

1 ZONING BOARD OF ADJUSTMENT
2 CITY OF HACKENSACK
3 COUNTY OF BERGEN

4 IN RE: BERGEN PASSAIC LTACH
5 APPLICATION V# 23-08 SP# 21-08
6 329 PROSPECT AVENUE, HACKENSACK,
7 NEW JERSEY, BLOCK 344,
8 LOTS 3, 4, 5, 14,
9 ZONE R-75 AND R-3

10 -----
11 Wednesday, July 22, 2009
12 Council Chambers
13 65 Central Avenue
14 Hackensack, New Jersey
15 Commencing 7:00 p.m.

16 B E F O R E:

- 17 CAPTAIN JOHN CARROLL, absent
18 FRANK RODRIGUEZ
19 WILLIAM DiMINNO, VICE CHAIRMAN
20 MICHAEL GUERRA, CHAIRMAN
21 GEORGE DIANA
22 HUMBERTO GOEZ
23 DAN GILMORE

24 RICHARD MALAGIERE, ESQ., BOARD ATTORNEY
25 MARCELLA SBARBARO, BOARD SECRETARY
26 GREGORY POLYNIK, BOARD PLANNER
27 JOSEPH MELLONE, CONSTRUCTION OFFICIAL
28 FRANK A. MISKOVICH, PE, CME, BOARD ENGINEER

29 A P P E A R A N C E S:

- 30 WINNE, BANTA, HETHERINGTON, BASRALIAN & KAHN, PC
31 BY: JOSEPH L. BASRALIAN, ESQ.
32 21 Main Street, Court Plaza South
33 Hackensack, New Jersey 07601
34 Attorneys for the Applicant

35 DIKTAS, SHANDLER, GILLMAN & MOREJON, ESQS.
36 BY: CHRISTOS J. DIKTAS, ESQ.
37 596 Anderson Avenue
38 Cliffside Park, New Jersey 07010
39 Attorneys for Objector, Anastasia Burlyuk

40 -----
41 BETH W. CALDERONE & ASSOCIATES
42 Certified Court Reporters
43 (201) 288-0277

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21	A-22 Id. Building, East Elevation, Detailed	10	
	Prepared by MPFP, LLC, dated 12/11/08		
22	And revised through 7/22/09		
	(Sheets 20R1 and 20R2)		
23	A-23 Id. Four (4) items	19	
	1.) Predominant material, exterior of		
24	Building, precast concrete		
	2.) Terra-cotta panels		
25	3.) Wood window		
	4.) Glass products		

1 EXHIBITS MARKED PREVIOUSLY

2 PAGE

- 3 A-1 Id. Certificate of Need dated 7/17/08
 Issued by the New Jersey Department
 4 Of Health and Senior Services
- 5 A-2 Id. Context Plan entitled "Bergen 45, 45
 Passaic LTACH" prepared by MPFP, LLC
 Dated 12/11/08
- 6 A-3 Id. Colorized Site Plan prepared by 45, 49
 MPFP, LLC, dated 12/11/08, Sheet 2
- 7 A-4 Id. Building, South Elevation prepared 45, 56
 By MPFP, LLC, dated 12/11/08,
 8 Sheet 17R
- 9 A-5 Id. Building Program Diagram prepared 45, 61
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- 10 A-6 Id. Building Floor Plan, Ground Level 45, 66
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 11 Dated 12/11/08, Sheet 14
- 12 A-7 Id. Building Floor Plan, Second Floor 45, 69
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- 13 A-8 Id. Building Floor Plan, Fifteenth 45, 71
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- 15 A-9 Id. Parking Floor Plans prepared by 45, 73
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- 16 A-10 Id. Landscape Prospective 3, Plaza Drop 45, 76
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- 18 A-11 Id. Landscape Prospective 2, Park Open 45, 77
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- 19 A-12 Id. Landscape Prospective 1, Driveway 45, 78
 Ending on Summit Avenue prepared by
 20 MPFP, LLC dated 12/11/08, Sheet 3
- 21 A-13 Id. Existing Conditions Plan, Bergen
 Passaic LTACH, Lots 3, 4, 5 & 14,
 Block 344, City of Hackensack prepared
 22 By Omland Engineering Associates, Inc.
 Dated 5/6/09
- 23 A-14 Id. Site Plan, Bergen Passaic LTACH,
 Lots 3, 4, 5 & 14, Block 344, City of
 24 Hackensack prepared by Omland
 Engineering Associates, Inc.
 25 Dated 5/6/09

1 EXHIBITS CONTINUED

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- 3 A-15 Id. Grading and Utility Plan, Bergen
Passaic LTACH, Lots 3, 4, 5 & 14,
- 4 Block 344, City of Hackensack prepared
By Omland Engineering Associates, Inc.
- 5 Dated 5/6/09
- 6 A-16 Id. Vehicles Turning Path Plan, Bergen
Passaic LTACH, Lots 3, 4, 5 & 14,
- 7 Block 344, City of Hackensack prepared
By Omland Engineering Associates, Inc.
- 8 Dated 5/6/09
- 9 A-17 Id. Stormwater Management Report prepared
By Omland Engineering Associates, Inc.
- 10 Dated 5/6/09
- 11 A-18 Id. Minor Subdivision Plat prepared by
Gluckler & Den Bleyker dated 10/23/08
- 12 A-19 Id. Existing Conditions Aerial Map
Prepared by Omland Engineering
Associates, Inc., dated 5/6/09
- 13 A-20 Id. Site Plan Rendering prepared by
Omland Engineering Associates, Inc.
Dated 5/6/09

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- 16 A-21 Id. Building, East Elevation prepared 9
By MPFP, LLC dated 12/11/08 (Sheet 20R)
- 17 A-22 Id. Building, East Elevation, Detailed 10
Prepared by MPFP, LLC, dated 12/11/08
- 18 And revised through 7/22/09
(Sheets 20R1 and 20R2)
- 19 A-23 Id. Four (4) items 19
 - 20 1.) Predominant material, exterior of
Building, precast concrete
 - 21 2.) Terra-cotta panels
 - 22 3.) Wood window
 - 23 4.) Glass products

24

25

1 CHAIRMAN GUERRA: Okay. The application
2 that we're all here for, application V#23-08, SP#21-08
3 address 320 Summit Avenue, Hackensack, New Jersey,
4 Block 344, Lots 3, 4, 5, 14, Zone R75 and R3, Bergen
5 Passaic Long Term Acute Care Hospital, LLC. Applicant
6 requests to demolish the existing one family structure
7 and construct a 24 story medical office building.

8 Do I need to read in all the --

9 Please stand for the flag salute.

10 (Flag Salute)

11 In accordance with Public Law 1975, Chapter 231,
12 of the Open Public Meetings Act, the City of
13 Hackensack will conduct a public hearing, Wednesday,
14 July 22nd, 2009, in the Council Chambers, City Hall,
15 65 Central Avenue, Hackensack, New Jersey, at 7:00
16 p.m.

17 The purpose of this meeting is to consider the
18 below listed cases or case and, if possible, render
19 formal decisions. Please note that the order of the
20 applications may be modified by the Chairperson at his
21 discretion.

22 Roll call.

23 MS. SBARARO: Mr. Rodriguez.

24 MR. RODRIGUEZ: Here.

25 MS. SBARARO: Mr. Diana.

1 MR. DIANA: Here.

2 MS. SBARARO: Mr. Goetz.
3 MR. GOEZ: Here.
4 MS. SBARARO: Mr. Gilmore.
5 MR. GILMORE: Here.
6 MS. SBARARO: Vice Chairman DiMinno.
7 VICE CHAIRMAN DiMINNO: Here.
8 MS. SBARARO: Chairman Guerra.
9 CHAIRMAN GUERRA: Here.
10 Approval of the transcripts from our June 25th,
11 2009 meeting.
12 Do I hear a motion?
13 VICE CHAIRMAN DiMINNO: I'll make a
14 motion.
15 MR. DIANA: I'll second.
16 MS. SBARARO: Mr. Rodriguez.
17 MR. RODRIGUEZ: Aye.
18 MS. SBARARO: Mr. Diana.
19 MR. DIANA: Aye.
20 MS. SBARARO: Mr. Gilmore.
21 MR. GILMORE: Aye.
22 MS. SBARARO: Vice Chairman DiMinno.
23 VICE CHAIRMAN DiMINNO: Aye.
24 MS. SBARARO: Chairman Guerra.
25 CHAIRMAN GUERRA: Aye.

7

1 We have one resolution to approve. That's a
2 resolution to authorize Neglia Engineering as our

3 Professional Planning Consultant and as our

4 Professional Engineering Consultant.

5 Do I hear a motion to approve?

6 VICE CHAIRMAN DiMINNO: I am making a

7 motion to approve.

8 MR. DIANA: I'll second.

9 MS. SBARARO: Mr. Rodriguez.

10 MR. RODRIGUEZ: Aye.

11 MS. SBARARO: Mr. Diana.

12 MR. DIANA: Aye.

13 MS. SBARARO: Mr. Goez.

14 MR. GOEZ: Aye.

15 MS. SBARARO: Mr. Gilmore.

16 MR. GILMORE: Aye.

17 MS. SBARARO: Vice Chairman DiMinno.

18 VICE CHAIRMAN DiMINNO: Aye.

19 MS. SBARARO: Chairman Guerra.

20 CHAIRMAN GUERRA: Aye.

21 Okay. Our application for this evening,

22 application, V# 23-08, SB# 21-08, address 320 Summit

23 Avenue, Hackensack, New Jersey, Block 344, Lots 3, 4,

24 5, 14, Zone R75 and R3. Bergen Passaic Long Term

25 Acute Care Hospital LLC, applicant, requests to

8

1 demolish one family structure and construct a 24 story

2 medical office building.

3 The following were found to be deficient. One,

4 use variance required. We need to move --

5 MR. MALAGIERE: No. You're fine. I'm

6 sure it would just be carried over from the last

7 transcript by the court reporter. That's okay.

8 You're going to carry the description over from the

9 last hearing.

10 "1.) Use Variance Required.

11 2.) Insufficient Lot Area Required 30,000

12 square feet Proposed 20,000 Square feet.

13 3.) Insufficient Lot Width Required 125',

14 proposed 100'.

15 4.) Insufficient Rear Yard Set Back, Required

16 40', Proposed 0' to Edge of R-3 District.

17 5.) Exceeds Maximum Lot Coverage, Required

18 30%, Proposed 40.5% for R-3.

19 6.) Exceeds Maximum height Ratio, Side Yard

20 Allowed 4:1, Proposed 19:1.

21 7.) Insufficient Buffer Zone, Required 6',

22 Proposed 0 to Edge of R-3 District.

23 8.) Insufficient Parking Spaces, Required 562,

24 Proposed 402.

25 9.) Insufficient Driveway Width, Required

9

1 18-22' For 2 Way, Proposed 10' for 2 Way.

2 10.) No Paving In Side Yard.

3 11.) Insufficient Area For Back up Aisle

4 Spaces.

5 12.) Exceeds Maximum Sign Area, Allowed 12

6 Square Feet, Proposed 96 Square Feet.

7 13.) Insufficient Sign Setback, Required 20

8 Feet, Proposed 0 Feet.

9 14.) Any Other Variance or Waivers That May Be

10 Required."

11 CHAIRMAN GUERRA: Thank you.

12 MR. MALAGIERE: Thank you.

13 CHAIRMAN GUERRA: Counselor, good evening.

14 MR. BASRALIAN: Good evening, Mr.

15 Chairman, members of the Board.

16 This is the carryover meeting from June.

17 At this time, I would like to recall our

18 architect who was asked to provide the elevations for

19 the East Side of the building.

20 I've amended the exhibit list that I previously

21 provided by adding in the, the exhibit, Exhibit A-21

22 which is the east elevation.

23 That was part of the package of the submission

24 on the original submission. It was not a mounted one.

25 So, we have added that as an exhibit.

10

1 I have also added Exhibit A-22 which is two

2 boards showing the east elevation detail.

3 As you may recall, from the last hearing what we

4 did detail was the south elevation. We did not detail

5 the others. So, Mr. Szerbaty will just quickly review

6 what was in the package that was submitted to the
7 Board, pardon me, as well as the detail. One was just
8 mark as A-22, two sheets.

9 Mr. Szerbaty.

10 MR. MALAGIERE: Hold on a second Mr.
11 Basralian, if I may.

12 Mr. Chairman, can we just recognize the other
13 counsel in the room for the record?

14 CHAIRMAN GUERRA: Yes.

15 MR. MALAGIERE: Is there any counsel for
16 an objector to make an appearance, please.

17 MR. DIKTAS: Good evening, Mr. Chairman,
18 members of the Board, Christos Diktas on behalf of
19 Anastasia Burlyuk.

20 MR. MALAGIERE: Thank you, Counsel.

21 Any other counsel on behalf of anyone in the
22 audience? Seeing no one.

23 Mr. Chairman, also, if I may, I was instructed
24 by the Chairman to make an announcement that we will
25 not be having a special meeting in August for this

11

1 application.

2 The regular August meeting will go forward.

3 But, this application, which is being held on special
4 meetings, will not be heard in August.

5 So, at this time, Mr. Basralian, if it's to your

6 liking, we can discuss when, in September, or we would

7 come back or, if you want, we can do it later in the
8 evening.

9 MR. BASRALIAN: Your pleasure.

10 MR. MALAGIERE: Okay. Marcella, when do
11 we have available in the September.

12 MS. SBARARO: Wednesday, September 23rd or
13 Thursday, September 24th.

14 CHAIRMAN GUERRA: When is our regular
15 September meeting?

16 MS. SBARARO: Our regular meeting is the
17 Wednesday before.

18 VICE CHAIRMAN DiMINNO: The 16th?

19 MS. SBARARO: Yes.

20 CHAIRMAN GUERRA: Okay. The 23rd
21 sounds -- the week after, as we have been doing
22 basically.

23 MS. SBARARO: Yes.

24 MR. MALAGIERE: Mr. Basralian, the 23rd.

25 MR. BASRALIAN: Yeah. During the course

12

1 of the hearing, I'll check.

2 MR. MALAGIERE: So, that's out there.

3 But, whatever, whatever is selected, we're not going
4 to have a meeting in August.

5 And, if I could just, sir, out of an abundance
6 of caution, sir, if I could just swear you in again.

7 Just put the Bible up there.

8 He's already qualified as an architect. That's
9 in the record.

10 Okay. Do you swear the testimony you're about
11 to give before this Board to be the truth, the whole
12 truth, nothing but the truth, so help you God?

13 MR. SZERBATY: Yes.

14 MR. MALAGIERE: Please identify yourself
15 for the record.

16 MR. SZERBATY: Michael Dan Szerbaty,

17 MR. MALAGIERE: We're going to need that
18 mike on. Hold on.

19 MR. SZERBATY: Michael D. Szerbaty.

20 MR. MALAGIERE: There is nothing happening
21 here.

22 It's not your fault, sir. It's ours.

23 MR. SZERBATY: Michael D. Szerbaty.

24 MR. MALAGIERE: Okay. Great. And, you're
25 testifying as an architect, sir?

13

M. D. Szerbaty - Direct - Mr. Basralian

1 MR. SZERBATY: Yes, I am.

2 MR. MALAGIERE: Thank you sir.

3 Okay, Mr. Basralian.

4 MR. BASRALIAN: Very good.

5 CONTINUED DIRECT EXAMINATION BY MR. BASRALIAN:

6 Q Mr. Szerbaty.

7 A Thank you.

8 Q Mr. Szerbaty, you have, on the board

9 Exhibit A-21 which has been so marked and designated
10 on the plan as well, Mr. Malagiere, east elevation.

11 Was that -- I'm sorry. You have the south.

12 Would you put up the east elevation?

13 A East elevation.

14 Q The east elevation, which is marked as
15 Exhibit A-21 and shows as Sheet 20-R in the package
16 was in fact submitted to the Board in connection with
17 this application?

18 A Yes, it was.

19 Q All right. And, that was prepared as a
20 rendered but not detailed elevation for the east side.

21 Isn't that correct?

22 A That's correct.

23 Q And, at the request of the Board, did you
24 also prepare the detailed elevation for the east side
25 which has been marked east elevation, which has been

14

M. D. Szerbaty - Direct - Mr. Basralian

1 marked as Exhibit A-22, two sheets, Sheets 20 R-1 and
2 20 R-2?

3 A Yes, we did.

4 Q Okay. If you would start, please, with 20
5 R-2 and describe that as, describe it for the Board.

6 That is the same elevation that is on the
7 exhibit Sheet R-20 which we just saw.

8 Is that not so?

9 A Yes, it is.

10 Q All right. Would you please describe for
11 the Board, the audience, of the details of this
12 exhibit?

13 A This exhibit represents the elevation from
14 the Prospect Avenue side of the building and what
15 we've done, again, a request from the Board, from the
16 last hearing, is enlarge it and giving it much more
17 detail to depict more clearly the materials, the
18 fenestration, you know, where windows are and also
19 some depiction of the color of the materials and a
20 sense of shadow and depth for the building.

21 Q Would you please go to the exhibit and
22 just describe the glass sections that are there?

23 A Yes. The, starting at the bottom, at the
24 base here, of course is Prospect. And, we -- the
25 first couple of floors are the entry portion where we

15

M. D. Szerbaty - Direct - Mr. Basralian

1 have the garage ramp going down and then the service
2 drive over to the right side and then there's the
3 promenade level.

4 The main portions of the building begin at the
5 third and fourth floors here and what you're seeing in
6 this first section, which is out, set back 40 feet
7 from Prospect, are the zoning requirements, is a
8 predominantly glass facade. And, it is comprised of a
9 transparent glass completely windowed and also some
10 spandrel glass which is lightly frosted so that we

11 can, obviously, put floor construction behind it.

12 Then there is a setback in, following the line
13 of the zoning one, one to four zoning setback line.

14 And, we then start to come to another section,
15 the next four to five floors here, which are, again,
16 similarly constructed but they're just set back 20
17 feet, I believe it is.

18 And, then, finally, the top portion of the
19 building, which is predominantly precast concrete with
20 a window section in the very center, which coincides
21 with the corridor that goes through the building and
22 that forms, completes the top portions of the
23 building.

24 Q Yes. You've also prepared, as part of the
25 Exhibit A-22, Sheet 22 R-1.

16

M. D. Szerbaty - Direct - Mr. Basralian

1 Would you please put that on the board and
2 describe where it is in relation to, to the, to the
3 previous exhibit?

4 A Okay. Yes. Just one quick second.

5 In plan -- this is relative to the site plan,
6 you're going to see depictions of a three dimensional
7 rendered representation of this corner which is the
8 southeast corner of the building which is, you know,
9 partially curved as it goes around the, to that
10 corner.

11 This rendering here is, starts basically at the

12 promenade level which is what you're seeing here.

13 It's a terrace that wraps around the outside of the

14 building, the third level.

15 Q You're pointing. You might want to walk

16 up to the board.

17 A This level here, which is at the promenade

18 level, which is at the second floor is what is being

19 shown right at this point.

