

TOWN OF WEST NEW YORK
ZONING BOARD OF ADJUSTMENT
MONDAY, JUNE 4, 2012
COMMENCING AT 7:35 P.M.

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

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

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

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I N D E X

CRAIG PEREGOY

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CHAIRMAN BLANE: Mr. Alonso, I believe

1 we were -- we had the public interrogating the
2 traffic engineer?

3 MR. ALONSO: That's correct.

4 CHAIRMAN BLANE: And that is where we
5 were. Because of the great interest in this
6 hearing, we have asked one of our board members who
7 is closely associated with the recreation department
8 to bring their sound system and what we have is we
9 have two enhanced speakers as well as two
10 microphones. One for the attorney, one for the
11 witness when they are testifying. So, at this point
12 in time we would ask members of the public who last
13 time didn't have an opportunity to question this
14 traffic expert, please come forward if you have any
15 questions at this time that weren't asked at the
16 last hearing.

17 MR. ALONSO: Mr. Chairman, before we
18 proceed with the public, I think there were some
19 questions that were raised with respect to the
20 testimony of the census track. The board had asked
21 Mr. Peregoy to give us a break down of the number of
22 spaces with the different sizes. I think we should
23 provide that information because that may help the
24 public in either formulating their questions or may
25 answer some questions that they have so that they

1 don't need to come up.

2 THE WITNESS: Okay, I think the first
3 question --

4 CHAIRMAN BLANE: You are still under
5 oath.

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

7 Having been previously sworn, testifies further as
8 follows:

9 EXAMINATION BY MR. ALONSO:

10 THE WITNESS: The first question you
11 had asked for is the break down in the different
12 sizes of the spaces and how many of each size, so
13 here goes. We have 9 by 17, two spaces; 9 by 18,
14 two spaces. Those are the tandems. Eight by 18,
15 six spaces including two handicapped, 8 feet
16 9 inches by 15, eight of those. We have two 9 by 17
17 spaces, two 9 by 18 spaces, that's the tandem
18 spaces, six 8 by 18 spaces, eight 8 foot 9 inch by
19 15 spaces, 67 8 by 17, five eight and a half by 17
20 and six seven and a half by 17, ten seven and a half
21 by 15 and then the one van accessible space which is
22 11 feet wide.

23 FEMALE AUDIENCE MEMBER: One more
24 time?

25 CHAIRMAN BLANE: Why don't you do it

1 one more time.

2 THE WITNESS: Two 9 by 17, two 9 by
3 18, six 8 by 18, eight 8 foot 9 inch by 15, 67 8 by
4 17, five eight and a half by 17, six seven and a
5 half by 17, ten seven and a half by 15 and a van
6 accessible space.

7 CHAIRMAN BLANE: What was the ten?

8 THE WITNESS: Seven and a half by 15.

9 CHAIRMAN BLANE: Seven and a half by
10 15. Okay, thank you.

11 Q In addition you testified with respect
12 to the census track data that you utilized for
13 purposes of determining whether or not the number of
14 vehicles provided was sufficient?

15 A Yes.

16 Q Can you please inform the board as to
17 whether or not you did AN additional investigation
18 as to the consensus track data, what you found and
19 the context in which this testimony is presented?

20 A Sure. The census track with our site
21 that I used at the last meeting, its easterly
22 boundary is Boulevard East. So, it's going west on
23 Boulevard East including along Boulevard East
24 between 65th and 67th Street and then as you go to
25 the west at Park Avenue it extends down to 63rd

1 Street and then ends at Hudson Avenue to the west so
2 it's the west side. It doesn't include the building
3 across the street, so what I did because some of the
4 members of the public seemed to be curious about the
5 other census tracks that include the east side of
6 Boulevard East, I took a look at what is directly
7 across the street, the census track there and that
8 extends east of Boulevard East all the way to the
9 water all the way to the river, from the Guttenberg
10 line to the north and then south to 60th Street.

11 CHAIRMAN BLANE: That is not the one
12 you used?

13 THE WITNESS: No, but I took a look at
14 that one.

15 CHAIRMAN BLANE: So, the one you used
16 is essentially Boulevard East to Park and Hudson.

17 THE WITNESS: Yes, between roughly
18 63rd and 67th Street. That is where the one hour
19 site is located. We were right at the border of
20 another one, so I did take a look at the one on the
21 border and using that same data the number of
22 vehicles per household available, if you do the math
23 for our building it would result in 90 vehicles,
24 which is still less than the number of parking
25 spaces we have. So, a little bit higher in the

1 census track that we are in, we are well within what
2 we provide. What was interesting was the commuting
3 only 36 percent use a vehicle to commute where as I
4 used around 52 percent, which is based on our census
5 track. So, you have less people driving across the
6 street, but you have slightly higher vehicle
7 population. I also took a look just to the north of
8 Guttenberg's track, which again east of Boulevard
9 East all the way to the waterfront and between 67th
10 and 71st Street.

11 CHAIRMAN BLANE: But you didn't use
12 that?

13 THE WITNESS: Not the last time. I
14 got the data now just to provide a full picture.
15 That track, if you do the math for the number of
16 vehicles available it comes to 66 vehicles, so even
17 less than the census track that our property is in
18 and commuting to work was only 13.2 percent so
19 again --

20 CHAIRMAN BLANE: You used census track
21 and in fact we had the public come up and give us
22 other testimony let's say, as to the computations
23 and the lines and waiting for buses et cetera, et
24 cetera. So, that is really how the board is going
25 to have to judge and give weight to whatever

1 testimony that you are giving us from census track
2 data.

3 THE WITNESS: You made a good point.
4 Let me clarify it. In my analysis what I have
5 prepared in my traffic report, I used the Institute
6 of Transportation Engineers, the ITE data. That is
7 what traffic engineers use to project traffic
8 volumes. The reason I gave you the census track
9 data is because I always get the question, how can
10 that make sense where it live? So, I looked
11 specifically where we were to justify those numbers.
12 The ITE numbers that I used are higher than any of
13 this census --

14 CHAIRMAN BLANE: I'm not criticizing
15 the academic data that you used. All I am saying is
16 that we have also had testimony from the public that
17 increases the amount of people commuting to and from
18 New York.

19 MR. ALONSO: Actually, Mr. Chairman,
20 it wasn't testimony. They were questions.

21 CHAIRMAN BLANE: Statements are
22 somewhere in the middle of questions and testimony.

23 MR. ALONSO: It's during the public
24 portion where they are permitted to ask questions,
25 so they haven't testified yet, so if they want to

1 bring that later on and then we can cross examine
2 them on that information. So, the board should not
3 rely on those statements as if they were evidence or
4 fact in this case.

5 CHAIRMAN BLANE: Okay, that's a fair
6 comment.

7 MR. ALONSO: That is why I asked
8 Mr. Peregoy to please put within context of his
9 testimony why he used the census data and I believe
10 he explained it last time, but he explained it
11 again.

12 CHAIRMAN BLANE: Thank you. Again do
13 we have any members of the public -- are you done?
14 I'm sorry.

15 Q One final thing, I didn't have a
16 chance to do this the last time. With respect to
17 Exhibit O-4, which was introduced from Ms. Wong,
18 Peggy Wong --

19 CHAIRMAN BLANE: Is that the nighttime
20 picture?

21 MR. ALONSO: That is the nighttime
22 picture.

23 CHAIRMAN BLANE: Of the site?

24 MR. ALONSO: That's correct.

25 Q -- indicated in her question that the

1 site or the public would lose ten on-street parking
2 spaces if the application was approved. Can you
3 indicate to us how many legal parking spaces would
4 be lost and explain some of these parking spaces?

5 A Certainly. On Boulevard East in the
6 photo there are five vehicles parked. Four of those
7 vehicles are parked within the driveway of the
8 existing service station. So, those are not legal
9 parking spaces. Those are blocking the driveway.
10 The one space between the driveways would remain.
11 They are still able to park between the driveway.
12 There is a vehicle parked that basically hangs into
13 the intersection of 67th Street immediately at the
14 corner. That vehicle is illegally parked it both,
15 blocks the driveway and hangs into the intersection.
16 However with our proposal that vehicle would
17 actually fit in that illegal space without blocking
18 the driveway because our driveway is much smaller
19 than the existing driveway. So, while not a legal
20 space that vehicle would still be able to fit. Only
21 one legal space appears in this photo and it will
22 remain.

23 Q Now, even questioning the validity of
24 these parking spaces, there is a vehicle right in
25 front of the vehicle that is parked in the

1 intersection, it's the red vehicle. Can you
2 indicate or can you tell from these photographs if
3 there is any space in between the car in front and
4 the car immediately to the rear where the bumpers
5 are?

6 A No, there is no space. That vehicle I
7 want to believe, I don't believe it could. The
8 bumpers are immediately touching the vehicles in
9 front and behind it.

10 MR. ALONSO: I have nothing further.

11 CHAIRMAN BLANE: I see there are at
12 least two members of the public. Please step
13 forward, give your name, ask questions of the
14 traffic expert.

15 MR. WINTERNHEIMER: Dana
16 Winternheimer, 6701.

17 CHAIRMAN BLANE: Boulevard East?

18 MR. WINTERNHEIMER: Boulevard East.
19 You said there were two 9 by 18 parking spaces in
20 the garage. How many would you be able to fit if
21 they were all 9 by 18 and comply with the RSIS ideal
22 standard?

23 THE WITNESS: It's a difficult number
24 to figure out because you would lay out the parking
25 completely differently if you did that, so I can't

1 give you an exact answer.

2 MR. WINTERNHEIMER: Wouldn't that
3 maximize the safety of the pedestrians walking in
4 there and also the vehicles moving around in there
5 if you had the spaces set to the ideal standard of 9
6 by 18?

7 THE WITNESS: No, the spaces that I
8 mentioned will work for the vehicles that will
9 park --

10 MR. WINTERNHEIMER: So, it will work
11 in the 9 by 18 and it is just kind of arbitrary, it
12 is not going to maximize the safety of the people
13 using that parking area?

14 THE WITNESS: It is not a safety
15 dimension. It counts for driver error, door swing,
16 shopping carts, things of that nature. In this case
17 it's a residential structure. Again, single family
18 home you have a garage that you park in would
19 certainly not have 9 by 18 feet available.
20 Residential parking can be smaller.

21 MR. WINTERNHEIMER: With the multiple
22 entrances and exits on 67th Street, all the traffic
23 for those two entry and exits will be diverted up to
24 66th and through Lincoln Place and then back down
25 67th. Correct?

1 THE WITNESS: Not all of them, no.

2 MR. WINTERNHEIMER: Where would the
3 rest of it come from?

4 THE WITNESS: It would come from the
5 north, that would be 68th Street and 67th Street
6 will come from the west and just follow on 67th
7 Street. You are coming essentially in this location
8 from the north, from the west or from the south, so
9 that --

10 MR. WINTERNHEIMER: All of it goes
11 down 67th Street which is parked both sides of the
12 street. Correct?

13 THE WITNESS: Yes.

14 MR. WINTERNHEIMER: All of it comes
15 out onto 67th. How much space do you have between
16 the stop sign and the first driveway?

17 THE WITNESS: The stop sign and first
18 driveway on?

19 MR. WINTERNHEIMER: The first driveway
20 going up 67th Street so people exiting the driveway
21 closest to Boulevard East?

22 THE WITNESS: This is an estimate, I
23 am just looking at the plan here. I would say close
24 to 40 feet.

25 MR. WINTERNHEIMER: The reason I am

1 asking is this morning during the period of
2 seven a.m. to nine a.m. about 150 cars came to that
3 stop sign and for pretty decent periods of time they
4 were backed up several car lengths up 67th Street.
5 How is your traffic entering 67th Street at that
6 time period going to impact this?

7 CHAIRMAN BLANE: Let me say something
8 that is very important that everybody should hear
9 because the attorney raised it. You just asked an
10 absolutely excellent question. Part of that
11 question was a factual statement. We are not asking
12 at this point whether anybody is disagreeing with
13 your factual statement included in that question.
14 Everybody should understand that factual testimony
15 given by the public is given at the end when the
16 applicant's presentation is concluded and the public
17 is then permitted to make comments. That is very
18 important essentially regarding the commuters
19 testimony that was given last -- I shouldn't use the
20 word testimony, the commuters factual presentation
21 that was part of the questions last time. Everybody
22 should understand and be prepared when the
23 applicant's presentation is done, that you then have
24 to come forward and make those assertions on the
25 record as factual statements so the applicant's

1 attorney can ask you questions about it, if
2 necessary. Does everybody understand what I am
3 saying? That is very important procedurally because
4 if you don't do it at that time, the factual
5 statements that are included in your questions, will
6 not be given the same amount of weight.

7 MR. WINTERNHEIMER: Okay.

8 CHAIRMAN BLANE: Does everybody
9 understand that? I'm very glad. Please continue.

10 MR. WINTERNHEIMER: Okay. So, how are
11 your vehicles exiting your garage going to effect
12 the traffic flow at that stop sign in the morning
13 given that cars could potentially be backed up the
14 street waiting to get onto Boulevard East?

15 THE WITNESS: I testified at the last
16 meeting the impact to the delay of that stop sign is
17 only two tenths of a second per vehicle, the
18 increase based on our --

19 MR. WINTERNHEIMER: So, the increase
20 based on your traffic would add two tenths of a
21 second to the present wait time?

22 THE WITNESS: Per vehicle, that is an
23 average time.

24 MR. WINTERNHEIMER: Over one hour?

25 CHAIRMAN BLANE: Now, again, if you

1 have visually today or yesterday et cetera seen
2 different wait times caused by a larger amount of
3 vehicles or whatever, that should be held for the
4 public portion when you can come forward and make
5 that factual statement.

6 MR. WINTERNHEIMER: Okay. The number
7 of spaces that you have planned for this garage is
8 based entirely on RSIS data, correct, or what is
9 required by the RSIS?

10 THE WITNESS: We provide the required
11 number of spaces per the RSIS.

12 MR. WINTERNHEIMER: Which is
13 generalization for all of New Jersey?

14 THE WITNESS: Yes.

15 MR. WINTERNHEIMER: It doesn't take
16 into account any neighborhood specific conditions?

17 THE WITNESS: No. That is why it's so
18 high.

19 MR. WINTERNHEIMER: Okay, it actually
20 seems a little low, but that is my opinion. I
21 believe that is all I have. Thank you.

22 MS. ARUM: Nancy Arum, 6600 Boulevard
23 East. In the last testimony you said that the level
24 of -- you mentioned something about there is a
25 certain level of traffic?

1 THE WITNESS: Level of service.

2 MS. ARUM: -- justifies a traffic
3 light. Could you be more specific?

4 THE WITNESS: Yes, there is minimum
5 traffic volumes that have to be on both the major
6 road and the --

7 MS. ARUM: Can you be specific?

8 THE WITNESS: I don't have the
9 warrants in front of me.

10 MS. ARUM: I need that information
11 just because we stood on the corner today and it
12 would be relevant to your testimony.

13 CHAIRMAN BLANE: I don't think that is
14 very difficult. What you may want to do is call the
15 County of Hudson --

16 MS. ARUM: But I thought he is an
17 expert on this?

18 CHAIRMAN BLANE: Yes, but he already
19 said he doesn't know the exact number required for a
20 traffic light and you said you wanted it because it
21 is important to you, so I am trying to be helpful.
22 I would call the County of Hudson. I used to know
23 the number when I worked there, I forgot it. That
24 comes with age, and ask for the engineer's office
25 and ask for either, I would say Bob Jasick or

1 Demetrio. Jason is not there anymore. Demetrio was
2 probably promoted to engineer and he is excellent
3 and ask him. Somebody in that group should know
4 what is the amount of traffic necessary because they
5 approve or they make the application for the traffic
6 lights on county roads of which Boulevard East is.
7 So, I would think they could help you.

8 MS. ARUM: Okay. Can I just ask did
9 you testify that you stood on the corner and
10 actually counted cars?

11 THE WITNESS: Yes.

12 MS. ARUM: When was that?

13 THE WITNESS: Our count we have done
14 them on several occasions. First round was in
15 December of 2008 then in September of 2011 and then
16 in January of 2012.

17 MS. ARUM: Thank you.

18 MS. PEROS: Smiljana Peros, 6600,
19 Apartment 15-H. I have no questions --

20 CHAIRMAN BLANE: Boulevard East?

21 MS. PEROS: Uh-hum.

22 MR. ALONSO: Mr. Chairman, she
23 indicated she has no questions.

24 CHAIRMAN BLANE: What are you
25 proposing to do?

1 MS. PEROS: I just got visuals from
2 this morning.

3 CHAIRMAN BLANE: You know what, I
4 would again request that that is sort of a factual
5 presentation. I would request again that you hold
6 that until the presentation is done when the public
7 can make their factual presentation. That is the
8 proper way to do it.

