

CITY OF HACKENSACK
 ZONING BOARD OF ADJUSTMENT
 WEDNESDAY, AUGUST 25, 2010
 COMMENCING AT 7:09 P.M.

.....
 IN THE MATTER OF: TRANSCRIPT
 Application V#23-08 SP# 21-08 : OF
 Address 320 Summit Avenue/ : PROCEEDINGS
 329 Prospect Avenue :
 Block 344, Lots: 3,4,5,14 :
 Zone R-75 & R-3 :
 Applicant requests to demolish :
 the existing structures and :
 Construct a 19 story medical :
 office building. :

B E F O R E :

CITY OF HACKENSACK ZONING BOARD
 THERE BEING PRESENT:

MICHAEL GUERRA, CHAIRMAN
 GEORGE DIANA, MEMBER
 HUMBERTO GOEZ, MEMBER
 JOHN CARROLL, MEMBER
 DAN GILMORE, MEMBER

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4 FRANK MISKOVICH, P.E., BIRDSALL ENGINEERING

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00:06 1 CHAIRMAN GUERRA: Application V# 23-08,
 00:06 2 SP# 21-08, Address is 320 Summit Avenue/329 Prospect
 00:06 3 Avenue, Hackensack, New Jersey, Block 344, Lots 3, 4,
 00:07 4 5, 14, Zone R-75 and R-3, Bergen Passaic Long Term
 00:07 5 Acute Health Care Hospital L.L.C.
 6 Applicant requests to demolish the
 7 structures and construct a 19 floor medical office
 8 building. The following were found to be deficient:
 9 One, use variance required pursuant to 40:55D(1);
 10 two, insufficient lot area, required 30,000 square
 11 feet, proposed 20,000 square feet; three,
 12 insufficient lot width, required 125 feet, proposed
 13 100 feet; four, insufficient rear yard setback,
 14 required 40 feet, proposed zero feet to edge of R-3
 15 district; five, exceeds maximum lot coverage,
 16 permitted 30 percent, proposed 40.5 percent for R-3
 17 district; six, exceeds maximum height ratio side
 18 yard, permitted 4 to 1, proposed 19 to 1; seven,
 19 insufficient buffer zone, required 6 feet, proposed
 20 zero feet to edge R-3 district; eight, insufficient
 21 parking spaces, required 562, proposed 402; nine,
 22 insufficient driveway width, required 18 to 22 feet
 23 for two-way, proposed 10 feet; ten, no paving in side
 24 yard; eleven; insufficient area for back up aisle
 25 spaces; twelve, exceeds maximum sign area, permitted

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00:00 1 MR. MALAGIERE: -- I just want to hear
 00:00 2 what the point of order is.
 00:00 3 MR. MOSKOWITZ: Fine.
 00:00 4 Board, Chairman Guerra, Counsel
 00:00 5 Basralian, Counsel Malagiere, at last month's
 00:00 6 meeting, September (sic) 28th, the Board entertained
 00:00 7 consideration and some limited argument on several
 00:00 8 points that I had raised with respect to document
 00:00 9 production and other matters related to that.
 00:00 10 The Board did rule that all papers
 00:00 11 pertinent to Exhibit 8, the so-called employee parking
 00:00 12 study for employees at Prospect Heights, as detailed
 00:00 13 in my request to the Board and its Counsel,
 00:00 14 July 22nd, be turned over.
 00:00 15 And the Board ruled that that should
 00:00 16 happen. And that request was at page 4 number A of
 00:00 17 my July 22nd, letter. All --
 00:00 18 MR. MALAGIERE: I appreciate that.
 00:00 19 It's your position that that step was not done or in
 00:00 20 some way was not done completely?
 00:00 21 MR. MOSKOWITZ: Well, look, I --
 00:00 22 MR. MALAGIERE: I don't want to belabor
 00:00 23 --
 00:00 24 MR. MOSKOWITZ: -- I guess everybody
 00:00 25 remembers that and we won't go over it.

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1 12 square feet, proposed 96 square feet; thirteen,
 2 insufficient sign setback, required 20 feet, proposed
 3 zero feet; fourteen, any other variance or waivers
 00:03 4 that may be required.
 00:03 5 MR. BASRALIAN: Thank you,
 00:00 6 Mr. Chairman.
 00:00 7 With your permission, I'd ask that
 00:00 8 counsel approach and make appearances.
 00:00 9 Mr. Basralian?
 00:00 10 MR. BASRALIAN: Yes, Joseph Basralian,
 00:00 11 Winn, Banta, Hetherington, Basralian & Kahn,
 00:00 12 attorneys for the applicant the LTACH.
 00:00 13 MR. SCHANDLER: Robert Schandler,
 00:00 14 Diktas, Schandler, Gillen, for the objector Anastasia
 00:00 15 Burlyuk.
 00:00 16 MR. MOSKOWITZ: Ted Moskowitz, McCarter
 00:00 17 and English, Prospect Avenue Coalition, objector.
 00:00 18 MR. MALAGIERE: Mr. Moskowitz, did you
 00:00 19 want to raise a point of order, sir?
 00:00 20 MR. MOSKOWITZ: I did. I did. Thank
 00:00 21 you. It's a short one.
 00:00 22 MR. MALAGIERE: Well, I'd like you to
 00:00 23 make a proffer, I don't know that the Chairman's
 00:00 24 going to entertain it --
 00:00 25 MR. MOSKOWITZ: Fine.

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00:00 1 The second piece --
 00:00 2 MR. MALAGIERE: Is that your position
 00:00 3 on that, is that it was not turned over or was not
 00:00 4 turned over completely?
 00:00 5 MR. MOSKOWITZ: That it was turned over
 00:00 6 extremely late, unexcusably late -- inexcusably late.
 00:01 7 CHAIRMAN GUERRA: Can you quantify that
 00:01 8 for us?
 00:01 9 MR. MOSKOWITZ: Yes.
 00:01 10 MR. MALAGIERE: Well, Mr. Chairman, I's
 00:01 11 just to ask to ask that --
 00:01 12 MR. MOSKOWITZ: Yes, certainly.
 00:01 13 MR. MALAGIERE: Hold on, Mr. Moskowitz.
 00:01 14 I would just like him to make a
 00:01 15 proffer, Mr. Chairman, I'm going to recommend, of
 00:01 16 course at your discretion, that we deal with all of
 00:01 17 this after the public's had a chance to speak and at
 00:01 18 the end of the meeting.
 00:01 19 MR. MOSKOWITZ: Well, the proffer is
 00:01 20 that --
 00:01 21 MR. MALAGIERE: Hold on one second, Mr.
 00:01 22 Moskowitz.
 00:01 23 MR. MOSKOWITZ: I'm sorry.
 00:01 24 MR. MALAGIERE: That's what I would
 00:01 25 suggest we do. I just wanted to crystalize what the

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00:01 1 issue is for the record.
 00:01 2 Mr. Moskowitz, what's your next issue?
 00:01 3 MR. MOSKOWITZ: My next issue is also
 00:01 4 on the 28th, the Board, after some discussion,
 00:01 5 directed that Mr. Keller provide the specific
 00:01 6 references to the documents that he studied relative
 00:01 7 to Bergen Towne Center that he said he had relied
 00:01 8 upon.
 00:01 9 If the Board will recall, I had asked
 00:01 10 that he be required to turn those documents over.
 00:01 11 There was objection to that and a suggestion that I
 00:01 12 should apply for them under the public records act,
 00:01 13 open public records act.
 00:01 14 I explained to the Board that if I
 00:02 15 didn't really know what -- I'd be happy to ask for
 00:02 16 them, but if I didn't know specifically what he had
 00:02 17 used and studied and made reference to, I wouldn't
 00:02 18 know what to ask for.
 00:02 19 The Board and its counsel, through the
 00:02 20 Chair, agreed and determined that those materials
 00:02 21 identified -- the identifying materials be turned
 00:02 22 over. A week plus after --
 00:02 23 MR. MALAGIERE: Hold on, is that the
 00:02 24 issue --
 00:02 25 MR. MOSKOWITZ: Yes.

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00:03 1 not listening to me. What you're doing is --
 00:03 2 MR. MOSKOWITZ: Well, those --
 00:03 3 MR. MALAGIERE: Mr. Moskowitz --
 00:03 4 MR. MOSKOWITZ: Those are the two
 00:03 5 issues.
 00:03 6 MR. MALAGIERE: Mr. Moskowitz, please,
 00:03 7 what you're doing is you're arguing because you feel
 00:03 8 it's appropriate. I'm asking you not to do that.
 00:03 9 Is there --
 00:03 10 MR. MOSKOWITZ: Those are the two
 00:03 11 issues.
 00:03 12 MR. MALAGIERE: -- a third?
 00:03 13 Okay. Mr. Chairman, I would
 00:03 14 respectfully suggest that you convene colloquy and
 00:03 15 argument from counsel at 10:15 or ten o'clock or
 00:03 16 quarter to ten depending upon the time at which you
 00:03 17 will adjourn, 15 minutes before you're going to
 00:03 18 adjourn the hearing.
 00:03 19 CHAIRMAN GUERRA: Quarter to ten.
 00:03 20 MR. MALAGIERE: Quarter to ten we'll
 00:03 21 address the issues.
 00:03 22 Mr. Moskowitz, you'll be able to get
 00:03 23 give your position. Mr. Basralian will be able to
 00:03 24 give his opposition.
 00:03 25 Thank you.

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00:02 1 MR. MALAGIERE: -- that they were not
 00:02 2 turned over? I'm just going to -- I apologize for
 00:02 3 interrupting, Mr. Moskowitz, but you clearly get
 00:02 4 where I'm going.
 00:02 5 MR. MOSKOWITZ: Yes. The issue --
 00:02 6 MR. MALAGIERE: I need you to
 00:02 7 crystalize the issue so the Chairman can rule --
 00:02 8 MR. MOSKOWITZ: I will crystalize --
 00:02 9 MR. MALAGIERE: Hold on one second.
 00:02 10 I need you to crystalize the issues so
 00:02 11 that the Chairman can rule as to when he's going to
 00:02 12 hear your position and that of opposing counsel's
 00:02 13 position. Is that the second issue, that this was
 00:02 14 not identified to you --
 00:02 15 MR. MOSKOWITZ: The second issue is
 00:02 16 that they were not provided after ten days I
 00:02 17 corresponded --
 00:02 18 MR. MALAGIERE: This is getting into
 00:02 19 discussion and getting into argument, Mr. Moskowitz,
 00:02 20 you know exactly what I'm asking you to do.
 00:03 21 Are those the two issues? Is there a
 00:03 22 third?
 00:03 23 MR. MOSKOWITZ: The brief response was
 00:03 24 provided yesterday afternoon --
 00:03 25 MR. MALAGIERE: Mr. Moskowitz, you're

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00:03 1 MR. MOSKOWITZ: Thank you.
 00:03 2 MR. MALAGIERE: Mr. Chairman, it's my
 00:03 3 recollection that Mr. Miskovich -- Mr. Basralian,
 00:03 4 unless you'd like to make some opening comments, Mr.
 00:03 5 Miskovich was examined, cross examined. There was
 00:03 6 redirect. There was recross. And I believe now he's
 00:03 7 available to the public.
 00:03 8 Mr. Basralian, is that your
 00:04 9 recollection?
 00:04 10 MR. BASRALIAN: Yes. That's correct.
 00:04 11 I only reserved any additional questions as a result
 00:04 12 of whatever happens during the public portion of
 00:04 13 cross examination of Mr. Miskovich as to his
 00:04 14 testimony.
 00:04 15 CHAIRMAN GUERRA: Of course.
 00:04 16 MR. MALAGIERE: Mr. Chairman, with your
 00:04 17 permission I'm going to the swear Mr. Miskovich in.
 00:04 18 CHAIRMAN GUERRA: Please.
 00:04 19 MR. MALAGIERE: Mr. Miskovich, can I
 00:04 20 please ask you to put your left hand on the Bible and
 00:04 21 raise your right hand.
 00:04 22 Do you swear the testimony you're about
 00:04 23 to give before this Board to be the truth, the whole
 00:04 24 truth and nothing but the truth so help you God?
 00:04 25 MR. MISKOVICH: I do.

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1 F R A N K M I S K O V I C H, P.E.
 2 Having been previously sworn, continues to
 3 testify as follows:
 4 MR. MALAGIERE: Could you please
 5 identify yourself for the record, indicate the
 6 capacity in which you will continue your testimony.
 7 MR. MISKOVICH: Sure.
 8 My name is Frank Miskovich, with
 9 Birdsall Services Group and traffic consultant to the
 10 Zoning Board on this application.