20 So, the rendering then is taken from this

21 corner, the southeast corner of the building and it

22 shows very clearly here what, the curve that I was

23 speaking about earlier and then it goes around and

24 begins to pick up the fenestration and the detailing

25 of the south side.

17

M. D. Szerbaty - Direct - Mr. Basralian

1 And, what you're seeing here is the glass, the

2 transparent glass through, into the spaces inside of

3 the building, the spandrel level where we have to tint

4 the glass so that it's, it doesn't show the floor

5 construction behind.

6 And, then, you know, all of those levels -- and,

7 then, as we wrap around, we get into the area of the

8 south facade where this is, these are -- right now

9 these two levels is where the Adult Day Care is and up

10 above you begin to see the LTACH patient rooms begin

11 to be articulated there.

12 Q Would you just briefly pull up Exhibit A-4

13 which we had up which is the building, south
14 elevation. And, perhaps coordinate for everyone the
15 exhibit which shows Sheet 20 R-1 and how it carries
16 from Exhibit A-4 to 17R, Sheet 17R.

17 A The question was asked to point out where,
18 in this rendering, in the three dimensional rendering,
19 it exists on the south facade. And, this portion that
20 you see right here, at the bottom, which is at the
21 curved glass section, happened to be right here.

22 And, so, you're looking and seeing the bottom
23 levels of this. The curtain wall that you see here
24 and that, the one curtain wall there and also the
25 beginnings of the LTACH rooms up at the top.

18

M. D. Szerbaty - Direct - Mr. Basralian

1 Q Thank you. You were also asked to, to
2 bring to this meeting various samples of the materials
3 that would be used in the construction.

4 Have you brought those with you?

5 A Yes, I have.

6 Q All right. Would you please -- I see
7 they're on the table before you.

8 Would you please describe them to the Board and
9 perhaps --

10 A Lift one of them up?

11 Okay. I'll go through all of them.

12 The building --

13 MR. BASRALIAN: Excuse me. We can mark

14 these as Exhibit A-23 en masse if you wish just for
15 future reference.

16 MR. MALAGIERE: Put on the record, if you
17 would like to, what A-23 is, for purposes of our
18 resolution, as this goes -- just indicate to me
19 what's, what, which cycle of documents is going to
20 make up A-23 on the record.

21 MR. BASRALIAN: It's four different
22 material utilization. I'll describe it once he goes
23 through them on the exhibit.

24 Thank you.

25 MR. MALAGIERE: Okay.

19

M. D. Szerbaty - Direct - Mr. Basralian

1 Q Mr. Szerbaty. Okay.

2 A Okay. First I'll start with the
3 predominant material that the exterior of the building
4 is going to be made of and that would be precast
5 concrete. And, what -- an example of that in this
6 rendering would be any of this solid, these solid
7 panels here.

8 These are joint lines that are articulated
9 there. And, the sample that we have prepared is here.
10 That, that material.

11 So, these are -- this is really pretty much an
12 exact sample of what we would look to be using in
13 terms of the concrete, the color, the texture and
14 aggregate. And, this comes, is made up in panelized

15 systems and clipped on to the building. And, they
16 vary in size and shape and, you know, infinite amount
17 of possibilities how you can construct them and put
18 them on to the building.

19 The next material that I wanted to show is
20 terra-cotta.

21 And, let me just lift this. Just move that mike
22 out of the way.

23 MR. MELLONE: How many more do you have?

24 MR. SZERBATY: Two more.

25 A The material we just put up there, those

20

M. D. Szerbaty - Direct - Mr. Basralian

1 are terra-cotta panels. And, it's relatively recent
2 technology in terms of its application.

3 I mean, it's terra-cotta as everyone knows
4 terra-cotta to be except that now we panelize it. It
5 has a frame system. It's prefabricated panelized.
6 It's snapped on to the building.

7 And, what this material or product that you see
8 here is proposed to be used at the LTACH rooms of the
9 project. And, so what you're seeing right here, in
10 this rendering, is this.

11 And, the extent of it is to be around the area
12 where the hundred, 144 LTACH rooms are located. So
13 this entire area here on the south face of the
14 building and similarly exactly the same on the north
15 side of the building.

16 This, this product is a wood window. However
17 it's a much, it's a commercial wood window and it is
18 very heavy duty and this is a curtain wood wall system
19 with insulated glazing.

20 And, in our rendering and some of the
21 elevations, you see the extent of it. It curves down
22 at the bottom of the building, down where, you know,
23 people are going by. It's very, very, pleasant. It's
24 really nice material.

25 And, in the, in this rendering you see it here.

21

M. D. Szerbaty - Direct - Mr. Basralian

1 It also occurs down underneath at the first floor.

2 So, the first two or three floors of the
3 building would use this.

4 CHAIRMAN GUERRA: When you say a curtain
5 wall, you mean it's large panels?

6 MR. SZERBATY: Yes. That's correct.

7 CHAIRMAN GUERRA: And, it's curved as
8 well?

9 MR. SZERBATY: No, these are not curved.
10 It only occurs here and down under at the entry of the
11 building which is down, down here. This section right
12 in here is where that occurs. Okay. None of this --

13 This is all metal and glass curtain wall. The
14 more common one.

15 A And, then, finally, is a sample of the
16 glass products. And, what you're seeing with the

17 glass, this is the typical glass that we would use in
18 the building. It's highly -- it's, highly, very
19 transparent. It is not at all reflective.
20 We do not want a typical kind of condition where
21 the building is reflecting. We want it to be
22 transparent, the windows to be looked in and out of
23 very easily.
24 And, so the, this product is a, is a very, has a
25 high degree of light transmittance and it would form,

22

M. D. Szerbaty - Direct - Mr. Basralian

1 be used for windows throughout the building.
2 The little corner piece that you see down in the
3 lower right corner is an example of the, of the
4 frosted or fritted glass, as its commonly known, and
5 that would be used in the spandrel locations.

6 MR. BASRALIAN: Thank you. I have no
7 further questions of Mr. Szerbaty.

8 I know there were a number of people that signed
9 up to ask questions after the Board finishes its
10 examination.

11 MR. MALAGIERE: Mr. Chairman, if I may.

12 CHAIRMAN GUERRA: Yes.

13 MR. MALAGIERE: In reviewing the
14 transcript of the June 25th hearings, at the end, the
15 Chair indicated that you were going to stop the
16 proceedings and ask people to put their names on the
17 record to preserve their right to question or comment

18 as to this witness's testimony.

19 The first person to do that is a Miss Jankowski,

20 Annette Jankowski.

21 Ms. Jankowski, are you in the audience?

22 FEMALE SPEAKER: She's not here.

23 FEMALE SPEAKER: Vacation.

24 MR. MALAGIERE: Okay. The next person to

25 put their name was Mr. Warren, Charles Warren, from

23

M. D. Szerbaty - The Public

1 Prospect Avenue. Mr. Warren, sir.

2 MR. MALAGIERE: Mr. Warren, if I could ask

3 you to put your left hand on the Bible and raise your

4 right hand, sir.

5 Do you swear the testimony you're about to give

6 before this Board to be the truth, the whole truth,

7 nothing but the truth so help you God?

8 MR. WARREN: I do.

9 MR. MALAGIERE: Would you please indicate,

10 on the record, your name, spell your last name and

11 give us your home address, sir.

12 MR. WARREN: My name is Charles Warren, W

13 A R R E N, 245 Prospect Avenue.

14 MR. MALAGIERE: Mr. Warren.

15 EXAMINATION BY MR. WARREN:

16 Q Sir, the, the illustrations that you have

17 just put forth, could you identify where the driveway

18 is and where the 'U' -- where the vehicles would go in

19 and out?

20 A On the elevations that I just put forth,
21 they're a little bit difficult because they're really
22 elevations of the building.

23 And, but for this drawing, you could see it
24 fairly clearly. This line, this horizontal line here
25 is Prospect Avenue, the street level.

24

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1 And, so what you're seeing here, on the left
2 side, is the main entry ramp for the garage, to the
3 garage, which goes down below and it carries the
4 ambulances, passenger vans, the cars and everything.
5 It's a two-way drive. And it, also is, allows access
6 for delivery trucks to go down into the garage.

7 So, that comes off of Prospect Avenue.

8 Q That's a two-way?

9 A That's correct.

10 Q How many vehicles will that accommodate
11 going in and out?

12 A Going in and out? That's a hard question
13 for me to answer.

14 Q Approximately.

15 A We had -- I don't really have an answer
16 for that but we have a traffic consultant and a
17 parking garage consultant.

18 Q One of my concerns is the traffic going in
19 and out of the building, coming out of my building, is

20 when there's traffic, it's very difficult to go either
21 left or right, on Prospect Avenue, particularly when
22 we're talking about rush hour. Or, even after rush
23 hour, traffic sometimes is really lined up, the same
24 way on Summit Avenue.
25 If this building is to be constructed, which I

25

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1 hope it doesn't, it isn't -- it's going to tie up
2 traffic tremendously.
3 And, when you're talking about tractor-trailers
4 having to back in, I think they'll have to back in.
5 Am I correct?
6 A Yes. There is one instance where the food
7 delivery truck --
8 Q That's going to mean traffic is going to
9 be tied up.
10 Am I correct?
11 A Once every two weeks.
12 Q Once every two weeks?
13 A Is when the scheduled delivery for the
14 food truck is.
15 Q How many trucks?
16 A One, one tractor-trailer.
17 Q That's going to supply the whole building?
18 A That's correct.
19 Q Once every two weeks?
20 What about, what about the traffic of

21 ambulances, ambulets or whatever?

22 How do you anticipate that as far as traffic is
23 concerned?

24 MR. MALAGIERE: The only issue, sir, and I
25 don't want to get --

26

M. D. Szerbaty - The Public

1 MR. WARREN: Okay. I'll get off of that.

2 MR. MALAGIERE: I just want to point it
3 out. You're not a professional -- maybe you are.

4 MR. WARREN: No, I'm not.

5 MR. MALAGIERE: You're not an architect,
6 nor am I.

7 The issue is that this is the architect and, of
8 course, we're going to have the engineer and the
9 traffic consultant. And, maybe you want to reserve
10 those comments and those questions for that.

11 MR. WARREN: All right.

12 MR. MALAGIERE: Thank you.

13 Q My next question is, on your elevation,
14 what is the distance between the entire, the structure
15 of the building, maybe not the building but the
16 property that you're going to construct and the
17 street?

18 A 40 feet from the property line which is a
19 zoning requirement that you set back 40 feet.

20 Q Nothing will be constructed before --

21 A No.

22 Q -- between the 40 feet?

23 Another question is, that I have is, just

24 explain to me once again, if you can, if I'm not --

25 the types of vehicles that you anticipate will be

27

M. D. Szerbaty - The Public

1 going into and out of this building, in an hour.

2 Am I off?

3 MR. MALAGIERE: I think, I think what

4 we're -- again, if you want to field that, you can.

5 I just think that it's, it's more that the

6 engineer -- the site designer. This guy designed the

7 building I think is the way we're kind of looking at

8 it.

9 Is that accurate, sir? Is that an accurate

10 characterization of your involvement.

11 MR. SZERBATY: That's correct but I'm

12 familiar with a lot of the operation.

13 MR. BASRALIAN: Just so you know, our

14 traffic consultant will be at the next hearing. And,

15 he is the one who can really talk to you about the

16 vehicle trips in and out.

17 MR. WARREN: I thought he was going to be

18 here at this hearing?

19 MR. BASRALIAN: We're not going to reach

20 him.

21 FEMALE SPEAKER: Ask him anyway. That's

22 not going to get us too far, is it?

23 MR. BASRALIAN: The only professional
24 that's, that is qualified and licensed to respond to
25 those is the traffic engineer. And, while you can ask

28

M. D. Szerbaty - The Public

1 the question of this, me or anybody else, the real
2 answer comes from the engineer.

3 MR. WARREN: Okay. I'm just going to
4 state, as a resident, I am profusely opposed to this
5 structure because, as I see it, it's going to cause
6 all kinds of problems, environmentally as well as, as
7 I said, the traffic.

8 And, I don't think that this building belongs in
9 a residential area.

10 MR. MALAGIERE: Thank you, Mr. Warren.

11 The next person was a Karen Hull, H U L L.

12 Are you present?

13 FEMALE SPEAKER: Yes, she's here. She's
14 here.

15 MR. MALAGIERE: Ms. Hull, would you like
16 to come forward? Take your time. I just want to make
17 sure you're here.

18 Let us go through this and I'll see if the
19 Chairman will recognize.

20 MALE SPEAKER: Someone last time had a
21 flashlight with a dot so that they could scan it away
22 from the easel, we could see.

23 MR. MALAGIERE: Anybody got a little

24 pointer?

25 MR. MELLONE: Laser.

29

M. D. Szerbaty - The Public

1 MR. SZERBATY: No battery.

2 MR. MALAGIERE: No battery.

3 If I could just swear you in, please. Put your

4 left hand on the Bible. Raise your right hand.

5 Do you swear the testimony you're about to give

6 before this Board to be the truth, the whole truth and

7 nothing but the truth, so help you God.

8 MS. HULL: Yes.

9 MR. MALAGIERE: Please identify yourself

10 for the record and provide us your home address.

11 MS. HULL: Karen Hull, H U L L, 245

12 Prospect Avenue.

13 MR. MALAGIERE: Ms. Hull.

14 EXAMINATION BY MS. HULL:

15 Q All right. Please. I was wondering, are

16 you the architect who also designed the Prospect

17 Heights building?

18 A I was involved. I was not, not the sole

19 designer but I worked on that project.

20 Q So what, if any, characteristics did you

21 incorporate into this building from that companion

22 building?

23 A Such as what do you mean by

24 characteristics?

25 Q Design, exterior design, characteristics.

30

M. D. Szerbaty - The Public

1 A Probably the use of precast concrete as a
2 primary material.

3 Q Okay. And, what characteristics or
4 features from buildings along the block -- I think you
5 mentioned that you might have tried to capture that
6 feeling from the block -- did you use when designing
7 your building?

8 A I -- we used and looked at, with the
9 buildings lining the block meaning predominantly
10 masonry construction, there's a variety there of
11 brick. There is concrete block. There is painted
12 block. Those things and also exposed concrete.
13 We used an overall pallet which is compatible
14 with that; meaning the precast concrete panels, the
15 terra-cotta panels which we are using for many
16 reasons. But, one of the most important ones is that
17 it is, as a scale, it has a masonry scale like bricks
18 and blocks, what you're seeing there, these panels are
19 8 inches by 12 inches. Each of these little pieces,
20 that's pre-fabricated so the scale and sensitivity to
21 the buildings that go up and down Prospect are very,
22 very much in mind; and, even the color, the color
23 tones and quality of the color.

24 Q Okay. Because, I'm looking at this
25 rendering that you have and I don't see anything

1 really similar in the residential buildings that, what
2 you have there. You know, it doesn't -- I'm not
3 getting that feeling. I don't feel like you really
4 captured it, to incorporate your building into our
5 block to make it feel like it's, you know, one of the
6 other buildings on the block?

7 A Well, we're very, very much concerned with
8 that, with the building, the building to blend in in
9 some respects to have qualities where it kind of
10 disappears with the other structures.

11 And, the, the scale of what were the materials
12 that we're working with and how they're articulated,
13 how the panels are, are jointed and, and the, just the
14 general size of the pieces, the color of them, the
15 textural quality of them, as you see, if you might
16 have looked at the precast before that I brought up
17 there, has a lot of exposed aggregate and that catches
18 the light, you know, in a nice way.

19 The use of even the concrete portions, the
20 buildings going up and down Prospect exhibit a lot of
21 those characteristics.

22 We also, with regard to the windows, if you're
23 pointing out this elevation, you're looking at what is
24 predominantly a glass surface.

25 The balconies -- several of the apartment

1 buildings that go up and down Prospect have balconies
2 with windows -- with glass railings, glass panels,
3 some of them are even colored, the building to the
4 very north is. And, so, we're trying to kind of
5 incorporate that pallet into this sense.

6 It's very, very difficult in a rendering to
7 capture that. But, we're striving to do had.

8 Q Okay. Maybe you have to go back to the
9 drawing board.

10 But, one other thing I wanted to ask you about
11 was the driveway.

12 I think, in your previous testimony, you said
13 the driveway was going to be 6 feet.

14 Is that correct?

15 A 6 feet in what?

16 Q I'm not sure, 6 feet wide, 6 feet long?

17 A The driveway entry, the ramp that slopes
18 down on, on Prospect, that goes down into the garage,
19 there's a clearance there of 12 feet 6 inches. The
20 entry to the garage from the Summit Avenue side is 6
21 feet 6.

22 Maybe that's what you're referring to, the
23 overhead clearance.

24 Q Oh, okay. So in, in these, on the
25 driveways on Prospect Avenue, how wide are the

1 driveways?

2 A The main entry drive that goes down into
3 the garage is 22 feet as, as prescribed by code.

4 Q Okay. And then, I think that someone may
5 have previously asked if you had the construction
6 costs, if you had those ballparks of?

7 A No. I was not asked that. The owner was,
8 addressed that question.

9 Q I'm sorry. Okay. Do you have an estimate
10 of the construction costs?

11 A We just have a range that we were, we have
12 been looking at for the construction costs.

13 Q What's the range?

14 A 45, 40, 45 million.

15 Q 45 million?

16 A Yes.

17 Q Okay. All right. Well, I just want to
18 say that, you know, I also am opposed to this building
19 and I think that it doesn't capture anything of our
20 neighborhood. And, unfortunately, it kind of like
21 sticks out like a sore thumb because it's a, you know,
22 sticking up in between two little buildings.

23 So, maybe you should have tried to capture that.

24 Maybe little would have been better.

25 Thank you.

2 Chairman, is a Miss Anita Cundanmal, if I hopefully
3 said that properly.

4 MS. CUNDANMAL: No.

5 MR. MALAGIERE: I gave it my best shot.

6 I'm going to swear you in, please.

7 MS. CUNDANMAL: I'll affirm.

8 MR. MALAGIERE: Okay. Just put your left
9 hand --

10 You affirm from there. Do you affirm the
11 testimony you are about to give before this Board to
12 be the truth, the whole truth, nothing but the truth,
13 so help you God.

14 MS. KUNDAMMAL: Yes.

15 MR. MALAGIERE: Please identify yourself
16 for the record, spell your last name and give us your
17 address.

18 MS. KUNDAMMAL: Nita, N I T A, Nita, K,
19 not C., K U N D A N M A L, Bristol House, 277 Prospect
20 Avenue.

21 MR. MALAGIERE: Thank you.

22 EXAMINATION BY MS. KUNDANMAL:

23 Q Good evening, Mr. Szerbaty. Am I
24 pronouncing it correctly, Szerbaty?

25 A Szerbaty.

35

M. D. Szerbaty - The Public

1 Q Szerbaty?

2 A Szerbaty.

3 Q Szerbaty.

4 Just now you indicated that was a range of the
5 construction costs that you are aware of.

6 When did you become aware of this construction
7 cost?

8 A Over the course of the development of the
9 project. We've been working on it for a couple of
10 years now, two to three years now. So, it evolves
11 relative to the scope and the program and what we're
12 including and how we're dealing with the site.