9 MR. EVANS: Jonathan Evans, 6600
10 Boulevard East. I have two questions. The first
11 one is I don't recall and I maybe didn't hear how
12 you are resolving the issue with the handicapped
13 parking spaces. I have read in the town's
14 engineer's report that there were three on the
15 drawings, five are required. His advice was that
16 that's a big deal of compliance. It is something
17 that seems significant and that the town has some
18 risk if the project is not compliant. So, in what
19 revisions or how many spaces are there now for
20 handicapped parking?

21 CHAIRMAN BLANE: The applicant's
22 attorney has arisen.

23 MR. ALONSO: I will be deferring that
24 to the architect and to the engineer. At this point
25 he is correct. There are three spaces.

1 CHAIRMAN BLANE: So, the response is
2 the traffic engineer does not know the resolution of
3 that issue, but the architect and the engineer do
4 and they will be testifying again.

5 MR. ALONSO: My follow up to that is
6 that in order to resolve that issue, you may have to
7 reconfigure the parking which means that the space
8 count may change. Is that possible?

9 MR. ALONSO: I am not testifying.

10 CHAIRMAN BLANE: That is also the
11 engineer.

12 MR. EVANS: But then that raises stuff
13 that goes back to --

14 CHAIRMAN BLANE: Not necessarily.

15 MR. EVANS: The second question that I
16 have it actually does dovetail between the two that
17 I have had a really difficult time trying to
18 understand the accounting of the units themselves as
19 one bedroom or two bedroom looking at the floor
20 plans and looking at, in fact, some of the spaces
21 that look like pseudo bedrooms, but not --

22 CHAIRMAN BLANE: Mr. Evans, we
23 obviously know that is not for the traffic engineer.

24 MR. EVANS: That dose impact the count
25 upon which the number of cars is generated, so does

1 traffic -- do you then take for granted the number
2 that you are given or do you actually -- I mean, how
3 does that work again based on a set of plans that
4 looks like it has some wiggle room to define the
5 size of the units themselves?

6 THE WITNESS: The plans call out the
7 number of one bedrooms and the number of two
8 bedrooms.

9 MR. EVANS: It calls them out, but it
10 doesn't actually label them. So, I would recommend
11 and I would ask the architect then to be more clear
12 for us so that we can really understand how the
13 units are being designated.

14 CHAIRMAN BLANE: Let me ask the
15 traffic engineer. How did you get the numbers of
16 different size units and total that you used to make
17 your traffic calculations?

18 THE WITNESS: I read the plans. The
19 architect provided plans of the number of one
20 bedrooms and the number of two bedrooms and that's
21 what the calculation is based on.

22 CHAIRMAN BLANE: In plans themselves
23 they do list how many one, two bedrooms they are, et
24 cetera.

25 THE WITNESS: Yes.

1 MR. EVANS: They give a total, but
2 they don't actually designate which ones are
3 considered one bedroom.

4 CHAIRMAN BLANE: That is the total
5 that you used to do your calculations?

6 THE WITNESS: Yes.

7 CHAIRMAN BLANE: I guess the next step
8 would be to ask the architect or engineer when they
9 testify to make sure that their total is correct.
10 Does that make sense?

11 MR. EVANS: I think it would be
12 helpful on the next set for us, for all of us to
13 understand the plans better.

14 CHAIRMAN BLANE: As for this traffic
15 engineer he has answered saying that whatever total
16 was on the plans is what he used. That doesn't mean
17 that that's necessarily correct, but that is a
18 question for the architect.

19 MR. ALONSO: Just to be clear,
20 Mr. Chairman, that line of questions, if permitted,
21 is going to be limited because the architect already
22 testified to that, that was part of his testimony.
23 That portion of the questioning has been closed by
24 the board. Now, to the extent that we revise the
25 plans to indicate additional ADA parking spaces

1 doesn't mean we can start all over and start asking
2 architectural questions. That was already testified
3 to. There was an opportunity to ask questions
4 otherwise we are never going to finish with this
5 application.

6 CHAIRMAN BLANE: I said it before, I
7 will said it again. Democracy is a messy process.
8 You should not fear. I will tell you straight
9 forwardly that we will, in fact, finish this
10 hearing, sooner or later, but we will, in fact,
11 finish it. Yes, ma'am?

12 MS. BREAKSTONE: My first name is
13 Natalie. Last name is Breakstone and my address is
14 6701 Boulevard East.

15 Couple questions regarding your
16 traffic report. On page five and six you compared
17 two tables. Table one represents the projected
18 estimated numbers of coming in and going out on the
19 side for the proposed development?

20 THE WITNESS: Correct.

21 MS. BREAKSTONE: Table two represents
22 the number of cars coming in and going out on the
23 site with the auto repair service currently, right?

24 THE WITNESS: Those are projections
25 for selling gas.

1 MS. BREAKSTONE: If they are selling
2 gas.

3 THE WITNESS: If they reopen as a gas
4 station.

5 MS. BREAKSTONE: After comparing both
6 tables you state that the impact of the proposed
7 development will be minimal and you go as far as
8 saying on page nine, as compared to the existing gas
9 station use of the site the proposed site will
10 generate less traffic activity and have
11 substantially better control and organized access.
12 Current access to the accommodates about 30 cars
13 with overnight parking and there is about 20 cars on
14 the site during the day, so the proposed
15 development, the site would house about 107 cars, if
16 we included the parking, three times more than this
17 current situation. So, with three times more cars
18 on that site, how can you anticipate that the
19 proposed development will generate less traffic?

20 THE WITNESS: Number of parking spaces
21 is not related to traffic that comes in and out. I
22 will give an example. Let's say 7 Eleven would have
23 ten parking spaces and generates substantially more
24 traffic than these 107 parking spaces. They are two
25 different things. The type of use is what generates

1 the traffic, not the number of spaces.

2 MS. BREAKSTONE: However, then this
3 number reflects the number of cars in the building
4 107 parking spots?

5 THE WITNESS: There could potentially
6 be 107 cars.

7 MS. BREAKSTONE: If there were, would
8 that generate more going in and going out?

9 THE WITNESS: No.

10 MS. BREAKSTONE: How come?

11 THE WITNESS: The traffic that goes in
12 and out of a piece of property is related to the use
13 that is on that property, not the number of parking
14 spaces on it. I gave you an example before. If you
15 take a look at a typical 7 Eleven that generates 250
16 to 300 trips per hour where we are generating in the
17 order of 30 and it only has ten parking spaces.

18 MS. BREAKSTONE: I just -- I'm sorry,
19 it doesn't make sense to me. How do more cars
20 generate less traffic?

21 THE WITNESS: It's not more cars --
22 the cars that are parked don't generate traffic.
23 The last use does. The residential building
24 generates less traffic than a gas station, than a 7
25 Eleven, a shopping center. It is not related to the

1 number of parking spaces. A 7 Eleven one of those
2 parking spaces might be accessed 15, 20 times in an
3 hour whereas in this case you are exiting once in
4 the morning and returning once in the evening. The
5 parking spaces don't turn over as frequently, so
6 there is less traffic in an hour.

7 MS. BREAKSTONE: I have another
8 question.

9 CHAIRMAN BLANE: Mr. Alonso already
10 stated we have plenty of time.

11 MS. BREAKSTONE: Page nine again you
12 state in such an environment that is referring to
13 the proposed development organized setting that the
14 proposed development is within such an environment
15 that reliance on private owned vehicles for daily
16 commuters and to run errands is not a necessity. Do
17 you live in West New York?

18 THE WITNESS: No.

19 MS. BREAKSTONE: I commute everyday to
20 the city and my husband and I, we still have one
21 car. We need that car. We need it to go shopping.
22 We need it to run errands. We need it to go to the
23 doctor. We need it to go everywhere because as
24 opposed to --

25 MR. ALONSO: Mr. Chairman, we are

1 getting into testimony.

2 MS. BREAKSTONE: I know, I just
3 realized, sorry.

4 CHAIRMAN BLANE: What you were saying
5 is very important. It is just a matter of the right
6 time and the right place.

7 MS. BREAKSTONE: I just realized as I
8 was saying it.

9 CHAIRMAN BLANE: Please hold what you
10 are saying until it is time for the public comment.

11 MS. BREAKSTONE: Okay. So, that will
12 be it then.

13 MS. OSNOS: Jean Osnos. I am at 6600
14 Boulevard East in West New York. The first member
15 of the public mentioned --

16 CHAIRMAN BLANE: Please speak into the
17 mic.

18 MS. OSNOS: The first member of the
19 public, Mr. Winterheimer, asked you I think his
20 initial question, and I might be completely
21 misconstruing what your answer was, so forgive me.
22 He said what would happened if there were more
23 spaces that were 19 by 8, that larger size space --

24 THE WITNESS: Nine by 18.

25 MS. OSNOS: Nine by 18, are you in a

1 position, I mean obviously you can't do it here and
2 now, but for you to reconfigure the plan to allow
3 for more of those larger spaces. Is it a doable
4 thing?

5 THE WITNESS: Of course.

6 MS. OSNOS: Approximately how many, I
7 mean again you can't say now, do you have a sense of
8 how many spaces you would actually get if those
9 spaces were larger?

10 THE WITNESS: It's very difficult to
11 say. The whole building could be configured
12 differently. We can have another level of parking.
13 We could move lobbies and stairways. There are to
14 many variables to really figure it out.

15 MS. OSNOS: How did you determine at
16 this point the number -- from what you describe --

17 CHAIRMAN BLANE: Ma'am, the problem is
18 he didn't do that. That is the architect and the
19 engineer. They put it together. He is just a
20 traffic expert.

21 MS. OSNOS: You were not involved --

22 CHAIRMAN BLANE: He reviewed what they
23 have done and makes his expert comments. That is
24 the best way of doing it. I understand the thrust
25 of your question. It is a very good one, but I am

1 not sure he is the right person to be asking them
2 to.

3 MS. OSNOS: Can I try to tailor it
4 slightly different? If there were few spaces that
5 were larger, is it possible that there would be a
6 greater sense of safety within the parking lot so
7 that people wouldn't necessarily bang into each
8 other because you also mentioned things how it is
9 different from a one family garage versus a
10 residential building. You have to reconfigure the
11 idea, how much space, the doors don't bang into each
12 other and shopping carts and that sort of thing.
13 Isn't it possible it would be safer by having a
14 larger number of spaces even if there were fewer of
15 them?

16 THE WITNESS: I don't believe it's a
17 safety issue. Anything that is proposed will work
18 for the vehicle population that is projected to
19 utilize the building. Having extra space to open
20 your doors may be -- would be more convenient.
21 Certainly it is not related to safety. You travel
22 very low speeds in a garage of this type. It is
23 not a safety type of situation.

24 MS. OSNOS: But in a building when
25 there are structural posts and that sort of thing,

1 even if you are going slowly isn't there a chance of
2 risk that you are going to bang into another person
3 in the garage or bang into another car or bang into
4 another post? I am just wondering because you are
5 talking about convenience.

6 THE WITNESS: That risk exists at any
7 parking lot at any location at all. Of course there
8 is a risk that you could run into something or
9 somebody. That is inherit to just driving. It is
10 not related to the width of a parking space.

11 MS. OSNOS: But isn't the width of a
12 parking space related to what is around it in the
13 sense if there are structural posts or curves or the
14 length of the aisle?

15 THE WITNESS: So, you have to exercise
16 more caution in a garage environment, which is
17 typical of all parking garage structures throughout
18 Hudson County and you won't be able to swing your
19 doors carelessly and at will, certainly all those
20 things are part of it. That is appropriate for a
21 residential use where you are going to have somebody
22 parking in the same parking space day in and day
23 out. It is not appropriate for a shopping center or
24 a 7 Eleven.

25 MS. OSNOS: You mentioned that it is

1 coming and going. Maybe this is a question for the
2 architect not for the traffic expert, but based on
3 the size of the spaces, since some of the spaces are
4 much smaller than eight by whatever the larger
5 number is --

6 CHAIRMAN BLANE: Nine by 18.

7 MS. OSNOS: -- nine by 18, how is it
8 determine what size -- how many spaces there should
9 be? Is that an architect question? Then I'll just
10 take the question back then.

11 CHAIRMAN BLANE: I don't understand
12 your question.

13 MS. OSNOS: How does the -- how does
14 that determine the number of spaces? Maybe that is
15 an architect question and it is not appropriate for
16 me to be asking it.

17 CHAIRMAN BLANE: I assume what they
18 do, and I am assuming this, they take how many
19 spaces are necessary, they try to fit them into the
20 spaces available making parking spaces that this
21 traffic expert is testifying are not unsafe. They
22 may not be as safe as a 9 by 18, but they are not
23 unsafe.

24 MS. OSNOS: Thank you. I appreciate
25 that.

1 CHAIRMAN BLANE: That is exactly where
2 you were going, I think.

3 MS. GAFFNEY: Margaret Gaffney, 6600
4 Boulevard East. Could we bring up the schematic for
5 the driveway on the second and third levels?

6 I just want to clarify my
7 understanding. Are each of these one way, for
8 instance one way in and one way out with a ramp to
9 go from the second to the third level and vice versa
10 or are each of them two way with no access from the
11 second into the third level?

12 THE WITNESS: Two way and they lead to
13 separate parking areas.

14 MS. GAFFNEY: So, if screw up and go
15 in the wrong one, you have to back out and either go
16 all the way around the block again or go down to the
17 next one --

18 THE WITNESS: You live there you
19 presumably know which parking space to --

20 MS. GAFFNEY: One of my father's
21 favorite stories was the time the neighbor wound up
22 in my father's driveway because he came home late at
23 night --

24 CHAIRMAN BLANE: Is this a question?

25 THE WITNESS: Your garage door opener

1 will be opening your garage door.

2 CHAIRMAN BLANE: Let me tell you why I
3 said that. This is the fourth night of hearings, no
4 one is being cut off. We have other people that
5 want questions. We have other witnesses that want
6 to testify and I will assume that after those
7 witnesses testify there are going to be more people
8 that will want to ask them questions, so stories
9 right now are not necessarily the best thing to
10 hear.

11 MS. GAFFNEY: You have also talked
12 about the turning radius. Would you describe
13 exactly what the turning radius is, how it's
14 calculated?

15 THE WITNESS: The turning radius?

16 MS. GAFFNEY: When you were selecting
17 the ten most popular makes, I think is what you said
18 if I understand, if I remember correctly?

19 THE WITNESS: Right coming up with the
20 average turning radius.

21 MS. GAFFNEY: Is that the distance the
22 car has to back up or just explain what the radius
23 amounts to.

24 THE WITNESS: It is the radius of the
25 curve when they have the wheel.

1 MS. GAFFNEY: The circumference of the
2 circle?

3 THE WITNESS: The radius.

4 MS. GAFFNEY: How would the radius be
5 affected with pillars, would that have an impact if
6 a pillar is in the way for instance?

7 THE WITNESS: If a pillar were
8 blocking the parking space it would have an impact.
9 We proposed the pillars in between the parking
10 spaces that we are going to make that one swing.

11 MS. GAFFNEY: Or even how about here
12 where you have got it looks to me as if this one is
13 in the way of that one, all of these corner spots?

14 THE WITNESS: No, they are on the
15 corner separating. There is room for each of the
16 vehicles to back out on the corners.

17 MS. GAFFNEY: Doesn't look that way to
18 me, but okay.

19 MS. ADORNO: Miral Adorno, 6600
20 Boulevard East.

21 MS. ADORNO: I have just a question
22 about when the garbage is being removed and if I was
23 parked, if I was a tenant and I was parked on the
24 second level where the garbage is being stored, how
25 would that effect me as I am coming in and out of

1 the garage? Will it be closed down because I
2 understand forklifts are going to be used?

3 THE WITNESS: It would only be
4 temporary for the brief time to move the garbage.
5 There is two way traffic available on the ramp.

6 MS. ADORNO: So, maybe one ramp, one
7 lane would be closed and traffic had to come in and
8 out on one lane during that time period?

9 THE WITNESS: Not closed. The garbage
10 will need a moving vehicle as well just like a car.
11 They would use a forklift.

12 MS. ADORNO: No, no. I understand
13 they come down. They come up, so I have to wait or
14 if I am -- will I be blocking traffic in the street
15 if they are going up the ramp.

