

TOWN OF WEST NEW YORK  
ZONING BOARD OF ADJUSTMENT  
THURSDAY, MAY 31, 2012  
COMMENCING AT 6:35 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
- RAMON MOREJON, MEMBER
- JESUS ALVARADO, MEMBER

- - - - -

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## A L S O P R E S E N T:

MARIA VARELA, RECORDING SECRETARY

JOSEPH LAYTON, CITY PLANNER

THOMAS R. LEMANOWICZ, CITY ENGINEER

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1                   CHAIRMAN BLANE: Good evening  
2           everybody. Let me ask our secretary whether, in  
3           fact, the notice for this special meeting, May 31,  
4           2012 was, in fact, published in the newspaper?

5                   MS. VARELA: Yes, it was.

6                   CHAIRMAN BLANE: What newspaper?

7                   MS. VARELA: Jersey Journal.

8                   CHAIRMAN BLANE: Do you know about  
9           when?

10                  MS. VARELA: Two, three weeks ago.

11                  CHAIRMAN BLANE: Was, in fact, the  
12           notice of this meeting posted in the appropriate  
13           places in town hall?

14                  MS. VARELA: Yes.

15                  CHAIRMAN BLANE: That being the case,  
16           I confirm that this meeting has, in fact, met the  
17           requirements of the Open Public Meetings Act and I  
18           ask for a roll recall, please.

19                  MS. VARELA: Kenneth Blane?

20                  CHAIRMAN BLANE: Here.

21                  MS. VARELA: Armando Alvarez?

22                  MR. ALVAREZ: Aye.

23                  MS. VARELA: Michael D'Amico?

24                  MR. D'AMICO: Here.

25                  MS. VARELA: Nelly Vasquez?

1 MS. VASQUEZ: Present.

2 MS. VARELA: David Rivera?

3 (No response.)

4 MS. VARELA: Jason Gonzalez?

5 (No response.)

6 MS. VARELA: Ramon Morejon?

7 MR. MOREJON: Here.

8 MS. VARELA: Jesus Alvarado?

9 MR. ALVARADO: Here.

10 CHAIRMAN BLANE: The only thing on the  
11 agenda tonight is, in fact, Merida Le Boulevard  
12 property at 6609-15 Boulevard East. However, before  
13 we start that, we do have a new member, Mr. Jesus  
14 Alvarado.

15 Mr. Alvarado, let me ask you  
16 something, where do you live.

17 MR. ALVARADO: 6100 Adams Street, West  
18 New York.

19 CHAIRMAN BLANE: So, you are not  
20 within 200 feet of the gas station across from the  
21 Versailles on Boulevard East, you are not?

22 MR. ALVARADO: No.

23 CHAIRMAN BLANE: That is the question  
24 we ask everyone. That being the case, we will  
25 continue with the hearing on Merida Le Boulevard

1 application and Mr. Alonso is here I see.

2 Mr. Alonso please continue.

3 MR. ALONSO: Good evening, chairman,  
4 members of the board. If you can't hear me. Just  
5 let me and I'll try to speak up.

6 MULTIPLE AUDIENCE MEMBERS: We can't  
7 hear you.

8 CHAIRMAN BLANE: Were you responding  
9 to him just now? In other words, did everybody hear  
10 him say if you couldn't hear me, tell me you can't  
11 hear me and then everybody said I can't hear you; is  
12 that what happened?

13 MR. ALONSO: Mr. Chairman, this is a  
14 continuation of the application. At the last  
15 meeting we concluded the testimony of Carl Jenne our  
16 engineer and the public had an opportunity to  
17 question him. At that point the public portion of  
18 the hearing was closed. We left it off where the  
19 board was going to resume today with the examination  
20 of Mr. Jenne. Mr. Jenne has indicated that he is in  
21 traffic. He will be here later, although, I know he  
22 did issue a submission or response to  
23 Mr. Lemanowicz's letter today, so he may or may not  
24 actually testify tonight depending on whether or not  
25 Mr. Lemanowicz is ready to ask any questions.



1 witness is going to be Joseph Novelli.

2 J O S E P H N O V E L L I ,

3 First having been duly sworn by the Notary,

4 testified as follows:

5 EXAMINATION BY MR. ALONSO:

6 Q Mr. Novelli, can you review your  
7 qualifications as an environmental engineer?

8 A Yes. I have a Bachelor of Science  
9 Degree and a Master of Science Degree in Civil  
10 Engineering and Environmental Engineering from  
11 Rutgers University. I'm a Licensed Professional  
12 Engineer in the State of New Jersey since 1996. I'm  
13 a licensed site remediation professional since 2009  
14 and I have worked in the environmental industry  
15 mostly in New Jersey since 1992.

16 Q A licensed site remediation  
17 professional is what we call an LSRP and can you  
18 explain to the board what that means and what you  
19 have to do to be qualified?

20 A To be qualified as a license site  
21 remediation professional you need at least ten years  
22 of supervisory experience, a number of hours of  
23 experience, as well as specific projects with  
24 specific types, with specific contamination degrees  
25 from an accredited university and there may be some



1 other requirements, but those are the basic ones.  
2 An LSRP basically now takes the role of NJDEP case  
3 manager where I will certify that the work, the  
4 environmental work is being done in accordance with  
5 the regulations and guidance documents, so I will  
6 certify the reports at the end and eventually the  
7 DEP will also do a cursory review of my report and  
8 they do have the authority to overturn anything that  
9 they deem not to be protective of the public.

10 MR. ALONSO: Mr. Chairman, at this  
11 time I would move Mr. Novelli as an expert.

12 CHAIRMAN BLANE: Does any of the board  
13 members have any questions regarding this  
14 environmental site remediation professional expert?  
15 Not seeing anything, we will certify you as an  
16 expert at this time.

17 Q Mr. Novelli, in your experience is an  
18 environmental site remediation professional normally  
19 within the jurisdiction of a zoning board or within  
20 the jurisdiction of the DEP?

21 A It is normally within the jurisdiction  
22 of the DEP.

23 Q Normally what will happen if there is  
24 an approval, there will be a condition that you  
25 would have to obtain any clearances from the DEP

1 with respect to remediation; is that correct?

2 A That's correct.

3 Q You are really here to testify for  
4 information only so you can tell the board and the  
5 public the status of the condition of the property?

6 A That is correct.

7 Q If you first explain to the board what  
8 was it that you were retained to do?

9 A I was retained to investigate and  
10 remediate the entire property, both lots which  
11 involves review of the environmental -- the entirety  
12 of the environmental operation history from the time  
13 the lots were developed, which goes back into the  
14 1930's with the gas station and into the 1950's for  
15 the residents all the way through today. That  
16 evaluation included looking at historical maps,  
17 aerial photographs, files and I reviewed the records  
18 of the town, the county and the state and to  
19 determine whether there were areas that needed  
20 further investigation. So, that was step one and  
21 that is called a preliminary assessment. So, the  
22 preliminary assessment identifies a number of  
23 areas that you may want to investigate further by  
24 collecting soil samples, that would be step two.  
25 Step one determines that the house may have had lead

1 in the soil due to the presence of painted exterior  
2 surfaces during the period where there was lead  
3 paint in use in New Jersey. The gas station in step  
4 one has 21 areas of concern, including underground  
5 storage tanks, not only the current ones, but the  
6 previous ones, things like floor drains, hydraulic  
7 lifts, all of the things that may have potential for  
8 contaminating the subsurface. Of those 21 areas, I  
9 determined that 13 required further look with  
10 sampling. So, both lots have proceeded through step  
11 one, the preliminary assessment and the DEP has  
12 looked at both of those reports and has approved  
13 both of those reports. Step two called the site  
14 investigation phase where you are, for the first  
15 time collecting samples at a property, was conducted  
16 in full at the residence and in part at the gas  
17 station. At the residence, I mentioned that there  
18 was potential for lead in the soil around the  
19 perimeter of the building and indeed we found lead  
20 in soil above the residential standards. That  
21 report was completed and sent to the DEP. I know  
22 they are in the process of reviewing that, so the  
23 extent of the contamination is not known. That  
24 would be step three which is recalled a remedial  
25 investigation. How far on the property, how deep,

1        what is the extent horizontally and vertically of  
2        the contamination. That has yet to be determined.  
3        Once that is determined then a clean up strategy  
4        could be developed and that would be step four. So,  
5        it's basically a four step process. So, the house  
6        has completed two steps. It's not found to be  
7        contaminated with lead in the soil. The gas  
8        station, as I mentioned, has 13 areas of concern to  
9        be investigated. The existing underground storage  
10       tanks have not yet been investigated. That will be  
11       completed when the tanks come out of the ground. We  
12       have investigated the previous, the area of the  
13       previous underground storage tanks, the floor drains  
14       inside the repair garage and the hydraulic lifts.  
15       There were also two monitoring wells that have  
16       existed at the site since 1994 when gasoline was  
17       first detected in the subsurface by others. The  
18       findings of my work have been that one of the  
19       hydraulic lifts has a leak where we are above the  
20       residential standard and it will need to be  
21       excavated and taken away, disposed of off-site. The  
22       floor drain, the other hydraulic lift and the old  
23       gasoline tanks and there was a waste oil tank, the  
24       former tanks are all -- soil samples are all below  
25       the residential standards. Both wells were tested.

1 We found in the shallow well some moderate  
2 concentrations of mostly gasoline constituents.  
3 There is also another chemical related to parts  
4 washing and then there is a deeper well and that  
5 found the same constituents, but at much lower  
6 levels. So, we do not have the full horizontal and  
7 vertical steps of the soil contamination or the  
8 ground water contamination, but again, as I said for  
9 the house that is conducted in step three.

10 Q Now, with respect to the ground water,  
11 is there any contamination in the ground water?

12 A There are mostly gasoline constituents  
13 in the ground water. There are moderate  
14 concentrations. I would characterize them in the  
15 shallow ground water and in the deeper ground water  
16 they are at low concentrations.

17 Q You also testified that there are  
18 monitoring wells, two of them that were installed  
19 back in 1994?

20 A That's correct.

21 Q In order to install a monitoring well,  
22 you have to open up a case number down at the DEP;  
23 is that correct?

24 A Not necessarily correct, but in this  
25 case that is what happened.

1           Q           Was that case ever closed and the site  
2           was ever remediated with respect to those two  
3           monitoring wells?

4           A           No, the case was not closed. The  
5           property owner made some efforts to get some funds  
6           from the major petroleum companies, major oil  
7           companies and he was unsuccessful. It is very  
8           difficult to do that. They have lawyers just  
9           sitting around fighting off these kinds of claims.  
10          So, he spent some time and effort trying to get the  
11          major oil companies to do the clean up, but he was  
12          unsuccessful, so, really not very much has happened  
13          since 1994.

14          Q           So, given the extent of the  
15          contamination and the duration dating back to 1994,  
16          have you been able to form an opinion as to the cost  
17          associated with the remediation of the lot?

18          A           Not specifically at this point.  
19          Usually, the cost of the clean up isn't really very  
20          well defined until you know the extent of the  
21          contamination, and as I said earlier, the extent  
22          isn't defined until step three, the remedial  
23          investigation phase, so, but typically a gas station  
24          site in New Jersey can have a clean up cost ranging  
25          from a low of about \$50,000 to a high of about

1           \$500,000, that's a typical range.

2           Q           And if you were in the mid to higher  
3           range, would it become cost prohibitive for example  
4           to develop this site for two-family homes?

5           A           Absolutely. You know when you start  
6           getting to the higher than average costs, you  
7           typically see in the State of New Jersey this site  
8           redevelopment would not be with a single family  
9           residence or a few small residences, it would have  
10          to be something of a larger scale to be able to  
11          absorb the cost of the clean up.

12          Q           And assuming that this application  
13          were to be approved and that you would continue with  
14          the site remediation until you get the ultimate DEP  
15          clean up; is that correct?

16          A           That's correct.

17          Q           And would the DEP permit the  
18          construction of a residential building if the site  
19          was contaminated?

20                      FEMALE AUDIENCE MEMBER: Can't hear.

21                      CHAIRMAN BLANE: Would the DEP permit  
22          the construction of this project if the site were  
23          contaminated?

24          A           Absolutely. I have worked on a number  
25          of sites where contamination remains in the

1 subsurface in both soil and ground water and the  
2 properties have been developed for residential use.  
3 The DEP and now the LSRP would have to incorporate  
4 the adequate protections for people to prevent  
5 people from getting exposed to those contaminants.

6 MR. ALONSO: I have no further  
7 questions.

8 CHAIRMAN BLANE: Would any member of  
9 the public like to step forward and ask a  
10 question -- would any member of the public like to  
11 step forward and ask a question of the environmental  
12 site remediation professional? Yes, sir?

13 MR. WINTERNHEIMER: Dana  
14 Winternheimer, 6701 Boulevard East, Halifax Hall.  
15 One of last things you said is that it's possible to  
16 develop a site without the remediation which at the  
17 high end can cost \$500,000. Correct?

18 THE WITNESS: It is possible to  
19 remediate the site for less than \$500,000.

20 MR. WINTERNHEIMER: You also said that  
21 there was --

22 CHAIRMAN BLANE: Excuse me, that  
23 wasn't the question. As I understand the question  
24 is what you said was that it is possible to develop  
25 the site without doing the remediation, which may be



1 at the high end of \$500,000?

2 THE WITNESS: Yes.

3 CHAIRMAN BLANE: That is what you  
4 said?

5 THE WITNESS: Yes, and that is  
6 correct.

7 MR. WINTERNHEIMER: By incorporating  
8 protection into the site to prevent exposure the  
9 site can be develop without remediating at that high  
10 cost, which in your experience, is it possible to  
11 build a smaller development on that site by  
12 incorporating less expensive protections instead of  
13 the most costly possible remediation?

14 THE WITNESS: As far as the scale of  
15 the site, the development, it could be any scale.  
16 The clean up, provided it has the adequate  
17 protection, can be developed for a project of any  
18 scale.

19 MR. WINTERNHEIMER: So, in other words  
20 the potential cost of remediation is not a deterrent  
21 factor in the size of the development on a given  
22 site?

23 THE WITNESS: From a development  
24 standpoint it may be, but I am not really qualified  
25 to answer that question.

1 MR. WINTERNHEIMER: Okay, thank you.

2 CHAIRMAN BLANE: Let me ask you a  
3 question, no matter what the cost of remediation is,  
4 is it your understanding that the developers  
5 committed to effectuate that remediation if, in  
6 fact, this project is approved?

7 THE WITNESS: I do not have that  
8 understanding. I just know that the New Jersey  
9 regulations require it.

10 CHAIRMAN BLANE: You did not testify  
11 that you would do it. I understand. I asked you a  
12 question whether you did and you tell me that you  
13 don't know?

14 THE WITNESS: Correct.

15 CHAIRMAN BLANE: That is fine. Yes,  
16 ma'am.

17 MS. PALERMO: Joan Palermo, 6600  
18 Boulevard East. You mentioned that the cost of the  
19 remediation are -- the cost of remediation would be  
20 cost prohibitive for a small maybe two story  
21 project, that is what you said. Correct?

22 THE WITNESS: That is what I have seen  
23 in the State of New Jersey, correct.

24 MS. PALERMO: Are you the one who  
25 determines the cost of the remediation?

1 THE WITNESS: No. She asked do I  
2 determine the cost of remediation. No, I do not  
3 determine the cost of remediation. I am really  
4 completely separated from that. My obligation under  
5 my license is to ensure the public health and  
6 safety, that the clean up is done in a manor that  
7 protects the public health and safety.

8 MS. PALERMO: To your knowledge, did  
9 the developer make any attempt to determine the  
10 possible cost of remediation prior to purchasing  
11 this project and planning to build this big building  
12 so out of sink with the zoning laws?

13 THE WITNESS: She asked, to my  
14 knowledge did the developer make an attempt to  
15 estimate the cost of remediation and I believe that  
16 he may have, I don't recall specifically, but  
17 usually they do try to make an assessment and it is  
18 very difficult in the early stages to know what the  
19 clean up cost is when you don't have the problem  
20 fully defined, which I described would occur during  
21 step three, so there may have been some initial  
22 attempts, but that is why I gave a very wide range  
23 when I gave my testimony earlier.

24 MS. PALERMO: So, the developer would  
25 have an opportunity to know the cost and decide not

1 to purchase the property if it were not cost  
2 effective?

3 THE WITNESS: She asked if the  
4 developer would know the cost and the answer is  
5 usually it's a range of costs and it's an estimate  
6 based upon a lot of assumptions and every developer  
7 would have different requirements. So, he may have  
8 looked at information and decided to go forward with  
9 a project based on what he was looking at at the  
10 time.

11 MS. PALERMO: So, he was fully  
12 informed when he purchased the property that this  
13 could not be cost effective for a building that is  
14 within the zoning requirements?

15 THE WITNESS: She asked if he was  
16 fully informed as to whether or not it would be cost  
17 effective and that I do not know.

18 MS. PALERMO: But based on what you  
19 said, that he would have the opportunity to know.

20 CHAIRMAN BLANE: No, ma'am, that is  
21 not what he said.

22 MS. PALERMO: He said he believes that  
23 the developer did make inquiries.

24 CHAIRMAN BLANE: Inquiries to the type  
25 of testing. This expert is talking about, I am not

1       done, it has not been concluded, is different than  
2       having the type of finite cost structure that  
3       permits you to gage whether or not you want to go  
4       ahead with a project or not. Those are two  
5       different things.

6                   MS. PALERMO: Okay, thank you.

7                   MR. FEDORKO: Gabriel Fedorko, 6600  
8       Boulevard East. I understand you have this  
9       designation and are you a civil engineer P.E.?

10                  THE WITNESS: Yes. I obtained the  
11       professional engineer's license through my  
12       experience as a civil engineer and my education.

13                  MR. FEDORKO: Can you explain, I guess  
14       as simply as possible, what this protection  
15       alternative would be?

16                  THE WITNESS: Yes. He asked what the  
17       protection alternative would be should contamination  
18       be left in the ground for future development and  
19       typically to protect the public from soil  
20       contamination you would basically cap the site with  
21       either asphalt or concrete and the DEP has  
22       specifications on the thickness of that and it would  
23       require periodic monitoring to make sure that you  
24       don't have contaminated soil coming up through any  
25       breaches of that cap. Do you understand that, for

1 soil. It's a physical barrier preventing you from  
2 touching the soil.

3 MR. FEDORKO: So, we have to dig  
4 footings and foundations, do you protect around the  
5 footings and foundations?

6 THE WITNESS: It would essentially not  
7 be part of the foundation. It would be the slab.  
8 It would be what you were looking at as you are  
9 walking there, yes.

10 MR. FEDORKO: So, there is no  
11 protection if they were to go in and pour a  
12 foundation and footings, they won't have the  
13 remediation done before that is attempted; is that  
14 right?

15 CHAIRMAN BLANE: I don't know how this  
16 works. I think they have to get signed off from DEP  
17 before they start construction whether -- he can  
18 tell me if I am wrong, whether that sign off is  
19 actual remediation or it's alternative remediation,  
20 whichever it is both DEP has standards and they may  
21 not be as stringent as you or I would like, but they  
22 are the DEP standard, that is all that has to be met  
23 under the law and, hopefully, they are protective,  
24 but I think they have to get a sign off by DEP prior  
25 to beginning construction; is that correct?

1                   THE WITNESS: Not entirely correct,  
2                   however, to better answer his question the  
3                   foundation elements would exceed the requirements of  
4                   the slab of the pavement or of the slab, the  
5                   concrete slab that you are looking at, so a  
6                   foundation element would typically exceed the  
7                   requirement. So, the answer to your question is,  
8                   yes.

9                   MR. FEDORKO: I was just thinking  
10                  about the fill material adjacent to the foundation  
11                  is going to be contaminated and if it's not  
12                  remediated or protected I am wondering how that  
13                  sits?

14                 CHAIRMAN BLANE: What I don't  
15                 understand is how can you being construction without  
16                 a sign off by the DEP?

17                 THE WITNESS: I will be overseeing it  
18                 as it goes along. I will understand the way that it  
19                 is being developed and I will look at the design --

20                 CHAIRMAN BLANE: But you are an agent  
21                 of DEP?

22                 THE WITNESS: Correct.

23                 CHAIRMAN BLANE: You overseeing is the  
24                 same thing as having some type of DEP sign off?

25                 THE WITNESS: Yes. Typically what

1 will happens is we are talking about soil here for  
2 the construction of the foundation. I can design  
3 the engineering controls, which is what these are,  
4 the foundation, the slab, at any time, I can do it  
5 right now and insure that it is protective.

6 CHAIRMAN BLANE: Whenever you have a  
7 site where remediation or alternative remediation is  
8 necessary, you have to have either the DEP or an  
9 agent of the DEP signing off supervising before  
10 construction starts because otherwise it seems to me  
11 our society doesn't work. I don't know how it is  
12 going to work.

13 THE WITNESS: No, that is not exactly  
14 what happens.

15 CHAIRMAN BLANE: Wait a minute, it's  
16 not that big of a deal because I think I am right.

17 THE WITNESS: What has to happen is a  
18 certain amount of funding must be set aside to  
19 ensure that the solution will be protective of the  
20 public so --

21 CHAIRMAN BLANE: That's a sign off to  
22 me. The solution has been signed off.

23 THE WITNESS: Let me give you a site  
24 specific example. Let me give you a site specific  
25 example, if I may. They are going to let's say they



1 are going to pour the footing down to the top of  
2 bedrock which is seven feet lower than grade on  
3 parts of the site, there will be no soil left so  
4 they can do it.

5 MR. FEDORKO: Except on each side.

6 CHAIRMAN BLANE: Okay. Do you have  
7 another question?

8 MR. FEDORKO: Do you have a range of  
9 costs this alternative remediation might be in what  
10 range dollar wise?

11 THE WITNESS: No. It is no different  
12 than the range of cost that I specified earlier.

13 MR. FEDORKO: Oh, 50,000 to 500,000.  
14 I asked for the cost of the alternative remediation.

15 THE WITNESS: The cost of the  
16 remediation, whether the alternative or whether the  
17 full remediation depends on the type and location of  
18 contaminants.

19 CHAIRMAN BLANE: Thank you.

20 MR. FEDORKO: Thank you, very much.

21 MS. PUERTO: Rose Puerto. When you  
22 mentioned chemicals, you mentioned chemicals were in  
23 the soil, what kind of chemicals are you speaking  
24 of?

25 CHAIRMAN BLANE: What kind of

1 chemicals was he alluding to?