13 Q So you have this estimated range of 40, 45
14 million dollars back in at least up to two months ago?

15 A Yes.

16 Q And, you shared that with Mr. Pineles or
17 did Mr. Pineles to you?

18 A We work together and, as a team, to look
19 at how the project, what the scope and cost of the
20 project is and how it evolves.

21 Q So he, too, would have known about that
22 two months ago, this number?

23 A Yes.

24 Q This --

25 A Yes.

1 Q I wanted to also touch on the two points
2 that Miss Hull asked you about, slight variations of
3 that.

4 The building across the street, Prospect Heights
5 building that, that Mr. Pineles presently owns, does
6 that have any bearing on the architectural plans of
7 the building design, this, the new building?

8 A This facility? No.

9 Q Is there any benefit to either building
10 for the fact that they're across the street from each
11 other?

12 A I don't think so.

13 Q None of that was considered when designing
14 and putting up, designing the building plans.

15 Correct?

16 A Say that again.

17 Q None of that, none of the possible
18 benefits that might be shared between the two
19 buildings was considered when, in, in the work that
20 you have done?

21 A That's correct. None of the -- there was
22 nothing considered or shared.

23 Q I don't mean to beat a dead horse but the
24 proximity had nothing to do with it either?

25 A No.

1 Q Okay. Now, last time I was here at this
2 meeting, and there was something that came up about
3 excavation with regards to parking lots and am I
4 correct that you indicated that you had undertaken

5 some studies, geological studies when, when you were
6 involved in the Prospect Heights building?

7 A Yes. We, when we constructed, designed
8 and constructed the Prospect Heights building, we had
9 a full geo technical engineering was done for that
10 project.

11 Q Can you tell me all the studies that were
12 undertaken back then for the Prospect Heights
13 building?

14 A No, I cannot.

15 Q But, did you do -- okay. Can you tell me
16 when those studies were undertaken, what year,
17 approximately?

18 A In the mid '90s.

19 Q So -- and, is, is it also then your
20 opinion that these studies don't need to be undertaken
21 now in 2009 as a result of being that you have done
22 studies in the mid '90s and you're going to rely on
23 those results?

24 A No. We wouldn't consider relying on those
25 results. We have -- a full geo technical exploration

1 of this site has to be undertaken for us to establish
2 the exact design of the foundation, structural system
3 for this exact site.

4 Q And, when is that going to be done?

5 A I'm not sure. I don't have a projected

6 date.

7 Q I thought I made a mistake and you had
8 relied on a study that was done back then for the
9 Prospect Heights building in referring to some
10 question that was asked about this. But, we'll let
11 that go for now.

12 Now, just now, in, in describing these exhibits,
13 you talked about a terrace like effect, implied
14 balconies you said.

15 Is that correct?

16 A Yes. The promenade level, the one level
17 that has a, a promenade terrace.

18 Q There's no actual balcony, there's no
19 actual terrace there.

20 Is that correct?

21 It's all glass?

22 A No. That's not correct.

23 Q Okay.

24 A In this rendering here, this level, which
25 is two floors above the first floor is actually double

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M. D. Szerbaty - The Public

1 height so it's two stories high. The level just above
2 that has a promenade outdoor terrace that you can walk
3 out on. And, it's sheltered by the building above,
4 that you can see these shadows in this rendering. So,
5 that's an outdoor terrace, sitting area.

6 Q All right. So this curved space, in 20

7 R-1, what is that supposed to convey?

8 What is it supposed to convey architecturally,
9 balconies?

10 A No. This is a glass surface.

11 Q Glass?

12 A Glass and metal surface and, on the other
13 side of it is interior space for the building.

14 Q And, you also referred to windows.

15 Do any of the windows in this building either
16 open or close?

17 A Yes. They would be -- there would be,
18 like the patient room windows, for example, they would
19 be operable but it's really more for maintenance
20 issues.

21 Q So they're not meant to be opened as
22 windows are in someone's home which is sort of a
23 given?

24 A Quite honestly, that, that, that final
25 determination hasn't been made yet. But -- and, when,

40

M. D. Szerbaty - The Public

1 in a project like this that we've done before, they've
2 been operable but they're not used by the occupants.

3 Q Where would those windows face? What
4 street? What direction?

5 A For -- there are windows on all sides of
6 the buildings. Which windows?

7 Q The windows that you say were operable.

8 A The north side and the south side, the
9 patient room windows, as an example.

10 Q And, are they sliding, are they opening
11 and closing as in --

12 A Hopper -- I mean casement windows,
13 typically.

14 Q All right. Now, you've described a glass
15 facade, correct, glass and glass -- what do you call
16 it, wood and glass, metal and glass, an entry curtain
17 wall type entry system, all glass?

18 A You rattled off about 10 different
19 features. I'm not sure what, what particular area of
20 the building would you like me to address that
21 question.

22 Q You've used -- I've got this, this
23 terminology from things that you said.

24 A Correct.

25 Q And, so, I'm trying to understand. And,

41

M. D. Szerbaty - The Public

1 looking at this picture, from what I've gathered so
2 far, there's a significant amount of glass, an
3 appearance of glass in either the nosing or the tower
4 as you've described?

5 A Yes. Yeah, the East Side of the building
6 from that level above the promenade that I talked
7 about, up about 100, I'm not sure of the exact
8 dimensions but several stories up, that is glass.

9 That's a glass curtain wall system.

10 Q Okay. So now in designing your building,
11 you said you would consider the character of the
12 buildings on Prospect Avenue so as to make this
13 building, you know, blend in with our residential
14 neighborhood and be a good contextural fit.

15 I'm trying to understand where, on Prospect
16 Avenue you saw walls of glass or, or this much glass
17 on any of the buildings. I'm just wondering -- I
18 mean, I'm perplexed. But, I'm sure you'll clear that
19 for me.

20 One, did you go to the right Prospect Avenue?

21 Because, I, I haven't seen that. I have lived,
22 I have lived on Prospect Avenue for 10 years.

23 So, where, which building?

24 A No particular building to make your, to
25 try to address your point.

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M. D. Szerbaty - The Public

1 The Prospect Avenue is, as I mentioned earlier,
2 it has a lot of, you know -- it's all lined with
3 mostly apartment buildings, multi level high-rise
4 apartment buildings that typically have balconies. A
5 lot of those balconies have glass railings, glass
6 panels that form the edge, the face of the balconies.
7 Some of the balconies have some colored glass panels.
8 And, there are a lot -- there are a lot of windows.
9 They're apartments, apartment buildings.

10 And, so what we're trying to do is take that,
11 that idea and, in a soft way, so that we don't present
12 just a very solid, you know, harsh facade on Prospect
13 Avenue, to soften it using glass and also giving it a,
14 a, you know, a curve on the one corner so that it --
15 so that we, we soften up the, the leading edge of the
16 building.

17 Q But, there is no glass facade type
18 building or glass type curtain type building on,
19 anywhere on Prospect Avenue and in that way you have
20 not blended in. And, you, you don't.

21 A Literally, no.

22 Q Literally, no, you don't.

23 A Right.

24 Q Okay. And, so from that point of view,
25 wouldn't this building stand out, just like what was

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M. D. Szerbaty - The Public

1 said before, a sore thumb, just in that significant
2 difference?

3 Are we not going to see the glass or is it, oh,
4 I thought you said it was to make it disappear, maybe
5 you won't see it because it's glass?

6 A The, the idea here is that the surface
7 that is facing Prospect is a very narrow building.
8 The orientation of the building to Prospect Avenue is
9 very thin. It's thin and tall.

10 As you go up and down Prospect, you find, you

11 find some buildings that have that type of orientation
12 but you also find a lot of buildings that are flat,
13 you know, the long orientation is up against Prospect
14 Avenue. And, there you get a very solid wall that
15 can't be missed.

16 And, what we're trying to do here and I get, you
17 know, I don't know if you appreciate the use of the
18 word soften but it's to have a great degree of
19 transparency and, and, you know, kind of sensitivity
20 by the use of glass so that the building is not
21 hitting you, you know, as a big nose of a building as
22 a solid element.

23 Q If, if you, in your professional status,
24 wanted to be sensitive to the residents of Prospect
25 Avenue, you might advised Mr. Pineles to put this

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M. D. Szerbaty - The Public

1 building somewhere else.

2 And, on that note, clearly you can see some 250
3 people in this room, you know, unhappy about this
4 coming up all in opposition, as I understand it.

5 Now, also, I recall you saying that the way the
6 building -- you have 400 feet from Prospect Avenue to
7 Summit. And, at the 200 feet mark you, you run into
8 the zoning changes.

9 Correct?

10 A Correct.

11 Q All right. So you have the building on

12 Prospect Avenue and your park on Summit Avenue.

13 You wouldn't run into this kind of problem if

14 you took this building elsewhere.

15 Right?

16 You would have lots and lots of room to go up

17 and down and left and right. You wouldn't any of

18 this.

19 Right?

20 Loud applause for the record.

21 A Say that, say that again. I'm sorry. I

22 was interrupted.

23 Q I was asking you, being that, I was

24 pointing out that being that you were limited, as I

25 understand it, because of the zoning issues here and

45

M. D. Szerbaty - The Public

1 then you wouldn't, of course, need to ask for

2 variances possibly in many other parts of Hackensack

3 that could do with uplifting with this nice building

4 that, that you and Mr. Pineles represented is a nice

5 building.

6 You wouldn't have that problem in other areas

7 where you would have to limit the building to be 200

8 feet from, from one end to the other and you wouldn't,

9 you wouldn't be limited that way is what I was

10 suggesting.

11 So, if you took the building somewhere else, if

12 the building was somewhere else, you wouldn't have

13 this problem, would you?
14 You run into this problem because you're here on
15 Prospect and Summit.
16 Is that right?
17 You lost me?
18 A No. I didn't lose you. I'm just
19 wondering what you're trying to say.
20 I mean, there are zoning issues and there are
21 zoning issues that you encounter anywhere, that you
22 have to deal with. Sometimes you have to vary from
23 them because of other constraints and restrictions
24 that the site imposes on you or those other
25 requirements.

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M. D. Szerbaty - The Public

1 And, we're here with this site and this project
2 and program. And, this is what we've come up with as
3 a solution.
4 Q Yes. I, I recognize that wherever you go
5 you may have some zoning issues that would arise.
6 But, I would tell you that, if you go to many other
7 parts of Hackensack, the audience in this room would
8 not be sitting at the Zoning Board meetings and
9 objecting to you opening up a building in some other
10 part.
11 The objection is putting it here because it is
12 not blending with our, our neighborhood. It does not
13 fit the surrounding character.

14 And, there seemed to be limitations that you are
15 trying to get by taking up the time of the Zoning
16 Board to, to do something that you could do somewhere
17 else which wouldn't be a problem. That was, that's my
18 point.

19 And, and I just want to end on, you can put this
20 very same building somewhere else, couldn't you,
21 couldn't you?

22 Is there any reason this building must go in
23 here and now that you have done design?

24 A This exact design?

25 Q Yeah.

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M. D. Szerbaty - The Public

1 A No, I wouldn't put it in another location
2 in it's current, exact, as it is exactly represented
3 here.

4 Q Why not?

5 A This design is --

6 Q For this place.

7 Right?

8 A Sure.

9 Q Right. So you have a lot more flexibility
10 arguably in a place, in some other location where you
11 wouldn't have this 200 feet limitation from going from
12 one zoning area to another.

13 A I don't know. I don't know.

14 Q All right. I think the point is made.

15 And, I'll stop there.

16 Thank you.

17 MR. MALAGIERE: Thank you, ma'am.

18 The next individual is Gary Hipp.

19 Mr. Hipp, are you available?

20 MR. HIPPI: Yes.

21 MR. MALAGIERE: I'll swear you in, sir.

22 Do you swear the testimony you're about to give

23 before this Board to be the truth, the whole truth,

24 nothing but the truth, so help you God?

25 MR. HIPPI: I do.

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M. D. Szerbaty - The Public

1 MR. MALAGIERE: Please identify yourself

2 for the record, spell your last name and give us your

3 home address, sir.

4 MR. HIPPI: Gary Hipp, H I P P, 355 Summit

5 Avenue, Hackensack, New Jersey.

6 FEMALE SPEAKER: Microphone, please.

7 MR. MALAGIERE: Mr. Hipp, please.

8 MR. HIPPI: This one on?

9 MR. MALAGIERE: Yes.

10 MR. HIPPI: Gary Hipp.

11 MR. MALAGIERE: No. You're fine.

12 MR. HIPPI: Can I work with this mike?

13 MR. MALAGIERE: Sure.

14 EXAMINATION BY MR. HIPPI:

15 Q It seems like we all have the same concern

16 as far as the building is a nice building, just the
17 location of it and where it is. So, a lot of my
18 questions are going to pertain to the zoning and the
19 situation of the building.

20 In your drawing there, I notice that the boxes
21 on the left and right, does that show the building,
22 existing buildings next to it?

23 A Yes.

24 Q And, how tall are those buildings?

25 A The exact height in feet? I'm not sure.

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M. D. Szerbaty - The Public

1 Q Yeah.

2 A I think they're seven stories.

3 Q Seven stories and yours is a 24?

4 A Yes.

5 Q So that's showing the difference of the

6 seven to 24?

7 A Yes.

8 Q Are there other -- is there another

9 building in Hackensack that is 24 stories that you

10 know of?

11 A 21 -- I know there are a variety of

12 buildings, some up and down Prospect. They vary from

13 18 to 21 stories.

14 Q Okay. But, this particular area, because

15 I walk this area, I notice most of the buildings are

16 either seven or 12 stories.

17 I don't think there's anything beyond the 12, 13

18 story building.

19 A Well, as you move up and down, if you move

20 further to the south on Prospect, there are a lot of,

21 a number of significantly tall buildings down there.

22 Q To the south?

23 A 18, 21 stories to the south, yes.

24 Q Okay. But, if you go from Golf to Berry,

25 pretty much the buildings are seven story, there's a

50

M. D. Szerbaty - The Public

1 house, another house, then there's a low building

2 between Berry and Passaic Street which is maybe three

3 stories, four stories.

4 The other building, the care center, across the

5 street, is what, only six stories, seven stories?

6 A Yes.

7 Q And, again, this is 24 story.

8 Right?

9 A Right.

10 Q So that's what we're working with.

11 So, what is the width of the property on

12 Prospect?

13 A Park property?

14 Q Yes.

15 A 100 feet.

16 Q 100 feet?

17 A Yes.

- 18 Q What is the width of the building?
- 19 A 60, the tower portion is 60 feet wide.
- 20 Q At the bottom?
- 21 A No. Here, this part.
- 22 Q What's it at the bottom?
- 23 A At the bottom is 70.
- 24 Q 70 feet?
- 25 A The promenade, this piece that I

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M. D. Szerbaty - The Public

- 1 mentioned, projects out 5 feet further on each side.
- 2 Q All right.
- 3 A It's within the setback of the ground
- 4 level.
- 5 Q 70 feet. And, then you have the driveway
- 6 to the left --
- 7 A Yes.
- 8 Q -- you said which is 22 feet?
- 9 A Yes.
- 10 Q And, you have a driveway to the right
- 11 also?
- 12 A That's the service entrance for the once a
- 13 week, once every two week trucks.
- 14 Q How wide is that? How wide is that?
- 15 A 10 -- 10 or 12 feet.
- 16 Q 10 or 12 feet?
- 17 A Yes.
- 18 Q So, if you add all that up, then it works

19 out to be about 90, 90 feet, something like that,

20 close to 90? 70, 80, 90? It's 100?

21 A Yeah.

22 Q You're exactly on the property lines?

23 A No. On this side, this, this driveway

24 doesn't start until 6 or 7 feet off of the property

25 line because there's a walkway that goes up along

52

M. D. Szerbaty - The Public

1 there. So that, that, it's not --

2 Q Okay.

3 A This drive is not the property line.

4 Q But, the driveway plus the sidewalk plus

5 the building plus the service driveway is, pretty much

6 encompasses the hundred feet.

7 Is that right?

8 A That's correct.

9 Q So you're pretty much right on?

10 A Here, down to here.

11 Q How far -- I'm sorry. How far is the

12 adjacent building to the new building?

13 A To the new building?

14 Q Yeah.

15 A Well, I could -- not knowing exactly, I

16 think the building to the north is about 40 feet from

17 the property line.

18 Q Side yard, 40 feet?

19 A From here?

20 Q The new building.
21 A This building?
22 Q The new building.
23 A You're asking where these two buildings
24 are relative to our site?
25 Q To your building, yeah.

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M. D. Szerbaty - The Public

1 A Okay. Again, I can tell you specifically,
2 from the property line, the hundred foot property
3 line.
4 Q Right.
5 A The building to the north is about 40 feet
6 away. The building to the south is about 20 feet
7 away.
8 Q Okay. Those buildings that are on each
9 side where parking is under the building.
10 Right?
11 They don't go down underneath?
12 A Their parking is on-grade.
13 Q On grade?
14 A That's correct.
15 Yeah. The entire area lot area around the side
16 and back of the buildings is just, is paved.
17 Q Okay. Your driveway is going to go down
18 underneath you said, the road?
19 A Yes.
20 Q How far down does that go?

21 A The garage is five levels down but, which
22 I think is a total -- the bottom of the garage is
23 about 65, 70 feet below grade.

24 Q Now that's going to be, allow ambulances
25 to enter the building.

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M. D. Szerbaty - The Public

1 Is that what you're saying?

2 A Yes. But, understand that we're not going
3 that deep with ambulances. The main and drop off and
4 entry level and service level for the tower, for the
5 acute care hospital building above is about, I think,
6 25 feet below grade, below this point.

7 Q Okay.

8 A You go down about 25 feet and that's where
9 the ambulances go, the delivery vans go, the passenger
10 vans go.

11 Q So then how many stories would you say is
12 underground with this building?

13 A Five for the garage and then an additional
14 story for the, the mechanical space.

15 Q Okay. So maybe six stories.

16 So, we're, we're six, now we're 30; 6 under, 24
17 above.

18 A Okay.

19 Q Is that where we are?

20 I just want to make sure we're good because the
21 renderings sometimes don't really tell the true

22 picture because it's only one isolated situation.

23 Okay. As far as the -- I know this is

24 engineering maybe and so forth but, the sewer

25 connection, is it going to be the Prospect or Summit

55

M. D. Szerbaty - The Public

1 Avenue connection?

2 A You will have to ask that question of the

3 civil engineer when he testifies.

4 Q I'll save that for him.

5 And as far as garbage pickup is concerned, is

6 that going to be done by the City or is that private?

7 A Private.

8 Q All garbage?

9 A Private. And, I believe Mr. Pineles will

10 confirm that.

11 Q All right. Do you have the drawing of the

12 Summit Avenue side? You had it at the last meeting

13 where you kind of showed the sidewalk.