16 THE WITNESS: No, you will not be
17 blocking traffic in the street.

18 MR. BORDEN: Doug Borden, 6600
19 Boulevard East, Apartment 12-G. So, I just want to
20 ask you a couple questions because I see -- I am
21 reading off your old analysis and this new one that
22 I have here. It reads here on page two that this
23 study identifies projected future traffic movements
24 along the roadway in the vicinity that would occur
25 as a result of the proposed residential building and

1 I wanted to ask you, is it realistic to consider
2 this development just an isolation, especially in
3 light of all the multiple developments that are
4 occurring in the vicinity such as the Park Avenue
5 going up, the River Road development, the Apple View
6 and some of the other projects going on at River
7 Road?

8 THE WITNESS: And because of that
9 growth that is going on in the area, New Jersey DOT
10 published a growth rate that I apply to the existing
11 traffic volumes to account for that type of
12 activity. There is nothing in the immediate area
13 that would have substantial impact if that
14 background growth is accounted for.

15 MR. BORDEN: What was the name of that
16 organization, the DOT, when was the last time --
17 when did you get that data? When was the last time
18 that that was published?

19 THE WITNESS: They issue it every two
20 years.

21 MR. BORDEN: So, when was the last
22 time that you -- when did that happen? I mean is
23 that taken into consideration all of these proposed
24 projects that are going on down River Road, is it
25 that recent?

1 THE WITNESS: Yes. It's taken into
2 account the regional growth in the area that they
3 recorded. It is updated every two years and it was
4 April and I don't remember if it was this past April
5 it was updated. It's a little over a year old at
6 most.

7 MR. BORDEN: So, this April it might
8 have been updated, then we have the 2009 which looks
9 like very similar to that, your 2010 copy so you are
10 going back two years possibly. Do you know when the
11 exact date was that it was up dated?

12 THE WITNESS: My traffic counts. I
13 take traffic counts --

14 MR. BORDEN: Based on the DOT analysis
15 that you got the information from that you are
16 quoting for the two percent growth, do you know when
17 that was last updated?

18 THE WITNESS: It was either April of
19 this year or April of last year at most.

20 MR. BORDEN: It goes every two years?

21 THE WITNESS: Every two years.

22 MR. BORDEN: So, it could conceivably
23 be two and half years ago?

24 THE WITNESS: No, it could not be.

25 One year and two months is the oldest that it could

1 possibly be.

2 MR. BORDEN: In your opinion as an
3 expert are those reports realistic with from what I
4 see the traffic down at River Road now, I see a lot,
5 it maybe factual or in factual, I will leave it up
6 to you. I see all these cars coming up these side
7 streets on to your street now because of the
8 congestion down on River Road. Do you as an expert
9 feel that that is realistic?

10 THE WITNESS: No, that is high. I
11 have taken counts in 2008, 2011 and 2012. They are
12 all roughly the same. I didn't see anything near a
13 two percent growth rate, so they are conservative
14 numbers that the DOT uses because they want to look
15 at the worst case scenario. It is usually less than
16 two percent.

17 MR. BORDEN: So, that is your opinion
18 as an expert. Correct?

19 THE WITNESS: From my experience and
20 from experience at this particular intersection.

21 MR. BORDEN: Now, you made another
22 observation, what page is this? I'm sorry. Page
23 three, do you know if there is on-street parking
24 allowed on both sides on Boulevard East?

25 THE WITNESS: It is. There are gaps

1 for bus stops and driveways, but in general, yes.

2 MR. BORDEN: Is there a gap for a
3 whole block anywhere?

4 THE WITNESS: I don't know off the top
5 of my head.

6 MR. BORDEN: Were you down there to
7 take a look at that and to verify your analysis
8 where you state Boulevard East is under jurisdiction
9 of the County of Hudson and is designated as a
10 county road 693 on-street parking is provided on
11 both sides of the roadway?

12 THE WITNESS: Yes. In our site
13 vicinity there is on-street parking along both sides
14 of Boulevard East.

15 MR. BORDEN: Between 67th and 68th
16 Street there is no on-street parking on the
17 northerly side.

18 THE WITNESS: Right. We are south of
19 67th Street. You can park, as you can see on the
20 photo, on both sides.

21 MR. BORDEN: Over this side there is
22 no parking?

23 THE WITNESS: Correct.

24 MR. BORDEN: So, you are aware that
25 there were parts that have whole blocks with no

1 on-street parking?

2 THE WITNESS: Certainly. There are
3 bus stops, driveways, all sorts of things that limit
4 the amount of on-street parking available. Along
5 the roadway in general parking is permitted on both
6 sites.

7 MR. BORDEN: In general?

8 THE WITNESS: Yes.

9 MR. BORDEN: On that same page you
10 made observations that on the intersection of
11 Boulevard East with 67th Street indicated that
12 little or no congestion or delays occur. Correct?

13 THE WITNESS: Correct.

14 MR. BORDEN: What is your definition
15 of that? I know it is going to be a technical
16 definition. I will ask anyone what is your
17 definition of a delay or congestion?

18 THE WITNESS: Congestion at an
19 unsignalized intersection would be a very long
20 extended cue of number of vehicles backing up quite
21 a distance -- at a signalized intersection
22 congestion would be essentially when the light turns
23 green, it doesn't process all the vehicles that are
24 waiting to get through the light. They have to sit
25 there twice. In other words, that does not occur at

1 the 66th Street signal.

2 MR. BORDEN: Can I show you a picture
3 and ask you this, as an expert --

4 MR. ALONSO: We have to mark this into
5 evidence.

6 (Photograph was received and marked
7 0-5.)

8 MR. BORDEN: I can assure you it's
9 genuine. Can you show the board members? Can we
10 show the board members this? I just wanted to draw
11 attention to the top picture. Well, I am going to
12 ask him something first. So, simply I just wanted
13 to ask you does that look like congestion to you?

14 THE WITNESS: No.

15 MR. BORDEN: So, let this stand in the
16 record that this expert deems this not to be
17 congestion.

18 THE WITNESS: There are zero vehicles
19 cued at the stop bar on 67th Street in either
20 picture. These vehicles are cued because the
21 traffic light is red. If I waited thirty seconds
22 for the light to clear, I could probably get a
23 picture with no cars on the street.

24 THE WITNESS: Is that a bus passing
25 another bus over a double yellow line?

1 THE WITNESS: Possibly. This bus is
2 turning right.

3 MR. BORDEN: That's a one-way street.
4 I am just asking you do you see a bus passing
5 another bus on a double --

6 THE WITNESS: It's a photograph. I
7 can't tell if this bus is passing over the yellow
8 line.

9 MR. BORDEN: So, this expert says he
10 can't tell if this bus is passing over a yellow
11 line.

12 THE WITNESS: I can't tell what his
13 intention is from the phorograph.

14 MR. BORDER: Do you all need this to
15 stay with you? So, I wanted -- another question I
16 had was you had something here on page five that
17 says this projection is supported by the census data
18 which indicates that over 31 percent of the West New
19 York Residents use public transportation. What
20 census data? I'm sorry if I am repeating this
21 question.

22 THE WITNESS: It's possible when the
23 report was written it's 2000 and the 2010 hasn't
24 been updated. My numbers are from 2010 or 2006 to
25 2010 American Community Survey.

1 THE WITNESS: This is 2010?

2 THE WITNESS: The report could
3 possibly be. I am not sure when we wrote the report
4 which data was available, but this 2010 data only
5 recently became available.

6 MR. BORDEN: I'm sorry if I don't
7 understand. Is this -- in the report is this 2000
8 or 2010 data?

9 THE WITNESS: I don't know what data
10 was available when I wrote the report. My testimony
11 is 2010 data.

12 MR. BORDEN: You testimony is 2010.
13 So, is this report even relevant then?

14 THE WITNESS: Yes. I have not used
15 the census data. It is only informational. I used
16 ITE data.

17 MR. BORDEN: I just wanted to go back
18 to Jean's question about these parking lots, the
19 parking sizes, excuse me. So, now the size that is
20 supposed to be RSIS standard is 9 by 18. Correct?

21 THE WITNESS: Yes.

22 MR. BORDEN: Hypothetically, now you
23 guys, I assume you guys don't work in a vacuum, the
24 architect and the traffic guy, traffic person?

25 THE WITNESS: Correct.

1 MR. BORDEN: So, is there any
2 discussion in terms of you building these to code
3 and you having any idea how big these -- how many
4 lots could actually -- you took a look at the whole
5 plan, right?

6 THE WITNESS: Yes.

7 MR. BORDEN: And you looked over the
8 hole schematic of this architect's work. Correct?

9 THE WITNESS: Yes.

10 MR. BORDEN: So, as an expert there is
11 no way that you can give me an idea of how many
12 parking spots would actually fit inside of this
13 building if they were all to RSIS code?

14 THE WITNESS: Take a look at the plan.
15 You will see there is mechanical space, there is a
16 lobby, the garbage, bicycle storage, all this would
17 be completely redesigned. It would be redesigned to
18 have a different type of ramp system. There is no
19 way to be able to without redesigning the entire
20 property tell you how many spaces you could fit on
21 these three levels that would be 9 by 19, could be
22 less than we show, of course, but the specific
23 number there is too much engineering involved to
24 determine that.

25 MR. BORDEN: I have to say, Mr. Blane,

1 I have to say when we were asking questions about
2 the parking lot to the architect, we were told we
3 had to talk to the --

4 CHAIRMAN BLANE: What do you mean by
5 parking lot?

6 MR. BORDEN: The parking size, the
7 sizes of the -- anything that we had to ask -- I
8 remember that any time we had to talk to we were
9 posing questions about the parking lot and the
10 parking spaces, we were told we have to talk to the
11 traffic person.

12 CHAIRMAN BLANE: That related to
13 the -- I don't know exactly which question you were
14 talking about. There are certain questions that
15 only relate to the traffic expert as to the
16 formulation of the plans, which would include the
17 parking sizes and the number of parking spaces. The
18 formulation of the plans would not be done by the
19 traffic expert, that would be done by the architect.

20 MR. BORDEN: Is there any way that we
21 can get the three guys together, planning guy, the
22 architect guy and the traffic guy together so that
23 we can possibly get an estimate on just how many --
24 if we had this up to RSIS code, is there any way we
25 can get that estimate done as to how many parking

1 spots would actually be in a building of that size?

2 CHAIRMAN BLANE: Yes. I could ask
3 that question and I could get an answer, but it
4 wouldn't help. Let me tell you why it wouldn't help
5 you because as a traffic -- well, I can try. We are
6 only going to get one answer. That doesn't mean
7 that they reconfigured it differently with the 9 by
8 18. There could be a little more or a little less
9 because as I am hearing from the traffic expert
10 there are many ways of changing the, I'm going to
11 say topography.

12 MR. BORDEN: Yeah, I understand.

13 CHAIRMAN BLANE: So, depending upon
14 which plans, let's say there are four different ways
15 to change the plans to make the 9 by 18 --

16 MR. BORDEN: But that would give us an
17 idea of how this building would actually have to be
18 changed if they were to stick to code.

19 CHAIRMAN BLANE: What good would that
20 do you?

21 MR. BORDEN: It might give an idea of
22 how we can develop --

23 CHAIRMAN BLANE: What is being
24 presented is what the developer has chosen to do
25 with the site. As to whether it could be made

1 better, I am not sure that that is part of the
2 hearing in the sense that we can't force the
3 developer to change. For instance, for instance at
4 the very beginning it is my understanding that this
5 area is zoned for twelve story high-rises. The
6 developer has chosen to make it thirteen. That is
7 his problem. If he made it twelve and kept within
8 the zoning code, he wouldn't even have to come
9 before the board, which is where you are going with
10 the 9 by 18 spaces. He has chosen not to do that,
11 which means if he has given the board an opportunity
12 to review his project because he is asking the board
13 to exercise its discretion in his favor, that
14 permits the board to view his project as it sees
15 fit, whether it is beneficial or not beneficial, how
16 it fits into the zoning plan et cetera, et cetera
17 which if he had done what you are suggesting, the
18 board wouldn't have that opportunity. You would be
19 stuck with whatever that plan is if it was
20 completely up to code. We are not there. We are in
21 a different place. The place that we are at is that
22 he has tried to maximize the site as much as
23 possible to gain whatever he wants to gain. In
24 doing that, he has permitted the board to review his
25 project by asking it to exercise its discretion in

1 his favor.

2 MR. BORDEN: I understand and I am not
3 trying to be a pain in the neck here I --

4 CHAIRMAN BLANE: I can ask the
5 question. Mr. Alonso, I would ask the architect not
6 to do anything physically, but to look at the plans
7 and in the most simplistic way possible to find out
8 how many spaces could fit 9 by 18 in the parking
9 spaces?

10 MR. BORDEN: I am just trying to get a
11 magnitude.

12 MR. ALONSO: The number would be
13 irrelevant because it's all one design, so you are
14 not going to change the layout of the parking and
15 leave the building the way it is. For whatever
16 reason it was chosen that this parking layout works
17 with this building, so in order to accommodate a
18 different parking layout, we may have to change the
19 building. So, it's irrelevant as to how many spaces
20 we could fit in these number of levels.

21 CHAIRMAN BLANE: So, let's say that
22 the applicant, the developer has refused to give you
23 that number.

24 MR. BORDEN: I get that. I am sorry
25 that he did that. I wanted really show the board

1 and try and get the board maybe a better
2 illustration of the magnitude --

3 MR. ALONSO: This is something he
4 could leave for his factual opinion later. He could
5 ask questions.

6 MR. BORDEN: That is up to him. He
7 can make that judgment.

8 MR. ALONSO: He already made that
9 judgment.

10 CHAIRMAN BLANE: We don't want to have
11 arguments. Last time we told the officers that they
12 could go home. Do you understand what he is saying
13 is and we have said it before, it's easy to flow
14 into factual statements in situations like that.
15 Just hold your apprehension to the appropriate time
16 after the applicant has made his presentation and
17 it's time for public presentation you can make any
18 factual statement you want.

19 MR. BORDEN: Now, in your opinion --
20 once again I didn't hear, in your opinion would it
21 be safer in the garage if they were up to code?

22 THE WITNESS: It is not a matter of
23 safety. The parking spaces work. It is a matter of
24 the larger spaces may be more convenient, but it is
25 not a matter of safety.

1 MR. BORDEN: The turning radius with
2 the poles in place, they don't make any difference
3 do they or do they?

4 THE WITNESS: No.

5 MR. BORDEN: The radius that you gave
6 us is based on the poles being there?

7 THE WITNESS: Yes, yes. The 22-foot
8 wide driveway you are able to easily pull into a
9 parking space.

10 MR. BORDEN: Have you ever represented
11 an opposing or objector to a development in Hudson
12 County?

13 THE WITNESS: Me personally?

14 MR. BORDEN: Yes.

15 THE WITNESS: I don't recall. I do
16 very little objection work. I don't remember if it
17 was Hudson County at any point.

18 MR. BORDEN: Did you say that you were
19 going to get five ADA spaces?

20 THE WITNESS: Yes, we will restripe
21 and rework so we can get the five ADA spaces.

22 MR. BORDEN: That would be an
23 architectural question if I was going to ask when we
24 are going to be able to see the changes on a
25 diagram?

1 CHAIRMAN BLANE: That is what we were
2 talking about before as to formulating the spaces,
3 that is the architect. He then hands that off to
4 the traffic expert to review it. That is what we
5 are doing tonight.

6 MR. BORDEN: We are definitely going
7 to see a new plan with the ADA spaces?

8 CHAIRMAN BLANE: With the handicap
9 spaces.

10 MR. BORDEN: Thanks for you patience.

11 MS. COURTNEY: Judith Courtney, 7004
12 Boulevard East, Guttenberg I have three questions,
13 two of which should actually be very quick. One is
14 we have had a lot of discussion about the gas
15 station traffic versus this residence traffic, but
16 isn't it fair to say that the gas station would be
17 working with existing traffic that is already on the
18 street and this new yet to be built residence would
19 actually be putting new cars and SUVs on the street?

20 THE WITNESS: To a point a certain
21 percentage of the traffic that goes into and out of
22 the gas station is already traffic on the street,
23 yes. It is called pass by traffic, a traffic
24 engineering term.

25 MS. COURTNEY: What percent is that?

1 THE WITNESS: For a gas station it is
2 around 60 percent, I believe.

3 MS. COURTNEY: What is the other forty
4 percent if it isn't pass by?

5 THE WITNESS: That would be new
6 traffic.

7 MS. COURTNEY: Those are people who
8 are already on the street as opposed to this
9 residence which has 107 new cars, trucks, SUVs?