2 THE WITNESS: She asked about what  
3 contaminants have been detected so far in the soil.  
4 So far we have detected very low levels of, and this  
5 is at the gas station, gasoline constituents, a  
6 chemical called trichlorethylene, it's a parts  
7 washing solvent that is very -- was very commonly  
8 used in repair garages. It is at very, very low  
9 levels and we found hydraulic fluid associated with  
10 the hydraulic lifts.

11 MS. PUERTO: You mentioned the tanks  
12 are all going, everything is going to be removed  
13 even the hydraulic storage and everything else is  
14 going to be removed?

15 THE WITNESS: Correct. The developer  
16 has asked me to do a complete site remediation.

17 MS. PUERTO: Can we get a copy? Is  
18 your report filed with the zoning board that we can  
19 get a copy of?

20 THE WITNESS: The municipality is  
21 permitted to request copies of any documents that  
22 have been filed with the DEP.

23 MS. PUERTO: Does the zoning board  
24 have a copy of that?

25 CHAIRMAN BLANE: I don't believe so.

1 MS. PUERTO: My understanding is that  
2 I guess the developer did really want to clean this  
3 up absolutely, is that your understanding that he  
4 wanted to do the utmost to clean up this site, which  
5 means it would be the most expensive; is that right  
6 not just capping?

7 THE WITNESS: Yes, it would be the  
8 most expensive, but the trade off is that it would  
9 be the most protective of the environment as well as  
10 public health and safety.

11 MS. PUERTO: Is that what he has, the  
12 developer has indicated he wants to do is full  
13 remediation?

14 THE WITNESS: Yes.

15 CHAIRMAN BLANE: How come she got a  
16 yes and I got a no? I don't understand this. I  
17 don't even want to go there because I asked the same  
18 question and I was told no.

19 THE WITNESS: You asked whether DEP  
20 preapproval is required.

21 CHAIRMAN BLANE: No, no. I asked  
22 about whether the developer was going to, in fact,  
23 do the full remediation if, in fact, that was  
24 necessary and you said you didn't know. Now, Ms.  
25 Puerto comes forward and asks you in a very, very

1 nice manor and you just bend over, you said yes.

2 THE WITNESS: Can you blame me.

3 CHAIRMAN BLANE: Please continue, but  
4 you get my drift.

5 MS. PUERTO: I think that is it, that  
6 is all I have.

7 MS. ORLANDO: Amy Orlando, 6600  
8 Boulevard East. So, you said -- so clearly you are  
9 the environmental expert, right? Okay.

10 THE WITNESS: Yes.

11 MS. ORLANDO: There is currently two  
12 monitoring wells on the site. Correct?

13 THE WITNESS: That is correct. There  
14 are two NJDEP permitted monitoring wells on the  
15 site.

16 MS. ORLANDO: Okay. Which monitoring  
17 wells do have low levels of contamination in the  
18 ground water, if I understood correctly?

19 THE WITNESS: Correct.

20 MS. ORLANDO: As well as in the deeper  
21 well you had higher levels -- I'm sorry, lower  
22 levels of contamination?

23 THE WITNESS: That is correct. The  
24 monitoring well is used to test the ground water to  
25 obtain ground water samples and to test them in the

1       laboratory and there is a shallow monitoring well  
2       and there is a deeper one that goes down about, I  
3       think it's 80 feet, and the shallower well, I would  
4       characterize in my experience having moderate levels  
5       of gasoline constituents and the deeper wells having  
6       low levels of gasoline constituents.

7                   MS. ORLANDO:  So, in order to  
8       remediate that ground water, not soil, the ground  
9       water, the cost for that, if I understood correctly,  
10      is approximately 50,000 to \$500,000 for the  
11      remediation?

12                   THE WITNESS:  No, the entire site  
13      remediation, soil, ground water and any additional  
14      receptors would be 50 to \$500,000.

15                   CHAIRMAN BLANE:  Amy, the whole thing.

16                   MS. ORLANDO:  The soil and water?

17                   THE WITNESS:  That is a typical range  
18      of costs and that may not apply to this site.  The  
19      investigation is not yet far enough along.

20                   CHAIRMAN BLANE:  Between 50,000 and  
21      500,000 would apply to this site?

22                   THE WITNESS:  I believe so.

23                   MS. ORLANDO:  Is it potentially a  
24      higher number because the investigation is  
25      incomplete at this juncture?

1 THE WITNESS: No, it is not a  
2 potentially higher number because the investigation  
3 is incomplete. It would be based on the findings of  
4 the investigation, so it may be that there is no  
5 other contamination.

6 CHAIRMAN BLANE: Excuse me, excuse me,  
7 excuse me, please. What is the difference between  
8 the investigation being complete and because you  
9 don't have the findings yet?

10 THE WITNESS: It's the same thing.

11 CHAIRMAN BLANE: Thank you, please  
12 continue.

13 MS. ORLANDO: I guess one question I  
14 also have is if the investigation is incomplete at  
15 this time, is it not potentially premature for you  
16 to be testifying about this or are you going to come  
17 back when you have more data and your investigation  
18 is, in fact, complete and we have the whole picture?  
19 I am confused at what goes on.

20 THE WITNESS: It is never premature  
21 for me to testify. I can just attest to the facts  
22 that I have at this time.

23 MS. ORLANDO: But again it is  
24 incomplete. Correct?

25 THE WITNESS: That is correct, it's a

1 process, four step process of the investigation and  
2 remediation.

3 MS. ORLANDO: So, you will not be  
4 testifying at another juncture?

5 CHAIRMAN BLANE: He is the lawyer,  
6 don't look at me.

7 THE WITNESS: I can testify as many  
8 times as you would like.

9 MR. ALONSO: Mr. Chairman, there will  
10 be no need or Mr. Novelli to testify in the future.  
11 The purpose of his testimony is provide the  
12 information requested by the board and the public  
13 with respect to the condition and what ultimately  
14 will be done. Ultimately, I believe he has  
15 testified that there will be a complete site  
16 remediation, the cost to be determine based on a  
17 full evaluation and we will comply with whatever DEP  
18 requires and that is a condition of the approval.

19 CHAIRMAN BLANE: First of all, what he  
20 is giving us is an overview. That overview is fine.  
21 That is just one part of the puzzle that the board  
22 would look at. It doesn't have to be more concrete  
23 than that at this point in time. The second thing  
24 is if, in fact, there is an approval, and I am not  
25 saying there will be, and I am saying there will be,

1 but if there is an approval then the memorializing  
2 resolution, the applicant is required to meet all  
3 federal, state and local laws including the DEP  
4 regulations. So, it's all incorporated in the  
5 memorializing resolution if, in fact, there is an  
6 approval. So, what is happening right now regarding  
7 this expert is absolutely appropriate.

8 MS. ORLANDO: But it is contingent  
9 upon full compliance should you rule so?

10 CHAIRMAN BLANE: But it's still not  
11 complete.

12 MS. ORLANDO: Thank you. Okay, so  
13 will you be seeking to -- when you go to remediate  
14 are you going to be looking for a no further action  
15 letter from the DEP? Is that something you will be  
16 providing as a DEP agent or representative?

17 THE WITNESS: Correct. I will be  
18 certifying with what is called a response action  
19 outcome letter. It replaces the no further action  
20 letter that all of the environmental investigation  
21 and remediation has been performed in accordance  
22 with the regulations and guidance and that it is  
23 protective of the public health safety and  
24 environment.

25 MS. ORLANDO: Okay, so you have



1 mechanisms or equipment, I don't know for lack of a  
2 better way of saying it, that will offset whatever  
3 contamination that will continue because you have,  
4 if I understood you correctly, you will not be able  
5 to completely 100 percent remediate, so there is  
6 going to be some mechanism or some equipment or  
7 something to prevent this gasoline and tri -- you  
8 know the carcinogens that are going to be emitting  
9 as the soil and water are disturbed?

10 THE WITNESS: That is partially  
11 correct. Eventually the gasoline being organic in  
12 nature, will break down on its own and there will be  
13 a duration to be determine as to when that will have  
14 dissipated. So, eventually there will be,  
15 hopefully, there will be no contaminants assuming  
16 that it proceeds through full site remediation to  
17 all of the applicable standards.

18 MS. ORLANDO: Okay, thank you very  
19 much.

20 MS. COURTNEY: Judith Courtney, the  
21 Galaxy in Guttenberg, 7004 Boulevard East.

22 MS. COURTNEY: The board may know this,  
23 but I have some questions about LSRP's because I am  
24 unfamiliar with the process as a whole. Is this --  
25 do LSRP's only do this kind of remediation work or

1 if there is civil or environmental engineers, do  
2 they get involved with developers on a private  
3 basis?

4 THE WITNESS: No. The LSRP is an  
5 independent overseer of contamination in the soil,  
6 ground water, surface water, wetlands, what have  
7 you, of any type of contaminant of with which he  
8 is -- feels comfortable and qualified to handle.

9 MS. COURTNEY: I understand that, but  
10 do you do other work other than LSRP?

11 THE WITNESS: No. My primary function  
12 is an environmental engineer. Some of that work is  
13 done. The LSRP role is really to oversee the work  
14 of others. There are times where I am actually  
15 doing the work myself. So, am I overseeing myself,  
16 I guess so. So, perhaps the answer to your question  
17 is yes.

18 MS. COURTNEY: My question is really  
19 is license site remediation the only work that you  
20 do?

21 THE WITNESS: No, I also do data entry  
22 for my father's real estate appraisal business on a  
23 part time basis.

24 MS. COURTNEY: But you don't work as a  
25 civil or environmental engineer in any other

1 capacity other than as an LSRP?

2 THE WITNESS: I do not do any design  
3 work utilizing my professional engineer's license.

4 MS. COURTNEY: So, you have never  
5 worked in any other capacity for this developer or  
6 any other developers?

7 THE WITNESS: I work for many  
8 developers, but not as their employee. I am an  
9 independent reviewer of the clean up.

10 MS. COURTNEY: I'm sorry, that was a  
11 very loosey goosey question. Other than as an LSRP  
12 you haven't worked for developer?

13 THE WITNESS: I have always worked as  
14 an environmental consultant for large and small  
15 consulting firms, so those firms may have had as  
16 clients developers, but I haven't been an employee  
17 of a developer.

18 MS. COURTNEY: But the developer is  
19 paying your fee for this project?

20 THE WITNESS: The developer? I am  
21 working for a firm called Eco Earth that is the  
22 environmental consultant who has retained me. Eco  
23 Earth has been retained by the property owner and  
24 not the developer, is my understand. Again, I don't  
25 know how this is environmental but --

1 MS. COURTNEY: Aren't the property  
2 owner and the developer the same?

3 CHAIRMAN BLANE: No.

4 MS. COURTNEY: Oh, they are not.  
5 Please excuse my ignorance on the matter. And then  
6 I have -- what I am getting at is from my comfort  
7 level and for the public's comfort level to make  
8 sure that LSRP is not just you, but the whole group  
9 are really fully independent of developers and  
10 property owners that there isn't any other for  
11 profit work that is being done by LSRP's?

12 THE WITNESS: Yes, that was a concern  
13 of the DEP's prior to establishing the program, but  
14 we have a very strict code of ethics as well as we  
15 have some DEP oversight on my work that goes into  
16 the state. So, at the end of the day if I don't do  
17 what is protective of the public health safety in  
18 the environment the DEP will figure it out.

19 MS. COURTNEY: But the DEP is relying  
20 on your report to determine that?

21 THE WITNESS: That is correct.

22 MS. COURTNEY: Then I have two other  
23 quickies. You said that alternate remediation is  
24 the same spread in cost as full remediation 50 to  
25 500 K. Is it possible that alternate remediation on

1 a site this small could ever come to \$500,000? I  
2 mean, what is -- in your experience what is the  
3 range on this size lot?

4 THE WITNESS: Again, as I stated  
5 earlier the alternate methods of remediation which  
6 could include encapsulation, protection of the  
7 public from gasoline vapors, things of that nature  
8 is dependent upon the location and concentration and  
9 extent of the contamination. Typically it is less  
10 costly to implement alternative standards, however  
11 there is so little soil at this site that is above  
12 the remediation standard that nobody would ever  
13 implement an alternative standard at the site like  
14 this. They would do the full clean up.

15 MS. COURTNEY: Do the full clean up?

16 THE WITNESS: Yes.

17 MS. COURTNEY: And finally you  
18 mentioned something about gasoline eventually  
19 because it is an organic material, eventually. How  
20 long is eventually for gasoline for let's say a cup,  
21 how long would it take? There must be like a half  
22 life measurement available.

23 THE WITNESS: The gasoline breaks down  
24 in the environment, which is what I have experienced  
25 with rather than in a cup. It's dependent on a

1       number of factors and that includes the initial  
2       concentration, whether the soil has been cleaned up,  
3       if there was any gasoline in the soil. The presence  
4       of microbes, believe it or not, the microbes in the  
5       soil and ground water you use the gasoline as fuel  
6       and they will eat and degrade the gasoline. The  
7       distance that the gasoline has traveled. The amount  
8       of infiltration of, hopefully, clean rain water from  
9       above.

10                   CHAIRMAN BLANE: Is this a very long  
11       list?

12                   THE WITNESS: No, that is it. There  
13       are a number of factors that influence the duration  
14       of the break down of gasoline. Typically it can be  
15       from one to ten years, again typically.

16                   CHAIRMAN BLANE: Next time when you  
17       are asked that question, start with that.

18                   MS. COURTNEY: Yes, I agree. Thank  
19       you. Okay, that is it. Thank you very much.

20                   MR. CULLEN: Patrick Cullen 72 67th  
21       Street. Thank you for your attendance, sir. A  
22       question just came up as a result of the last person  
23       that asked you a question and the person before  
24       that. You said that the property owner hired an  
25       agency that hired you and then you also mentioned

1           that you work for your father's real estate firm,  
2           you do some sort of duties, data entry or something.  
3           Has your father's real estate firm had any type of  
4           dealings with the property owner or with the  
5           developer?

6                           THE WITNESS:  No.

7                           MR. CULLEN:  That is refreshing to  
8           hear.  You also mentioned earlier, I believe in  
9           exchange to Mr. Blane, that you are agent of the  
10          EPA?

11                          CHAIRMAN BLANE:  DEP.

12                          MR. CULLEN:  DEP, sorry.

13                          THE WITNESS:  I am -- I don't know if  
14          agent is the right word, but I am licensed by the  
15          NJDEP.

16                          MR. CULLEN:  The DEP leads your  
17          recommendations, your observations, your input into  
18          their decisions?

19                          THE WITNESS:  That's correct.

20                          MR. CULLEN:  Thank you.  Are you being  
21          paid by the developer for your services?

22                          THE WITNESS:  I am being paid by the  
23          consulting firm.

24                          MR. CULLEN:  The consulting firm who  
25          represents the property owner?

1 THE WITNESS: He has been retained by  
2 the property owner. I don't know that he represents  
3 the property owner.

4 MR. CULLEN: The DEP, and I am not an  
5 expert to this, the DEP, the Department of  
6 Environmental Protection has to state they have to  
7 determine for the best interest of all people,  
8 developers, land owners, tenants, humans, animals,  
9 the whole biosphere, all the biomes in the biosphere  
10 they have to determine what is best as far as the  
11 environment, so how can you as an agent of the  
12 property owner, indirectly through this other agency  
13 that has hired them and then retained you, how can  
14 you impartially and unbiased represent the public at  
15 large which does include the property owners and the  
16 developers, which includes everybody else sitting in  
17 this room and anyone else who visits the development  
18 should it occur, how can you be impartial?

19 THE WITNESS: I can be impartial. I  
20 am not an agent of anyone, but my obligation is the  
21 public health safety and the environment and I take  
22 that very seriously.

23 MR. CULLEN: I would like to add that  
24 I am not allowed to give you any kind of bribes or  
25 any remunerances, but you can receive compensation



1       for your work whereas I cannot give you that money  
2       myself, so I would think that you would be more  
3       beholdered to whoever is giving you money than  
4       whoever is suggesting you do the right thing.

5                   THE WITNESS: I am not beholdered to  
6       anyone.

7                   CHAIRMAN BLANE: Let me ask a  
8       question, what is the company that you are working  
9       for here?

10                  THE WITNESS: The name of the firm is  
11       Eco Earth, LLC from North Bergen.

12                  CHAIRMAN BLANE: That is an L whatever  
13       it is?

14                  THE WITNESS: It's an environmental  
15       consulting firm and I am the technical lead for  
16       environmental --

17                  CHAIRMAN BLANE: That is not my  
18       question. My question is what is the title that  
19       reports to the DEP that let's them review your  
20       reports?

21                  MR. ALONSO: LSRP.

22                  THE WITNESS: Licensed Site  
23       Remediation Professional.

24                  CHAIRMAN BLANE: So, you are an LSRP  
25       working for this environmental firm?

1 THE WITNESS: Correct.

2 CHAIRMAN BLANE: Does the DEP give  
3 either the firm or you that title? Is this part of  
4 a DEP program?

5 THE WITNESS: The firm does not need  
6 to have any sort of license or certification, only I  
7 do.

8 CHAIRMAN BLANE: So, the title you  
9 have, the LSRP is a title that you received from a  
10 program that is supervised and is operated by the  
11 DEP?

12 THE WITNESS: That's correct.

13 CHAIRMAN BLANE: And is there more  
14 than one of you throughout the State of New Jersey.

15 THE WITNESS: Yes, there are. There  
16 are many.

17 CHAIRMAN BLANE: If, in fact, I wanted  
18 to utilize an LSRP, I can go to a list of LSRP's and  
19 find an environmental firm that, in fact, employs  
20 one of them and hires them.

21 THE WITNESS: That is correct. There  
22 is a roster with the names and phone numbers.

23 CHAIRMAN BLANE: That is what is  
24 happening. Do you understand what is happening?  
25 So, in other words, it's not a matter of going out

1           and finding somebody that is going to do your will.  
2           It's a matter of, in fact, going to an approved list  
3           by the DEP and choosing one of them from that  
4           approved list to do this function that the DEP  
5           wants.

6                           MR. CULLEN: I am not trying to  
7           suggest any coercion in this, Mr. Blane, but when  
8           the expert's primary occupation or significant other  
9           occupation has to do with real estate and there is a  
10          very cozy relationship in general, I am not being  
11          particular, between property owners and real estate,  
12          I have an issue to that. I would like to ask you  
13          have you ever done any work on behalf of let's say  
14          Green Peas or Sierra Club or anything like that who  
15          are proactive for the environment or anything like  
16          that?

17                           THE WITNESS: No, I have always worked  
18          in the private sector for profit entities.

19                           MR. CULLEN: This might sound a little  
20          bit --

21                           CHAIRMAN BLANE: You have to put it in  
22          the frame of a question.

23                           MR. CULLEN: Okay, have you ever seen  
24          The Lorax by Dr. Seuss, either read it as a five  
25          year old or seen the animated --

1                   MR. ALONSO: Mr. Chairman, I am going  
2 to object. If he has a question about his testimony  
3 that is fine, but he hasn't testified as Dr. Seuss,  
4 Mickey Mouse.

5                   CHAIRMAN BLANE: The applicant does  
6 not propose to call Dr. Seuss.

7                   MR. CULLEN: I understand Dr. Seuss,  
8 The Lorax is not with us, at least not in the flesh,  
9 but I do think there is an inherent conflict of  
10 interest.

11                  CHAIRMAN BLANE: Your point has been  
12 very well made. I think we all heard and understand  
13 what your question is.

14                  MR. CULLEN: I want to impress that  
15 upon every board member here. I appreciate your  
16 exchange with me Mr. Blane and I encourage all other  
17 board members to ask questions of all the witness.

18                  CHAIRMAN BLANE: That will be one of  
19 the considerations that this board is going to have  
20 to take into account, that this gentleman, even  
21 though he is an LSRP which comes out of the DEP  
22 program is, in fact, employed by a consulting firm  
23 that is hired and paid by the land owner, that is  
24 one of the considerations the board is going to have  
25 to take when it weighs his testimony.

1                   MR. CULLEN: Thank you, all right and  
2                   can I address a specific board member besides  
3                   yourself?

4                   CHAIRMAN BLANE: You can do it through  
5                   me. Why? Why would you want to do that?

6                   MR. CULLEN: I'll just make it  
7                   general, you can shut me down if you want. You  
8                   swore in a board member that lived at 6100 Adams  
9                   Street, I am not saying they live there now, but I  
10                  think perhaps the requirement that they don't live  
11                  within 200 feet is because perhaps they might not  
12                  want to vote for the presentation --

13                  CHAIRMAN BLANE: No, no. It is  
14                  because they have a particular interest when they  
15                  live that close. You are not supposed to have a  
16                  particular interest. So, that is all it is about.

17                  MR. CULLEN: You want to level the  
18                  playing field. Obviously everyone in the board  
19                  lives outside that 200 feet?

20                  CHAIRMAN BLANE: That is correct.

21                  MR. CULLEN: I just want to imagine  
22                  that they live within that 200 feet zone and they  
23                  have their grandmother living in there. They have  
24                  their pregnant wife or pregnant sister --

25                  MR. ALONSO: Mr. Chairman, he is

1 making statements.

2 CHAIRMAN BLANE: That happened to me  
3 with the Alpi matter on Boulevard East. I  
4 couldn't -- I had to recuse myself because I live in  
5 the Riviera Towers, so I understand what you are  
6 saying. I think we all do. If you have any other  
7 questions --

8 MR. CULLEN: No, I appreciate it.  
9 Thank you for your time.

10 MS. KELLERMAN: I live at 6600  
11 Boulevard East. My understanding I was told that  
12 this developer, this Merida Boulevard East is the  
13 same one as the Merida Park Avenue?

14 CHAIRMAN BLANE: That is correct.

15 MS. KELLERMAN: That is correct. Okay  
16 wonderful. When I walk by the Merida Park Avenue  
17 many times there was some type of soil remediation  
18 project, I guess there was some issue about some  
19 environmental thing. I was wondering were you  
20 involved in the Merida Park Avenue soil remediation  
21 or testing?

22 THE WITNESS: No, I was not involved  
23 in the soil remediation at that project.

24 MS. KELLERMAN: So, you don't know if  
25 there are any problems? Because I know it is under

1 construction now and I was wondering if all the  
2 soil -- he doesn't know?