00:04 11 MR. MALAGIERE: Mr. Chairman, with your
 00:04 12 permission and with your direction as to how you'd
 00:04 13 like to conduct the public hearing of Mr. Miskovich's
 00:04 14 questioning by public I'd I ask that the public come
 00:04 15 forward.

00:04 16 CHAIRMAN GUERRA: Yeah. Why don't we
 00:04 17 line up like we've been doing in the past, line up on
 00:04 18 my right. And we ask that public try not to be
 00:05 19 repetitive. I know sometimes that's hard to avoid,
 00:05 20 but let's line up and start asking questions.

00:05 21 MR. MALAGIERE: Okay. As people line
 00:05 22 up, I'm just going ask the Chairman, if I could
 00:05 23 address, I was directed ad letter from a woman by the
 00:05 24 name of Dorothy Monopoli, an Abbott and Caserta
 00:05 25 broker or Realtor.

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00:06 1 MR. MALAGIERE: Could you please
 00:06 2 identify yourself for the record and give us the
 00:06 3 address please.
 00:06 4 MS. PALINKAS: Alexis Palinkas, 235
 00:06 5 Prospect.

00:06 6 MR. MALAGIERE: Thank you. Welcome.
 00:06 7 MS. PALINKAS: Okay. Hi.
 00:06 8 You know these questions are only for
 00:06 9 Mr. Miskovich; is that correct?

00:06 10 CHAIRMAN GUERRA: Yes.
 00:06 11 MR. MALAGIERE: Yes, please.
 00:06 12 MS. PALINKAS: Okay.

00:06 13 Could you repeat the exact name of the
 00:06 14 facility that's -- that's being under consideration.

00:06 15 MR. MISKOVICH: Sure. I believe it's
 00:06 16 the Bergen Passaic Long Term Acute Care Hospital
 00:06 17 L.L.C.

00:06 18 MS. PALINKAS: Hospital. Right. Okay.
 00:06 19 Because last month when you called it a
 00:06 20 hospital Mr. Basralian got a little upset and that is
 00:06 21 the title of it, a hospital.

00:07 22 MR. MISKOVICH: That's correct, that
 00:07 23 the title.

00:07 24 MS. PALINKAS: Okay. Not a full
 00:07 25 service hospital, but nonetheless a hospital.

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00:05 1 And I just wanted to point out that
 00:05 2 while I want to thank Ms. Monopoli for the letter I
 00:05 3 cannot accept it as part of the record. Of course,
 00:05 4 Ms. Monopoli can get up and make her comments and she
 00:05 5 can be examined, she can put it on the record as her
 00:05 6 sworn testimony, but cannot accept or enter into
 00:05 7 evidence this record.

00:05 8 Thank you, but it does not become part
 00:05 9 of these proceedings. This is a letter dated
 00:05 10 7/30/2010 directed to me at my offices.

00:05 11 Thank you, Mr. Chairman.
 00:05 12 CHAIRMAN GUERRA: Thank you.

00:05 13 MR. MALAGIERE: Does anyone wish to
 00:05 14 come forward to ask any questions of this witness or
 00:05 15 make any comment as the this witness' testimony?

00:05 16 Please. Come forward, I'm going to ask
 00:05 17 that I can swear you in please.

00:05 18 Do you swear the testimony you're about
 00:05 19 to give before this Board to be the truth, the whole
 00:06 20 truth and nothing but the truth so help you God?

00:06 21 MS. PALINKAS: I do.
 00:06 22 A L E X I S P A L I N K A S,
 00:06 23 Residing at 235 Prospect Avenue, Hackensack, New
 00:06 24 Jersey, having been duly sworn, testifies as
 00:06 25 follows:

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00:07 1 MR. MISKOVICH: That's in the title,
 00:07 2 yes.

00:07 3 MS. PALINKAS: That's in the title,
 00:07 4 okay.

00:07 5 I'm a little distressed with, actually,
 00:07 6 your and the other traffic report, do you think that
 00:07 7 the residents who live on the street would say that
 00:07 8 we could hand 200 plus more cars at peak hours? Do
 00:07 9 you think that that is -- I mean, you went on and on
 00:07 10 for two months we listened to arguments about the
 00:07 11 cute little display, the sim thing, and a lot of
 00:07 12 discussion about that, when, in reality -- first of
 00:07 13 all how long was your study? It was under a week,
 00:07 14 like six days, right?

00:07 15 MR. MISKOVICH: Yes.

00:07 16 MS. PALINKAS: Okay. As was the
 00:07 17 sponsor's study?

00:07 18 MR. MISKOVICH: Correct.

00:07 19 MS. PALINKAS: Do you believe -- do you
 00:07 20 really believe that six days out of 365 gives an
 00:08 21 accurate representation of the traffic in that area?

00:08 22 Do you believe -- do you really believe
 00:08 23 that?

00:08 24 MR. MISKOVICH: Mr. Keller did his in,
 00:08 25 I believe, it was April when the counts were done.

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00:08 1 We did ours in January.
 00:08 2 Even though we had some pluses and
 00:08 3 minuses we're fairly consistent as far as the
 00:08 4 volumes.
 00:08 5 So as far as my analysis, I would
 00:08 6 suggest, and Mr. Keller's they are reasonable as far
 00:08 7 as those time periods.
 00:08 8 I also indicated that, sure, other
 00:08 9 times of year it might be different. But at least
 00:08 10 for the two periods that we both studied we felt they
 00:08 11 were representative of those times.
 00:08 12 MS. PALINKAS: Okay. Again, six days
 00:08 13 out of 365, right? Is that correct?
 00:08 14 MR. MISKOVICH: That's correct.
 00:08 15 MS. PALINKAS: I want to emphasize that
 00:08 16 --
 00:08 17 MR. MISKOVICH: Uh-huh.
 00:08 18 MS. PALINKAS: -- because I -- I really
 00:08 19 don't believe that people who live on the street will
 00:08 20 say that that's representative.
 00:08 21 Do you think that Golf and Berry can
 00:08 22 handle more traffic right now?
 00:09 23 There was some question about the
 00:09 24 parking on those two streets. And Golf has parking
 00:09 25 on one side, Berry has parking on one side.

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00:10 1 park on -- on Golf and Berry and also behind the
 00:10 2 temple on Summit.
 00:10 3 Do you know whether those people --
 00:10 4 I've asked this several times and never gotten really
 00:10 5 an answer, whether those people will be, in effect,
 00:10 6 parking in the garage?
 00:10 7 MR. MISKOVICH: Well, I don't know for
 00:10 8 a fact that Prospect Heights traffic is parking on
 00:10 9 those streets.
 00:10 10 MS. PALINKAS: I can tell you, yes.
 00:10 11 MR. MISKOVICH: Well, I don't know that
 00:10 12 for a fact.
 00:10 13 MS. PALINKAS: See, this is the
 00:10 14 problem, you guys -- you both did studies, but we
 00:10 15 live in the area. We're there 365 days. We see
 00:11 16 what's going on. We see the people parking, getting
 00:11 17 out, going across the street.
 00:11 18 It's -- that's why my -- again, I want
 00:11 19 to reiterate that six days of observations is not an
 00:11 20 accurate representation of what is, in fact,
 00:11 21 happening there, when this -- well, we need to go
 00:11 22 into it. Okay. Da, da, da, da.
 00:11 23 Oh, okay. You -- did you address that
 00:11 24 -- I believe it was two times a week this 40 foot
 00:11 25 food delivery truck was going to back into -- to that

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00:09 1 Do you think that those two streets can
 00:09 2 handle more traffic in your study, did that...
 00:09 3 MR. MISKOVICH: Well, to answer your
 00:09 4 question directly the question is, yes, they are two
 00:09 5 laned roads there is parking -- even with parkin on
 00:09 6 one side, there's two lanes to pass.
 00:09 7 The volumes that at least I saw
 00:09 8 visually on those streets are relatively light.
 00:09 9 So, yes, there can be some increased
 00:09 10 traffic. The question is quantify what that increase
 00:09 11 is, I don't have that.
 00:09 12 MS. PALINKAS: Okay. And keeping in
 00:09 13 mind that if there is an increase people will have to
 00:09 14 turn either left or right, also keeping in mind that
 00:09 15 with the recent situation at 300 one of those streets
 00:09 16 had to be made into a one-way because of the
 00:09 17 increased volume of traffic. It could not -- they
 00:09 18 could not accommodate two-way traffic because of the
 00:10 19 parking on one side. So that's -- that's something
 00:10 20 else I think that has to be considered.
 00:10 21 You may say now would it be fine, but I
 00:10 22 don't think that that, in fact, would be fine.
 00:10 23 Did -- in your part of the study, did
 00:10 24 you look into the traffic that was going to be
 00:10 25 generated by the current Prospect Heights people who

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00:11 1 site. You addressed that, what it would do to
 00:11 2 traffic? Did you look into that?
 00:11 3 MR. MISKOVICH: Well, I'm not sure what
 00:11 4 you mean, did I address what it would do to traffic.
 00:11 5 I indicated that for that vehicle to
 00:11 6 either back into that loading area or pull into the
 00:11 7 area and back out of that spot onto Prospect Avenue,
 00:12 8 that they would have to more than likely stop traffic
 00:12 9 to allow that maneuver to happen.
 00:12 10 MS. PALINKAS: Right. At which point I
 00:12 11 think Mr. Basralian's comments -- and I guess I was
 00:12 12 addressed in what you were saying that there are
 00:12 13 moving trucks and furniture trucks that service
 00:12 14 Prospect Avenue and what's the big deal, basically.
 00:12 15 And I -- I just want to say that two
 00:12 16 times -- that two times a week, is that not correct?
 00:12 17 MR. MISKOVICH: I don't recall the
 00:12 18 number of times a week.
 00:12 19 MS. PALINKAS: Okay. The 40-foot
 00:12 20 truck, two times a week, very different than an
 00:12 21 occasional moving van.
 00:12 22 Both reports discuss the -- I think it
 00:12 23 was bypass lanes at the traffic lights, if -- if more
 00:12 24 than eight cars wait to turn, okay, they're going to
 00:12 25 turn left, if there are more than eight cars lined up

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00:12 1 waiting to turn, which I don't know in those six days
00:12 2 whether you saw that happening, the through -- the
00:13 3 through traffic can't go through. You -- you then
00:13 4 are -- like now, with this 300 situation, the traffic
00:13 5 on Summit has been absolutely horrendous because of
00:13 6 the problem on Prospect.

00:13 7 And so to get to my building on the
00:13 8 corner of Central and Prosect, I then would have to
00:13 9 go on Summit, turn left onto Central. And I would be
00:13 10 sitting there for ten minutes because I can't turn
00:13 11 left. And meanwhile the people who are trying to go
00:13 12 straight, also can't go straight. It -- it's just
00:13 13 something that I don't think was accurately proposed.

00:13 14 Also in another meeting, and I don't
00:13 15 know if it was your presentation, that the handicap
00:13 16 parking near the intersection, especially on Prospect
00:13 17 and Passaic, that that presented a problem.

00:13 18 And I don't know if that's implying
00:13 19 then that the handicap parking should not be there?

00:14 20 MR. MISKOVICH: Well, I don't recall
00:14 21 that. I think there was some discussion as far as
00:14 22 what is there.

00:14 23 MS. PALINKAS: Right.

00:14 24 MR. MISKOVICH: And as you approach
00:14 25 Passaic.

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00:14 1 MS. PALINKAS: Right.

00:14 2 MR. MISKOVICH: So that is why it's
00:14 3 there. So I don't think there's any suggestions
00:14 4 either in my testimony or Mr. Keller's about removing
00:14 5 them.

00:15 6 MS. PALINKAS: Okay. Well it was
00:15 7 mentioned that it was an issue which made those lanes
00:15 8 shorter. Okay.

00:15 9 At any point did you observe the back
00:15 10 up of cars during rush hour when 162 stops along
00:15 11 Prospect Avenue to discharge passengers?

00:15 12 MR. MISKOVICH: Well, I -- I indicated
00:15 13 I observed traffic backing up at the intersections at
00:15 14 various times.

00:15 15 Obviously when the bus pulls over
00:15 16 there's some temporary backing up as vehicles could
00:15 17 not get around that bus.

