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1 CITY OF HACKENSACK
ZONING BOARD OF ADJUSTMENT
2 SPECIAL MEETING, THURSDAY
MAY 14, 2009

3
APPLICATION V23-08 SP21-08
4 320 SUMMIT AVENUE
BLOCK 344 LOTS 3, 4, 5, 14
5 R-17 AND R-3
BERGEN PASSAIC LONG TERM
6 ACUTE CARE HOSPITAL, LLC

7 COUNCIL CHAMBERS
HACKENSACK, NEW JERSEY

8
BEFORE: THE HACKENSACK ZONING BOARD OF ADJUSTMENT

9 CHAIRMAN MICHAEL GUERRA
10 VICE CHAIRMAN WILLIAM DiMINNO
JOHN CARROLL
11 GEORGE DIANA
FRANK RODRIQUEZ
12 HUMBERTO GOEZ
DANIEL GILMORE

13
14 APPEARANCES:
LAW OFFICE OF
15 RICHARD MALAGIERE, ESQ.,
ATTORNEY TO THE BOARD

16 WINNE, BANTA, HETHERINGTON, BASRALIAN & KAHN, PC
17 RICHARD MALAGIERE, ESQ.,
ATTORNEY TO THE APPLICANT

18 DIKTAS, SCHANDLER, GILLEN, ESQS,
19 CHRISTOS DIKTAS, ESQ.,
ATTORNEY FOR OBJECTOR

20
21 ALSO PRESENT: JOSEPH MELLONE
LAND USE ADMINISTRATOR
22 MICHAEL PESSOLANO, PLANNER
MARCELLA SBARBARO, LAND USE
23 SECRETARY

24
25 REPORTED BY: BETH CALDERONE
CERTIFIED SHORTHAND REPORTER

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WITNESS:

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RICHARD PINELES

4 BY MR. DIKTAS

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AUDIENCE MEMBERS

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6

Alexis Palinkas

7 Howard Hurwitz

Dr. McKinney

8 Morey Runin

William Shroder

9 Ted Moskowitz

Norma Tempel

10 Barbara Rubin

Clifford Haynes

11 Frances Treanor

Roneino Luppino

12 Terrace Binder

Howard Seares

13 Dr. Kevin Neaney

Lenny Nix

14 Carmella Marrero

Karen Hull

15 Bill Noonan

Pier Gaillnrd

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3 MAY 14, 2009 SPECIAL MEETING, ZONING BOARD

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19:07:04 5 THE CHAIRMAN: In accordance with Public
19:07:06 6 Law 1975, Chapter 231, "Open Public Meeting Act," The
19:07:10 7 Zoning board of Adjustment for the City of Hackensack
19:07:12 8 will conduct a public hearing, Thursday May 14, 2009 in
19:07:18 9 the Council Chambers, City hall, 65 Central Avenue
19:07:20 10 Hackensack New Jersey at 7:00 P.M.

19:07:22 11 The purpose of this meeting is to
19:07:26 12 consider the below listed cases and if possible render
19:07:30 13 formal decisions. Please note the order of applications
19:07:30 14 may be modified by the Chairperson at his discretion.

19:07:48 15 THE CHAIRMAN: Before with get started
19:07:50 16 tonight, the board decided to engage Birdsall Services
19:08:00 17 Group Engineering firm to do an independent traffic
19:08:04 18 study.

19:08:18 19 MR. MALAGIERE: If you allow me, Mr.
19:08:28 20 Chairman, Birdsall Engineering, Birdsall Services Group
19:08:28 21 provided a proposal, a price list, an hourly rate as
19:08:34 22 identified in the May 13th, 2009 letter to my law
19:08:40 23 office. Birdsall responded to a request for a
19:08:42 24 proposal, and if you'd like, you could make a motion to
19:08:46 25 engage them pursuant to and in accordance to the March

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19:08:46 1 13, 2009 letter proposal.

19:08:54 2 THE CHAIRMAN: Yes, I would like to make a
19:08:56 3 motion to engage Birdsall Engineering based on their
19:09:00 4 proposal.

5 MR. CARROLL: Second.

6 ROLL CALL:

7 D. GILMORE Aye.

8 J. CARROLL Aye.

9 W. DiMinno Aye.

10 H. GOEZ Aye.

11 F. RODRIQUEZ Aye.

12 M. GUERRA Aye.

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19:09:26 14 MR. MALAGIERE: This is a special
19:09:26 15 meeting just to make the record clear, the applicant
19:09:30 16 paid for this special meeting. Our regular meeting is
19:09:32 17 next week and there's also going to be a continuation of
19:09:32 18 this application, and we will announce the date at the
19:09:32 19 end of the hearing.

19:09:32 20 Marcella, call the application.
19:09:40 21 Ms. SBARBARO: Application Variance
19:09:42 22 number 23-08 and Site plan application 21-08, address
19:09:42 23 320 Summit Avenue Hackensack, New Jersey, Block 344,
19:10:10 24 Lots 3, 4, 5 14 Zone R-75 & R-3. Bergen Passaic Long
19:10:10 25 Term Acute Care Hospital, LLC.

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19:10:16 1 The applicant requests to demolish the
19:10:20 2 existing one family structure and construct a 24-story
19:10:22 3 medical office building. The following were found to be
19:10:24 4 deficient.
19:10:26 5 1. Use variance required.
19:10:28 6 2. Insufficient lot area required, 30,000 square feet.
19:10:30 7 Proposed 20,000 square feet.
19:10:34 8 3. Insufficient lot width required, 125 feet required.
19:10:38 9 100 feet proposed.
19:10:40 10 4. Insufficient rear yard setback, required 40 feet,
19:10:46 11 proposed zero to the edge of R-3 district.
19:10:46 12 5. Exceeds maximum lot coverage, required 30 percent,
19:10:46 13 proposed 40.5 percent for R-3.
19:10:46 14 6. Exceeds maximum height ratio side yard allowed 4:1,
19:10:46 15 proposed 19:1.
19:11:10 16 7. Insufficient buffer zone required six feet. Proposed
17 0 to edge of R-3 District.
18 8. Insufficient parking spaces, required 562, proposed
19 402.
20 9. Insufficient driveway width required 18-22 feet for
21 two way, proposed 10 feet for two way.
22 10. No paving in side yard.
23 11. Insufficient area for back up aisle spaces.
24 12. Exceeds maximum sign area allowed 12 square feet.
25 Proposed 96 square feet.

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1 13. Insufficient sign setback, required 20 feet,
2 proposed 0 feet.
3 14. Any other variance or waivers that may be required.
4 Carried from April 15, 2009.
5 MR. MALAGIERE: What was read on the
19:11:56 6 agenda and which is posted on the bulletin board, anyone
19:11:56 7 can receive a copy of it, so you don't have to remember
19:12:00 8 it. It is impossible to remember it. Notice was
19:12:10 9 carried at that meeting, April 15, 2009 to this special
19:12:10 10 meeting and it will be carried from this meeting maybe
19:12:12 11 to another special meeting that we anticipate.
19:12:14 12 At the last meeting, Richard Pineles
19:12:18 13 testified on behalf of the applicant, and I don't
19:12:22 14 believe Mr. Pineles' testimony was completed.
19:12:24 15 Mr. Basralian, would you like to make
19:12:24 16 your appearance?
19:12:26 17 MR. BASRALIAN: Yes. Joseph Basralian,
19:12:26 18 Winne, Banta, Hetherington, Basralian & Kahn for the
19:12:32 19 applicant.
19:12:32 20 MR. MALAGIERE: If you could Mr.
19:12:32 21 Basralian.
19:12:32 22 MR. BASRALIAN: Thank you. Mr. Pineles
19:12:42 23 had commenced his testimony and there was additional
19:12:44 24 cross-examination that remained. And so he's prepared
19:12:46 25 to go forward with that aspect before we start our next

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19:12:50 1 witness.
19:12:50 2 MR. MALAGIERE: So we're just going to
19:12:52 3 swear you in again at an abundance of caution.
19:12:52 4 MR. BASRALIAN: Richard Pineles.
19:12:52 5 RICHARD PINELES, PRINCIPAL OF BERGEN PASSAIC LTACH LLC,
19:12:52 6 Sworn by Mr. Malagiere.
19:12:52 7 MR. MALAGIERE: Identify yourself for
19:13:08 8 the record, and indicate the capacity in which you'll
19:13:10 9 continue to offer testimony.
19:13:10 10 MR. PINELES: Richard Pineles
19:13:10 11 P-i-n-e-l-e-s. Principal of Bergen Passaic LTACH.
19:13:20 12 MR. MALAGIERE: Is that the owner and
19:13:20 13 application.
14 MR. PINELES: Yes.
15 MR. MALAGIERE: For the record, Frank
16 Rodriquez is present, and is joining us at the dais
17 since no testimony has taken place.
18 Mr. Chairman, if it is within your
19:13:52 19 discretion, we will allow the attorneys

19:13:52 20 cross-examination.
21 THE CHAIRMAN: Yes.
22 MR. MALAGIERE: Are there any attorneys
23 here who would like to make an appearance for an
24 objector.
25 MR.DIKTAS: Christos Diktas, on behalf of

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1 Anastasia Burlock.
19:14:22 2 MR. MALAGIERE: Is there anyone else
19:14:22 3 hear, any other objector counsel who would like to make
19:14:22 4 an appearance?
19:14:22 5 NO RESPONSE
19:14:34 6 MR. MALAGIERE: Mr. Diktas, is it your
19:14:34 7 pleasure to wait to ask questions or would you like to
19:14:38 8 move forward, sir?
19:14:38 9 MR. DIKTAS: I think we could move
19:14:40 10 forward. Let the witness finish his testimony, unless
19:14:44 11 he's complete.
19:14:46 12 MR. MALAGIERE: I was under the
19:14:46 13 impression that the witness didn't have anything
19:14:52 14 further. Mr. Basralian reminded me that his direct
19:14:52 15 testimony is complete. If you'd like to wait or come
19:14:52 16 forward.
19:14:56 17 MR. DIKTAS: I have a few minor questions
19:14:58 18 of the witness.
19:14:58 19
19:14:58 20 CROSS EXAMINATION BY MR. DIKTAS:
19:14:58 21 MR. DIKTAS: Mr. Basralian, if you have
19:15:10 22 another expert witness that the questions should be
19:15:12 23 addressed, I believe you'll stop me.
19:15:14 24 MR. BASRALIAN: Absolutely.
19:15:14 25

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19:15:14 1 EXAMINATION BY MR. DIKTAS:
19:15:16 2 Good evening, Christos Diktas, for the
19:15:18 3 objector.
19:15:20 4 Q. In last months appearance, you indicated
19:15:26 5 that you needed approximately 100 additional parking
19:15:30 6 spaces, is that correct, you were short? You needed a
19:15:34 7 variance for approximately 100 spaces.
19:15:36 8 A. I don't recall that. I might have said that.
19:15:40 9 Maybe you could refresh me.
19:15:42 10 Q. Insufficient parking spaces, required 562.
19:15:52 11 Proposed 402. That's 160 spaces short.

19:15:54 12 A. That wasn't my testimony. That may have been on
19:15:58 13 the record, but it wasn't my testimony.

19:16:00 14 Q. Was it your attorneys?

19:16:00 15 A. I think it was the board or my attorney. I
19:16:04 16 didn't say that, but based upon an analysis by the board
19:16:10 17 engineer, H2M, Mr. Pessolano indicated a need for 100
19:16:10 18 spaces.

19:16:18 19 Q. Is it 100 or 162? What is your position as
19:16:20 20 the principal --

19:16:22 21 AUDIENCE MEMBER: We can't hear you.

19:16:24 22 Q. The question is, is he short 162 spaces or
19:16:28 23 100 spaces.

19:16:28 24 THE CHAIRMAN: Counsel, just speak into
19:16:30 25 the microphone, it works.

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19:16:34 1 MR. BASRALIAN: Let me interject. He
19:16:36 2 didn't testify as to how many spaces were required.

19:16:48 3 MR. BASRALIAN: We're going to work with
19:16:48 4 you.

19:16:48 5 MR. BASRALIAN: He didn't testify as to
19:16:50 6 the variance for parking spaces. The number of parking
19:16:52 7 spaces determined to be required was the determination
19:16:56 8 by H2M. Our subsequent witnesses will testify as to why
19:17:02 9 they believe it is 405 parking spaces, not 402, 405
19:17:12 10 spaces are adequate for this facility. The question
19:17:12 11 should be really addressed to the parking consultant.
19:17:16 12 He never testified as to the deficiency.

19:17:20 13 MR. DIKTAS: Is your parking consultant
19:17:20 14 addressing the principal's desire not to build the
19:17:26 15 required number of parking spaces, and the cost analysis
19:17:30 16 as to the differential, that it will cost your client to
19:17:34 17 comply with the ordinance?

19:17:36 18 MR. BASRALIAN: Our parking consultant
19:17:38 19 will testify as to why he believes 405 parking spaces
19:17:42 20 are adequate for this facility.

19:17:44 21 MR. DIKTAS: That's not my question. My
19:17:46 22 question was --

19:17:48 23 MR. BASRALIAN: He's not qualified to
19:17:50 24 testify as to cost, either is Mr. Pineles.

19:17:54 25 MR. DIKTAS: Are you presenting anyone

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19:17:54 1 this evening, meaning over the course of this
19:17:58 2 application, that could address this question for the
19:18:02 3 behalf of my client, and perhaps the members of this
19:18:04 4 Zoning board and the people here of the Municipality of
19:18:08 5 Hackensack, as to a cost analysis and the differential
19:18:12 6 why they are not complying financially to meet the
19:18:14 7 ordinance at 562?

19:18:16 8 MR. BASRALIAN: The cost issue of
19:18:18 9 construction of this project is not a proper venue for
19:18:22 10 the board. The parking consultant, as I said and again
19:18:24 11 as I said before, will testify that this facility
19:18:30 12 requires 405 parking spaces as set forth in the
19:18:34 13 application. I can't say more than that, because no one
19:18:34 14 will be testifying as to the cost.

19:18:38 15 MR. DIKTAS: With all due respect, there
19:18:38 16 will be no proof submitted that your client is not
19:18:44 17 willing to expend the funds necessary to construct the
19:18:48 18 additional 162 spaces? Is that the proffer, Counsel?

19:18:52 19 MR. BASRALIAN: In the first five
19:18:52 20 minutes of the hearing, I don't want to get into a
19:18:56 21 contest what you want, versus what I want. I will say
19:18:58 22 again, we will testify that 405 parking spaces are
19:19:02 23 what's necessary for this facility. It has nothing to do
19:19:04 24 with cost. It has everything to do what's required, in
19:19:08 25 the opinion of our consultant, and you have the right to

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19:19:10 1 cross-examine him on any of those issues.

19:19:14 2 MR. DIKTAS: I'll ask him then as to --
19:19:16 3 if I may, Counsel?

19:19:18 4 MR. MALAGIERE: Yes.

19:19:18 5 BY MR. DIKTAS:

19:19:18 6 Q. Sir, have you done an analysis what it is
19:19:20 7 going to cost you, and you, being your company, to
19:19:22 8 construct the parking deck?

19:19:24 9 A. No.

19:19:26 10 Q. Has anybody in your employ done the analysis
19:19:30 11 what it will cost to construct the parking deck?

19:19:34 12 A. Not specifically parking, no.

19:19:36 13 Q. You do not know the cost of concrete and
19:19:40 14 steel, what it would be per parking space for this
19:19:42 15 project?

19:19:42 16 A. No.

19:19:44 17 Q. Have you done any cost analysis as to the
19:19:46 18 construction costs, for a structure of this magnitude?

19:19:50 19 A. No, we haven't gotten into that level of

19:19:52 20 detail yet, no.
19:19:58 21 Q. Another minor issue, that was the major,
19:20:00 22 another minor issue that you addressed about the use of
19:20:08 23 your common facilities to the public. What is your
19:20:10 24 company's proposal to this municipality, specifically,
19:20:14 25 and also to the different agencies in the City, Little

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19:20:18 1 League, babe Ruth, girl scouts? You mentioned PAL and
19:20:24 2 other issues. What's your policy currently, and the
19:20:28 3 policy for this building to permit the use of your
19:20:30 4 common rooms to the people in the public?

19:20:36 5 A. With regard to the proposed facility, I mentioned
19:20:40 6 earlier we'll make our multi-purpose community rooms
19:20:42 7 available to community groups. It would be done on a
19:20:46 8 case-by-case basis, depending on the proposed use of the
19:20:50 9 community group, and the availability of the room.

19:20:56 10 Q. Availability means, is it a definite that on
19:21:00 11 so many days a year, non-interior company functions?

19:21:08 12 A. I don't have any proception as to how many
19:21:12 13 days or what the ratio is. Again, if the rooms are
19:21:14 14 available, and there's an appropriate community use, we
19:21:18 15 will make the room available.

19:21:18 16 Q. You also testified that at the Prospect
19:21:22 17 Heights Care Center we open the multi-purpose room for
19:21:24 18 use of community groups. How many rooms have you
19:21:34 19 permitted to outside community groups in the Prospect
19:21:40 20 Heights Center in the year 2009?

19:21:40 21 A. I don't know a specific number to answer your
19:21:46 22 question correctly. But I do know as of two weeks ago I
19:21:48 23 received a request to allow one of the condominium
19:21:52 24 buildings, I think it was the Devonshire, to meet there
19:21:58 25 and to have a condominium meeting at our facility at

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19:21:58 1 Prospect Heights.

19:22:02 2 Q. Do you charge for that?

19:22:04 3 A. I don't think we charge anything for that.
19:22:08 4 Certain groups we have a nominal charge if they request
19:22:12 5 some catering and the like, but we don't typically
19:22:14 6 charge for the use of the room.

19:22:16 7 Q. Can you find out for us, at least for the
19:22:20 8 benefit of my client and I'm sure the people here, and
19:22:20 9 maybe the Zoning board, find out how many days a year
19:22:22 10 you permit outside groups to use your facility?

19:22:26 11 A. Again, what I would like to say it depends,

19:22:30 12 we probably allow -- many times it depends on how many
19:22:34 13 applicants seek to use the room. Maybe everybody don't
19:22:38 14 know about it. It is not something we advertise. When
19:22:42 15 community groups approach us, most reasonable requests
19:22:42 16 are founded.

19:22:48 17 Q. You testified that the dialysis use will
19:22:50 18 commence at approximately what time?

19:22:52 19 A. Six o'clock in the morning.

19:22:52 20 Q. What is the municipal ordinance as starting
19:22:56 21 of a business and medical facilities outside of
19:22:58 22 hospitals?