3 CHAIRMAN BLANE: The question is a  
4 little bit out of bounds.

5 MS. KELLERMAN: But same development.

6 CHAIRMAN BLANE: My understanding is  
7 that the remediation has taken place and the project  
8 is progressing.

9 MS. KELLERMAN: Okay, thank you.

10 CHAIRMAN BLANE: I think it's a very  
11 on point question.

12 MS. KELLERMAN: Make sure the  
13 developer is following the rules at that place. You  
14 know history --

15 CHAIRMAN BLANE: You are absolutely  
16 right.

17 MR. WINTERNHEIMER: It was brought up  
18 that the cost of remediation is one of the reasons  
19 that this building, this development has to be so  
20 large, but you had mentioned that encapsulation is a  
21 possible method of remediation. Wouldn't that in  
22 effect simply be the foundation of the building and  
23 incur no additional cost?

24 THE WITNESS: No. There would be  
25 additional costs because the design of that cap is

1 much greater than what you would typically need just  
2 for people walking or driving cars, so there is an  
3 increased cost, yes.

4 MR. WINTERNHEIMER: Can you give an  
5 estimate of the increased costs or is that your 50  
6 to 500,000?

7 THE WITNESS: It would be included in  
8 the range of the cost.

9 MR. WINTERNHEIMER: Somewhere in that  
10 arch range?

11 THE WITNESS: Yes.

12 MR. WINTERNHEIMER: All right, thank  
13 you.

14 CHAIRMAN BLANE: Does any other member  
15 of the public have any questions of this  
16 environmental site remediation professional?

17 MS. DATO: Virginia Dato, 6605  
18 Boulevard East right next door. This is going to  
19 hurt us next door with all this contamination going  
20 on and all. I am going to smell all that stuff off  
21 everyday --

22 THE WITNESS: The question is will the  
23 activities that redevelop the site result in you  
24 breathing gasoline --

25 MS. DATO: How do you know --



1 CHAIRMAN BLANE: Ma'am, you have to  
2 let him answer.

3 THE WITNESS: When the ground is  
4 opened up and the underground storage tanks come  
5 out, all the protections will be taken. We have to  
6 monitor the air with instruments to make sure that  
7 the vapors are not too great. If they are, we have  
8 to stop the project and take measures to reduce the  
9 vapors.

10 MS. DATO: Because I am smelling all  
11 that stuff. I am right there.

12 THE WITNESS: The opening of the  
13 ground will be a very short duration. It will be  
14 two or three days.

15 MS. DATO: That is a lot.

16 CHAIRMAN BLANE: Okay, thank you.  
17 Yes, ma'am?

18 MS. GAFFNEY: Margaret Gaffney, 6600  
19 Boulevard East. Good evening. You mentioned  
20 testing for lead at the residential site. You did  
21 not mention it at the gas station, but you also said  
22 that there are 21 areas of concern and you only  
23 found problems with 13 and that is one at the gas  
24 station and one of the eight that was not an issue?

25 THE WITNESS: That is correct. I

1       evaluated the historical construction details of the  
2       prior gas station that was there from the 1930's  
3       until into the 1950's or 60's and the current gas  
4       station and based on looking at aerial photographs,  
5       there never was paint, a painted face of a building  
6       above a soil surface. It was always above a paved  
7       surface, whether that was concrete or asphalt,  
8       therefore, there was not a route to the environment  
9       had there been lead paint. So, yes, I evaluated the  
10      potential for the gas station lot to have lead  
11      contamination in soil associated with lead paint. I  
12      also evaluated it with respect to leaded gasoline --

13                   MS. GAFFNEY: That was my follow up.

14                   THE WITNESS: -- and it is not a  
15      problem.

16                   MS. GAFFNEY: You also mentioned cost  
17      based on remediation to the residential standards.  
18      I assume from that that the standards are different  
19      if there were commercial occupancy?

20                   CHAIRMAN BLANE: Industrial.

21                   MS. GAFFNEY: Industrial.

22                   THE WITNESS: Correct. There are  
23      several clean up standards and that is based on the  
24      duration of time that someone may spend at a  
25      property.

1 MS. GAFFNEY: So, you mentioned that a  
2 high-rise is necessary to sustain the costs of the  
3 remediation. So, I am wondering if they had gone  
4 another route and instead of asking for what is in  
5 essence a zoning to a high-rise -- high density  
6 rather medium density, they had gone to ask for a  
7 commercial use, would a smaller structure have been  
8 cost feasible?

9 THE WITNESS: I don't typically get  
10 involved in the cost of development. My sole  
11 interest is to clean up to the desired standards.

12 MS. GAFFNEY: Did they have an  
13 alternate route than a high-rise to cover the cost  
14 of contaminant clean up?

15 THE WITNESS: There are no  
16 contaminants present above the nonresidential  
17 standards, so at this time it would not -- it is not  
18 even a consideration.

19 MS. GAFFNEY: They would have zero  
20 clean up cost had they gone with another use?

21 THE WITNESS: No, that is not correct.  
22 We have ground water contamination. We have  
23 potential vapors of gasoline coming up into anything  
24 that is built there, which you have to take  
25 appropriate protection for, so there is always a

1 cost.

2 MS. GAFFNEY: But it would have been  
3 less.

4 CHAIRMAN BLANE: Thank you, ma'am.

5 MS. HICKS: Lara Hicks, 6701 Boulevard  
6 East. I am not exactly sure how to ask the  
7 question, but the point was brought up with the  
8 remediation at the other site, the other high rise.

9 CHAIRMAN BLANE: Park Avenue.

10 MS. HICKS: I was at the commissioners  
11 meeting last week when they were discussing that  
12 remediation and from what I could gather at the  
13 commissioners meeting there were a few problems that  
14 came up with that. Le Merida wasn't following some  
15 of the rules. I don't really have a question, I  
16 wanted -- you had said that they are following the  
17 rules and I don't think --

18 CHAIRMAN BLANE: There are rules to be  
19 followed. We have a building department, and if  
20 they are not following the rules, I assume the DEP  
21 and building department will be on top of them.

22 MS. HICKS: At the last meeting it had  
23 continued faster than they had permits to be  
24 continuing.

25 CHAIRMAN BLANE: That is about the

1 same thing as the remediation.

2 MS. HICKS: But the reason that they  
3 did what they did it because they were finishing a  
4 remediation that they had to go -- I just want it on  
5 the record there was some rules that weren't being  
6 followed.

7 MR. FEDORKO: I hate to beat a dead  
8 horse, but I want to try to understand something.  
9 When we go to a site to build a project, you  
10 probably have to do excavation. I am guessing you  
11 will do some excavation. What comes first  
12 remediation, excavation, how does that work?

13 THE WITNESS: If remediation is to be  
14 done by excavation because that is a remedial  
15 strategy that is one in the same.

16 MR. FEDORKO: So, the excavation will  
17 be, in fact, the remediation.

18 THE WITNESS: If they are excavating  
19 areas that are contaminated it would be considered  
20 remediation for that area, yes.

21 CHAIRMAN BLANE: Any other member of  
22 the public have a question of this environmental  
23 site remediation professional expert?

24 MS. COURTNEY: If there is anything  
25 done to this site that changes it, remediation has

1 to be done; is that correct?

2 THE WITNESS: By law remediation has  
3 to be done within a certain time frame, yes.

4 MS. COURTNEY: What happens if this  
5 site stays as it is, is the property owner required  
6 to do remediation anyway?

7 THE WITNESS: Yes, the property owner  
8 is required to do the remediation.

9 MS. COURTNEY: How long does the  
10 property owner have?

11 THE WITNESS: It depends on the phase  
12 of the four steps. It depends on which of the four  
13 steps you are in, but the answer is the clock  
14 started in 1994 when gasoline was first discovered  
15 and he has been unable to fund the clean up is my  
16 understanding. So, the benefit of having someone  
17 willing to come in and remediate the site and it is  
18 with redevelopment of this site as a benefit.

19 MS. COURTNEY: So, the developer will  
20 be paying for the remediation; is that your  
21 understanding in this case?

22 THE WITNESS: I don't have an  
23 understanding.

24 MS. COURTNEY: But what happens if the  
25 property owner doesn't remediate the site?

1                   THE WITNESS: This is a question that  
2 we hear a lot. What happens if the property owner  
3 does not remediate the site. He is potentially  
4 subject to fines by the DEP, which are very hefty,  
5 however, the million dollar question is that is not  
6 just to clean up the site, if he doesn't have the  
7 money to clean up the site, how is he going to have  
8 the money to pay the fines. He is not, so --

9                   MS. COURTNEY: I am assuming the fines  
10 won't be as intense as \$500,000?

11                   THE WITNESS: The fines are starting  
12 anywhere from \$8,000 a day to \$25,000 a day starting  
13 from 1994.

14                   MS. COURTNEY: At what point does the  
15 state take over the property so it can be properly  
16 remediated and not just kind of hang out like that  
17 terrible site on River Road is doing.

18                   THE WITNESS: The state could  
19 potentially take over the remediation of a site if  
20 it's determined to be one of the worst in the State  
21 of New Jersey. They simply don't have the personnel  
22 or the funding to clean up every site that is not  
23 willing to do it, so they are prioritizing which  
24 ones are worse and that is something that is being  
25 done during 2012 and they will be taking over or

1 making more of an effort to force the clean up on  
2 the ones that are more seriously contaminated far  
3 more than this one here.

4 MS. COURTNEY: So, this site could  
5 maybe never be remediated, I mean, or for years,  
6 decades maybe?

7 THE WITNESS: It could be a long time  
8 before the DEP would get to it.

9 MS. COURTNEY: Thank you.

10 MS. WONG: Peggy Wong, 8550 Boulevard  
11 East, North Bergen, New Jersey and I am exactly one  
12 mile, one mile from this site.

13 CHAIRMAN BLANE: Congratulations.

14 MS. WONG: Just to clarify something.  
15 You said that the developer intends to do a full  
16 remediation. What does that mean? If it is done  
17 and the project goes ahead and everything is  
18 constructed, does the DEP come back and check the  
19 site?

20 THE WITNESS: That was a two part  
21 question. Full remediation means all contaminants  
22 are below the standard, whether it's the soil or the  
23 ground water. The DEP checks my work on my reports  
24 that go into the state to make sure it meets their  
25 requirements.



1 MS. WONG: But is there anything done  
2 afterwards, after the remediation is done is there  
3 any further checking other than your report? I  
4 mean, let's say a year later, is there any follow  
5 up?

6 THE WITNESS: Should something be  
7 discovered later that could potentially trigger  
8 future investigations, but once all the soil and  
9 ground water has been remediated, that is it, it is  
10 closed forever.

11 MS. WONG: So, there is no reason for  
12 anyone to go back and check it then really?

13 THE WITNESS: Unless a reason was  
14 discovered.

15 MS. WONG: Is there a possibility that  
16 any contaminated ground water may have seeped off  
17 the site and onto Boulevard East underneath?

18 THE WITNESS: Yes, there is that  
19 possibility.

20 MS. WONG: What does that mean, you  
21 rip up Boulevard East?

22 THE WITNESS: No, you would not rip up  
23 Boulevard East for ground water contamination. The  
24 strategy -- it's not a short answer. The strategy  
25 would be remove any soil contamination and then

1 watch the ground water contamination degrade using  
2 the factors that I described earlier, so it will  
3 eventually clean up.

4 MS. WONG: Thank you.

5 CHAIRMAN BLANE: Can I just say one  
6 thing? You know we don't shut anybody off. We let  
7 everybody ask questions, but going forward, we have  
8 been doing this a long time, just because a thought  
9 pops in your head doesn't mean you have to ask a  
10 question. Okay?

11 MS. ORLANDO: It doesn't mean you  
12 can't ask that question?

13 CHAIRMAN BLANE: No, I didn't say  
14 that. I said just because a thought pops into your  
15 head, doesn't mean you have to jump up and run to  
16 the line and ask a question. Please continue.

17 MS. ORLANDO: So, I am sorry, the  
18 answer to the last question that was posed is if  
19 there is potential contamination on to the Boulevard  
20 at this point you have no way of knowing?

21 THE WITNESS: That is correct. The  
22 extent of ground water contamination is not yet  
23 known.

24 MS. ORLANDO: The possibility does  
25 exist that were the site to be disturbed, the soil

1       disturbed and the monitoring wells removed, there is  
2       potential for contamination to have seeped, but  
3       would then have to be remediated?

4               THE WITNESS:  Yes, contamination will  
5       be remediated as far as it goes, where ever it goes.

6               MS. ORLANDO:  By the owner and/or  
7       developer not the Town of West New York.  If it were  
8       to seep to the Boulevard, which is public property  
9       because it would have stemmed from --

10              THE WITNESS:  That's correct.  It is  
11       whoever is the source of that contamination is  
12       responsible.  Someone else may elect to take your  
13       contamination and clean it up for you.  That has  
14       happened as well.

15              MS. ORLANDO:  Who would someone be, by  
16       way of example, in your experience?

17              THE WITNESS:  It happens when someone  
18       wants to develop a site.

19              MS. ORLANDO:  So a developer?

20              THE WITNESS:  Typically, yes.

21              CHAIRMAN BLANE:  That is almost what  
22       is happening here.

23              MS. ORLANDO:  Sounds like what is  
24       happening here.

25              CHAIRMAN BLANE:  We have a property

1 owner who has a site that is contaminated. We have  
2 a developer who wants to develop the property and  
3 seems to be willing to pay for the remediation.

4 MS. ORLANDO: I just wanted to be  
5 clear about if it was on the public thoroughfare  
6 that was going to the remediation. I have a follow  
7 up question, so you had said earlier that if in  
8 light of the contamination that is currently in  
9 existence in the ground water and the soil on the  
10 gas station parcel, that a smaller development like  
11 a one or two-family house would not be as  
12 appropriate, I guess for lack of a better way of  
13 saying it, than a larger development as far as the  
14 remediation is concerned; is that correct?

15 THE WITNESS: I can't speak as to what  
16 is appropriate. I can speak as to what I have seen.  
17 That is nobody would spend this kind of money to do  
18 the clean up and put a small building there.

19 CHAIRMAN BLANE: It is a matter of  
20 cost effective.

21 MS. ORLANDO: It would be cost  
22 effective to have a larger parcel, it is not that it  
23 would be environmentally appropriate; is that  
24 correct?

25 THE WITNESS: I don't get into the

1 cost.

2 MS. ORLANDO: There is no  
3 environmental reason why a smaller development on  
4 this parcel would have a more expensive or less  
5 expensive or more or less effective remediation than  
6 a larger parcel, it's that is not the determining  
7 factor; is that correct?

8 THE WITNESS: Correct. The clean up  
9 standards apply to every parcel regardless of size.

10 MS. ORLANDO: So, there is nothing to  
11 say that were it to be a smaller parcel, a smaller  
12 development on these parcels that there would be  
13 less contamination or emissions during their  
14 remediation process, which would be potentially less  
15 harmful or have less of an intensive negative impact  
16 on the public well-being?

17 THE WITNESS: The development really  
18 is to the majority of the extent not related to the  
19 clean up. The clean up standards apply to every  
20 site regardless of size. The size of the building,  
21 the size of the lot, they are the same either way.  
22 So, you are asking me a financial question I don't  
23 get involved in --

24 CHAIRMAN BLANE: -- residential,  
25 industrial, et cetera.

1 THE WITNESS: Correct.

2 MS. ORLANDO: I just wanted to know if  
3 bigger or smaller that is really were I was going  
4 more so than the money, so thank you.

5 MR. CULLEN: Patrick Cullen, 72 67th  
6 Street. Thank you again for being here, sir. I do  
7 have a clarification, sir. You had said that the  
8 developer is paying the full cost of the  
9 remediation?

10 THE WITNESS: I did not say that.

11 MR. CULLEN: I'm sorry, I heard that  
12 in the exchange. Who is paying for the remediation?

13 CHAIRMAN BLANE: If the developer  
14 chooses to fully remediate then he would pay the  
15 full cost, if he chooses to do it.

16 MR. CULLEN: It was also discussed  
17 that the -- what do you call it, the incentive would  
18 be to have a large structure to help pay for that?

19 CHAIRMAN BLANE: Well, I suppose the  
20 larger the structure, the more money the developer  
21 makes that means that it is easy for him to spend a  
22 larger amount for full remediation.

23 MR. CULLEN: Right. Now, my next  
24 point, I admit it does stray away from  
25 environmental. I don't want to -- I am trying to be

1 transparent, but since the developer if they choose  
2 to would absorb all the costs, I am just wondering  
3 if down the road he or she may be thinking that the  
4 way to recoup that is to have a 30 year abatement at  
5 the hand of the tax payers? I know that is --

6 CHAIRMAN BLANE: Excuse me, you are  
7 before the wrong board.

8 MR. CULLEN: I don't want any of us to  
9 have to swallow a poison pill -- here it is, here is  
10 the abatement.

11 CHAIRMAN BLANE: That is the board of  
12 commissioners. Zoning board has nothing to do with  
13 it.

14 MR. CULLEN: I understand that. I  
15 just hope that board members consider the  
16 ramification of what this building may need if it's  
17 approved.

18 CHAIRMAN BLANE: Thank you very much.

19 MR. CULLEN: Thank you.

20 CHAIRMAN BLANE: Does any other member  
21 of the public have questions of this environmental  
22 engineer site remediation professional? Not seeing  
23 any I will close the public portion regarding this  
24 expert witness. Does any board member have any  
25 questions of this environmental site remediation

1 expert.

2 MR. ALVAREZ: Is there any ground that  
3 you are aware of that the state has to clean these type  
4 of sites?

5 THE WITNESS: All of the state funding  
6 has been exhausted. There is no state funding  
7 currently available. The funds will not be  
8 available during 2012 according to the DEP website.

9 MR. ALVAREZ: The way this site can  
10 only be remediated through private funding?

11 THE WITNESS: That is correct. To  
12 obtain public funding you have to demonstrate that  
13 you are below a certain income category, et cetera,  
14 et cetera.

15 MR. ALVAREZ: Thank you.

16 CHAIRMAN BLANE: Does any other board  
17 member have any questions of this environmental  
18 expert? Not seeing any, does our planner have any  
19 questions?

20 MR. LAYTON: Excuse me, I was going to  
21 ask if contamination was found in 1994, why wasn't  
22 it cleaned up at that point? Mr. Novelli has  
23 answered that.

24 CHAIRMAN BLANE: Do you have any other  
25 questions?



1 MR. LAYTON: No.

2 CHAIRMAN BLANE: How about our  
3 engineer?

4 MR. LEMANOWICZ: Yes, Mr. Chairman.  
5 Earlier in your testimony there was discussion about  
6 how the level of contamination could drive the size  
7 of the building and you qualified yourself as an  
8 LSRP, but you did not qualify yourself as a realtor  
9 or as a construction manager who would be able to  
10 compute the costs and the prices and all that other  
11 stuff, but later on in your testimony you kind of  
12 backed off that and said that doing the cost really  
13 isn't your thing, so I just want to make sure that  
14 the board knows where you sit because if you do try  
15 to link the cost of the remediation to the size of  
16 the building and the size of the building requires  
17 several variances because it is too large for the  
18 zone requirement, I just want to make sure we know  
19 where your statements are.

20 THE WITNESS: Yes, I should clarify  
21 one more time. In my experience what I have seen in  
22 the State of New Jersey is that to remediate a site  
23 like this, they do not put a small development on a  
24 site like that. I have not --

25 CHAIRMAN BLANE: You are not

1       testifying as an expert. We will not weigh your  
2       testimony in that regard as an expert. The only  
3       thing you are testifying to as an expert relates to  
4       the remediation itself?

5                   THE WITNESS: Correct.

6                   MR. LEMANOWICZ: That is all I have,  
7       Mr. Chairman, thank you.

8                   MR. ALONSO: Just some further  
9       clarification. In fact you also testified earlier  
10      that the cost of the remediation is not your  
11      concern. You would have your plan, your strategy  
12      irrespective of the cost and that's what you would  
13      sign off to. Whether or not it was feasible or the  
14      land owner could afford to pay for it is up to the  
15      land owner, but this is what your recommendation  
16      would be?

17                   THE WITNESS: That is correct.

18                   CHAIRMAN BLANE: How can I get all  
19      these partially, yes, partially right and the  
20      attorney gets that is correct? I guess he knows the  
21      questions to ask. Does our attorney have any  
22      questions.

23                   MR. KARCZEWSKI: I do not.

24                   CHAIRMAN BLANE: That being the case  
25      we thank very much for your testimony.

1                   MR. ALONSO: Mr. Chairman, at this  
2                   time I call Craig Peregoy.

3                   C R A I G           P E R E G O Y,  
4                   First having been duly sworn by the Notary,  
5                   testified as follows:

6                   EXAMINATION BY MR. ALONSO:

7                   Q           Mr. Peregoy, can you review your  
8                   professional qualifications that deal with traffic  
9                   engineering?

10                  CHAIRMAN BLANE: Didn't you testify  
11                  last week?

12                  THE WITNESS: I did.

13                  CHAIRMAN BLANE: So everybody on this  
14                  board, I guess, should be familiar with this traffic  
15                  expert's qualifications. Does anybody have any  
16                  additional questions of him? Not seeing any --

17                  THE WITNESS: Hopefully you are happy  
18                  to see me again.

19                  CHAIRMAN BLANE: That remains to be  
20                  seen. Not seeing any questions we will certify you  
21                  as a traffic expert in this case.

22                  Q           Mr. Peregoy, did you prepare or your  
23                  firm prepare a parking and traffic analysis? Was  
24                  your firm retained to prepare a traffic and planning  
25                  analysis?

