

14 CHAIRMAN BLANE: I think -- yes,
15 ma'am.

16 MS. ESPINEO: Good evening, Maria
17 Espineo, 6600 Boulevard East. Just a quick question
18 because we want to make sure that it goes on record
19 that about three or four different people asked you
20 a question. You keep saying that the traffic
21 engineer will address it, so we want that for the
22 record. One of the variances that is being
23 requested here is as to the size of the parking
24 spaces and I think what everybody was trying to
25 ascertain and hypothetically get an answer from you,

1 which you keep saying the traffic engineer will
2 answer, is if it was to be what it is supposed to
3 be, 9 by 18, how many parking spaces would you have
4 versus what you or someone designed the 8 by 17?
5 You cannot answer that?

6 THE WITNESS: I did not do that
7 calculation. It is not that I can't. I didn't
8 because it was immaterial to my part of the project.

9 MS. ESPINEO: Right, so the traffic
10 engineer will answer that?

11 THE WITNESS: The traffic engineer
12 will testify --

13 CHAIRMAN BLANE: That is certainly an
14 appropriate question to pose to the traffic
15 engineer.

16 THE WITNESS: Reason for that is that
17 the size of the parking stalls relates to the size
18 of the cars. The ability to move in and out. The
19 aisle width that relates to the size of that. It
20 all relates to traffic flow, which is the traffic
21 expert.

22 MS. ESPINEO: We were just not asking
23 how it was going to work et cetera. Since you
24 signed the plans, we just thought that you could
25 tell us how many spaces there would be 9 by 18, but

1 thank you.

2 MR. FEDORKO: Gabriel Fedorko,
3 Boulevard East. I just want to be clear, who laid
4 out the parking spaces inside the building? Was it
5 the architect, was it the traffic engineer? I'm a
6 little confused.

7 THE WITNESS: All I can say is that I
8 did not.

9 CHAIRMAN BLANE: Mr. Architect, did
10 you lay out the parking spaces?

11 MR. ARENCIBIA: Yes.

12 CHAIRMAN BLANE: Time out, but as to
13 testifying about them as an expert, would it be you
14 or the traffic engineer?

15 MR. ARENCIBIA: Traffic engineer.

16 MR. FEDORKO: So, the architect laid
17 them out and the traffic engineer is going to answer
18 the questions?

19 CHAIRMAN BLANE: Has to justify them.

20 MR. FEDORKO: And the other thing in
21 regards to the expert witnesses and, you know, the
22 planner and the traffic engineer and the architect
23 sometimes the questions are kind of fluid, one
24 question may spur another question of another
25 expert.

1 CHAIRMAN BLANE: But they can't be
2 that way because people get frustrated, so that is
3 why you have to, with the rest -- with everybody
4 else that is here, right, find a -- you know in the
5 by of the Versailles the night before you should
6 meet and you should go over your questions and pair
7 them down and see if you can get them together in
8 such a way that they are not duplicates and they are
9 either for the civil engineer or the architect or
10 the environmental engineer.

11 MR. FEDORKO: Thank you.

12 CHAIRMAN BLANE: Quite frankly, if
13 that doesn't happen, we will still be here as nice
14 as always.

15 Okay, we are adjourning the meeting.
16 Would anybody like to come forward and give general
17 comments as to the operation of the board?

18 Nobody wants to come forward and give
19 comments on the general operation of the board.

20 The date for next month same time,
21 same place, is April 26th, same time, same place,
22 regular meeting date.

23 Motion to adjourn?

24 MR. RIVERA: Motion.

25 CHAIRMAN BLANE: Second.

1 MULTIPLE BOARD MEMBERS: Second.

2 CHAIRMAN BLANE: All in favor?

3 (Whereupon all present board members
4 respond in the affirmative.

5 (Whereupon the meeting was adjourned
6 at 10:30 in the evening.)

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C E R T I F I C A T E

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2
3 I, EILEEN THERESA CORLETT, C.C.R, a Notary
4 Public of the State of New Jersey, Notary ID. #
5 2108104, Certified Court Reporter of the State of
6 New Jersey, hereby certify that the foregoing is a
7 verbatim record of the testimony provided under oath
8 before any court, referee, board, commission or
9 other body created by statute of the State of New
10 Jersey.

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

15 This transcript complies with regulation
16 13:43-5.9 of the New Jersey Administrative Code.



Eileen Theresa Corlett

20 EILEEN THERESA CORLETT, C.C.R.
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22 Public of the State of New
23 Jersey #2108104, Notary
24 Expiration Date
25 December 24, 2013

Dated:

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