19:23:00 23 A. I'm not familiar with that.

19:23:02 24 Q. So how could you propose a commencement time
19:23:04 25 at six o'clock AM, if you don't know what the ordinance

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19:23:04 1 is?

19:23:08 2 A. This is a hospital, so if you ask for --
19:23:08 3 with the exception of a hospital, this is a hospital
19:23:12 4 setting, in a hospital facility.

19:23:14 5 Q. You characterize this as similar to the
19:23:16 6 Hackensack Medical Center, your facility?

19:23:18 7 A. Absolutely. It's a health care facility,
19:23:20 8 certainly.

19:23:20 9 Q. Is a doctor's office a health care facility?

19:23:24 10 A. Absolutely.

19:23:24 11 Q. So a doctor's office, under your
19:23:28 12 interpretation, can open at six o'clock?

19:23:30 13 A. Depends what type of doctor you're going to,
19:23:32 14 for the most part, yes. I'm not being facetious. A
19:23:36 15 doctor's office provides health care, that's a common
19:23:38 16 accepted definition of health care.

19:23:42 17 Q. And so at six o'clock in the morning, you'll
19:23:44 18 have how many vans that you propose to commence the
19:23:48 19 transportation of the dialysis patients?

19:23:52 20 A. At full capacity, it would be approximately ten
19:23:54 21 passenger vans.

19:23:56 22 Q. Per hour.

19:23:56 23 A. No. Ten passenger vans to bring the initial
19:24:02 24 patients requiring dialysis at 6:00 AM. At or about 6:00
19:24:02 25 AM.

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19:24:08 1 Q. And how many during the course of the day?

19:24:10 2 A. Approximately 30 all together, bringing patients
19:24:10 3 for dialysis treatment. There are three treatment times
19:24:18 4 per day.

19:24:18 5 Q. And with your employees, where do you
19:24:20 6 propose the employees and visitors to park, in light of
19:24:20 7 this 162 parking shortfall?

19:24:32 8 MR. BASRALIAN: I object to the frame of
19:24:34 9 the question. It is a shortfall by virtue of a
19:24:34 10 determination by the H2H Zoning Consultant of the City
19:24:42 11 of Hackensack. As I indicated earlier, it is our
19:24:44 12 position that the 405 spaces provided are adequate. So
19:24:48 13 if you want to reframe your question -- don't reframe,
19:24:54 14 determined by the City of Hackensack, rather than what
19:24:56 15 we believe is appropriate for the facility to the.

19:25:00 16 MR. MALAGIERE: The record is clear, pose
19:25:02 17 your question. The record is clear you disagree. Pose
19:25:04 18 the question the way you want, Mr Diktas.

19:25:06 19 Q. Please answer the question. Do you want it read
19:25:06 20 back.

19:25:06 21 A. Yes.

19:25:06 22 THE COURT REPORTER READ THE QUESTION AS
19:25:56 23 REQUESTED

19:25:56 24 Q. Were do your employees, your visitors park in
19:26:00 25 light of this 162 parking shortfall, parking space

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19:26:04 1 shortfall?

19:26:04 2 MR. MALAGIERE: Your objection is noted,
19:26:08 3 please answer the question.

19:26:08 4 A. We believe that 405 parking spaces we propose to
19:26:12 5 include in the underground parking garage below the
19:26:14 6 facility, will adequately meet the needs of all of the
19:26:18 7 employees and all the visitors for all of the programs
19:26:20 8 that are proposed.

19:26:22 9 Q. And how many employees do you propose?

19:26:24 10 A. I think I testified earlier that round-the-clock
19:26:30 11 basis, seven days a week, there will be more than 500
19:26:36 12 full-time employees.

19:26:38 13 Q. So your testimony is, we have over 500 full-time
19:26:42 14 employees with 402 parking spaces, and ten vans an hour?

19:26:46 15 A. I don't think you're characterizing that
19:26:50 16 correctly. I'm trying to make it clear that all 500
19:26:52 17 employees are not going to be on site at any one time.
19:26:54 18 It's a 24-hour operation, three shifts, seven days a
19:26:58 19 week. So those 500 employees would be divided up over

19:27:02 20 all of those shifts, all of those days.
19:27:04 21 Q. Did you do a study for that?
19:27:04 22 A. Yes. And our traffic engineer conducted a study
19:27:08 23 and I believe he will testify at this session or the
19:27:10 24 next session about that. I can summarize for you one
19:27:16 25 thing, at no time, based upon all the projections,

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19:27:18 1 staffing, visitors and patients alike, that the arrived
19:27:22 2 parking spaces exceed what we propose to install at the
19:27:26 3 facility.

19:27:28 4 Q. Are you going to take a pro forma study as
19:27:32 5 to the percentage of beds and facility being used as
19:27:36 6 your breaking point, 80 percent, 60 percent, with all of
19:27:40 7 your beds?

19:27:40 8 A. No.

19:27:42 9 Q. You've done no financial study to determine
19:27:44 10 cost analysis and projected costs to your company?

19:27:48 11 A. Not at this time, no.

19:27:50 12 Q. Has anyone in your employ, done that outside
19:27:52 13 of you?

19:27:54 14 A. No.

19:27:56 15 MR. DIKTAS: Counsel, as to the parking
19:27:58 16 issue, I'll reserve that with this parking expert. But
19:28:00 17 if I may call back this gentleman after we receive
19:28:04 18 answers?

19:28:04 19 MR. MALAGIERE: Your reservation is noted
19:28:10 20 and Mr. Basralian, without objection, your principal
19:28:12 21 will be available generally throughout the meeting?

19:28:14 22 MR. BASRALIAN: Yes, he will.

19:28:16 23 MR. MALAGIERE: Thank you, Mr. Basralian.

19:28:16 24 BY MR. DIKTAS:

19:28:18 25 Q. You testified, your answer to a question

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19:28:22 1 posed as to the increased traffic in the two years of
19:28:24 2 construction, and your answer is, was, excuse me, I'm
19:28:28 3 not going to pretend. There will be some disruption,
19:28:32 4 but short-lived. Please give us tonight your
19:28:36 5 interpretation of "some disruption" and what
19:28:40 6 "short-lived" means?

19:28:42 7 Let's do first, on a typical day, your
19:28:48 8 first day of construction, how many trucks will there
19:28:50 9 be? What's the immobilization so these folks know
19:28:54 10 what's going on in the neighborhood, and so this Zoning
19:28:58 11 board will understand.

19:28:58 12 A. I would like to say, in general, we have not
19:29:00 13 prepared any detail construction plans for this
19:29:02 14 facility. I really couldn't address the immobilization
19:29:06 15 of this construction. What I did say last time, I'll
19:29:08 16 repeat it again tonight, any construction obviously
19:29:12 17 involves some disruption involving some construction
19:29:16 18 vehicles. They take place Monday through Friday, and I
19:29:20 19 noted that in Hackensack there are prescribed hours in
19:29:22 20 which construction can take place. I do believe that
19:29:28 21 construction, and to address your question about the
19:29:32 22 duration that will be through the personal construction,
19:29:36 23 that will take up to 24 months. I don't believe the
19:29:42 24 amount of disruption is excessive, or anything more than
19:29:46 25 the local roads could handle. The answer is no.

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19:29:54 1 Q. Where do you propose the employees of the
19:29:56 2 contractor, where are they going to park when the
19:30:02 3 laborers come in, the excavators and steel workers?
19:30:04 4 Where do you propose these gentlemen and ladies are
19:30:08 5 going to park, and in what part of Hackensack, or if you
19:30:10 6 made alternate plans to transport these folks to this
19:30:14 7 site, so there is no impact on parking in the
19:30:18 8 neighborhood?

19:30:18 9 A. As I mentioned, we do not have any details or
19:30:22 10 have even outlined a construction schedule of
19:30:26 11 mobilization. I can't address them at this time.

19:30:30 12 Q. You have no idea?

19:30:30 13 A. I'll repeat what I just said.

19:30:34 14 MR. DIKTAS: I have nothing else.

19:30:36 15 MR. MALAGIERE: Thank you, counsel,

19:30:38 16 MR. DIKTAS: Thank you, sir.

19:30:38 17 MR. MALAGIERE: Any other attorneys in
19:30:38 18 the audience wishing to be heard?

19:30:38 19 NO RESPONSE

19:30:56 20 MR. MALAGIERE: Mr. Chairman, seeing no
19:30:56 21 one, Mr. Chairman, do you propose to open this witness
19:30:58 22 to the public at this time?

19:31:04 23 THE CHAIRMAN: What we did the last
19:31:06 24 time, I guess, we asked that you would form a line for
19:31:08 25 the public on one side, anyone wishing to speak.

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19:31:12 1 Why don't we form a line on my left, and
19:31:20 2 you can ask questions, or if you'd like to speak or
19:31:24 3 comment about this witness' testimony, please form a
19:31:26 4 line over to the left.

19:31:26 5 QUESTIONS AND COMMENTS TO THE WITNESS BY MEMBERS
19:31:26 6 OF THE PUBLIC

19:31:26 7 ALEXIS PALINKAS: Alexis Palinkas, 235
19:31:26 8 Prospect Avenue, Sworn.

19:32:10 9 QUESTIONS BY MS. PALINKAS: I have a comment and
19:32:10 10 then questions. Last month when we had the meeting you
19:32:14 11 were very, very specific saying that this was not a
19:32:18 12 hospital. There was no maternity ward, no neonatal,
19:32:22 13 it's not a hospital. Today, you just told us it is in
19:32:26 14 fact a hospital. When did this change.

19:32:28 15 A. It didn't. What I said last month was that this
19:32:30 16 is not an acute care hospital such as Hackensack
19:32:36 17 University Medical Center. It's a hospital. It is
19:32:36 18 licensed as a hospital and operates as a specialty
19:32:42 19 hospital according to the New Jersey Department of
19:32:44 20 Health and Human Service guidelines, and the center for
19:32:54 21 Medicaid and Medicare Services. By no means it is not a
19:32:56 22 hospital. It is a hospital.

19:32:56 23 Q. Now, based on my research, we have ample
19:33:00 24 facilities within even a 20 mile radius to handle all of
19:33:10 25 these needs that your facility supposedly is bringing to

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19:33:12 1 us, because we need it. I have 39 pages of long-term
19:33:20 2 care facilities. I believe it is six pages of dialysis
19:33:28 3 centers. How can you claim there's a need in Hackensack
19:33:32 4 for this facility? How can you say that?

19:33:36 5 A. Well, first, I would like to say that this is not
19:33:40 6 what is traditionally known as a long term care
19:33:44 7 facility. It gets confusing with the name, the way it
19:33:46 8 is called by the government authorities, a long term
19:33:50 9 acute care hospital, which is a long term facility
19:33:54 10 traditionally used as other names for skilled nursing
19:33:58 11 facilities, are nursing homes. This LTACH or a long term

19:34:02 12 acute care hospital provides a level of health care
19:34:06 13 services above and beyond of which is provided in a long
19:34:10 14 term facility. But, yet again, not quite the same level
19:34:14 15 that is of the health care services that are supplied --
19:34:18 16 excuse me, not supplied, but provided in an acute care
19:34:22 17 hospital such as Hackensack Medical Center.
19:34:26 18 Q. So I could define this and address it at a
19:34:30 19 time --
19:34:30 20 A. If you, please.
19:34:32 21 Q. I certainly will.
19:34:34 22 MR. MALAGIERE: Until you introduce that
19:34:36 23 into evidence and present it to the witness and he can
19:34:40 24 respond to it.
19:34:42 25 MR. BASRALIAN: I don't have an

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19:34:42 1 objection in presenting it. But it should be presented
19:34:46 2 at the time of making statements, not presented into
19:34:48 3 evidence without verification that's part of her proofs,
19:34:54 4 and this is cross-examination.
19:34:56 5 MR. MALAGIERE: You could hold onto it.
19:34:58 6 Let me respond to that. It shouldn't be marked in
19:35:00 7 evidence, but marked, present it to the witness to use
19:35:04 8 it to cross-examine, and I'm sure you don't have an
19:35:06 9 objection to that, you could cross-examine with that
19:35:14 10 caveat. Do you wish to use what you have to
19:35:16 11 cross-examine this witness at this time?
19:35:18 12 MS. PALINKAS: No, not now.
19:35:18 13 Q. Two other comments. The park on Summit
19:35:22 14 Avenue is in essence truly a grassy covered roof, a
19:35:26 15 parking garage. That's a statement. And I also would
19:35:30 16 like to disagree with your numbers. The last time you
19:35:34 17 spoke, you told us that and you admitted that for
19:35:38 18 Prospect Heights, it was a major mistake. I shouldn't
19:35:42 19 say major, it was a mistake in the parking facilities,
19:35:44 20 that you were not adequately prepared for that.
19:35:48 21 How can we trust you that this time you're
19:35:52 22 not going to make another mistake?
19:35:54 23 A. I don't think I testified it was a mistake, but
19:35:56 24 what I can tell you is that the parking that was
19:36:00 25 provided at Prospect Heights Care Center when it was

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19:36:06 1 built, even according to today's zoning ordinance, the
19:36:10 2 number of parking spaces not just meets, exceeds by far
19:36:14 3 the required number of spaces.

19:36:16 4 Q. Have you tried to park there?

19:36:16 5 A. Yes, I have.

19:36:18 6 Q. Well, so have I, and you cannot park there.

19:36:20 7 Thank you.

19:36:20 8 HOWARD HURWITZ: Howard Hurwitz, 326

19:36:20 9 Prospect Avenue, Sworn. QUESTIONS BY HOWARD HURWITZ:

19:36:48 10 Q. I just want to clear up some of your

19:36:50 11 previous testimony. In response to, I guess, some of

19:36:54 12 the questions asked at the last hearing, I think you and

19:36:58 13 one of the audience members pondered back and forth how

19:37:04 14 many dialysis trips there would be. I think looking at

19:37:08 15 the number of long term care and the numbers of adult

19:37:14 16 daycare people, you came to the conclusion that

19:37:16 17 somewhere around 70 to 75 outside clients would come in

19:37:24 18 each shift for dialysis of the 84 beds.

19:37:32 19 A. I don't recall the number being quite so

19:37:34 20 high.

19:37:36 21 Q. Let me give you my analysis. You said there

19:37:38 22 are 144 beds. You figured about one-third would require

19:37:42 23 dialysis three times a week, which would basically mean

19:37:50 24 24 of these people per day, you got to figure of the 250

19:37:58 25 coming in to the adult daycare, maybe ten percent. So I

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19:38:00 1 calculated there would be 84 beds, 12 of these people

19:38:08 2 per shift would be coming from the interior, and the

19:38:12 3 rest from the outside. Let's say I'm wrong, it is only

19:38:18 4 65. But there's a large number of people coming from

19:38:20 5 the outside. You testified they would arrive by van,

19:38:24 6 and in answer to some questions you indicated the van

19:38:28 7 might carry five, six or ten patients. Is that really a

19:38:36 8 reasonable number? Let me ask you a question, where do

19:38:40 9 the vans come from bringing the dialysis people?

19:38:42 10 A. The vans would be either operated by another

19:38:48 11 facility or an outside transportation company.

19:38:52 12 Q. Let me ask you, in Prospect Heights when you

19:38:56 13 send patients out for dialysis, and I'm sure you do, how

19:38:58 14 is that done?

19:39:00 15 A. Is it done through a combination of Prospect

19:39:02 16 Heights who has its own van which seats I believe

19:39:04 17 thirteen passengers. So that's used for some of the

19:39:08 18 patients for dialysis, and outside sublet companies are

19:39:14 19 used to transport dialysis patients.

19:39:14 20 Q. What percentage of people are ambulatory
19:39:14 21 that don't require a wheelchair or some other help?
19:39:26 22 A. I don't believe I could give you that
19:39:26 23 specific number. But, I'll venture to guess that
19:39:32 24 roughly 50 percent are ambulatory and the remainder is
19:39:36 25 not.

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19:39:36 1 Q. The reason this is important later there
19:39:40 2 will be testimony about bringing these vans into the
19:39:42 3 building, unloading these vans, getting the patients out
19:39:46 4 of the vans, up to the 19th floor, getting them seated
19:39:52 5 and then bringing them back down. And it is important
19:39:54 6 that we understand how long it is going to take for a
19:39:58 7 patient to get from the van into the elevator upstairs,
19:40:02 8 while the van is waiting, and how long you have to park
19:40:08 9 the van downstairs for the patients to come back? I
19:40:12 10 think we're going to need testimony about this. When
19:40:14 11 we're talking about, as I said in the mid morning,
19:40:20 12 approximately 70 people are going to be leaving and 70
19:40:22 13 new people will be coming in and I really don't think
19:40:26 14 most of these people will be coming in ten to a van. I
19:40:32 15 would like to hear that testimony that there will be ten
19:40:40 16 to a van.
19:40:40 17 A. Huh-hum.
19:40:42 18 Q. I would like to ask you another question
19:40:44 19 about the daycare center, you call it, and I guess an
19:40:48 20 adult medical daycare center.
19:40:50 21 A. Yes.
19:40:52 22 Q. But then in all of your testimony you referred to
19:40:56 23 the fact that this was limited to seniors on Medicare or
19:41:02 24 medicaid. Is this correct?
19:41:02 25 A. No?

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19:41:04 1 Q. That's what you said, you constantly --
19:41:08 2 A. Let me clarify that for you.
19:41:10 3 Q. Let's find out what it is.
19:41:12 4 A. Medicaid happens to be an important resource for
19:41:16 5 many people. The visitors that frequent and need an
19:41:16 6 adult daycare, the majority of course in New Jersey, I
19:41:24 7 don't know the exact statistics, but I guess two-thirds
19:41:28 8 to maybe 90 percent of the people that enter into an
19:41:34 9 adult daycare center, it could be paid for by Medicaid.
19:41:38 10 People can come on a private basis or if they happen to
19:41:42 11 have insurance that covers adult daycare, they could

19:41:46 12 come under that.

19:41:48 13 Q. This is not limited to over 65, or is it?

19:41:50 14 A. Most adult daycare or adult medical daycare
19:41:56 15 centers cater to people who are 65 and older. However,
19:42:00 16 I'll add that there are people in the community disabled
19:42:06 17 that need help with various things and can benefit with
19:42:08 18 the services, by no means are restricted, but in
19:42:12 19 practice, the majority of people are over 65.

19:42:16 20 Q. But this is not -- you're asking for
19:42:20 21 permission to carry out a business here, and I want to
19:42:24 22 find out if it's restricted to seniors.

19:42:26 23 You testified there is a need for 800 some odd
19:42:30 24 slots, 870 some odd slots and we didn't have enough. Is
19:42:30 25 that correct?