1           A           Yes, we were retained to prepare a  
2           traffic impact analysis for this project.

3           Q           Can you review it?

4           A           Yes, certainly. He asked me to review  
5           it. The board and public I'm sure is familiar with  
6           the location of the site by now. You have heard all  
7           the prior testimony, but it is on the southwest  
8           corner of the intersection of 67th Street and  
9           Boulevard East. The site is occupied by an auto  
10          repair facility. It formerly was a gas station and  
11          now it only conducts auto repairs. Sixtieth Street  
12          is a one way eastbound roadway. Kennedy --  
13          Boulevard East is a two way roadway north/south, one  
14          lane in each direction. Both roadways provide  
15          parking on both sides of the street. There is quite  
16          a bit of mass transit available in the area. In  
17          fact, there are several maybe seven or eight New  
18          Jersey Transit bus lines within walking distance of  
19          the property. That serves New York City, Hoboken,  
20          Port Imperial, Hackensack, Paramus Park Mall, so  
21          certainly a lot of accessibility to the region with  
22          mass transit that is available. There is also the  
23          local or jitney type services that run up and down  
24          Boulevard East. In fact, it is about one every four  
25          minutes during peak times that are available

1 primarily servicing to New York City. What we took  
2 a look at in our analysis was the adjacent  
3 intersection of Kennedy Boulevard and 67th Street.  
4 Obviously, that the closest intersection that would  
5 have the greatest impact and in order to do that we  
6 took traffic counts looking at the peak time periods  
7 where you would find the roadway at its busiest.  
8 That being between seven and nine in a weekday  
9 morning and four and six on a weekday evening.  
10 Those same time periods are when a residential  
11 developer such as what is proposed is also going to  
12 be at its busiest, so it's kind of a worse case  
13 scenario in terms of traffic impact. What we look  
14 at and for those two two hour time periods is the  
15 single busiest hour within those times. The single  
16 busiest hour between seven and nine is the weekday  
17 morning peak hour. The single busiest hour between  
18 four and six would be weekday evening peak hour.  
19 So, when I refer to morning evening peak hour that  
20 is what I am describing. We took our traffic counts  
21 in January of 2012 as the latest iteration, but we  
22 also have taken counts of that same intersection in  
23 December of 2008 and September of 2011. We found  
24 traffic volumes are fairly consistent during those  
25 peak time periods. You have about 500 to 550 two

1 way vehicles per hour on Boulevard East in the  
2 morning. It's a little higher, around 650 to 700  
3 vehicles per hour two way volume again on Boulevard  
4 East in the evening. Sixty-seventh Street both the  
5 morning and evening sees about a hundred vehicles  
6 per hour. Those numbers may not mean a lot in  
7 traffic engineering terms, but that is fairly what  
8 the traffic volume is. A hundred vehicle volume is  
9 very lightly traveled. When we do the quantified  
10 impact if an intersection, in this case the stop  
11 sign on 67th Street, is not a traffic signal. It is  
12 controlled by a stop sign as proposed by a capacity  
13 analysis. That is based on the highway capacity  
14 manual which is the standard the traffic engineer  
15 uses to determine intersection delay and it's a  
16 computer model that makes the computations for us  
17 based on the traffic volumes, the lane widths,  
18 things of that nature and it gives us a delay per  
19 vehicle. Those delay per vehicle numbers are  
20 grouped into ranges that equate to levels of  
21 service. A being the best level of service. F  
22 being the worst or failed level of service. In this  
23 67th Street and Boulevard East intersection operates  
24 at a level of service B, so lower range of it  
25 operates efficiently. What that indicates is that

1       there is enough capacity that it could handle more  
2       vehicles, more traffic could exit 67th Street and  
3       ultimately degrade that level of service to a point  
4       where there was and F level of service and the  
5       distance from B to F, obviously, is significant.  
6       Next.

7                    thing that I do is project the volume  
8       of traffic that what we are proposing is going to  
9       generate in those peak hours. Now, we do this with  
10      what is called the Institute of Transportation  
11      Engineering Trip Generation Manual. It's the  
12      traffic engineer's industry standard basically and  
13      it's a compilation of traffic counts taken at  
14      various land uses through the United States. In  
15      this case we are looking at high-rise apartment  
16      buildings. We are able to use that data to project  
17      what the 123 proposed units would generate and  
18      basically the ITE data during the morning peak hour,  
19      that one busiest hour in the morning, 123 units  
20      would generate ten entering vehicles and 28 exiting  
21      vehicles for a total of 38 trips. A trip is a  
22      vehicle either entering or exiting. During the  
23      evening peak hour 26 entering vehicles and 17  
24      exiting vehicles for a total of 43 trips. Now  
25      typically New Jersey DOT considers an increase of

1       100 or more trips to be a significant increase in  
2       traffic. Anything less than 100 is considered  
3       insignificant. So, we are less than that, half that  
4       threshold of significance and those numbers, as I  
5       mentioned before, there is a substantial amount of  
6       mass transit available in the area. Those numbers  
7       that the ITE shows are not necessarily taken from  
8       traffic counts where there is that availability of  
9       mass transit where it is commonplace to utilize it,  
10      so that more than likely is somewhat conservative.  
11      In fact, if you take a look at the census data for  
12      West New York, you will see that it is published  
13      that 51.6 percent of workers use, people who work in  
14      West New York, use a vehicle to commute to and from  
15      work. If you multiply that by 123 units you have a  
16      total of 63 vehicles exiting in the morning over a  
17      longer time period and coming back in the evening.  
18      The census data also reports the times that people  
19      leave for work. The busiest single hour is only  
20      approximately 30 percent of the full morning exodus  
21      I guess and the evening return. So, if you use that  
22      30 percent you get 19 vehicles in an hour whereas we  
23      have 28 exiting in the morning and 26 returning in  
24      the evening. So, based on more specific numbers to  
25      West New York you could expect to see a little bit



1 less than the majority of volumes that the ITE  
2 projets. That being said, I carried through my  
3 analysis using the ITE data. There is also data  
4 available for a service station such as what exists  
5 on the site today. If that station were to reopen  
6 and begin pumping gas again and operate as a  
7 gasoline station, it would generate 49 trips during  
8 the morning peak hour and 57 during the evening, so  
9 more traffic going in and out of that site. More  
10 intensive from the traffic perspective than the  
11 proposed development. In terms of a full day the  
12 service station generates 684 trips either entering  
13 or exiting whereas this generate 518. So, in terms  
14 of peak hour and through the day this is a less  
15 intensive use in terms of traffic entering and  
16 exiting the property. Furthermore, the former use  
17 of the property or the existing use on the property  
18 has access only to Boulevard East, so all of the  
19 traffic is coming to and from the site via Boulevard  
20 East. What we are proposing, of course, the two  
21 driveways on 67th Street, so you have a little bit  
22 more dispersion of that traffic too. It is not only  
23 generating less traffic, it's a little bit more  
24 disbursed and not concentrated on the busier  
25 roadway. That being said, my analysis looks at the

1 full ITE data, no mass transit trips or anything  
2 like that, the use of the property I am assuming  
3 that it's all an increase over vacant land. Nothing  
4 is there right now. Again that is looking at the  
5 worst case scenario. I want to be as conservative  
6 as I possibly can.

7 Now to project what is going to happen  
8 in the future you need to take into account the  
9 background traffic road, which as I reported before,  
10 we have seen very little over the past four years  
11 with counts three times a day during that  
12 intersection, but New Jersey DOT publishes a two  
13 percent growth rate for this type of roadway. We  
14 use that two percent growth rate on top of those  
15 existing traffic volumes to get what we call the no  
16 build traffic volumes. In other words, future  
17 traffic counts if everything stays the same and this  
18 developments isn't constructed. We prepare a  
19 similar analysis as we did to the existing of the  
20 intersection at 67th and Boulevard East and find  
21 that it remains at a level of service B. Again,  
22 that is a very good level of service, minimal delay.  
23 Next to the top of that, we add the site traffic, as  
24 I mentioned before the ITE data. We assume that the  
25 single busiest hour of this building is going to

1 occur at the exact same time as the single busiest  
2 hour of the roadway. So, you are putting it right  
3 on top of each other. Again, conservative where we  
4 have the worst case scenario. Based on that, again,  
5 I prepared the same analysis with the additional  
6 volume of the intersection. It remained at a level  
7 service B. So, the same level of service as  
8 existing conditions. In fact, the increase, if you  
9 compare the no build volume to what the build  
10 volumes are, which is with our development is, the  
11 increase in delay per vehicle during morning peak  
12 hour exiting 67th Street is 0.2 seconds per  
13 vehicle. It's certainly not something that you  
14 perceive --

15 CHAIRMAN BLANE: I just want to make  
16 sure I understand what you are saying to give you  
17 the benefit of the doubt. Are you saying that, I  
18 want to make sure that as only one board member I  
19 understand what he is saying to give him the benefit  
20 of the doubt. Are you saying that a no build is  
21 going to create as many trips on to Boulevard East  
22 as a build?

23 THE WITNESS: No, no. The no build --

24 CHAIRMAN BLANE: Are you saying that  
25 the build creates as many trips onto Boulevard East

1 as the presently existing gas station?

2 THE WITNESS: What we are proposing  
3 generates less trips than the existing gas station.

4 CHAIRMAN BLANE: Excuse me, this is my  
5 question, excuse me. I am entitled to my own turf  
6 and my own questions, please. I am glad you  
7 appreciate what I am asking. Are you saying that  
8 the build, which is dumping an additional 107 cars  
9 in a three story parking facility all of which is  
10 going to empty on to Boulevard East either through  
11 67th or through the Boulevard East frontage?

12 THE WITNESS: Yes.

13 CHAIRMAN BLANE: Is going to have the  
14 same activity as the present gas station now has on  
15 to Boulevard East.

16 THE WITNESS: The present gas station,  
17 no. If it were to reopen to pump gas, if it were to  
18 reopen as a gas station.

19 CHAIRMAN BLANE: If you reopen to pump  
20 gas you feel it would have the same, an additional  
21 107 cars would have the same trip generation as if  
22 the gas station were reopened?

23 THE WITNESS: The gas station if it  
24 were reopened to pump gas there would be more cars  
25 going in and out than the --

1                   CHAIRMAN BLANE:  And where, excuse me,  
2                   if you had thought of this question first, I  
3                   wouldn't be interrupting you.  Where do you get this  
4                   information from, is this from a book?

5                   THE WITNESS:  That is the ITE trip  
6                   generations.

7                   CHAIRMAN BLANE:  It's from a book?

8                   THE WITNESS:  Yes, from research  
9                   conducted at hundreds of gas stations and hundreds  
10                  of residential --

11                  CHAIRMAN BLANE:  It is not from  
12                  reality in West New York on the corner of 67th and  
13                  Boulevard East, it is from a book.

14                  THE WITNESS:  It couldn't possible be  
15                  from reality because the building isn't constructed  
16                  yet.

17                  CHAIRMAN BLANE:  There was a gas  
18                  station.

19                  THE WITNESS:  We have to project --

20                  CHAIRMAN BLANE:  There was a gas  
21                  station.

22                  THE WITNESS:  But it wasn't open when  
23                  we took the analysis.

24                  CHAIRMAN BLANE:  We can judge it and  
25                  give it whatever weight we want.

1                   THE WITNESS: Certainly, but what you  
2                   should know is I assume that that gas station isn't  
3                   even there. I assume that that is grass. That  
4                   house and that gas station aren't there. I am  
5                   adding our traffic on what we counted. I am not  
6                   asking any credit for any activity that is already  
7                   on that site. I am looking at the worst case  
8                   scenario if this was a field of grass and generated  
9                   zero traffic. We add this on top of it.

10                  CHAIRMAN BLANE: And you don't think  
11                  that will make a big difference?

12                  THE WITNESS: No, minimal amounts.  
13                  0.2 seconds per vehicle in the morning, 0 --

14                  CHAIRMAN BLANE: Excuse me an expert  
15                  is entitle to have an opinion and this expert has an  
16                  opinion.

17                  THE WITNESS: That is the peak hours  
18                  at the busiest times. Other times of day it would  
19                  be lesser.

20                  CHAIRMAN BLANE: Let's not even go  
21                  there, all right. Please continue.

22                  THE WITNESS: We also took at look at  
23                  an analysis of the driveways, the two driveways on  
24                  Boulevard East and two driveways on 67th Street.  
25                  Boulevard East driveways also operate at a level of

1 service B and on 67th Street it is a level of  
2 service A. Again, there is minimal traffic  
3 traveling on 67th Street. It's not going to be  
4 difficult to make that right turn out of the site  
5 onto 67th during the peak hours.

6 CHAIRMAN BLANE: I'm sorry, why is  
7 that not going to be difficult?

8 THE WITNESS: Very low traffic volumes  
9 on 67th Street. We are only proposing 100 vehicles  
10 per hour as you turn out of those driveways,  
11 approximately.

12 CHAIRMAN BLANE: All right.

13 Q Mr. Peregoy, is that based on actual  
14 counts?

15 A Yes, that is based on actual counts  
16 over a four year period.

17 Q That is not from a book?

18 A Not from a book.

19 Q That is reality?

20 A Reality.

21 CHAIRMAN BLANE: So, what Mr. Alonso  
22 is saying is that we should accept that because that  
23 is reality, but we can disregard the book.

24 MR. ALONSO: No, I didn't say that.

25 CHAIRMAN BLANE: I thought that was

1 the thrust -- I thought the emphasis on the fact  
2 that this was reality permitted the --

3 THE WITNESS: Using attorney's words  
4 against me. I'm impartial. In terms of traffic  
5 impact again, just to resummarize, we took existing  
6 counts, added a background traffic growth rate and  
7 out of our site traffic that this building will  
8 generate on top of it for the busiest hours of the  
9 day, morning peak hour and the evening peak hour and  
10 find that the level of service at the intersection  
11 of 67th and Kennedy Boulevard East does not change  
12 with this project. No credit is taken for the  
13 existing gas station or former gas station or the  
14 existing service station. I am assuming that it is  
15 not even there. It's a worst case scenario and  
16 again I went through the exercise before about how  
17 my numbers that I used for the projections that came  
18 from the book are actually higher. If you look at  
19 traffic to West New York, those numbers will be  
20 lower based on census data that is actually in West  
21 New York, not the book data. The book data made my  
22 job harder. It made more traffic generated on this  
23 project, so I used the book data because I want to  
24 look at the worst case scenario and give you a  
25 conservative assessment. That is really it from the



1 traffic perspective and then, obviously we talk  
2 about the parking and the access --

3 CHAIRMAN BLANE: We have a list of  
4 parking spaces and I am just wondering if you can  
5 tell me how many you have for each?

6 THE WITNESS: We will go through  
7 parking. Parking is done by the residential site  
8 improvement standards. It is a state wide standard  
9 in New Jersey and we have 105 one bedroom units  
10 which will require 0.8 parking spaces per unit and  
11 then 18 two bedroom units which requires 1.3 parking  
12 spaces per unit. You do the math you need 107  
13 parking spaces and we provide that, 107 parking  
14 spaces. Again, this is a state wide standard, not  
15 specific to West New York, not specific particularly  
16 to this section of West New York. There is so much  
17 available mass transit one of the attractive  
18 features of moving into a building like this when  
19 you are living in the area is that availability of  
20 mass transit. The state wide standard is about --  
21 we provide the required number of parking spaces.  
22 Just like I did with the trip generation, I can even  
23 look into that further for West New York. I can  
24 refer to the census data. In West New York as a  
25 whole, 46 percent of the residents have no vehicle

1 available, but in this particular census traffic,  
2 this neighborhood essentially that number jumps to  
3 58 and a half percent who have no vehicle,  
4 25 percent, this is renters, this is a rental  
5 building, 25 percent of renters in this census have  
6 one vehicle. So, if you apply that to the 123  
7 units, that is 31 cars. Sixteen and a half have two  
8 vehicles. You apply that again to the number of  
9 units that is 20 units that have two vehicles for a  
10 total of 40 cars. You do the sum that is 71  
11 vehicles, so the census data for this particular  
12 neighborhood would tell you that you have 71  
13 vehicles. The state standard is telling us 107. We  
14 are providing that 107, but based on real data from  
15 this particular neighborhood, that is a higher  
16 number than is actually necessary.

17 CHAIRMAN BLANE: Can we go through the  
18 size?

19 THE WITNESS: Yes.

20 CHAIRMAN BLANE: One, two, three,  
21 four, five, six, seven, eight. It looks like we  
22 have eight different size parking spaces. What I am  
23 going to ask you is how many of each? I don't know  
24 if you are prepared to tell me that.

25 THE WITNESS: I haven't counted them

1 all up and done the math on that. I couldn't tell  
2 you exactly how many of each.

3 CHAIRMAN BLANE: Okay, maybe between  
4 now and Monday, I am just interested, I have got  
5 seven and a half times 17, 8.75 times -- it's all in  
6 the engineer's report.

7 THE WITNESS: Yes, I know and I think  
8 the important thing is that all of those size spaces  
9 can handle the average vehicles that are on the  
10 roadway today. If you look at the --

11 CHAIRMAN BLANE: But the requirement  
12 is 9 by 18.

13 THE WITNESS: Nine by 18 is the  
14 requirement that you would also see at a Walmart or  
15 a 7 Eleven, a very high turn over, highly active  
16 use. When you have a residential building that you  
17 like this you have much less in and out. Basically  
18 a vehicle leaves in the morning, returns in the  
19 evening.

20 CHAIRMAN BLANE: We can't have it both  
21 ways. We can't use the RSIS for some things, but  
22 not use them for other things.

23 THE WITNESS: Certainly you can. The  
24 RSIS allows for de minimus exceptions.

25 CHAIRMAN BLANE: That is why I have no

1           problem using it for 9 by 18.

2                       THE WITNESS: I will tell you why 9 by  
3           18 is not necessary in a residential building and  
4           this is recognized by the ITE. A 9 by 18 space is  
5           your standard space size of a typical high turn over  
6           use.

7                       CHAIRMAN BLANE: Let me start again.  
8           You can't have it both ways. I don't mind using the  
9           RSIS for certain things like the amount and that is  
10          what you projected, that is what we should use.

11                      THE WITNESS: That is the law. That  
12          is what has to be used.

13                      CHAIRMAN BLANE: That is why I am  
14          using the 9 feet by 18 feet.

15                      THE WITNESS: We don't meet that  
16          criteria so we need to ask this board for an  
17          exception to that.

18                      CHAIRMAN BLANE: I understand. That  
19          is why you are asking for the variance.

20                      THE WITNESS: Exactly. I am, as an  
21          expert here to justify that variance to tell you why  
22          you don't need those spaces 9 by 18 for this  
23          particular use.

24                      CHAIRMAN BLANE: Okay, please  
25          continue. I didn't understand that that is where

1       you were going.

2                   THE WITNESS:   The 9 by 18 spaces as I  
3       was mentioning are for a higher turn over type of  
4       environment where you are going to see a lot of  
5       activity, parking spaces will be accessed several  
6       times in a day.   The reason to have that larger  
7       space is for driver error, people are unfamiliar  
8       with it, shopping carts at a store, things like  
9       that.   You have those, that additional width built  
10      in for that.   This is a parking space in this  
11      building that is going to be assigned to a tenant  
12      who parks in the same space everyday, is perfectly  
13      aware of where they have to maneuver their vehicle  
14      to get in and out of it and they only do it twice a  
15      day, leave in the morning, come back in the evening.  
16      That is it.   It is much less turn over so you can  
17      get away with those narrow spaces.   I took a look at  
18      the top twelve best selling cars in 2011, the  
19      design, their dimensions, the public, the average  
20      width of those cars is 15 feet 6 inches, 15 and a  
21      half -- I'm sorry length.   The width is 5 feet  
22      11 inches, so we are certainly well within and with  
23      the ability to open doors and within the margin of  
24      driver error, which will be minimized by the fact  
25      that the spaces are always used by the same person,

1           certainly all those vehicles will be able to access  
2           those spaces. The aisle width that we provide are  
3           22 feet? The typical parking module would be pull  
4           in in one maneuver. You don't often see that in  
5           residential garage environments because there are  
6           obviously space constraints when we are talking  
7           about garage parking. Drivers are generally aware  
8           of this. When you are in a garage you expect it to  
9           be a little tighter maneuverability. We are two  
10          feet short of the aisle width, so if you think about  
11          that, think about the width of two cars passing each  
12          other, I am trying to show you about two feet,  
13          certainly it is not a big exception from the RSIS  
14          standard particularly when you are considering this  
15          is garage enclosed structure. I know I said it last  
16          week, I will say it again this week, it is also very  
17          common throughout all of Hudson County and West New  
18          York to have drive aisles and parking spaces even  
19          smaller than what we propose.

20                           CHAIRMAN BLANE: Is that it?

21                           THE WITNESS: I believe so.

22                           (Whereupon a brief recess was taken.)

23                           CHAIRMAN BLANE: At this point in time  
24          I will open the matter up to the public for any  
25          questions of this traffic engineer, please. Can we

1       conclude the conversations or take them outside,  
2       whichever your choice is depending upon how very,  
3       very, very important they are. Yes, ma'am?

4                   MS. KELLERMAN: Okay, I am back.  
5       Linda Kellerman, 6600 Boulevard East. I have lived  
6       in the Versaille since 1978 and I have always gotten  
7       gas at the Exxon gas station across the street from  
8       my building until they stopped selling gas and to go  
9       in the gas station there is just one entrance. You  
10      go down 67th Street and, you know, fill it up and  
11      then when you are finished there is one exit getting  
12      out. Now, this gentleman he was mentioning a lot of  
13      details. There is a lot of pedestrian traffic on  
14      Boulevard East, even on 67th Street and you know  
15      there is a lot of crazy drivers, especially in West  
16      New York and even more especially on Boulevard East.  
17      The thing is how for a building, a small lot size of  
18      123 apartments, how you can justify four driveways  
19      total where neighboring buildings, I am going to  
20      give you some examples, like the Galaxy, we are  
21      familiar with that 1,076 apartment units and 32  
22      commercial stores, there is only three garage  
23      openings and that is set back, you know, it's away  
24      from the street here. It's right on Boulevard East  
25      and 67th Street, these driveways. The Riviera

1        Towers, which Mr. Blane you said you lived, in I  
2        believe is 430 apartment units and six garage  
3        levels, but there is only one garage entrance and  
4        exit. Tower West 192 units and five commercial  
5        spaces, yet only one garage entrance and exit and  
6        that is -- I don't even know where that is, so that  
7        is really set back and the Versaille we have 292  
8        apartments with five garage levels that we only have  
9        one garage entrance and exit, how can you justify  
10       with all the pedestrian traffic and everything, four  
11       driveways in such a small lot size and then the cars  
12       coming out and everything, people walking down the  
13       street, they wouldn't even know, you know, like what  
14       to do. The cars, everybody is in a rush. Let's say  
15       cars are coming out two entrances or exits at the  
16       same time at this building. How can you justify  
17       that?

18                                THE WITNESS:    Good question.    The  
19       reason that you have two driveways on 67th Street is  
20       the topography of the site.    One accesses a  
21       different level.    One accesses another level.    On  
22       Kennedy Boulevard, it's two driveways, but it is  
23       really one in and one out driveway.    The gas station  
24       right now has a driveway that starts on 67th and  
25       curves all the way around and then there is a small



1 island then it has another wide driveway, so you  
2 mentioned pedestrians walking along Boulevard East,  
3 this is a safer configuration than what is out there  
4 today, most definitely. The driveways are narrower.  
5 They are more appropriately designed. I did the  
6 math. You actually walk from this part of the  
7 driveway and around Boulevard East to the other side  
8 of the property. Today, you have to walk within 100  
9 feet of driveway. You have this L shaped driveway  
10 and this driveway. It is 68 feet of driveway that  
11 you have to walk through than the proposed  
12 development. You are spending less time walking  
13 through a driveway. The driveways at the gas  
14 station have no control, no nothing to get the other  
15 cars out. These two garage doors on 67th Street  
16 have lights that flash and alert pedestrians the  
17 doors are opening and a vehicle is entering and  
18 exiting. Furthermore what is there today, all of  
19 the traffic is going in and out of these driveways.  
20 We are disbursing it. These driveways will generate  
21 very little traffic volumes and will be disbursed  
22 between those driveways, so they will be much less  
23 active than it was as a gas station.