10 THE WITNESS: It has 107 parking
11 spaces. It does not generate 107 cars in an hour.

12 MS. COURTNEY: I am not talking about
13 an hour.

14 THE WITNESS: You are comparing the
15 traffic generation to the parking spaces. You can't
16 do that.

17 MS. COURTNEY: Let's say 30 percent of
18 the cars leave. Let's say it's existing traffic on
19 Boulevard East going in and out of the gas station
20 as you hypothetically --

21 THE WITNESS: Yes, more than half
22 would be technically existing traffic.

23 MS. COURTNEY: He was talking about if
24 the gas station came back --

25 CHAIRMAN BLANE: Ma'am, ma'am.

1 MS. COURTNEY: It is okay. She was
2 wrong, but this is all new cars to the area?

3 THE WITNESS: Yes. There is no pass
4 by traffic in the residential neighborhood.

5 MS. COURTNEY: So, let's say a third,
6 30 percent, 30 cars coming in and out in an hour
7 maybe at the highest traffic areas. That is 30 new
8 car as opposed to in and out by existing traffic?

9 THE WITNESS: Yes.

10 MS. COURTNEY: Okay, thank you.

11 THE WITNESS: My analysis assumes that
12 nothing is on this property right now. I don't take
13 any credit for any of the cars going in and out of
14 the Exxon. Some of the people that go in and out of
15 that service station when I do my traffic counts I
16 didn't pull them out. They are still there. I am
17 assuming that we are doing this on vacant land for
18 the purpose of my analysis --

19 MS. COURTNEY: Stop, stop. So, there
20 are -- because it's a service station and not a gas
21 station, the traffic however is much diminished from
22 a gas station?

23 THE WITNESS: Yes. The gas pumping
24 portion of the traffic is not present at the time.

25 MS. COURTNEY: Right and that is the

1 high volume. Correct?

2 THE WITNESS: I would say it is more
3 service, yes.

4 MS. COURTNEY: What percent of the
5 current vehicles on the road on Boulevard East or
6 let's say in the Versailles, in any of these luxury
7 high-rises, the Versailles, the Galaxy to mention the
8 immediate area, are -- what percent of the cars are
9 compact/subcompact sedan and SUV/pick up?

10 THE WITNESS: I don't know. I haven't
11 done that analysis.

12 MS. COURTNEY: Wouldn't that be
13 relevant to what percent of the traffic spaces
14 should be what size?

15 THE WITNESS: No, because there is an
16 ordinance requirement for the size of the parking
17 spaces. These work for the average vehicles. There
18 are fewer larger vehicles on the road as I mentioned
19 we have --

20 MS. COURTNEY: Fewer than what?

21 THE WITNESS: Sixty-seven fewer
22 than -- there are fewer larger pick ups and larger
23 SUVs on the road than there are the sedans and
24 compact cars. We have sixty-seven parking spaces
25 that are 8 by 17 and will fit the largest vehicles

1 on the road.

2 MS. COURTNEY: With clearance on
3 either side?

4 THE WITNESS: Yes --

5 MS. COURTNEY: What would the
6 clearance be?

7 THE WITNESS: The wider the vehicle
8 the less clearance, but the widest vehicle on the
9 road I believe is the Hummer H2 and it is six feet
10 wide.

11 MS. COURTNEY: And your space would be
12 eight feet. You are saying it would be a one foot
13 clearance on either side if the guy parked right in
14 the middle?

15 THE WITNESS: Within his space, but
16 then there is also space between the parking stripe
17 and the next vehicle over.

18 MS. COURTNEY: But you don't think
19 it's relevant to know what the potential -- that is
20 why I took that saying street traffic as opposed to
21 let's say the cars currently parked in the Versaille
22 and the cars currently parked in the Galaxy and the
23 Riviera et cetera, et cetera, et cetera, that would
24 be probably -- this is considered a luxury
25 residence. Correct?

1 THE WITNESS: I don't know.

2 MS. COURTNEY: You don't know. It is.
3 I just got confirmation, so it's considered a luxury
4 residence. It would seem to me, and I am asking you
5 whether you feel it is relevant to know how many
6 really large cars versus midsize cars versus small
7 cars are likely to come into this building and plan
8 those parking spaces accordingly? Do you feel that
9 that is at all relevant?

10 THE WITNESS: If we didn't have such a
11 large number of spaces that accommodate large cars
12 then possibly. We were getting close to a threshold
13 maybe we were going to have to many larger vehicles.
14 We have, as I mentioned 67 of the spaces are large
15 enough to fit the largest vehicles on the road. We
16 also have two 9 by 17, two 9 by 18, actually even
17 more than that. There are only 24 compact in this
18 instead of 107 and compact vehicles and typical size
19 sedans make up far more than 24 percent of the
20 vehicle population. I don't know if you heard my
21 prior testimony, SUV even though it is a larger
22 vehicle in terms of mass, is not necessarily larger
23 than a sedan or what we consider a compact car in
24 terms of length and width. I drive an SUV and it's
25 smaller than a Honda Accord in terms of its

1 footprint.

2 MS. COURTNEY: Which one, the Rav 4?

3 THE WITNESS: When I lived in Hoboken
4 for years I parked in a space that was seven and a
5 half -- I'm sorry 7 feet wide by 14 feet deep and I
6 had an 18 foot wide driveway behind it. I had no
7 problem pulling in and out. Piece of cake.

8 MS. COURTNEY: Since you made that
9 statement, I will just very quickly say when I park
10 between two Cadillac SUVs in the Galaxy, I am
11 squeezed and I have a compact car.

12 CHAIRMAN BLANE: Ma'am, do you have a
13 question, please?

14 MS. COURTNEY: I have one other
15 question. What is the largest turning radius of a
16 car likely to be in here? I am not talking about
17 truck traffic. What is the turning radius likely to
18 be?

19 THE WITNESS: I don't know exactly.
20 Like I don't have the turning radius of every
21 vehicle on the road, but if you look at a large
22 passenger vehicle turning template, which is
23 something that is published for use for traffic
24 engineerings for turning radii and things like that,
25 it calls for a 20 to 21 foot turning radius and that

1 is trying to account for the largest vehicles in the
2 road. Is there a vehicle out there that is bigger
3 than 21 foot, sure, but for the most part --

4 MS. COURTNEY: Does that number
5 include SUVs?

6 THE WITNESS: Yes, that is looking at
7 the larger SUVs. That is the turning template for
8 the larger vehicles on the road.

9 MS. COURTNEY: Is that an average or
10 is that kind of large; is that average or medium?

11 THE WITNESS: I don't know how
12 specific it is, is it 85 percentile maximum,
13 whatever. It is conservative put it that way.

14 MS. COURTNEY: This should be able to
15 accommodate any size car coming out and just turning
16 out to go into the aisle without having to make any
17 other further adjustments?

18 THE WITNESS: Most of the spaces,
19 yes.

20 MS. COURTNEY: Okay, thank you.

21 MS. KELLERMAN: My name is Linda
22 Kellerman, 6600 Boulevard East. The question I have
23 is concerning the safety of the handicapped spots on
24 levels one and two. Here is level two and there are
25 two handicapped spaces and I see here is a garbage

1 container. What exactly is that? Would you please
2 clarify what that is? Is that for people, I guess,
3 taking garbage out or something?

4 THE WITNESS: That would be the
5 architect.

6 MS. KELLERMAM: Do you consider this,
7 assuming they are taking garbage out which I think
8 it is, would you consider some type of safety issue
9 like people -- especially this is a door, people in
10 wheelchairs or anything and the handicapped spaces
11 is that a potential safety hazard?

12 THE WITNESS: No. The garbage person
13 would be able to see if there is a handicapped
14 person getting in and out of the vehicle. It's not
15 a safety hazard. The garbage person will be
16 observant of pedestrians and vehicles just like
17 anybody else walking anyplace.

18 MS. KELLERMAN: I guess they would
19 come out through here and then use the lobby, the
20 elevators, okay. Would you bring it to the first
21 floor parking garage because there is a space there.
22 Here is the other, the third handicap space. Here
23 this is I guess a service elevator, I assume. Am I
24 correct? That I guess it is for furniture moving in
25 the building, the service elevator is to move

1 furniture. If you have a person moving like heavy
2 packages or furniture would that interfere, do you
3 think that is a potential safety hazard if let's say
4 a handicapped person getting out of their car?

5 THE WITNESS: No. People are able to
6 see people getting in and out of vehicles. There
7 are handicapped spaces all over the country and you
8 park in spaces where other people walk and drive and
9 go about their business.

10 MS. KELLERMAN: You don't think that's
11 a poor position in the garage, the fact that it is
12 so close to a service elevator?

13 THE WITNESS: No, it's supposed to be
14 close to an elevator.

15 MS. KELLERMAN: I understand. Okay,
16 thank you.

17 MS. ORLANDO: Amy Orlando. I live at
18 6600 Boulevard East. I have a couple of questions I
19 would like to ask about in connection with the
20 Remington and Vernick engineers report. I happen to
21 share a number of concerns that were addressed in
22 here. I would like to know there are some issues
23 that were raised and I would like to know if there
24 has been a resolution to a number of them. So, if
25 it's all right, I would like to follow up with you.

1 My first question is, it is in his section three
2 number two. It says that, "it is noted that the
3 ordinance section 358-36F limits driveways to two
4 per 700 feet of frontage. The applicant proposes
5 four driveways at approximately 220 feet of
6 frontage." Then it goes on to say, "the applicant
7 should provide details of the impact of public
8 parking loss in the area." My question is has the
9 details of the impact of the public parking loss in
10 the area already be submitted and if so could you
11 tell us specifically?

12 THE WITNESS: It's been testified to
13 and asked by several members of the public.

14 MS. ORLANDO: Could you be so kind to
15 reiterate it?

16 THE WITNESS: Sure. Along Boulevard
17 East you are not losing any parking spaces. You are
18 losing one or two parking spaces along 67th Street
19 and as the loading zone would be active -- at night
20 you will be able to park there, at night. It will
21 be active during the day.

22 MS. ORLANDO: The loading zone could
23 you show me now --

24 THE WITNESS: It is kind of off the
25 page, but it is basically 67th Street.

1 MS. ORLANDO: Are there other slides
2 so we can all follow along?

3 THE WITNESS: This vicinity at the
4 base of 67th Street.

5 MR. ORLANDO: Okay, so back to the
6 loading zone. If I understand correctly the loading
7 zone is going to be located approximately in this
8 vicinity, general vicinity on 67th Street. Correct?

9 THE WITNESS: Yes.

10 MS. ORLANDO: And it will be inactive
11 at night and active potentially during the day?

12 THE WITNESS: It will be a loading
13 zone from such and such a time to such and such a
14 time and overnight it will not be used.

15 MS. ORLANDO: I would like to ask if I
16 can look at this photo that has been already
17 presented today. Is that all right because I am not
18 a planner or architect by trade. Actually can I ask
19 if I can use a different photo?

20 MR. KARCZEWSKI: Just let me see it
21 first.

22 MS. ORLANDO: I absolutely will.

23 (Photograph was received and marked

24 O-6.)

25 MS. ORLANDO: Okay, so I am going to

1 do this as best I can. In the bottom photograph --
2 actually, let's go to the top one. It's just a
3 clearer picture and I don't have enough hands to do
4 this. My question is if your loading zone is going
5 to be approximately somewhere in this vicinity.
6 Correct?

7 THE WITNESS: Yes.

8 MS. ORLANDO: On 67th Street, but
9 behind the stop sign, which is now a line and not a
10 stop sign. Correct?

11 THE WITNESS: Correct.

12 MS. ORLANDO: It will be almost
13 directly across from the existing area on the street
14 on 67th Street where there is an active fire hydrant
15 and there is clearly demarcation that you may not
16 park here, you may not. So, you will have
17 potentially, God forbid there is a fire, a fire
18 truck and the loading zone occupied during the day
19 at the same time. My question to you is, is there
20 enough space for a fire truck and a loading zone
21 cart, refuse container, recycling thing, I don't
22 know what thing that you are going to put trash in,
23 I don't know what; is that going to be wide enough
24 based on the design and the pitch of the driveway
25 and the grading on the street up 67th Street and

1 Boulevard East for that to then not completely block
2 traffic on 67th Street entirely?

3 THE WITNESS: Yes. The street is wide
4 enough for the loading zone.

5 MS. ORLANDO: The loading zone and the
6 fire truck was my question.

7 CHAIRMAN BLANE: If you have a fire
8 truck there nobody is getting by anyway. I mean,
9 it's a fire. Was that your question? Was your
10 question if there was a fire truck there if there is
11 a fire could traffic get by?

12 MS. ORLANDO: Or an ambulance, yeah.

13 CHAIRMAN BLANE: I just wanted to make
14 sure I understood your question.

15 THE WITNESS: Actually, there is less
16 of a chance of the loading zone being occupied more
17 likely than a vehicle being parked there. I see
18 every one of these pictures you are showing a
19 vehicle there, so there will actually be more room
20 to get by a fire truck if they were there, more
21 opportunity.

22 MS. ORLANDO: Okay, so thank you for
23 answering that question.

24 Also it was stated in the Remington
25 and Vernick, I believe is how you say it, report

1 that the ordinance requires access to driveways to
2 be at least 50 feet from an intersecting street line
3 where the applicant proposes a 26 feet distance from
4 the northern driveway on JFK Boulevard East to 67th
5 Street. The separation distance gives drivers more
6 time to react to the various traffic movements that
7 may be occurring over any given length of road. My
8 question to you is, that being the case why would
9 you only have 26 feet of distance and is that a
10 safety issue or is it a design issue or what was it,
11 was there a methodology to this?

12 THE WITNESS: It's a good question.
13 Right now you have zero feet, negative as a matter
14 of fact. The driveway extends along the corner so
15 we are improving that condition and that 50-foot
16 separation, I believe, contemplates a two way
17 driveway and a two way roadway. In this case the
18 driveway is in only at that location and 67th Street
19 is a one-way outbound roadway. So, you don't have
20 left turns coming in Kennedy Boulevard. You don't
21 have right turns at 67th and at the driveway. So,
22 it is a much more simplistic operation given the
23 one-way nature of the driveway and one-way nature of
24 67th Street, which allows that distance to be a
25 little bit lower, but as I mention it is far better

1 than the existing condition.

2 MS. ORLANDO: There was a design
3 waiver requested for the ordinance to permit the 22
4 foot two-way driveway where 24 feet is required and
5 the width of aisle on parking levels two and three
6 that are parallel to JFK Boulevard East are
7 dimensioned to be 19 feet 10 inches. Why is the
8 design two-way driveways smaller than the
9 requirement and is this a safety issue?

10 THE WITNESS: It is not a safety
11 issue. Twenty-two feet is actually generous for a
12 garage environment.

13 MS. ORLANDO: Twenty-two feet is the
14 requirement. Whether or not it's generous --

15 THE WITNESS: Twenty-four feet is the
16 width of the two-way roadway that carries thousands
17 of vehicles per day. It's a two 12 foot wide drive
18 down. Garden State Parkway those lanes are only
19 11 feet in most places, so just to put it into
20 perspective a highway a typical traffic line is.
21 Twenty-two feet is wide enough for two vehicles to
22 easily pass one another and for drivers to swing
23 into and out of parking spaces that works very well.
24 Most places, in fact most buildings that I work at
25 have less than 22 feet. That is actually very

1 generous and some places I think I mentioned last
2 time in Hoboken, their standard is only 20 feet.
3 They only allow 20 feet of width, so it does work.
4 It is not a safety issue. As we said before it
5 would only be a matter of convenience, wider drive
6 aisles and wider parking spaces, yes, would be more
7 convenient, but it is not really a safety issue. It
8 doesn't --

9 MS. ORLANDO: You said that it was
10 22 feet, but in actuality it is 19 feet 10 inches.
11 That doesn't even meet your Hoboken standard what
12 you currently are proposing; is that correct?

13 THE WITNESS: There are two locations
14 that are very small sections. You're talking about
15 two inches shorter than, not mine, Hoboken
16 standards.

17 MS. ORLANDO: I beg your pardon. It
18 is also stated that it is recommended that there
19 are -- I need assistance can I use a life line?

20 CHAIRMAN BLANE: Can I ask a question?

21 MS. ORLANDO: Of me?

22 CHAIRMAN BLANE: Yes. We have an
23 engineer, a board engineer that made a report. He
24 is going to be going over those things with the
25 traffic engineer. Are you doing the same thing?