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19:42:38 1 A. No, that's not what I said. What I did say
19:42:40 2 today there are roughly 840 adult medical daycare slots
19:42:46 3 in Bergen County. But I believe, and I think the
19:42:50 4 statistics and demographics that are out show a much
19:42:52 5 greater need today and in the coming years, as the
19:42:54 6 population ages, there will be a significantly greater
19:42:58 7 need for adult medical daycare.

19:43:02 8 Q. Let me ask you a question. I know most of
19:43:04 9 the local adult daycare centers in Paramus, Fairlawn and
19:43:12 10 the surrounding towns operate on a two shift basis.
19:43:14 11 They bring people either in the morning until one and
19:43:18 12 then from one to five. Is that your intention?

19:43:20 13 A. We would have multiple shifts. It all
19:43:26 14 depends on the participant's needs. Some seniors might
19:43:28 15 come for all day, eight to five. Some might come in the
19:43:32 16 morning hours. Some night leave in the afternoon hours.
19:43:36 17 It all depends on the people's needs.

19:43:38 18 Q. So a slot, therefore if it's 250 slots,
19:43:42 19 you're really talking about a potential 350 to 400
19:43:46 20 clients?

19:43:48 21 A. The capacity of 250 is the most that could be
19:43:52 22 present at one time at the facility. The overall
19:43:56 23 participants who would visit the center, and we intend
19:44:04 24 to be open six days a week, would be greater than 250.

19:44:10 25 Q. You stated 25 to 35 vans coming in the

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19:44:12 1 morning, bringing the people in. And then during the
19:44:16 2 day, presumably, some would leave. Some would come back.
19:44:20 3 And then in the evening, they would be leaving.

19:44:22 4 Are you going to offer during the day, day trips
19:44:28 5 too? Many of these adult daycare centers take trips to
19:44:34 6 libraries or shopping. Would you be running vans in and
19:44:36 7 out during the day for that service?

19:44:38 8 A. There would be a limited number of
19:44:42 9 extracurricular trips. Not any significant large number,
19:44:44 10 no.

19:44:46 11 Q. Are you aware there's an application before
19:44:46 12 this board in Hackensack for 200 adult daycare center
19:44:54 13 slots, which would presumably serve 300 people in an
19:44:58 14 existing building?

19:45:00 15 A. I'm not thoroughly familiar with it but --

19:45:02 16 Q. I'm just pointing out that your need may not
19:45:10 17 really be there because we're talking 200 new slots, it
19:45:12 18 would be 300 people or 400 people and --

19:45:16 19 A. I think what I did identify at last month's
19:45:18 20 meeting was projections for the year 2013. That's less
19:45:26 21 than five years from now, 150 thousand people in Bergen
19:45:32 22 County, 65 years of age and older, and as we sit here
19:45:34 23 today, as I stand here, within three miles of the
19:45:40 24 proposed site there are more than 38,000 seniors over
19:45:44 25 the age of 65. And again there is no current adult

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19:45:44 1 daycare in Hackensack.

19:45:54 2 Q. Yes, I know. But you have Paramus and quite
19:45:54 3 a number --

19:45:56 4 A. There are other towns and other centers,
19:45:56 5 yes.

19:46:02 6 Q. And they do serve Hackensack. I guess I have
19:46:02 7 one more question and that is, just in general, the
19:46:08 8 business of LTACH we heard in recent years, numbers of
19:46:14 9 hospitals going bankrupt and they close. In fact,
19:46:18 10 Pascack Valley is now closed and subject of some dispute
19:46:24 11 between some various hospitals.

19:46:26 12 Is there any reason why a vacant hospital like
19:46:32 13 that couldn't serve very well as an LTACH? I'm not
19:46:42 14 asking you to move your facility, is there any --

19:46:46 15 A. I would say that would be a possibility.

19:46:50 16 MR. HURWITZ: Okay. Thank you.

19:46:58 17 THE CHAIRMAN: At this time, at this
19:47:00 18 point, there is an understanding that there are people
19:47:02 19 out in the hallway. What we would like to do is try to

19:47:08 20 get everyone in here.
19:47:10 21 MR. MELLONE: If we could come in and
19:47:14 22 fill in the aisles. If you'd all move in, and also I
19:47:16 23 ask if there are any open seats in the middle, just fill
19:47:22 24 those vacant seats that are in the audience. We would
19:47:24 25 appreciate that.

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19:47:24 1 JOHN McKINNAY: John McKinnay, 280
19:47:24 2 Prospect Avenue, sworn. It is really John, but I call
19:47:24 3 myself Jack. QUESTIONS BY MR. Mc KINNAY:
19:49:26 4 Q. I was at the White Hall for 22 years,
19:49:30 5 probably one of the older members there. I came to the
19:49:34 6 White Hall 22 years ago because I thought it was a
19:49:38 7 beautiful building on a beautiful street. And I have
19:49:42 8 never regretted it. When I hear about this building
19:49:50 9 coming, I have great doubts about what we can do for the
19:49:56 10 future on one street and on the street of others. On
19:50:04 11 Summit, I really just have two questions to ask. The
19:50:18 12 initial view of walking along Summit Avenue at about two
19:50:20 13 or three o'clock in the afternoon, any day of the week,
19:50:28 14 if you walk along Summit Avenue at two or three o' clock
19:50:34 15 in the afternoon between Passaic Street and Central
19:50:40 16 Avenue, the cars are backed up from light to light.
19:50:54 17 That's not one day a week, that's five days a week. It
19:50:58 18 could be Saturday as well. The only day that it is not
19:51:02 19 there, is Sunday. And I don't believe you're open on
19:51:04 20 Sunday. What you're trying to do, I believe, is destroy
19:51:18 21 our neighborhood.
19:51:26 22 The second question I had related to --
19:51:38 23 MR.MALAGIERE: Because you responded so
19:51:38 24 well with that one.
19:51:40 25 Q. The second question I had relates to the

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19:51:42 1 building itself. Initially I thought the front of your
19:51:48 2 new hospital would be facing prospect. Now, I believe it
19:51:54 3 is facing Summit. Is that correct?
19:51:58 4 A. Technically, the front entrance is on grade on
19:52:04 5 the south side of the building, not facing either Summit
19:52:06 6 or Prospect, but it's closer to the Prospect Avenue
19:52:10 7 side.
19:52:10 8 Q. Well, I'll put it this way. It is certainly from
19:52:12 9 what I see from the pictures, it is certainly not facing
19:52:16 10 Prospect, is it?
19:52:18 11 A. What I would tell you that the building, the

19:52:22 12 proposed building, has four sides. And there's no rear
19:52:24 13 end to it.
19:52:26 14 Q. I'm glad you said that because what you have from
19:52:30 15 the pictures and what we see, what you have is a back
19:52:38 16 wall, as it were facing Summit -- facing Prospect, the
19:52:44 17 back wall without a window in it, as I understand,
19:52:48 18 without windows in it. Can you think of anything more
19:52:52 19 ugly?
19:52:56 20 A. I'll tell you, I believe that the building that
19:53:00 21 the architect designed, I believe who will be our next
19:53:04 22 witness, it's an incredibly beautiful piece of
19:53:06 23 architecture.
19:53:06 24 Q. And I would ask your patients and the
19:53:12 25 audience, would anyone here like to live in a building

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19:53:14 1 without windows?
19:53:16 2 AUDIENCE MEMBERS: No, no.
19:53:18 3 MR. MALAGIERE: Sir, sir. I appreciate
19:53:20 4 your commitment to this, you have to keep asking
19:53:22 5 questions.
19:53:24 6 Q. Would you like to live in a house without a back
19:53:26 7 window?
19:53:28 8 A. I'll tell you that there is an amazing amount
19:53:34 9 of glazing in this building. All of the patients have a
19:53:36 10 live view, all of the patients and staff members in the
19:53:38 11 building. It is much more than most buildings, including
19:53:44 12 the buildings on Prospect or Summit.
19:53:46 13 Q. Am I correct then, the picture I have seen, shows
19:53:46 14 no window.
19:53:50 15 MR. BASRALIAN: That back wall has a
19:53:50 16 window.
19:53:52 17 THE WITNESS: Again, I would ask you to
19:53:54 18 wait and see the full blown --
19:53:56 19 Q. Can't you answer?
19:53:58 20 A. I don't know the number of windows. I hesitate --
19:54:04 21 Q. The picture shows no window. How ugly do
19:54:08 22 you want to make it?
19:54:10 23 A. I guess beauty is in the eye of the beholder.
19:54:10 24 AUDIENCE MEMBERS: (Sounds)
19:54:16 25 Q. And absurdity is in the mind of the creator.

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19:54:32 1 I'll ask every one here, all of you gentlemen, can you
19:54:36 2 imagine living in a home on a street where you have to
19:54:42 3 face a building without a window, walking back and
19:54:50 4 forth? The only question I have, the only question I
19:54:54 5 have is how ugly can it get? Thank you.

19:54:58 6 MR. MALAGIERE: Thank you.

19:55:02 7 MR. BASRALIAN: Just so I don't pop up
19:55:04 8 after every witness's statement, I have the same
19:55:08 9 objection. I recognize there's a lot of latitude to the
19:55:12 10 people not being represented by attorneys, and in
19:55:14 11 answering questions and sometimes making statements when
19:55:18 12 it's cross-examination, I would ask that the questions
19:55:18 13 be directed to the witness rather than statements
19:55:20 14 because there would be adequate time, at the conclusion,
19:55:24 15 for everyone to make a statement. And I would ask the
19:55:26 16 board to direct the people to ask questions.

17 MR. MALAGIERE: Thank you. Give us your
18 name, please.

19 MOREY RUNIN: Morey Runin, 280 Prospect
20 Avenue, Sworn. QUESTIONS BY MR. RUNIN:

21 Q. First off, on the record, I'm adamantly
19:56:02 22 opposed to the project. My question for you, what
19:56:02 23 provisions are being planned to ensure proper disposal
19:56:06 24 of all the medical waste, which is scheduled to be
19:56:12 25 created?

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19:56:12 1 A. We don't have a detailed plan, but I could tell
19:56:16 2 you --

19:56:16 3 AUDIENCE MEMBERS: (Sounds).

19:56:18 4 A. -- all I can tell you that there are State
19:56:22 5 guidelines on the storage and removal of medical waste
19:56:26 6 and those will be followed to the "T".

19:56:28 7 Q. Do you have any idea how it is going to
19:56:32 8 impact our water system, sewer system in City of
19:56:34 9 Hackensack?

19:56:36 10 A. Yes, I do. It would not affect the sewer
19:56:38 11 system in Hackensack at all. They would be disposed of
19:56:40 12 off site.

19:56:42 13 Q. I have another question. How can you go
19:56:44 14 into a project of this magnitude without having any idea
19:56:48 15 as to what your overall cost is going to be? Unless you
19:56:54 16 have an unlimited source of funds and don't worry
19:56:56 17 whether it is one million, ten million or 100 million or
19:57:00 18 what?

19:57:02 19 A. I'm generally familiar with what guidelines

19:57:04 20 are of construction of facilities of this type, as well
19:57:08 21 as our design consultants.
19:57:10 22 Q. So you do have an approximate cost?
19:57:12 23 A. I know what the ballpark is, and the range
19:57:14 24 for what it takes.
19:57:16 25 Q. Can you tell us what you think the ballpark

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19:57:18 1 figure is?
19:57:18 2 A. I'm not prepared tonight to give you those
19:57:20 3 figures.
19:57:22 4 Q. You just said you know what it is?
19:57:22 5 A. What I said is, that I know what the
19:57:26 6 ballpark on a per square foot basis is. But I don't
19:57:30 7 have anywhere near a concrete or detailed estimate of
19:57:34 8 what this particular building would cost.
19:57:36 9 Q. Well, I still say how can you go into this
19:57:38 10 without --
19:57:40 11 A. The way I do it, I've been in this business,
19:57:42 12 the health care business for more than 25 years. I built
19:57:44 13 a number of facilities and sometimes as a businessman I
19:57:48 14 go by the seat of my pants, and I'm comfortable in being
19:57:48 15 here in --
19:57:54 16 Q. -- at this point I want to say lots of luck.
19:58:06 17 MR. MALAGIERE: Sir, can you give us an
19:58:06 18 approximate cost per square foot?
19:58:08 19 THE WITNESS: Anywhere between 200 and
19:58:10 20 400 dollars per square foot.
19:58:14 21 MR. MALAGIERE: Thank you.
19:58:14 22 WILLIAM SHRODER: William Shroder, 245
19:58:14 23 PROSPECT, Apt 19A, Sworn. QUESTIONS BY MR. SHRODER:
19:58:14 24 Q. My name is William Shroder, 245 Prospect
19:58:36 25 19-A. I just want to embellish a little bit about the

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19:58:42 1 location of your commercial facility. I believe three
19:58:46 2 lots on Summit Avenue, is that correct?
19:58:50 3 A. It is a total of four lots. Three on Summit
19:58:52 4 and one on Prospect, yes.
19:58:54 5 Q. Part of your commercial building, three
19:58:56 6 quarters of it or so, will be on Summit Avenue.
19:59:00 7 A. That's not correct. The proposal is to site
19:59:02 8 the facility strictly on the Prospect side of the
19:59:06 9 property. No building on the Summit side of the
19:59:06 10 property.
19:59:16 11 Q. Part of the venture will be on Summit

19:59:18 12 Avenue, three lots on Summit.
19:59:20 13 A. I think what I can do is just try to summarize
19:59:22 14 that, but I think you'll see from a later witness we're
19:59:26 15 proposing to put an underground parking structure under
19:59:30 16 the entire property, which includes Summit Avenue. But
19:59:34 17 on the Summit Avenue side of the property, we're
19:59:36 18 proposing to install a park that will be open to the
19:59:40 19 public.
19:59:40 20 Q. I think we can all agree that Summit Avenue is
19:59:44 21 probably the finest residential street in town. We all
19:59:50 22 agree on that?
19:59:54 23 AUDIENCE MEMBERS: Yes.
19:59:54 24 Q. It's the crown jewel of Hackensack. I don't know
19:59:58 25 if anyone on the board has a home on Summit, do you live

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20:00:00 1 on Summit Avenue?
20:00:02 2 A. No, I do not.
20:00:04 3 Q. I don't. I can't afford to live on Summit Avenue.
20:00:08 4 However, if this is passed, maybe you could afford to buy
20:00:14 5 three or four homes on Summit Avenue. I question the
20:00:16 6 location with regards to a commercial building on Summit
20:00:20 7 Avenue. As far as I know, there are none as of now. Is
20:00:24 8 that correct? Have you considered at all 6th Street,
20:00:34 9 River Road, Main Street, Route 17, Route 4? How about in
20:00:38 10 and around the Courthouse on Hudson Avenue, whatever that
20:00:42 11 is. I think to begin this on Summit Avenue will just get
20:00:50 12 the ball rolling and God knows --
20:00:50 13 AUDIENCE CLAPPING
20:01:00 14 Q. -- in a few years time, high rise-to-high
20:01:04 15 rise on both sides of the street on Summit Avenue, from
20:01:08 16 Springfield Avenue to Essex Street. Does anyone want to
20:01:12 17 see that, do you want to see that?
20:01:14 18 A. We're not proposing that.
20:01:18 19 Q. Do you live next to a hospital yourself?
20:01:20 20 A. No, I do not.
20:01:24 21 Q. So you have seized an opportunity, a profit
20:01:28 22 making opportunity, to build a commercial venture on
20:01:34 23 Summit Avenue, the Crown jewel of residential in
20:01:36 24 Hackensack. Is what you've done, as far as I can see,
20:01:40 25 and I don't think you've done it out of a sense of

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20:01:46 1 altruism, all you see is a profit making venture and you
20:01:52 2 jumped all over it. And if it goes through, the people
20:01:54 3 will be selling out on Summit people. If this goes
20:01:58 4 through, the dominos will begin to fall. I understand it
20:02:06 5 has a redeeming social value, your facility, is that
20:02:06 6 correct?

20:02:10 7 A. We believe we're providing services, health
20:02:12 8 care services to the community that need them, yes.

20:02:20 9 Q. If it's a redeeming social value you offer,
20:02:22 10 how about a nice little amusement park there on Summit
20:02:26 11 Avenue? How about a prison facility? That has a
20:02:34 12 redeeming social value. A movie complex? How about a
20:02:38 13 nice night club? You're in it for one thing, a big
20:02:48 14 profit. You seized an opportunity, it is going to ruin
20:02:50 15 Summit Avenue, and I don't believe any of you folks live
20:02:52 16 there, I hope you don't, it is not looking good for the
20:02:56 17 future.

20:02:58 18 MR. MALAGIERE: Do you have anything
20:03:00 19 further, sir?

20:03:00 20 MR. SHRODER: I have a lot, but I took up
20:03:02 21 enough time.

20:03:02 22 MR. MALAGIERE: I appreciate it. Thank
20:03:02 23 you very much.

20:03:12 24 MR. BASRALIAN: As a curtesy to Mr.
20:03:14 25 Schroder, I did not interrupt. I want to reiterate, it is

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20:03:18 1 not a place for statement grandstanding. It is for
20:03:18 2 questions of the witness.

20:03:18 3 AUDIENCE MEMBERS: SOUNDS.

20:03:24 4 THE CHAIRMAN: Stop.

20:03:24 5 MR. BASRALIAN: I don't like to get up
20:03:28 6 and object when someone is doing this. On the other
20:03:30 7 hand, this is to ask questions of this witness based
20:03:32 8 upon what he said at the last hearing. And I would ask
20:03:36 9 the board to direct them to keep the questions to that
20:03:38 10 testimony, and not make statements. There will be plenty
20:03:40 11 of time for it.

20:03:42 12 THE CHAIRMAN: Acknowledged.

20:03:46 13 MR. MALAGIERE: Thank you, Mr. Basralian.
20:03:46 14 Sir?

20:04:00 15 TED MOSKOWITZ 307 Prospect, Sworn. Where
20:04:00 16 my wife and I have lived for the past 24 years, 307
20:04:04 17 Prospect Avenue, apartment 16-G QUESTIONS BY MR.
20:04:04 18 MOSKOWITZ

20:04:26 19 Q. Mr. Pineles, when you built Prospect

20:04:30 20 Heights, who was your architect? Who was your
20:04:30 21 architect?
20:04:30 22 A. It was Brickhard, Richman Szbarbay &
20:04:30 23 Associates.
20:04:34 24 Q. Who did your site plan?
20:04:38 25 A. I can't recall, to tell you the truth.