24 MS. KELLERMAN: I disagree because you  
25 get another 107 spaces. If you have four, if it is

1       disbursed, the pedestrians do you think they are  
2       going to see a light?  People are, you know,  
3       everybody is in a rush.  Do you think people are  
4       going to see a light, saying oh, I have to look at  
5       the light to see the cars coming out of the  
6       driveway?

7                   THE WITNESS:  Yes, it's a spinning  
8       flashing light.  It is very obvious and you will  
9       hear the sound of the door rising.  It won't be  
10      unclear that somebody is coming or going.

11                  MS. KELLERMAN:  This is a gas station.  
12      The thing is to get the -- to get the gas, people  
13      run through 67th Street and you go through.  There  
14      is two gas --

15                  CHAIRMAN BLANE:  Ma'am, they have to  
16      mark that into evidence.  You have to give it to  
17      them to mark it.

18                  MR. ALONSO:  Just for the record you  
19      need to identify what it is, give it a marking  
20      because what happens is when someone is reading the  
21      transcript, they don't know what this is.

22                  MS. KELLERMAN:  This is an aerial  
23      photograph of the old gas station now just a repair  
24      shop and to get the gas to go on this property even  
25      currently you go down 67th Street and this is --

1       when I got gas, I mean there are two gas lanes  
2       either here or here. You always went through here.

3                   MR. ALONSO: You have to identify what  
4       it is.

5                   CHAIRMAN BLANE: First of all, what is  
6       your last name?

7                   MS. KELLERMAN: Kellerman.

8                   CHAIRMAN BLANE: O-3.

9                   MR. ALONSO: They have marked one and  
10       two this will be the third exhibit.

11                   CHAIRMAN BLANE: Let's mark this O-3  
12       and date it today. You have to give it to somebody  
13       to mark.

14                               (Aerial Photograph of Existing Site  
15       was received and marked O-3.)

16                   MR. ALONSO: For the record, after it  
17       is marked as O-3, you have to just label it. What  
18       is it?

19                   MS. KELLERMAN: For the record this is  
20       an aerial view of the former -- existing site  
21       Boulevard East and 67th Street intersection present  
22       day. Okay.

23                   MR. ALONSO: Hold on.

24                   MR. KARCZEWSKI: Ma'am, can we all get  
25       a look at that please.

1                   MR. ALONSO: Now, we have explained it  
2                   now you can ask the question.

3                   MS. KELLERMAN: You mentioned a lot of  
4                   details about the cars and things like that. The  
5                   reality is everybody is in a rush and pedestrians  
6                   are not going to pay attention to opening garage  
7                   doors and the driver is in a rush. If you have four  
8                   driveways and let's say three, just three come out  
9                   at the same time with all those, how could you  
10                  explain this here, at this existing thing is to get  
11                  into this now repair shop, you go down 67th Street,  
12                  you enter in here and I believe here, how can you  
13                  justify that your plan is safer than this, this is  
14                  basically one entrance and one exit in the current  
15                  situation. Here there is four different --

16                  MR. KARCZEWSKI: Ma'am, can you please  
17                  mark where you said there.

18                  MS. KELLERMAN: This is the entrance.  
19                  You exit through here. I don't know if you ever got  
20                  gas here, but you enter through 67th Street and you  
21                  get your -- do what you have to do and go out up  
22                  through here.

23                  MR. ALONSO: Mr. Peregoy, can you  
24                  answer the question now?

25                  THE WITNESS: I can.

1 MS. KELLERMAN: I don't know how it's  
2 safer?

3 THE WITNESS: This driveway that you  
4 are talking about is not supposed to technically be  
5 a driveway at 67th Street. This is one wide curb  
6 cut that spans the corner that is completely an  
7 unsafe design and the county would never let the new  
8 driveway be anything like this, this wide and  
9 encompassing the corner. The other driveway, the  
10 exit driveway is so wide you could have two cars  
11 come in and two cars come out at the same time.  
12 These are very wide driveways. What we are  
13 proposing are conventional size driveways that you  
14 see all over town. That again on 67th Street are  
15 garage doors. You see where vehicles come in and  
16 out of. These two driveways will be less active  
17 than the gas station driveways and narrower, less of  
18 a distance to cross and a safer conventional  
19 configuration.

20 MS. KELLERMAN: The thing is you  
21 really can't have two cars, even though this is wide  
22 coming out of the current property, whatever it is,  
23 you can't have two cars coming out at the same time  
24 one on top of the other because they would have an  
25 accident because they have to get on to Boulevard

1 East. Do you follow what I am saying?

2 THE WITNESS: Yes, that can happen  
3 now. That cannot happen with our place.

4 MS. KELLERMAN: The thing is the cars,  
5 hopefully, would know when the one car wants to  
6 leave and the pedestrians they would see one car  
7 leaving at a time and it would just be one basically  
8 as it is now. Even though maybe it is not an  
9 official driveway coming in, the pedestrians know  
10 that cars coming and then especially coming out is  
11 just basically one car and there is not as much  
12 activity at the gas station where you get two cars  
13 coming out simultaneously. Do you follow what I am  
14 saying? It wasn't really that that busy where you  
15 have two cars coming simultaneously. I have never  
16 seen it happen because I got gas there all the time,  
17 from '78 to 2011, 33 years.

18 THE WITNESS: I can tell you you will  
19 rarely see two cars coming out of this building at  
20 one time. The gas station, if it were reopened,  
21 obviously, the price depends on how often it's used,  
22 it could be as busy as my numbers show, even busier,  
23 more active than what we are going to have here with  
24 unsafe access. These driveways you are concerned  
25 about having two driveways on 67th Street this is

1 the equivalent with about five driveways along  
2 Kennedy Boulevard. These are very wide unsafe  
3 access points. You are crossing more driveway today  
4 from the sidewalk than you will be with the proposed  
5 building.

6 MS. KELLERMAN: I don't think the  
7 driveway is like five driveways.

8 CHAIRMAN BLANE: Ms. Kellerman, can we  
9 have a question.

10 MS. KELLERMAN: The thing is I just  
11 don't understand why there are four different  
12 driveways for much bigger buildings in the area,  
13 just have much more smaller units. The next  
14 question, sir, is the garage and the cars coming out  
15 of the garage -- what I did is I went to walk on the  
16 street. A lot of people like SUVs. They don't like  
17 Cooper Minis or Toyota Corollas. What I did is I  
18 went on Edmunds.com, got the width and the length of  
19 the cars with the turn circle. I don't believe you  
20 mentioned that in your testimony, report to all of  
21 us. Did you consider the turning circle? This is  
22 another -- can I put this exhibit?

23 MR. ALONSO: What is it, ma'am?

24 MS. KELLERMAN: About the cars. The  
25 Toyotas Corollas width if 5.78 feet wide.

1                   MR. ALONSO: I am going to object. It  
2                   doesn't say what it is. It's just a typewritten  
3                   document. If she wants to testify later, then she  
4                   will have the opportunity.

5                   MS. KELLERMAN: I was wondering how  
6                   can you say there is plenty of room for the cars?  
7                   Most of the parking spaces are eight feet wide or  
8                   less and this I got according to the  
9                   concernedcitizens.net. I am sure you took it from  
10                  one of the variances?

11                  MR. KARCZEWSKI: Ma'am, you can't  
12                  refer to that document. We don't know the  
13                  authenticity of the document.

14                  MS. KELLERMAN: I read the variances,  
15                  what the necessary work said. I believe most of the  
16                  parking spaces that they requested variances are  
17                  eight feet less in width and you can check that  
18                  because you have all the documents and even the  
19                  Toyota Corolla --

20                  CHAIRMAN BLANE: Let me just say that  
21                  is not true.

22                  MS. KELLERMAN: But the thing is did  
23                  you consider the turning circle of the cars and  
24                  maneuverability of the garage and getting in and  
25                  out?



1 THE WITNESS: Yes.

2 MS. KELLERMAN: Yes?

3 THE WITNESS: The average turning  
4 radius of the -- is 18 feet 7 inches and our drive  
5 aisles are a minimum 22 feet. You have a four foot  
6 margin of error, which you won't need.

7 MS. KELLERMAN: How come I went to  
8 Edmunds.com --

9 MR. KARCZEWSKI: Ma'am, you are  
10 referring to a document that we cannot authenticate  
11 whatsoever, so I'm going to ask that you not refer  
12 to that document.

13 MS. KELLERMAN: Okay, because I got a  
14 different figure for the turning circle.

15 CHAIRMAN BLANE: Thank you very much.  
16 Good evening.

17 MR. ARNOLD: Gregory Arnold, from the  
18 Versailles, 6600 Boulevard East. I believe the  
19 numbers that you presented in the traffic impact for  
20 the community are far lower than what is reality  
21 based upon the 35 percent commuting ratio. You  
22 mentioned your previous testimony it was 51 percent.  
23 I don't know why that changed from documentation you  
24 put out there, either way I still believe it's low.

25 THE WITNESS: Fifty-one point six use

1       vehicles 35 percent is -- that is how many drove  
2       alone. I consider people who car pool as well.

3                   MR. ARNOLD: You are projecting a  
4       percentage which is less than 50 percent of that  
5       number you state as the average of New Jersey of 73  
6       percent for car computers?

7                   THE WITNESS: Yes.

8                   MR. ARNOLD: How do you justify such a  
9       low ratio?

10                  THE WITNESS: I don't have to. It's  
11       the consensus data. It is not my data. It's the  
12       U.S. Census.

13                  MR. ARNOLD: That is great. If you go  
14       in from Boulevard East in West New York there is a  
15       much different socioeconomic level in working  
16       community requirements that will be living in this  
17       top of the line building that we have heard so much  
18       about and the surrounding buildings of Boulevard  
19       East. Would you agree?

20                  THE WITNESS: Yes.

21                  MR. ARNOLD: So, then I believe your  
22       35 percent ratio may be incorrect for West New York  
23       as a whole based on the consensus data for this  
24       Boulevard East in this area and this particular  
25       building, it's far to low.

1 THE WITNESS: It is the opposite. You  
2 are right, my numbers -- if you look at West New  
3 York it's 51 percent. If you look at this census  
4 track, this neighborhood it's 58 percent, so there  
5 are less vehicles per household in this neighborhood  
6 as compared to West New York as a whole.

7 MR. ARNOLD: Is it based upon the  
8 buildings or what is the census track you are  
9 talking about?

10 THE WITNESS: The census track it's a  
11 smaller area.

12 MR. ARNOLD: I understand that. If  
13 you go five blocks in that is the census track?  
14 You're taking a whole different --

15 THE WITNESS: I don't know  
16 specifically what the census track encompasses.  
17 It's just a more narrow look at this neighborhood.

18 MR. ARNOLD: I understand that, but  
19 unless you know what exactly what the census track  
20 is taking in, I am talking about Boulevard East.  
21 Boulevard East is a totally different socioeconomic  
22 level and driving level than what goes on farther in  
23 from Boulevard East, right?

24 THE WITNESS: Yes, clearly. The  
25 census certainly shows that.

1                   MR. ARNOLD: Unless you tell me where  
2                   the track is, if it is just Boulevard East then  
3                   maybe we will take your numbers, but if it goes  
4                   farther in then your numbers are getting skewed.  
5                   You are coming down. Your ratio is too low. Your  
6                   trip generation numbers for the morning and evening  
7                   are below what you would expect for a 123 unit  
8                   building using 35 percent car commuter ratio.  
9                   Thirty-eight morning to 43 evening exits and entries  
10                  is below the 35 percent ratio for 123 units. Your  
11                  trip generation numbers for morning and evening are  
12                  below what you would expect for 123 unit building  
13                  using the 35 percent for commuter ratio, 38 morning  
14                  to 43 evening exit entries is below 35 percent ratio  
15                  for 123 unit building. Also --

16                  THE WITNESS: Ratio of what, what  
17                  ratio of what? Thirty-five percent of 123?

18                  MR. ARNOLD: Hold on. Also your  
19                  number is based on straight unit count, which is  
20                  faulty. You have to go by the number of people  
21                  living in the units.

22                  THE WITNESS: That is not the data.  
23                  The consensus data is the number of units.

24                  MR. ARNOLD: Hold on a second, I have  
25                  a single unit, two people live there. They can have

1 two cars, right?

2 THE WITNESS: Sure, of course.

3 MR. ARNOLD: So, just because the  
4 consensus data says something, does not mean it's  
5 not a possibility. I am getting at the possibility  
6 is not based upon what your numbers are, okay? So,  
7 your low number for a count of 103 percent of  
8 commuters because your number could be as high as  
9 246 or more if couples occupy all the units or you  
10 would be putting a prohibition of occupancy  
11 depending on the size of the unit?

12 MR. ALONSO: He is asking the witness  
13 to speculate.

14 CHAIRMAN BLANE: No, that is true.  
15 Keep going.

16 MR. ARNOLD: It's true what?

17 CHAIRMAN BLANE: There is always the  
18 possibility. In your world you are expressing one  
19 possibility as opposed to the academic standards  
20 that this expert is forced to use.

21 MR. ARNOLD: Based upon that I believe  
22 your conservative use, the word used as conservative  
23 throughout this document is suspect interpretation  
24 of data.

25 MR. ALONSO: Is that a question or

1 statement?

2 CHAIRMAN BLANE: It's his opinion.

3 MR. ALONSO: The question is

4 speculative.

5 MR. ARNOLD: I was asking him based  
6 upon what he used if that was a possibility?

7 MR. ALONSO: My question was are you  
8 asking the witness to speculate as opposed to giving  
9 you the testimony that he provided based on the  
10 data?

11 MR. ARNOLD: He provided data based  
12 upon a book. I am saying could that be different  
13 based on this.

14 CHAIRMAN BLANE: Excuse me, please ask  
15 your next question.

16 MR. ARNOLD: Your numbers surrounding  
17 the service station trip generation volume is  
18 scurried at best.

19 CHAIRMAN BLANE: That is not a  
20 question. We are not here to degrade the testimony  
21 of the expert. That's a judgment that the board  
22 will make and the board will give whatever weight it  
23 wants to give to his testimony. You are here to ask  
24 a question and I assume that is what you are going  
25 to do from now on.

1 MR. ARNOLD: Okay, where was the 684  
2 trip numbers generated from?

3 THE WITNESS: ITE trip generation  
4 manual.

5 MR. ARNOLD: You based the 684 trip  
6 number based upon a 24 hour basis, would that be the  
7 basis?

8 THE WITNESS: That is the daily 24  
9 hour period.

10 MR. ARNOLD: Based upon that that is  
11 not accurate for what the service station was when  
12 it was in operation.

13 THE WITNESS: It's a projection of  
14 typical service station, isn't reopened that is the  
15 trip generation number.

16 CHAIRMAN BLANE: You are saying it is  
17 not accurate?

18 MR. ARNOLD: It is not. The only  
19 difference between the current use and proposed use,  
20 I believe again this is not accurate of what is  
21 being projected. This station is more of a service  
22 station than a gas station. It was simply used as a  
23 convenience designation for gas. People only used  
24 the gas station when it was absolutely needed  
25 because the price was much higher than the

1 surrounding stations.

2 MR. ALONSO: Is that a question? You  
3 have to make a question. You can't make statements.

4 MR. ARNOLD: So, the volume will and  
5 did not go down due to the station being replaced.

6 CHAIRMAN BLANE: Excuse me, do you  
7 have a question.

8 MR. ARNOLD: Basically what I am  
9 saying is this building will be an additional burden  
10 on the area. It is not replacing the volume that  
11 they state. Now moving onto numbers for parking  
12 spots. I found 107 to be extremely low for this  
13 size building --

14 CHAIRMAN BLANE: Excuse me, do you  
15 have a question? If you don't have a question  
16 please sit down.

17 MR. ARNOLD: The minimum for the RSIS  
18 is not taking into account the size of the spots.  
19 They don't base it on 9.5 feet by 20 feet. What is  
20 proposed is less than that for --

21 CHAIRMAN BLANE: Excuse me, can I just  
22 say one thing to the audience. Would anybody please  
23 stand up and give this gentleman the definition of  
24 the word question because you, obviously, don't  
25 understand the word. All you keep doing is making



1 statements.

2 MR. ARNOLD: I read his document.

3 CHAIRMAN BLANE: That has nothing to  
4 do with it. All I am asking you to do is frame it  
5 in the form of a question. Don't make statements.  
6 The public is here to ask questions.

7 MR. ARNOLD: Here we go. If this  
8 isn't a question then I will sit down. A hundred  
9 and seven parking spaces is a low number for  
10 potential residents as stated above. Based upon the  
11 Versailles numbers which are 292 apartments and 97  
12 parking spaces, 280 residents utilize these parking  
13 spaces. So, that the number of uses we have for our  
14 building and nine of the spots are for guests and  
15 staff. So, of the 297 spots for 292 apartments,  
16 that's 90 --

17 CHAIRMAN BLANE: Excuse me, sir,  
18 please sit down.

19 MR. ARNOLD: I'm asking --

20 CHAIRMAN BLANE: You are not asking  
21 anything. You are making statements. Let me tell  
22 you how it works. At the end of his testimony, the  
23 public will then have an opportunity to make general  
24 statements against the application. That is when  
25 what your doing comes into play, not regarding each

1 individual witness. Each individual you are  
2 permitted to ask questions. The statements come at  
3 the end after the applicant has made their  
4 presentation, so please sit down. Yes, ma'am?

5 MS. ORLANDO: I have questions. My  
6 first question is may I please see that number  
7 three --

8 CHAIRMAN BLANE: O-3.

9 MS. ORLANDO: O-3, I stand corrected.  
10 I just want to have a better look because I am old  
11 and blind now. I do have a question. So, in your  
12 report, please correct me if I am wrong, but it  
13 states that there is stop sign at the corner of 67th  
14 Street. Could you please show me on this photograph  
15 where the stop sign is located on 67th Street?

16 THE WITNESS: The stop bar indicates  
17 where the stop is.

18 MS. ORLANDO: Stop bar is not a sign?

19 THE WITNESS: The county should  
20 replace the sign. Stop control.

21 MS. ORLANDO: Stop sign is different  
22 than stop line because there is a white line in the  
23 street that could mean a lot of things, like here it  
24 means crosswalk and there is a woman with a baby  
25 carriage crossing the street to maybe get on that

1 bus.

2 THE WITNESS: You are absolutely  
3 right. We will see to it that the stop sign gets  
4 replaced.

5 MS. ORLANDO: That's my first  
6 question. Thank you for answering that. Maybe we  
7 should give number three back to the table. That is  
8 my first question. Also you stated that there are  
9 going to be approximately 63 vehicles exiting and  
10 entering during the morning peak hours?

11 THE WITNESS: During the entire  
12 commute period over a period from say 5:00 a.m.  
13 until noon, however long people work.

14 MS. ORLANDO: So, you are saying there  
15 is only going to be 63 vehicles from sometime during  
16 peak commuting hours, which I thought I understood  
17 to be seven to nine, now you're saying it's from  
18 five to some other number?

19 THE WITNESS: We look at the one  
20 busiest hour. Realistically everybody who works in  
21 that building leaves through a large stretch of  
22 time. I am looking at the one busiest hour.

23 MR. ORLANDO: Is that where your 63  
24 number came from?

25 THE WITNESS: The 63 number was the

1       123 units times 51.6 percent people who use a car to  
2       commute that gives you the 63. If you look at that,  
3       everybody uses a car to commute. When they leave,  
4       maybe they work on Saturday, I don't know, most  
5       people would be 63 during the commuting period.

6                   MS. ORLANDO: Would that be the five  
7       a.m. thing or the seven a.m.?

8                   THE WITNESS: Whatever time people  
9       leave for work?

10                  MR. ORLANDO: No, they are two  
11       different -- I mean that's a big window, four hours.

12                  THE WITNESS: That's a huge window.  
13       That is why I only look at the one hour.

14                  MS. ORLANDO: The one hour is where  
15       the 63 number comes from.

16                  THE WITNESS: No, the 63 is over the  
17       whole period. The one hour, the consensus, the  
18       busiest one hour that people in West New York leave  
19       to go to work is 30.2 percent, so 30.2 times 63 is  
20       19 vehicles in an hour. I used 28.

21                  MS. ORLANDO: So, also there are no  
22       alone -- do I have -- is this the whole thing?

23                  MR. ALONSO: That is the survey.

24                  MS. ORLANDO: Help me out here. Here  
25       is Boulevard East. So, you are going to have not

1 one, but two garage entrance ways on 67th Street.

2 Correct?

3 THE WITNESS: Yes.

4 MS. ORLANDO: An entryway on Boulevard  
5 East and, well ingress and egress onto Boulevard  
6 East. Correct, in and out?

7 THE WITNESS: Yes.

8 MS. ORLANDO: So, that is four  
9 openings?

10 THE WITNESS: Four curb cuts, yes.

11 MS. ORLANDO: In that two parcel area.  
12 Correct?

13 THE WITNESS: Yes.

14 MS. ORLANDO: From your previous  
15 testimony on 67th Street the garage doors when they  
16 open will have not only a flashing light and a gate  
17 that is going up, there would be some kind of noise  
18 made at all hours of the day and night to alert  
19 people to the street that there is a vehicle exiting  
20 or entering?

21 THE WITNESS: It won't be a warning  
22 sound just the mechanism of the garage door opening.

23 MS. ORLANDO: There will be a flashing  
24 light flashing into residents across from these  
25 garages?

1 THE WITNESS: It's not a bright light.  
2 It's for the sidewalk. People on the sidewalk can  
3 see. If your neighbor opens their garage door  
4 across the street next to you, you will not hear it.  
5 If you are walking on the sidewalk and the door  
6 opens you are going to hear it. The neighbor is not  
7 going to hear it.

8 MS. ORLANDO: Well, across 67th Street  
9 is a smaller street than across Boulevard East, so  
10 I'm just going to leave that for now, however, since  
11 we are going to -- let's go where there is going to  
12 be a stop sign here?