1 MS. ORLANDO: I am actually interested
2 in a lot of answers to the same questions.

3 CHAIRMAN BLANE: As is he.

4 MS. ORLANDO: So, I would like to hear
5 those answers too. I am not sure when that would
6 be, if he is not going to be posing questions at an
7 open meeting or if the town's engineer is not going
8 to be posing these questions in an open quorum for
9 the public to hear the answers --

10 CHAIRMAN BLANE: Why would you think
11 he is not going to be doing it?

12 MS. ORLANDO: I don't know what will
13 happen.

14 CHAIRMAN BLANE: Can I find out for
15 you because if that is the case, two people don't
16 have to ask the same questions.

17 Zoning board engineer Tom, you
18 submitted a report that this young lady is now
19 reading through and going over. That sounds like a
20 lot. Is she asking the same questions that you are
21 going to be asking and getting responses to after
22 the public is done asking questions of the traffic
23 engineer in open session?

24 MR. LEMANOWICZ: It is my intention to
25 go over the questions that I haven't heard answered

1 in testimony off my report, yes.

2 CHAIRMAN BLANE: That is not the same
3 thing as what she is doing. Because you saying -- I
4 think I would rather have you go through everything.

5 MR. LEMANOWICZ: I can do that and at
6 least acknowledge if it was already addressed.

7 CHAIRMAN BLANE: Or find out what the
8 answer is, right as opposed to you picking and
9 choosing what you don't think or you may have heard
10 testimony, which may leave some of the questions out
11 that she would want answers to. So, is it fair, is
12 it an accommodation, is it a compromise to have the
13 zoning board engineer that did, in fact, do the
14 report ask all the "disagreements" I am going to
15 call them that he noted in the report and get
16 answers from this traffic engineer to those
17 questions?

18 MS. ORLANDO: Is it in a public
19 setting?

20 CHAIRMAN BLANE: Of course.

21 MS. ORLANDO: Then I am good with
22 that.

23 CHAIRMAN BLANE: When the public is
24 done as you know, generally I say Mr. Planner, do
25 you have any questions? Mr. Engineer, do you have

1 any questions. Now when I say Mr. Engineer, do you
2 have any questions he is going to look at his report
3 and do exactly what we were just talking about.

4 MS. ORLANDO: Okay, fair enough. I
5 was not aware that is how it was going to transpire,
6 so I don't mean to be lengthy. However, I do also
7 have a question of my own that is not included in
8 his report that I would like to ask about and again
9 this may not be a question that you are the expert
10 to be answering, so if you are not, I apologize in
11 advance, but I have a question about traffic lights.
12 I know I brought it up previously and I know that
13 there is the stop sign line and the missing stop
14 sign that is going to be replaced and it is not
15 going to be a traffic light. However, I would like
16 to revisit the traffic light issue simply because if
17 you look along Boulevard East, there is a traffic
18 light at 66th Street, 65th Street, 64th Street, 63rd
19 Street, 62nd, 61st and 60th Street. There is not a
20 traffic light from 69th Street, 68th Street, 67th
21 Street. So, there is no traffic light to slow the
22 flow of traffic on Boulevard East from approximately
23 70th Street to 66th Street, which means people
24 traveling, and I am directionally challenged so I am
25 going to be traveling from Guttenberg to West New

1 York, so whatever direction that would be.

2 THE WITNESS: South.

3 MS. ORLANDO: South, people traveling
4 in the southern direction have the capacity and
5 frequently do accelerate. There is also a grading
6 in the road, for example it peeks and also has like
7 a blind corner at 67th Street for people who are
8 turning from 67th Street making a left-hand turn
9 onto the Boulevard. Frequently those of us who ride
10 the bus to New York see regularly, first of all it
11 is very difficult to cross the street at that
12 intersection, in addition to which the cars and
13 buses are moving so fast --

14 MR. ALONSO: Is there a question?

15 MS. ORLANDO: Yes, there is a question
16 if you allow me to finish, please. I would like to
17 understand what would it necessitate or what would
18 it take or what would the requirement be as far as
19 traffic volume or increase in traffic volume or
20 increase in vehicular volume in order for there to
21 necessitate a traffic light at the corner of 67th
22 Street with these two driveways ingress and
23 egresses, loading zone as well as the Boulevard East
24 entrances as well as across from the Versailles
25 entrance to their garage and the volume of traffic

1 that normally travels down Kennedy Boulevard? Are
2 these all components entered into that equation?

3 THE WITNESS: The components of the
4 equation would be the traffic traveling on Kennedy
5 Boulevard and 67th Street today. Our proposed
6 development generates such a minimal amount of
7 traffic it would never push to that threshold of
8 warranting a traffic signal. It would be based on
9 what is there now. The volume, like I said I don't
10 have the specific number, they are much higher than
11 what you have here now. You mentioned slowing
12 traffic. There are several ways to warrant a
13 traffic signal. Slowing down traffic is certainly
14 not one of them. You would not want to add delay to
15 traffic on a main road like Boulevard East to
16 accommodate the small volume of traffic that comes
17 out of 67th Street. That is basically where you get
18 those warrants from. You want heavy volume
19 conflicting with heavy volume such that a traffic
20 signal needs to be installed there to allow the flow
21 of traffic. Sixty-seventh Street, sure it will back
22 up occasionally a few vehicles, but it certainly
23 does not rise to the level of needing signalization.

24 MS. ORLANDO: Yet we have one at 65th
25 and 64th where we have comparable traffic levels

1 down those streets, would you agree?

2 THE WITNESS: Many of those traffic
3 signals have been there for many, many years before
4 the warrants were available. A lot of traffic
5 signals in this part of Hudson County have been
6 there for quite some time and just continuing to
7 accommodate pedestrians and things of that nature
8 and to provide certain outlets along the roadway to
9 get out to Kennedy Boulevard at a signalized
10 location. If you are traveling Boulevard East from
11 the west, you can choose which street you are going
12 to come out. If you prefer to come out at a traffic
13 signal, there are opportunities. There doesn't need
14 to be an additional one here.

15 MS. ORLANDO: Okay, done. Thank you
16 very much.

17 MS. PUERTO: The first question I had
18 was I know that we were asking you about the parking
19 spots 9 by 18 but -- and I am trying to pose it into
20 a question. Do you feel that there is or is there a
21 relationship, a direct relation between, in this
22 case in particular, the number of the parking spots
23 and the density and the size and the mass of this
24 building given that the architect, obviously, has to
25 abide by certain conditions, right? So, if you have

1 X number of units, you have X number of parking
2 spots. So, I think that my question is is there a
3 relationship between the number of parking spots to
4 the density of this building?

5 THE WITNESS: To the number of units,
6 not necessarily the density. The density would be
7 the number of units on a certain size piece of
8 property. It is related to the number of units
9 only, not the size of the property.

10 MS. PUERTO: Right and the units, if
11 you have seen the diagrams, they are pretty small.
12 So, they are one bedroom, I mean they were smaller.
13 They are relatively small, so you couldn't really
14 make them much smaller and actually rent them, so
15 you have to have a certain number of parking spots.
16 That is what I am trying to say you need, the reason
17 that we are asking the question of how many 9 by 18
18 is because it relates directly to how big and
19 massive you can make this building. Do you agree
20 that there is a relationship there?

21 THE WITNESS: There is a relationship
22 between the number of parking spaces required and
23 the number of units, yes, that is it.

24 MS. PUERTO: We are talking about, and
25 I think that Mr. Blane, you mentioned the 12 story.

1 It is zoned for 12 story if you have 40,000 feet but
2 there is less than 14,000, so 12 story couldn't
3 really go?

4 THE WITNESS: That doesn't matter.

5 MS. PUERTO: Is it legal to cross
6 yellow lines to go into the driveway? It is legal?

7 THE WITNESS: To make a left turn you
8 can cross a double yellow line, yes.

9 MS. PUERTO: So, for cars going north
10 and going into the Merida, they will be able to just
11 stop in the middle of the road in front of the
12 Versaille and easily make a left?

13 THE WITNESS: Turn left, yes.

14 MS. PUERTO: So, that is legal. I
15 took a look at your traffic impact statement and I
16 compared it actually to the 2009. So, basically you
17 use a template because it is really the same. You
18 just use a template and then you updated it?

19 THE WITNESS: In terms of what, the
20 report?

21 MS. PUERTO: Yes.

22 THE WITNESS: It is standard format
23 that report file, sure.

24 MS. PUERTO: It's standard in format
25 because it is the opinion, this is a perfect fit, it

1 is all actually the same so you just up dated the
2 numbers?

3 THE WITNESS: From the prior
4 development, sure.

5 MS. PUERTO: So, you didn't do a whole
6 new report, you just updated?

7 THE WITNESS: I did a new analysis.
8 We ran my projections for the traffic volumes. We
9 took updated traffic counts.

10 MS. PUERTO: I know Natalie was asking
11 and she seemed really incredulous of the fact that
12 it would be -- in fact there is going to be less
13 cars going in and out than there currently is?

14 THE WITNESS: I didn't say that.

15 MS. PUERTO: The report says there is
16 less traffic going in and out.

17 THE WITNESS: There is less potential
18 for traffic. If the subject property was purchased
19 by BP or some other gas station operator, they
20 started pumping gas then put their gas signs up, the
21 trip generation projections for that are higher than
22 for this building. So, the potential traffic
23 generations in property is higher than what you have
24 there today than what we are proposing.

25 MS. PUERTO: What we have there today

1 is a service station that at tight serves as a
2 parking lot; is that correct?

3 THE WITNESS: I don't know that it
4 serves as a parking lot. It's a service station
5 with vehicles parked all over it.

6 MS. PUERTO: Does it make a difference
7 to your analysis when you are looking at the
8 off-street parking that will be displaced to
9 consider that it's a parking lot during the night or
10 not?

11 THE WITNESS: The parking on the
12 street? We looked at the parking on the street. We
13 are going to lose one perhaps two spaces when the
14 loading zone is active on the street for public
15 parking. What happens on the property now is not
16 public parking.

17 MS. PUERTO: It's a reality though.
18 There are about 30 cars that park overnight, whether
19 you know or not, and you would know it if you were
20 there.

21 CHAIRMAN BLANE: But this is not a
22 question, this is a statement.

23 MS. PUERTO: Okay. My question then
24 is does it make a difference to the analysis of the
25 effect of the parking in the neighborhood that there

1 is a parking lot there or not?

2 THE WITNESS: I have no way of knowing
3 if those vehicles are being serviced or what. It is
4 not a public residential parking lot. It's a
5 service station. We are not coming to this board --

6 MS. PUERTO: The board does live in
7 West New York, right? The board does know there is
8 a reality that this is a parking lot. You might
9 want to check it out because that directly impacts
10 --

11 CHAIRMAN BLANE: You may want to hold
12 your factual statement for the proper time as we
13 have discussed before.

14 MS. PUERTO: I apologize.

15 CHAIRMAN BLANE: It is not a matter of
16 that. It is a matter of doing it at the right time,
17 that is all.

18 MS. PUERTO: You said that the census
19 data that you use in your 2009 was census data from
20 2000 because that is what was available?

21 THE WITNESS: Yes. Obviously 2010 was
22 not available.

23 MS. PUERTO: Do you know when the 2010
24 became available?

25 THE WITNESS: It is slowly becoming

1 available on line. The information that I used just
2 recently in the past two weeks became available. As
3 they are compiling the data, I assume it makes its
4 way to the web page.

5 MS. PUERTO: Yeah, I saw that. It was
6 a pretty extensive web site.

7 THE WITNESS: It is more confusing
8 that it was with the 2000 data.

9 MS. PUERTO: Now, the reason I think
10 because you said you didn't really use that for your
11 data?

12 THE WITNESS: No, it is just
13 informational purposes to justify the numbers that I
14 used.

15 MS. PUERTO: But the numbers, I think
16 there is a big difference over the last 12 years. I
17 imagine things have changed because you do use or
18 are these numbers, these percentages current, where
19 you said only 35 -- because you are justifying the
20 transportation, that mass transit is so good, people
21 generally don't use cars in West New York and you
22 said only 35 percent commute to work by means of
23 driving. In the State of New Jersey whereby
24 73 percent of the residents statewide commute alone
25 in a passenger vehicle et cetera. Those are the

1 same numbers you used in 2009. Are these current
2 percentages? Do you feel it makes a difference, are
3 they 12 years old?

4 THE WITNESS: I am looking right now
5 for West New York as a whole. The data is still
6 from 2000.

7 MR. PUERTO: So, it is 12 years old.

8 THE WITNESS: For the local census
9 track it is from 2006 to 2012 American Community
10 Survey.

11 MS. PUERTO: You say on page 11 of
12 your document, you say the existing driveways that
13 are too close to the intersection and insufficient
14 parking that creates a congested site. How does
15 this site, the current site have insufficient
16 parking? I don't understand what you mean by that.
17 In your document you say the proposed site layout is
18 a vast improvement over the existing use.

19 THE WITNESS: The existing development
20 of the site currently has substandard conditions,
21 such as existing driveways, the driveway on the
22 corner of Kennedy Boulevard and 67th that --

23 MS. PUERTO: It takes up the whole --
24 and insufficient parking that creates a congested
25 site? What are you talking about? What

1 insufficient parking?

2 THE WITNESS: If you take a look you
3 have a perfect view of it, if you took a look, I'm
4 not sure what exhibit this is. Number 0-6 there are
5 vehicles scatter all over this entire site, none of
6 these are 9 by 18 spaces that we keep talking about
7 or 24-foot drive aisles. These vehicles are
8 congested far tighter than what we are proposing on
9 the site today. That is heavily parked for the
10 operation that goes on there -- into and out of the
11 garage doors and vehicles accessing the gasoline
12 pumps.

13 MS. PUERTO: Is there a standard for
14 service stations that they should be 9 by 18 also?

15 THE WITNESS: A service station, yes,
16 should be 9 by 18.

17 MS. PUERTO: A service station should
18 be 9 by 18?

19 THE WITNESS: People are unfamiliar
20 with the location. They are going into and out of
21 parking spaces and service stations all the time.
22 Particularly if there is a convenience store.

23 MS. PUERTO: That is what you mean by
24 the parking. I think we spoke about the visitor
25 parking and most of these are one bedroom, 105 one

1 bedrooms, 18 two bedrooms. Is the assumption and is
2 it realistic that most of the people living in the
3 one bedroom are just going to be single people
4 living alone?

5 THE WITNESS: I haven't made that
6 assumption. The planner might be better to answer
7 that question. I looked at the number of parking
8 spaces.

9 MS. PUERTO: You just go strictly by
10 rooms and number of parking spaces?

11 THE WITNESS: The parking requirements
12 are based on the number of units and --

13 MS. PUERTO: So, it doesn't take into
14 account people having relationships or partners that
15 come or go, that is not your business to take
16 responsibility?

17 THE WITNESS: The numbers were
18 developed taking that into consideration. The New
19 Jersey Residential Site Improvement Standards were
20 developed based on real world data that they
21 compiled.

22 MS. PUERTO: Can you just, my last
23 question is can you explain to me, and I don't know
24 if there is a good picture to show the entrance into
25 the porte cochere into the driveway.

1 THE WITNESS: This one in ground
2 driveway.

3 MS. PUERTO: So, they could go, cars
4 can just come this way to pick people up, is that
5 what this is?

6 THE WITNESS: Well, yeah, I suppose if
7 you wanted to drop somebody off with groceries or
8 something like that, you can use this location. And
9 if a vehicle is parked here another vehicle can go
10 in front of him.

11 MS. PUERTO: Are vehicles allowed to
12 park just for like the you know if -- there is
13 usually no parking. Are they allowed to park for
14 ten minutes, go inside, rut out in the porte cochere
15 area?

16 THE WITNESS: If the space is assigned
17 to a resident then technically no. Realistically
18 might somebody pull in and run up, I suppose it
19 could happen. We intend on making whatever
20 available spaces after the building is occupied full
21 of visitors, full number of parking spaces that
22 isn't utilized by the residents and these would
23 obviously be the first available because you don't
24 need to go into the garage.

25 THE WITNESS: Okay, thank you.

1 MR. ARNOLD: Gregory Arnold, 6600
2 Boulevard East. My first question is based upon the
3 number of apartments in the building and the number
4 of parking spaces you are projecting. I guess 87
5 percentage usage rate for parking spaces; is that
6 correct? You have 107 parking spots for 123 units,
7 is 87 percent if they are fully used?

8 THE WITNESS: You are saying the
9 number of parking spaces is 87 percent --

10 MR. ARNOLD: Have you researched in
11 the area comparable buildings, what their usage
12 really is for, the number of apartments they have?

13 THE WITNESS: Yes. Like I said I
14 looked at the census tracks, all three of them in
15 the area, one on the end and the other two across
16 the street and to the north and based on that my
17 vehicle occupancy per unit, the maximum number of
18 spaces that we occupy in this building we have 107.