00:15 18 Specifically the 162, I don't recall on
00:15 19 Prospect. I know if that's the one that turns on to
00:15 20 Passaic and stops at the corner that creates some
00:15 21 back up at that time because they're right at the
00:15 22 intersection.

00:15 23 MS. PALINKAS: Right. As they are when
00:15 24 they cross over Central it stops right in front of
00:15 25 Quail Heights, whatever number that is, which then

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00:14 1 MS. PALINKAS: Right.

00:14 2 MR. MISKOVICH: -- And Prospect you
00:14 3 have the two lanes, but it's very short because you
00:14 4 have parking that's starts --

00:14 5 MS. PALINKAS: Right.

00:14 6 MR. MISKOVICH: -- at some point back.

00:14 7 MS. PALINKAS: Right, right.

00:14 8 MR. MISKOVICH: I believe that first
00:14 9 spot might be the handicapped spot.

00:14 10 MS. PALINKAS: I think --

00:14 11 MR. MISKOVICH: I don't recall.

00:14 12 MS. PALINKAS: -- there are two. I
00:14 13 think there are two.

00:14 14 MR. MISKOVICH: I don't remember the
00:14 15 testimony specifically about that.

00:14 16 MS. PALINKAS: Again, that's a problem
00:14 17 because obviously those handicap spaces are there to
00:14 18 accommodate handicap people, and so now we're going
00:14 19 to restructure that whole area too, as well?

00:14 20 MR. MISKOVICH: I would think that the
00:14 21 handicap space that is on the street and designated
00:14 22 is because someone -- some resident of the department
00:14 23 or the unit that are there, have a handicap --

00:14 24 MS. PALINKAS: Right.

00:14 25 MR. MISKOVICH: -- sticker.

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00:15 1 you have cars also backing up into the -- my bottom
00:16 2 line is any additional traffic is going to impact all
00:16 3 of this, whether it's 200 cars, which I don't believe
00:16 4 200, that's seem a little optimistic, when you count
00:16 5 your vehicles, did you differentiate between cars,
00:16 6 vans, ambulances and trucks?

00:16 7 MR. MISKOVICH: No, we did not.

00:16 8 MS. PALINKAS: No. And that seems to
00:16 9 also be something very important because certainly
00:16 10 there is a big difference between counting cars and
00:16 11 the number of ambulances and trucks, fire trucks and
00:16 12 just regular trucks that go through there.

00:16 13 Do you know in your counts -- no, I
00:16 14 guess you don't -- how many ambulances, vans go the
00:16 15 Prospect Heights daily? What part of the traffic
00:16 16 that is?

00:16 17 MR. MISKOVICH: No, I do not.

00:16 18 MS. PALINKAS: Okay.

00:16 19 MR. NIX: Do you?

00:16 20 MS. PALINKAS: Okay.

00:16 21 Do you think -- and I don't know if you
00:16 22 had said this, if you put a no left or a no right
00:16 23 hand turn at Golf or Berry was that part of something
00:17 24 you felt might alleviate traffic?

00:17 25 MR. MISKOVICH: I don't recall that at

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00:17 1 all.
 00:17 2 MS. PALINKAS: Okay.
 00:17 3 MR. MISKOVICH: Sorry.
 00:17 4 MS. PALINKAS: All right.
 00:17 5 Well, it would -- it would certainly
 00:17 6 inconvenience the residents.
 00:17 7 MR. MISKOVICH: The only -- the only
 00:17 8 site I know where there's a restriction that was
 00:17 9 proposed was from the site driveway or the drop-off
 00:17 10 area onto Summit.
 00:17 11 MS. PALINKAS: Okay. Well, again, if
 00:17 12 more -- you guys had spent more time studying this,
 00:17 13 you would see what happens when you are attempting to
 00:17 14 turn left from Berry or Golf onto Summit, really
 00:17 15 rather incredible, incredible sights.
 00:17 16 Especially now that traffic is backing
 00:17 17 up even more so from Passaic all the way to Golf.
 00:17 18 This was in The Record, this is again
 00:17 19 after your study, so you did a wonderful study for
 00:17 20 that period in time, but in the meantime there's this
 00:18 21 Route 17 thing that's going to be happening perhaps,
 00:18 22 which will probably pour more traffic onto Central,
 00:18 23 that would also impact and change the traffic study.
 00:18 24 Did any -- I mean when you did your
 00:18 25 study that -- were you aware that this was going to

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00:18 1 happen?
 00:18 2 MR. MALAGIERE: Do you know what you're
 00:18 3 being asked about, Frank?
 00:18 4 MR. MISKOVICH: I -- not really. I
 00:18 5 believe it's something relating to Route 17.
 00:18 6 MR. MALAGIERE: Well, I get that, but
 00:18 7 do you know specifically what is going on there?
 00:18 8 MR. MISKOVICH: No.
 00:18 9 MR. MALAGIERE: Just so we have a
 00:18 10 complete record could you explain?
 00:18 11 MS. PALINKAS: Can I explain?
 00:18 12 MR. MALAGIERE: Yes.
 00:18 13 MS. PALINKAS: Well, not really.
 00:18 14 They're widening -- they want to widen
 00:18 15 17 because of the bottleneck and Maywood is having a
 00:18 16 problem with it as is Rochelle Park, it's increasing
 00:18 17 the number of lanes. And when you look at the map
 00:18 18 that they have here, it certainly looks like -- well,
 00:18 19 they're taken down businesses and houses on both
 00:18 20 sides, so then -- for people to come off of 17, it
 00:19 21 will increase the -- the traffic on Passaic Street
 00:19 22 and Central Avenue.
 00:19 23 You can have this if you like.
 00:19 24 MR. MALAGIERE: Do you think that's
 00:19 25 going impact this area, Frank?

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00:19 1 MR. MISKOVICH: I can't speak
 00:19 2 specifically to that. Obviously, any time there's a
 00:19 3 widening -- widening of a major highway, obviously
 00:19 4 some traffic, I think, is going to be diverted to
 00:19 5 some of the local streets, what percentage? It's
 00:19 6 hard to say with just me finding out tonight.
 00:19 7 If they're proposing ramps or
 00:19 8 interchanges that directly discharge or access some
 00:19 9 of the local streets near by, then there could be
 00:19 10 some impact, if that's the long term solution.
 00:19 11 I do not know if that's the case.
 00:19 12 MS. PALINKAS: Okay.
 00:19 13 MR. MISKOVICH: However, when we did do
 00:19 14 the projections we increased traffic over a few years
 00:19 15 to account for area general background growth, so
 00:19 16 that's included both in my study and Mr. Keller's
 00:19 17 study.
 00:19 18 So there is some accounting for area
 00:19 19 growth on the traffic volumes, but nothing sight
 00:20 20 specific that might be related to, say, Route 17
 00:20 21 project.
 00:20 22 MS. PALINKAS: Okay. And we can just
 00:20 23 through in Lowes, Chuck E. Cheese and The Olive
 00:20 24 Garden coming to Bergen Mall.
 00:20 25 Now, the -- there was also a lot of

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00:20 1 debate between the two of you about 25 to 35 -- no,
 00:20 2 no, about aggressiveness of New Jersey drivers and
 00:20 3 you were being grilled on whether we were a zero,
 00:20 4 whether we were a ten. This went on and on for --
 00:20 5 for forever, right? I mean at any point did you guys
 00:20 6 really stop and say we're talking about a residential
 00:20 7 area. A residential area of apartment buildings, not
 00:20 8 businesses, not Route 17. We're talking people who
 00:20 9 are pulling out of a driveway probably going 20 miles
 00:20 10 an hour. I mean the -- the -- the only aggression
 00:21 11 that you see on either of those streets is when you
 00:21 12 can't get out of your driveway because there is so
 00:21 13 much traffic and people will not let you through.
 00:21 14 That's the aggression (applause). So
 00:21 15 there -- you know that whole -- that was such a waste
 00:21 16 of time, truly, to argue about whether why -- why
 00:21 17 would you -- isn't there a study of residential
 00:21 18 streets? I mean you're talking about this whole big
 00:21 19 -- well, zero to ten.
 00:21 20 MR. MISKOVICH: Well, not to belabor
 00:21 21 the point, I think aggressiveness and someone who's
 00:21 22 nonaggressive might have different meaning to
 00:21 23 different people.
 00:21 24 When we looked at the traffic
 00:21 25 engineering, looked at the modelling, we try to put

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00:21 1 some factors on that.
 00:21 2 And I think if you look at it
 00:21 3 realistically, even in a residential neighborhood,
 00:21 4 you'll find some neighbors will probably accept a
 00:21 5 smaller gap and get out into traffic, whereas others
 00:21 6 might wait for a bigger gap.
 00:21 7 In those terms, you can look at someone
 00:21 8 who's aggressive because they'll take something
 00:22 9 shorter, whereas if they're nonaggressive they'll
 00:22 10 take something longer.
 00:22 11 That doesn't mean that person is an
 00:22 12 aggressive type person, but we try to put some
 00:22 13 factors on it to account for the people who have
 00:22 14 different reactions in traffic.
 00:22 15 And that's all that discussion was
 00:22 16 about the input of the modelling.
 00:22 17 MS. PALINKAS: Well, I think that was a
 00:22 18 little --
 00:22 19 MR. MALAGIERE: I just want to point
 00:22 20 out that wasn't Mr. Miskovich's desire to belabor
 00:22 21 that point.
 00:22 22 MS. PALINKAS: No, no, I know.
 00:22 23 MR. MALAGIERE: So I don't know how
 00:22 24 much he can add to hat issue.
 00:22 25 MS. PALINKAS: Right. Right.

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00:23 1 MR. MALAGIERE: Thank you.
 00:23 2 MS. WEINBERGER: Some of the points
 00:23 3 that I wanted to make have already been covered, but
 00:23 4 what I would like to know, Mr. Miskovich, have you
 00:23 5 been on Prospect Avenue since the garage collapsed?
 00:23 6 MR. MISKOVICH: Yes, I have.
 00:23 7 MS. WEINBERGER: You have. So that
 00:23 8 this is a dress rehearsal of what could happen for
 00:23 9 the next three or four years if this building is
 00:23 10 going to be put up.
 00:23 11 The situation was absolutely
 00:23 12 horrendous. And as this lady said on Summit, I was
 00:23 13 trying to get to Passaic Street and the cars were
 00:23 14 bumper to bumper. And I was pulled up alongside of a
 00:23 15 police car where a resident said to him, could you
 00:24 16 please stop the traffic so I can back my car out of
 00:24 17 the driveway.
 00:24 18 So it's not a question of being
 00:24 19 aggressive. It's that it was just impossible.
 00:24 20 It would seem to me that -- I can't
 00:24 21 believe we're still talking about traffic in front of
 00:24 22 the Zoning Board because it's sheer madness to think
 00:24 23 of what would happen if this building would go up.
 00:24 24 That's all I have to say.
 00:24 25 (Applause).

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1 Well, I just wanted to say --
 2 MR. MALAGIERE: Thank you.
 3 MS. PALINKAS: -- that.
 00:22 4 I think that's it for now.
 00:22 5 Thank you very much.
 00:22 6 MR. MALAGIERE: Thank you.
 00:22 7 CHAIRMAN GUERRA: Thank you.
 00:22 8 (Applause).
 00:22 9 MR. MALAGIERE: Hi, how are you.
 00:22 10 I'm going to swear you in please.
 00:22 11 Just put your left hand on the Bible.
 00:22 12 Thank you.
 00:22 13 Do you swear the testimony you're about
 00:22 14 to give before this Board to be the truth, the whole
 00:22 15 truth and nothing but the truth so help you God?
 00:22 16 MS. WEINBERGER: I do.
 00:22 17 L I L L I K A W E I N B E R G E R,
 00:06 18 Residing at 235 Prospect Avenue, Hackensack, New
 00:06 19 Jersey, having been duly sworn, testifies as
 00:22 20 follows:
 00:22 21 MR. MALAGIERE: Could you please ask
 00:22 22 you to give us your full name, spell your last name
 00:22 23 and give us your address.
 00:22 24 MS. WEINBERGER: My name is Lillika
 00:23 25 Weinberger and I'm at 280 Prospect Avenue.