13 THE WITNESS: Yes, we will get the  
14 stop sign.

15 MS. ORLANDO: My question to you is  
16 should there -- is there a consideration for instead  
17 of a stop sign a traffic light because of the volume  
18 of vehicles coming down 67th Street that are already  
19 for people who live above I believe it's Park Avenue  
20 here, Lincoln Place I stand corrected, in addition  
21 to the people who will now be existing from the two  
22 driveways on 67th Street down the one way street to  
23 the stop sign and please God have a traffic light  
24 intersection on to Kennedy Boulevard in addition to  
25 the vehicles that will be exiting into Kennedy

1 Boulevard within -- what is this distance between  
2 that driveway, that corner and the exit way onto  
3 Kennedy Boulevard? Sorry, I know I kind of asked  
4 like a lot of questions.

5 THE WITNESS: There is no warrant for  
6 a traffic light to be there. There is no need for  
7 a traffic signal to be there. The intersection  
8 operates a good level of service --

9 MS. ORLANDO: What determines the need  
10 for a traffic light?

11 THE WITNESS: The volume on Kennedy  
12 Boulevard, the volume of 67th Street are what is  
13 used. These volumes are not even close to being  
14 able to warrant -- the volumes on Kennedy Boulevard  
15 or 67th Street in either case aren't nearly high  
16 enough to warrant putting a traffic signal there and  
17 it would also be too close to the traffic signal --  
18 so, it is not feasible nor is it necessary for a  
19 traffic signal.

20 MS. ORLANDO: Despite the fact that  
21 there is a -- the slab of the hill peaks here and  
22 there is a blind spot as you come down, up and down  
23 the Boulevard here, you understand how the curvature  
24 of the road is, right?

25 THE WITNESS: That is even more of a

1 reason why you wouldn't put a traffic signal. You  
2 don't want to stop traffic on Kennedy Boulevard with  
3 a blind curve.

4 MS. ORLANDO: Yet there is a bus stop  
5 right here. You have a lot of short stops here and  
6 short stops here and exiting here. Correct?

7 THE WITNESS: All up and down  
8 Boulevard East there is a lot of activity.

9 MS. ORLANDO: But in the same  
10 vicinity.

11 THE WITNESS: There is not enough  
12 traffic volume to put a traffic signal in this  
13 location. It is not necessary. It is not  
14 warranted. The county would not allow that.

15 MS. ORLANDO: The county would not  
16 allow that?

17 THE WITNESS: No.

18 MS. ORLANDO: In addition I have  
19 another concern about the two driveway exits,  
20 although I am not sure exactly where they are in  
21 this diagram. It doesn't really matter. So, okay  
22 my next question has to do with the fact that this  
23 was number two. Number three, right, 67th Street,  
24 right, in addition to which it is my understanding  
25 that two of the five parking spaces that are



1 currently on this street will be reduced to, correct  
2 me if I am wrong, two or three spaces in order to  
3 accommodate this?

4 THE WITNESS: Two street spaces.

5 MS. ORLANDO: Two street spaces. So,  
6 there will then only be two street spaces in  
7 existence on the street?

8 THE WITNESS: Two less.

9 MS. ORLANDO, so there will be three  
10 instead of the current five. Correct?

11 THE WITNESS: Yes.

12 MS. ORLANDO: So, we have three spaces  
13 of which it is also my understanding that there will  
14 be a trash, a garbage disposal, a dumpster that is  
15 where your loading zone will be occupying at certain  
16 to be determined times of day at a later date  
17 monopolizing two of the three remaining parking  
18 spaces. So, you will have driveway, driveway  
19 potentially one parking space and if it's a loading  
20 zone, trash time whatever to be, recycle time, I  
21 don't know what time, you will have your mechanical  
22 roll out thing pushing a big heavy garbage thing  
23 down 67th Street monopolizing these two -- two of  
24 the three spaces within how ever many feet of stop  
25 sign, the bus stop and these two exits.

1 CHAIRMAN BLANE: And your question is?

2 MS. ORLANDO: Is this good safe  
3 traffic flow and is this not potentially the blind  
4 spot hazard of creating a traffic incident?

5 THE WITNESS: No, there is no blind  
6 spot. The loading zone is set far enough back where  
7 you pull up to Kennedy Boulevard, you will be able  
8 to see --

9 MS. ORLANDO: You don't have a  
10 guarantee because you are not guaranteed those two  
11 parking spaces, so what steps would be taken to  
12 accommodate to ensure that you will be operating the  
13 loading zone as well as the garage entryway and exit  
14 way in a safe manor for pedestrians and vehicle  
15 traffic because we all know that there are plenty of  
16 people who go down 67th Street in fifth gear.

17 MR. ALONSO: You been keep asking  
18 compound questions.

19 THE WITNESS: The law ensures that it  
20 operates safely. Can I guarantee that nobody is  
21 going to run the stop sign, of course not, but the  
22 design is safe. I can tell you when I drove by the  
23 site on the way here, there was a vehicle parked all  
24 the way to the corner past the stop line almost into  
25 the crosswalk. That vehicle did not block my

1 visibility up and down.

2 MS. ORLANDO: There wasn't a dumpster  
3 there either though right and there wasn't two  
4 driveways?

5 THE WITNESS: I was beyond the vehicle  
6 looking down the road, so it could have been a wall  
7 there and I still would have been able to see.

8 MS. ORLANDO: My next question has to  
9 do with the fact that were exactly is the snow  
10 removal going to go? How are you going get rid of  
11 the snow?

12 THE WITNESS: It's a garage. It is  
13 indoor parking.

14 MS. ORLANDO: You have the snow on the  
15 street around the perimeter, around the loading zone  
16 when it is not there?

17 MR. ALONSO: That is an engineering  
18 question.

19 MS. ORLANDO: I was told that the snow  
20 was the traffic guy, Mr. Chairman.

21 MR. ALONSO: That was testified to by  
22 Mr. Jenne and he said that it would be shoveled just  
23 like any other property.

24 MS. ORLANDO: I was told traffic that  
25 is why I am bringing it up again.

1 MR. ALONSO: I don't understand how  
2 snow removal would be traffic.

3 MS. ORLANDO: I don't either, but  
4 that's what I was told when I asked the question.

5 THE WITNESS: I will not be shoveling  
6 the snow.

7 CHAIRMAN BLANE: We have the engineer  
8 coming back Monday.

9 MS. ORLANDO: So, I will ask him on  
10 Monday. Are you sure?

11 CHAIRMAN BLANE: Who is going to  
12 testify to snow removal?

13 THE WITNESS: One of us will have a  
14 solution by Monday.

15 CHAIRMAN BLANE: Somebody will have  
16 the answer Monday. That should be the first thing  
17 just to get it out of the way.

18 MS. ORLANDO: Thank you, I appreciate  
19 that. Also, according do your schematic there are  
20 two hidden vehicles on level one of the garage that  
21 are blind spots.

22 THE WITNESS: Two hidden vehicles?

23 MS. ORLANDO: They are hidden from  
24 view as you enter and exit. It's hidden, the  
25 vehicle -- can we go to level number one, please?

1                   This is the entrance. This is the  
2                   exit, so when you first come in, I read it in one of  
3                   many reports, so I guess I will have to come back  
4                   for that. Also, how are we turning around? I mean  
5                   are they going to back up or are they going to back  
6                   into this car or that car or do we all know they are  
7                   going to be compact cars? Just because the twelve  
8                   best sellers are smaller cars, doesn't mean that  
9                   there isn't going to be 20 Escalades, so obviously  
10                  you have no control over the vehicles that people  
11                  are going to purchase and be residing there.

12                   THE WITNESS: But we control where  
13                  they park.

14                   MS. ORLANDO: And so what happens here  
15                  can they put in reverse and wail out 60 feet  
16                  whatever?

17                   THE WITNESS: No, I certainly don't  
18                  think anybody is going to do that.

19                   MS. ORLANDO: So, how are they going  
20                  to turn around there?

21                   THE WITNESS: These two spaces will  
22                  back up the middle space, you have to make an extra  
23                  turn.

24                   MS. ORLANDO: Thirty point turn?

25                   THE WITNESS: Sure. It is very common

1 in this type of environment where you have this  
2 twice a day. Actually once a day.

3 MS. ORLANDO: Now, also is there  
4 enough space in these parking spaces that are the  
5 RSIS size?

6 THE WITNESS: We do not meet the RSIS  
7 requirement.

8 MS. ORLANDO: You are below so that is  
9 one of the variances, right?

10 THE WITNESS: Yes.

11 MS. ORLANDO: So, despite the fact you  
12 need the variance -- these are drawn to scale  
13 assuming that we have those fabulous twelve cars  
14 that are the perfect size that are going to fit  
15 here, how are they going to open the car doors and  
16 get the groceries out? There is enough space for  
17 them to open car door to car door and they are not  
18 going the wack each other's cars?

19 THE WITNESS: Yes, there is enough  
20 space. There is not enough space to put a shopping  
21 cart through, which is what you need the 9 by 18  
22 for, but there is enough space to open the door.

23 MS. ORLANDO: You can open your door  
24 and carry your groceries --

25 THE WITNESS: If you squeezed the cart

1           between the two cars, you wouldn't be able to get  
2           the door open. Nine by 18 you might be able to get  
3           the cart and door. This are no shopping carts that  
4           are going to be in this garage.

5                       MR. ORLANDO: Really?

6                       THE WITNESS: Shopping carts?

7                       MS. ORLANDO: So, I have another thing  
8           I would like to ask you about. New Jersey Transit,  
9           I have two written replies, two inquiries that were  
10          made from New Jersey Transit. I would like to read  
11          the pertinent part and if he would like to look at  
12          it.

13                      MR. ALONSO: I would just object to  
14          that document. It's an inquiry to an individual  
15          who --

16                      MS. ORLANDO: It is not an  
17          individual --

18                      MR. ALONSO: So, a state responded not  
19          an individual.

20                      MS. ORLANDO: A representative from  
21          New Jersey Transit.

22                      MR. ALONSO: An individual from New  
23          Jersey Transit you are representing responded to  
24          your inquiry. I don't now what the inquiry was. I  
25          don't know what the context in which the response

1 was made. I don't have the ability to question this  
2 individual, so it's inappropriate to introduce this  
3 document.

4 CHAIRMAN BLANE: Ruby Unger, New  
5 Jersey Transit, customer service.

6 MS. ORLANDO: There is a second  
7 inquiry that I would also like to speak to. I don't  
8 know who else I was suppose to contact as a  
9 layperson.

10 CHAIRMAN BLANE: The concern I have it  
11 is not authoritative. I don't think customer  
12 service for the state may have more words that  
13 director assistant, director, something like that.

14 MS. ORLANDO: Okay, I understand. All  
15 right well then I am just asking my question from my  
16 own experience.

17 CHAIRMAN BLANE: I am sure you will  
18 get the same answer.

19 MS. ORLANDO: I am sure I will. I  
20 would like to ask it anyway, if that is okay.

21 CHAIRMAN BLANE: That is not what I  
22 mean. I am saying asking the question that is  
23 embodied on the customer service response, asking  
24 that question to the traffic expert you will  
25 probably get the same answer if you put that into --



1 MS. ORLANDO: So, since it is my  
2 understanding that your testimony that it will be  
3 largely commuter and not single vehicle driving over  
4 people, you know, in their own car, they will be  
5 taking mass transit in some form.

6 THE WITNESS: Yes, that is what we are  
7 protecting based upon what is going on in the  
8 neighborhood today.

9 MS. ORLANDO: So, are you aware that  
10 the ridership on the bus route along Boulevard East  
11 has increased expedientially and faster than the  
12 rest of the State of New Jersey?

13 THE WITNESS: I am not aware, but it  
14 doesn't surprise me.

15 MS. ORLANDO: This would be an  
16 additional ridership for the mass transit were this  
17 to be -- they weren't taking their cars. They are  
18 going to be getting on the bus. As it is now, many  
19 people have to stand or wait for a bus and so I fell  
20 it's already a strain on the system to the point  
21 where New Jersey Transit, I don't know if you are  
22 aware, is already running buses that don't even  
23 start until 60th Street, so people in your proposed  
24 development 123 units of Lord only knows how many  
25 people want to get on the bus too, those people will

1       also been compounding and increasing the ridership  
2       and the strain on the mass transit system.  So,  
3       while they won't have a vehicle, they will be  
4       impacting the rest of the community because there  
5       will be a shortage.

6                   CHAIRMAN BLANE:  Is there a question?

7                   MS. ORLANDO:  What do you propose --  
8       do you propose that everyone is going to take the  
9       bus and it will not have a negative impact or an  
10      adverse impact.

11                  CHAIRMAN BLANE:  I think it's a given  
12      that if the traffic expert is testifying that most  
13      of the people will be commuting taking a bus that  
14      that will add to whatever the burden is now  
15      regarding New Jersey Transit bus system in that  
16      area.  I mean, that to me is a given.

17                  THE WITNESS:  Couldn't have said it  
18      better myself.  Certainly no big impact in the  
19      transit system, you are not going to like this,  
20      again I would suggest contacting New Jersey Transit.

21                  MS. ORLANDO:  Can you give me the name  
22      of New Jersey Transit.

23                  CHAIRMAN BLANE:  That to me is a  
24      given.  That is part of the weight that this --  
25      consideration that every board member has to give to

1 the whole project. You can't have it both ways. If  
2 it's not going to add to the vehicular volume on  
3 Boulevard East, but in fact there is going to be  
4 commuters using the bus system, then it's going to  
5 add to the burden on the bus system. That is part  
6 of the consideration that the board has to take into  
7 account when it is deciding whether or not this  
8 project is more beneficial and detrimental to the  
9 zoning ordinance of the town.

10 MS. ORLANDO: Okay, that is all the  
11 question I have for now and I am going to ask about  
12 the snow next week from the engineer?

13 CHAIRMAN BLANE: First question.

14 MS. ORLANDO: May I ask one more  
15 question?

16 Q Let me follow up in the bus use. New  
17 Jersey Transit, do they evaluate the capacity for  
18 their load a regular basis, would you say?

19 A Certainly, yes.

20 Q Would they adjust their route in order  
21 to accommodate the additional ridership?

22 A Yes.

23 Q So, it is not your testimony then that  
24 should this application be approved that you are  
25 going to being cramming all these extra people on

1 the same bus and everybody is either going to be  
2 standing on the bus or waiting on the curb, New  
3 Jersey Transit will accommodate those riders with  
4 additional buses?

5 A Yes.

6 MS. ORLANDO: How can you assure that?

7 THE WITNESS: Like you said if it's  
8 the fastest growing line that is certainly something  
9 that they are well aware of. This project will be a  
10 small impact, a small piece of that ridership.  
11 There are other projects that could come along and  
12 obviously more people are using the bus that is  
13 certainly something that they will address.

14 MS. ORLANDO: Okay, thank you.

15 MS. DATO: Virginia Dato, 6605  
16 Boulevard East, right next door to the house. Now,  
17 I don't have no data or nothing. I have experience.  
18 I have been there 59 years and you are telling me  
19 about the gas station and the building there not  
20 going to be more traffic from the building than the  
21 gas station? You are telling me you could get  
22 out -- I can't get out of my garage. I cannot get  
23 out of my garage. It take me about five minutes to  
24 get out of the garage and I have the thing. They  
25 don't hear the door. Who hears the door? You said

1           because an automatic door, you said you open the  
2           door. Who hears it?

3                         THE WITNESS: The garage doors?

4                         MS. DATO: I have one. I can't get  
5           out of the garage.

6                         CHAIRMAN BLANE: You are not going to  
7           hear the door anyway because you are on Boulevard  
8           East. He is talking about the door on 67th Street.

9                         MS. DATO: Who is going to listen to  
10          that door? They don't listen to mine. It takes me  
11          over five minutes to get out and I have to keep  
12          honking, honking, honking, honking. In fact the  
13          police department told me if you can't get out to  
14          call them. When I went and called them, they are  
15          busy.

16                        THE WITNESS: The pedestrians?

17                        MS. DATO: The cars will not stop.  
18          The cars will not stop and then when they stop for  
19          the red light, they go stop right in front of my  
20          garage. They stop right in front of my garage.

21                        CHAIRMAN BLANE: Your concern is that  
22          the driveways on Boulevard East are going to add to  
23          your problem.

24                        MS. DATO: Sure it is going to add to  
25          it. How could you compare the gas station people

1           that are getting gas to 107 cars? There is a big  
2           difference. I have been there 59 years. I saw how  
3           many cars go in and out of the gas station. This is  
4           experience, no books. I don't have no records or  
5           nothing. This is experience. If anyone wants to  
6           come over, want to spend the day over there? Do you  
7           want to spend the day?

8                           THE WITNESS: I spent a couple days  
9           there counting cars.

10                          CHAIRMAN BLANE: Ma'am, thank you very  
11           much.

12                          MS. DATO: No, how can you compare the  
13           same amount. They say it was going to be less.

14                          CHAIRMAN BLANE: I am not making that  
15           comparison, he is.

16                          MS. DATO: I am asking him the  
17           question, how could you say that to me?

18                          THE WITNESS: A gas station, no the  
19           one that was there --

20                          MS. DATO: Any gas station.

21                          THE WITNESS: Someone came along, put  
22           their banner up, started selling gas for \$2 a gallon  
23           and became a gas station again.

24                          MS. DATO: It is not going to be as  
25           much as all those cars coming out.

1 THE WITNESS: Yes --

2 MS. DATO: No, it wouldn't.

3 CHAIRMAN BLANE: Ma'am, do you have  
4 another question?

5 MS. DATO: Yeah, everything that he  
6 said is wrong. I am there. I have the experience.

7 CHAIRMAN BLANE: I agree with you. I  
8 understand what you are saying.

9 MS. DATO: My father almost got killed  
10 getting out of the driveway and all the spaces are  
11 small, no matter what car you have. It is small.  
12 The cars are bigger. My garage is pretty big, good  
13 size and I have trouble. I have a Toyota.

14 CHAIRMAN BLANE: Do you have a  
15 question, though?

16 MS. DATO: Yes, everything is wrong  
17 that is my question, by experience. So, how could  
18 he say it? How could he say these things? You have  
19 to revise everything, come over and look, come over  
20 and check out how much traffic comes out. Same with  
21 the bus. I don't take it. I used to take it when I  
22 used to go to work and it was a pleasure. I can't  
23 take it no more.

24 CHAIRMAN BLANE: Do you have a  
25 question? We have other people behind you.

1 MS. DATO: This is all experience,  
2 never mind the books.

3 CHAIRMAN BLANE: The board understands  
4 completely what you are saying.

5 MS. DATO: I have been there 59 years.  
6 I have seen it. I have seen it all. They tell me  
7 more traffic is going to be a --

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

10 MS. GAFFNEY: Margaret Gaffney, 6600  
11 Boulevard East, West New York. Why do you use four  
12 to six as evening rush hour?

13 CHAIRMAN BLANE: The question is why  
14 did he use four to six as the evening rush hour?

15 THE WITNESS: That is typically the  
16 time periods where roadways in New Jersey are the  
17 busiest. We count a little bit beyond that  
18 6:00 time period to make sure that we are not  
19 missing. The four to six is busiest hour.

20 MS. GAFFNEY: That made sense six  
21 years ago when there was heavy manufacturing present  
22 here. The factories closed at four. Offices close  
23 at five or even six. Make it a question? You  
24 indicated heavy good public transportation. Did you  
25 go to Port Authority and measure the waiting time at



1           rush hour to get on to the bus?

2                           THE WITNESS:  No.

3                           MS. GAFFNEY:  Since you are using a  
4           good public transportation as an argument in favor  
5           of the reduced number of spaces, do you not think  
6           that that would be a good thing to do to justify  
7           your reliance on the public?

8                           THE WITNESS:  It is not this  
9           applicant's responsibility to ensure that the public  
10          transit works properly.  It's their  
11          responsibility -- I don't work for the transit, New  
12          Jersey Transit.

13                          MS. GAFFNEY:  Are you also aware  
14          despite the fact that this is the fastest growing  
15          area and population that New Jersey Transit has not  
16          only not increased service in four years, but has  
17          actually reduced it?

18                          THE WITNESS:  I understand they have  
19          reduced service because of economic cut backs.  
20          Again, that is not something that is -- I don't  
21          represent New Jersey Transit.  You have to contact  
22          them.

23                          MS. GAFFNEY:  I think it's a little  
24          unfair to say we have great public transportation  
25          when our public transportation is overtaxed.  Are

1       you aware that Port Authority is already operating  
2       in excess of the capacity to the number of buses it  
3       can handle at least at rush hour?

4                   THE WITNESS: The Port Authority's  
5       lack of funds or buses is not relevant to this  
6       project.

7                   MS. GAFFNEY: But it is relevant to  
8       those of us who live here.

9                   CHAIRMAN BLANE: Why don't you feel  
10      it's relevant to the project? If a great many  
11      people are using commuters -- will become commuters  
12      then the bus service to Port Authority into Port  
13      Authority, not necessarily out, but into Port  
14      Authority is very relevant.

15                  THE WITNESS: How can we effectuate a  
16      change in the bus service?

17                  CHAIRMAN BLANE: That is not what you  
18      said. You said it wasn't relevant.

19                  THE WITNESS: The Port Authority's  
20      finances are not relevant.

21                  CHAIRMAN BLANE: But the Port  
22      Authority bus service is.

23                  THE WITNESS: Sure. It will be  
24      utilized by the residents.

25                  CHAIRMAN BLANE: Great minds think

1       alike.

2                       THE WITNESS: I do not know the Port  
3 Authority's financial condition.

4                       CHAIRMAN BLANE: Ma'am, I think your  
5 point has been taken. Yes, sir?

6                       MR. FEDORKO: Gabe Fedorko, 6600  
7 Boulevard East. Are these the same drawings that  
8 were issued 3/12?

9                       THE WITNESS: No.

10                      MR. FEDORKO: They are different.  
11 What was modified? I know revision clouds were  
12 taken off.

13                      MR. ALONSO: Mr. Chairman, this is the  
14 power point that was presented initially which was  
15 marked into evidence and the plans that the  
16 gentleman is holding are the revised plans that were  
17 submitted based on the comments by the planner and  
18 engineer and requested by the board, so the plans  
19 that you have show the current revisions that were  
20 made. This power point does not include those  
21 revisions.

22                      MR. FEDORKO: So, this does not  
23 necessarily reflect what is on these plans?

24                      CHAIRMAN BLANE: Correct. So the  
25 plans that you have are the better plans.

1 MS. DATO: Why are you showing us  
2 them?

3 CHAIRMAN BLANE: Because they are the  
4 basis of the application without the revisions. You  
5 don't need the revisions necessarily for the  
6 testimony or the questions that you are going to  
7 ask.

8 MR. FEDORKO: So, do these drawings  
9 reflect accurately the parking lay outs that are  
10 indicated on the plans that were presented to the  
11 board?