19 MR. ARNOLD: I don't know if I agree
20 with that based upon our numbers. We are at
21 98.6 percent in Versailles.

22 CHAIRMAN BLANE: I need questions.

23 MR. ARNOLD: Your traffic impact study
24 states due to the urban setting the need to run
25 errands is not a necessity. Based upon what?

1 THE WITNESS: It doesn't say that the
2 need to run errands is not a necessity.

3 MR. ARNOLD: I believe that is what it
4 says in there.

5 THE WITNESS: It says the need to have
6 a vehicle to run an errand is not a necessity.

7 MR. ARNOLD: I stand corrected. Why
8 do you feel that is the case, based upon what?

9 THE WITNESS: You are able to walk out
10 of your front door here, get on a bus and be in
11 Manhattan, be in Paramus Mall, Hoboken, Port
12 Imperial. You have to walk a few blocks to stores,
13 restaurants. You don't need a car to do any of
14 that. Where I live in the suburbs I cannot even
15 walk to a single commercial establishment.

16 MR. ARNOLD: Most of those options are
17 number one, very limited like going to Garden State
18 Plaza, that's a limited route. And directly to New
19 York, people aren't going into New York to go shop
20 for milk for something. They are going to the
21 supermarket. You said you wouldn't need to do that,
22 right? So, you wouldn't need to, if you wanted to,
23 go out to Shop Rite?

24 THE WITNESS: People come to New York
25 to come have dinner, go see a show.

1 MR. ARNOLD: Running an errand you are
2 going to the post office, you are picking up milk.
3 You are not going to dinner, that is not an errand.

4 THE WITNESS: You go to the post
5 office and convenience store, pick up milk, you can
6 do all those things, liquor store. They are all --
7 it's possible to walk.

8 CHAIRMAN BLANE: Excuse me, number one
9 could you both please speak into the mic. We have
10 some people in the back that can't hear. Number two
11 even thought this is a very, very interesting
12 discussion, I need questions.

13 MR. ARNOLD: How many spots will
14 there be for the staff to park when they are
15 working?

16 THE WITNESS: I don't know. They are
17 going to be designated for the residents.

18 MR. ARNOLD: No staff parking?

19 THE WITNESS: That would probably be a
20 question for the architect. In terms of staff it
21 wouldn't be necessary.

22 MR. ARNOLD: How many guest parking
23 spots will there be in the building?

24 THE WITNESS: As I mentioned before
25 whatever spaces are not occupied by residents when

1 the building is tenanted will be allowed to be used
2 for visitors. I can't put a specific number on it.
3 It's possible it would be easier if all the spaces
4 were utilized. This is no specific provision for
5 visitors.

6 MR. ARNOLD: You are allotting
7 handicapped spots and you mentioned previously you
8 were going to address that?

9 THE WITNESS: Architect will address
10 that.

11 MR. ARNOLD: That means out of the
12 107, five of them would be handicapped; is that
13 correct?

14 THE WITNESS: Correct.

15 MR. ARNOLD: Technically they are just
16 general use parking. You really only have 102 spots
17 in the building?

18 THE WITNESS: The handicapped spots
19 are able to be use by a handicapped person.

20 MR. ARNOLD: If you have five people
21 they will be used. If you don't have five
22 handicapped people technically they are not used
23 because you can't park there. Correct?

24 THE WITNESS: Correct.

25 MR. ARNOLD: So, technically you only

1 have 102 spots really for general use?

2 THE WITNESS: We have 107 parking
3 spots. A hundred and two of them are not restricted
4 to handicapped parking.

5 MR. ARNOLD: So, it's 102 anybody can
6 use them. Rose touched upon this, but are you aware
7 many people use the current site for parking?

8 THE WITNESS: Yes, I have heard.

9 MR. ARNOLD: And you are pushing these
10 people out. They are going to have to go out to the
11 surrounding area. There really is basically no
12 parking, going to have to be going and fighting for
13 parking there. So, your proposed loading zone is
14 only 30 feet in length by -- 12 by 35 is required?

15 THE WITNESS: That is correct.

16 MR. ARNOLD: That is your testimony on
17 that. Now, with all these people we experience in
18 West New York, are you taking into account that
19 possibly you are going to have your loading zone
20 encroached upon by people parking because they can't
21 find spots and then in turn when they come to unload
22 the garbage that there is not going to be enough
23 room for them to operate?

24 THE WITNESS: Is it possible that
25 someone is going to park in the loading zone, of

1 course.

2 MR. ARNOLD: If you have enough room,
3 right, you have leeway, the less room you have the
4 less leeway you have to be encroached upon?

5 THE WITNESS: Thirty-five feet is not
6 what a vehicle would take up on the street with the
7 space between other vehicles around 20 feet.

8 FEMALE AUDIENCE MEMBER: Can't hear
9 you.

10 MR. ARNOLD: You believe vehicles
11 traveling north on Boulevard East would be allowed
12 to make a left turn into the building, the front of
13 the building; is that correct?

14 THE WITNESS: That is our proposal,
15 but that is up to the county. It's a county road.

16 MR. ARNOLD: If they reject that what
17 is the alternative for that?

18 THE WITNESS: It would only be right
19 turns in allowed. It won't allow lefts.

20 MR. ARNOLD: It's going to be gated,
21 everything is going to be gated, right?

22 THE WITNESS: Yes, with the exception
23 of these four spaces in the porte cochere area.
24 Everything else will be gated.

25 MR. ARNOLD: How will people be

1 raising those gates, with a remote control?

2 THE WITNESS: I would imagine a remote
3 control garage door clicker.

4 MR. ARNOLD: So, it is going to be
5 able to read a control signal all the way on
6 Boulevard East; is that correct?

7 THE WITNESS: I would assume.

8 MR. ARNOLD: Now, in your report on
9 existing conditions this section states, there are
10 periods of time when traffic backs up from the
11 traffic signal on 66th Street; is that not correct?

12 THE WITNESS: Yes.

13 MR. ARNOLD: Wouldn't that prevent
14 people while the light is changing from turning in
15 making a left turn into the building?

16 THE WITNESS: If the traffic was
17 backed up beyond this inbound driveway, yes, they
18 have to wait for this to clear to make the left. It
19 doesn't happen at every traffic signal. The traffic
20 signal does clear out the entire traffic.

21 MR. ARNOLD: In the traffic study
22 report you state that the proposed site will have
23 better control organized access, how so?

24 THE WITNESS: The existing site has a
25 driveway that is at the intersection around the

1 current corner and very, very wide driveway at a
2 certain end of it. We are providing a conventional
3 driveway that is going to allow for more control
4 movements into and out of the property than what is
5 there now.

6 MR. ARNOLD: Right now the views are
7 ingress and egress of the site. They are all
8 open --

9 CHAIRMAN BLANE: Can you speak in the
10 microphone, please?

11 MR. ARNOLD: It is all open and
12 basically right now you are going to be having four
13 separate entrances and basically the code, as you
14 said before 358-36-F you are way below that. So,
15 how is that substantially an improvement in an
16 unobstructed egress and access area where you are
17 coming out of the substandard -- subacquired with
18 driveways?

19 THE WITNESS: We have -- our four
20 driveways total 68 feet in depressed curb length, if
21 you add them up. Right now it is over a hundred
22 feet depressed curb length along Kennedy Boulevard.
23 We are actually narrowing the width of the curb cuts
24 available and making a control conventional driveway
25 as opposed to a wide open driveway that traverses a

1 corner of the public street. It's a far safer more
2 controlled access to this property what we are
3 proposing as opposed to what is there today.

4 MR. ARNOLD: Even though you can get
5 off anywhere in the curb there is really only one
6 section there, but that's beside the point. Since
7 67th Street is a one-way street, all flow for your
8 entrance on 67th Street would need to flow onto 66th
9 and around on 67th, will it not?

10 THE WITNESS: The vehicles that access
11 the garages on 67th, yes, but they come from the --

12 MR. ARNOLD: Has an impact study been
13 conducted on the side streets?

14 THE WITNESS: Yes.

15 MR. ARNOLD: What was the outcome of
16 that?

17 THE WITNESS: My testimony at the last
18 meeting detailed my analysis of the adjacent
19 intersection.

20 MR. ARNOLD: What was that?

21 THE WITNESS: It's a level service B.
22 Our project traffic increases the delay by 0.2
23 seconds per vehicle.

24 MR. ARNOLD: What about on the back
25 streets, how much does the flow increase?

1 THE WITNESS: Less because all of the
2 traffic essentially is impacting the adjacent
3 intersection. As you go farther from the site, the
4 traffic accessing the site is disbursed. So, every
5 other intersection will have less traffic and for
6 what it is worth, the other intersections that you
7 were discussing carry less volume than Boulevard
8 East does. This is the busiest road in this
9 vicinity.

10 MR. ARNOLD: Hold on. If you are
11 coming up 66th Street, I am not sure what the name
12 of that street is, but the street that includes
13 Lincoln and goes beyond Lincoln, right?

14 THE WITNESS: Yes.

15 MR. ARNOLD: So, right now you have
16 whatever the number is that is on that street that
17 is what it is?

18 THE WITNESS: Very low.

19 MR. ARNOLD: So, anybody -- so you put
20 107 parking spots and I don't know what the
21 percentage would be that would be on 67th Street,
22 all that is going to be extra on to Lincoln, would
23 it not?

24 THE WITNESS: A hundred and seven
25 parking spots has nothing to do with the amount of

1 traffic that would be using Lincoln. The number of
2 parking spaces are not related to one another.

3 MR. ARNOLD: Why would that be? It is
4 a car.

5 THE WITNESS: I will use the analogy
6 again. If you have 7 Eleven has ten parking spaces
7 and generates 300 trips per hour. We have 107
8 parking spaces and generate around 30 trips per our.
9 The two are not related. It is how often the
10 parking spaces turn over. We are adding very
11 minimal traffic, less than the intersection that --
12 intersections that carry less traffic than the one
13 that I looked at are getting less traffic added to
14 them than the one that I looked at. My answer is
15 the impact at any other intersection other than 67th
16 and Boulevard East will be less than what we see at
17 67th.

18 MR. ARNOLD: I am not talking about
19 67th. I am talking about the streets around it --

20 THE WITNESS: Yes, the impact will be
21 less.

22 MR. ARNOLD: How is that possible?
23 You have curb population --

24 MR. ALONSO: Mr. Chairman, there has
25 been extensive testimony on this issue. I ask to

1 move on. He doesn't have to understand it.

2 MR. ARNOLD: I don't think he
3 understands it.

4 CHAIRMAN BLANE: Do you have another
5 question?

6 MR. ARNOLD: You took your traffic
7 readings in February 2008, September 2011
8 January 2012. Correct?

9 THE WITNESS: I did December of 2008
10 actually.

11 MR. ARNOLD: Since February 2008 we
12 are in the depths of a recession and the other
13 reason they are slightly better conditions. Don't
14 you think it's safe to say maybe those readings are
15 significantly depressed from what they were before
16 the recession hit?

17 THE WITNESS: Over a three year
18 period.

19 MR. ARNOLD: Since the recession
20 starts, you take your first reading in the middle of
21 it and we haven't risen out of it, it doesn't matter
22 if it's three, four, five years. It might be below
23 what it was. I know personally it is. I am just
24 asking you if you believe it to be? If you took a
25 reading in 2007, you had a reading from there do you

1 think it would be significantly more?

2 THE WITNESS: No.

3 MR. ARNOLD: You don't. Why is that?

4 THE WITNESS: As time goes on, things
5 are developed throughout the state. Background
6 traffic volumes, I talked earlier about that, two
7 percent tend to rise. Maybe they didn't rise as
8 much over the period of the recession. That is
9 where we are. That is the numbers that are out
10 there. I can't -- I am not going to prepare an
11 analysis for what might have once been. I am going
12 to look at what is there today and project the
13 future.

14 MR. ARNOLD: That's a projection of
15 the future, right? Because ten years before that it
16 was much elevated and now you have an event has gone
17 on that is unprecedented and most of our lifetime
18 which depressed economic conditions, so less people
19 are traveling, less people are going to work. You
20 don't think that is relevant?

21 THE WITNESS: No. There are more
22 developments are being built. More roads are being
23 built, more public transportation. There are dozens
24 of factors that change traffic volumes. It makes no
25 sense to look at what happened ten years ago and use

1 that to make traffic projections for the future.

2 MR. ARNOLD: What you just said makes
3 no sense. You used data from ten years ago yet your
4 traffic study is from ten years ago?

5 THE WITNESS: My traffic study is from
6 January of 2011.

7 MR. ARNOLD: You used the 2000 census
8 data.

9 THE WITNESS: My traffic report did
10 not use the 2000 census data. I use that data as
11 informational purposes to justify the numbers that I
12 used. The census data shows that reality is lower
13 than the number I used. I did not use the 2000
14 census data. I referenced it for informational
15 purposes.

16 MR. ARNOLD: But you are using that
17 data for reference purposes, right?

18 THE WITNESS: Sure.

19 MR. ARNOLD: So, it's ten year old
20 data. I have most of my other questions have been
21 touched on already.

22 MR. ALONSO: I just have a couple
23 quick follow-up questions. I don't know if the
24 court reporter needs a break.

25 CHAIRMAN BLANE: Break.

1 (Whereupon a brief recess was taken.)

2 CHAIRMAN BLANE: Okay, we are back on
3 the record. Please state your name, sir.

4 MR. FEDORKO: Gabriel Fedorko, 6600
5 Boulevard East. I will be very brief. I have two
6 basic questions. Did you have a chance to look at
7 the land surveyors layout of the curb work, the
8 existing curb?

9 THE WITNESS: I believe it was on the
10 screen earlier.

11 MR. FEDORKO: There is about a 30-foot
12 stretch of curb on Boulevard East that is indicated
13 on the surveyors plan, that is probably why there
14 are two parking spaces there. I just wanted to
15 point that out that, in fact, there is a curb.

16 THE WITNESS: Yes, in between the two
17 driveways there is a curb.

18 MR. FEDORKO: You mentioned there were
19 no curbs for a hundred feet?

20 THE WITNESS: If you add the linear
21 width of the two driveways together, it's a hundred
22 feet.

23 MR. FEDORKO: Could you say that
24 again?

25 THE WITNESS: If you add the -- if you

1 start where the driveway begins on 67th Street,
2 measure around this driveway, add this distance of
3 this driveway, it's a hundred feet.

4 MR. FEDORKO: Okay, thank you. I
5 think you mentioned that you can make a left-hand
6 turn crossing the double line into the building; is
7 that correct?

8 THE WITNESS: Pending the county's
9 approval.

10 MR. FEDORKO: So, it's the county's
11 approval you may or may not --

12 THE WITNESS: The county will have to
13 approve the driveways on Boulevard East because this
14 is a county road. One of the things that they could
15 potentially do is tell us that you cannot allow --

16 MR. FEDORKO: You did say it is legal
17 to do that?

18 THE WITNESS: It's legal to make a
19 left across the double yellow line, yes.

20 MR. FEDORKO: Thank you very much.

21 MS. PALERMO: Joan Palermo, 6600
22 Boulevard East. I will also be very brief. I just
23 had a follow up question to what you said about a
24 vehicle not really being necessary for running
25 errands and you mentioned that people can take the

1 bus to the Paramus Park Mall and similar places.

2 THE WITNESS: As an example, yes.

3 MS. PALERMO: What happens after they
4 go shopping and they have to come home? Is it
5 practical for people to get on the bus lading with a
6 lot of packages?

7 THE WITNESS: Sure. I see people on
8 the bus with shopping bags all the time.

9 MR. PALERMO: Say somebody is doing
10 weekly grocery shopping, are you saying that you
11 think it is practical for people to schlep their
12 groceries --

13 CHAIRMAN BLANE: Is that a technical
14 term? And if it is a technical term you have to
15 spell it.

16 MS. PALERMO: S-C-H-L-E-P. Suppose
17 for example people shop at the A&P on River Road who
18 live on Boulevard East. Do you think it's practical
19 for people to do weekly grocery shopping?

20 THE WITNESS: To buy a weeks worth of
21 groceries for one person possibly. For a family
22 it's also theoretical. The point is there is the
23 opportunity to not have a vehicle here as compared
24 to if you live in Hunterdon County, yet the traffic
25 standards that we are held to are the same here as

1 they are there.

2 MS. PALERMO: Would you agree that
3 most people who work during the week do all of their
4 errands or most of their errands on weekends?