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20:04:40 1 Q. Do you recall who did your parking study?
20:04:42 2 A. No.
20:04:46 3 Q. Was it Boswell?
20:04:48 4 A. I don't believe so.
20:04:48 5 Q. Do you know who it was?
20:04:50 6 A. I don't know.
20:04:50 7 Q. I thought I would just help you out for one
20:04:54 8 minute. Your testimony was almost characterized properly
20:04:58 9 what you said in relation to the questions concerning
20:05:02 10 Prospect Heights was "to a certain extent, that's true,
20:05:06 11 yes. Let me explain that we recognize and we identified
20:05:08 12 earlier parking is an issue at the Prospect Heights
20:05:12 13 Center." And then you went on to announce a little
20:05:20 14 further about it. Do you expect the same kind of surprise
20:05:24 15 here?
20:05:24 16 A. I went onto to say at the last month's
20:05:26 17 hearing, we recognize there could be much more parking at
20:05:32 18 Prospect Heights Care Center. I stated earlier today that
20:05:36 19 the parking, the number of parking spots that were
20:05:40 20 provided at the time Prospect Heights Care Center was
20:05:44 21 built, met and exceeded by far the parking requirements
20:05:48 22 of the ordinance, and they exceed that requirement of
20:05:52 23 today's ordinance. But taking the experience that we had
20:05:56 24 with Prospect Heights, we took that into account and made
20:06:00 25 extra efforts to provide what we believe is more than

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20:06:04 1 adequate parking for the needs of Bergen Passaic LTACH.
20:06:08 2 Q. Actually I don't think that's what you said
20:06:10 3 last time. What you said, you ratified the fact that you
20:06:12 4 don't allow your employees to park in the parking lot at
20:06:16 5 Prospect Heights. That's what you said, but enough of
20:06:20 6 Prospect Heights.
20:06:20 7 You're confident in the parking study, and the
20:06:26 8 traffic study that you put before this board, you're
20:06:28 9 confident?
20:06:28 10 A. Yes.
20:06:30 11 Q. Is Boswell still employed by you?

20:06:32 12 A. No.
20:06:32 13 Q. So the people who did your traffic study and
20:06:34 14 your parking study, who were going to testify by your
20:06:40 15 experts here, are no longer employed by you?
20:06:42 16 A. There was a change of engineers requested by the
20:06:50 17 City and the information and the design prepared by
20:06:52 18 Boswell was handed off to a new engineering outfit.
20:06:58 19 Q. Handed off, changed the figures to fix them. In
20:07:00 20 other words, I asked you if Boswell was representing
20:07:02 21 you, the answer to that isn't why they aren't, the
20:07:06 22 answer to that is a yes or no, just as Mr. Basralian has
20:07:10 23 asked for proper questions, I think I should ask for a
20:07:14 24 proper answer.
20:07:14 25 AUDIENCE MEMBERS SOUNDS.

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20:07:18 1 Q. The answer is no, isn't it?
20:07:20 2 A. I'm trying to be as responsive as possible to
20:07:22 3 your questions. I don't think your question would be
20:07:26 4 well served by a yes or no answer.
20:07:28 5 Q. All right. So that's kind of like you don't
20:07:30 6 know how much it costs yet, right? When you were here a
20:07:38 7 month ago, you spoke about how ideal this site was
20:07:42 8 because of the demographics. Some of your materials
20:07:46 9 have spoken to the fact that Bergen County is the most
20:07:50 10 highly populated county in the State. Did they not?
20:07:52 11 A. That's correct.
20:07:56 12 Q. They don't have the highest population
20:07:58 13 density, do they?
20:08:00 14 A. I believe they do, or at least the density of
20:08:04 15 population in Bergen County is more than three times the
20:08:06 16 average of the State of New Jersey. It is roughly 3,600
20:08:10 17 people per square --
20:08:12 18 Q. You're not looking to build one of those
20:08:14 19 centers in Warren or Huntington County, are you? Or out
20:08:18 20 in the horse country?
20:08:20 21 A. I don't think that's where I am tonight, no.
20:08:24 22 Q. So Bergen is far from the most density
20:08:28 23 county. Aren't there at least three counties that are
20:08:30 24 more densely populated?
20:08:34 25 A. I don't know what the figures for those three

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20:08:36 1 counties are.

20:08:38 2 Q. What you represented to us and the Board
20:08:40 3 here at the last meeting, is that the population of
20:08:44 4 Bergen County is the highest of the State, and has three
20:08:50 5 times the density of any other county in the State --

20:08:54 6 A. The average population --

20:08:56 7 Q. But the average in terms of building a new
20:08:58 8 facility is kind of meaningless. There is not really
20:09:00 9 any chance someone is going to put the Garden State
20:09:04 10 Plaza in the middle of Pinelands.

20:09:06 11 A. I don't know what some developer might have in
20:09:10 12 mind.

20:09:10 13 Q. Whether you're funning with me, I need to
20:09:12 14 fun with you a little bit. I'm trying not to be
20:09:14 15 argumentative, sir. You certainly don't think Hackensack
20:09:20 16 is one of the largest cities in the State, do you?

20:09:22 17 A. No.

20:09:24 18 Q. Do you know where it would range in terms of
20:09:26 19 population total, or population density since that
20:09:30 20 seemed to be important to your presentation after the
20:09:34 21 last time?

20:09:34 22 A. I don't know the range, no sir.

20:09:36 23 Q. Hackensack is 47. Now, a little earlier tonight
20:09:42 24 in response -- and again, this is one of the questions
20:09:44 25 you were asked about cost and revenue projections, it was

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20:09:54 1 in a form of a question concerning --

20:09:54 2 A. I recall one prior.

20:09:58 3 Q. Do you recall being asked on more than one
20:10:00 4 occasion about the costs putting up this facility?

20:10:02 5 A. Yes, I do.

20:10:04 6 Q. My recollection is you indicated when asked about
20:10:08 7 the underground parking, the cost of bringing that up to
20:10:14 8 the theoretical number that the board suggested than
20:10:18 9 leaving it where it is at, you have no idea how much that
20:10:22 10 would --

20:10:22 11 A. I don't believe I responded to the question that
20:10:24 12 was put forth by Mr. Diktas.

20:10:28 13 Q. No, I don't think you responded to it either. I
20:10:30 14 just wanted to know if you recall that. And in response
20:10:34 15 to the question how much it would cost to put this
20:10:36 16 building up, you said you could help us out a little bit
20:10:40 17 with the dollar per square foot.

20:10:42 18 A. A range of dollars per square foot.

20:10:44 19 Q. And your range was 200 dollars a square

20:10:48 20 foot.
20:10:48 21 A. Yes.
20:10:50 22 Q. So as you stand here now during this
20:10:52 23 application process, after having spent four million
20:10:56 24 plus to buy this land, Lord knows what other consultants
20:11:00 25 that are coming and going, you don't know how much it is

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20:11:04 1 going to cost. You have 100 percent variance what you
20:11:08 2 think the cost of it will be after you've been in the
20:11:12 3 business of running these facilities, and building them
20:11:14 4 for many, many years, and you ask us to believe that?
20:11:16 5 A. You believe what you want to believe. We have not
20:11:20 6 prepared a detailed cost estimate.
20:11:22 7 Q. That's a different question. I understand you
20:11:24 8 don't know how much of buzzer will cost in the hospital
20:11:34 9 or every plaque or doorknob. You're suggesting, at least
20:11:34 10 your testimony to date, you really have not much of an
20:11:38 11 idea at all? It is either going to cost X or two X or
20:11:40 12 something else. You don't know how much, and you don't
20:11:44 13 know how long you're going to have to run it to make
20:11:50 14 money and you don't know how much it is going to cost to
20:11:54 15 do the things. Do you expect us to believe that?
20:11:56 16 A. I said you believe what you want to believe.
20:11:58 17 Q. I really won't. I certainly would not believe
20:12:02 18 what you would like me to believe.
20:12:08 19 When did you higher Boswell to do the traffic
20:12:10 20 study that you hired them to do?
20:12:14 21 A. Some time in the Spring of 2008.
20:12:16 22 Q. Some time in the Spring. Was that at or about the
20:12:20 23 same time you hired Boswell to do the site plan and the
20:12:22 24 Zoning permit application?
20:12:26 25 A. We hired them to prepare a site plan and a

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20:12:28 1 traffic study for the project.

20:12:32 2 Q. And that information is included in the
20:12:34 3 materials that you put in with your Zoning application,
20:12:38 4 correct?

20:12:38 5 A. It was included. But I'll let our attorney
20:12:40 6 address that further.

20:12:46 7 Q. Did you let Boswell see your zoning application
20:12:52 8 before they prepared their traffic study?

20:12:56 9 A. They prepared their traffic study before the
20:12:58 10 Zoning application was prepared or submitted.

20:13:00 11 Q. They prepared their study.

20:13:00 12 A. Yes.

20:13:04 13 Q. I think that's not true. Was that study not
20:13:06 14 turned in December 8 of 2008?

20:13:10 15 A. The original study was submitted in December of
20:13:12 16 2008, that's correct.

20:13:14 17 Q. And the Zoning application was submitted in June
20:13:20 18 of 2008?

20:13:24 19 A. The application was submitted. I don't know the
20:13:26 20 exact date. I'll take your word for it if you say it was
20:13:30 21 submitted in June 2008.

20:13:30 22 Q. The early part of June?

20:13:32 23 A. Yes. But the materials to support that
20:13:34 24 application I believe were submitted in November and
20:13:38 25 December. I don't know the exact date, but our attorney

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20:13:40 1 can address that. And I'm sure the board is well aware
20:13:44 2 of the date.

20:13:44 3 Q. Did your attorney prepare the parking study?

20:13:48 4 A. I don't think he's equipped or prepared to do
20:13:48 5 that.

20:13:54 6 Q. Do you recall when Boswell conducted their
20:13:58 7 study, that is when they put their people out on the
20:14:02 8 corner to count traffic?

20:14:02 9 A. I think the traffic counts were part --

20:14:08 10 Q. I know that. I asked you about the traffic
20:14:10 11 counts.

20:14:10 12 A. I'm trying to address your question. Be fair
20:14:12 13 with me.

20:14:12 14 Q. I'm going to wish and continue to hope that you'll
20:14:16 15 answer my questions.

20:14:18 16 The question that I asked, not what you would like
20:14:22 17 me to ask, I asked you if you recall when the traffic
20:14:26 18 studies, traffic counts, the traffic counts were taken
20:14:30 19 that form the basis of the traffic study?

20:14:34 20 A. I do not know as I stand here the exact dates
20:14:38 21 or date that the traffic counts were taken.
20:14:42 22 Q. If I might refresh your recollection, it was
20:14:44 23 April 30th and May first.
20:14:48 24 MR. BASRALIAN: Excuse me, Mr. Chairman.
20:14:48 25 The direction of these questions is as to his testimony.

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20:14:52 1 Not as to when the traffic study, which has not yet been
20:14:56 2 discussed before the board, was prepared and when the
20:14:58 3 data was prepared. The questions Mr. Moskowitz should be
20:15:00 4 directed to ask, is the testimony of last week, and any
20:15:04 5 statements made today. And it doesn't deal with a
20:15:06 6 parking study. All these questions you could ask
20:15:08 7 certainly of the consultant when he comes forth.
20:15:14 8 MR. MOSKOWITZ: Mr. Basralian, I believe
20:15:16 9 the record will show on more than one occasion Mr.
20:15:18 10 Pineles responded with respect to what his traffic study
20:15:22 11 showed, what his parking study showed, what the Zoning
20:15:26 12 laws are. The questions with respect to traffic and his
20:15:30 13 study and his consultants --
20:15:32 14 MR. BASRALIAN: In addition, he also
20:15:34 15 referred them, and you'll have to wait for the traffic
20:15:36 16 consultant. That's where they should be addressed. Such
20:15:38 17 as engineering questions and architectural questions
20:15:40 18 should be addressed. His reference when he made the
20:15:44 19 statement was, you must go to those witnesses for that
20:15:48 20 information that you seek from prior questions, will be
20:15:50 21 in the report and in the testimony.
20:15:52 22 MR. MOSKOWITZ: Mr. Malagiere, I'm not
20:15:52 23 asking for expert testimony. This is the man who has
20:15:58 24 represented here, who gave the engagement instructions to
20:16:10 25 the consultants as to what they wish to learn and what

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20:16:10 1 they wish to be studied. I'm not asking anything about
20:16:12 2 that. I want to know a little bit about the instructions
20:16:18 3 that the management of Bergen Passaic LTACH gave to its
20:16:18 4 traffic consultant.

20:16:22 5 MR. MALAGIERE: Mr. Chairman, there is
20:16:24 6 wide latitude offered in cross-examination, especially in
20:16:26 7 settings such as these where people live in the area.
20:16:30 8 Cases consistently found, they're more suited than not to
20:16:34 9 ask questions, even the board itself. I suggest that the
20:16:40 10 cross-examination be allowed to continue.

20:16:42 11 THE CHAIRMAN: I agree.

20:16:44 12 MR. MOSKOWITZ: Thank you. I was going to
20:16:52 13 ask the reporter to read back the question.

20:16:52 14 REPORTER READ QUESTION AS REQUESTED.

20:17:04 15 MR. BASRALIAN: I'm going to renew my
20:17:06 16 objection. Although there is some latitude, within that
20:17:08 17 testimony, but to ask about a traffic report that hasn't
20:17:16 18 been submitted yet, is inappropriate.

20:17:16 19 MR. MALAGIERE: Thank you. The Chairman
20:17:18 20 has ruled.

20:17:18 21 MR. MOSKOWITZ: I'll ask a little
20:17:32 22 different question.

20:17:32 23 Q. Mr. Pineles, in your company, I gather from your
20:17:36 24 testimony, you're the person in charge of this project,
20:17:38 25 correct?

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20:17:38 1 A. That is correct.

20:17:42 2 Q. You're the person that made the decision to
20:17:46 3 hire Boswell, to do the traffic and parking study,
20:17:48 4 correct?

20:17:48 5 A. That's correct.

20:17:50 6 Q. Do you have a letter of engagement or instruction
20:17:58 7 to them? How did they know what you wanted them to do?

20:18:00 8 A. We did have a letter of agreement detailing --

20:18:02 9 Q. -- what you wanted them to do.

20:18:04 10 A. Yes.

20:18:06 11 Q. That's not included in the traffic report.

20:18:10 12 A. No.

20:18:12 13 MR. MOSKOWITZ: Might I respectfully ask
20:18:14 14 the board to make a request for that document?

20:18:18 15 MR. BASRALIAN: I would object. It is a
20:18:24 16 letter of engagement to retain a consultant. It doesn't
20:18:26 17 contain instructions as to what they will do and what
20:18:26 18 their findings will be. It is an engagement, and in a
20:18:26 19 summary aspect what they will provide for this

20:18:36 20 applicant. There is no written instruction what their
20:18:36 21 conclusion should be. They're the professionals, they
20:18:40 22 come up with the conclusions.
20:18:42 23 MR. MALAGIERE: Just so the record is
20:18:42 24 clear, you're refusing to produce the document
20:18:44 25 MR. BASRALIAN: I'm refusing to provide

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20:18:46 1 an engagement letter between two private individuals on
20:18:50 2 retaining a consultant, yes.
20:18:54 3 MR. MALAGIERE: Okay. Thank you.
20:18:56 4 MR. MOSKOWITZ: I'm going to renew my
20:18:58 5 request for the board, we'll look at the proper legal
20:19:02 6 authority. I wasn't asking how much it cost. I know it
20:19:02 7 costs a lot.
20:19:02 8 BY MR. MOSKOWITZ:
20:19:08 9 Q. Did you give any guidance or direction to your
20:19:12 10 traffic consultant about general traffic in the area,
20:19:14 11 anything like that?
20:19:16 12 A. Not about general traffic in the area, no.
20:19:22 13 Q. Did you know that they made their street
20:19:28 14 counts April 30 and May 1, of 2008. I represented that
20:19:32 15 to you, and it is true.
20:19:34 16 A. If that's what you read, and that's the date,
20:19:36 17 then I'll take your word for it.
20:19:40 18 Q. And you spend some of your time working in
20:19:44 19 Hackensack over at the other facility?
20:19:46 20 A. I do.
20:19:46 21 Q. That's more or less your headquarters and
20:19:50 22 regency headquarters.
20:19:50 23 A. The facilities are located where they are
20:19:54 24 located.
20:19:56 25 Q. Does that mean yes?

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20:19:56 1 A. If you could rephrase or make your question
20:20:00 2 a little clearer, I could answer it more clearly.
20:20:00 3 Q. That's at least now, the current listed
20:20:04 4 headquarters of this LTACH.
20:20:06 5 A. Which address are you speaking of?
20:20:10 6 Q. I'm speaking of the one that you would like
20:20:12 7 to build on prospect.
20:20:12 8 A. The address that we intend, and we applied for,
20:20:14 9 is 329 Prospect.
20:20:18 10 Q. But that's not your current address, is it?
20:20:20 11 A. I have an office.
20:20:20 12 Q. The corporate search and the record say 233
20:20:26 13 Prospect.
20:20:26 14 A. 336 Prospect is the address of Prospect Heights
20:20:32 15 Care Center. What is your question specifically of me,
20:20:34 16 sir?
20:20:34 17 Q. My question to you, you come to work at Prospect
20:20:34 18 Avenue?
20:20:34 19 A. Yes, I do.
20:20:44 20 Q. Were you aware last April or May of the
20:20:46 21 traffic conditions outstanding, the general area here,
20:20:50 22 relating to the project at hand, and other sources of
20:20:56 23 collateral streets, created a very unique disorientation,
20:21:04 24 disruption, and discontinuity in traffic in Hackensack
20:21:04 25 and the general area as been seen in 20 or 30 years?

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20:21:10 1 A. I'm not familiar with the condition.
20:21:12 2 Q. Do you know the bridge, the Essex Street Bridge
20:21:16 3 was closed?
20:21:16 4 A. I did know it was closed for approximately a
20:21:18 5 year, a year and a half, yes.
20:21:20 6 Q. Did you know it caused great disruption,
20:21:28 7 disorientation and different traffic directions in the
20:21:28 8 area?
20:21:28 9 A. To some people in some streets, in some
20:21:30 10 neighborhoods, yes.
20:21:32 11 Q. Would you know of any reason why your
20:21:34 12 traffic consultant didn't make a study seven weeks
20:21:42 13 later, on July first that bridge was opened, and that
20:21:44 14 traffic returned to its normal pattern?
20:21:46 15 A. I don't know the answer. You have to ask
20:21:48 16 them.
20:21:48 17 Q. Did you ask them?
20:21:50 18 A. No. I don't know the answer to your
20:21:52 19 question. You have to ask them.