12 MR. ALONSO: Let me just have -- that  
13 is a question for the architect. If you want to  
14 answer that go ahead.

15 MR. ALONSO: You are still under oath  
16 from the last hearing.

17 MR. ARENCIBIA: Basically there was  
18 some changes to the parking areas, but I would say  
19 to a great degree what you have here is very similar  
20 to what you have there. It's not anything major.

21 MR. FEDORKO: Okay, can we look at the  
22 third level parking? This is the third level  
23 parking. If you notice the label on the other side,  
24 third level parking. This all right. So, the ramp  
25 down takes you out to the curb cut below?

1 THE WITNESS: Yes.

2 MR. FEDORKO: I have a very major  
3 concern about parking spaces in this particular  
4 location. You have back to back parking. Somebody  
5 is going to be stuck here in the spot in case of  
6 emergency they want to leave, for some reason they  
7 have to go, their wife is having a baby, they have  
8 to get out. How are they going to do that?

9 THE WITNESS: That's a great question.  
10 The tandem spaces would be assigned to one unit, so  
11 it will be people who live together.

12 MR. FEDORKO: You will be short one  
13 unit, one parking space, it's not the 107?

14 THE WITNESS: No, there are two  
15 parking spaces there. The tandem spaces will be  
16 assigned to one unit that has two cars, just like a  
17 driveway, a residential house driveway. You won't  
18 have to knock on your neighbor's door and say my  
19 wife is giving birth, let me out.

20 CHAIRMAN BLANE: Would you say that  
21 again about the tandem spaces?

22 THE WITNESS: They will be assigned to  
23 one of the units where the residents have two  
24 vehicles. These won't be assigned to separate  
25 tenants, such that you would have to go knock on

1 your neighbor's door and ask them to move the car.

2 CHAIRMAN BLANE: There are certain  
3 parking spaces where two parking spaces will be  
4 assigned to one unit?

5 THE WITNESS: Yes.

6 MR. FEDORKO: So, then I guess  
7 hypothetically --

8 CHAIRMAN BLANE: How many parking  
9 spaces are required for this application?

10 THE WITNESS: A hundred and seven.

11 CHAIRMAN BLANE: And you have 107?

12 THE WITNESS: Yes.

13 CHAIRMAN BLANE: But some instances  
14 two parking spaces are assigned to one unit?

15 THE WITNESS: Yes. That is the only  
16 tandem.

17 CHAIRMAN BLANE: That is the only  
18 tandem in the whole parking lot?

19 THE WITNESS: Yes, it is.

20 MR. FEDORKO: Can you go to the second  
21 level? This was confusing.

22 THE WITNESS: This is the second  
23 level, but the entrance to the third floor.

24 MR. FEDORKO: I understand that the  
25 roadway on the second level, the roadway width

1 according to the drawing is 30 feet?

2 THE WITNESS: On 67th?

3 MR. FEDORKO: Yes.

4 THE WITNESS: That sounds right. I am  
5 not sure it is the right-of-way or the roadway?

6 MR. FEDORKO: I think it's indicated  
7 roadway width.

8 THE WITNESS: Ask your question, I  
9 will see if I can get to it.

10 MR. FEDORKO: If cars are parked on  
11 each side, let's say it is 30 feet. Let's say the  
12 car is seven, eight feet wide?

13 THE WITNESS: Typically say  
14 seven feet.

15 MR. FEDORKO: So, you have roughly  
16 15 feet. Someone is trying to turn into the garage  
17 and there is a fire truck coming down the block,  
18 there is an ambulance coming down the block, isn't  
19 it going to cause a back up for emergency vehicles  
20 basically we are tying up the entire street with two  
21 entrances, two exits and that enter and exit?

22 THE WITNESS: They both are for  
23 entrances and exits, but they will not tie up  
24 emergency access.

25 MR. FEDORKO: Have you ever seen the

1 roadway in inclement weather like ice conditions  
2 with the steep slope? We find cars going all the  
3 way across Boulevard East to the other side of the  
4 roadway many times because of the icy conditions  
5 because of the sleet and the rain, you know,  
6 topography of the area, very steep. It is another  
7 consideration somebody is coming down the street,  
8 someone is trying to turn into the garage it could  
9 cause a hazard. I just wanted to point that out.

10 Can you go to the first level? Can  
11 you just, if you don't mind, give a scenario of  
12 someone pulling into this garage, do you mind?

13 THE WITNESS: Entering from Boulevard  
14 East pull into this porte cochere garage opening,  
15 pull up.

16 MR. FEDORKO: They get out, they turn  
17 around and go back out.

18 THE WITNESS: Pull into their parking  
19 space.

20 MR. FEDORKO: How do people -- people  
21 would come in here to go enter here?

22 THE WITNESS: Yes, you go in this  
23 garage and you enter.

24 MR. FEDORKO: So, basically this isn't  
25 the street parking space from this?



1 THE WITNESS: Assuming that these  
2 spaces are full, yes.

3 MR. FEDORKO: Full handicapped drop  
4 off, all full. So, this side cannot access this  
5 side? Basically this is the entrance to the  
6 building?

7 THE WITNESS: Yes.

8 MR. FEDORKO: I am very concerned with  
9 the traffic coming in, crossing over, people walking  
10 into the building. I think it's a little bit  
11 congested with the porte cochere area given two  
12 separate entrances. Something you might want to  
13 think about.

14 THE WITNESS: Keep in mind the two  
15 separate entrances there are 35 spaces,  
16 approximately half of them on this side, half of  
17 them on this side, which is really a small number of  
18 spaces. This is not going to be very busy with  
19 residents at all.

20 MR. FEDORKO: The aisle width you said  
21 it is only two feet, in some cases two feet can be  
22 extremely critical. I'm sure that's two feet less  
23 aisle space. You minimized it by saying you don't  
24 think it's a real large amount of space, but  
25 everything is relative, two feet could mean a lot of

1 different things. I just want to report that  
2 information. Thank you very much.

3 CHAIRMAN BLANE: Next.

4 MS. PUERTO: Rose Puerto. I have a  
5 question regarding the entrance ramp on 67th Street.  
6 There is an elevation level, I think that I wanted  
7 to ask you about. I think the elevation goes from  
8 eight to 15 percent. There is not really any  
9 transition. Can you explain how the cars are going  
10 to enter? There is a ramp, isn't there to go --

11 THE WITNESS: Yes, to come off the  
12 street.

13 MS. PUERTO: Yes. Isn't that kind  
14 of --

15 THE WITNESS: That's allowed. The  
16 transition is something that is honed a little bit  
17 later on. This is more of a schematic plan. The  
18 architect might be better able to answer it. It  
19 will relate to the cars. Cars won't bottom out, if  
20 that is what you are asking about.

21 MS. PUERTO: Exactly. Is there  
22 visitor parking?

23 THE WITNESS: All the parking will be  
24 assigned such that it is necessary. Any extra  
25 parking available we could make that available to

1 visitors.

2 MS. PUERTO: If there is extra parking  
3 spots?

4 THE WITNESS: If there is available  
5 parking. Unassigned spaces will be assigned to  
6 visitors, but there is no way to know until the  
7 building is occupied.

8 MS. PUERTO: Given -- you had asked  
9 Mr. Blane about the number of spots. I actually  
10 counted them out. If you want the numbers I have  
11 got them. There is really only one that meets the  
12 RSIS standard of 9 by 18 and there is actually two  
13 and there is two that come close. It's 9 by 17 and  
14 a half. The rest are quite smaller and I am  
15 thinking I guess you are doing that because you are  
16 in an urban type of area, congested area, but do you  
17 feel that in an enclosed garage setting it is  
18 probably safer that they be a little bit larger than  
19 if it was in an open space parking where it might  
20 make sense to have a little bit smaller?

21 THE WITNESS: No, the opposite just  
22 because of driver's expectations. When you are in  
23 an open parking field going shopping for something  
24 you are looking for that 9 by 18 space. You are  
25 accustomed to that. When you are in a parking

1 garage, any parking garage, particularly residential  
2 garage, it is more confined, you are more used to  
3 that smaller dimension. You are aware that you have  
4 to watch out for loading columns and things like  
5 that and smaller parking spaces. People tend to  
6 drive more cautiously in a garage than a surface  
7 lot.

8 MS. PUERTO: You mentioned earlier  
9 that your assumption is that people are really not  
10 going to use their car all that much, so it's okay  
11 for people who don't drive as often to have these  
12 small spaces and to take the extra time to make sure  
13 that they don't bang into another car, that they  
14 back up, that they don't hit a pole because there is  
15 a little circumventing you have to do to not hit  
16 another car. So, it's okay for people who don't  
17 drive that often to go through this extra time and  
18 trouble than somebody who drives often.

19 THE WITNESS: It is not driving often.  
20 It is the residents of this building won't drive  
21 that often. It's the type of use, the residential  
22 use. If you think about your house, you only access  
23 your parking space one, two maybe three times a day.  
24 Whereas a shopping center, somebody might go in and  
25 out of the same parking space 15 times in an hour.

1       It's the turn over, it's the type of use, the fact  
2       that it is residential justifies that smaller space.

3                   MS. PUERTO: I am thinking about the  
4       spots in my building. I am in the Versaille and  
5       they are good size, which is great because I  
6       wouldn't have taken it and the only reason I moved  
7       here is because I have a parking spot because I know  
8       that there is no parking on the streets, but our  
9       parking spots are not as small as what you are  
10      proposing. So, you know, that is just my  
11      experience. I think, did you testify as to the  
12      turning and maneuverability inside? Can cars  
13      actually turn out and come out relatively easy?

14                   THE WITNESS: Yes, yes. The larger  
15      vehicles at most 20-foot turning radius. This is  
16      22-foot wide at minimum, so they will able to pull  
17      directly into the parking space and back out.

18                   MS. PUERTO: Will they have to  
19      maneuver a couple of times?

20                   THE WITNESS: Most of the spaces, no.  
21      Only some of the more difficult to access spaces,  
22      which we tend to put more compact vehicles in.

23                   MS. PUERTO: Did you -- when you took  
24      a -- when you did the analysis you mentioned that  
25      there was a four year report which was not from the

1 books. It was actual research, I guess, four years,  
2 a four year period of time that you analyzed the  
3 traffic?

4 THE WITNESS: Traffic counts. We took  
5 traffic counts started December 2008 was the first  
6 time we counted this intersection then a few other  
7 times up to January of 2012.

8 MS. PUERTO: Who did that research?

9 THE WITNESS: Our firm actually. It  
10 was me.

11 MS. PUERTO: What were you doing  
12 counting the cars? You actually had to be out there  
13 for a whole day counting the cars?

14 THE WITNESS: Count the peak hours.

15 MR. PUERTO: Peak hours are four to  
16 six?

17 THE WITNESS: Seven to nine and four  
18 to six.

19 MS. PUERTO: Do you live in this area?

20 THE WITNESS: Not anymore. I used to  
21 live in Hoboken, not anymore.

22 MS. PUERTO: I'll just say I can  
23 attest to what Peggy said about the rush out goes --  
24 I was on the Port Authority two night ago until  
25 8:00 standing on a long line trying to get in

1           because there is so many people in this area taking  
2           mass transit. Did you realize that you contradicted  
3           yourself when you said initially you said well, if  
4           there is more people New Jersey Transit will respond  
5           and add more buses, but then you acknowledged what  
6           Peggy said. Did you realize that in the last four  
7           years they haven't added more buses, which I can  
8           attest to because my quality of life is really  
9           deteriorated because I am standing more often,  
10          waiting longer for buses that go by me and you said,  
11          I understand that the bus service actually was  
12          decreased because of budget cuts, so that was a  
13          contradiction. Did you understand that?

14                           THE WITNESS: The overall was  
15          decreased this particular route, the only way to add  
16          more capacity to a route isn't only to add more  
17          buses. You can shift buses from where they aren't  
18          as popular. So, it not necessarily that they need  
19          to reverse themselves and spend more money. They  
20          might just need to readjust.

21                           MS. PUERTO: They didn't. They  
22          haven't. That is something they could have done  
23          over the last four years because ridership it  
24          dictates that they should, you know. They haven't  
25          and you would know this if you stood there every day

1       like I do and like a lot of us do waiting for a bus  
2       that goes right by because it is standing room only.  
3       In fact New Jersey Transit, we did contact New  
4       Jersey Transit and the bus drivers, if you speak to  
5       them, they tell you they are overwhelmed. They have  
6       to get new routes, you have the jitneys that are  
7       added. Also that are -- did you take a count for  
8       jitneys?

9                   THE WITNESS: Yes. There are a lot of  
10       jitney service and that is an interesting thing, you  
11       can contact the jitney company.

12                  MS. PUERTO: The fact that they drive  
13       slow on purpose to pick up passengers and make it  
14       more difficult. So, traffic flow is getting worse.

15                  THE WITNESS: You don't like the buses  
16       being crowded, but you don't want the jitney buses?

17                  MS. PUERTO: It would be nice if we  
18       had buses sufficient and if we have the sufficient  
19       number -- the adequate number of people. We have an  
20       over populated town. That's the problem.

21                  CHAIRMAN BLANE: Do you have a  
22       question?

23                  MS. PUERTO: I will move on to my  
24       question. On the report that you had created, which  
25       is dated January 21st, I had a question regarding



1 the entrances because you mentioned throughout the  
2 report that there were a couple of times that I saw  
3 you mentioned gas station, in other places you  
4 mentioned service station. Gas station to me is  
5 different than a service station?

6 THE WITNESS: Right now without  
7 pumping gas you would call it a service station. I  
8 mean the theoretical possibility of them being able  
9 to pump gas again in a gas station, that may be the  
10 difference in the language. It's very similar.

11 MS. PUERTO: The results, what you  
12 came up with is based upon it being inactive right  
13 now, just a service station?

14 THE WITNESS: When I counted, they  
15 weren't pumping gas. I got the latest counts.  
16 Those gas customers were included, but I made a  
17 projection of what it could be if somebody decided  
18 to open up as a gas station.

19 MS. PUERTO: When you mentioned gas  
20 station, you had said something to the effect of all  
21 gas stations. I think this man was talking. You  
22 uses your data of all gas stations; is that correct?  
23 It's just generic gas stations in New Jersey or is  
24 it because some gas stations are busier than others?

25 THE WITNESS: In this case it's the

1 New Jersey DOT rates for a gas station, a service  
2 station.

3 MS. PUERTO: But they are not all the  
4 same because this is a little local gas station  
5 where as I have been to ones on the New Jersey  
6 Turnpike or down the shore, they have a lot of  
7 volume. Which are we --

8 THE WITNESS: You are absolutely  
9 right. You look at averages when it comes to  
10 something like a gas station, the prices of gas, how  
11 busy the road is certainly determines it. I made  
12 the projections based on ITE. Apples to apples  
13 comparison. The projections for this versus the  
14 projections if it were a gas station.

15 MS. PUERTO: There is a big room for  
16 error.

17 THE WITNESS: Not as much for the  
18 residential. That data is based on high-rise  
19 residential buildings, but you're right gas stations  
20 do vary a lot. The point I wanted to make, I did  
21 not even take that into account. I mentioned that  
22 for your information that if you compare the ITE  
23 numbers you can have a gas station that generates  
24 more traffic. I didn't count for that in my  
25 analysis.

1                   MR. PUERTO:  You mentioned in your  
2                   report that most people in the area take mass  
3                   transit.  I don't know about all of you, but if I  
4                   come to the supermarket, I don't take the bus.  I am  
5                   not like Linda.  Linda is great, she likes to walk.  
6                   I don't walk to Trader Joes, which is two miles away  
7                   and carry my bags.  I also don't buy all of my  
8                   shopping and all my food or if I go to restaurants  
9                   and especially as a single person, I don't cook big  
10                  meals and do my big shopping on a Saturday.  I go  
11                  pretty often in and out to pick up some take out at  
12                  Peter Changs or whatever it is.  So, when you say  
13                  most people will use mass transit for their  
14                  different needs or their shopping, daily errands  
15                  because --

16                 THE WITNESS:  Their commutation to and  
17                  from work basically.  Maybe they may run errands on  
18                  the weekends and things like that, but Kennedy  
19                  Boulevard and 67th Street are far less busy at this  
20                  time.  I am looking at when this is going to be  
21                  busiest at the same time ours is.

22                 MS. PUERTO:  Do you consider Saturdays  
23                  to be busy?

24                 THE WITNESS:  Saturday midday would be  
25                  a busy time period for the roadway.  Typically not

1 the busiest rush hour, but residential I think is  
2 busy.

3 MS. PUERTO: I think you are off on  
4 your rush hour times and I think you are off on your  
5 Saturday times. That is just my opinion. I'm not  
6 an expert. I think I am just going to leave it  
7 there. Thank you.

8 CHAIRMAN BLANE: Yes, sir?

9 MR. DIXON: My name is Eric Dixon.  
10 That is D-I-X-O-N. The address is 15 75th Street.  
11 I have been a resident there for 16 years. I  
12 promise I am going to be brief. All of my questions  
13 to you, sir, pertain to your use of census tract  
14 data, methodology in terms of using that data as the  
15 predicate for some of the assumptions as to the  
16 preponderance of car ownership and how many people  
17 might be commuting. The census tract that you used,  
18 can you describe the geographic boundaries? Is it  
19 just West New York?

20 THE WITNESS: I think it would have to  
21 be just West New York, but I use this specific  
22 street address and it gives the me census. I don't  
23 have the map with me. I can bring it next meeting  
24 and show you exactly where it is.

25 MR. DIXON: So, as of right now, do

1       you have any assurance that this census track  
2       doesn't cover areas of West New York that might be  
3       adjoining Bergenline Avenue which is six blocks away  
4       from Boulevard East?

5                   THE WITNESS:  Do I know that it  
6       doesn't, I don't know.

7                   MR. DIXON:  Do you know whether this  
8       census track covers Guttenberg?  Which by reference  
9       is one block north of this proposed site.

10                  THE WITNESS:  It wouldn't cover  
11       Guttenberg.  It's within West New York boundaries.  
12       The census track is within the township boundaries.

13                  MR. DIXON:  In terms of your selection  
14       of this census track, what was the basis for this  
15       selection.  Just take the site.  Where is the  
16       site --

17                  THE WITNESS:  The questions you are  
18       asking me right now, if I looked at West New York as  
19       a hole, which the data that is available that shows  
20       very similar numbers.  You would say oh, but this  
21       part of West New York is very different, so I zoomed  
22       in on this part of West New York and find less  
23       people drive and have less cars than the whole town.  
24       So, for exactly the questions you are asking is why  
25       I used the census track instead of the entire town.

1                   MR. DIXON: You don't know how wide  
2                   that census tract is. So, as of right now there is  
3                   no assurance that the census track is not accounting  
4                   for people who live at say 60th Street and  
5                   Bergenline?

6                   THE WITNESS: I don't know that, but I  
7                   know it's smaller than the town itself. It's more  
8                   specific to this particular location.

9                   MR. DIXON: But still the fact is this  
10                  census track --

11                  CHAIRMAN BLANE: He has answered your  
12                  question. We all understand that the census track  
13                  is in West New York. He put in the address. He  
14                  doesn't know what the boundaries are, but he knows  
15                  that whatever that address census track is in West  
16                  New York.

17                  MR. DIXON: Can you state whether, you  
18                  know, the census track that you used does or does  
19                  not include Guttenberg?

20                  THE WITNESS: It does not.

21                  MR. DIXON: It does not. You are  
22                  certain?

23                  THE WITNESS: I am certain because the  
24                  census track is with the town of West New York.

25                  MR. DIXON: What is the basis of that

1 statement?

2 THE WITNESS: The next census track  
3 would be in Guttenberg. The municipalities are  
4 divided into smaller regions.

5 MR. DIXON: People are saying they did  
6 the same. The fact is you either know or don't  
7 know. I want to get to what is a fact and what is  
8 an assumption.

9 THE WITNESS: It is my understanding  
10 that the census track is within West New York.

11 MR. DIXON: But that the census track  
12 is -- only includes West New York and does not  
13 include Guttenberg?

14 THE WITNESS: That is my  
15 understanding. I will bring you the map next time.

16 MR. DIXON: As of right now you are  
17 not certain if that is the case, whether this is a  
18 fact or an assumption. This is important. In  
19 fairness, sir, this is very important. A lot of the  
20 data and the facts that have been stated here are  
21 based upon assumptions and if you are giving a  
22 demographic information, but if the basis of that  
23 demographic information is either incomplete or  
24 inaccurate or misleading --

25 CHAIRMAN BLANE: Wouldn't you agree

1           that the census itself is based on assumptions.

2                       MR. DIXON: Well, I'm not a census  
3 expert. That is --

4                       CHAIRMAN BLANE: Wouldn't you agree  
5 with that?

6                       MR. DIXON: That is actually one of my  
7 next questions.

8                       CHAIRMAN BLANE: Wouldn't you agree  
9 with that.

10                      MR. DIXON: Well, if the census data  
11 is based on assumption then the question becomes if  
12 the census data is going to be used for any decision  
13 the proper question then becomes by your board, is  
14 this census data, are these assumptions correct?

15                      CHAIRMAN BLANE: That is the judgment  
16 that this board has to make. Thank you very much.

17                      MR. DIXON: I have no further  
18 questions. Thank you.

19                      THE WITNESS: Just to clarify, my  
20 analysis is based not on the census data. That is  
21 information. My analysis is based on the Institute  
22 of Transportation Engineers. It's a traffic  
23 engineering industry standard that gives me higher  
24 numbers and a worse impact than the census. I gave  
25 you the census data because I was asked by the



1 chairman and I am asked it all the time. Well, you  
2 use this national data, it doesn't represent what  
3 happens here. So, I want to show you what happens  
4 here. How it compares to that national data.

5 CHAIRMAN BLANE: Yes, ma'am, do you  
6 have a question?

7 MR. EVANS: Jonathan Evans, 6600  
8 Boulevard East. I have got a sense that a lot of  
9 people have spoken to less quantitative questions in  
10 discussing all of the numbers that are used and the  
11 regulations that govern some of the calculations.  
12 You can come up with practices professionally  
13 recognized, quantitative answers. I am actually  
14 curious about cumulative affects and how planners,  
15 traffic planners actually understand the impacts  
16 beyond perhaps their specific project in a couple of  
17 different ways. One in terms of cumulative traffic,  
18 but I also have -- how is that understood? You  
19 mentioned briefly that you could get approval on  
20 this project, but everybody else that comes after  
21 you is going to be sort of piling on that in fact  
22 our first project that gets clearance for variations  
23 of whatever adds traffic, but it also -- there can  
24 also be more traffic added to future projects. Is  
25 that taken into account?