14 A The rendering.

15 Q The rendering?

16 A Yes.

17 Q Yeah.

18 A Yes. Summit Avenue.

19 I believe you're looking for this rendering

20 which is Exhibit A-12.

21 Q Yeah. That's fine. That's fine. Thank

22 you.

23 Okay. Now, this is the Summit Avenue side which
24 is where the three homes are which are residential
25 colonial homes that are going to come down and that's

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M. D. Szerbaty - The Public

1 going to pretty much take the park.

2 Right?

3 A Yes.

4 Q Okay. What's the width of the total of
5 that property?

6 A 150 feet.

7 Q Three houses only 150 feet?

8 A No. There are three separate 50 foot wide
9 properties.

10 Q It's 50, 50 and 50 is the frontage?

11 A Yes.

12 Q Really? That's all? Okay.

13 I walked Summit Avenue and I noticed that the
14 sidewalk and the street to Summit Avenue and then the
15 property seems to go up about 4 feet.

16 Are you grading all that dirt back and making
17 this level?

18 A No. We're using -- we're following that
19 contour and it actually slopes up further than that.

20 From, I think, in the previous testimony I
21 pointed out that from the curb at Summit Avenue to the
22 midpoint, 200 feet back --

23 Q Right.

24 A -- from Summit to where the tower begins,
25 there's an 8 to 10 foot rise in elevation.

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M. D. Szerbaty - The Public

1 Q So this drawing isn't correct then?

2 I mean, it's really a grade going back up and

3 there's --

4 Do you have a retaining wall or something or

5 something to --

6 A No. There -- what's happening, if I could

7 point it out.

8 Do you see these? These are contour -- I'm

9 sorry. I'm referring to Exhibit A-3.

10 The contours, these lines that you see here

11 represent, you know, one foot contours and, you know,

12 going in grade. And, when you go from Summit Avenue,

13 there's a general slope that goes up, that follows the

14 existing grade of the site.

15 And, when we get up to this point here, there is

16 a set of steps. There is about a two, two and a half

17 foot difference here. So, we did create a flat area

18 right at this point, a sitting area.

19 And, and that might be what you were catching.

20 Q Again, I, I walked the property and I --

21 the houses that are adjacent to this park that you're

22 creating here, their property seemed to rise up also

23 pretty high.

24 A Yes.

25 Q There is a very low spot on Summit Avenue

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M. D. Szerbaty - The Public

1 where this section is.

2 A Yes.

3 Q Are there going to be retaining walls --

4 A No.

5 Q -- on each side?

6 A No.

7 Q How are you going to blend that in with

8 the property?

9 A We're going to blend it with the grade

10 because, what we're doing is, from the property line

11 here, we're working, obviously, like you're pointing

12 out, we're meeting grade with the adjacent properties

13 to the north and to the south.

14 Q Right.

15 A And, the plan is that we are going to

16 blend this grade in so that it follows the, you know,

17 the adjacent property and so we'll have a little bit

18 of a, you know, pitch up and a little bit of swale,

19 you know, pitching away so that that, there are no

20 retaining walls at all. It's all planted. That's all

21 being done --

22 You see all the planting here?

23 Q Yeah.

24 A Trees, hedges and a buffer there, that

25 will all be done within this planting area.

1 Q Okay. The driveway that's coming up then,
2 I guess that's like a horse shoe you got created there
3 to come up, go around and come back out?

4 A This drive?

5 Q Right.

6 A Correct.

7 Q How much distance is that driveway to the
8 property line at the end of that, the residents'
9 property line?

10 A I believe this one is 12 feet or so. And,
11 this one is 8 to 10 feet.

12 Q And, that's where you're going to be
13 grading this back --

14 A Yes.

15 Q -- or grading this down or something --

16 A Yes.

17 Q -- and try to create --

18 And, the water runoff, I guess the engineer will
19 talk about the water runoff and how that's going to
20 work, not that we flood Summit Avenue with the water
21 and so forth?

22 A Correct. Yes.

23 Q And, that's all going to be, I guess, with
24 the engineer?

25 A Yes.

1 Q The garage, underneath this park, how wide
2 is that garage?

3 A The garage is underneath. There's a
4 requirement, zoning requirement that any construction
5 has to start a minimum of 5 feet from the, from an
6 adjacent property line.

7 So, what is happening is that the garage, it's
8 below this, is starting in 5 feet here, 5 feet there.
9 And, then, out in the front, I'm not sure what that
10 dimension is but we're much further back than that on
11 the 5 feet. And, then the same thing is happening
12 over on the, the Prospect Avenue side relative to the
13 north and south adjacent properties.

14 Q Okay.

15 A You can see that in that section.

16 Q So, if you had to give me a length and a
17 width of that garage area and that park, how big would
18 you say it was?

19 A 100 -- the garage -- oh, the park?

20 Q Up to the park.

21 A This is 150 by 200.

22 Q Right.

23 A So we go in 5 feet, we go in 5 feet and
24 I'm not sure, off the top of my head, where the garage
25 exactly is here.

1 Q Okay.

2 A But, it occupies, you know, pretty much
3 the entire area underneath the park.

4 Q And, that's going to run flush with the
5 grade?

6 In other words, we're not going to see it lifted
7 up?

8 A No. It's below the grade.

9 Q Below the grade?

10 A You can see that here.

11 See, what happens with the garage, it actually
12 sets back. There are, there are things going on
13 below. But, the property line --

14 There's the curb. So, that's the curb line.

15 So, there's a distance here, it looks to be probably
16 about 20 feet that I could make it, tell you exactly
17 but I would have to refer to another drawing.

18 And, all of this area is dirt. It's dirt for
19 plantings and, you know, the park above. So, the
20 garage is very far below that.

21 Q How far down is the garage?

22 Is that 50 feet again?

23 A No. Here? No.

24 Q No. No. No. The garage itself.

25 A This?

1 Q Top to bottom of the garage.

2 A From this point where --

3 Q Under the park. Under the park.

4 A Under the park?

5 Q Yeah.

6 A That would be 60.

7 Q It would be --

8 A This is close to 70 feet below grade.

9 This would be 10 feet short of that.

10 Q You're going to be 60 feet below grade

11 digging?

12 A Um-hum. Yes.

13 Q For this whole piece of property?

14 A Yes.

15 CHAIRMAN GUERRA: Just, just -- that's a

16 point I just thought of, too, in that same vein. That

17 60 feet, the main garage area, how deep is that going

18 to be when it goes under the building? How much

19 deeper is that?

20 MR. SZERBATY: I believe it's seven the

21 entry level of the grade level, the floor level, I

22 think it's 70 feet below that.

23 CHAIRMAN GUERRA: Do we know of any other

24 building, on Prospect, that has gone that deep for a

25 parking garage?

1 And, the reason why I ask this is, when we were

2 looking at the hospital, Hackensack Medical Center,

3 the cancer center they're building, there was an
4 issue. I know it's not in the exact same area but I
5 would imagine, you know, geologically it's probably
6 the same or close to it. There was an issue with
7 going that, going deeper. I think they only went down
8 two or three, at the most, levels.

9 I just was wondering -- maybe you can't answer
10 this. I know you're an architect but, in the design
11 of this, has any other building gone that deep for
12 parking?

13 MR. SZERBATY: What we have looked at,
14 when we were working on the scope and scale of the
15 below grade parking area is our experience in
16 reference to the Prospect Heights project across the
17 street. And, that, that garage, if you look at a
18 section through, you know, this is headed, this, the
19 grade is going across and this is Prospect and then
20 grade starts to go down, as you know. And, you know,
21 across Prospect are a series of towers. When we --

22 If you took that section through our, through
23 the building, there is obviously a home across the
24 street with a garage below it. There's a basement
25 garage, a multilevel five or six level garage and that

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M. D. Szerbaty - The Public

1 it is close to or maybe even a little lower than this
2 portion of this garage as its sent down.

3 CHAIRMAN GUERRA: Yeah. But, that

4 significantly drops off in the rear of that.

5 MR. SZERBATY: Yeah. But, the garage and
6 basement level over, you know, across the street at
7 Prospect is, does excavate pretty, pretty deeply in
8 towards, you know, Prospect Avenue more than you would
9 think.

10 CHAIRMAN GUERRA: Okay. Mr. Hipp, I'm
11 sorry. I didn't mean to interrupt.

12 MR. HIPPI: No. No. You can help out as
13 much as you want. I appreciate it. Thanks.

14 Q Getting back to -- I'm sorry. Go ahead.

15 A Yes.

16 Q Getting back to the garage area, you said
17 how many spaces would be in the garage?

18 A 405.

19 Q 405. Okay. On the 405 spaces, will that
20 accommodate the people coming in to visit as well as
21 the employees?

22 A Oh, yes. Absolutely.

23 Q It will? Okay.

24 Now you said you were part of the building
25 across the street, you had some work done. Okay.

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M. D. Szerbaty - The Public

1 When that application -- maybe you don't
2 remember, maybe you do.

3 When that application went in, do you remember
4 that that building was submitted with the intent of

5 the employees and visitors all parking in that
6 building?

7 A No. I do not. I was not actually
8 involved at that phase of the project.

9 Q Okay. Because that would be interesting
10 because, if it was, because now people are parking on
11 our streets, as the employees, has been asked to park
12 on the streets by the owner.

13 I was just wondering, will this application,
14 here be enough parking spaces to handle the employees
15 of the other building to also park in this building
16 plus the employees of this building and plus the
17 people coming to visit, is there enough parking spaces
18 for all that?

19 A That's not really for me to answer. We,
20 we -- the parking garage that we have here is, is
21 sized based upon the program needs and, you know,
22 taking into account the visitors, employees and, you
23 know, patients and staff and everything. And, that's
24 how --

25 Q I thought maybe they slipped one passed

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M. D. Szerbaty - The Public

1 the board earlier and maybe we can cover it up here or
2 something.

3 CHAIRMAN GUERRA: Not this Board.

4 Q It's something to consider because, again,
5 our streets are being loaded up with their employees.

6 So, if the same situation happens where this
7 building cannot accommodate the employees and it gets
8 passed, our streets cannot handle all this parking
9 because it doesn't handle what's already there that's
10 happening. So, I just want to say that.

11 Getting back to the park, you said there's a
12 one-way going in and one-way going out with the horse
13 shoe, I mean the park area.

14 I'm really interested in Summit Avenue.

15 A This drive?

16 Q There's one-way in and one-way out?

17 A Referring to Exhibit A-3. It goes around.

18 Q Yeah. Is that one-way in and one-way out
19 type thing?

20 A Yes, it is.

21 Q Will there be signs on Summit Avenue with
22 arrows pointing one-way in and one-way out?

23 A There are signs that do that. In
24 addition, the design of the curbing system that
25 defines the roadway will not allow you to, as an

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M. D. Szerbaty - The Public

1 example, make a left turn onto Summit from this point.

2 Q Okay. But, you'll have these big one-way
3 signs going in and one-way signs going out?

4 A Yes. And, the civil engineer will explain
5 that in more detail.

6 Q Again, as a resident area, it's just not

7 attractive. So, I don't know, I hope the Board

8 doesn't allow that.

9 The park area, what kind of lighting are you

10 going to be doing in that park area?

11 A The lighting is -- there are a series of

12 pole lights that are in the center portion of it which

13 are 12 feet high, down lighting only, because there

14 are no light sky, no light sky issue. And, that is,

15 you know, occupies the center. Around the driveway

16 there would be low level bollards and then some, a few

17 kind of decorative lights within the center some

18 lights.

19 Q Let me ask you a question, when this

20 project comes together and you make this all one

21 piece, does that residential area now become a more

22 commercial area? Or, does it still stay as a

23 residence area?

24 A I don't know that what you're asking.

25 Q It seems to be all residents, we're trying

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M. D. Szerbaty - The Public

1 to keep the beauty of Summit Avenue with big old homes

2 and residential fields and kids playing. Prospect has

3 more of the condos, the apartments. We have an

4 architect on the corner of Prospect and Berry. He has

5 these down lights in his driveway. They're very

6 bright, you know.

7 And, the Board, in other applications says,

8 well, that lighting is very good for Prospect.

9 When you can bring it to Summit, we would like
10 to see more residential type.

11 Does that area become not residential anymore
12 and allow commercial stuff in there?

13 A No, no, not by any means.

14 Q So the lighting will be lighted more for
15 residents than it will be for a commercial type
16 building?

17 A Absolutely.

18 Q Okay. You're sure?

19 A Yes.

20 Q Okay. Show us maybe down the road a
21 little bit how that all comes together because, right
22 now, you're saying down lights. Those down lights I
23 have seen in parking lots, in the architects and other
24 commercial buildings and they're very bright. And,
25 it's not a residence feeling at all.

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M. D. Szerbaty - The Public

1 So, it's just something to think about.

2 A Technically speaking, I think there's a
3 minimum lighting level required which is 2 foot
4 candles and which is very, very low for those of you
5 who might know that. The lighting that is across this
6 site is, I think, calculated at 1.86. So, it's very,
7 very low level lighting.

8 Q What kind of lighting will you be doing on

9 the building?

10 A The exterior facade of the building?

11 Q Yeah.

12 A None.

13 Q None?

14 A Nothing is anticipated, no.

15 Q Nothing for the airplanes coming over, a

16 little red light or something on top.

17 That's the tallest building. I don't want it to

18 get hit.

19 A That's up to the FAA and how they come

20 back and tell us what lights and where to put them on

21 the roof of the building.

22 Q But, there will be no ground lighting or

23 anything around the building, nothing on the building,

24 a light?

25 A Nothing that will shine on the facade high

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M. D. Szerbaty - The Public

1 up.

2 Q Or to other buildings --

3 A Until the entry on --

4 Q So, it's going to be very dark at night?

5 It's going to be dark. You're saying there's no

6 lights out there. It's going to be very dark. People

7 come in at night. It's going to be dark.

8 A I don't get what you're trying to say.

9 Q If you have no lights on the outside of

10 the building, when people come in at night, how are
11 they going to see getting into the building?
12 A I think I tried to clarify your question
13 by saying there are no lights shining on the facade of
14 the building.
15 Q Okay.
16 A You know, like lighting that. And, that
17 will not happen.
18 Q You mean like the, like the Empire State
19 Building?
20 A Yeah, if that's what you're asking.
21 Q Because, that's what this looks like.
22 A If that's what you're asking, that's not
23 going to happen.
24 Q Okay. What kind of lighting is on the
25 building?

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M. D. Szerbaty - The Public

1 A On -- again --
2 Q The entranceway you'll have under mount
3 lights?
4 A The entry canopy and the main entrance,
5 I'm sure there will be lights under there.
6 Q Okay. I don't know. You're the
7 architect. I'm just asking what kind of lighting you
8 designed.
9 That's it, just some under mount lighting
10 underneath the building?

11 A Or bollards from the ground or any number
12 of possibilities. We haven't gone to that level of
13 detail yet.

14 Q The lighting that's in the park on the
15 Summit Avenue side, is that going to be on a timer?

16 A I don't know how to answer that. I'm sure
17 there will be some sort of some timing mechanism but
18 that would be up to the, to the owner and how he
19 operates that.

20 Q I don't know if that could be on all
21 night. I don't know how that works either. I'm not
22 sure if it's residence or where it stands. So, you
23 know.

24 Would it be on all night? Do you think the
25 lighting will be on all night?

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M. D. Szerbaty - The Public

1 A No.

2 Q So it will be shut off at a certain time?

3 A Yes.

4 Q Okay. Will there be a sign on Summit
5 Avenue?

6 A No.

7 Q On the building?

8 A On Summit Avenue?

9 Q Yeah.

10 A No, no sign.

11 Q So, by the entranceway, that horse shoe

12 there, there will be no sign?

13 A Announcing the name of the building, the
14 address? Nope, none at all.

15 Q The sign would only be on Prospect?

16 A Yes.

17 Q Just a few more questions.

18 I have a concern about fire. Is that something
19 you get involved in or is that somebody else?

20 As far as, suppose there's a fire in this
21 building, Number 1, can our Fire Department handle the
22 building 24 stories is the first question.

23 But, the next question is, how many elevators
24 are in this building?

25 A Five, five elevators from the tower.

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M. D. Szerbaty - The Public

1 Q Five?

2 A And two for the garage.

3 Q And then how about staircases?

4 A There are two main stairs for the tower.

5 Q Okay. That's going to go 24 stories up --

6 A Yes.

7 Q -- I would assume.

8 And, they're wide enough that if patients --

9 A Oh, yes, yes. They're much -- they're
10 very generous. You should understand that the tower
11 portion of this building is very small. It's only
12 about 7,500 to 8,000 square feet for the footprint

13 which is significantly smaller than most of the
14 residential buildings up and down Prospect.

15 Q Again, my concern is that you're putting
16 the top 12 stories you have dialysis patients up
17 there. And, these people, as residents up there, I'm
18 sure they're healthy enough to run down the stairs,
19 get down the stairs as best they can.

20 I have, two of my parents go through dialysis
21 and I know what they look like when they come out of
22 dialysis. These people can't even stand up. How are
23 we getting all these patients 80 stories or 20 stories
24 down to get them out of this building God forbid
25 there's a fire in this building?

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M. D. Szerbaty - The Public

1 What kind of precautions are we taking? What
2 kind of standards are we taking for that? Or, are
3 there any?

4 A Well, again, with this building, this type
5 of project, the life safety systems that are contained
6 in the design of it are, are extremely complicated and
7 thorough and redundant. And the construction of the
8 building itself, the -- again, the building is
9 relatively small in its footprint so there aren't
10 really that many occupants on a given floor.

11 And, the tower or, you know, the floors are
12 designed, in terms of their segregation from floor to
13 floor for fire proofing and the, the towers all of

14 that stuff is all, you know, designed --

15 Q So you feel --

16 A -- to code.

17 Q If there was a fire in the building, these

18 dialysis people would be able to get 20 stories down

19 without a problem?

20 A They -- I don't understand what you mean

21 by without a problem. I mean, without assistance,

22 without someone coming, you know, helping them out?

23 I don't think that there's -- there's not an

24 issue. This is not --

25 Q It's not an issue?

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M. D. Szerbaty - The Public

1 A It's not really, a high-rise building of

2 this, with this type of program is not that uncommon

3 of a project.

4 Q I don't want the City to get sued because

5 we get something that is --

6 MR. MALAGIERE: Mr. Hipp, Mr. Hipp clearly

7 has a good amount of building experience. I know that

8 personally. I can tell by his questions.

9 But, this is, in my estimation, more of a code

10 issue which, which really, albeit important and

11 critical, is just not what the Board engages in.

12 And, if there were an approval, it would be

13 subject to all Code Enforcement and, and requirements

14 and fire codes and all that stuff.

15 So, I want to point that out, if that helps at
16 all.

17 Thank you.

18 MR. HIPPE: In closing, I just want to say I
19 think the building is just a little too big for the
20 property and in the residence area. It's just not the
21 place for it.

22 It's a nice building but I just don't think it's
23 the place, the right place for it.

24 And, I'm against it.

25 MR. BASRALIAN: Just, just to correct

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1 something that Mr. Hipp said. He seemed to indicate
2 that something was slipped by the City in connection
3 with the Prospect Towers building and parking.