20:21:52 20 Q. Did you read their traffic report?
20:21:54 21 A. Yes, I did.
20:21:56 22 Q. Did it mention a word about it?
20:21:58 23 A. I don't recall having read that, no.
20:22:00 24 Q. No, you didn't. Are you aware when your traffic
20:22:10 25 consultant did their counts, their study, and made their

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20:22:12 1 projections, that they forgot the newly constituted
20:22:18 2 Bergen Mall was opening?
20:22:22 3 A. Again, I think you best pose that question to
20:22:26 4 the traffic engineer.
20:22:26 5 Q. But they worked for you. I can't pose it to
20:22:28 6 them?
20:22:30 7 A. Certainly you can.
20:22:32 8 Q. If they didn't raise it when they worked for
20:22:34 9 me, since you're asking about this, you wouldn't be my
20:22:38 10 traffic consultant.
20:22:42 11 So isn't it true, you read that report that the
20:22:46 12 opening of a, I guess it is about 130 thousand square
20:22:56 13 foot Target store was taking place after they did their
20:22:56 14 study?
20:23:00 15 A. I think as we stand here and sit here today,
20:23:04 16 we all know the Target store opened up at the Bergen
20:23:06 17 Mall, yes.
20:23:06 18 Q. And you think your guy may not have known
20:23:10 19 anything on the Bergen Mall a year earlier?
20:23:14 20 A. I can't speak for any one.
20:23:18 21 Q. They missed the sneaker store too.
20:23:20 22 A. They may have. You have to ask them.
20:23:26 23 Q. In fact, what happened was, that after your
20:23:32 24 traffic study was done, all though, it was certainly
20:23:36 25 known to become one of the biggest additions of retail

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20:23:42 1 space since 1996 when the Garden State Plaza was opened,
20:23:48 2 are you aware of that?
20:23:50 3 A. I'm not aware of those statistics, but okay.
20:23:54 4 Q. You knew that a lot -- well, maybe we should make
20:23:58 5 it more simple. You knew that a lot of the big stores
20:24:02 6 and big spaces were going to be opening up down the block
20:24:04 7 from some of the key intersections.
20:24:08 8 A. I guess its argumentative, there's a question
20:24:10 9 as to whether the Bergen Mall or Bergen Town Center, as
20:24:14 10 it is currently known, is down the block from our
20:24:16 11 proposed site. I don't believe it is down the block.

20:24:18 12 Q. It is closer than some bus stops you expect
20:24:20 13 your workers to get the buses from. That was 300
20:24:28 14 thousand square feet, a brand new retail space with just
20:24:32 15 four stores alone, down the block on Passaic. As far as
20:24:40 16 you recall, you knew nothing about that in this traffic
20:24:46 17 study?

20:24:46 18 A. You stated in your question, and I concurred,
20:24:48 19 that I don't believe the Bergen Town Center or the
20:24:50 20 Bergen Mall was referenced in our traffic study.

20:24:54 21 Q. If you had to make the guy do it again
20:24:58 22 today, wouldn't you think, in the interest of
20:25:00 23 recognizing reality, rather than some convoluted theory,
20:25:04 24 you would have reminded them?

20:25:06 25 MR. BASRALIAN: I'm going to direct the

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20:25:08 1 witness not to testify. He's not a traffic expert and
20:25:10 2 that's for a traffic consultant, an expert to do. He
20:25:12 3 didn't give them direction how to do their job. I direct
20:25:16 4 him not to answer.

20:25:16 5 MR. MOSKOWITZ: Mr. Malagiere, I
20:25:20 6 represented in a way, we're all lay witnesses.

20:25:22 7 MR. MALAGIERE: I agree. You're an
20:25:22 8 attorney.

20:25:22 9 MR. MOSKOWITZ: Yes.

20:25:30 10 MR. MALAGIERE: I agree with the
20:25:30 11 question proponent. This is a question that can be
20:25:34 12 answered. I don't agree counsel directing his witness
20:25:40 13 not to answer on the basis it requires expert testimony.
20:25:40 14 I request the witness answer the question.

20:25:44 15 MR. BASRALIAN: The question was whether
20:25:44 16 or not he would direct him to take those things into
20:25:48 17 consideration. I said he's not an expert. He doesn't
20:25:50 18 give the direction to the consultant. He doesn't tell
20:25:52 19 them how to do their job. They made an error, if it's
20:25:56 20 improper than Mr. Moskowitz and everyone has a right,
20:26:00 21 through cross-examination of the expert when they
20:26:00 22 appear.

20:26:02 23 MR. MALAGIERE: Objection noted. No
20:26:04 24 further argument on the objection. I believe the
20:26:06 25 question stands and should be answered. Mr. Basralian,

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20:26:08 1 do you stand on your objection? Do you direct your
20:26:12 2 witness not to answer it?

20:26:12 3 MR. BASRALIAN: I do not believe he's
20:26:18 4 informed and can answer the question. He can answer the
20:26:22 5 question, but I will state my objection, it is
20:26:26 6 inappropriate to direct a lay person how he would
20:26:28 7 instruct a traffic consultant to undertake his work.

20:26:32 8 MR. MALAGIERE: Let's make sure we
20:26:32 9 understand the question, if you would, Beth, please read
20:26:32 10 it back.

20:26:32 11 THE QUESTIONS WAS READ BY THE REPORTER AS
20:26:32 12 REQUESTED.

20:28:50 13 MR. MALAGIERE: Answer the question,
20:28:50 14 sir.

20:28:52 15 THE WITNESS: Yes, I would give the
20:28:52 16 traffic engineer the same instruction today as I gave
20:28:56 17 them back in the Spring of 2008, which is to prepare a
20:28:58 18 traffic study that would evaluate both the traffic and
20:29:02 19 parking needs of the proposed facility. And the
20:29:06 20 specifics on how they go about preparing that study and
20:29:10 21 what they deem appropriate or important to consider, I
20:29:14 22 would leave that to them today as I left it to them back
20:29:18 23 when they were engaged.

20:29:22 24 Q. I just want to tell you that's an
20:29:26 25 interesting answer, but it isn't exactly an answer to

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20:29:26 1 the question that I posed.

20:29:28 2 Would you tell, when you read the report,
20:29:32 3 and you noticed your traffic consultant missed 300
20:29:38 4 thousand square feet of brand new retail space in the
20:29:42 5 traffic area, and failed to notice that the bridge, the
20:29:50 6 Essex Street Bridge had been finished, would you think
20:29:50 7 that to be a rather poor excuse of judgement on their
20:29:56 8 part?

20:29:58 9 A. No.

20:29:58 10 Q. I just want to ask you one quick thing. You were
20:30:06 11 asked a question before about the medical waste disposal.
20:30:10 12 How often do you expect medical waste to be disposed of
20:30:14 13 at this facility?

20:30:16 14 A. As often as --

20:30:16 15 Q. By the facility itself, rather than in each room?

20:30:22 16 A. Okay. It would be disposed of as often as is
20:30:28 17 needed. Depending on the amount of storage capacity
20:30:32 18 that's available to store that waste, until it needs to
20:30:36 19 be removed or disposed of.

20:30:38 20 Q. Have you ever made an estimate of how often that
20:30:42 21 would be?
20:30:42 22 A. No.
20:30:44 23 Q. To your knowledge, has anybody ever made an
20:30:46 24 estimate of how often that would be, and given that
20:30:48 25 estimate to your traffic consultants?

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20:30:52 1 A. To our traffic consultants, the answer is no.
20:30:52 2 Q. Absolutely no.
20:30:56 3 A. I can only say it so many ways.
20:31:00 4 Q. How often do you expect to dispose of the rest of
20:31:00 5 the garbage at this site?
20:31:04 6 A. We expect the bulk of waste that would be
20:31:08 7 removed from the facility, to be removed once every two
20:31:12 8 weeks by way of a self-contained compactor.
20:31:16 9 Q. That's all waste, one garbage truck every two
20:31:20 10 weeks.
20:31:20 11 A. We would have -- we propose to have on-site a
20:31:24 12 self-contained compactor that would accommodate that
20:31:28 13 waste, the general waste of the facility for up to two
20:31:32 14 weeks time.
20:31:32 15 Q. So you know that. But you don't know how
20:31:34 16 much the building would cost.
20:31:42 17 Thank you for your patience with me, Mr.
20:31:44 18 Pineles. I thank the board and Mr. Malagiere. I've
20:31:48 19 taken enough time, but I'm sure we'll get to chat again.
20:31:54 20 THE CHAIRMAN: We will take a short
21 break.
22 MR.MALAGIERE: We will take a brief
23 recess.
24 RECESS @8:30-9:45 PM.
25

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1 MR. MALAGIERE: Come forward, please.
2 NORMA TEMPEL: Norma Tempel, 326 Prospect
3 Street, Apt. 11-G, Sworn. QUESTIONS BY MS. TEMPEL.
20:49:02 4 Q. I'm very concerned about the traffic issue
20:49:02 5 on our street. When you try to go on Summit, as somebody
20:49:08 6 already testified, I'm not going to repeat that, it is a
20:49:10 7 big problem. It is impossible to come from the other
20:49:14 8 direction from the mall to make a left turn to get onto
20:49:16 9 Passaic Street. Last night at 5:30 the traffic on
20:49:22 10 Prospect was backed up from Passaic, past the World
20:49:30 11 Plaza. I tried to get out at 11 o'clock one evening and

20:49:36 12 I couldn't get out of the driveway. There was so much
20:49:40 13 traffic on Prospect because of the Restaurant down the
20:49:42 14 street.

20:49:42 15 I do not believe you, when you say that
20:49:46 16 there's going to ten vans coming in and out with the
20:49:52 17 dialysis patients, not everybody is going to come in a
20:49:54 18 van. So you're talking about bringing in hundreds of
20:49:58 19 cars onto our street. Now, there's more empty seats
20:50:02 20 here than there were before we had the break. But I
20:50:04 21 want you to look around. How many people here are 65 or
20:50:10 22 older? Would you please raise your hand?

20:50:10 23 AUDIENCE MEMBERS COMPLY

20:50:18 24 MS. TEMPEL: We are trying to tell you
20:50:18 25 something. You are invading our neighborhood and you're

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20:50:24 1 going to destroy it. At six o'clock in the morning, the
20:50:28 2 bus that goes to the City, the commuter bus starts
20:50:30 3 there are people crossing the streets. There are going
20:50:34 4 to be trucks going in and out, and how can you stand
20:50:36 5 there and say that it is not going to affect us.

20:50:40 6 AUDIENCE MEMBER: What about the air
20:50:40 7 planes?

20:50:46 8 MR. MALAGIERE: Hold on, hold on. Do you
20:50:50 9 want him to respond?

20:50:50 10 THE WITNESS: Is there a question?

20:50:52 11 MR. MALAGIERE: There's a question, how
20:50:54 12 can you say it is not going to affect us. Is that the
20:50:56 13 question?

20:50:56 14 A. I don't believe that the traffic generated by our
20:51:00 15 proposed facility will significantly affect -- you asked
20:51:08 16 the question, I gave it to you.

20:51:08 17 MR. MALAGIERE: The question has been --

20:51:08 18 AUDIENCE MEMBERS: SOUNDS

20:51:12 19 Q. You're aware our building had to put a fence
20:51:14 20 up between us and Prospect Heights because people were
20:51:18 21 parking in our guest parking. You don't have enough
20:51:20 22 parking for your employees over there. They are using
20:51:24 23 the parking lot. There is no parking on the street.

20:51:28 24 Where do you expect all of the people to park?

20:51:32 25 A. All of which people, excuse me?

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20:51:34 1 Q. Your employees, your visitors?

20:51:36 2 MR. MALAGIERE: In the new facility.

20:51:38 3 Q. In both facilities?

20:51:40 4 A. I think I've stated, as well as it is on the
20:51:44 5 record at numerous times from last month's meeting, and
20:51:48 6 tonight's meeting, and you'll hear the number and the
20:51:52 7 amount of parking we're providing quite a few more times
20:51:54 8 during the course of this application, but I strongly
20:51:56 9 believe that we're providing adequate parking for all of
20:52:02 10 the needs of the proposed Bergen Passaic LTACH facility,
20:52:06 11 both for visitors and for patients and staff alike.

20:52:10 12 Q. Now, let's address an issue of pollution. Have you
20:52:14 13 done a study on pollution?

20:52:16 14 A. No, I did not.

20:52:18 15 Q. All of the fumes from all of those vans and the
20:52:20 16 buses and all of the extra noise, is not a consideration
20:52:24 17 to you?

20:52:24 18 AUDIENCE MEMBERS: SOUNDS.

20:52:30 19 MR. MALAGIERE: Hold on please. The person
20:52:32 20 asking the question is the only one recognized by the
20:52:34 21 Chairman to speak. Please respect that. The Chairman can
20:52:40 22 impose a time limit on people, he'd chosen not to. He
20:52:42 23 understands how important this is to the people in the
20:52:44 24 audience. Please show the respect back. Thank you.

20:52:50 25 Miss Temple, will you please pose the

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20:52:52 1 question again with regard to the pollution?

20:53:00 2 Q. Sir, why haven't you engaged a vehicle and
20:53:04 3 noise pollution study, is that accurate? I'm concerned
20:53:10 4 about noise pollution, the fumes from the vehicles, light
20:53:14 5 pollution from the building.

20:53:16 6 MR. MALAGIERE: Why haven't you engaged
20:53:18 7 any of those studies, sir?

20:53:20 8 A. I think this general topic was brought up at the
20:53:22 9 last meeting. Let me repeat what I said at that time.
20:53:26 10 None of the vehicles that either facility that we're
20:53:28 11 using or visitors alike, patients, staff, are any
20:53:34 12 different than any vehicles used in the community. In
20:53:38 13 fact, there's a good possibility some of the vehicles
20:53:38 14 that we will use at the facility are significantly
20:53:42 15 better in terms of pollution than traditionally most
20:53:46 16 buses and vans used in Hackensack and throughout the
20:53:52 17 country. We are seriously looking at the possibility of
20:53:54 18 using vehicles that are powered by compressed natural
20:53:56 19 gas, also known as CNG power that emit virtually no

20:53:56 20 noxious emissions. That's one thing. We are obviously
20:54:10 21 looking into having all of our vans powered that way.
20:54:12 22 In terms of what the staff and public and what people
20:54:14 23 drive, we have no control over that. Like I couldn't
20:54:18 24 tell you you what type of vehicle to drive or anyone in
20:54:20 25 the audience here tonight. I'll leave that to the

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20:54:22 1 governmental authority to do that.
20:54:24 2 Q. The other issue is that I know other
20:54:28 3 properties down River Road along the railroad track that
20:54:28 4 could be had, I suggest instead of ruining our
20:54:36 5 neighborhood, that you look elsewhere to put your
20:54:36 6 facility.
20:54:36 7 BARBARA RUBIN: Barbara Rubin, 326
20:54:36 8 Prospect Unit 210, Sworn.
20:55:16 9 MR. MALAGIERE: I recognize you from the
20:55:16 10 last time, did you speak at the last meeting?
20:55:16 11 Ms. RUBIN: Yes.
20:55:18 12 MR. MALAGIERE: I please ask you to limit
20:55:20 13 your comments, and also if you could respectfully limit
20:55:24 14 it to the topics that not yet have been asked.
20:55:24 15 QUESTIONS BY MS. RUBIN:
20:55:28 16 Q. Mr. Pineles, as I was leaving after the last
20:55:30 17 meeting, you were asked about where you live and you
20:55:34 18 said Verona. And this lady over here (indicating) said
20:55:38 19 why don't you build it there? So when I left I saw you
20:55:42 20 standing with your attorney and I said, do you know that
20:55:48 21 was a very good idea, why don't you build it there? And
20:55:50 22 your attorney looked at me and he said, not in my
20:55:54 23 backyard, right? And I wasn't quick enough to answer,
20:55:58 24 but I am answering him now. It is not in my backyard, it
20:56:02 25 is in my front yard. I live right next door to you.

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20:56:14 1 And I have windows all around my apartment, and
20:56:20 2 yesterday morning I looked out and there was traffic on
20:56:22 3 the street and I'm saying what's going on? It is only
20:56:26 4 like ten o'clock in the morning, and I looked and it was
20:56:28 5 into your driveway. Cars and ambulances that were
20:56:34 6 holding up that whole street with traffic. Now, you only
20:56:36 7 have seven floors.
20:56:38 8 Now we're discussing what kind of cars,
20:56:40 9 and what kind of emissions. The question isn't
20:56:46 10 emissions, it is how many cars that you're going to have
20:56:48 11 there. And you don't seem to have any regards for this

20:56:54 12 community. You only care, as the gentleman said, about
20:56:56 13 the cost of making a profit and picking up this
20:56:58 14 property. Again, you even bid on that property, I guess
20:57:04 15 you wanted it desperately. You keep saying to the people
20:57:10 16 on Summit Avenue it is going to face Prospect Avenue. I
20:57:14 17 think that's wonderful. It is going to face me. I'm
20:57:16 18 right there, across from that property.
20:57:18 19 Now, do you think it is right to impact
20:57:22 20 my life? I moved here, I retire to my apartment and I
20:57:28 21 have to have this building proposed across the street
20:57:30 22 with 24 stories and two years of construction. Do you
20:57:36 23 think it is the right thing to do? Is it a moral thing
20:57:40 24 to do, or is it more of a business thing to do? Do you
20:57:48 25 have any sense of morality in where you build?

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20:57:52 1 MR. MALAGIERE: Can you respond to that?
20:57:54 2 THE WITNESS: I can, yes.
20:57:56 3 MR. MALAGIERE: Please.
20:57:56 4 THE WITNESS: We make no bones about the
20:57:58 5 fact this is a business enterprise that we are engaged
20:58:02 6 in, and propose this facility at this site. What I want
20:58:06 7 to add, you're doing something that gives a service to
20:58:12 8 your neighbors and the community.
20:58:14 9 Q. I have to decide that, not you.
20:58:20 10 A. We're basing that on a need established by
20:58:24 11 the State of New Jersey and the health authorities and
20:58:24 12 the governmental authorities. But in terms of your
20:58:28 13 question, whether it is moral, I have no moral
20:58:34 14 compunction. I believe in the project. I believe it is
20:58:36 15 good. You may not like it individually, but I think it
20:58:38 16 is good for the community.
20:58:40 17 Q. Is it good for my neighborhood where I'm living?
20:58:42 18 A. I believe it is, ma'am.
20:58:44 19 Q. Oh you do. Now on the --
20:58:44 20 AUDIENCE MEMBERS: SOUND.
20:58:48 21 THE CHAIRMAN: Please.
20:58:48 22 Q. Now, on the north side of our building --
20:58:54 23 MR. MALAGIERE: What's our building?
20:58:54 24 MS. RUBIN: 336.
20:58:58 25 MR. MALAGIERE: Are you familiar with the

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20:59:00 1 building?