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00:24 1 MR. MALAGIERE: Hi, we're going to
 00:24 2 swear you in please.
 00:24 3 Do you swear the testimony you're about
 00:24 4 to give before this Board to be the truth, the whole
 00:24 5 truth and nothing but the truth so help you God?
 00:24 6 MR. GARTNER: Yes.
 00:24 7 R O B E R T G A R T N E R,
 00:24 8 Residing at 306 Summit Avenue, Hackensack, New
 00:24 9 Jersey, having been duly sworn, testifies as
 00:24 10 follows:
 00:24 11 MR. MALAGIERE: Could you please
 00:24 12 identify yourself for the record, spell your last
 00:22 13 name and give us an address please, sir?
 00:24 14 MR. GARTNER: Robert Gartner, 309 Summit
 00:24 15 Avenue.
 00:24 16 MR. MALAGIERE: Thank you, welcome.
 00:24 17 MR. GARTNER: Thank you.
 00:24 18 I just want to follow up a couple of
 00:25 19 issues that Mr. Basralian raised.
 00:25 20 MALE AUDIENCE MEMBER: Please talk into
 00:25 21 the mike.
 00:25 22 MR. GARTNER: Just wanted to --
 00:25 23 MR. MALAGIERE: Just raise it a little
 00:25 24 bit, there you go. Thank you.
 00:25 25 MR. GARTNER: All right. That Mr.

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00:25 1 Basralian was asking about at the last couple of
 00:25 2 meetings.
 00:25 3 One issue he raised was an objection
 00:25 4 from railroad tracks blocking traffic and that might
 00:25 5 have affected your numbers.
 00:25 6 Now, if you look through -- and at some
 00:25 7 point he raised that there was obstruction of Central
 00:25 8 Avenue, I think it was, west of Summit Avenue.
 00:25 9 Do you recall this conversation?
 00:25 10 MR. MISKOVICH: No.
 00:25 11 MR. GARTNER: No, so -- one railroad in
 00:25 12 Hackensack runs east/west. It's runs parallel to
 00:25 13 Central Avenue. It never actually crosses Central
 00:25 14 Avenue.
 00:25 15 The other railroad in town runs
 00:25 16 parallel to Railroad Avenue, which from the site on
 00:25 17 Summit Avenue is about three-quarters of a mile away.
 00:25 18 So there really is no -- there really is no
 00:25 19 obstruction to the traffic in that area even on
 00:25 20 Prospect and Summit, those are bridges over the
 00:25 21 railroad tracks as well.
 00:25 22 So there really is no obstruction. I
 00:25 23 don't know that you made that clear the last time.
 00:25 24 Are you aware of any obstruction to the
 00:25 25 railroad tracks in Hackensack --

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00:25 1 MR. MISKOVICH: No.
 00:25 2 MR. GARTNER: -- based on the travel --
 00:25 3 MR. MISKOVICH: Not on the roads that
 00:26 4 we're speaking of Central, Passaic --
 00:26 5 MR. GARTNER: Summit.
 00:26 6 MR. MISKOVICH: -- Summit.
 00:26 7 MR. GARTNER: Okay. We're --
 00:26 8 MR. MISKOVICH: There are -- there are
 00:26 9 crossing at the Passaic, I should correct that.
 00:26 10 But at least Central Avenue to the west
 00:26 11 there is none, none that I'm aware of.
 00:26 12 MR. GARTNER: Where on Passaic?
 00:26 13 MR. MISKOVICH: As you go further
 00:26 14 towards Railroad Avenue.
 00:26 15 MR. GARTNER: Okay. That is
 00:26 16 considerable distance from the site.
 00:26 17 MR. MISKOVICH: Yes.
 00:26 18 MR. GARTNER: So in this vicinity what
 00:26 19 he was saying, so his question was really off base.
 00:26 20 There was in obstruction. There was no obstruction.
 00:26 21 He was talking about west of Central, west of Summit
 00:26 22 and Central Avenue.
 00:26 23 MR. MISKOVICH: There is no obstruction
 00:26 24 that I'm aware of all the way up to Ridgefield on
 00:26 25 that road --

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00:26 1 MR. GARTNER: Okay.
 00:26 2 MR. MISKOVICH: -- avenue, right. The
 00:26 3 last street -- the intersection to the left there.
 00:26 4 MR. GARTNER: Okay. So that question
 00:26 5 was off base.
 00:26 6 The other one was that he questioned
 00:26 7 the numbers that you had coming from Lodi and
 00:26 8 Hasbrouck Heights, coming through to this site.
 00:26 9 Speaking as a resident here, I will put
 00:26 10 it through, Summit Avenue dead-ends short of Route 4.
 00:26 11 MR. MISKOVICH: Uh-huh.
 00:26 12 MR. GARTNER: Prospect Avenue dead-ends
 00:26 13 at Spring Valley.
 00:26 14 The only way you can get north of Route
 00:27 15 4 is to either go west out the Maywood Avenue or to
 00:27 16 go east to Johnston Avenue which is on the other side
 00:27 17 of Hackensack.
 00:27 18 To there's only two ways to get through
 00:27 19 there. So if someone was coming from Hasbrouck
 00:27 20 Heights, which is south of Hackensack, or Lodi which
 00:27 21 is southwest of Hackensack, the only reason they'd be
 00:27 22 coming though this site is presumably to get to the
 00:27 23 northern end of Hackensack.
 00:27 24 There's no way to get north of there,
 00:27 25 right? If they were going north of Route 4, more

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00:27 1 than likely since Route 17 runs through both towns
 00:27 2 they would just take Route 17 and go around
 00:27 3 Hackensack. Why take the local streets of
 00:27 4 Hackensack, right? I mean it doesn't make --
 00:27 5 nobody's logically going to make that choice to go
 00:27 6 through Hackensack.
 00:27 7 MR. MISKOVICH: Well -- well, I think
 00:27 8 we're talking about coming to this facility and --
 00:27 9 and the model that we used took an area --
 00:27 10 MR. GARTNER: Right. Any traffic that
 00:27 11 passed this site, right.
 00:27 12 MR. MISKOVICH: But as -- as anything,
 00:27 13 the further out there are more avenues that you can
 00:27 14 take --
 00:27 15 MR. GARTNER: Sure.
 00:27 16 MR. MISKOVICH: -- but as you get
 00:27 17 closer and closer to the site, as we pointed out, you
 00:27 18 go only access this site via Summit or Prospect.
 00:27 19 MR. GARTNER: Right.
 00:27 20 MR. MISKOVICH: So, whatever routes you
 00:27 21 take there.
 00:27 22 MR. GARTNER: And he felt that your
 00:27 23 numbers coming from Hasbrouck Heights and Lodi were
 00:28 24 too low.
 00:28 25 MR. MISKOVICH: I -- I don't recall

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00:28 1 exactly --
 00:28 2 MR. GARTNER: Okay.
 00:28 3 MR. MISKOVICH: -- what it was.
 00:28 4 MR. GARTNER: That was what his
 00:28 5 comments were.
 00:28 6 MR. MISKOVICH: But there was
 00:28 7 differences as far as what we had estimated based on
 00:28 8 how our study was done and when Mr. Keller had
 00:28 9 estimated in his approach.
 00:28 10 MR. GARTNER: Right. So his -- I -- I
 00:28 11 guess I'm agreeing with your numbers that the numbers
 00:28 12 should be low because there's really not logical
 00:28 13 reason why people would be driving from Lodi going
 00:28 14 past this site. The only place they can go to is the
 00:28 15 northern end of Hackensack. They can't get past
 00:28 16 Route 4, because Route 4 is in the way.
 00:28 17 MR. MISKOVICH: Well, they --
 00:28 18 MR. GARTNER: There's nothing up there
 00:28 19 except residences.
 00:28 20 MR. MISKOVICH: If you're looking at
 00:28 21 specifically Lodi and any people from there that
 00:28 22 might be oriented to this facility, you would have to
 00:28 23 find some way to get to this.
 00:28 24 MR. GARTNER: Right. So it would only
 00:28 25 be people who were going specifically to this

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00:29 1 felt is the sound engineering.
 00:29 2 We just had two different opinions and
 00:29 3 two methodologies to arrive at how people would come
 00:29 4 here. And that resulted in the different percentages
 00:29 5 and obviously some of the different traffic numbers
 00:29 6 as we routed it through the intersections.
 00:29 7 MR. GARTNER: If that really were -- he
 00:29 8 never really offered any -- any compelling reason why
 00:29 9 there should be more traffic from those areas.
 00:29 10 And if you pardon the expression, it
 00:29 11 seemed like he's kinda throwing all the crap to the
 00:29 12 wall and see what sticks.
 00:29 13 MR. MISKOVICH: Not to belabor the
 00:29 14 point, the point was we had our model, Lodi we,
 00:29 15 again, missed in the numbers.
 00:29 16 MR. GARTNER: Right.
 00:29 17 MR. MISKOVICH: So it might have
 00:29 18 adjusted it a little bit, but out of the 15 or 20
 00:29 19 towns that we had I don't know if that percentage
 00:29 20 would be substantially different.
 00:29 21 MR. GARTNER: Okay. And I think it
 00:29 22 just seemed like he was tossing something and was
 00:29 23 trying to create some doubt where there really was no
 00:29 24 doubt.
 00:29 25 I guess that was what I -- I came away

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00:28 1 facility --
 00:28 2 MR. MISKOVICH: That's correct.
 00:28 3 MR. GARTNER: -- so, therefore, local
 00:28 4 Hackensack traffic. There is no -- there is no
 00:28 5 pass-through from Lodi going through Hackensack.
 00:28 6 MR. MISKOVICH: Not -- not directly.
 00:28 7 MR. GARTNER: There's no -- there's n
 00:28 8 pass-through -- there's no place to go from Hasbrouck
 00:28 9 Heights to go passed in facility to go through
 00:28 10 Hackensack.
 00:28 11 MR. MISKOVICH: That's correct. But
 00:28 12 the point is when we looked at it is everything that
 00:28 13 we oriented to this site. We're not saying Lodi
 00:28 14 traffic is coming through, but we estimated some
 00:28 15 percentage from there may come to this particular
 00:29 16 facility.
 00:29 17 MR. GARTNER: Okay. So it seems like
 00:29 18 the low numbers you had made sense.
 00:29 19 I'm not sure what he was objecting to
 00:29 20 there. It doesn't seem like there's any great reason
 00:29 21 to argue for more.
 00:29 22 MR. MISKOVICH: We have two different
 00:29 23 approaches, Mr. Keller's and mine.
 00:29 24 MR. GARTNER: Okay.
 00:29 25 MR. MISKOVICH: And based upon what we

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00:29 1 from it with.
 00:29 2 Okay. Thank you for your time.
 00:29 3 MR. MISKOVICH: You're welcome.
 00:30 4 MR. MALAGIERE: Thank you.
 00:30 5 Anyone else?
 00:30 6 MR. CRUSIUS: Hi.
 00:30 7 MR. MALAGIERE: Let me swear you in
 00:30 8 please, sir.
 00:30 9 Do you swear the testimony you're
 00:30 10 about to give before this Board to be the truth, the
 00:30 11 whole truth and nothing but the truth so help you
 00:30 12 God?
 00:30 13 MR. CRUSIUS: Yes.
 00:30 14 K E N N E T H C R U S I U S,
 00:06 15 Residing at 267 Summit Avenue, Hackensack, New
 00:06 16 Jersey, having been duly sworn, testifies as
 00:06 17 follows:
 00:30 18 MR. MALAGIERE: Please ask you to give
 00:30 19 us your full name, spell your last name and provide
 00:30 20 us with an address.
 00:30 21 MR. CRUSIUS: Kenneth Crusuis, 267
 00:30 22 Summit Avenue.
 00:30 23 MR. MALAGIERE: Thank you.
 00:30 24 MR. CRUSIUS: Mr. Miskovich, like many
 00:30 25 of the people behind me, I've been doing this traffic

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00:30 1 study on Summit Avenue/Prospect Avenue area 365 days
 00:30 2 a year for many years.
 00:30 3 In my case four years in this
 00:30 4 particular area of Summit Avenue because this is
 00:30 5 where I've lived for the last four years.
 00:30 6 And my statistics may be a little but
 00:30 7 different than yours, I assume that yours is a
 00:30 8 statistical analysis?
 00:30 9 MR. MISKOVICH: Partially, yes.
 00:30 10 MR. CRUSIUS: Because we all know about
 00:31 11 statistics, there are lies, damn lies and statistics.
 00:31 12 In any case, your statistics are right.
 00:31 13 The area can handle the traffic. However, our lives
 00:31 14 will be hell.
 00:31 15 Absolutely can handle it, but we bought
 00:31 16 residential homes in that area. Some of them are
 00:31 17 condos and apartments, others -- others have -- are
 00:31 18 private homes. And we enjoy being able to live in an
 00:31 19 area where we can almost get out of our driveways.
 00:31 20 Currently I have to back in to my driveway because
 00:31 21 it's too dangerous to back out of it.
 00:31 22 And when I back into it, usually the
 00:31 23 traffic is stopped for two blocks.
 00:31 24 There are sirens in our area because of
 00:31 25 the hospital, as you probably are aware, the current