4 In fact, the nursing home across the street not
5 only met and exceeded the Code requirements for
6 parking at the time, it was approved. It still meets
7 or exceeds it today, under the code.

8 With respect to the, to fire trucks, I don't
9 believe there's a fire truck in the City of Hackensack
10 capable of going over 8 to 10 stories in any case.

11 So, it's not only this building that would reach
12 beyond that height, any other building in the city as
13 well.

14 There is at least one other apartment building
15 that is 24 stories on one side and 28 on the other.

16 So, it is not unique to this.

17 MR. MALAGIERE: The Chairman has indicated
18 that we will take a short break and then we're going
19 to continue.

20 There are two other, three other people who put
21 their name on the list from the last time to question
22 this witness.

23 And, we'll, we'll get through the them.

24 Thank you.

25 (A recess is taken at 8:25 p.m..)

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1 CHAIRMAN GUERRA: Please be seated. We
2 would like to continue. Thank you.

3 Okay. We're back on the record.

4 MR. MALAGIERE: Mr. Chairman, there are a
5 few other people who put their name on the list from
6 the last meeting to, to inquire as to the, as to this
7 witness on the architectural aspects of the building.

8 Alexis Palinkas.

9 MR. MALAGIERE: Hi. How are you? We're
10 going to swear you in, please.

11 MS. PALINKAS: Sure. It's warm up here.
12 Here is the warm spot.

13 MR. MALAGIERE: Right.

14 MS. PALINKAS: It's warm up here.

15 MR. MALAGIERE: Put your left hand on the
16 Bible. Raise your right hand.

17 Do you swear the testimony you're about to give
18 before this Board to be the truth, the whole truth and
19 nothing but the truth, so help you God.

20 MS. PALINKAS: I do.

21 MR. MALAGIERE: Could you please identify
22 yourself for the record, spell your last name and give
23 us your address.

24 MS. PALINKAS: Alexis Palinkas, P A L I N
25 K A S, 235 Prospect.

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1 MR. MALAGIERE: Thank you, ma'am.

2 MS. PALINKAS: I have a question first for
3 the Zoning Board.

4 On this special meeting docket, it's -- the
5 application address is 320 Summit Avenue.

6 So, the address of this hospital would be Summit
7 Avenue?

8 MR. BASRALIAN: I beg your pardon. The
9 answer is -- sorry. The answer is no.

10 What we have always stated the Prospect Avenue
11 address. For some reason, it always shows up as
12 Summit Avenue. The address is fronted on Prospect
13 Avenue.

14 We have repeatedly notified the Board that it is
15 in fact the Prospect Avenue address, the frontage.

16 MR. MELLONE: We could change it. I think
17 one of the issues is that it came in --

18 MR. MALAGIERE: Hold on. Let me swear you
19 in.

20 Do you swear the testimony you are about to give
21 before this Board to be the truth, the whole truth,
22 nothing but the truth so help you God.

23 MR. MELLONE: I do.

24 MR. MALAGIERE: Please identify yourself
25 for the record.

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1 MR. MELLONE: Joe Mellone, Construction
2 Official, Land Use Administrator for the City of
3 Hackensack.

4 I think when the request for the property list
5 came in, it came in as 320 Prospect, 320 Summit - 329
6 Prospect. So, that's how we always, more or less,
7 refer to it.

8 When the subdivision or re-subdivision takes
9 place to merge the lots, then the address would be 329
10 Prospect Avenue unless you're not going to subdivide
11 that property.

12 MR. BASRALIAN: When we asked for the
13 property list, we had three properties, four
14 properties so we listed the Summit Avenue properties
15 as Prospect Avenue but the building is also fronted on
16 Prospect Avenue.

17 MR. MELLONE: Change it to 329 Prospect
18 but the address is 329 Prospect.

19 MR. BASRALIAN: Thank you.
20 MR. MALAGIERE: Thank you.
21 MS. PALINKAS: Don't go. The second part
22 is --
23 MR. MELLONE: I won't go far.
24 MS. PALINKAS: The second part is, it says
25 applicant requests to demolish the existing one family

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1 structure.
2 MR. MELLONE: I think that was brought up
3 awhile ago but there were three structures that need
4 to be, three or four structures that need to be
5 demolished.
6 MS. PALINKAS: Okay. And, it also says
7 construct a 24 story medical office building when, in
8 fact, it is -- it has evolved into a hospital.
9 MR. MELLONE: That information, that would
10 have come off of the -- was on the application and in
11 the original review by H2M. So, that's where most of
12 the terminology comes from, what they classified it as
13 also.
14 MS. PALINKAS: But, does that not change
15 things?
16 MR. MELLONE: No.
17 MR. MALAGIERE: What really governs here
18 is what's on the application and the testimony before
19 this Board when they're considering it. That's

20 really, ultimately --

21 It's not unlike a, a court proceeding where the,
22 where the, where the pleadings conform to the
23 evidence. So, the dispositive and relevant inquiry is
24 what's been testified to and what's before the Board.

25 Although these are important distinctions, as

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1 you point out, on the description to the agenda,
2 they're not going to prejudice the determination or in
3 any way make this into something it's not. Rest
4 assured.

5 MS. PALINKAS: Okay. It's confusing.

6 MR. BASRALIAN: Yeah. I want to correct
7 it. The application in fact is a long term acute care
8 hospital. H2M categorized it as a medical office
9 building. We don't prepare that part of what is read.

10 But our application was for a long term acute
11 care and that's accurate and hasn't changed.

12 MS. PALINKAS: It's just confusing to
13 those of us who are here.

14 All right.

15 MR. MELLONE: Can I move?

16 MS. PALINKAS: Yeah. Sure. Okay.

17 I had a statement I was going to make to Mr.
18 Pineles.

19 MR. MALAGIERE: One of the things we
20 wanted to try to do and the Chairman instructed me in

21 this regard, we want to try to limit the comments and
22 questions to this specific witness if you can. The
23 statement is important and we want to hear it but
24 there's just another time.

25 MS. PALINKAS: That's what I said I had

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1 one.

2 MR. MALAGIERE: I apologize for

3 interrupting.

4 EXAMINATION BY MS. PALINKAS:

5 Q Now, what are the dimensions -- that's not
6 for, for you guys.

7 Again, what are the dimensions of this room so
8 we have an idea when you're talking 40 feet, 20 feet?

9 Do you know the, the approximate dimensions of
10 this room?

11 MR. MALAGIERE: This room?

12 MS. PALINKAS: This room that we are in.

13 CHAIRMAN GUERRA: Count the tiles.

14 MS. PALINKAS: To judge how big a 20 foot
15 driveway is or --

16 MR. MELLONE: This room width is
17 approximately 30 feet.

18 MS. PALINKAS: About 30 back, 30 by 30.

19 Okay.

20 MALE SPEAKER: And, it's about 60 feet
21 long.

22 MS. PALINKAS: Okay. Just so we have an
23 idea of when you're talking about sizes. But, we
24 don't know how long this is.

25 MR. MELLONE: The ceiling tiles are 12

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1 inches wide.

2 MS. PALINKAS: How far is one building --
3 for example, if you're looking at, the picture that
4 was over there and you're saying 20 feet from this
5 building to the next building, it's hard to picture
6 exactly how big that would be. It sounds like it
7 maybe --

8 MR. MELLONE: A normal parking space.

9 Now, when you pull into -- a parking space is 18
10 foot long. All right. It's 9 foot wide, 9 by 18, so,
11 anyplace you go, any standard parking space. So, try
12 to gauge it.

13 That's something that's familiar to you. It's a
14 little bit longer than a parking space.

15 MS. PALINKAS: Okay. For the architect.

16 EXAMINATION BY MS. PALINKAS:

17 Q When this was first presented to you, this
18 project, there's this house on Prospect and then we're
19 going to buy some houses on Summit and we want you to
20 put this very large hospital on that. At any point
21 did you look at that and say, I don't think so?

22 I mean, did, did this not seem to be sort of an

23 outrageous proposition?

24 A No, not really. When you look at --

25 Q That's all.

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1 Now, this, this is a medical building/hospital.

2 Correct?

3 A It's a long-term acute care hospital.

4 Q Hospital?

5 A It has some other uses, the dialysis

6 center.

7 Q The five story garage, underground, and

8 the main building, will these -- these will be built

9 in a residential zone.

10 Is that correct?

11 A In an R3 and R75 zone, yes.

12 Q Okay. Will the traffic for this

13 commercial building be using driveways on both

14 Prospect and Summit Avenues?

15 A Yes.

16 Q When you were hired to design this, were

17 you aware of zoning codes?

18 A Oh, absolutely.

19 Q Okay. When you designed this, were you

20 aware of the traffic and parking problems already in

21 existence in this neighborhood? You, the architects,

22 in honesty?

23 A At the very, very beginning --

24 Q Uh-huh.

25 A -- no. But, we then brought in, on board,

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1 traffic consultants to look at the, the project and

2 give us relevant information.

3 Q Okay. One of the people before me talked

4 about the Prospect Heights employees. And, I think

5 Mr. Basralian even addressed that, that it was all

6 Prospect Heights was, the parking was according to

7 code, right, the number of spaces.

8 But, I believe it was the first meeting when Mr.

9 Pineles was, was up front here, and I asked that same

10 question, he said, I have to admit that in fact we did

11 not plan that properly.

12 I think we are all extremely concerned about the

13 fact that there will not be enough parking for

14 visitors, for employees, for work -- for workers --

15 For example, the people who cannot fit into the

16 Prospect Heights, those employees who are behind the

17 temple and lining our streets, when you calculated the

18 number of parking spaces needed and that's what the

19 architect does, too many, right or not?

20 A We don't.

21 Q I don't want to be asking the wrong

22 question.

23 A Not on our own, we don't calculate.

24 Q Somebody is telling you how many spaces --

25 A Yes.

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1 Q -- you need?

2 A Yes.

3 Q Will that person be here?

4 A There will be testimony on that as well.

5 Q The parking person --

6 A Yes.

7 Q -- will be here?

8 A Yeah. Yes. There's a traffic consultant.

9 Q But --

10 MR. BASRALIAN: He's a traffic consultant

11 engineer. He testifies as to the adequacy of the

12 parking and the adequacy of the roadways or lack

13 thereof.

14 MS. PALINKAS: Okay. I could understand

15 that part. But, this parking is -- it's just doesn't

16 work. It doesn't work.

17 We need to -- well, I'll ask that when that

18 person comes here.

19 Q When you're looking into parking, you take

20 into account that during a shift change there will be

21 people from shift A going to their cars and people

22 from Shift b coming in.

23 Is, is that taken into account with the 400 plus

24 spaces?

25 A Yes, it is.

1 But, again, the traffic consultant will address

2 that in great detail.

3 Q Okay.

4 MR. MALAGIERE: I want to point out that
5 the Chairman and the Board had voted -- the City has
6 its own traffic consultant, Birdsall Engineering, who
7 will also weigh in on these concepts and issues.

8 MS. PALINKAS: Especially the garage
9 parking. That's a big --

10 MR. MALAGIERE: Well, they're going to
11 speak to all the aspects of movement cycling through
12 the site as well as traffic.

13 MS. PALINKAS: Okay.

14 Q How do those garages get vented,
15 ventilated?

16 A There will be mechanic, for an underground
17 garage like this, there will be a mechanical system to
18 generate air flow through the garage.

19 Q To where?

20 A To the outside, to the ground.

21 Q But outside?

22 A On the site, on the site there will be
23 vent --

24 Q So there will be like a fan noise?

25 A No. No. The fans would be down inside

1 the garage itself, down in the low levels of the

2 garage and it will circulate air.

3 Q And, the pollution that, that develops

4 inside the garage when all these cars are going in and

5 out will then be vented out to us?

6 FEMALE SPEAKER: Into your apartment.

7 Q I mean serious -- I'm not trying to be

8 facetious. I'm trying to understand how this would

9 happen.

10 You're talking about a seven story. Now we're

11 up to a seven story garage including the motor room.

12 So, that's going to be ventilated up into the

13 air surrounding the building?

14 A Yes, it will. But, that's no different

15 than the air, than the air that's going through, up

16 and down Prospect from the traffic going there or

17 traffic going around the property.

18 Q Okay. Now speaking of garage, the two

19 elevators from the seven -- well six, six story, five

20 story garage area are going up into the main building.

21 Is that correct?

22 A No. There actually -- well, two passenger

23 elevators and it's a five story garage.

24 Q Okay. Wait. There are six under the main

25 building and then it was seven for the mechanics.

1 A No, that's not correct. I think I was
2 talking about the dimensional depth.

3 Q Ahhh, a dimensional depth.

4 A 70 feet, if you heard that.

5 Q All right. So, so now these two
6 elevators, though, I don't --

7 Have you ever been in the building on Prospect
8 that has the V. A. Offices, it's -- there are doctor's
9 offices way down near Passaic Street?

10 A No.

11 MR. MALAGIERE: 385 Prospect, currently in
12 litigation over an application which was denied by
13 this Board. All right.

14 Q Part of our concern, with all of this, is
15 that these things -- we have lived on this street for
16 a very longtime and are familiar with the different
17 building problems that perhaps, when they were
18 approved, seemed like it would be okay. But, when
19 reality hits, it is not okay.

20 Now that building has two elevators and I think
21 a three story garage. It's not even -- I don't even
22 know how tall that building is, four stories, if it's
23 that much, three?

24 MR. MALAGIERE: It would be appear to be.

25 Q If you try to park in that and then try to

1 get to the elevators and wait for the elevators to

2 actually come to pick you up, you could be there for,
3 for 15 minutes in a building of this size.

4 I cannot, cannot imagine how two elevators could
5 possibly be adequate.

6 When you did something like this, is there a
7 study?

8 What did you -- how did you determine that two
9 elevators would in fact be enough to transport all
10 these, especially with the LTACH people?

11 I mean, they would have visitors, I would think,
12 lots of visitors if you have someone who, who's --

13 Well, I'm not going to babble. Go ahead. Tell
14 me.

15 A To answer your question, there -- there
16 are two passenger elevators that go from the garage to
17 the ground level lobby of the LTACH building. There's
18 also one service elevator so any of those drop offs by
19 ambulance will be using that service elevator.

20 So, only visitors and staff, and staff may be
21 able to use the service elevator to get to the
22 building. But, visitors coming to the building would
23 use those two elevators.

24 And those elevators, as any elevator is for a
25 tower, high-rise project like this, would be very, you

1 know, high speed elevator, passenger elevators and
2 there -- the quantity --

3 The number of those that we have in the building
4 are determined by the population and the use of the
5 building and in consultation with consultants.

6 Q Okay. I disagree that would be enough
7 but...

8 Are there any doctor's offices in the design?

9 And, if so, how many?

10 A There are. I'm not exactly certain how
11 many. There's a level that has physicians' offices
12 for physicians that are on-site to care for patients
13 in the LTACH.

14 Q So the physicians would not be meeting
15 patients there. It would just be, they're popping in
16 to see someone and that's where they just might have
17 that person's file? Is that what it would be?

18 Or, would, would people actually be coming to
19 see that doctor in that building?

20 A No, they would not be coming from the
21 outside just to see that doctor. They're -- the
22 physicians are there for purposes of taking care of
23 the patients within the facility.

24 Q Okay. But, you, you cannot tell me how
25 many doctors' offices are in the design?

1 A No. I would have to go back to the
2 drawing and count them up. They are depicted on the
3 drawing right now but I don't know exactly, off the

4 top of my head. There's one level that is, it's a
5 physicians' area.

6 Q Ballpark?

7 A I can't, don't want to -- I can't offer
8 that.

9 Q I think one of the problems that we have
10 with, with all this testimony is a lot of, a lot of I
11 don't know answers and that has us really kind of
12 concerned.

13 Are there any other offices besides doctors'
14 offices?

15 A Administrative offices.

16 Q How many?

17 A I don't know off the top of my head.

18 Q Oh, come on. You know, really.

19 MR. BASRALIAN: Yeah. As the Board knows
20 and the public may know, the system, notwithstanding,
21 when you come in for site plan approval, you don't do
22 full architectural on this.

23 What has been designed is the number of patient
24 rooms.

25 There are doctors, just for the record, to

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1 reiterate what Mr. Pineles said, there are offices for
2 doctors to, who are on staff at the LTACH.

3 CHAIRMAN GUERRA: Counselor, I understand
4 what you're saying. But, it is important, even though

5 it's site plan, it is important that we know the
6 details as well. And, you do have the details worked
7 out.

8 MR. BASRALIAN: Yes.

9 CHAIRMAN GUERRA: Why don't we take the
10 time?

11 MR. BASRALIAN: He doesn't want to guess.

12 CHAIRMAN GUERRA: No. He can count them
13 on the floor plan. It would take three minutes.

14 MR. BASRALIAN: But, he doesn't have it
15 here to do that.

16 CHAIRMAN GUERRA: Yeah. We do.

17 MR. BASRALIAN: He can count it then.

18 Fine.

19 CHAIRMAN GUERRA: Why don't we count it
20 then and give this lady her answer.

21 MR. MELLONE: Later on.

22 CHAIRMAN GUERRA: But, don't say --

23 MR. BASRALIAN: But, for the record, the
24 physicians are all for, for on staff in the hospital,
25 not for outside patients.

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1 CHAIRMAN GUERRA: Don't use the site plan
2 excuse. We do need to know the details. I don't want
3 to hear that anymore.

4 MR. BASRALIAN: Yeah.

5 CHAIRMAN GUERRA: We want to know the

6 details.

7 MR. BASRALIAN: Mr. Guerra, we do -- with
8 all due respect, every architectural detail is pot
9 worked out even here.

10 CHAIRMAN GUERRA: The things I saw are
11 pretty detailed.

12 MR. BASRALIAN: But not, but all the
13 building details are not done.

14 CHAIRMAN GUERRA: She asked for a
15 ballpark. We'll give her a ballpark.

16 MR. BASRALIAN: Give him a minute and
17 he'll count them up.

18 MS. PALINKAS: Do that later. That's
19 fine. We're not going anywhere.

20 CHAIRMAN GUERRA: We are, at 10:00, going
21 somewhere, by the way.

22 MS. PALINKAS: 10:00.

23 CHAIRMAN GUERRA: 10:00.

24 MS. PALINKAS: 10:00. Okay.

25 Q So you could probably come back in

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1 September?

2 Okay. So, we want to know how many doctors'
3 offices, because that's important, how many other
4 offices, other, you said, administrative offices,
5 nurses station, offices, nurses' offices. Those
6 you'll let us know, too.

7 Right? Okay?

8 When the doctors -- these doctors will only be
9 on staff at this particular building or they will be
10 doctors from other places who are coming to this
11 building?

12 A I don't know the answer to that.

13 Q Okay. Well, that would be another parking
14 issue because, if they are doctors that are coming to
15 this building from someplace else, even if they're
16 not, they still have to have someplace to park.