20:59:00 2 Q. You're on the right side of our building.

20:59:02 3 There was a fence and what happened, you had your people

20:59:08 4 cutting across, parking in our guest parking lot, and

20:59:10 5 cutting across into your building to go to work. And it

20:59:16 6 was dangerous. There were open spaces of fence. About

20:59:24 7 two years ago we got in touch with you, whoever you are,

20:59:28 8 and we said would you do something about this? We never

20:59:34 9 got a response. We had asked again. We never got a

20:59:38 10 response. You say you care about safety, but obviously

20:59:40 11 really you don't care about safety, even about your

20:59:44 12 employees and our safety.

20:59:46 13 A. Now, let me address that. I would like to

20:59:48 14 respond to it. At no time did I, or anybody in my

20:59:52 15 organization, recommend or direct any of our employees to

20:59:56 16 park on your property. Everybody knows in this society

20:59:58 17 that people park where they want to park. Whether it is

21:00:00 18 proper, illegal or not. In fact, I can tell you the

21:00:06 19 parking lot that is on the premises of Prospect Heights

21:00:10 20 Center, we have many neighboring buildings who park in

21:00:12 21 our garage. I didn't ask them to come, they are not

21:00:18 22 authorized or permitted, but they have done that. I heard

21:00:22 23 someone mention earlier about a fence that was up. We

21:00:24 24 don't condone our employees parking on your lot or our

21:00:32 25 neighbors parking on our lot. This is life in the big

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21:00:34 1 city. If you don't want people to park elsewhere, you go

21:00:36 2 out and live in the country. I'm not recommending nor did

21:00:36 3 I ever recommend --

21:00:44 4 Q. You never answered us. Why didn't you answer?

21:00:46 5 MR. MALAGIERE: Ma'am, what's the next

21:00:48 6 question you would like to ask. We understand your

21:00:52 7 concern. I don't mean to minimize them.

21:00:54 8 Q. All I'm saying, about the beauty of Summit

21:01:00 9 Avenue. It's the show place of Hackensack. My son-in-law

21:01:02 10 who lives in a beautiful area of Warren never seen Summit

21:01:06 11 Avenue, he happened to be coming down on Sunday and said,

21:01:10 12 oh my God, this is Hackensack? This is beautiful. How

21:01:14 13 come I never seen it. Well, it is a beautiful street and

21:01:18 14 he said you're not kidding, I'm surprised it is in

21:01:20 15 Hackensack. You want to destroy that, right?

21:01:24 16 A. No ma'am.

21:01:24 17 Q. No, you don't want to build a 24-story building?

21:01:28 18 I'm finished. You heard other people talking about this,

21:01:30 19 and you don't seem to have any concern. Everything that's

21:01:34 20 been said to you, you ignore.
21:01:34 21 MR. MALAGIERE: Thank you, ma'am.
21:01:34 22 DR. CLIFFORD HAYNES: Dr. Clifford Haynes,
21:01:34 23 194 Summit Avenue, Sworn. QUESTIONS BY DR. HAYNES:
21:02:18 24 Q. I was thinking the last time, what I wanted
21:02:18 25 to say when I got up here. When I heard about this

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21:02:22 1 building being built, I had a whole speech written. But
21:02:26 2 it basically boils down to and I don't want to take a lot
21:02:28 3 of time, it basically boils down to one comment, and
21:02:32 4 three questions. The comment I have to say is, that I
21:02:36 5 lived in Hackensack since 1957, and I live on Summit
21:02:40 6 Avenue and been there for the last ten years. Parking
21:02:48 7 congestion, crowdedness, not to mention the air planes
21:02:52 8 which are understated, let's put it that way. It is
21:02:54 9 affecting all of the people I know on my block, which is
21:02:58 10 between Prospect, between Central and Essex, who have
21:03:02 11 widened their driveways or put in circular driveways so
21:03:06 12 that we have a place to park our cars, and we're able to
21:03:10 13 get out onto Summit Avenue to go to work. The parking
21:03:18 14 situation is bad. You don't need a traffic study for
21:03:20 15 that, you have to open your eyes.
21:03:22 16 My questions are three, one for you, the
21:03:32 17 audience, one for Mr. Pineles and one for the board. If
21:03:36 18 I may, I'll be brief. Number one, I'm mad as heck, how
21:03:42 19 about you?
21:03:42 20 AUDIENCE MEMBERS: SOUNDS.
21:03:50 21 Q. I do wish more people from Summit Avenue were
21:03:52 22 here. Number two, for Mr. Pineles, a simple question.
21:03:58 23 Sir, what's in it for us, the residents of Hackensack,
21:04:06 24 the people who live here, who pay taxes who have to put
21:04:10 25 up with all of the traffic and congestion? What's in it

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21:04:14 1 for us? It's in the best interest, what do we get out of
21:04:14 2 this?
21:04:18 3 A. I believe that there's two main areas and
21:04:26 4 benefits for the community. The first being, the
21:04:28 5 proximity and projection of a significant amount of
21:04:30 6 health care services.
21:04:32 7 Q. We have Hackensack Hospital, that came to
21:04:36 8 mind.
21:04:36 9 A. Which will serve both you and you need them, and
21:04:38 10 the audience and the general community needs them.
21:04:42 11 Secondly, I believe that we will provide a significant

21:04:46 12 ratable for the City to help balance the budget here.
21:04:52 13 Q. In my mind, I'm a doctor, the first thing you
21:04:54 14 learn from day one in school was Primum non nocere. The
21:05:00 15 first thing is to do no harm.
21:05:00 16 A. I don't speak Latin.
21:05:04 17 Q. But you're in the health care field, perhaps you
21:05:06 18 should be familiar.
21:05:12 19 A. I know the English version of it, yes.
21:05:16 20 Q. I think that's being violated here.
21:05:20 21 My third and final question to the board is,
21:05:26 22 why are you even entertaining such a half baked untoward
21:05:34 23 proposal that Mr. Pineles presented here? Is that
21:05:38 24 required for over turning 20 variances? I've been here
21:05:38 25 in the past. I saw Mr. Basralian represent the Pierre

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21:05:48 1 about parking. That's still not even resolved after two
21:05:52 2 years. And I think (inaudible) is applying for Zoning
21:06:00 3 variances, who had a better plan than this facility. I
21:06:04 4 don't know why this even got presented here. And that's
21:06:06 5 all I have to say. Thank you very much.
21:06:06 6 FRANCES TREANOR: Frances Treanor, 277
21:06:06 7 Prospect Unit 16F, Sworn. QUESTIONS BY M. TREANOR
21:07:00 8 Q. I'm too puzzled why you're persevering when
21:07:04 9 it is obviously to all of us, it is going to have an
21:07:06 10 enormous impact on our lives. The man who just spoke
21:07:12 11 asked why more people from Summit Avenue aren't here.
21:07:14 12 Well, some of you are here. I believe the answer to that
21:07:18 13 is there hasn't been much press yet. That is going to
21:07:24 14 change. My question is about the traffic and it's a
21:07:32 15 simple answer. How many ambulances and ambulets come to
21:07:36 16 Prospect Heights everyday?
21:07:40 17 A. I don't know the precise answer to that. I
21:07:44 18 haven't made a study.
21:07:44 19 AUDIENCE SOUNDS
21:07:46 20 THE CHAIRMAN: Please let him answer.
21:07:48 21 MR. MALAGIERE: Let the man respond.
21:07:50 22 A. How many times did anybody go to the
21:07:52 23 supermarket last year? I don't know the correct answer.
21:07:56 24 I could give you an estimate.
21:07:58 25 Q. I can answer that question.

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21:07:58 1 MR. MALAGIERE: Let him --
21:08:00 2 Q. I have a checkbook. I know when I go to the
21:08:00 3 supermarket.
21:08:16 4 A. A 20 dollar bill when I go to the
21:08:18 5 supermarket.
21:08:20 6 Q. Another sketchy answer. All of your answers were
21:08:26 7 sketchy. And that brings me to my next question. You
21:08:32 8 don't seem to have a grasp, maybe you do, it doesn't
21:08:36 9 sound like it. I hear phrases like ballpark figure, 400
21:08:38 10 square feet. What guarantee do we have and does this
21:08:44 11 board have, with these kinds of sketchy answers and
21:08:50 12 apparently not profound planning. What guarantee do we
21:08:56 13 have that this project, should it be approved, and I
21:09:00 14 certainly hope it is not, what guarantee do we have that
21:09:06 15 it will be finished? Or will we be left with something
21:09:10 16 that we don't want, maybe that might be better.
21:09:14 17 A. Can I respond to that?
21:09:16 18 MR. MALAGIERE: Of course.
21:09:16 19 Q. What guarantee?
21:09:16 20 A. We have made extensive preparations for this
21:09:18 21 application. As many of you might be aware and we
21:09:22 22 submitted, myself, along with all of the design
21:09:26 23 professionals and other consultants that we have on this
21:09:28 24 project, we have done voluminous amounts of work and
21:09:32 25 submitted countless sets of plans and study reports etc

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21:09:36 1 cetera. And, you of course, are welcome to go read
21:09:38 2 those as some of the members of the public have. I have
21:09:42 3 been up in front of this board and the audience here for
21:09:46 4 two sessions, and I have given a significant number of
21:09:50 5 concrete specific facts and figures regarding our
21:09:52 6 project. What I haven't given the board is some details,
21:09:56 7 specifics that you and the audience are probably looking
21:10:00 8 hungry for, to learn about the specifics from the
21:10:04 9 architect, from the engineer, from the site engineer
21:10:06 10 from the traffic engineer, from the planner. So, while
21:10:12 11 you characterize some of my statements being sketchy,
21:10:20 12 many of my questions that I suppose they're not given
21:10:24 13 too specific or concrete answers, because every lead
21:10:30 14 doesn't have a perfect recollection, or study. Specific
21:10:32 15 questions posed to me, I've been direct as I can in
21:10:36 16 answering the questions. And I think that if you allow
21:10:38 17 myself and other witnesses to continue our testimony,
21:10:42 18 you'll get many and more specifics than you'll hear from
21:10:46 19 any other application before this board.

21:10:48 20 Q. Did that answer all of your questions?
21:10:48 21 AUDIENCE MEMBERS: No.
21:10:54 22 MR. MALAGIERE: Is there another
21:10:54 23 question, ma'am?
21:10:54 24 Q. My question was, and you didn't have an answer,
21:11:00 25 how many ambulances, how many ambulets?

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21:11:00 1 A. And I started to answer it. If I could estimate,
21:11:02 2 we would have somewhere between five and 15 ambulances
21:11:06 3 on an average daily basis.
21:11:08 4 Q. And that is going to quadruple if this
21:11:10 5 project goes through.
21:11:12 6 This is for the board. You serve without
21:11:18 7 compensation. You all have a lot of experience. You're
21:11:20 8 here to grant variances and make sure that the past
21:11:26 9 zoning rulings (inaudible) are upheld. I would ask you
21:11:32 10 to protect us from this kind of patent abuse of our
21:11:38 11 lives for two years, at least when we are going to be
21:11:44 12 subjected to construction vehicles. Is that not true,
21:11:44 13 Mr. Pineles?
21:11:48 14 A. What I would like to respond about your
21:11:50 15 comment and observation regarding ambulances, some
21:11:54 16 members of my family have availed themselves of the use
21:11:58 17 of emergency vehicles and ambulance. And I'm sure many
21:12:00 18 of the people in the audience and community have availed
21:12:08 19 themselves of emergency vehicles. I don't know if you're
21:12:08 20 suggesting to ban them from the streets of Hackensack or
21:12:12 21 they are not necessary. Ambulances, unfortunately, are
21:12:14 22 in our society and we use ambulances. When you need
21:12:16 23 one, or I need one, we want to make sure they are there
21:12:22 24 for us.
21:12:22 25 Q. I don't think that's what I was leading up to.

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21:12:24 1 And I think you know that. I don't have anymore
21:12:28 2 questions. I certainly hope this board will think very
21:12:30 3 carefully about this issue. We are all here to protect,
21:12:34 4 not only our own neighborhood, but the City of
21:12:38 5 Hackensack.
21:12:38 6 A. Thank you very much.
21:12:38 7 RONEINO LUPPINO: Roneino Luppino, 140
21:12:38 8 Jassamine Way, Fort Lee, Sworn. QUESTIONS BY MS.
21:12:38 9 LUPPINO.
21:12:38 10 Q. I own over 100 units, 316, 326, 344, 116
21:13:30 11 Overlook Avenue. I believe many of the questions were

21:13:30 12 difficult for you, you had a difficult time answering.
21:13:36 13 I'll keep them simple.
21:13:36 14 REPORTER REQUESTED QUESTION TO BE REPEATED.
21:13:36 15 Q. I said many of the questions have been
21:13:38 16 relatively difficult for him to answer. I'm going to
21:13:40 17 keep them easy. We know you live in Verona. Do you
21:13:44 18 have a 24-story medical building next door to you?
21:13:44 19 A. No.
21:13:48 20 Q. Why not?
21:13:48 21 A. No one built one.
21:13:50 22 Q. Maybe because it is a residential area.
21:13:54 23 That's the point here. This is a residential area. It
21:13:58 24 is not commercially zoned. If you need a realtor to
21:14:00 25 find you commercial property, I'm willing to help you

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21:14:02 1 because I'm a realtor. I'm also pretty sure there's not
21:14:10 2 a hospital down the block from you that will filter
21:14:12 3 patients to you, is that correct? If you were to build
21:14:16 4 one next to your home and your family?
21:14:20 5 A. There are hospitals.
21:14:20 6 Q. Is there a hospital down the block from
21:14:22 7 where you live?
21:14:22 8 A. I wouldn't characterize it down the block,
21:14:26 9 but it is a couple of miles away.
21:14:26 10 Q. So Hackensack Hospital can filter the
21:14:28 11 patients to you, yes?
21:14:28 12 A. Yes.
21:14:30 13 Q. Which will filter your pocketbook with cash.
21:14:34 14 A. I wouldn't use the term filter. They
21:14:36 15 discharge the patients, yes.
21:14:38 16 Q. They're plenty of commercial areas in
21:14:40 17 Hackensack. Essex Street, River Road. They all stated
21:14:42 18 them. Why are you looking to plunk this monstrosity
21:14:46 19 where we all live, where residents live, where these
21:14:48 20 children grow up and where we're trying to create homes?
21:14:52 21 A. I think you mentioned, Ms Luppino, you don't
21:14:56 22 live in Hackensack. You live in Fort Lee.
21:14:58 23 Q. My father built many of the beautiful
21:15:00 24 residential buildings in Hackensack, so we are committed
21:15:06 25 to this community and have been for over 45 years. I

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21:15:08 1 don't know about you, but my father and my family
21:15:10 2 continue to support Hackensack and all of the residents
21:15:14 3 that live there. So unless you want to live here next
21:15:16 4 to it, I have 100 apartments that you could buy from me,
21:15:20 5 if you'd like, otherwise --

21:15:22 6 A. Is that a question or an offer?

21:15:26 7 Q. It is an offer and a question.

21:15:26 8 LENNY NIX: I'll buy one.

21:15:32 9 Q. And I'm sure everyone else will sell them to
21:15:34 10 you at a fair market value.

21:15:34 11 MR. MALAGIERE: Ms. Luppino.

21:15:40 12 MR. BASRALIAN: I've been stopped every
21:15:40 13 time I've objected to long-winded statements, and I
21:15:46 14 appreciate that Ms. Luppino and everybody want to make a
21:15:48 15 statement. This isn't the proper place. If there are
21:15:50 16 questions directed to, with respect to the project and
21:15:52 17 his testimony, not general statements and for affect --

21:15:52 18 MR. MALAGIERE: Ms. Luppino, do you have
21:16:00 19 any further questions?

21:16:00 20 MS. LUPPINO: Yes, yes, I do.

21:16:02 21 Q. Are you aware of a report by the Star Ledger
21:16:04 22 on January 24th that stated that the State said there're
21:16:08 23 too many hospital beds in Bergen County, Essex County,
21:16:14 24 Hudson County and Passaic County?

21:16:14 25 A. I'm generally familiar with a report that was

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21:16:18 1 issued by the Blue Ribbon Commission, authorized by the
21:16:22 2 Governor of the Department of Health. That report was
21:16:24 3 referring to acute care hospitals, not the proposed
21:16:28 4 type, the proposed facility that we have.

21:16:30 5 Q. You said it was acute care?

21:16:34 6 A. Yes, I did.

21:16:38 7 Q. You said it was an acute care.

21:16:40 8 A. I think I've elaborated at length what our
21:16:44 9 proposed facility is. Let me do it again for you. Our
21:16:46 10 proposed facility is what is known as a long term acute
21:16:50 11 care hospital. It is not the same as an acute care
21:16:54 12 hospital, such as Hackensack University Medical Center.
21:16:58 13 It's not the same as an acute care hospital like Holy
21:17:02 14 Name Hospital or as Englewood Hospital, as Valley
21:17:04 15 Hospital or any of the normally known acute care
21:17:06 16 hospitals. It is a speciality-type of hospital that's
21:17:10 17 recognized by the New Jersey Department of Health and
21:17:12 18 human Services and it is recognized by the Center for
21:17:16 19 Medicare and Medicaid, the federal agency that handles

21:17:22 20 such facilities. The report that you alluded to, that
21:17:22 21 was reported in the January article by the Bergen
21:17:28 22 Record, and it was referencing and was studying, acute
21:17:30 23 care hospitals. Distinct and different from the
21:17:36 24 facility that we propose here.
21:17:36 25 Q. My last question is, did you look anywhere

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21:17:44 1 else, did you look in any of the commercially zoned
21:17:46 2 areas in Hackensack?
21:17:48 3 A. I think that's what I stated at the last months
21:17:50 4 meeting. We looked elsewhere and did not find a site
21:17:54 5 that was appropriate or available to site this facility.
21:17:58 6 Q. I think you should look again. Thank you.
21:17:58 7 TERRACE BINDER: Terrace Binder, 245
21:17:58 8 Prospect Street apt.8A, Sworn. QUESTIONS BY MR. BINDER:
21:18:34 9 Q. Mr. Pineles, you mentioned that you've done
21:18:38 10 studies regarding this proposed project and the one that
21:18:42 11 I'm concerned about is, it has to do with the garage
21:18:48 12 that's going to be underneath that whole property. The
21:18:50 13 Prospect Avenue and Summit Avenue properties. Are you
21:18:58 14 proposing it to be five stories, is that correct?
21:19:00 15 A. Correct.
21:19:00 16 Q. Have you done an environmental impact study that
21:19:04 17 would address the geological impacts and water table
21:19:10 18 impacts?
21:19:10 19 A. No.
21:19:10 20 Q. Is that kind of study required for a project like
21:19:16 21 this?
21:19:18 22 MR. MALAGIERE: Do you know, sir?
21:19:18 23 THE WITNESS: I don't believe it is
21:19:18 24 required, but I'll defer to my attorney to respond to
21:19:18 25 that.