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00:31 1 hospital, the real one.
 00:32 2 But the funny thing is that the sirens
 00:32 3 don't start sounding, you don't -- you don't hear
 00:32 4 them a half mile away, you don't hear them a quarter
 00:32 5 mile away, you hear them when they get to some place
 00:32 6 between Passaic and Central Avenue because that's
 00:32 7 where the traffic is so they have to start blowing
 00:32 8 the siren. You don't hear it before then, but that's
 00:32 9 is where the sirens go off.
 00:32 10 Finally, I have one real important
 00:32 11 question for you, would you be willing to buy my
 00:32 12 house on Summit Avenue?
 00:32 13 Thank you.
 00:32 14 (Applause).
 00:32 15 MR. MALAGIERE: Anyone else?
 00:32 16 We're going to swear you in please,
 00:32 17 ma'am.
 00:32 18 Do you swear the testimony you're about
 00:32 19 to give before this Board to be the truth, the whole
 00:32 20 truth and nothing but the truth so help you God?
 00:32 21 MS. STERN: Yes, I do.
 00:32 22 A N N E S T E R N,
 00:32 23 Residing at 151 Prospect Avenue, Hackensack, New
 00:32 24 Jersey, having been duly sworn, testifies as
 00:32 25 follows:

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00:32 1 MR. MALAGIERE: Please give us your
 00:32 2 name, spell your last name, provide us with a home
 00:32 3 address.
 00:33 4 MS. STERN: My name is Anne Stern. I'm
 00:33 5 at 151 Prospect Avenue.
 00:33 6 MR. MALAGIERE: Welcome, Ms. Stern.
 00:33 7 MS. STERN: Thank you.
 00:33 8 This backs up quite a ways.
 00:33 9 Originally I remember that we were
 00:33 10 discussing the amount of parking that was going to be
 00:33 11 required for the staff at this hospital.
 00:33 12 I don't remember anything being said in
 00:33 13 reference to the fact that there's an overlap of
 00:33 14 shift changes because of having the different parts
 00:33 15 so you're not talking about X number, you're talking
 00:33 16 about two X number requirements.
 00:33 17 That's still a valid comment that I
 00:33 18 wanted to make, but aside from that since we had that
 00:33 19 discussion the requirements of parking on Summit
 00:33 20 Avenue, I believe, have changed, which is that two
 00:33 21 days a week, there's three hours you're not allowed
 00:33 22 to park on Summit Avenue. There's also a two hour
 00:33 23 limit.
 00:34 24 Now, in my mind's eye that strongly
 00:34 25 impacts the amount of spaces that are going to be

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00:34 1 available for parking for whatever set staff of the
 00:34 2 hospital is going to require parking. And I know we
 00:34 3 had major discussions on how many people are going to
 00:34 4 come by car, how many people are going to come by
 00:34 5 bus. How many people are going to walk.
 00:34 6 Was the changes on Summit Avenue ever
 00:34 7 considered by you or the other traffic study?
 00:34 8 MR. MISKOVICH: Up until tonight this
 00:34 9 is the first I've heard that there were changes made.
 00:34 10 MS. STERN: Come visit, you'd know.
 00:34 11 MR. MISKOVICH: I have been out there.
 00:34 12 And I don't know -- I don't recall when we did our
 00:34 13 counts and done the analysis and probably several
 00:34 14 hearings --
 00:34 15 MS. STERN: You said that at the
 00:34 16 beginning --
 00:34 17 MR. MISKOVICH: But even after that,
 00:34 18 some of the meetings, that there were restrictions
 00:34 19 placed on that roadway as far as parking. I don't
 00:34 20 remember seeing any signs.
 00:34 21 MS. STERN: Because this is a recent
 00:34 22 happening.
 00:34 23 MR. MISKOVICH: And it could be the
 00:34 24 result of Prospect being closed, but --
 00:34 25 MS. STERN: No.

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00:34 1 AUDIENCE MEMBERS: No, no.
 00:34 2 MS. STERN: It was before 300.
 00:34 3 MR. MISKOVICH: --- I can't answer.
 00:35 4 I can only answer to the fact when we
 00:35 5 talked about the parking and the shifts that both our
 00:35 6 study and Mr. Keller's study considered that overlap
 00:35 7 shift, whether there was enough parking in the garage
 00:35 8 to supply that.
 00:35 9 We have differences of opinion as far
 00:35 10 as what that number is, but that was included in both
 00:35 11 of our studies.
 00:35 12 MS. STERN: I don't ever remember
 00:35 13 anything being said about double parking requirement
 00:35 14 for the transfer of shifts.
 00:35 15 MR. MISKOVICH: Well, it was in the
 00:35 16 reports and we talked about it.
 00:35 17 MS. STERN: Check with the audience.
 00:35 18 MR. MISKOVICH: Well...
 00:35 19 MS. STERN: I don't remember.
 00:35 20 Anyway that was a comment I wanted to
 00:35 21 make. I want to know if that's considered in your
 00:35 22 study.
 00:35 23 MR. MISKOVICH: Well, it would affect
 00:35 24 how much vehicles could park on the street if there's
 00:35 25 restriction.

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00:06 1 follows:
 00:06 2 MR. MALAGIERE: Could you please
 00:06 3 identify yourself for the record, spell your last
 00:36 4 name and give us an address, sir.
 00:36 5 MR. SCHROEDER: William Schroeder, 245
 00:36 6 Prospect Avenue, Hackensack.
 00:36 7 MR. MALAGIERE: Welcome.
 00:36 8 MR. SCHROEDER: Okay.
 00:36 9 I think we all may agree, do your agree
 00:36 10 that the traffic right now on Summit Avenue,
 00:36 11 generally, from Essex Street through Central through
 00:36 12 Passaic that up to Spring Valley is horrible six days
 00:36 13 a week from 7:00 a.m. to 10:00 a.m. and from 2 p.m.
 00:36 14 to 7:00 p.m.
 00:37 15 MR. NIX: That's not true.
 00:37 16 AUDIENCE MEMBERS: Yes.
 00:37 17 MR. SCHROEDER: You can't turn left at
 00:37 18 the light. It's a difficult situation right now.
 00:37 19 Do you agree?
 00:37 20 MR. MISKOVICH: Summit Avenue does
 00:37 21 carry heavy volumes the those times, yes.
 00:37 22 MR. SCHROEDER: Right.
 00:37 23 Now, is the there currently any
 00:37 24 commercial development on Summit Avenue from Route 4
 00:37 25 down to Essex Street by the Sanzari medical facility,

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00:35 1 MS. STERN: Which will impact the
 00:35 2 traffic flow.
 00:35 3 MR. MISKOVICH: Which obviously does
 00:35 4 affect it, yes, because if they're all parked there
 00:35 5 there would be more congestion which could not move.
 00:35 6 If there's restriction so there's less parking. If
 00:35 7 you cannot park that long, it would probably free up
 00:35 8 traffic moving a little bit.
 00:35 9 So I can't speak specifically as far as
 00:35 10 what those change would have on traffic.
 00:36 11 MS. STERN: I just want to know whether
 00:36 12 you considered it.
 00:36 13 MR. MISKOVICH: No. The answer is no.
 00:36 14 MS. STERN: Okay. Thank you.
 00:36 15 MR. MISKOVICH: You're welcome.
 00:36 16 (Applause).
 00:36 17 MR. MALAGIERE: Thank you.
 00:36 18 Hi, how are you. Let me swear you in. Do you swear
 00:36 19 the testimony you're about to give before this Board
 00:36 20 to be the truth, the whole truth and nothing but the
 00:36 21 truth so help you God?
 00:36 22 MR. SCHROEDER: I do.
 00:36 23 W I L L I A M S C H R O E D E R,
 00:36 24 Residing at 245 Prospect Avenue, Hackensack, New
 00:36 25 Jersey, having been duly sworn, testifies as

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00:37 1 aside from converted single family homes?
 00:37 2 MR. MISKOVICH: That's a fairly long
 00:37 3 stretch. I believe that as it crosses Essex there is
 00:37 4 some.
 00:37 5 MR. SCHROEDER: From the Sanzari
 00:37 6 medical by Essex. There is none other up until Route
 00:37 7 4; is that correct?
 00:37 8 MR. MISKOVICH: Well, I -- well, like I
 00:37 9 said I don't recall there's any from at least Central
 00:37 10 Avenue north.
 00:37 11 MR. SCHROEDER: Pardon me. I'm talking
 00:37 12 about all the way down the --
 00:37 13 MR. MISKOVICH: Summit Avenue.
 00:37 14 MR. SCHROEDER: -- one block north of
 00:37 15 Essex there's a Sanzari Medical Center.
 00:37 16 MR. MISKOVICH: I understand that. I
 00:37 17 indicated that you're telling me the entire length of
 00:37 18 Summit --
 00:37 19 MR. SCHROEDER: Correct.
 00:37 20 MR. MISKOVICH: -- all I can tell you I
 00:37 21 only know the fact there's commercial on Summit, but
 00:38 22 in the area of Essex Street.
 00:38 23 As I go further north that I don't
 00:38 24 recall there is being that much other than maybe some
 00:38 25 converted residential --

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00:38 **1** MR. SCHROEDER: I think the answer
 00:38 **2** would be none --
 00:38 **3** MR. MISKOVICH: -- medical offices.
 00:38 **4** MR. SCHROEDER: -- there. The answer
 00:38 **5** would be none.
 00:38 **6** MR. MISKOVICH: Okay.
 00:38 **7** MR. SCHROEDER: I've lived in this town
 00:38 **8** for 11 years, I don't know how long you've lived in
 00:38 **9** town.
 00:38 **10** There is no commercial development at
 00:38 **11** all, except for converted single family homes from
 00:38 **12** Route 4 to one block north of Essex Street, whatever
 00:38 **13** that name of that little street.
 00:38 **14** MR. NIX: Not true.
 00:38 **15** MR. SCHROEDER: Can you imagine -- now,
 00:38 **16** this facility is a private purpose facility. It's
 00:38 **17** for-profit facility.
 00:38 **18** Do you think -- how much do you think
 00:38 **19** this will exacerbate the traffic situation on Summit
 00:38 **20** Avenue when there is no commercial development now.
 00:38 **21** This would be step number one.
 00:38 **22** Sixty percent of the footprint of this
 00:39 **23** for-profit private purpose facility is on Summit
 00:39 **24** Avenue, which for 320 years, thanks to the signage on
 00:39 **25** the way to -- must be the stimulus money at work, we

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00:40 **1** happen?
 00:40 **2** Anyway use your imagination, think
 00:40 **3** about it. It will exacerbate the traffic terribly.
 00:40 **4** And it does not belong on Summit Avenue. It's not a
 00:40 **5** governmental facility. It's private purpose. It's
 00:40 **6** for-profit. It will benefit one man and his group.
 00:40 **7** There are plenty of other -- (applause)
 00:40 **8** there are plenty of other more appropriate places.
 00:40 **9** Okay? There's bad traffic on Essex Street, on Main
 00:40 **10** Street, on River Road, on Route 4. They're --
 00:40 **11** they're for commercial development. Okay. But not
 00:40 **12** Summit Avenue.
 00:40 **13** Thank you.
 00:40 **14** (Applause.)
 00:41 **15** MR. MALAGIERE: We're going to swear
 00:41 **16** you in, sir.
 00:41 **17** MR. NIX: I thought we weren't going to
 00:41 **18** repeat here.
 00:41 **19** CHAIRMAN GUERRA: Mr. Malagiere?
 00:41 **20** MR. MALAGIERE: Yes.
 00:41 **21** CHAIRMAN GUERRA: Just two minutes,
 00:41 **22** Andy wants to change the batteries --
 00:41 **23** MR. MALAGIERE: Okay.
 00:41 **24** CHAIRMAN GUERRA: -- on that cordless.
 00:41 **25** Just everyone sit tight.