17 That's why your 400 is a little --

18 Okay. When the ambulets drop people off and at
19 night, where will they be parking?

20 Are they going to be parking on-site in this
21 garage?

22 A Yes. Down at the level where they come to
23 drop off and pick up patients.

24 Q Okay. So, under Prospect Heights, I
25 notice two parked the other night and that's a small

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1 building.

2 How, how many ambulets will there be parking in
3 the garage at night? Yeah, how many ambulets?

4 A I believe six and dedicated ambulance
5 spaces and four other van spaces down at the level of
6 the garage where they drop off and pick up patients.

7 Q And, that's figured in that parking space

8 total, too?

9 A No. Those are in addition.

10 Q Special?

11 A Special.

12 Q The sign that's not on Summit Avenue, the
13 sign that is not on Summit Avenue will be on Prospect
14 Avenue?

15 A Yes.

16 Q And, what will this look like?

17 I don't see it anywhere in the drawing.

18 A It, it is on there.

19 Q Where is that, please?

20 A On this particular drawing, it's right
21 here.

22 There's a wall, when the garage ramp comes up
23 from below, there's a, a guard wall basically that has
24 to be there for the ramp as a protective wall and
25 right on that wall is the sign for the building.

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1 Q What does it look like?

2 What does it look like?

3 A It is mounted on the concrete wall and it
4 is raised letters, probably lit from the back.

5 Q It doesn't sound very residential looking.

6 A I think if you -- it's no different at all
7 from all of the numerous signs up and down Prospect
8 and it's probably a little bit smaller scale.

9 Q All right. So people -- well -- so there
10 is a garage under the main building?
11 A Yes.
12 Q And, the garage is also under the park?
13 A Yes.
14 Q Roof antennas, somebody asked about that.
15 In addition to that, that other picture that you
16 had with that little narrow profile, could you show
17 that one again, please?
18 A This one? This one?
19 Q No. No. No. No. No.
20 A The smaller scale.
21 Q The new one you brought.
22 A This is the new one.
23 Q Oh, no. Okay. The one that looks like a
24 needle.
25 A This is it. This is the new one.

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1 Q I meant that one.
2 A That's the original.
3 Q That's the original? Okay.
4 So, where, where does the, where is the antenna?
5 Where are the antennas on the roof?
6 A It's the first -- we're referring to
7 Exhibit 20R. And, I do not know the question that was
8 raised about antennas on the roof and I do not think
9 that there would be any in this project.

10 Q Okay. So there would not -- the only
11 thing would be that safety light on the top for the --

12 A For the --

13 Q -- planes?

14 A Yes. And, when that gets determined.

15 Q All right. Windows -- so there are no
16 windows facing Prospect?

17 A No. Pretty much the entire facade of
18 Prospect is windows.

19 If I can point to Exhibit 20 R-2. This is
20 all -- these are all windows at every level.

21 Q I thought you said that was a glass
22 surface.

23 A That's a window. I mean, it's
24 transparent. You can look in and out of it.

25 Q Oh, you can?

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1 A Sure. Oh, yeah.

2 Q Oh, I thought you said --

3 A Yeah.

4 Q I thought you had said it was almost a
5 sheathing, too.

6 A No. No. It's a spandrel. You know, it's
7 a floor construction because that's solid, the
8 structure behind it, the glass has a degree of opacity
9 which is -- I pointed out in the example, the lower
10 right one.

11 But, this is the glass, pointing to the glass

12 sample that I brought in earlier.

13 Q Okay. Well, I --

14 A Those are all windows.

15 Q Well, whoever had spoken before, certainly

16 that does not look like anything that's currently on

17 the block.

18 And, this is petty but, the -- with high rises

19 and glass windows and because the high rises have

20 limited glass windows with the balconies behind them,

21 we don't have too much of a problem. But, when you

22 have something of that height, it's, it's

23 environmentally for, for the birds, a pretty --

24 No. No. No. I mean this seriously. It's a

25 bad thing because you're going to have all these

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1 migrating birds smacking into this glass, glass

2 facade.

3 I mean, this is, it's a residential area. We

4 have a lot of birds. So, that's something that you --

5 I don't know what you can do about that.

6 But, on the rest of the questions, I'll save for

7 next time.

8 Thank you very much.

9 MR. MALAGIERE: Mr. Chairman, the next

10 person is Mr. Hurwitz.

11 Let me swear you in.

12 Do you swear the testimony you're about to give
13 before this Board to be the truth, the whole truth,
14 nothing but the truth, so help you God.

15 MR. HURWITZ: I do.

16 MR. MALAGIERE: Please identify yourself
17 for the record, spell your last name, provided us with
18 your address.

19 MR. HURWITZ: Howard Hurwitz, 326 Prospect
20 Avenue, Hackensack, H U R W I T Z.

21 MR. HURWITZ: Mr. Basralian, do you have
22 any objection to me testifying?

23 MR. BASRALIAN: As to testifying, yes; as
24 to asking questions, no.

25 MR. HURWITZ: Thank you.

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1 I just want to follow-up on some of the comments
2 made by the previous individual. And, in specific,
3 dealing with transport of visitors or those
4 individuals who wind up in the parking garage.

5 EXAMINATION BY MR. HURWITZ:

6 Q Based on the previous testimony, you're
7 going to have something like 250 people arriving for
8 the Adult Day Care center, maybe 70, 75 arriving for
9 the dialysis and maybe some, I don't know, of the 500
10 employees, maybe 300, 350 will come in on the day
11 shift or during the day at once, you know, within a
12 period from 6:30 to 7:30 in the morning.

13 Now you're talking about high speed elevators
14 serving the five decks of the parking garage. You're
15 not going to have high speed elevators. You're going
16 to have an elevator that stops at each and every one
17 of these levels.

18 And, have you done the calculation to show that
19 you can handle 700 people an hour, for example?

20 A To -- no, no calculations are done to show
21 that there are 700 people.

22 Q So you have no idea how many elevators you
23 need?

24 A Well, again, I think the traffic
25 consultant will testify as to how many people are

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1 coming and what the flow is in and out of the garage
2 facility.

3 Q We have, we have already heard the
4 testimony that the hours, the number of employees, the
5 number of dialysis patients and the number of patients
6 or, or visitors to the day care center so we know what
7 that is.

8 A I don't think that you know in detail when
9 they arrive, periods of time and things.

10 Q I think the testimony was that the
11 dialysis will begin at 6:00 a.m. so we're assuming
12 that those 80 some odd people will arrive between 6:00
13 and 7:00. The day care center will begin at 7:30.

14 We had all this testimony but I'm not sure you
15 were here.

16 I guess what my question is, and I can follow
17 what Alexis said, there's a lot of nebulous stuff and
18 we don't want to miss the opportunity of asking the
19 question to the right person.

20 And, if it keeps stepping down, eventually we'll
21 run out of people to ask the question. And, then
22 we'll be told, oh, you should have asked the
23 architect. So, I just want to avoid that.

24 I want to know the basis. Did someone tell you
25 put in two passenger elevators or did they give you

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1 the numbers so that you, that you determine how many
2 passenger elevators from the garage up to the main
3 lobby?

4 A The numbers were developed with, in
5 working with Mr. Pineles, the owner and with some
6 consultants and we arrived at the quantity of
7 elevators that we have depicted on the plans.

8 Q Okay. Could you tell me, between 6:00
9 and, well, between 6:30 and 7:30 in the morning of a
10 weekday how many people you're going to transport from
11 the garage up to the main lobby area?

12 A No, not here right exactly.

13 Q Okay. But, I think the Board should
14 explore that.

15 I want to also touch on something else that
16 Alexis mentioned.
17 We heard testimony with regard to the Adult Day
18 Care center and the Board has in fact heard other
19 testimony from other Adult Day Care centers that
20 almost everyone and I think it's everyone, arrives by
21 van. This is --
22 Participation in this program is through a
23 medical need program. It's not a, you know, walk-in
24 day care center.
25 And, I believe, when I looked at the transcript,

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1 Mr. Pineles testified that, to bring in the 250
2 people, he would be operating some 25 to 30 vans.
3 Now, my question is, where are these vans going
4 to park during the day and at night?
5 A In the garage. And, I'm not sure about
6 the 25 to 30.
7 Q These are -- just understand, you can see
8 them driving around Hackensack. These are the big,
9 you know, maybe 15 to 20 passenger vans.
10 I thought they could only enter the garage on
11 the Prospect side.
12 A Yes.
13 Q And, where would they -- I looked at your
14 plans. I didn't see 25 van parking spaces.
15 A I don't know the number 25 that you're

16 making reference to.

17 Q It's the testimony. In fact, it was on
18 Page 86 of the April 14th minutes. It was really --

19 MR. BASRALIAN: If you have that, may I
20 see it?

21 MR. HURWITZ: I don't have the minutes.

22 MR. BASRALIAN: I think the testimony was,
23 the testimony was that there would be that many van
24 trips not that they would be operating 30 vans for
25 the --

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1 MR. HURWITZ: All right. Let's assume --

2 MR. BASRALIAN: That's different than
3 saying there's 30 vans in operation.

4 MR. HURWITZ: Let's assume there are 15
5 vans.

6 MR. BASRALIAN: No, there were 30 van
7 trips.

8 CONTINUED EXAMINATION BY MR. HURWITZ:

9 Q So let's say there's only 10 vans. Where
10 are you going to park the 10 vans during the day and
11 night?

12 A The quantity of vans should be -- is
13 determined by, by the owner, Mr. Pineles, and the --
14 there are dedicated parking spaces below, in the
15 garage, for passenger vans.

16 Q Is this at the level that says there are

17 six vans waiting area or is that a different level?

18 A That's at that level, yes.

19 Q And, it says there are six waiting van,

20 van waiting areas.

21 A It says there are a number of spaces for

22 passenger vans, ambulances and delivery.

23 Q I believe there are five.

24 Is that correct?

25 A I don't think that's the case. I think

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1 there are more.

2 Q Okay. When people come for dialysis, we

3 assume that some people will be transported by

4 ambulet, some people will be transported, Mr. Pineles

5 testified, by van. Or, I find that hard to believe.

6 Some people will be dropped off by family members. I

7 think that that's a reasonable assumption.

8 How is this to take place?

9 Let's say I'm dropping off a family member for

10 dialysis, what would I be doing as I drove in to the

11 facility?

12 Could you show me through that?

13 A You could come in through Prospect Avenue,

14 down this drive and the very first level that you

15 arrive at, the main first parking level is a drop off

16 level for people and then, so that's where someone

17 could get dropped off and then they would go and park,

18 to go and accompany them or they could leave the
19 garage.
20 Q Okay. I guess I was of the impression
21 that passenger cars all entered from Summit Avenue and
22 it was only the vans, that other, and ambulances and
23 the like from Prospect.
24 A No.
25 Q But, you're telling me passenger cars may

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1 enter --
2 A Oh, absolutely.
3 Q -- both ways?
4 A The only thing that we've done is made it
5 so that only passenger cars can enter and exit from
6 Summit.
7 Q And, is there a, an area where someone who
8 can't -- is not very mobile needs a walker, can wait
9 downstairs for the car to park and then someone to
10 take them --
11 A Yes.
12 Q -- take them upstairs?
13 A Yes.
14 Q So there is an enclosure downstairs?
15 A Yes.
16 Q The parking that, we agreed, we would talk
17 about later.
18 I do have one comment just to also follow-up

19 with someone else's question.

20 And your, your testimony the last time that
21 this, that this project provided a challenge, as you
22 said.

23 You have testified that you have experience with
24 this kind of a design of hospitals, the type, nursing
25 home maybe buildings.

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1 I know most of us have visited hospitals,
2 nursing homes and I know, when we get off the
3 elevator, we look for the sign that says, you know,
4 Room 300 this way, 300 to 320 and 325 to 340 that way.

5 Have you ever been involved in a project which
6 has 100, 150 rooms and only 12 rooms on a floor?

7 A Only 12 rooms on a floor? No.

8 Q So this is really a unique kind of a
9 design?

10 A Yes. But, it's no different than if you
11 had a floor plan that allowed you to provide, you
12 know, for a larger footprint.

13 Q Well, in a way it is because each floor
14 has to have three passenger elevators, two freight
15 elevators, nursing station, men's room, lady's room,
16 supply cabinets, restroom so that basically about 40
17 percent of the floor is for the patients and 60
18 percent is for other services. And, in fact, if the
19 building were really on a 50,000 square foot piece of

20 property and was a little bit bigger, instead of you
21 having 12 rooms, you would have, you know, maybe 25,
22 30 rooms on a floor.

23 Is that not right?

24 A I could imagine that.

25 Q So the building would be, let's say, a

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1 heck of a lot shorter and probably wouldn't need all
2 this underground parking.

3 The whole reason that this building is the way
4 it is is because you are on a very tight piece of
5 property.

6 You say basically it's a 50,000 square foot
7 piece of property but only 20,000 -- and it's only
8 got, as you say, an 8,000, 9,000 footprint.

9 A Yes.

10 Q I did want to ask follow-up on the cost.

11 This is going to cost only in the low \$200 a
12 square foot to construct?

13 I, I find that so hard to believe.

14 A Is that a -- you're asking a question?

15 Q Yes. Is that the correct number?

16 A That's currently where we're at with the
17 budget.

18 Q It sounds -- I mean, you can't build a
19 private house for that. But, I do ask the question.

20 At the last meeting, and I wanted to get this on

21 the record, someone testified -- talked to you about
22 how this fit in the width of the residential area.
23 And, there was a little dialogue and they said
24 this is a hospital. And, you said, well, it's, you
25 know, it's really, you know, it's the same thing and

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1 it looks like one of the other buildings. In fact --
2 and, then they mentioned something about transient
3 population.
4 If, if this were a 24 story residential
5 building, an apartment building, like all the other
6 buildings on Prospect Avenue, with exactly the same
7 foot print, can you tell me approximately how many
8 apartments you would have on each floor?

9 Assume it's, you know, 80, you know, 7,500
10 square feet or 8,000 square foot.
11 You would have about six apartments on a floor.
12 Wouldn't that be about right?

13 A Well, it depends on what size apartments
14 you're talking about; a typical one bedroom, two
15 bedroom arrangement.

16 Q Around 1,200 square foot as an average?

17 A Um-hum.

18 Q And, so, basically the number of cars, if
19 you will, number of residents would be in the middle
20 200s and you would have maybe 220 cars going in and
21 out a day.

22 And, I'll bet you, when you add everything up,
23 you're going to talk about 12 to 1,300 cars, transient
24 people coming in and out, not counting the fact that
25 the LTACH patients are there, just the visitors, the

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1 500 people who are employed, the 500 people who go to
2 the long term care -- I'm sorry, would go to the Adult
3 Day Care center and the, what was it, 250 people that
4 go to dialysis. It's a lot of people. And, it really
5 is not in keeping with a residential type design.

6 Even if it was exactly the same, it would never
7 fit with that kind of traffic.

8 Pardon me? I was just asking and trying to make
9 a question.

10 All right. That's all I have at this time.

11 Thank you.

12 MR. MALAGIERE: The next person, Mr.

13 Chairman, is a Miss Johnson, 339 Summit Avenue.

14 MR. MALAGIERE: I'm going to ask to swear

15 you in, please.

16 Put your left hand on the Bible, raise your
17 right hand.

18 Do you swear the testimony you're about to give
19 before this Board to be the truth, the whole truth,
20 nothing but the truth, so help you God.

21 MS. JOHNSON: I do.

22 MR. MALAGIERE: Would you please identify

23 yourself for the record, spell your name and give us

24 your address.

25 MS. JOHNSON: Judy Johnson, 339 Summit

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1 Avenue Hackensack.

2 MR. MALAGIERE: Okay.

3 MS. JOHNSON: A couple quick questions

4 first of all how many commercial buildings have you

5 designed.

6 MR. MALAGIERE: I'm sorry, Ms. Johnson.

7 You have to speak into the microphone. Speak loudly.

8 Thank you.

9 EXAMINATION BY MS. JOHNSON:

10 Q How many commercial buildings have you

11 designed approximately?

12 A By commercial, what do you mean?

13 Q Non-residential.

14 A Many, I have been involved in many

15 projects.

16 Q How many of these non-residential

17 buildings did you design to go into residential areas?

18 A Two.

19 Q How many of those actually went in?

20 A One and the one that's before you now.

21 Q Those are the only two?

22 And, the other one that went in was only in

23 Hackensack, the other one, or where?

24 A Yes, Hackensack.

25 Q So, Prospect Heights is the only other

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1 non-residential building that your firm, that you have

2 designed that went into a residential area.

3 And, you designed how many commercial buildings?

4 A There are many commercial buildings that

5 we have designed and I would really have to think hard

6 to try to come up with a fixed number.

7 You know, I've been in practice for 28 years.

8 Q Okay. But, this is not a common

9 situation. This is a unique situation to put a

10 non-residential building into a residential area to

11 begin with.

12 Correct? Yes?

13 A Yeah. Yeah. It's unique.

14 Q Okay. That's fine.

15 As an architect, and I'm just kind of what I

16 have gathered through all the testimony, your purpose

17 is to design a building that meets the needs of your

18 client and also meets the zoning requirements and

19 regulations of the town.

20 Correct?

21 A Yes.

22 Q Okay. So the fact that you're here is on

23 behalf of your client, Mr. Pineles.

24 Correct?

25 A Say that again.

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1 Q The fact that you're just here presenting

2 this?

3 A Yes.

4 Q Okay. Now, the fact that you've got about

5 12 variances or more on the application means you

6 haven't quite met the needs or requirements and

7 regulations of our zoning laws.

8 Correct?

9 A Yes, that's correct.

10 Q Is this typical of your designs?

11 No, I'm serious. Is this normal? I don't know.

12 I've only been to five Zoning Board meetings.

13 A There are very differing conditions in all

14 projects that you undertake. Some projects you have

15 issues that you have to deal with. Some of the zoning

16 requirements that are laid out here are, if you put

17 them all, sum them up and put them all in one package,

18 are very, very restrictive.

19 And, that's why we're, you know, here.

20 Q Other towns -- I mean, is Hackensack

21 different from other towns?

22 A In what way?

23 Q Are we more restrictive? Less

24 restrictive?

25 A Neither more nor less.

1 Q You stated a little while ago, I think one
2 of the previous questions, that you started work on
3 this project two to three years ago.

4 Correct?

5 A Yes.

6 Q Approximately two and a half years ago
7 only three of the four properties had actually been
8 purchased and were owned by the person who is applying
9 for this, Mr. Pineles.

10 320 Summit, 324 Summit and 329 Prospect. That's
11 in February of 2007.

12 Now, at what point did you decide you needed 316
13 Summit to accomplish this plan and why?

14 A I wouldn't be able to answer that. I'm
15 not the person to answer that.

16 Q What were you doing for 18 months before
17 you got 316 Summit?

18 What did the design look like?

19 A I don't -- you know, I'm not sure what the
20 design looked like at that time.

21 Q 316 Summit was purchased in September
22 2008. That was less than 10 months ago.

23 If you were working on the design, did you
24 always know you were going to have that extra
25 property?

1 Did you get that extra property because you
2 needed extra parking?

3 Did you want to make it a bigger -- I can't call
4 it a park. That's another question. It's not a park.

5 A Well, you know, I'd have to point out that
6 when typically when someone comes and entertains the
7 thought of designing a facility of any type for any
8 location, it is not uncommon that that, that the exact
9 site has been purchased and/or all the land has been
10 acquired. So you need to do a schematic, you know,
11 analysis of the site and what the zoning issues and,
12 and see what is going to work. If it's all -- it's
13 all a lengthy process.