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21:19:22 1 MR. MALAGIERE: Actually, it would be to
21:19:24 2 your engineer, but it's a good question and best probably
21:19:26 3 posed to the site engineer when he testifies.
21:19:32 4 MR. BINDER: That's all. Thank you very much.
21:19:32 5 HOWARD SEARES: Howard Seares, 266 Summit
21:19:34 6 Avenue, Sworn. QUESTIONS BY MR. SEARES:
21:19:34 7 Q. First, I just want to make a statement and then I
21:20:06 8 want to ask the board a question. Those of us that live
21:20:06 9 in this town and spend any time on Summit Avenue or
21:20:12 10 Prospect Avenue, in this area, know already how tough the
21:20:16 11 traffic is and a project of this size and magnitude can

21:20:20 12 only make it terribly worse. I mean, you don't need
21:20:24 13 engineers to understand that. And my question to the
21:20:26 14 board is, how you can allow or let this project go
21:20:32 15 forward with 22 variances that will destroy our
21:20:36 16 neighborhood, and that's it.
21:20:40 17 MR. MALAGIERE: Thank you, sir.
21:20:40 18 DR. KEVIN HEANEY: Dr. Kevin Heaney, 261
21:20:40 19 Summit Avenue, sworn QUESTIONS BY DR. HEANEY:
21:20:40 20 Q. I have a couple of questions about some
21:21:10 21 things you have testified to in the past. One has to do
21:21:12 22 with a number of beds. How many beds are you certified
21:21:16 23 for?
21:21:16 24 A. We're proposing to install 144 beds.
21:21:20 25 Q. That wasn't what I asked. How many are

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21:21:22 1 certified?
21:21:22 2 A. Well, certified is not the proper term. We have
21:21:24 3 a certificate of need for 72.
21:21:28 4 Q. Certificate of need. Who gives you the
21:21:30 5 certificate of need, who certifies that?
21:21:32 6 A. Again, a Certificate of Need is issued by the New
21:21:36 7 Jersey Department of Health and Senior Services.
21:21:38 8 Q. Do they certify that? Is that why it is called
21:21:38 9 --
21:21:42 10 A. No. That's why I'm trying to correct you.
21:21:44 11 It is called a certificate of need. That's a
21:21:44 12 terminology.
21:21:46 13 Q. 72 beds. You have a certificate of need for
21:21:46 14 72 beds.
21:21:46 15 A. That's correct.
21:21:54 16 Q. How many do you want to build?
21:21:54 17 A. 144.
21:21:56 18 Q. Why the discrepancy and why would you ask the
21:22:00 19 zoning board to approve for 144, when the State has only
21:22:04 20 given you a certificate of need for half of that?
21:22:08 21 A. The State of New Jersey and the Department of
21:22:12 22 Health identify the need for, I think I testified at the
21:22:14 23 last month's meeting for almost 900 LTACH beds throughout
21:22:20 24 the State. In our certificate of need as it is today,
21:22:22 25 there are 72 beds. I mentioned earlier that after

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21:22:26 1 approval, we will obtain more beds from an assignment
21:22:28 2 from various hospitals to increase that amount to 144.
21:22:32 3 Q. Were any of the beds that you have now, assigned
21:22:34 4 from other hospitals?
21:22:36 5 A. Yes. I think I mentioned last month that
21:22:38 6 there were. They are assigned by Hackensack University
21:22:42 7 Medical Center and what was known at the time as PBI
21:22:48 8 Regional Medical Center in Passaic.
21:22:50 9 Q. I want to ask you, you're also under oath as
21:22:52 10 I am, what kind of a relationship do you have with them
21:22:54 11 that they would give you those beds?
21:22:58 12 A. I think I testified earlier that the acute
21:23:02 13 care hospitals in the State were assigned these beds by
21:23:06 14 the Department of Health and those hospitals, whether it
21:23:08 15 be Hackensack University Medical Center or any other
21:23:10 16 hospital, have an interest in finding a place to
21:23:14 17 discharge patients, a safe discharge where those patients
21:23:18 18 that they no longer can serve or provide services for,
21:23:24 19 can be safely taken care of. And that is the motivation.
21:23:28 20 You have to ask Hackensack directly.
21:23:30 21 Q. Is there any financial enumeration to you?
21:23:32 22 A. No.
21:23:32 23 Q. Now, since you're asking to build double the
21:23:38 24 number of beds that you've be certified for, what happens
21:23:40 25 if you don't get that? Supposing we say go ahead build

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21:23:46 1 280 feet, the building or 240 --
21:23:50 2 A. It is actually 280 feet.
21:23:56 3 Q. Or is it too curtailed to remember?
21:23:56 4 A. Do you want me to answer?
21:23:58 5 Q. Sure, how high?
21:23:58 6 A. 280 feet, sir.
21:24:02 7 Q. So, if you're only qualified for 72 beds and
21:24:06 8 remain only qualified for 72 beds, how do you justify a
21:24:10 9 building that long?
21:24:12 10 A. I'm confident, there are, I believe it is 650
21:24:20 11 LACH beds in the State of New Jersey that have not been
21:24:22 12 spoken for, or at least not been operational. I'm quite
21:24:28 13 confident that we could obtain the remaining 72 beds.
21:24:32 14 Q. Do you know that you can?
21:24:34 15 A. I just stated I'm very confident.
21:24:36 16 Q. That wasn't what I asked. Do you know that
21:24:38 17 you can?
21:24:38 18 A. I'm not trying to be argumentative. I'm
21:24:40 19 trying to be responsive, Doctor. I believe very

21:24:44 20 strongly we can retain the remainder of beds to fill a
21:24:50 21 compliment of 144 LTACH beds that we propose for this
21:24:52 22 project.
21:24:52 23 Q. You also testified the State has 150 beds.
21:25:00 24 A. There are 650 LTACH beds that have been
21:25:02 25 identified by the State of New Jersey that are not

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21:25:08 1 implemented or not operational at this time.
21:25:10 2 Q. How many has the State said that it needs,
21:25:14 3 900 statewide, is that correct?
21:25:14 4 A. That's correct.
21:25:16 5 Q. How many are there in Bergen County now?
21:25:16 6 A. They're 62 beds operational in Bergen County.
21:25:22 7 Q. And any others that are permitted, other
21:25:26 8 hospitals. 62 that are built, and you're going to build
21:25:30 9 72. How many do you think the State wants in Bergen
21:25:34 10 County if there are 900 in the State? Have you spoken to
21:25:36 11 them or have any knowledge what they want for Bergen
21:25:36 12 County?
21:25:38 13 A. Yes, I do.
21:25:38 14 Q. What do they want?
21:25:40 15 A. The State identified a bed need for acute care
21:25:46 16 hospitals. I mentioned last month there are
21:25:48 17 approximately 85 acute care hospitals in the State.
21:25:50 18 Q. Right.
21:25:52 19 A. What the State identified for Bergen and
21:25:54 20 Passaic County were 150 to 152 LTACH beds.
21:26:02 21 Q. For both Counties.
21:26:02 22 A. The way they established the need, and you're
21:26:04 23 more than welcome to look at the regulations, the beds
21:26:10 24 could be used within an hours driving distance from any
21:26:12 25 of the acute care hospitals from which those beds are

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21:26:16 1 allocated. So, for instance, I can tell you today that
21:26:20 2 there are 900 LTACH beds that are allocated, that the
21:26:24 3 department of health identified the need for something
21:26:28 4 like 625 of those beds well within one hours driving
21:26:38 5 distance --

21:26:38 6 Q. My question is, did you just say there are 150 to
21:26:48 7 152 that they would like to have in Bergen and Passaic
21:26:50 8 County, is that correct?

21:26:50 9 A. What I said, is sir, is that the State
21:26:54 10 identified based on hospitals in Bergen, Passaic County,
21:26:58 11 a need of 152 LTACH beds for those hospitals.

21:27:04 12 Q. If you built 72 and there are 69 in Rochelle
21:27:06 13 Park?

21:27:06 14 A. There's 62, sir.

21:27:08 15 Q. 62. Okay. How many are left to come up with 142?

21:27:14 16 A. I can do the math for you very simply. It is 144
21:27:18 17 minus 72. 72 additional beds we're looking for.

21:27:24 18 Q. Uh huh. How interesting. What happens if someone
21:27:28 19 else is given permission to build those beds? This is my
21:27:32 20 question, what's going to happen to your project? Is
21:27:36 21 there a good chance that you will not be permitted to, by
21:27:40 22 the State, to build those beds?

21:27:40 23 A. As long as we have a certificate of need, the
21:27:42 24 answer is no.

21:27:44 25 Q. You need that certificate of need?

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21:27:46 1 A. Yes.

21:27:46 2 Q. Let me ask you another question. You
21:27:48 3 mentioned about how many dialysis units you're going to
21:27:52 4 have.

21:27:52 5 A. We're proposing 84 dialysis seats or stations.

21:27:56 6 Q. Is there a certificate of need or has the State
21:27:58 7 identified the need for additional dialysis units?

21:28:04 8 A. I think I gave extensive testimony last time
21:28:06 9 about the need for dialysis.

21:28:08 10 Q. That wasn't my question. Has the State identified
21:28:12 11 the need, not you, has the State?

21:28:14 12 A. If you will let me answer that fully.

21:28:16 13 Q. Sure.

21:28:16 14 A. The State does not have a certificate of need
21:28:18 15 requirement for dialysis in the State of New Jersey.
21:28:24 16 But there is a well known, in the health care community,
21:28:26 17 a well known fact that there is a great need because the
21:28:32 18 incidence of dialysis is increasing, not only in
21:28:34 19 Hackensack proper, but the country in general.

21:28:38 20 Q. I remember you said that. So there is no
21:28:42 21 specific articulated need from the State for these
21:28:44 22 dialysis units, is that fair to say?
21:28:48 23 A. Not that I'm aware, but there may well be.
21:28:52 24 DR. HEANEY: All right. I have no
21:28:52 25 further questions. Thank you very much.

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21:28:54 1 MR.MALAGIERE: Thank you.
21:28:54 2 LENNY NIX: Lenny Nix, 83 Elm Street,
21:28:54 3 sworn. QUESTIONS BY MR.NIX:
21:29:22 4 Q. How come the address is 320 Summit Avenue
21:29:26 5 and the building really is on Prospect Avenue?
21:29:30 6 MR. MALAGIERE: Sir, can you respond?
21:29:32 7 THE WITNESS: I can answer that. We
21:29:32 8 submitted an application which listed an address for
21:29:36 9 this proposed facility of 329 Prospect Avenue, and it is
21:29:40 10 our intention that the address, the postal address and
21:29:44 11 the address it is known to and the main street address
21:29:46 12 be on Prospect Avenue. For whatever reason the board or
21:29:52 13 whomever, assigned the address of 320 Summit Avenue.
21:29:56 14 Q. I find this application very political and I
21:30:00 15 really think it helps the incumbents to get a few votes.
21:30:04 16 I don't know why they had a special meeting for this
21:30:08 17 application, no question about this that this came out
21:30:12 18 right before the election and to keep everybody happy,
21:30:14 19 even if the information is false. Summit Avenue is a
21:30:18 20 park, and it probably has the nicest pieces of
21:30:22 21 landscaping on Summit Avenue and I've been in the town
21:30:28 22 for 64 years and all of the people that talk about how
21:30:30 23 beautiful it was, it isn't half as beautiful what it
21:30:32 24 used to be. And that's all you people in the high
21:30:38 25 rises. There were some big mansions on Summit, probably

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21:30:40 1 the biggest houses in Bergen County at the time, and
21:30:44 2 everybody was up in arms about you people in the high
21:30:48 3 rise. And I'm still up in arms with the people in the
21:30:52 4 high rise because I don't think they come out and
21:30:56 5 support the City unless their own private needs are met.
21:30:58 6 I go to all of the meetings and I haven't seen any of
21:31:02 7 your faces at any of the meetings. Council meetings,
21:31:04 8 zoning board meetings or anything. If you're really
21:31:08 9 concerned, I don't know why you don't come to the next
21:31:10 10 council meeting, I think a lot of people are full of a
21:31:14 11 lot of hot air in this room tonight, even with the air

21:31:18 12 conditioning going on.
21:31:20 13 AUDIENCE MEMBER: Including you.
21:31:20 14 AUDIENCE MEMBER: What's your question?
21:31:20 15 MR. MALAGIERE: Hold on. Mr. Nix is
21:31:28 16 recognized, please respect that. Go ahead Mr. Nix.
21:31:34 17 MR. NIX: Thank you and you're rude too.
21:31:34 18 My mother has been to this Prospect Heights, we've taken
21:31:42 19 care of my mother's friend, she's been here twice, we
21:31:46 20 didn't know if she would make it. She was in there and
21:31:50 21 came out. I've been there a couple of times. It takes a
21:31:56 22 lot out of a person and I give this gentleman credit for
21:32:00 23 doing this type of business. And a lot of the people in
21:32:02 24 the audience may want to volunteer and help the elderly
21:32:06 25 sick people, instead of complaining.

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21:32:06 1 AUDIENCE MEMBER: Is there a question?
21:32:08 2 MR. MALAGIERE: Mr. Nix, please.
21:32:12 3 MR. NIX: I don't like rude people,
21:32:14 4 that's what they are, very rude people. I got to -- -
21:32:14 5 THE CHAIRMAN: Len, ask your question.
21:32:32 6 MR. NIX: I'm actually ashamed the way
21:32:32 7 this came out and quite obvious it's political with the
21:32:36 8 address on Summit Avenue. I've talked to people in the
21:32:42 9 houses and they will offer up for sale to this
21:32:46 10 corporation so all you people with your misinformation,
21:32:48 11 a lot of people on Summit Avenue will sell their houses
21:32:48 12 in a snap, tomorrow, for the right number. A lot is
21:32:58 13 going on. High rise people's heads are in the clouds
21:33:00 14 and really don't know what what's going on. The lady
21:33:02 15 from Fort Lee, she's so great about Hackensack, tell her
21:33:06 16 to move to Hackensack. And I worked on that project. I
21:33:08 17 worked on all of the high rises. I built all of the
21:33:10 18 high rises, I'm in construction. Not to many people are
21:33:14 19 going to tell me about Hackensack. The ones that are
21:33:20 20 the ones in the high rise, I'm terribly upset with the
21:33:22 21 way meetings are run in Hackensack. I don't know if I
21:33:26 22 could say corrupt, but an unethical way they go about
21:33:30 23 certain projects to get approved. And certain projects
21:33:34 24 don't get approved for parking and a little bit of
21:33:46 25 variances that this project needs, far outweigh what

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21:33:52 1 this project will do, this company is involved in saving
21:33:54 2 people's lives.
21:33:56 3 MR. MALAGIERE: Thank you, Mr. Nix.
21:34:00 4 MR. NIX: I'm very ashamed what's going
21:34:00 5 on.
21:34:00 6 CARMELLA MARRERO: Carmella Marrero, 1560
21:34:28 7 Anderson Avenue, Fort Lee, sworn. I'm talking about the
21:34:28 8 same addresses 316, 326, 344 and 116 Overlook Avenue.
21:34:34 9 MR. MALAGIERE: What's your interest in
21:34:34 10 the property?
21:34:36 11 QUESTIONS BY Ms. MARRERO: I'm part owner of these
21:34:38 12 properties. Unlike my Sister, I actual do work in
21:35:02 13 Hackensack all my live, and basically on Prospect
21:35:06 14 Avenue. As my sister stated, my father built most of
21:35:10 15 the buildings on Prospect Avenue. I don't have a problem
21:35:12 16 with building a building and making money. I'm all
21:35:16 17 about that. I believe everybody should build and make
21:35:20 18 money. I'd like to answer that gentleman, who was so
21:35:24 19 rude to everyone (indicating).
21:35:24 20 MR. NIX: I'm right here.
21:35:30 21 MR. MALAGIERE: You can make comments and
21:35:30 22 speak to this individual, but we're not going to have a
21:35:36 23 grudge match in front of this board.
21:35:36 24 MS. MARRERO: Prospect Avenue was a
21:35:38 25 beautiful street with beautiful mansions. The reason

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21:35:42 1 they are high rise now there because Prospect Avenue is
21:35:46 2 zoned for high rise.
21:35:50 3 MR.NIX: Rezoned. Residential buildings
21:35:50 4 and Summit Avenue is not.
21:35:54 5 MR. MALAGIERE: No, you can't speak,
21:35:56 6 you're not recognized. Pardon me, ma'am.
21:35:56 7 You can't speak, you're not recognized,
21:35:58 8 you already spoke. You can't speak. Sorry, please
21:36:04 9 proceed. I ask everyone else to cooperate. It is
21:36:06 10 getting late and we're trying to get through this.
21:36:10 11 MS. MARRERO: And Summit Avenue is not.
21:36:12 12 As far as the traffic, there is so much traffic on
21:36:18 13 Prospect Avenue. It is unbelievable. This past
21:36:22 14 September, October, on the corner of Prospect and Essex
21:36:28 15 they widened the road, to get to between Beech Street to
21:36:32 16 Prospect usually it takes me about ten minutes, which is
21:36:36 17 one block long. I do work at 326, 316 Prospect Avenue
21:36:42 18 and I know that at times I am re-routed because of
21:36:52 19 ambulances, because of fire trucks, just about anything

21:36:56 20 you could imagine. As far as the street, I do think
21:36:58 21 that some day along the lines, Hackensack Hospital is
21:37:04 22 just going to take up the whole block. So I believe
21:37:06 23 that the street has enough ambulances along with the
21:37:12 24 nursing home on the side of our building, it' small
21:37:18 25 enough. I guess it caused some traffic, I just wanted