5 THE WITNESS: Every family is
6 different. I can't speculate when who goes to what
7 grocery store, how much they buy.

8 MS. PALERMO: I didn't ask you to
9 speculate. I asked you a general question. In your
10 own experience perhaps would you agree that most
11 people who work during the week full time do most of
12 their errands, not just shopping and picking up dry
13 cleaning, do whatever they have to do on weekends,
14 so they wouldn't necessarily have just one place to
15 go, they would do a number of things at one time?

16 THE WITNESS: Certainly some people
17 run their errands on weekends or work from home. A
18 lot run a few during the week. Every family is
19 different. The point of the statement about running
20 errands in there is that it is possible to survive
21 without having a car, without having to call a cab
22 everywhere. If you lived in Hunterdon County that
23 is not a feasible reality, yet the parking standard
24 for this building there is the same as it is here.
25 So, the point is to illustrate that higher level of

1 parking and traffic that we are held to look at,
2 doesn't necessarily apply in a location like this
3 where you don't necessarily need to have a vehicle.
4 Many, many people don't as the census will show you
5 from 2010.

6 MR. PALERMO: Okay, when the time
7 comes to testify, I will tell you about my own
8 personal experiences.

9 MR. ALONSO: Mr. Chairman, I just have
10 a couple of follow-up questions with respect to
11 Exhibit O-5 that was presented by Mr. Borden.

12 Q Mr. Peregoy, Mr. Borden presented O-5,
13 which is a series of four photograph as evidence of
14 congestion in the area and you testified that in
15 order to formulate your opinion as to congestion
16 there were several factors and one of the components
17 is a signalized traffic light, is that correct?

18 A Yes, the flow of traffic through that
19 signalized traffic light.

20 Q Can you indicate on any of these
21 photographs if there is a signalized intersection?

22 A The intersection to the south of us is
23 signalized. It is not visible on this photograph.

24 Q Does it show whether the light is
25 green, yellow or red?

1 A There is no way to tell if the light
2 is green, yellow or red.

3 Q But that's a major factor for you in
4 determining whether or not there is congestion and
5 the amount of flow of traffic through that
6 signalized site?

7 A Certainly. When the light is red,
8 obviously, there will be a line of vehicles waiting
9 for it to turn green. It doesn't indicate that
10 there is congestion. It just indicates that the
11 light is red.

12 Q So, we don't know what the light is
13 here?

14 A No. You cannot determine congestion
15 from the photograph. It is moving vehicles.

16 Q There was also questions related to
17 the volume of traffic on 67th Street and how many
18 vehicles have to back up before they can turn onto
19 Boulevard East. Do you recall those questions?

20 A Yes.

21 Q Can you indicate based on the
22 photographs here, there are actually two photographs
23 which show the intersection of 67th and Boulevard
24 East. How many vehicles are waiting to turn?

25 A Zero.

1 Q In any of the photographs?

2 A The top photograph, as a matter of
3 fact is taken at 7:18 a.m. on a Monday, so that was
4 right within the peek hour.

5 Q Actually today?

6 A Yes. There are no vehicles waiting to
7 turn from 67th Street. The bottom photograph is
8 7:49 this morning and the same thing, no vehicles
9 were waiting to turn from 67th Street. I mean, that
10 is during peek operational time.

11 Q In addition look at the bottom
12 photograph, which was taken at 7:49 this morning.
13 How many people are waiting at the bus stop?

14 A In the left-hand photograph 8:09 --

15 Q No, the bottom photograph.

16 A Zero.

17 Q Twenty minutes later at 8:09 this
18 morning it indicates that there are 15 people in the
19 bus stop. Correct?

20 A Yes.

21 Q Now, the photograph to the right of
22 that which is 16 minutes later indicates there are
23 11?

24 A Yes.

25 Q If you compare these individuals on

1 the right photograph to the left photograph, isn't
2 it true that they are not the same people?

3 A It does not appear to be the same
4 people there.

5 Q So, in the 16 minutes there is a turn
6 over, there was a whole new set of commuters waiting
7 for the bus?

8 A Yes.

9 Q Now, based on what you see here, does
10 that support a position that there is congestion in
11 this area?

12 A No, certainly not. Obviously 15
13 people were able to be picked up and a few minutes
14 later, 16 minutes later a new group of people were
15 there. Twenty minutes before that nobody was at the
16 bus stop. There is certainly a turn over at the bus
17 stop not a wait or congestion of people stacking up
18 waiting for a bus.

19 Q Those are heading southbound.

20 Correct?

21 A Yes.

22 Q On the northbound lanes, are there any
23 vehicles in the photograph going northbound?

24 A No, neither the top photograph or the
25 bottom where you can see in the northbound lane

1 there is no vehicle traffic.

2 Q Ms. Puerto asked you a question with
3 respect to the impact that a development on this
4 site would have in terms of displacing the vehicles
5 that are currently parked on the site overnight?

6 A Yes.

7 Q And you said that it is not relevant?

8 A Yes.

9 Q Can you explain why it is not
10 relevant?

11 A No matter what was developed on this
12 site, if that parking were to be discontinued, the
13 gas station were to reopen, somebody wanted a single
14 family house on the site the exact same thing would
15 happen to those parking spaces. They would still be
16 displaced regardless of what is developed here. It
17 is not a public parking lot. We are not removing
18 public parking. It is a service station that could
19 be reopened as such or redeveloped as something even
20 smaller or larger. No matter what is developed here
21 that parking would be displaced.

22 MR. ALONSO: I have nothing further.

23 CHAIRMAN BLANE: Thank you. Not
24 seeing any member of the public that has a question
25 -- be quick.

1 MR. BORDEN: I just want to ask you a
2 question. At a red light, one car versus ten cars
3 backed up, which has more congestion?

4 THE WITNESS: It depends how routine
5 that happens.

6 MR. BORDEN: Do you feel that ten cars
7 backed up at a red light is more congestion than one
8 car backed up?

9 THE WITNESS: Neither is indicative of
10 any congestion. It is how a traffic signal clears
11 them. If the road had five lanes, ten cars would be
12 hardly any cue. It depends how the traffic signal
13 processes those cars.

14 MR. BORDEN: You can't tell me --

15 CHAIRMAN BLANE: That is his answer.
16 Thank you. Not seeing any members of the public
17 with any questions I will close that portion and ask
18 our planner whether our planner has any questions of
19 this traffic expert?

20 MR. LAYTON: No.

21 CHAIRMAN BLANE: I will ask our
22 engineer. In fact, I won't ask our engineer I will
23 order our engineer go through his report line by
24 line to make sure each line is answered
25 satisfactorily. Please begin Mr. Engineer.

1 MR. ALONSO: Is that the May 1st
2 report?

3 MR. LEMANOWICZ: Yes.

4 MS. ORLANDO: May 1st?

5 CHAIRMAN BLANE: We have May 1st.

6 MS. ORLANDO: We don't have May 1st.

7 CHAIRMAN BLANE: Let me ask you this,
8 in your May 1st report is everything in your
9 March 20th report included in your May 1st report?

10 MR. LEMANOWICZ: If there were items
11 from the early report that were addressed through
12 the resubmittal.

13 CHAIRMAN BLANE: Let's start with your
14 March 20th report because that is what the public
15 has.

16 MS. ORLANDO: Was the May 1st report
17 made available to the --

18 CHAIRMAN BLANE: Everything in the
19 secretary's office is available to the public.
20 Don't fret -- it's been that way all night. The
21 reason why I am saying you shouldn't fret is because
22 the answer from the engineer is that the difference
23 between the May report, his May report and the March
24 report is that some questions in the March report
25 may have been satisfied. So, that is the only

1 reason why they would not be included in the May
2 report. Do you follow me so far?

3 MS. ORLANDO: I do.

4 CHAIRMAN BLANE: In other words, Mr.
5 Engineer, there is nothing now in the May report; is
6 that correct?

7 MR. LEMANOWICZ: There are a couple
8 new items in the May report.

9 CHAIRMAN BLANE: I want to make sure.
10 What we are going to do is go through the March
11 report line by line and then go to the May report
12 only for those items that are new. Do you follow my
13 drift?

14 MR. LEMANOWICZ: Yes. I'll try to
15 pick out the ones that are --

16 CHAIRMAN BLANE: Let's start with the
17 March report because that's what the public has.

18 MR. LEMANOWICZ: Beginning on page
19 two of my March report under technical comments,
20 which is section III. The first item reflects
21 that -- first item discusses the fact that the
22 building encroaches onto the right of way owned by
23 the County of Hudson and that the applicant would
24 require some kind of permission from the county for
25 that to occur. That is not something that the board

1 can grant and that remains as a part of the county
2 approval. Given the historic use of Lot 10 as a gas
3 station, I pointed out that there should be some
4 investigation with respect to the contamination.
5 Last meeting we had a discussion --

6 MR. ALONSO: Excuse me, Mr. Chairman,
7 this report, both reports actually indicate that
8 there are issues that are engineering issues and
9 there are traffic issues. I would ask
10 Mr. Lemanowicz to limit his questions as to the
11 traffic only because Mr. Jenne still needs to be
12 examined by Mr. Lemanowicz, so he is going to have
13 to address those issues again.

14 CHAIRMAN BLANE: Okay, do we
15 understand what I have just agreed to, which is that
16 the zoning board engineer will ask the traffic
17 expert questions that relate to the traffic expert
18 and not to the engineer.

19 MR. LEMANOWICZ: I am going to try to
20 separate the traffic issues. There may be some
21 overlap between Mr. Jenne and Mr. Peregoy.

22 CHAIRMAN BLANE: The traffic expert
23 will tell you.

24 MR. LEMANOWICZ: Comment number four,
25 okay, which is number four in both reports discusses

1 the issue of the number of driveways on the site
2 where the ordinance requires -- allows two driveways
3 per 700-foot of frontage and the proposal is for
4 four driveways for 220 feet of frontage. Again,
5 that was discussed by the applicant. The issue with
6 the number and the relationship with the distance
7 between the driveways has to do with how many
8 activities are going on over a certain length of
9 road. For instance if a car is coming down the
10 street with a flasher on, a lot of driveways close
11 to each other, you don't know which one they are
12 going into. That is one of the issues with that.
13 That also relates to the number of parking spaces.
14 There was a lot of discussion about parking spaces
15 and how many are available before and after the
16 project. I took the applicant's plans and set up
17 23-foot long parking spaces, which is what is
18 required by the residential site improvement
19 standards. I came up with on 67th Street, that
20 there are currently two legal parking spaces on 67th
21 Street. Legal meaning outside of the 50 foot set
22 back that is required by ordinance off of Boulevard
23 East. Then I also went down to Kennedy Boulevard
24 and found that there was one space available on
25 Kennedy Boulevard -- on Boulevard East in that

1 island area in the gas station that we discussed,
2 and I also indicated, also found that there was one
3 parking space in front of the property to the south
4 and I will get back to why I went there. In the
5 proposed condition, there are no legal parking
6 spaces on 67th Street outside of the 50 foot
7 required set back from Kennedy Boulevard. On
8 Kennedy Boulevard I know of three legal spaces and
9 the reason is that the frontage of the lot to the
10 south right now has about room for about one and a
11 half cars. Obviously, you can't have half a car.
12 When the drop curb for the gas station is removed,
13 it gives a little extra space on that corner and you
14 actually pick up a car over there. So, the net
15 change is that in the existing condition I was
16 showing four spaces and in the proposed I am showing
17 three. That was using 20 foot long space per the
18 residential site improvement standards acknowledging
19 the 50 foot set back of the intersection.

20 CHAIRMAN BLANE: There will be no
21 questions. The public has already been heard. This
22 is the zoning board's expert.

23 MR. LEMANOWICZ: The only reason I am
24 going between, I want to make sure I give everybody
25 there right item number. In the March report number

1 five, which is the same as the May report, discusses
2 the 50 foot --

3 CHAIRMAN BLANE: Let me say this. If
4 you have a disagreement with the zoning board
5 engineer at this point, you hold that factual
6 statement, as we have already discussed, until after
7 the presentation and you make it part of the public
8 comments.

9 MR. FEDORKO: I am reading something
10 different than what he is saying.

11 CHAIRMAN BLANE: That is very
12 interesting. Please continue.

13 MR. LEMANOWICZ: Number five discusses
14 the -- requires access driveways to be 50 feet from
15 the intersecting street line and the applicant is
16 proposing 26. That issue comes into play with the
17 left turn in because if you are coming out of the
18 67th Street turning right, trying to find that space
19 in the Boulevard East traffic because there is no
20 signal there and you come out of there in a hurry to
21 try to blend at same time somebody is trying to make
22 a left across your path, you are looking to your
23 left to look at on-coming traffic. You are not
24 looking to your right to see if somebody is crossing
25 in front of you. I think that's a significant

1 issue, plus that driveway is not perpendicular to
2 the Boulevard which makes the maneuver a little more
3 difficult. It is clearly favoring southbound
4 traffic. So, that is an issue that because of the
5 driveway is on a county road, it's ultimately the
6 county's jurisdiction, however, for the public
7 safety of people coming out of 67th Street, which is
8 a municipal road, I think the board is within it's
9 right to at least offer an opinion on that.

10 Next comment in the March report it
11 discusses a no right turn sign. The applicant has
12 addressed that in the latest revision. Number seven
13 both reports discusses an R5-5 sign. In a status --
14 rather in the engineer's last testimony he indicated
15 that those signs would be identified in the legend,
16 so barring him not doing that, that issue has been
17 addressed. Number eight also discusses signs that
18 the applicant's engineer has committed to provide.
19 Number nine is again discussing the left in, left
20 out movements. We did say that there were going to
21 be left in, but I did not hear any discussion about
22 a left out of the Boulevard East driveway.

23 THE WITNESS: The left out works based
24 on my report. Again, that is the county's ultimate
25 decision.

1 MR. LEMANOWICZ: Again, the board
2 would note that that driveway is clearly not
3 encouraging left turns there because it is angled to
4 the right to allow people to blend into the
5 southbound traffic. So, that's a concern of mine.
6 That turn is not being made particularly easy.
7 Number ten, for the design waiver being requested to
8 allow less than a 24 foot driveway. Mr. Peregoy has
9 been discussing a 22 foot driveway. There was a
10 resident who came forth with my letter indicating
11 that the plans actually show a 19 foot 10 inch
12 driveway. In addition, the cover sheet of the plans
13 request a waiver for a 19 foot 4 inch driveway,
14 which I couldn't find on the plans, so I don't know.

15 THE WITNESS: It should be 19'10". I
16 think when we readjusted the parking spaces, those
17 parallel parking spaces, we gained six inches and it
18 just never made its way to the sheet.

19 MR. LEMANOWICZ: We need consistency
20 because when the plans are signed they need to be
21 consistent.

22 THE WITNESS: The minimum is 19 foot
23 10 inches only in those two additions --

24 CHAIRMAN BLANE: When the plans are
25 signed buy whom?

1 MR. LEMANOWICZ: If the board chooses
2 to approve the application and the plans are signed.
3 There are two spaces on the upper level, I think
4 it's level two and three in the parking.

5 THE WITNESS: Two parallel spaces?

6 MR. LEMANOWICZ: Correct, in that
7 cloud. Those parking spaces are at the location
8 where the 19 foot 10 inch driveway is. Those spaces
9 are also the most narrow spaces in the project at
10 seven and a half feet. In looking at some -- its
11 one what I believe was on your list of ten most
12 common vehicles, the Toyota Corolla is five feet
13 nine inches wide. When you take out for mirrors,
14 you are probably going to have a matter of three or
15 four inches on either side of the car to get that
16 car into that parking space, which means that
17 someone is going to have to consistently park with
18 that mirror inches off that concrete wall or they
19 are going to interfere with that aisle. I really
20 don't think that is enough space considering that is
21 already well below the standard.

22 THE WITNESS: If you take a look where
23 the mirror would be, there is extra space between
24 the wall. The only place where they would be near
25 the concrete wall is right at the, I guess, mouth of

1 the space. Realistically they will pull in.

2 MR. LEMANOWICZ: That is not the case
3 with the upper because if your mirror is at the
4 widest part of that space, you can't open the
5 driver's door to get out of the car.

6 THE WITNESS: If you're at the
7 entrance to the space, if you are parked head in --

8 MR. LEMANOWICZ: If you are parked
9 head in where you have got the extra space for the
10 mirror you can't open the driver's door.