14 Q I'm sorry. What if the person at 316
15 Summit decided not to sell their house? They only
16 sold it in October -- September 2008.

17 What if they didn't sell the house?

18 I mean, what was the contingency plan for your
19 design? Was it smaller? Was it always 24 stories?
20 Did it always have five levels of underground parking?

21 I find it hard to believe that, that only three
22 out of the four properties either knew that the fourth
23 property was coming or the design changed considerably
24 or you needed the fourth property.

25 I'm just curious. I mean, from previous

1 testimony, we understand that, actually, I think half
2 of the beds, half the dialysis units have been
3 officially granted with the expectation that the other
4 half will come.

5 Was the building smaller and then you decided
6 that we would get the other half?

7 MR. BASRALIAN: Perhaps I could help you
8 out.

9 The, the closing took place on that property in
10 2000 --

11 Perhaps I can help you out. The closing on
12 that, that last property took place in September 2007.

13 MS. JOHNSON: No.

14 MR. BASRALIAN: No, not September 2008
15 and -- excuse me. And, and the, the purchaser, the
16 present owner was the contract purchaser for a
17 substantial period of time before the actual closing
18 took place so that the property could be, the project
19 could be designed with that property under contract
20 with a closing to takes place at the option of the,
21 Mr. Pineles when he saw fit.

22 That's how it came about. So, it was designed
23 with all four properties.

24 MS. JOHNSON: So the closing on August
25 20th, 2008 in Book 9609, Page 483, of the Hackensack

1 records was a second sale and Mr. Pineles already had

2 the property prior to that or is it that he would have

3 the property prior to that?

4 MR. MALAGIERE: Well, I think the issue is

5 that you can present an application, we see them all

6 the time, with people who are under contract to buy

7 properties.

8 So, with that in mind, it is -- is your question

9 to the architect, were you given the design parameters

10 of all the property?

11 MS. JOHNSON: Of all four properties.

12 MR. MALAGIERE: Can you answer that?

13 MR. SZERBATY: Yes. Yes.

14 MR. MALAGIERE: At the outset of your

15 engagement?

16 MR. SZERBATY: Yes.

17 MR. MALAGIERE: Thank you.

18 MS. JOHNSON: Thank you.

19 CONTINUED EXAMINATION BY MS. JOHNSON:

20 Q How tall is this building in feet?

21 A 280 feet.

22 Q Is this one of the tallest --

23 A Maximum allowed by zoning.

24 Q Is this one of the tallest buildings you

25 have designed?

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1 A One of the tallest buildings, yes.

2 Q Is that one of the tallest?

3 A Yes.

4 Q It doesn't have to be the tallest.

5 The three houses on Summit that are getting torn
6 down to have the circular driveway and the landscaped
7 area you had mentioned last week, I think that you
8 were going to put trees in there.

9 What is the height of the trees that you are
10 putting in?

11 A They vary from, I believe, 14 to 16 to 18
12 feet.

13 Q Okay. Do you know how tall the trees are
14 that are there now, on those properties?

15 A No, not exactly.

16 Q They're a little bit taller than that.

17 How much of the building, of your 200 'X' number
18 of feet building do you think those 15 -- what
19 percentage would a 15 foot tree cover and what --

20 A I'm --

21 Q At the last meeting we were told that the
22 building stands 200 feet from Summit. I live on
23 Summit. That we really wouldn't -- it wouldn't be
24 distracting, we really wouldn't notice the building
25 because it was going to be landscaped.

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1 I'm saying a 200 and some foot building, with
2 only 15 foot trees in front of it, I may notice.

3 How much of the area, on Summit, is actually

4 grass?

5 A What percentage?

6 Q Yes, please.

7 A To be exact, I'm not sure. But, it's

8 probably 60 to 70 percent --

9 Q Okay.

10 A -- of green area not if you mean by grass,

11 you mean lawn.

12 Q Okay. Well, a park, what is the

13 definition of a park then? Because, it's been

14 referred to as a park. It's got places to sit? Green

15 grass, some trees and a water wall.

16 Is that what makes it a park?

17 A Yes. That part -- there are a number of

18 amenities that are being provided here.

19 Q Is there a softball field?

20 Is there a swing set, monkey bars, dog walk?

21 A It's an adult oriented park.

22 Q So, it's not a public park. It's not like

23 a kids park. It's a public park for adults, possibly

24 the visitors and/or the residents of the building.

25 Correct?

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1 A It's an adult oriented park for use by the

2 public in the neighborhood and the surrounding area.

3 Q Over the age of 18?

4 A It's meant to be adult oriented, yes.

5 Q So it's not a public park that families on
6 Summit Avenue would be interested in going to. So,
7 it's not really a benefit to the families on Summit
8 Avenue.

9 Correct?

10 A No. I think that it would very much be a
11 benefit to the families.

12 I mean, there's nothing preventing you from
13 bringing your child there.

14 I mean, there are -- there's a water wall,
15 plantings, sitting areas and things to utilize.

16 Q We could do that in our backyard or what I
17 would refer to this as not a park but the front yard
18 of the building.

19 Correct?

20 It's really not a park, I guess -- it's very
21 pretty. I will give you that. But, it's not a park.

22 It is an area that's landscaped, that's got a
23 place to sit and a place to wait but it's not a park.

24 We have parks in Hackensack. We have very nice
25 parks in Hackensack. This is a very nice, pretty

1 landscaped area but it is not a park. Please.

2 One other question.

3 The fan system, the venting system that somebody
4 mentioned earlier that's going to vent all the fumes
5 out of the garage, am I going to hear that across the

6 street?

7 A No, you would not.

8 Q How about the air conditioning units from

9 across the street?

10 A No.

11 Q Are you sure? Because, I hear them from

12 the apartments now.

13 A That's an apartment building. We have,

14 all the mechanical units are up at the top of the

15 tower, completely enclosed.

16 Q So I'm not going to hear anything?

17 A No.

18 Q Okay. Thank you.

19 MR. MALAGIERE: Thank you.

20 The next individual, Mr. Chairman, is a Mr. Paul

21 Gordon, 245 Prospect Avenue.

22 FEMALE SPEAKER: He's not here.

23 MR. MALAGIERE: Okay. Mr. Gordon -- and,

24 the last individual is a William Robinson, 245

25 Prospect Avenue. Mr. Robinson.

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1 MR. MALAGIERE: Sir, can I swear you in,

2 please.

3 MR. ROBINSON: Yes, you may.

4 MR. MALAGIERE: Put your left hand on the

5 Bible. Raise your right hand.

6 Do you swear the testimony you're about to give

7 before this Board will be the truth, the whole truth,

8 nothing but the truth, so help you God.

9 MR. ROBINSON: I do.

10 MR. MALAGIERE: Give us your name, spell

11 your last name and provide us with your address.

12 MR. ROBINSON: Willy Robinson, R O B I N S

13 O N, 245 Prospect Avenue.

14 MR. MALAGIERE: Mr. Robinson.

15 MR. ROBINSON: Yes.

16 EXAMINATION BY MR. ROBINSON:

17 Q Yes. Can you advise me as, from the time

18 you start demolition to the time you complete

19 construction, what, what lapse of time would that be?

20 A Two years.

21 Q Two years. All right. Demolition,

22 what -- how much time will that take?

23 A Demolition of?

24 Q The existing structure.

25 A The existing single family houses that are

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1 there?

2 Q Yes.

3 A Very little time.

4 Q Okay. What about the excavation?

5 A I don't know the duration of that. We

6 haven't set out a detailed project schedule there that

7 specifies.

8 Q What I would like to know, during the
9 excavation, there's going to be a tremendous amount of
10 dirt and debris that's going to have to be removed.

11 Is that correct?

12 A Yes.

13 Q All right. What provisions have been made
14 with regard to the increased traffic flow of those
15 trucks that are going to be going back and forth?

16 And, where are the exit points going to be? Is
17 it going to be Prospect or Summit?

18 A That I would allow the civil engineer,
19 when he gives his testimony, to explain that in
20 detail.

21 Q Okay. My next question is, to the Board,
22 is what provisions have been made to assess the impact
23 of this building, in this population density increase,
24 on the existing infrastructures? Is it neutral or is
25 it going to be negative as far as the overall cost is

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1 concerned, both immediate and long term?

2 CHAIRMAN GUERRA: What was that question?

3 MR. ROBINSON: This structure is going to
4 massively increase the population density. This means
5 increase in sewage outflow, storm water, et cetera.

6 Has the impact of that or will the impact of
7 that increase in outflow and usage of that
8 infrastructure been assessed with regard to the

9 overall population of Hackensack.

10 CHAIRMAN GUERRA: I'm sure our engineer

11 can answer that as far as how that -- it will be

12 assessed. But, our engineer can tell you in a little

13 more detail how that will work.

14 Greg.

15 MR. MALAGIERE: Can I swear you in first?

16 MR. BASRALIAN: Our civil engineer will

17 testify as to those things when he's on because he has

18 done the assessment and communicated with the City and

19 be able to respond to those issues.

20 CHAIRMAN GUERRA: That's what I wanted our

21 engineer just to tell us.

22 MR. MALAGIERE: The mechanics of it.

23 CHAIRMAN GUERRA: In detail.

24 MR. MALAGIERE: I'm sorry, Mr. Chairman.

25 Do you swear the testimony you're about to

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1 give before this Board to be the truth, the whole

2 truth, nothing but the truth, so Help you God.

3 MR. POLYNIAK: Yes, I do.

4 MR. MALAGIERE: Please identify yourself

5 for the record.

6 MR. POLYNIAK: Sure. Greg Polyniak,

7 Neglia Engineering Associates.

8 Relative to the sewer, the applicant will be

9 required to do an off-site sewer study where they will

10 have to meter and determine the existing flows within
11 the existing sewers, within the adjoining roadways and
12 then perform an analysis to illustrate that the
13 existing sewers have capacity for that additional
14 flow.

15 Relative to water supply, for both domestic and
16 fire, they will have to perform an analysis, fire flow
17 tests, to illustrate that they, one, have the capacity
18 and flow and wouldn't impact surrounding properties
19 related to water usage for the property.

20 MR. ROBINSON: Okay.

21 CHAIRMAN GUERRA: How about storm water?

22 MR. POLYNIAK: Storm water, the applicant
23 has, the applicant's engineer has submitted a storm
24 water report.

25 We've reviewed it. We do have some comments

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1 that we will discuss on the record when the
2 applicant's engineer testifies.

3 But, we will make sure, through the DEP storm
4 water management regulations and that those
5 requirements are satisfied.

6 MR. ROBINSON: Okay. That's my question.
7 Thank you.

8 CHAIRMAN GUERRA: Thank you, sir.

9 MR. MALAGIERE: Thank you very much.

10 Mr. Chairman, there is, there is no one else

11 listed from the last meeting to question this witness.

12 MR. DIKTAS: Excuse me, Mr. Malagiere.

13 MR. MALAGIERE: I'm sorry, Counsel.

14 Pardon me, Mr. Diktas.

15 MR. DIKTAS: No problem.

16 MR. MALAGIERE: As you remember, Mr.

17 Chairman, the attorney for Mr. Diktas's office was

18 here in June, graciously allowed the members of the

19 public to comment and question this witness as opposed

20 to going first.

21 And, of course, within that, in doing so,

22 counsel reserved its right to do so at the end of the

23 public comment on this witness.

24 With that, Mr. Diktas is here to cross-examine

25 and make comment to the extent he wishes this witness.

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M. D. Szerbaty - Cross - Mr. Diktas

1 MR. DIKTAS: Just for the record, last

2 month Mr. Basralian represented, submitted an

3 engineering certification to the exactness of the

4 plans.

5 Has that been filed with the city?

6 MR. MALAGIERE: Is that -- I'm sorry.

7 MR. BASRALIAN: Our statement was that, at

8 the end of the meeting we discussed it and said that

9 our engineer would go on record as the first example

10 of what he did and certify as to the plans.

11 We had that discussion, submitting a

12 certification. We would put him on, on record

13 immediately once he's sworn in.

14 MR. DIKTAS: So the answer is, no, it's

15 pending.

16 Is that, is that Mr. Basralian's next --

17 MR. MALAGIERE: My understanding --

18 MR. BASRALIAN: That was the conclusion,

19 rather than submit a separate certification, have

20 sworn, sworn testimony and have him testify.

21 CROSS-EXAMINATION BY MR. DIKTAS:

22 Q I don't know how to pronounce your name,

23 Szerbaty.

24 A That's exactly correct.

25 Q Mr. Szerbaty, you've been asked this

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M. D. Szerbaty - Cross - Mr. Diktas

1 question so there may be some redundancy. I apologize

2 for the late hour and these questions.

3 You review all the municipal codes.

4 Correct?

5 A Correct.

6 Q And, when you reviewed the Codes, you then

7 undertake design of the building, in your artistic

8 abilities, as the architect, vis-a-vis the land area

9 and the zoning ordinance.

10 Correct?

11 A Correct.

12 Q And, this property dissects two zones.

13 Correct?

14 A Yes.

15 Q Let's go to your plan that's Number 21.

16 This one.

17 A Okay. That's Exhibit A-5.

18 Q A-5. Okay.

19 And, in A-5, and in A-5, we -- you have

20 testified that there's six subterranean decks.

21 Is that correct?

22 A There are five parking decks below grade

23 and there is a mechanical space sandwiched between

24 that and the tower.

25 Q When you count the space, how big is it?

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M. D. Szerbaty - Cross - Mr. Diktas

1 A In height?

2 Q Height and width. Sure.

3 A Height, I believe it is 15 feet floor to

4 floor and --

5 Q And width?

6 A The width of it, it's hard to define

7 because it is partially intersected, cut off by the

8 two garage ramps and also the slope of the grade of

9 the project, by, you know, the site.

10 Q You designed it. There has to be some

11 kind of dimension, 10 feet, 12 feet, 20 feet.

12 You tell me. I didn't design it, sir. I'm just

13 looking at your plans.

14 I'm sorry. The question was, what is the width

15 of the engineering room area and the depth.

16 A I have to dig out --

17 Q Please.

18 A -- another plan.

19 FEMALE SPEAKER: Is it above or below the

20 garage, above or below.

21 MR. SZERBATY: It's located --

22 MR. DIKTAS: I can't show you. I have to

23 wait for the architect.

24 FEMALE SPEAKER: Thank you.

25 A The information you're asking about is

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M. D. Szerbaty - Cross - Mr. Diktas

1 depicted on Exhibit A-6.

2 Q Can you point it out on Exhibit 5, Number

3 21, so the audience could please see it.

4 There is a question.

5 A It's -- it exists here. It's labeled

6 equipment here and then there's also a section in the

7 very front of the site on Prospect.

8 CHAIRMAN GUERRA: I show three equipment

9 rooms.

10 MR. SZERBATY: One, two, three. You're

11 referring to Exhibit A-5.

12 CHAIRMAN GUERRA: Yeah.

13 MR. SZERBATY: Yeah.

14 VICE CHAIRMAN DIMINNO: Can you give us

15 page numbers, please.

16 MR. SZERBATY: 21.

17 CHAIRMAN GUERRA: There's three equipment
18 rooms. Which one are we talking about first?

19 MR. SZERBATY: Well, again, because of the
20 variation in the topography and relationship to the
21 garage ramps and everything, the, basically on the, on
22 Sheet 21, the two that are side-by-side, labeled as
23 equipment, are actually the same general space. But,
24 they did offset, in height, by a couple of feet
25 because of the slope of the topography.

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M. D. Szerbaty - Cross - Mr. Diktas

1 And, that space is close to 100, 100 feet by 125
2 feet, almost.

3 Q Approximately 100 by 125 feet in length?

4 A 100 by 125.

5 Q 100 by 125 feet in length.

6 Correct?

7 100 feet in length?

8 You're the architect. You tell me.

9 A It is 100 feet in, in east/west direction.

10 Q Okay.

11 A 125 in the north/south.

12 Q And, those buildings, that engineering
13 room, for the sake of argument, on Number 21, A-5, the
14 right engineering room, that's built right to the
15 property line approximately?

16 A No. It's 5 feet away from the property

17 line.

18 Q It's 5 feet away from the property line.

19 And, the first, second, third and fourth parking

20 decks under that ground, are they also 5 feet from the

21 property line?

22 A Yes.

23 Q Okay. And, you reviewed the ordinance.

24 Correct?

25 A The ordinance requires that you have to be

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M. D. Szerbaty - Cross - Mr. Diktas

1 5 feet back.

2 Q Are you sure about that, sir?

3 Or, is it really a setback because it's a

4 structure and it should be the full parameter of the

5 ordinance for setbacks of structures and it should be

6 maybe a lot more than 5 feet?

7 Do you want to take a minute to check the

8 ordinance?

9 A I don't have it in front of me.

10 Q Here.

11 MR. BASRALIAN: Excuse me. There was a

12 report issued by H2M. Why don't you refer to that

13 report?

14 MR. DIKTAS: With all due respect, Mr.

15 Basralian, this is cross-examination.

16 This gentleman said 5 feet. I have an issue

17 with his testimony. And, I'd like him to look into
18 the ordinance because it's going to be a trial de novo
19 on the record as you and I know. Whatever happens
20 here will be in Hackensack, on Main Street.

21 So, let the question be asked and he can state
22 his position then and you and I will argue a year from
23 now.

24 MR. BASRALIAN: Do you want to help him
25 out?

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M. D. Szerbaty - Cross - Mr. Diktas

1 CHAIRMAN GUERRA: Counselor, can you read
2 it?

3 MR. DIKTAS: Sure. Bob, give me the
4 section, please.

5 Q I direct your attention to Page 64. Take
6 a minute to review it before I actually, before I ask
7 you a question, sir.

8 A Okay.

9 Q Go ahead. What section -- what's your
10 answer?

11 MR. MALAGIERE: Please, ladies and
12 gentlemen.

13 A The section referred to 175-7.1, regarding
14 accessory structure regulations in residential
15 districts.

16 Q And, what is your answer? What section
17 are you referring to?

18 A I believe what we're looking for is under
19 Paragraph A. But, I didn't read the entire page.
20 Q Just give me the section and the question.
21 A It says, I believe it's paragraph, it's
22 Section 4, A-4 was talking about the structure below
23 grade having a minimum rear or side yard when not
24 abutting a street of 5 feet.
25 Q Do these abut a street? Don't they abut

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M. D. Szerbaty - Cross - Mr. Diktas

1 two streets, Prospect and Summit?
2 A Yes.
3 Q Yes or no?
4 A Yes.
5 Q So then it's not 5 feet, is it correct?
6 So, it should be a normal setback.
7 Is that correct?
8 A I'm not sure.
9 Q You're not sure?
10 A I have to look much more carefully and
11 thoroughly.
12 Q So, you don't know? Your answer now is,
13 you don't know.
14 Is that correct?
15 A Based on the drawing, the design that we
16 have developed here, our interpretation is that it's 5
17 feet back.
18 Q But, my question right now to you is based

19 on the ordinance that it abuts two streets. So, your
20 answer is, you don't know.