00093

21:37:22 1 you to know I actually go to work at 11 o'clock in the
21:37:26 2 morning.
21:37:28 3 A. Everybody should be so lucky.
21:37:30 4 Q. And I leave at 3:30 and at 11 o'clock, I'm
21:37:34 5 in traffic and at 3:30, I'm in traffic.
21:37:36 6 A. Maybe you should go earlier.
21:37:42 7 Q. The other question is, like my sister, I, to, am a
21:37:46 8 licensed real estate agent. And I just want you to know
21:37:50 9 the property values on Prospect Avenue will not go up
21:37:54 10 because you're building a 24-story nursing home.
21:37:58 11 Actually they will probably go down. And in this market
21:38:02 12 where we have declining prices, and I hate to tell you it
21:38:06 13 is going to remain this way for a very long time, not
21:38:10 14 just in condominiums or in homes, your building will not
21:38:16 15 help this situation. This is not New York City yet.
21:38:22 16 When Hackensack becomes New York City, I accept a 24
21:38:28 17 story nursing home next to residential. But, since all
21:38:34 18 of Hackensack -- and trust me, I've been in the trailers
21:38:38 19 since I was thirteen years old with my father, all of
21:38:42 20 Hackensack, there's so many areas of Hackensack that
21:38:48 21 need to be beautified. We have Prospect Avenue and
21:38:52 22 Summit already beautified. I just don't understand why
21:38:58 23 you cannot go in a different location. Hackensack
21:39:02 24 Hospital will still filter clientele to you. You just
21:39:08 25 don't need to be there. It is just too much traffic and

00094

21:39:12 1 I just don't know where they are going to widen the
21:39:16 2 street. They did it on the corner of Prospect and Essex,
21:39:22 3 but I just don't know what would happen on Prospect and
21:39:26 4 Passaic or Central. At 11 o'clock it should be going
21:39:38 5 zoop, zoop. It doesn't happen that way and my family
21:39:40 6 always wants to know why I'm late for work.
21:39:40 7 MR. MALAGIERE: Thank you.
21:39:40 8 KAREN HULL: Karen Hull, 245 Prospect,
21:39:40 9 3-B, sworn QUESTIONS BY MS. HULL:
21:40:24 10 Q. Unlike Ms. Marrero, I have to go in earlier,
21:40:24 11 and I do have to take the bus. The street is dangerous

21:40:32 12 for the people who take the bus. People are running
21:40:32 13 across the street to take the bus, and people are walking
21:40:36 14 their dogs. People are there with their baby carriages.
21:40:40 15 So it's kind of dangerous already. What's dangerous for
21:40:46 16 me is when I try to exit my building. I'm very careful.
21:40:48 17 My car goes from zero to 60 in five seconds. And I still
21:40:52 18 have pretty good reflexes because I'm relatively young,
21:40:56 19 so I tried to exit my driveway one day, and I tried to go
21:41:02 20 to the dentist, it is an impossible feat. I don't know
21:41:06 21 how some of the other people are able to do it. I'm sure
21:41:08 22 it takes them a long time to get out of the driveway.
21:41:12 23 And as matter of fact, somebody hit me and
21:41:16 24 almost killed me coming out of my own driveway. So
21:41:20 25 safety is a factor for me, not because I can't get out of

00095

21:41:22 1 my driveway to go to the dentist, but also when I go to
21:41:28 2 take the bus. I don't want to be killed as I'm trying to
21:41:30 3 get to work. With all kinds of activity that street is
21:41:36 4 going to have, if we build a 24-story acute center, with
21:41:40 5 all of the cars and ambulances, are you worried about me?
21:41:44 6 A. As I've stated earlier, and I believe our
21:41:48 7 traffic expert will testify to that, we do not believe
21:41:54 8 that the installation of this facility on Prospect Avenue
21:41:58 9 will significantly impact on the existing traffic. There
21:42:04 10 may be a lot of traffic and I just happened to read an
21:42:06 11 annotate, I read on the internet, a town in Germany that
21:42:10 12 decided to ban cars completely. It became a car-free
21:42:14 13 town. They, the citizens, of that town in Germany made a
21:42:18 14 decision to eliminate all cars. People that own cars
21:42:22 15 have to park on the outside. The citizens of Hackensack,
21:42:26 16 they can exercise their right to do something like that.
21:42:28 17 I thought it was quite an unusual story that I read.
21:42:34 18 MR. MALAGIERE: Do you have another
21:42:36 19 question, Ma'am?
21:42:36 20 MS. HULL: Yes, I do. I have a little bit
21:42:38 21 longer to live, so I don't suspect that I'll sell my
21:42:42 22 apartment right now or within the future. So after you
21:42:44 23 build your building on my block, will I be able to sell
21:42:48 24 my apartment? I just wonder about my property values.
21:42:52 25 A. To address that, I believe that after our

00096

21:42:56 1 facility is up and running, the neighborhood and the
21:43:02 2 community will be enhanced. It will not be a detriment
21:43:06 3 in the community. I heard mention by Ms. Marrero and Ms.
21:43:08 4 Luppino and others about the declining prices. It's a
21:43:14 5 phenomena. If any one read a paper in the last 18
21:43:20 6 months, across this country and in Hackensack, as
21:43:22 7 anywhere else, this facility will be a benefit to the
21:43:28 8 community and not a detriment.

21:43:28 9 Q. If it is not -- or actually, if it is a benefit,
21:43:32 10 wonderful. If it is not, will you make up the difference
21:43:38 11 if you're around?

21:43:40 12 A. Are you looking for a response to that?

21:43:42 13 Q. Yes. I'd like some guarantee too.

21:43:46 14 A. Sorry, we don't give guarantees.

21:43:48 15 Q. Okay. And the final thing I have to say, my
21:43:50 16 dad actually stayed at Prospect Heights. He had open
21:43:56 17 heart surgery and he went there. Now, he could have
21:43:58 18 stayed at Kessler or one of the other fine facilities in
21:44:02 19 our area, and I was selfish, my mom stayed with me and
21:44:08 20 she could walk across the street and visit him. But the
21:44:14 21 fact is, if he stayed at Kessler, I could have driven
21:44:16 22 her down there, we could have walked down there, she
21:44:18 23 could have taken a bus, no big deal. The telling thing
21:44:22 24 was my dad one day tried to break out, so is it a
21:44:28 25 wonderful facility that you have?

00097

21:44:30 1 A. I don't know your father, I'm sorry to say, and I
21:44:32 2 hope he's doing well. Different people have different
21:44:36 3 experiences or different anxieties. I'm really not here
21:44:40 4 to address your father's personal or family's personal
21:44:40 5 issues.

21:44:46 6 Q. It's telling you, though --

21:44:46 7 A. I don't think it is. Like I said --

21:44:46 8 MR. MALAGIERE: There is a lot of
21:44:54 9 leeway, Ma'am, but it really has to stay within --

21:44:58 10 Q. I have a good question, a real good
21:44:58 11 question. Somebody told me this week that the fourth
21:45:00 12 floor of your existing facility is empty. Is there a
21:45:08 13 reason for that?

21:45:08 14 A. Right now it is closed because of low
21:45:08 15 census.

21:45:08 16 Q. A low --

21:45:14 17 A. Census. That's terminology.

21:45:16 18 Q. Does that mean no one is there?

21:45:18 19 A. Just as you said, the floor is closed today.

21:45:20 20 Q. What does that mean, why is it closed?
21:45:22 21 MR. MALAGIERE: I think he answered the
21:45:24 22 question.
21:45:24 23 Q. No one is there, okay. Great. Thank you very
21:45:24 24 much.
21:45:24 25 MR. MALAGIERE: Thank you.

00098

21:45:24 1 AUDIENCE MEMBERS: SOUNDS.
21:45:36 2 MR. MALAGIERE: Please, if you're going
21:45:38 3 to leave, please leave quietly. We're are still
21:45:38 4 proceeding.
21:45:38 5 BILL NOONAN: Bill Noonan, 160 Overlook
21:45:38 6 Avenue, 21 E, sworn. QUESTIONS BY MR. NOONAN: Thank you
21:46:04 7 for listening to all of our statements. I do have a
21:46:08 8 brief statement. The City in its foresight rezoned and
21:46:12 9 zoned that area that could accommodate this facility.
21:46:18 10 It's been stated before that there are sites available
21:46:20 11 that could be for sale to accommodate this facility.
21:46:26 12 I'm concerned if the integrity of Summit Avenue is
21:46:32 13 breached with a 24-story building, and a five story
21:46:34 14 underground parking garage. Once that integrity is
21:46:38 15 breached, that will be the beginning of other situations
21:46:42 16 that will be presented, to be very similar to this. And
21:46:44 17 I just would ask that this be on the record and it be
21:46:48 18 considered if this is breached, and this was allowed,
21:46:52 19 this would be the first time that anything like this was
21:46:56 20 allowed on Summit Avenue. And there is a concern, and I
21:46:58 21 thank you.
21:46:58 22 PIER GAILLRD Pier Gaillnrd, 260
21:46:58 23 Standish Avenue, sworn.QUESTIONS BY MR. GAILLRD: As
21:47:40 24 the Counsel stated, the name of this property is Bergen
21:47:46 25 -- I have to find it, Bergen Passaic Long Term Acute

00099

21:47:52 1 Care Hospital. Since you stated that you only want to
21:47:56 2 come to Hackensack, have you ever looked in Passaic or
21:47:56 3 other towns?
21:48:02 4 A. I think I addressed that earlier, sir, that
21:48:04 5 we looked at other sites and we came upon this site and
21:48:08 6 I believe this is ideally suited for this facility.
21:48:10 7 Q. What made you think this could be the only
21:48:20 8 property and not be in Passaic?
21:48:20 9 A. I didn't say it was the only potential site. I
21:48:24 10 said this is ideal in our estimation, an ideal location
21:48:28 11 for this facility.

21:48:28 12 Q. Do you feel that Hackensack has enough tax
21:48:32 13 free properties in Hackensack?
21:48:36 14 A. Could you repeat that? I couldn't hear.
21:48:38 15 Q. Do you feel, as a hospital, it will probably
21:48:40 16 go under tax free status, we have enough tax free status
21:48:50 17 exempt properties.
21:48:50 18 A. I've stated several times, we're a for profit
21:48:54 19 entity and unless the City is willing to grant us a
21:48:56 20 waiver of real estate taxes, we would be paying real
21:48:58 21 estate taxes. It would not be tax exempt, but we will
21:49:02 22 welcome that if the board and County council welcomes
21:49:02 23 it.
21:49:06 24 Q. We, the people, will not allow that to
21:49:08 25 happen. We have enough monkeys on our back. Something of

00100

21:49:08 1 this magnitude will destroy the topography of the
21:49:36 2 neighborhood and will also be a (inaudible) to arrive at
21:49:50 3 the hospital. Also that building of that magnitude is in
21:49:52 4 a traffic pattern of Teterboro, which is pattern 24,
21:50:02 5 the hospital itself is too large, so we don't need
21:50:04 6 another medical facility here. What is Hackensack going
21:50:08 7 to outsource their cancer patients to you?
21:50:12 8 MR. MALAGIERE: Is that a question, sir.
21:50:12 9 MR. GAILLNRD: Yes.
21:50:14 10 MR. MALAGIERE: Please respond.
21:50:16 11 THE WITNESS: Our in intention is to
21:50:16 12 provide services which is distinct and different than
21:50:20 13 those provided at Hackensack Medical Center. As the
21:50:24 14 audience and the Board knows, the hospital, the
21:50:26 15 Hackensack University Medical Center, is in the process
21:50:32 16 of constructing a new oncology center, a fairly
21:50:34 17 significant institution, by no means do we provide the
21:50:34 18 services that they provide there.
21:50:34 19 Q. You also will be getting patients from
21:50:42 20 Westwood, Passaic Valley as well, since it is in Bergen
21:50:46 21 County. And Passaic County, what will they be giving to
21:50:50 22 Hackensack since Passaic County is not giving us
21:50:54 23 nothing. It's not lowering our taxes or nothing. You're
21:50:56 24 bringing more people into Hackensack. We have enough
21:51:00 25 people in this town and the traffic.

00101

21:51:04 1 A. What I can say to respond to that, our
21:51:08 2 proposed facility provides what's known in, I guess, the
21:51:12 3 health care planing circle, as a regional service
21:51:18 4 provider to both the immediate community and surrounding
21:51:18 5 --
21:51:20 6 Q. That's what I said, Passaic County. That's
21:51:22 7 why I said it should be put in Passaic County and not
21:51:24 8 here.
21:51:26 9 MR. MALAGIERE: Do you have any further
21:51:26 10 questions?
21:51:28 11 Q. Yes. You stated that your vehicles will be a GMC.
21:51:28 12 A. Not General motors.
21:51:28 13 Q. A CNG.
21:51:40 14 A. I said we're exploring the possibility of
21:51:42 15 utilizing transport vehicles powered by compressed
21:51:42 16 natural gas.
21:51:46 17 Q. Where are you going to put the tank so they
21:51:48 18 can refuel them?
21:51:52 19 A. We haven't gotten anywhere to look at that.
21:51:56 20 It can be on-site or off site.
21:51:56 21 Q. If it's on-site, I have 20 years of experience of
21:52:00 22 that type of vehicle and it is no good, with my
21:52:08 23 x-company, Con-Ed. I'm retired of 47 years of service.
21:52:12 24 I had quite enough of experience with compressed natural
21:52:20 25 gas. The vehicles are no good.

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21:52:22 1 A. Thank you.
21:52:22 2 Q. When you have excess ambulances waiting for their
21:52:26 3 patients to come down, where are they going to park?
21:52:30 4 Q. Most of the traffic, not most, all of the traffic,
21:52:34 5 ambulances coming and going, letting patients off, will
21:52:38 6 park or wait at the top level of the garage underground.
21:52:48 7 Q. You said you're going to have 400 parking spaces,
21:52:48 8 420?
21:52:52 9 A. 405 parking spaces.
21:52:52 10 Q. 405. How many will be assigned to doctors?
21:52:58 11 A. I don't believe any will be assigned
21:53:00 12 specifically to a doctor.
21:53:02 13 Q. Because the reason I'm asking that question
21:53:02 14 --
21:53:06 15 MR. MALAGIERE: Excuse me, sir, the
21:53:08 16 Chairman indicated the meeting will be adjourned at ten
21:53:12 17 o'clock. We are going to continue, sir, we want to see
21:53:12 18 who else here wishes to be heard.
21:53:16 19 Mr. Chairman, what I'm going to recommend

21:53:20 20 is that we carry this to a special meeting, and we only
21:53:20 21 allow for the people who put their names on the record to
21:53:22 22 continue. This individual will be here next meeting and
21:53:28 23 we will carry this meeting to June, and of course, we
21:53:30 24 will let you finish. Your name is on record. The people
21:53:36 25 who haven't spoken at the meeting, you'll be allowed to

00103

21:53:38 1 continue with your questions at the discretion of the
21:53:42 2 Chairman as to how much time, and Mr. Basralian can go
21:53:46 3 forward with his next witness. Mr. Chairman, is that
21:53:46 4 acceptable?

21:53:50 5 THE CHAIRMAN: We're going to ask you to
21:53:52 6 continue next time and the meeting will be June 25th.

21:53:52 7 MR. MALAGIERE: The meeting will be
21:54:44 8 adjourned to June 25th. It's a special meeting. This
21:54:48 9 meeting is in addition to this board sitting at the
21:54:50 10 regular meeting in June. This application is going on its
21:54:54 11 second special meeting which is being held.

21:54:54 12 Please come forward who wishes to be
21:54:54 13 heard next meeting. The people who give their names will
21:55:06 14 be allowed to question this witness at the June meeting.
21:55:06 15 Give us your name and address.

21:55:06 16 Robert Gartnae, 309 Summit.

21:55:06 17 Anita Cundanmal, 277 Prospect Avenue.

21:55:40 18 MR. MALAGIERE: Thank you, we'll see you
21:55:40 19 on the 25th.

21:55:40 20 (Phonetic) Krusev, 429 Prospect.

21:56:04 21 Steve Puckridge (phonetic) 328 Clinton
21:56:04 22 Place.

21:56:04 23 Neil Balsasny (phonetic) 364 Summit
21:56:04 24 Avenue.

21:56:04 25 MR.MALAGIERE: Thank you. See you on the

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21:56:34 1 25th. Please come forward so we could move this along.

21:56:36 2 Anyone else want to testify?

21:56:36 3 NO RESPONSE.

21:56:38 4 MR. MALAGIERE: Seeing no one, those are
21:56:38 5 the only people being permitted to ask questions of this
21:56:40 6 witness and complete the cross-examination of questioning
21:56:44 7 of this witness on the 25th, in which case Mr. Basralian
21:56:48 8 will move onto his next witness.

21:56:48 9 AUDIENCE SOUNDS

21:56:52 10 MR. MALAGIERE: I have to ask, please, if
21:56:54 11 you're going to leave, please be quite. We are

21:56:54 12 conducting a meeting. Mr.Basralian?
21:56:54 13 MR. BASRALIAN: I ask the Board since the
21:56:54 14 25th is announced that there be no further notice
21:57:04 15 required, and if that's the case, that none of the people
21:57:06 16 here will receive anything but their oral notice tonight.
21:57:24 17 MR. MALAGIERE: Yes. Please, you have to
21:57:24 18 respect other people's needs to conduct this hearing, and
21:57:28 19 not your desire to make comments. It is important. The
21:57:34 20 Chairman has been very lenient with regards to not
21:57:36 21 imposing a limit on people because of the gravity of this
21:57:40 22 application and the need to hear the public comment.
21:57:42 23 Please return the respect. Thank you.
21:57:48 24 MR. RODRIQUEZ: Besides the architect and
21:57:48 25 planner and the traffic expert, do you have anybody else

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21:57:52 1 testifying?
21:57:52 2 MR. BASRALIAN: Architect, engineer,
21:57:58 3 traffic consultant and planner, and perhaps a rebuttal
21:57:58 4 witness.
21:58:02 5 MR. RODRIQUEZ: Okay. Thank you.
21:58:04 6 MR. MALAGIERE: That's all on June 25th?
21:58:06 7 MR. BASRALIAN: From your lips.
8 MR. MALAGIERE: Notice is given, this
9 meeting will be carried to June 25th, not further notice.
10 MEETING ADJOURNED @ 10:00 PM.
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CERTIFICATE

I, BETH CALDERONE, License No. XIO1409, certified Shorthand Reporter and Notary Public of the State of New Jersey, certify that the foregoing is the transcript of the proceeding to the best of my ability. I certify that I am neither attorney nor counsel for, nor related to or employed by, any of the parties to the action in which this deposition was taken, and further that I am not a relative or employee of any attorney or counsel employed in this case, nor am I financially interested in the action?

A Notary Public of the State of New Jersey