11 THE WITNESS: You would need about two
12 feet to open the driver's door.

13 MR. LEMANOWICZ: You don't have it.
14 You have got a matter of about ten inches.

15 THE WITNESS: We will dimension them,
16 take a look.

17 MR. LEMANOWICZ: What complicates the
18 matter is that you are on a curve there which makes
19 it difficult to really set the car in the space
20 properly. I just don't think that you are going to
21 have --

22 CHAIRMAN BLANE: Can I just ask a
23 general question. Considering this is a luxury
24 building, why are we having this discussion? Why do
25 we have a parking space and we have to figure out

1 how we can adjust it so that the driver's door can
2 be opened?

3 THE WITNESS: I believe that the
4 driver's door can be opened. You need the vehicle
5 to be two feet off the --

6 CHAIRMAN BLANE: That certainly takes
7 care of my concern.

8 MR. LEMANOWICZ: I am going to
9 disagree that you can do that. If you have a seven
10 and a half foot space, you have a car that is 5.75
11 wide, that means you need two feet. You need 7.75
12 feet. You don't have that.

13 THE WITNESS: Let's say the car is
14 six feet wide and the space is seven and a half feet
15 wide. There is one and a half feet in space. You
16 only need six inches between the wall and the
17 stripe.

18 MR. LEMANOWICZ: You need six inches
19 to get out of the car?

20 THE WITNESS: You need about two feet
21 to get out of the car. Seven and half foot wide
22 space vehicles are going to park obviously as far
23 away from the wall in the space that they can park.

24 CHAIRMAN BLANE: Time out. We only
25 have 20 more minutes tonight. I think we can agree

1 to disagree. I mean the applicant's traffic
2 engineer say that yes, in fact the driver's door can
3 be opened.

4 THE WITNESS: Yes.

5 CHAIRMAN BLANE: And the zoning board
6 engineering says no, in fact the driver's door
7 cannot be opened. So, let's move onward and we will
8 just agree to disagree and the board will weigh and
9 consider and accept whatever testimony it wishes.

10 THE WITNESS: Fair enough.

11 MR. LEMANOWICZ: The next item on both
12 reports is number 11 indicates that the ordinance
13 requires 12 feet for a one-way driveway. RSIS
14 doesn't discuss a minimum for one way aisles with
15 no parking. And the applicant is proposing ten and
16 a half foot for a one-way driveway. So, that's a
17 design waiver, ten and a half foot as far as a
18 residential driveway. The issue with the driveway
19 width is not so much two cars getting by, that is
20 important. The driveway width is more typically
21 locked to the parking space and can you back out of
22 it and maneuver it and so on. So, in this case that
23 is simply a waiver. Number 12 in both reports
24 discusses the two parking aisles on level one ending
25 in a dead end. Which is the one that we are looking

1 at.

2 THE WITNESS: Nobody has to have the
3 last --

4 MR. LEMANOWICZ: Discussing with the
5 substandard aisle width, the ability of those cars
6 to get out, that is not level two. I am on level
7 one, correct. So, as far as those cars to get out
8 of those end spaces to make a K turn in that aisle,
9 is not going to be very easy, if at all possible. I
10 think it's going to be a very tight space for people
11 to maneuver around in that garage space.

12 THE WITNESS: It is possible to make
13 the K turn out of any of these spaces. If
14 necessary, what realistically is going to happen,
15 they are going to use a vacant parking space to turn
16 around. The only way that you would have to make
17 that K turn is every one of those spaces happens to
18 be occupied. It is possible to do, but
19 realistically as a driver you are never going to use
20 that space to turn.

21 MR. LEMANOWICZ: In the past in this
22 situation the board has requested that one of the
23 spaces be X's out as a maneuvering space and not be
24 used for parking. Item 13 --

25 MS. ORLANDO: Excuse me, are you done

1 with 12 because you have an issue on level two.

2 MR. LEMANOWICZ: I'm sorry, second
3 half of that question. Typical situation exists on
4 parking two, on level two for the spaces near the
5 pipe storage.

6 THE WITNESS: It's the same type of
7 configuration where you pull head in at the end of
8 the aisle. If you have to make a K turn you use one
9 of the vacant spaces available and turn around.

10 MR. LEMANOWICZ: And again that is
11 where the space -- where the aisle is 19'10".

12 THE WITNESS: The aisle is only 19'10"
13 in the vicinity of the lobby. It's wider --

14 MR. LEMANOWICZ: For the first 30 feet
15 of that next to those spaces, with respect to those
16 spaces and I didn't make this a note on my other
17 plan. Those spaces are 15 feet long. Do you have
18 the cloud there? Again, a Toyota Corolla is 15 feet
19 long. In order for two Corollas to fit there they
20 would have to be touching otherwise because of the
21 curve the one, the upper one would be protruding
22 into that aisle and making it narrower.

23 THE WITNESS: These could be set aside
24 for compact cars.

25 MR. LEMANOWICZ: The Corolla is, I

1 believe, the second smallest Toyota that they make.
2 Thirteen, access to the two compact car spaces,
3 level three. I think those are the same ones that
4 we talked about. That is level two. Correct?

5 THE WITNESS: This is level three.

6 MR. LEMANOWICZ: Those are the ones
7 that I was talking about. Fourteen, these are the
8 same in both reports. On the lowest parking level
9 there are two spaces in the northwest corner of the
10 building outside of the doors right to the left of
11 that clouded area. Because of the way the walls are
12 configured and the person coming into that entrance
13 will not see somebody backing out of that space nor
14 will someone backing out of that space see anybody
15 coming into to that driveway and I think someone is
16 going to get hit there.

17 THE WITNESS: I think that's a good
18 observation. My suggestion would be putting a
19 concave mirror so you can see better.

20 MR. LEMANOWICZ: I can't imagine that
21 working because you are not -- first of all, someone
22 coming off of Kennedy Boulevard for them to come to
23 a stop when they see somebody, there is going to be
24 no stopping on Kennedy Boulevard.

25 THE WITNESS: I think the mirror would

1 be so a person leaving this space would be able
2 to -- and more than likely this space is going to be
3 backed into and pull out just because of its
4 location, the typical turn to pull head in.

5 MR. LEMANOWICZ: Just for one more
6 thing, if someone is coming down Kennedy Boulevard
7 with the angled driveway they are going to be coming
8 in at a pretty good clip. I don't see -- if you
9 have to reverse out of that the car mirror line up
10 with the convex mirror to see the guy coming down
11 the road isn't going to happen. If he does have the
12 presence of mind to back in then they will see cars
13 coming, but I think it would be very difficult
14 unless someone uses their flashers, which is not
15 terribly common anymore to know that someone is
16 coming in. Item 15 is on both and it recommends
17 that the car parking spaces be assigned, which I
18 believe was already testified to, so that eliminates
19 people searching for empty spaces. Item 16 is just
20 a statement saying that the ordinance requires 132
21 parking spaces for the applicant. RSIS requires 107
22 and the plan provides 107. Number 17 discusses the
23 various parking space sizes and allowances for
24 smaller spaces. The smallest I think the parking
25 spaces are supposed to be nine and a half by 20, but

1 the compact cars are seven and a half by 15. The
2 RSIS requires 9 by 18, but makes no accommodation
3 for compact cars. Now, the RSIS does allow de
4 minimus exceptions. The seven and a half by 17 foot
5 parking space there is 30 percent smaller than the
6 required space by RSIS and I guess the board has to
7 decide if 30 percent is de minimus. American
8 Disability Act this has been brought up already
9 about the number of parking spaces, the applicant
10 has indicated that he is going to provide the
11 missing spaces, which we will have to see on the
12 revised plan. The one thing that was not in the
13 letter, and I don't know if this is for Mr. Peregoy
14 or Mr. Jenne because on the second floor there is a
15 handicapped parking space you will see the two
16 handicapped parking spaces above the cloud. They
17 are basically in the middle. The handicapped people
18 are required to move down sheet and then to the
19 right and then up sheet to get to the elevator lobby
20 right there to get to the elevator. The problem is
21 the plans label that driveway as being six percent.
22 Anything over five percent is considered a
23 handicapped ramp. It needs handrails on both sides.
24 So, you have got a 19 foot 10 inch driveway, but
25 when you put that handrail in to require your 30, I

1 think it's 30 inch minimum width handicapped ramp,
2 you just lost two and a half more feet off that 19
3 foot ramp. So, there are some issues there as far
4 as those handicapped spaces provide an accessible
5 route to the elevator.

6 THE WITNESS: Yeah, that is something
7 we will take a look at.

8 MR. LEMANOWICZ: Comment number 19
9 remains. This is an issue of a coordination issue
10 between the engineering plans and the architectural
11 plans that the elevation or the thresholds where the
12 garage doors meet the 67th Street sidewalk miss each
13 other. One misses by two feet. In other words, the
14 architect's plan shows the driveway at I believe 106
15 and the engineer's plan shows the sidewalk as two
16 feet lower at grade. So, the driveway that ramp is
17 already up at 15 percent. If you correct it by
18 making the ramp steeper, your ramp hits 20 percent
19 which is in the case of the cars, I am right to put
20 this in relationship when you are coming down that
21 ramp in your Camry your rear tire is two feet
22 higher, so if you are going to come off a driveway
23 with six inch curbs, when your car hits the bottom
24 of that driveway, picture instead of six inches you
25 would be almost 24 inches. That is how steep that

1 is and it dumps right to a sidewalk through a
2 doorway with very little warning if anything is
3 happening coming down that ramp. Granted you were
4 talking about lights and such, but the issue is, I
5 am very concerned how we are going to get all those
6 grades to work.

7 CHAIRMAN BLANE: What number was that?

8 MR. LEMANOWICZ: That was number 19.

9 CHAIRMAN BLANE: What is the response
10 to it?

11 THE WITNESS: From a traffic
12 perspective I agree that needs to be addressed.

13 MR. LEMANOWICZ: It's a bit of a
14 traffic control issue with the slope.

15 THE WITNESS: I agree completely. We
16 will make that work.

17 MR. LEMANOWICZ: Twenty is not a
18 traffic issue and actually 20 was addressed.

19 CHAIRMAN BLANE: Are you still on the
20 March report?

21 MR. LEMANOWICZ: Yes, I am just
22 turning pages. Twenty-one that is for the
23 architect. The rest of the comments have to do
24 with -- they have nothing to do with traffic.

25 CHAIRMAN BLANE: How about the May

1 report. You said there may be some additional --

2 MR. LEMANOWICZ: The May report the
3 only additional issue were with the environmental,
4 that I got the environmental report for the new
5 comments on that.

6 CHAIRMAN BLANE: So, you have gone
7 through all of the traffic issues that were in the
8 March report that the public has and the only
9 additional issues in the May report relate to
10 environmental.

11 MR. LEMANOWICZ: Correct. There was
12 one discussion that came up during testimony and
13 that is the 50 foot set back from the intersection.
14 We talked about snow control. Snow control is
15 typical. You pile it on the side of the road. At
16 intersections snow control becomes particularly
17 difficult because you don't have as much side of the
18 road anymore. You have intersection and it's
19 possible, I have not done the research, it is
20 possible that the reason the town has elected a 50
21 foot set back for parking at an intersection is a
22 place to put the snow from the intersection.
23 Typically that is where the towns have the most
24 difficulty because you have this expansive asphalt.
25 When you get a snow fall you have to put it

1 somewhere. It doesn't fit on the side of the road
2 because there is not a side of the road. There is a
3 road there. So, I offer that as a potential reason
4 for the 50 foot set back from the intersection and
5 lastly the comment on the parking on 67th Street in
6 the proposed condition. The only car that fits --
7 actually no car fits legally on 67th, but I really
8 would like some clarification on how we are going to
9 regulate or propose to regulate if the town grants
10 you the loading space on 67th Street, how the timing
11 is going to work with that. When a car can use it
12 versus when a truck can use it. And that's a
13 classification.

14 THE WITNESS: What time frame?

15 MR. LEMANOWICZ: Is there going to be
16 a time?

17 THE WITNESS: Yeah, it would be
18 loading zone no parking from, specific times we
19 have --

20 CHAIRMAN BLANE: We did this before
21 with Family Dollar. You have a certain period
22 Family Dollar on Park, we did ten to four for
23 loading and the public could park there after four
24 and before ten, which means that people coming home
25 would have a space and they wouldn't have to wake up

1 at six a.m. in the morning to move their car. That
2 is the way we did that and, hopefully, we can do the
3 same thing.

4 MR. LEMANOWICZ: I was just making a
5 point that that should be entered into.

6 CHAIRMAN BLANE: Absolutely. It will
7 be required assuming there is an approval.

8 MR. LEMANOWICZ: As far as the traffic
9 comments that is all that I have right now,
10 Mr. Chairman.

11 MR. FEDORKO: With all due respect,
12 may I judge ask for a repetition of one item which I
13 might not have heard correctly?

14 CHAIRMAN BLANE: No, you can't. Step
15 forward. Item number four. Is this the March
16 report?

17 MR. FEDORKO: Yes, the March report
18 having to do with currently there appear to be
19 five free parking spaces. I am not sure if I was
20 clear on the way --

21 CHAIRMAN BLANE: This is where there
22 was a whole explanation of 67th Street and Boulevard
23 East as to how many spaces and then I remember that.

24 MR. FEDORKO: I thought I heard you
25 say we are going to lose three spaces. I'm not sure

1 I understand that. There are five street parking
2 spaces along 67th Street. The proposed multiple
3 driveways on 67th and the requested parking space
4 will eliminate all street parking. That is five.
5 Unless I am misunderstanding something.

6 MR. LEMANOWICZ: When I wrote the
7 report I was trying to find a way to do that and the
8 report says the proposed multiple driveways on 67th
9 Street and the requested loading space would
10 eliminate all street parking on the 67th Street
11 frontage, that is correct.

12 MR. FEDORKO: The number I have here
13 is five spaces, the one on my report.

14 MR. LEMANOWICZ: Existing I had three
15 spaces on 67th.

16 MR. ALONSO: Can I clear it up? I
17 think I know where the confusion is.

18 MR. LEMANOWICZ: I am looking at the
19 report --

20 MR. ALONSO: Mr. Chairman, the part
21 that he is reading says there appear to be five
22 spaces. What Mr. Lemanowicz is saying out of 23
23 spaces this are only three spaces.

24 MR. LEMANOWICZ: When I first looked
25 at it it looked like there were going to be five

1 there. When I started measuring out --

2 CHAIRMAN BLANE: Thank you, we have an
3 acknowledgment of the word appear.

4 MR. LEMANOWICZ: It was a bit of a hit
5 for the applicant to prepare that since.

6 MR. FEDORKO: Thank you for clarifying
7 that for me.

8 CHAIRMAN BLANE: That being the case,
9 I will now close the testimony of the traffic
10 expert. I certainly want to thank the zoning board
11 engineer for his very thorough and comprehensive
12 report and response to the traffic engineering
13 testimony. I think at this point the only thing
14 that is left is to open it up to the public in
15 general, so as they always do they come forward and
16 heed praise upon the performance of the board.
17 Again tumultuous applause.

18 That being the case, why don't we do
19 housekeeping before we adjourn and find out about
20 the next hearing date for this application. Yes,
21 Mr. Alonso?

22 MR. ALONSO: Mr. Chairman, at the last
23 meeting I requested some dates with respect to the
24 possibility of a special hearing. Unfortunately,
25 the three dates that were provided by the board

1 secretary we are not available in terms of the
2 witnesses nor myself, so unfortunately, we have to
3 go to the next regular meeting.

4 CHAIRMAN BLANE: Okay, then this
5 matter will be carried to the July 26th our regular
6 meeting, same time, same place. We have, in fact,
7 adjourned some other matters which will be heard on
8 that day, so why don't we start this at -- why don't
9 we ask everybody to come at 7:30 again. We will see
10 how much we can get done between 6:30 and 7:30. I
11 think we have adjourned three. Hopefully, only
12 three because I am including the sign one, which
13 will be real quick. There are two others that I
14 think we also adjourned that we are going to try to
15 get done prior to starting this. Why don't we ask
16 everybody who is interested in the Merida Boulevard
17 East project to come on July 26th at 7:30.

18 MS. ORLANDO: I wanted to ask a
19 question. At a prior session I raised an issue of
20 concern that I had, whether or not there was a
21 potential conflict on one of the expert's who
22 testified and the town attorney was going to opine
23 and I do not know the result of that. I just wanted
24 to follow up.

25 CHAIRMAN BLANE: This is the junior

1 partner of the senior partner that was going to
2 opine. He will opine -- actually, we will opine at
3 the July 26th meeting. That being the case I will
4 entertain a motion to adjourn? Is there a second?
5 All in favor aye?

6 (Whereupon the hearing was concluded
7 at 10:30 in the evening.)

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C E R T I F I C A T E

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

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

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



Eileen Theresa Corlett

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