21 Yes or no?

22 A My answer would be that I would have to go
23 back, you know, responding to your question and
24 thoroughly review the entire article.

25 MR. DIKTAS: Okay. Counsel, then, with

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1 that, can that response be reserved till September,
2 give this gentleman an opportunity to address the --
3 I'm --

4 CHAIRMAN GUERRA: Could you --

5 MR. DIKTAS: Excuse me. I'm sorry, Mr.
6 Chairman, you're right.

7 With that response then we would like to reserve
8 that answer till September and then he'll come back
9 and we'll ask this gentleman that question and maybe
10 some others.

11 CHAIRMAN GUERRA: That's fine. I, I would
12 like to briefly hear what our engineer has to say
13 about that.

14 MR. MALAGIERE: The only issue, Mr.
15 Chairman, is then, of course it's at your discretion.

16 This is cross-examination and counsel is
17 entitled to conduct it in the way he sees fit. And,
18 to, to interpose or redirect or third party testimony
19 would potentially prejudice counsel's right to conduct

20 cross-examination.

21 So, with that, Counsel, do you have an objection
22 to the Chairman's request?

23 MR. DIKTAS: No.

24 CHAIRMAN GUERRA: I just want to
25 understand this. This all new to me.

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1 MR. DIKTAS: That's fine with me.

2 Thank you, Mr. Chairman.

3 MR. MALAGIERE: Mr. Polyniak, you're still
4 under oath.

5 MR. POLYNIAC: Sure. My understanding,
6 again, when reading this, this section of the
7 ordinance is, again, being that it is abounding
8 roadways, that, that there is potential that the, that
9 the deck below grade, being an accessory structure,
10 may need to be, may need to follow the setback set
11 forth within the ordinance for the building.

12 CHAIRMAN GUERRA: Is the issue --

13 MR. DIKTAS: He's ahead of me. That's my
14 next question. That's Number B.

15 CHAIRMAN GUERRA: Just so the Board
16 understands here, is the issue that it's below grade
17 that it's not clear in the ordinance?

18 Am I missing something?

19 MR. DIKTAS: No. The issue is that, when
20 it's below grade, he has to meet the requirements, the

21 setback requirements of above grade because -- for two
22 reasons. One is that, on Number 4, and this is our
23 position. And, I have my experts here.
24 I know Mr. Basralian is ready to stand up. But,
25 I'm answering the Chairman's question.

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1 Our position is -- and I'm not testifying. Our
2 position is that the, there's two -- it's abutting a
3 street, Number 1; and, Number 2, Section B, reads,
4 just as your engineer said, that this accessory
5 structure attached to a principal building.

6 That was my next question to this witness.

7 CHAIRMAN GUERRA: But, does it address
8 below grade specifically in the ordinance.

9 MR. DIKTAS: Yes.

10 CHAIRMAN GUERRA: Could you read that
11 section one more time then.

12 MR. DIKTAS: Sure. Accessory restructures
13 below grade shall have a minimum, rear or side yard,
14 when not abutting a street, of 5 feet.

15 So, we have two abutting streets at 5 feet. So,
16 therefore, it is my position, for cross-examination,
17 that these setbacks are incorrect and they should,
18 these two parking decks -- I'm sorry, four parking
19 decks and at least one of the engineering rooms,
20 depending on the location on Summit and Prospect, be
21 setback to the appropriate side yards of above-grade

22 and, therefore, they do not comply.

23 And, therefore, his parking has been shrunk
24 dramatically and, therefore, the parking ties into the
25 height of the building.

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1 And, I have other questions to that.

2 But, that's our proffer.

3 MR. BASRALIAN: I, I would like to also be
4 able to do address it and review the ordinance more
5 carefully as well.

6 Mr. Polyniak looked at it for the first time and
7 we have the H2M reports that go back to, back to the
8 fall of last year, pardon me. And, those were not
9 issues that I was aware of. But, if they are, then I
10 would amend my application and ask for variances for
11 the setback for those structure, that structural
12 portion of the garage which doesn't meet the ordinance
13 if in fact it says 5 feet.

14 So, if, if Mr. Diktas is correct, then the
15 application is deemed amended to ask for that variance
16 as well because it's below grade.

17 So, either it's correct or incorrect or the
18 interpretation is up but, one way or the other, if
19 it's incorrect -- if it's correct, then we ask for
20 that to be added to our variance list.

21 CHAIRMAN GUERRA: Mr. Malagiere, what
22 implications does it -- please. Please.

23 If it does have to be added to the variance
24 list, what implications does that have as far as
25 notice and --

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M. Szerbaty - Cross - Mr. Diktas

1 MR. MALAGIERE: In my estimation, it
2 wouldn't effect notice. The notice for this
3 application indicates the variances which were
4 identified in the initial application to the applicant
5 by the City and any and all variances that are
6 necessary.

7 So, I don't believe it's a notice issue, Mr.
8 Chairman.

9 CHAIRMAN GUERRA: Okay. Nonetheless, it's
10 a good point. So, we'll look to figure it out. If it
11 needs to be on there --

12 MR. BASRALIAN: It either is or it isn't.
13 If it is, then we ask for the variance. If it isn't,
14 then it's a moot point.

15 CHAIRMAN GUERRA: Okay. Thank you.

16 MR. DIKTAS: Just, excuse me.

17 CONTINUED DIRECT EXAMINATION BY MR. DIKTAS:

18 Q Mr. Szerbaty, I have it written down.

19 Forgive me, Mr. Szerbaty.

20 So you've heard your attorney indicate an
21 amendment to the plan. So, if you have --

22 MR. BASRALIAN: I didn't say amendment to
23 the plan, amendment to the application.

24 MR. DIKTAS: Excuse me. I stand
25 corrected.

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M. Szerbaty - Cross - Mr. Diktas

1 Q Amendment to the application regarding an
2 additional variance.

3 So, if we are correct, and we'll talk about this
4 next month because, so long as we're amending the
5 application, let's get all the amendments out.

6 If we are correct and your plans are incorrect
7 and you have to reobtain site -- reduce the side yards
8 if the Board doesn't give you a variance, how many
9 parking spaces will you lose from the 405.

10 And, if you can't answer it tonight, that's okay
11 because --

12 A Yeah. I can't.

13 Q That's okay. I'm just giving you
14 questions so you're not hit cold in September.

15 So, there's another question that we'll ask you
16 to present of your 405, if you have to reduce the, the
17 parking decks to meet the side yard requirements, all
18 right, how many spaces would you lose, Number 1.

19 And, Number 2, since parking ties into the
20 height of the building, how much or how, how many feet
21 does the building have to be reduced to meet the true
22 parking requirements of a variance free subterranean
23 accessory structure?

24 MR. BASRALIAN: Mr. Diktas, you kept

25 referring to side yard.

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M. Szerbaty - Cross - Mr. Diktas

1 If your, if your interpretation is correct, it's
2 set back from the structure, below grade from the
3 street, not from the side yard.

4 So you mean from the street --

5 MR. DIKTAS: The street.

6 MR. BASRALIAN: -- not the side yard. You
7 said side yard setback.

8 MR. DIKTAS: I stand corrected.

9 MR. BASRALIAN: Thank you.

10 Q This square footage is 220,000 square
11 feet.

12 Correct?

13 A Correct.

14 Q Okay. By your own admission, you said
15 that this footprint is very, very small, quite
16 frankly.

17 Do you remember that comment?

18 A Yes.

19 Q Do you stand by that comment?

20 Do you stand by the position you stated last
21 month as to the area and the square footage?

22 A Yes.

23 MR. DIKTAS: Okay. Just give me a minute.

24 Q All right. What is your elevation of the
25 first ground floor of the building from your plans and

1 from sea level?

2 A From sea level?

3 Q Right.

4 A The elevation on the ground floor we have

5 depicted as 85 feet 6 inches.

6 Q Is that above sea level or is that from

7 the street level?

8 A It's not above. It's not above, from the

9 street level. It's about 4 feet from the street

10 level.

11 Q So it's 85.5 above sea level.

12 Correct?

13 A Um-hum.

14 Q And, what is the approximate elevation of

15 the curb at street at the north westerly corner of

16 Summit Avenue?

17 A I believe it's approximately 3 or 4 feet

18 lower than that.

19 Q So, about 73.5 approximately, 75.5? Yes?

20 No?

21 A I'm not sure. You're doing the

22 calculation.

23 Q You tell me. I'm asking you. You said 4,

24 5 feet so, do the math. You tell me.

25 A Well, what's the -- what are you trying to

1 -- what's, what's the issue that you're trying to

2 raise.

3 Q It's not -- you don't ask the questions,

4 with all due respect. You give me answers. Okay.

5 So, my question to you was, what is the

6 approximate elevation of the curb at the street, at

7 the north westerly corner of the property at Summit

8 Avenue?

9 And, that was my question.

10 You said 4 or 5 feet less than.

11 A Yes, I think it's 3 or 4 feet.

12 Q 3 or 4 feet below. So, it would be about

13 81 feet, 80 feet, approximately?

14 A Yes.

15 Q The first floor then is about 12 feet

16 above the curb on Summit Avenue.

17 Is that correct?

18 A Well, you just asked me about the relative

19 elevation on Prospect.

20 Q I know. I asked you another question now.

21 It's my logic. Okay.

22 My question to you is, is the first floor about

23 12 feet above the curb on Summit Avenue?

24 A I seem to recall that it's 8 to 10 feet.

25 Q 8 to 10 feet. Okay.

1 And, then, based on these calculations, what is
2 your representation as to the height of the roof first
3 from above sea level and the height of this building,
4 if you can give us this?

5 A From above sea level, at the curb line,
6 it's 280 feet from the ground floor. Here, that's
7 277.

8 Q And, then, if we go 70 feet below grade,
9 you can count five, five parking decks.

10 What's the total height of the building from
11 below grade to the top of the parapet?

12 A Well, the portion is, below grade, is not
13 factored into the total height.

14 Q I just asked you a question. Give me an
15 answer, please. What is the height --

16 MR. BASRALIAN: Give us some due courtesy
17 here. I mean, I know, I know you a long time and
18 you're aggressive but, at least be courteous to him.
19 Let him finish.

20 CHAIRMAN GUERRA: I'm going to agree with
21 that, Counselor. There's no reason to be so
22 combative.

23 MR. DIKTAS: Okay.

24 CHAIRMAN GUERRA: I understand your points
25 and they're good questions but just be nice about it.

1 MR. DIKTAS: I'll try.

2 MR. MALAGIERE: It's hard to do.

3 And, Mr. Chairman and Mr. Diktas -- I apologize,

4 Mr. Diktas.

5 Mr. Chairman, you indicated you wanted to

6 adjourn at 10:00 this evening.

7 There is some bookkeeping we need to do. I'll

8 apologize, Counsel.

9 MR. DIKTAS: That's all right. I'll go

10 first.

11 MR. MALAGIERE: And, with that, if you'll

12 yield the podium.

13 MR. DIKTAS: Yes, along with the

14 reservation I could come back.

15 Sir, I apologize. It's late. We've all been --

16 had a long day and you've had a longer one. So, my

17 apologies. I hope they're accepted.

18 Mr. Chairman, if I embarrassed the Board --

19 CHAIRMAN GUERRA: You didn't embarrass the

20 Board.

21 MR. DIKTAS: I apologize.

22 MR. MALAGIERE: Thank you, Mr. Diktas.

23 Mr. Chairman, hold on, please.

24 CHAIRMAN GUERRA: Before anyone leaves --

25 MR. MALAGIERE: The meeting is not

1 adjourned. We're going to adjourn to September.

2 Please, the courtesy of quiet is appreciated at

3 the end. Thank you.

4 Okay. Mr. Chairman, there is a dialogue about a
5 carrying to September.

6 CHAIRMAN GUERRA: Right.

7 MR. MALAGIERE: Do we want to confirm what
8 date?

9 MR. BASRALIAN: September 23rd is, is
10 acceptable.

11 CHAIRMAN GUERRA: That's the Wednesday?

12 MR. BASRALIAN: Yes.

13 MR. MALAGIERE: All right. The
14 application is carried to September 23, 7:00, no
15 further notice.

16 CHAIRMAN GUERRA: No August meeting.

17 MR. MALAGIERE: There is no August
18 meeting.

19 And, the application will continue with this
20 witness much to his dismay, I'm sure.

21 Mr. Chairman, did you want to entertain --

22 There's a lot of procedural questions that seem
23 to come up about when you could ask things and things
24 of that nature.

25 Does anyone have a procedural question, not a

1 comment, not that you don't like this application or

2 you do like it or you want to ask a specific question.

3 Does anyone have any bookkeeping type questions

4 about what they can or cannot do or any ministerial
5 type questions?

6 Sir, over there. I apologize, sir. I don't
7 know your name. In the tan shorts. Did you have --

8 MALE SPEAKER: I have comments and
9 questions for the developer, the owner.

10 MR. MALAGIERE: Okay. That's -- just so I
11 could explain that. What's going to happen now is
12 that, at the next meeting in September, this witness
13 is going to keep going on the questions and comments
14 will be aimed at this witness.

15 As to questions for Mr. Pineles, he's done
16 testifying.

17 You can say whatever you like at the end of the
18 hearings altogether.

19 But, the only questions you can ask, are going
20 to be in September, and they're going to be related
21 to, to this witness's further testimony as to the
22 September hearing and there are also going to be
23 whatever new witnesses come on.

24 And, the reason it's that way is because, if we
25 just keep letting everyone question every witness,

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1 this application will never get to a point where the
2 Board will act upon it. And, we have to act upon it.
3 We have to act upon it one way or the other.

4 Okay. Does anyone else have any procedural,

5 mechanical type questions, mechanisms?

6 FEMALE SPEAKER: Yes.

7 MR. MALAGIERE: Okay, Mr. Chairman.

8 FEMALE SPEAKER: Traffic expert.

9 MR. MALAGIERE: We're going to have to ask
10 you to come forward if you're going to ask a question.

11 CHAIRMAN GUERRA: Everyone who has a
12 question, just come forward, stand in line. We'll get
13 to you real quick so we can all go home tonight.

14 MR. MALAGIERE: As far as when people are
15 going to testify, it's going to be up to the developer
16 and his attorney or its attorney as to when people
17 testify and that, that will, of course, dictate
18 cross-examination and questions regarding it.

19 So, please don't ask any questions about when
20 people are going to testify. We just don't know.

21 Okay. Does anyone else have any questions
22 regarding the mechanics of these hearings or
23 proceedings?

24 Sure. Of course.

25 We're not even going to bother to swear you in,

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Rita Schneider -

1 ma'am, because you're going to ask an administrative
2 question.

3 You have to --

4 MS. SCHNEIDER: Rita Schneider. Can you
5 hear me now? S C H N E I D E R.

6 MR. MALAGIERE: Where do you live?
7 MS. SCHNEIDER: 307 Prospect Avenue.
8 MR. MALAGIERE: What can we do for you?
9 MS. SCHNEIDER: I would just like to know
10 when the traffic expert --
11 MR. MALAGIERE: We can't answer any
12 questions as to when people will testify.
13 The sequence is that the developer goes first.
14 When he's completed and everybody is cross-examined
15 and questioned, then the Board's professionals will
16 testify and then there's an objector and objectors and
17 they have professionals. And, that will be in
18 sequence.
19 I can't give you a date. All right.
20 MS. SCHNEIDER: Thank you.
21 MR. MALAGIERE: You're very welcome.
22 Anyone else have a question regarding the
23 mechanics of these hearings.
24 Just give us your name, please.
25 MS. HULL: Karen Hull.

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Kevin Heaney -

1 MR. MALAGIERE: I'm sorry. Say it slow.
2 MS. HULL: Karen Hull, H U L L.
3 MR. MALAGIERE: Give us your address.
4 MS. HULL: 245 Prospect Avenue.
5 MR. MALAGIERE: Okay.
6 MS. HULL: So the question that we're

7 going to ask, procedural question is, when we return
8 in September, will anyone, other than Mr. Diktas,
9 question the architect?

10 MR. MALAGIERE: The architect was open for
11 the public and that's finished.

12 MS. HULL: Okay.

13 MR. MALAGIERE: Mr. Diktas reserved his
14 rights as counsel. He could have gone first or
15 requested to go first.

16 When he's completed with cross-examination,
17 that's it.

18 MS. HULL: Okay. So then the next expert
19 that testifies, then people will queue up for that
20 professional?

21 MR. MALAGIERE: Yes.

22 MS. HULL: Okay. Thank you.

23 MR. MALAGIERE: Very well.

24 MR. HEANEY: Hello. My name is Kevin
25 Heaney.

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Kevin Heaney -

1 MR. MALAGIERE: Just spell your last name.

2 MR. HEANEY: H E A N E Y.

3 MR. MALAGIERE: Okay. Give us your
4 address, please.

5 MR. HEANEY: 261 Summit.

6 MR. MALAGIERE: Okay.

7 MR. HEANEY: I have a question, procedural

8 question.

9 I notice that Mr. Basralian is constantly
10 offering testimony.

11 Is this appropriate?

12 MR. MALAGIERE: I don't believe that Mr.
13 Basralian is offering testimony. If I did, I would
14 object to it.

15 There is a mechanism by which Mr. Basralian can
16 object. That is not a scientific process. It may
17 seem messy. It may, in your estimation appear that
18 sometimes somehow he's testifying.

19 What I would offer you, sir, is that when Mr.
20 Basralian does what you believe to be testimony, the
21 next time there is a public portion, you should get up
22 and you should point out what he said and that you
23 object to it because you believe it to be testimony.

24 MR. HEANEY: Okay. Well, several times
25 this evening that occurred so -- and, I do object.

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Kevin Heaney -

1 MR. MALAGIERE: Okay. Thank you.

2 Anyone else have a procedural question regarding
3 these proceedings?

4 Seeing no one, Mr. Chairman.

5 CHAIRMAN GUERRA: Okay. Motion to
6 adjourn.

7 VICE CHAIRMAN DiMINNO: So move.

8 CHAIRMAN GUERRA: See you in September.

9 MR. DIANA: Second.
10 (The hearing concludes at 10:02 p.m..)
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1 CERTIFICATE
2 I CERTIFY that the foregoing is a true and
3 accurate transcript of the testimony and proceedings
4 as reported stenographically by me at the time, place
5 and on the date herein before set forth.
6 I DO FURTHER CERTIFY that I am neither a
7 relative nor employee nor attorney or counsel of any
8 of the parties to this action, and that I am neither a
9 relative nor employee of such attorney or counsel, and

10 that I am not financially interested in this action.

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DONNA LYNN J. ARNOLD, C.C.R.
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