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00:39 **1** all see the new signs, Hackensack developed in 1693,
 00:39 **2** for 320 years, there's been no commercial development
 00:39 **3** on Summit Avenue.
 00:39 **4** So we expect to make an exception,
 00:39 **5** exacerbate the traffic situation, step one. If we
 00:39 **6** exempt Mr. Pineles with his private purpose
 00:39 **7** for-profit facility, who do we exempt next? Where
 00:39 **8** does the traffic go from here? What do you think?
 00:39 **9** MR. MISKOVICH: I'm not sure what the
 00:39 **10** question is.
 00:39 **11** MR. SCHROEDER: How much will this
 00:39 **12** exacerbate, okay, with the first step the traffic on
 00:39 **13** Summit?
 00:39 **14** MR. MISKOVICH: Well, I believe those
 00:40 **15** were explained in the traffic report that was
 00:40 **16** submitted with the application.
 00:40 **17** MR. SCHROEDER: You know, as the
 00:40 **18** Planning Board, do we look ahead one, two, three,
 00:40 **19** four, five years?
 00:40 **20** MR. NIX: Please.
 00:40 **21** MR. SCHROEDER: We could look behind
 00:40 **22** 320 years, there's no development on Summit Avenue.
 00:40 **23** Do you ever look ahead a few years?
 00:40 **24** MR. NIX: There' used to be a hotel.
 00:40 **25** MR. SCHROEDER: Consider what would

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00:41 **1** MR. NIX: I thought we weren't going to
 00:41 **2** repeat ourselves.
 00:41 **3** (Whereupon, a brief recess is taken.)
 00:44 **4** CHAIRMAN GUERRA: We're back on. Thank
 00:44 **5** you.
 00:44 **6** MR. MALAGIERE: We're going to swear
 00:44 **7** you in, sir.
 00:44 **8** Do you swear the testimony you're about
 00:44 **9** to give before this Board to be the truth, the whole
 00:44 **10** truth and nothing but the truth so help you God?
 00:44 **11** MR. GAILLARD: Yes, I do.
 00:44 **12** P I E R R E G A I L L A R D,
 00:44 **13** Residing at 261 Standish Avenue, Hackensack, New
 00:44 **14** Jersey, having been duly sworn, testifies as
 00:44 **15** follows:
 00:44 **16** MR. MALAGIERE: Could you please
 00:44 **17** identify yourself for the record, sell your last
 00:44 **18** name, provide us with a home address please.
 00:44 **19** MR. GAILLARD: My name is Pierre
 00:44 **20** Gaillard, G-a-i-l-l-a-r-d, first name Pierre
 00:44 **21** P-i-e-r-r-e.
 00:44 **22** MR. MALAGIERE: Give us an address
 00:44 **23** please, sir.
 00:44 **24** MR. GAILLARD: Yes, 261 Standish
 00:44 **25** Avenue, Hackensack, New Jersey.

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00:44 1 MR. MALAGIERE: Thank you.
 00:44 2 Welcome, sir.
 00:44 3 MR. GAILLARD: I've been living in this
 00:44 4 town for the last 30 years. And I have seen the
 00:44 5 increase of traffic on Summit, Prospect and Polify.
 00:44 6 All three roads are miserable in the morning and in
 00:44 7 the evening.
 00:44 8 Evening since Route 80 and Route 17,
 00:44 9 which is backed up tremendously. From Prospect --
 00:44 10 from Hasbrouck Heights to Prospect -- to Paramus for
 00:45 11 the last five years there's been a study they want to
 00:45 12 expand the road three lanes on both sides. When that
 00:45 13 project starts, all the towns from that point, from
 00:45 14 Hasbrouck Heights to Paramus is going to be holy
 00:45 15 hell. That means everybody is going to be jumping
 00:45 16 off into --into the smaller towns. That means
 00:45 17 traffic on the side small streets was not built for
 00:45 18 the traffic which is going be endured. And it's not
 00:45 19 -- it's going to be tremendous and it's going to be
 00:45 20 hell once again it's going to be like hell.
 00:45 21 Now, when they expand that and the
 00:45 22 Polify -- on -- on Prospect and as well as Summit,
 00:45 23 again it's jammed up now people can't move.
 00:45 24 What's going to happen once they start
 00:45 25 construction? Their project and -- project on Route

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00:45 1 17, north and south.
 00:45 2 Now, when the -- are so forefathers of
 00:46 3 the county, they designed the change Essex Street,
 00:46 4 they didn't do us no bargain by eliminating, making
 00:46 5 turn, at the present moment if you come up from
 00:46 6 Polify you can make a left-hand turn, Prospect you're
 00:46 7 not allowed to make a left and you can only make a
 00:46 8 left at Polify or Summit. If you want to make a
 00:46 9 right, they -- they designed strictly for the
 00:46 10 hospital purpose, not -- they didn't care about the
 00:46 11 residents, if you're cutting off ten blocks at all.
 00:46 12 They were just worried about hospital traffic.
 00:46 13 This is going to be the same deal when
 00:46 14 you do Central and Passaic Street. It's going to be
 00:46 15 the same deal, catering to the hospital for their
 00:46 16 purpose to get traffic through.
 00:46 17 If you live in the area, too bad,
 00:46 18 Charlie.
 00:46 19 Thank you very much.
 00:47 20 (Applause.)
 00:47 21 CHAIRMAN GUERRA: Thank you.
 00:47 22 MR. MALAGIERE: Hi. How are you, we're
 00:47 23 going to swear you in please.
 00:47 24 Do you swear the testimony you're about
 00:47 25 to give before this Board to be the truth, the whole

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00:47 1 truth and nothing but the truth so help you God?
 00:47 2 MS. WEINMAN: I do.
 00:47 3 T H E O D O R A W E I N M A N,
 00:06 4 Residing at 280 Prospect Avenue, Hackensack, New
 00:06 5 Jersey, having been duly sworn, testifies as
 00:47 6 follows:
 00:47 7 MR. MALAGIERE: Would you please
 00:47 8 identify yourself for the record and give us your
 00:47 9 address.
 00:06 10 MS. WEINMAN: Theodora Weinman, 280
 00:47 11 Prospect Avenue.
 00:47 12 MR. MALAGIERE: Thank you. Welcome.
 00:47 13 MS. WEINMAN: I would just like to
 00:47 14 clarify something we spoke about the handicap stops
 00:47 15 -- spots on Passaic -- on Prospect and Passaic
 00:47 16 Street, I don't know if anyone is aware of that, but
 00:47 17 the handicap spots at that point are used by the
 00:47 18 people who use the VA across the street. And that is
 00:47 19 many times the parking lot downstairs on Prospect
 00:47 20 can't -- you can't find a parking spot. And some of
 00:48 21 them do use those handicap spots.
 00:48 22 Further, no one mentioned the buses
 00:48 23 that go to the City in the morning who people are
 00:48 24 commuters. I've been on those buses in the morning
 00:48 25 and there would be right -- like right now there is

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00:48 1 no place for them to stop. They have to go around on
 00:48 2 Summit in order to come back on Prospect to be picked
 00:48 3 up in the morning. The lines are miles long. And
 00:48 4 these people have to go to work. They -- that's how
 00:48 5 they get to the City. And that's why many of them
 00:48 6 took apartments on Prospect Avenue.
 00:48 7 Further, the parking that is used in
 00:48 8 back of the temple on Golf is being paid for to the
 00:48 9 temple for the people -- many that the people I
 00:48 10 understand to be at the Prospect Heights employees,
 00:48 11 that's the unit that is presently there.
 00:48 12 And I think all these things have to be
 00:49 13 considered before we make any construction -- anybody
 00:49 14 makes any construction on Prospect Avenue. This is a
 00:49 15 very fine street with residential properties. And we
 00:49 16 have all paid excessive amounts of money to live
 00:49 17 there. And there is no reason for a private building
 00:49 18 to take place there.
 00:49 19 That's it.
 00:49 20 (Applause.)
 00:49 21 MR. MALAGIERE: I'm sorry, is it your
 00:49 22 understanding the Temple Beth-El is leasing spaces --
 00:49 23 MS. WEINMAN: That's what I believe.
 00:49 24 MR. MALAGIERE: -- to Mr. Pineles'
 00:49 25 group on the Prospect Heights --

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00:49 1 AUDIENCE MEMBERS: Yes. Yes.
 00:49 2 MS. WEINMAN: That's what I believe.
 00:49 3 MR. NIX: Seven spaces, right.
 00:49 4 MR. MALAGIERE: Hi, how are you.
 00:49 5 We're going to swear you in please. If
 00:49 6 I could just ask you to put your left hand on the
 00:49 7 Bible I'm going to swear you in.
 00:49 8 Thank's so much.
 00:49 9 Do you swear the testimony you're about
 00:49 10 to give before this Board to be the truth, the whole
 00:49 11 truth and nothing but the truth so help you God?
 00:49 12 MS. SCHWARZ: I do.
 00:49 13 J O A N B E T T Y S C H W A R Z,
 00:49 14 Residing at 171 Prospect Avenue, Hackensack, New
 00:49 15 Jersey, having been duly sworn, testifies as
 00:49 16 follows:
 00:49 17 MR. MALAGIERE: Could you please
 00:49 18 identify yourself for the record and give us an
 00:49 19 address please?
 00:49 20 MS. SCHWARZ: Yes, my name is Joan Betty
 00:50 21 Schwarz, 171 Prospect Avenue.
 00:50 22 I'm just going to read what I have to
 00:50 23 say, so I'll do it quickly, but concisely I hope.
 00:50 24 There have been many, many speakers
 00:50 25 from the audience, not anyone, except Mr. Pineles the
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00:50 1 owner of this project, has spoken in its favor.
 00:50 2 MR. NIX: I have.
 00:50 3 MS. SCHWARZ: The Board IS aware of the
 00:50 4 enormous traffic problems that this building will
 00:50 5 bring to Prospect and Summit Avenues. It's not
 00:50 6 because the building is inappropriate. The problem,
 00:50 7 essentially, is location, location, location, a very
 00:50 8 poor choice of location.
 00:51 9 We're all living longer than our
 00:51 10 predecessors and may need a facility like this LTACH
 00:51 11 building, but not here. We've attended all these
 00:51 12 meeting to show the Board how important it is to us
 00:51 13 that you, in your good judgment, see to it that we --
 00:51 14 I'm sorry -- in your good judgement see it as we do
 00:51 15 and vote it down all together.
 00:51 16 I implore you to pay attention to our
 00:51 17 pleas. No variances, no reduction in size or
 00:51 18 facility, just don't allow it here at all.
 00:51 19 And I thank you very much for your
 00:51 20 attention.
 00:51 21 (Applause.)
 00:51 22 CHAIRMAN GUERRA: Thank you.
 00:51 23 MR. MALAGIERE: Hi.
 00:51 24 Do you swear the testimony you're about
 00:51 25 to give before this Board to be the truth, the whole
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00:49 1 truth and nothing but the truth so help you God?
 00:49 2 MS. RUBEN: I do.
 00:49 3 B A R B A R A R U B E N,
 00:49 4 Residing at 326 Prospect Avenue, Hackensack, New
 00:49 5 Jersey, having been duly sworn, testifies as
 00:52 6 follows:
 00:52 7 MR. MALAGIERE: Could you please
 00:52 8 identify yourself for the record.
 00:52 9 MS. RUBEN: My name is Barbara Ruben,
 00:52 10 326 Prospect Avenue, Apartment 2K.
 00:52 11 MR. MALAGIERE: Welcome.
 00:52 12 MS. RUBEN: I live in the corner
 00:52 13 apartment with a view of what's going on where the
 00:52 14 collapsed garage is. Heavy equipment, unbelievable
 00:52 15 heavy equipment, police presence that has to protect
 00:52 16 it all, and closing off the street.
 00:52 17 Now has anybody looked at the
 00:52 18 tremendous hole where they had to dig out the garage?
 00:52 19 It look like World War II. It is --
 00:52 20 MR. NIX: It has nothing to do with
 00:52 21 this.
 00:52 22 MS. RUBEN: It's unbelievable.
 00:52 23 Now, they testified, Mr. Pineles and
 00:53 24 his group, his people, testified that it would take
 00:53 25 two years to complete this project, including a five
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00:53 1 level underground garage.
 00:53 2 Now, how can anybody in their right
 00:53 3 mind approve such a thing? I submit that it's
 00:53 4 irresponsible and dangerous.
 00:53 5 And I believe that Mr. Pineles and his
 00:53 6 group should stop right away. It's impossible to
 00:53 7 proceed.
 00:53 8 And he's going to have all this heavy
 00:53 9 equipment and five -- and on a hundred foot wide
 00:53 10 property? And the earth being disturbed, it will
 00:53 11 impact the other buildings right next to it. We'll
 00:53 12 have more collapsed buildings. This time it won't be
 00:53 13 a garage, it'll be a building collapsing.
 00:53 14 And I submit that this is dangerous.
 00:53 15 And it should not even be allowed to go further for
 00:53 16 discussion. I don't care about traffic. I don't
 00:54 17 care about anything. It's a dangerous, irresponsible
 00:54 18 project.
 00:54 19 Thank you.
 00:54 20 (Applause).
 00:54 21 MR. NIX: We are supposed to be cross
 00:54 22 examining him?
 00:54 23 MR. MALAGIERE: You can ask questions
 00:54 24 or make comments, Mr. Nix.
 00:54 25 MR. NIX: About anything?
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00:54 1 MR. MALAGIERE: About this witness'
 00:54 2 testimony.
 00:54 3 MR. NIX: That's what I thought.
 00:54 4 MR. MALAGIERE: Do you swear the
 00:54 5 testimony you're about to give before this Board to
 00:54 6 be the truth, the whole truth and nothing but the
 00:54 7 truth so help you God?
 00:54 8 MS. JOHNSON: I do.
 00:54 9 J U D Y J O H N S O N,
 00:54 10 Residing at 339 Summit Avenue, Hackensack, New
 00:54 11 Jersey, having been duly sworn, testifies as
 00:54 12 follows:
 00:54 13 MR. MALAGIERE: Could you please
 00:54 14 identify yourself for the record.
 00:54 15 MS. JOHNSON: Judy Johnson, 339 Summit
 00:54 16 Avenue.
 00:54 17 MR. MALAGIERE: Welcome, Ms. Johnson.
 00:54 18 MS. JOHNSON: I have a couple of quick
 00:54 19 questions, I hope.
 00:54 20 I'm concerned primarily with Summit and
 00:54 21 you have given testimony about the two intersections
 00:54 22 on Summit, one at Passaic and the other at Central
 00:54 23 and the ratings, I think both yours and Mr. Keller's
 00:54 24 related to those intersections, were either a D or an
 00:54 25 F.