1                   THE WITNESS: Yes. As I mentioned I  
2                   added a back ground of growth rate to account for  
3                   any of that regional development. If there is  
4                   anything under developed within a very close  
5                   proximity to this I would add that specific traffic,  
6                   but in this case there is nothing that is going to  
7                   directly impact these streets. The next guy who  
8                   comes along, the next project he wants to build,  
9                   they are going to have to account for the traffic  
10                  from this if we are approved. You have to look at  
11                  each individual application.

12                 MR. EVANS: I think maybe you can help  
13                 answer this. I think that what is going on River  
14                 Road and doesn't quite understand how project after  
15                 project after project gets added including all the  
16                 body stuff that extends towards Fort Lee and how can  
17                 those things, in fact, be in compliance with the  
18                 standards if, in fact, the qualitative experience is  
19                 so driven then perhaps the approved quantitative  
20                 experience. Do you understand that how that works?

21                 THE WITNESS: I didn't get into a  
22                 whole philosophically discussion. The case at hand  
23                 we have to look at can this project be constructed  
24                 and will it impact the traffic conditions and the  
25                 traffic circulation in the area. That is it. That

1 is what we are here for.

2 MR. EVANS: I have one more question.  
3 In your experience working on all these different  
4 parking garages, actually how many different  
5 projects have you worked on that are roughly similar  
6 or in the same neighborhood or region as this  
7 project?

8 THE WITNESS: Residential projects in  
9 Hudson County?

10 MR. EVANS: Yes.

11 THE WITNESS: I would say couple dozen  
12 maybe.

13 MR. EVANS: This is also about  
14 cumulative effect. The smallness of the parking  
15 spaces, the two feet shaved off of the traffic, the  
16 tandem spaces, the dead end and the, you know, turn  
17 out without through circulation, if you were to give  
18 this a grade in terms of the parking experience in  
19 this building compared to some of the other ones --

20 THE WITNESS: This is one of the most  
21 wide generous layouts in this town.

22 MR. EVANS: Is that true?

23 THE WITNESS: Yes.

24 MR. EVANS: Can you name us a building  
25 then that seems more --

1                   THE WITNESS: I don't have project  
2 files but, yes, I have seen very routinely smaller  
3 aisles and smaller spaces. The typical I have seen  
4 is 20-foot aisles and 7 by 15 parking spaces. In  
5 fact, if you go to -- nearly any recently  
6 constructed building in Hoboken, you will see that.  
7 That is their standard.

8                   MR. EVANS: When you park a car in a  
9 space that is the absolute minimum, is this where  
10 your door actually hits the car in the next space?

11                   THE WITNESS: If you are careless that  
12 can happen in any size space, but no you have room  
13 to get out of the car.

14                   MR. EVANS: You do have room to get  
15 out of the car.

16                   THE WITNESS: Yes.

17                   MR. EVANS: What is the threshold  
18 where you don't have room to get out of the car? I  
19 have been in parking lots where the person next to  
20 you is a little bit too close, I can't get out of the  
21 car. I think there is probably a reality thing  
22 here.

23                   THE WITNESS: It would depend on your  
24 size and your ability to maneuver. I can't give you  
25 specifics.

1                   CHAIRMAN BLANE: Thank you. Yes,  
2                   ma'am?

3                   MS. WONG: I would like to present for  
4                   an exhibit a photograph that was taken of the site  
5                   at night by one of the residents. If you want to  
6                   mark this. It is a nighttime photograph of the  
7                   site. It was taken within the last two months by  
8                   one of the audience members actually. She lives at  
9                   the Versaille, Rose Puerto.

10                  MR. ALONSO: It is actually a  
11                  nighttime version --

12                  CHAIRMAN BLANE: She didn't think  
13                  enough of that photo to bring it up to the board by  
14                  herself.

15                  (Photograph was received and marked  
16                  O-4.)

17                  CHAIRMAN BLANE: Why don't you  
18                  continue now.

19                  MS. WONG: The point of the picture is  
20                  to ask Craig to look at the picture and count the  
21                  number of cars that are there and how many cars  
22                  would be able to park there at night once the  
23                  project is built?

24                  MR. ALONSO: Is the question are they  
25                  legally parked or just parked?

1 MS. WONG: They are parked. I think  
2 at that hour --

3 MR. ALONSO: The question is are they  
4 legally parked?

5 MS. WONG: They are not ticketed, so I  
6 assume they are legally parked.

7 CHAIRMAN BLANE: Do you mean on the  
8 street or in the lot?

9 MS. WONG: On the street. If he could  
10 count how many cars are parked presently where your  
11 project will be?

12 THE WITNESS: On 67th Street?

13 MS. WONG: On 67th Street and  
14 Boulevard East.

15 THE WITNESS: One, two, three, four --

16 MS. WONG: What about Boulevard East?

17 THE WITNESS: These are blocking the  
18 driveway.

19 MS. WONG: I know, but every night  
20 they are parked there.

21 THE WITNESS: Ten total.

22 MS. WONG: Now once the project is  
23 built, how many of those ten cars could  
24 hypothetically park in front of the development?

25 THE WITNESS: Well, they certainly

1       wouldn't be able to legally park in front of the  
2       driveway. It's illegal to park in front of a  
3       driveway. We have three vehicles, so we lose those  
4       two spaces and you will continue to park one car  
5       between the two driveways and one -- so, you have  
6       two on Boulevard East and three on 67th.

7                   MS. WONG: But you had earlier said  
8       there are two -- one parking spot on 67th Street?

9                   THE WITNESS: The loading zone. At  
10      night, you are right, you will be able to park in  
11      the loading zone. You only lose one on 67th Street  
12      and this is a nighttime thing.

13                  MS. WONG: So, in total at night after  
14      the project is up and running, how many cars will be  
15      able to park at night?

16                  THE WITNESS: Along the frontage?

17                  MS. WONG: In total.

18                  THE WITNESS: Six.

19                  MS. WONG: Six. Where do you get six?

20                  THE WITNESS: Right now that is a  
21      driveway to the house. We are taking one away for  
22      the driveways then we are adding? We have four and  
23      you can park one at the far end and one in between  
24      the two driveways, that is six.

25                  MS. WONG: Earlier when you said there

1 was only one on 67th Street, where did you count the  
2 one?

3 THE WITNESS: Count the one what?

4 MS. WONG: Didn't you earlier say that  
5 there was only one spot on this stretch that would  
6 have been parked because of the driveways and the  
7 loading zone?

8 THE WITNESS: In between the driveways  
9 on Boulevard East you can park one car.

10 CHAIRMAN BLANE: I think he is adding  
11 two because of the loading dock at night won't be  
12 used. Just like illegal. What's legal and illegal  
13 is legal and illegal.

14 MS. WONG: So, in effect are you  
15 saying we are losing six spots at night?

16 THE WITNESS: No.

17 MS. WONG: Or four?

18 THE WITNESS: You are losing two  
19 legal spots and two illegal spots.

20 MS. WONG: You just counted all of  
21 these spots. How many of these are going to be  
22 retained or lost? I don't care which way you want  
23 to take it. I just want to get a number from you.

24 THE WITNESS: Two.

25 MS. WONG: You are just losing two



1 spots?

2 THE WITNESS: Two legal spots. This  
3 vehicle parked in the intersection. These two  
4 vehicles are parked in the driveway.

5 CHAIRMAN BLANE: The circle is going  
6 to end. Let's compromise, we are losing five.

7 MS. WONG: It is probably more.

8 CHAIRMAN BLANE: Excuse me, we are  
9 losing five. Now, let's continue. You have two  
10 people behind you. We are already five minutes over  
11 the cut off.

12 MS. WONG: The point I am trying to  
13 make we are going to lose spaces. Right now if I'm  
14 going to a meeting at the Versaille I have to allow  
15 an extra 45 minutes.

16 CHAIRMAN BLANE: Point well taken and  
17 we all understand.

18 MS. WONG: Craig, you said the RSIS  
19 has stipulated a parking size of 9 by 18?

20 CHAIRMAN BLANE: Let me just stop you  
21 for a moment. The gentleman and the woman behind  
22 him, you may as well sit down. We are not going to  
23 get to you tonight. This young lady has been  
24 standing or a while. I have noticed it. So, she is  
25 going to be the last person tonight. Only for

1 benefit of the board, trust me.

2 FEMALE AUDIENCE MEMBER: Will this  
3 be --

4 CHAIRMAN BLANE: The whole thing will  
5 continue on Monday. Monday is our regular meeting  
6 so what I am going to say is you come, it starts at  
7 6:30, you come at 7:30 and for the first hour we are  
8 going to try to get work done. We have, I think,  
9 five applications and I will talk to the secretary.  
10 We are going to hear three and two are just going to  
11 take notices tell them July. We will start with  
12 this again at 7:30.

13 MS. WONG: RSIS regulations stipulate  
14 a size of 9 by 18. Other than that does it give you  
15 any wiggle room or leeway to use a smaller size such  
16 as citing the reasons that you gave for having a  
17 small size parking spot slots in the garage.

18 THE WITNESS: It does. RSIS allows  
19 for de minimus exception to its standards based on  
20 local conditions as well as a list of the reasons  
21 you can deviate from.

22 MS. WONG: You said you used an ITS  
23 software to develop this report. Also you said that  
24 your counts, your trip generation counts and your  
25 inspection of the traffic is based upon nine a.m. to

1           seven a.m. to and four p.m. to six p.m.?

2                         THE WITNESS:  Yes.  It's HCS Highway  
3           Capacity Software.  The time periods were seven to  
4           nine in the morning and four to six in the evening.  
5           The one hour inside of those is the busiest.

6                         MS. WONG:  Is this software used  
7           country wide?

8                         THE WITNESS:  Yes.

9                         MS. WONG:  Have you ever in all the  
10          projects that you have worked on where you have  
11          drafted up reports, have you ever modified those  
12          parameters slightly for the conditions of the  
13          location that you are studying?

14                        THE WITNESS:  Yes.  You can do that.  
15          You can modify essentially the gaps that people will  
16          accept in traffic.  I used the standard gap.  That  
17          is actually seven seconds.  It you live in New  
18          Jersey you have a seven second gap to pull into  
19          traffic and you have pretty -- actually I don't  
20          modify them.  I use the standard nationally.

21                        MS. WONG:  The point is traffic in  
22          this area has expanded to 7:30.  At times if you  
23          stand at the bus stop, you see people coming home  
24          from work as late as 7:30 into 8:00 and that's  
25          personal --

1                   CHAIRMAN BLANE: The board can take  
2 notice of that. At an earlier time with an earlier  
3 demographic it might have been appropriate from four  
4 to six, but as the years have passed, the times have  
5 changed, so has the demographic of the area. Five  
6 to seven might be a much better count.

7                   MS. WONG: I think you heard testimony  
8 from two other people here from personal experiences  
9 and I have experiences from earlier times and things  
10 are very different now.

11                  CHAIRMAN BLANE: We already heard it.

12                  THE WITNESS: The peak hour of the  
13 evening was 4:45 to 5:45, so it fell within the time  
14 period. That next fifteen minutes between 5:45 and  
15 six was less. Traffic started going down. That  
16 being said with the level service B, I can increase  
17 these traffic volumes by 50 percent and still not  
18 get to that level. There are lots of extra capacity  
19 for margin or error. One day is a little busier  
20 than others.

21                  MS. WONG: Your margin of error is our  
22 major headache maybe.

23                  THE WITNESS: You would never get to a  
24 failing condition with those volumes.

25                  MS. WONG: Your census track, one of

1 the comments that I wanted to make, which I was  
2 trying to get to when the person was questioning  
3 you, that when you plug in the information using  
4 West New York, did you plug in West New York or the  
5 zip code for West New York? The reason I say that  
6 is Guttenberg shares the same zip code as West New  
7 York.

8 THE WITNESS: I typed in the address  
9 of this property.

10 MS. WONG: I don't suppose in your  
11 breakdown you take a second look at cars along  
12 Boulevard East, mainly because other people have  
13 said that Boulevard East is a more affluent part of  
14 West New York and also Hudson County, therefore, the  
15 people along Boulevard East are more inclined to use  
16 cars as opposed to people in land west of Boulevard  
17 East. So, there is likely more of a traffic surge  
18 here on Boulevard East than the western parts of  
19 town. Have you come across this at all?

20 THE WITNESS: The mass transit  
21 corridor is here on Boulevard East, so I don't know  
22 about their being more of a surge of traffic.

23 MS. WONG: There is no nearby  
24 supermarkets or shopping centers. It's all either  
25 Bergenline Avenue or down on River Road.

1                   CHAIRMAN BLANE: The board members can  
2 take all of that into consideration as part of their  
3 individual experience.

4                   MS. WONG: Have you studied the impact  
5 that this development will have traffic wise on the  
6 parallel roads off of Boulevard East that is, I  
7 think, it's Lincoln Place and Park Avenue and what I  
8 am speaking to, if you are coming north and wanting  
9 to enter the garage entrance on 67th Street, which  
10 is one way westbound you have to make really a left  
11 turn on 66th Street and go to, I think it's Lincoln  
12 Place is the next parallel street or up to Park  
13 Avenue and then to come around to get to 67th Street  
14 and Lincoln Place is a pretty narrow road. Do you  
15 take into account the traffic overflow on to those  
16 roads when you do your study?

17                  THE WITNESS: All those intersections  
18 beyond this one next to the site will have lesser  
19 impact than this one. If the impact is minimal or  
20 perceptible at the adjacent intersection where  
21 almost all the traffic is concentrated each of those  
22 other intersections it will be less.

23                  CHAIRMAN BLANE: Can I ask how many  
24 more questions you have?

25                  MS. WONG: About three more, three or

1 four more.

2 CHAIRMAN BLANE: I would like to get  
3 the lady behind you. We are already 15 minutes  
4 over.

5 MS. WONG: Where do the trucks for  
6 UPS, Fed Ex and any of the other deliveries, where  
7 do they park because they park and go into the  
8 building, disseminate their packages. Where do you  
9 see them parking?

10 THE WITNESS: They can either park on  
11 the street or depending on the size of the truck  
12 pull into the porte cochere area.

13 MS. WONG: Likely they will be double  
14 parked.

15 THE WITNESS: They make the deliveries  
16 at this building just like the building across the  
17 street and all the buildings up and down Boulevard  
18 East.

19 MS. WONG: Most importantly I have not  
20 seen the latest plans, which are not on this  
21 projector, but can you tell me what the number of  
22 handicapped spots are now?

23 THE WITNESS: You mean --

24 MS. WONG: The current plan. The  
25 proposed plan you were I think two short.

1 THE WITNESS: It shows three.

2 MS. WONG: Three. It's supposed to be  
3 five.

4 THE WITNESS: That is probably a  
5 discussion for Monday for the architect.

6 MS. WONG: You are the traffic expert.  
7 Aren't you the one who is supposed to answer this  
8 question?

9 THE WITNESS: I am told we are going  
10 to provide five.

11 CHAIRMAN BLANE: The architect seems  
12 to be indicating that they are going to resolve that  
13 issue. For you that means you should raise it on  
14 Monday to make sure they do resolve it.

15 MS. WONG: I will tell you bad things  
16 happen when you don't conform.

17 CHAIRMAN BLANE: We can continue and  
18 you can tell me Monday.

19 MS. WONG: Last question. This goes  
20 to something Amy was attempting to address.

21 CHAIRMAN BLANE: Excuse me Amy who?

22 MS. WONG: Orlando. I'm going to read  
23 because I took notes. I think what she was  
24 addressing was that there was a Remington and  
25 Vernick letter of March 20th where they recommended



1 deletion of four parking stalls on the second and  
2 third floors. It also questioned the viability of  
3 six dead end spots and four other spots for a total  
4 reduction of 14 spots, which is a drastic change  
5 from the 107 and I don't know if the architect's  
6 revised plans, which we don't see here, has taken  
7 those comments into account.

8 CHAIRMAN BLANE: Well, I guess we will  
9 find out on Monday.

10 MS. WONG: Does your traffic expert  
11 know if the current revised plans have a capacity of  
12 107 spots or 107 minus 14?

13 THE WITNESS: A hundred and seven.

14 MS. WONG: A hundred and seven. Mr.  
15 Chairman, we would like to see on Monday where those  
16 14 spots got moved to.

17 CHAIRMAN BLANE: I agree.

18 MS. WONG: Thank you.

19 CHAIRMAN BLANE: Please remember to  
20 bring it up. Yes, ma'am?

21 MS. HUMPHREY: Carolyn Humphrey, 6600  
22 Boulevard East. I actually didn't think about this  
23 until you brought it up. I was asking about the  
24 gate into the garages. What is the amount of time  
25 it will take those gates to rise while the person is

1       waiting on the street to make a turn into the  
2       garage?

3                   THE WITNESS: I am not sure. It  
4       depends on the type of gate, a few seconds. Not  
5       very long. They will hit the button to make it go  
6       up in advance of getting there. They won't be in  
7       the street. They would be in the what would be the  
8       sidewalk and parking lot. They won't be blocking  
9       the road.

10                  MS. HUMPHREY: They will be in the  
11       parking aisle. Where is it?

12                  THE WITNESS: There is on-street  
13       parking on 67th Street. You will be pulling off  
14       into that parking area as you are pulling off the  
15       roadway. You will be able --

16                  MS. HUMPHREY: There won't be a car  
17       parked there on the street parking?

18                  THE WITNESS: No.

19                  CHAIRMAN BLANE: It's a driveway.

20                  MS. HUMPHREY: You also mentioned the  
21       twelve most popular cars. Can you tell me what type  
22       of cars they are? I mean not the specifics, but are  
23       they midsize, compact?

24                  THE WITNESS: Toyota Camry, Nissan  
25       Ultima, Toyota Corolla, Honda Accord.

1 MS. HUMPHREY: So, they are all small  
2 or midsize cars?

3 THE WITNESS: Ford Escape, Chevy  
4 Malibu, Honda CRV.

5 MS. HUMPHREY: So, some of them are a  
6 little larger. Will you be restricting the tenants  
7 to smaller cars based on the size of spaces?

8 THE WITNESS: No. The tenants that  
9 have smaller cars will be directed into the spaces  
10 that are more difficult to maneuver in and out of.  
11 The larger cars or SUVs or pick ups, larger vehicles  
12 which, obviously, aren't as many in this area, will  
13 be in easier access parking spaces.

14 MS. HUMPHREY: Those larger cars, the  
15 one that you have 20-foot turning radius. Correct?

16 THE WITNESS: Yes.

17 MS. HUMPHREY: That leaves a two foot  
18 margin or error for those larger cars in your  
19 aisles?

20 THE WITNESS: Yes.

21 MS. HUMPHREY: What would happen say  
22 if there was more than one of those larger cars  
23 trying to turn on any given day, would that cause a  
24 problem do you think?

25 THE WITNESS: Into a parking space?

1           If the two cars were trying to park in spaces next  
2           to each other, I would guess one would just wait for  
3           the other like you would in your parking lot.

4                   MS. HUMPHREY: This is about two feet?

5                   THE WITNESS: Yes.

6                   MR. HUMPHREY: That is my questions.

7           Thank you.

8                   CHAIRMAN BLANE: Right now we are  
9           going to adjourn this hearing for the Merida  
10          Boulevard East.

11                   MR. ALONSO: Just two points. Just  
12          housekeeping matters, just a representation from the  
13          new board member that he has had the opportunity to  
14          review the prior transcripts and has read them and  
15          is qualified to proceed?

16                   CHAIRMAN BLANE: Mr. Alvarado, the  
17          transcripts you got, did you read it?

18                   MR. ALVARADO: Yes.

19                   CHAIRMAN BLANE: Based upon that do  
20          you feel you can participate in this hearing?

21                   MR. ALVARADO: Yes.

22                   CHAIRMAN BLANE: Thank you very much.

23                   MR. ALONSO: The other question was I  
24          know that after Monday I don't believe that we are  
25          going to be finished on Monday, but the next meeting

1 is July 26th?

2 CHAIRMAN BLANE: Correct.

3 MS. ALONSO: My request is to see  
4 whether or not we can schedule a special meeting  
5 between June 4th and July 26th?

6 CHAIRMAN BLANE: I will ask the  
7 secretary to get dates when the chambers is  
8 available and get maybe three dates for Monday, we  
9 will find out of those three dates who is available  
10 to come when, just to finish the matter and get it  
11 done with. Tomorrow get the three dates. Okay?

12 For everybody in the audience this  
13 will be continued Monday.

14 FEMALE AUDIENCE MEMBER: Can we get  
15 current diagrams and plans from them?

16 CHAIRMAN BLANE: That I don't --

17 MR. ALONSO: The current plans are on  
18 file.

19 CHAIRMAN BLANE: Why don't you speak  
20 to Maria and see what kind of copies you can get.  
21 In any event I suggest you come at 7:30 because we  
22 probably -- we will not start with this before 7:30.  
23 That will give us an hour to get some other work  
24 done. What I will do, does everybody know Maria's  
25 phone number. 201-295-5262, 201-295-5262 and I

1 would call her tomorrow morning and whatever plans  
2 you want and whatever copies --

3 FEMALE AUDIENCE MEMBER: Why weren't  
4 they projected?

5 CHAIRMAN BLANE: There is no  
6 obligation to project it.

7 MR. ARENCIBIA: We can easily have  
8 them for next meeting.

9 CHAIRMAN BLANE: Will you have them  
10 for Monday?

11 MR. ARENCIBIA: We can have them for  
12 Monday.

13 CHAIRMAN BLANE: Excuse me, ma'am, I  
14 don't mean to interrupt you. You were curious the  
15 architect said that they will have the new plans for  
16 projection on Monday. The only thing that is left  
17 would any member of the public like to step forward  
18 and shower immense praise on this board? Thank you.  
19 That will occur as everybody comes back. No quorum.  
20 No ticky, no shirty. That being the case I would  
21 entertain a motion to adjourn. Is there such a  
22 motion, yes. Is there a second? I see a second by  
23 the board total. All those is favor, aye. Anybody  
24 opposed, no. Meeting adjourned.

25 (Whereupon the hearing was concluded

1 at 10:23 in the evening.)

2 C E R T I F I C A T E

3

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

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

16 This transcript complies with regulation  
17 13:43-5.9 of the New Jersey Administrative Code.

18

19

20



*Eileen Theresa Corlett*

21

EILEEN THERESA CORLETT, C.C.R.

22

License # XI02077, and Notary

Public of the State of New

23

Jersey #2108104, Notary

Expiration Date

24

December 24, 2013

25

Dated:

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