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00:55 1 MR. MISKOVICH: -- with this
 00:55 2 development.
 00:55 3 MS. JOHNSON: For the build as well,
 00:55 4 correct?
 00:55 5 Can you give me the time for that F
 00:55 6 though, what is F?
 00:55 7 MR. MISKOVICH: Well, that was just
 00:55 8 during the morning peak -- peak hours and an hour
 00:55 9 during the evening.
 00:55 10 MS. JOHNSON: Okay.
 00:55 11 MR. MISKOVICH: So --
 00:56 12 MS. JOHNSON: No, I mean just the
 00:56 13 average time wait, there's a time that you wait like
 00:56 14 a 10 second, 20 second.
 00:56 15 MR. MISKOVICH: Well, we measure things
 00:56 16 in what call vehicle delay so for an example
 00:56 17 northbound through movement in the morning increases
 00:56 18 -- it's about 250 seconds by the calculations,
 00:56 19 increases about 11 seconds.
 00:56 20 And the evening, the calculation shows
 00:56 21 that it goes from 88 to approximately 95. So there's
 00:56 22 some increases in the delay, average delay for a
 00:56 23 vehicle on those approaches.
 00:56 24 The point and going through the
 00:56 25 analysis is that some of those movements at those

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00:54 1 Can you comment on what your current
 00:54 2 rating is for those intersections in a scale of A to
 00:54 3 F?
 00:54 4 MR. MISKOVICH: I'm sorry.
 00:54 5 MS. JOHNSON: The two intersections,
 00:54 6 the one at Passaic and Summit.
 00:54 7 MR. MISKOVICH: The last part of the
 00:54 8 question?
 00:54 9 MS. JOHNSON: Of what they're rated
 00:55 10 from an A to an F.
 00:55 11 MR. MISKOVICH: Okay.
 00:55 12 MR. MALAGIERE: Build or no-build
 00:55 13 condition?
 00:55 14 MS. JOHNSON: Actually, I'm interested
 00:55 15 in the current build and no-build because I don't
 00:55 16 think there's much difference and that's what I'm
 00:55 17 questioning.
 00:55 18 MR. MISKOVICH: I'm sorry I have to
 00:55 19 look for that. Passaic and Summit and Central and
 00:55 20 Summit.
 00:55 21 Well, we indicated that some of the
 00:55 22 approaches, for an example, Summit Avenue northbound
 00:55 23 at Passaic Street under the no-build have what we
 00:55 24 call a Level of Service F, that would continue --
 00:55 25 MS. JOHNSON: Okay.

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00:56 1 intersection have poor operating levels of service.
 00:56 2 They will be either exacerbated by traffic, depending
 00:56 3 on my number and Mr. Keller's or there might be no
 00:56 4 change and maybe slight -- slightly less. But it
 00:56 5 doesn't change basically the end result.
 00:56 6 MS. JOHNSON: I mean it still remains
 00:56 7 and F and if there is an upgrade that is higher than
 00:56 8 -- worse than an F, correct?
 00:57 9 MR. MISKOVICH: Correct.
 00:57 10 MS. JOHNSON: One of the -- one of the
 00:57 11 suggestions was on the Central Avenue and Summit
 00:57 12 side, I believe, was to actually make a left hand
 00:57 13 turn only going south on Summit to Central on
 00:57 14 Central.
 00:57 15 MR. MISKOVICH: I believe the testimony
 00:57 16 of Mr. Keller was that Central Avenue approaches
 00:57 17 which are just one lane have enough width to provide
 00:57 18 a left turn lane and the through right lines, similar
 00:57 19 to what's on -- on Summit Avenue at that
 00:57 20 intersection.
 00:57 21 MS. JOHNSON: Okay. So my question
 00:57 22 would be, and I think I asked Mr. Keller this as
 00:57 23 well, in no-build situation I mean it's pretty bad
 00:57 24 right now and that's pretty bad you're saying, you
 00:57 25 know, 200 minutes (sic). - I mean that is, you know,

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00:57 **1** 120 minutes (sic). That's 120 seconds I'm sorry,
 00:57 **2** that's two minutes, two-and-a-half minutes, that's a
 00:57 **3** long time.
 00:57 **4** When you make a left hand turn, which
 00:57 **5** is one of the solutions that was being offered, and
 00:57 **6** you make a left hand turn only it still doesn't get
 00:57 **7** much better, does it?
 00:57 **8** I mean do you have more information on
 00:58 **9** that? Are you going to do a presentation or was that
 00:58 **10** Mr. Keller.
 00:58 **11** MR. MISKOVICH: I don't recall the
 00:58 **12** exact testimony, but to answer your particular
 00:58 **13** question, I believe the testimony was because it's
 00:58 **14** bad on the Central Avenue approach is because of the
 00:58 **15** left turning vehicle --
 00:58 **16** MR. MISKOVICH: Yes.
 00:58 **17** Let me rephrase that, someone is behind
 00:58 **18** the left turning vehicle could not get around, that
 00:58 **19** impedes his movement which has a back up, so that if
 00:58 **20** we take that left turning vehicle out of through
 00:58 **21** lane --
 00:58 **22** MS. JOHNSON: Uh-huh.
 00:58 **23** MR. MISKOVICH: -- at least the through
 00:58 **24** traffic is not impeded it would move a little bit.
 00:58 **25** MS. JOHNSON: What --

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00:59 **1** Now, I'm going to go hypotheses and
 00:59 **2** mitigating controls. Let's say that this goes ahead,
 00:59 **3** it gets built, traffic is horrendous, the left hand
 00:59 **4** turn only doesn't work, what are the other options at
 00:59 **5** Summit at that point? Do we get rid of the parking?
 00:59 **6** Do we take away the sidewalks? Depend the street,
 00:59 **7** make it two lanes both ways?
 00:59 **8** I mean what kind of options do we have.
 00:59 **9** MR. MISKOVICH: All of those -- all of
 00:59 **10** those are options when you're looking at
 00:59 **11** improvements.
 00:59 **12** The question is to what level do you
 00:59 **13** consider all those in the analysis?
 00:59 **14** MS. JOHNSON: Uh-huh.
 00:59 **15** MR. MISKOVICH: And that was not done
 00:59 **16** by myself or I believe Mr. Keller at all the
 00:59 **17** intersections. We did some.
 00:59 **18** So that your answer is there is
 00:59 **19** probably some mitigation that could be offered.
 00:59 **20** MS. JOHNSON: Uh-huh.
 00:59 **21** MR. MISKOVICH: But exactly what that
 01:00 **22** would entail, I couldn't say at this point.
 01:00 **23** MS. JOHNSON: But that would probably
 01:00 **24** be something that would be provided at some point
 01:00 **25** correct? And the parking or something --

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00:58 **1** MR. MISKOVICH: Once the left turn
 00:58 **2** operation gets better, I would have to see the
 00:58 **3** numbers, but that's -- that's the concept --
 00:58 **4** MS. JOHNSON: That's the concept.
 00:58 **5** MR. MISKOVICH: -- that was proffered
 00:58 **6** by Mr. Keller.
 00:58 **7** MS. JOHNSON: Which is similar to what
 00:58 **8** they have on Essex because one of the problems that I
 00:58 **9** see is that you can only get so many cars in that
 00:58 **10** left hand turn before traffic actually still backs up
 00:58 **11** --
 00:58 **12** MR. MISKOVICH: Yeah.
 00:58 **13** MS. JOHNSON: Three or four or maybe
 00:58 **14** five cars, years, but because it's still a two lane
 00:58 **15** only, one-way in each direction parking of those both
 00:58 **16** sites, there is still going to be a back up, you
 00:58 **17** know, if you have more than, in that particular
 00:58 **18** place, two of three cars, correct?
 00:59 **19** MR. MISKOVICH: Well, I'm not sure I
 00:59 **20** follow, but there will be backs up as we indicated --
 00:59 **21** MS. JOHNSON: Okay.
 00:59 **22** MR. MISKOVICH: -- whether they can be
 00:59 **23** mitigated or better correct those situations, I don't
 00:59 **24** recall the analysis that was done. I'm sorry.
 00:59 **25** MS. JOHNSON: Now -- that's okay.

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01:00 **1** MR. MISKOVICH: Those are all the
 01:00 **2** situations that are looked into when you do a -- a
 01:00 **3** design, to the extent that you address each one of
 01:00 **4** those points, the parking removal, you would really
 01:00 **5** have to evaluate it at that point.
 01:00 **6** MS. JOHNSON: Okay. Thank you.
 01:00 **7** MR. MISKOVICH: I can't give you a
 01:00 **8** specific answer.
 01:00 **9** MS. JOHNSON: Thank you.
 01:00 **10** (Applause.)
 01:00 **11** CHAIRMAN GUERRA: Thank you.
 01:00 **12** MR. MALAGIERE: Hi, how are you.
 01:00 **13** Do you swear the testimony you're about
 01:00 **14** to give before this Board to be the truth, the whole
 01:00 **15** truth and nothing but the truth so help you God?
 01:00 **16** DR. JOHNSON: I do.
 01:00 **17** M A R K J O H N S O N,
 01:00 **18** Residing at 339 Summit Avenue, Hackensack, New
 01:00 **19** Jersey, having been duly sworn, testifies as
 01:00 **20** follows:
 01:00 **21** MR. MALAGIERE: Could you please
 01:00 **22** identify yourself for the record and provide us an
 01:00 **23** address.
 01:00 **24** DR. JOHNSON: Mark Johnson, 339 Summit
 01:00 **25** Avenue.

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01:00 1 MR. MALAGIERE: Welcome, Doctor.
 01:00 2 DR. JOHNSON: Thank you.
 01:00 3 Good evening, Mr. Miskovich, how are
 01:00 4 you?
 01:00 5 MR. MISKOVICH: Good, thanks.
 01:00 6 DR. JOHNSON: I just want to make clear
 01:01 7 in my mind because I've listened to all the testimony
 01:01 8 that you've given that when -- when you went about
 01:01 9 your model, creating your model, and in terms of
 01:01 10 thinking about this place and the shift and the
 01:01 11 parking and all of that information, the amount of
 01:01 12 people that would be in it, the amount of people that
 01:01 13 would be in the dialysis unit, the vans, the -- the
 01:01 14 staff, all of that. When -- when you took that
 01:01 15 information you got it directly from Mr. Keller's
 01:01 16 report.
 01:01 17 MR. MISKOVICH: Well --
 01:01 18 DR. JOHNSON: Is that correct? I'm --
 01:01 19 I'm --
 01:01 20 MR. MISKOVICH: Not all of it, no.
 01:01 21 We -- we looked at what was in Mr.
 01:01 22 Keller's report. We performed our own analysis. And
 01:01 23 you remember the testimony we had slight differences
 01:01 24 of opinion as far as what some of those numbers might
 01:01 25 be. That's why there's a different result as far as

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01:02 1 facility that had these three components. Some might
 01:02 2 have one, some were attached, maybe a lot were
 01:03 3 attached with hospitals of some group in there, where
 01:03 4 it was difficult to get actual numbers.
 01:03 5 We attempted to do that. And in light
 01:03 6 of that we looked at what you were presented in Mr.
 01:03 7 Keller's report we -- in our opinion of what we could
 01:03 8 find out in talking to people, were they reasonable.
 01:03 9 So if it was reasonable we kept it, if we thought
 01:03 10 there was something different, we came up with a
 01:03 11 different number.
 01:03 12 So I guess part of the question is from
 01:03 13 our part of it is whether all those numbers are
 01:03 14 correct.
 01:03 15 I mean we could be off. We could still
 01:03 16 have difference of opinions as far as the reality of
 01:03 17 it.
 01:03 18 But as far as, we've tried to do, I
 01:03 19 think both of us, take the approach that was best
 01:03 20 that we could at the time given the information that
 01:03 21 was available in this type of facility.
 01:03 22 DR. JOHNSON: But, unfortunately,
 01:03 23 because there's nothing else to compare it to, its
 01:03 24 all sort of --
 01:03 25 DR. JOHNSON: Well, as indicated if we

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01:01 1 how much traffic generation we were estimating.
 01:02 2 DR. JOHNSON: Okay.
 01:02 3 MR. MISKOVICH: So...
 01:02 4 DR. JOHNSON: But in terms of the
 01:02 5 shift, in terms of the amount of staff, in terms of
 01:02 6 the amount of people that would be using this
 01:02 7 facility, the amount -- in terms of, you know, in
 01:02 8 other words the amount of dialysis patients, the
 01:02 9 amount of vans that would be coming in and out, that
 01:02 10 information, for the most part, is --
 01:02 11 MR. MISKOVICH: It's fairly consistent,
 01:02 12 yes, for the most part.
 01:02 13 DR. JOHNSON: Okay. And so some of
 01:02 14 that information that Mr. Keller's report also states
 01:02 15 was directly from Mr. Pineles, right?
 01:02 16 MR. MISKOVICH: That's correct, I
 01:02 17 believe yes.
 01:02 18 DR. JOHNSON: So -- so essentially a
 01:02 19 lot of the analysis that you did is based on the idea
 01:02 20 that Mr. Pineles has that this is going to all fall
 01:02 21 into place and it's going to work as he set it's
 01:02 22 going to work?
 01:02 23 MR. MISKOVICH: Well, as I indicated,
 01:02 24 again, I believe, the testimony is that we -- there's
 01:02 25 nothing -- we cannot find a similar freestanding

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01:03 1 -- if there were similar facilities that we looked in
 01:03 2 the ITE, Institute of Transportation Engineers
 01:03 3 publication that have studies done at similar -- a
 01:04 4 lot of facilities, say an office building or a
 01:04 5 shopping center --
 01:04 6 DR. JOHNSON: Uh-huh.
 01:04 7 MR. MISKOVICH: -- you can look at some
 01:04 8 of that data and say this is reasonable.
 01:04 9 We cannot find anything with that type
 01:04 10 of reference that we would say yes. There was X
 01:04 11 number of studies done at this type of facility. So
 01:04 12 we have a pretty good estimate as far as what the
 01:04 13 traffic may be.
 01:04 14 DR. JOHNSON: And that makes your job
 01:04 15 that much harder in terms of estimating what the
 01:04 16 effects of the traffic are going to be, right?
 01:04 17 MR. MISKOVICH: It gives --
 01:04 18 DR. JOHNSON: Yes.
 01:04 19 MR. MISKOVICH: It's a little more
 01:04 20 difficult.
 01:04 21 DR. JOHNSON: It's more difficult, yes.
 01:04 22 MR. MISKOVICH: Yes.
 01:04 23 DR. JOHNSON: Okay. Have you studied
 01:04 24 traffic in other towns? I mean is there an -- is
 01:04 25 there sort of a letter? I know what -- it's

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01:04 1 different at each intersection, but is there sort of
 01:04 2 a traffic letter that defines Hackensack in terms of
 01:04 3 how it is at this point in time A, B, C, D, E. I am
 01:04 4 if you think of the whole city, it's the only city in
 01:04 5 Bergen County.
 01:04 6 MR. MISKOVICH: Well, I --
 01:04 7 MR. MALAGIERE: I don't believe that's
 01:04 8 accurate.
 01:04 9 CHAIRMAN GUERRA: Englewood.
 01:04 10 MR. MALAGIERE: Englewood and Garfield
 01:05 11 are cities.
 01:05 12 DR. JOHNSON: Really? Sorry.
 01:05 13 CHAIRMAN GUERRA: There's not a lot.
 01:05 14 MR. MISKOVICH: I think it's very
 01:05 15 difficult to quantify or to put a letter value for a
 01:05 16 town or a location in general.
 01:05 17 DR. JOHNSON: Okay.
 01:05 18 MR. MISKOVICH: Because every -- every
 01:05 19 plate is a little bit different, and I think that the
 01:05 20 -- where it's difficult to quantify it at is that
 01:05 21 traffic conditions of the more urban areas you might
 01:05 22 have around here is a lot different than if you go
 01:05 23 into South Jersey which is more rural, you have
 01:05 24 different expectations.
 01:05 25 So where a Level of Service here might

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01:06 1 difficult to quantify.
 01:06 2 DR. JOHNSON: Right.
 01:06 3 MR. MISKOVICH: It goes into the inputs
 01:06 4 that you put into each intersection.
 01:06 5 For an example you could put how many
 01:06 6 times a bus stops at a particular intersection or
 01:06 7 approach it goes into the capacity analysis.
 01:06 8 So it is incorporated into the
 01:06 9 analysis.
 01:06 10 But there's nothing specific that we
 01:06 11 would do to increase how many buses turn, et cetera,
 01:07 12 they're in the traffic numbers, themselves.
 01:07 13 DR. JOHNSON: Okay.
 01:07 14 The -- two more things. You know,
 01:07 15 obviously, this -- this is the Bergen Passaic LTACH,
 01:07 16 right? And so there's a permission to put this
 01:07 17 building in Bergen or Passaic County.
 01:07 18 Are there other towns in those two
 01:07 19 counties that might be better suited based on the
 01:07 20 traffic for this particular facility?
 01:07 21 I mean have you done work in this area
 01:07 22 where you know of other towns that might be --
 01:07 23 MR. MISKOVICH: I can't really speak to
 01:07 24 that, because that's really looking at the site
 01:07 25 specific.

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01:05 1 be an acceptable reason here, because of congestion,
 01:05 2 that would be intolerable in a more suburban type
 01:05 3 setting where you might opt to have a better level of
 01:05 4 service. To it's all relative.
 01:05 5 What we've pointed out in the report is
 01:05 6 when you go from what was the permitted uses to a
 01:05 7 no-build situation, adding this traffic to show what
 01:05 8 the changes are in those values.
 01:05 9 That's the judgement that the Board has
 01:05 10 to make as to what they -- the weight they put it to
 01:06 11 either increase delay, change the level of service,
 01:06 12 et cetera, or increases in traffic volumes.
 01:06 13 So we're just pointing out the numbers,
 01:06 14 the decision goes to the Board as far as how much
 01:06 15 weight to put to that -- that change.
 01:06 16 DR. JOHNSON: Okay. Now, your
 01:06 17 simulation, I just want to make sure I understand the
 01:06 18 simulation that you used doesn't take into account
 01:06 19 like school buses and kids walking to school and the
 01:06 20 fact that sometimes the light has the be delayed
 01:06 21 while people are walking across to go to doctor's
 01:06 22 appointments and things like that, like crossing the
 01:06 23 street, those kinds of thing, it doesn't take any of
 01:06 24 that into account, does it?
 01:06 25 MR. MISKOVICH: No and that's somewhat

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01:07 1 DR. JOHNSON: Okay. So because that's
 01:07 2 sort of --
 01:07 3 MR. MISKOVICH: Well, if you tell me
 01:07 4 another town that has the same traffic considerations
 01:07 5 as here it's probably the same impact.
 01:07 6 If it's a location that has less volume
 01:07 7 on the streets, that might be a better location.
 01:08 8 It's given the fact, the area --
 01:08 9 DR. JOHNSON: Maybe more urban, more
 01:08 10 open spaces, you know.
 01:08 11 MR. MISKOVICH: But I can't speak
 01:08 12 whether this site is better off in another location
 01:08 13 from a pure traffic number, without having looked at
 01:08 14 another location.
 01:08 15 DR. JOHNSON: Okay. All right. My
 01:08 16 other question's been asked.
 01:08 17 Thank you very much.
 01:08 18 MR. MALAGIERE: Thank you.
 01:08 19 (Applause).
 01:08 20 MR. MALAGIERE: Mr. Chairman, do you
 01:08 21 want to take a break?
 01:08 22 CHAIRMAN GUERRA: We just have one
 01:08 23 more.
 01:08 24 MR. MALAGIERE: One more. Okay. I'm
 01:08 25 sorry.

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01:08 1 Hi, how are you?
 01:08 2 Do you swear the testimony you're about
 01:08 3 to give before this Board to be the truth, the whole
 01:08 4 truth and nothing but the truth so help you God?
 01:08 5 MS. TEMPEL: I do.
 01:08 6 N O R M A T E M P E L,
 01:08 7 Residing at 326 Prospect Avenue, Hackensack, New
 01:08 8 Jersey, having been duly sworn, testifies as
 01:08 9 follows:
 01:08 10 MR. MALAGIERE: Could you please
 01:08 11 identify yourself for the record and give us an
 01:08 12 address please.
 01:08 13 MS. TEMPEL: Norma Tempel, 326 Prospect
 01:08 14 Avenue, apartment 11G.
 01:08 15 MR. MALAGIERE: Welcome.
 01:08 16 MS. TEMPEL: Thank you.
 01:08 17 Are you aware of the fact that a lot of
 01:08 18 us that used to come down Summit Avenue to make a
 01:09 19 left turn on Passaic to come into Prospect right now
 01:09 20 coming in, making a left turn further back, because
 01:09 21 one car at a time can make a left turn at that light?
 01:09 22 MR. MISKOVICH: No.
 01:09 23 MS. TEMPEL: The traffic is so
 01:09 24 horrendous now that it's next to impossible, to make
 01:09 25 a left from Summit on to Passaic from there. I -- so
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01:09 1 I started avoiding the light because of that
 01:09 2 situation.
 01:09 3 So I'm either coming down Clinton or
 01:09 4 Anderson or one of the other streets to come across.
 01:09 5 And a lot of other people are doing the same thing.
 01:09 6 So they're putting more traffic into that residential
 01:09 7 area that wasn't there before.
 01:09 8 Now, I'm also going to address
 01:09 9 something that might open a can of worms. I don't
 01:09 10 know if it will or not, two days prior to the
 01:09 11 collapse over at 300 I parked on the fourth floor --
 01:09 12 the fourth parking level, the D level on 326. When I
 01:09 13 came out to get my car there was some brown water
 01:09 14 running, there's always seepage during the rain,
 01:09 15 there's a lot of seepage depending on how heavy it
 01:10 16 is. And I thought, perhaps, a radiator was leaking,
 01:10 17 but there was no car there.
 01:10 18 When I came back later in the day this
 01:10 19 brown muck was running through the garage and it
 01:10 20 smelled like kerosene.
 01:10 21 And thinking back now, I probably
 01:10 22 should have called hazmat because the people in the
 01:10 23 building cleaned it up, but there's something going
 01:10 24 on on the street other than what happened at 300 and
 01:10 25 it needs to be addressed.
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01:10 1 Thank you.
 01:10 2 (Applause.)
 01:10 3 MR. MALAGIERE: Thank you.
 01:10 4 AI?
 01:10 5 CHAIRMAN GUERRA: No report?
 01:10 6 MR. BORRELLI: No.
 01:10 7 MR. MALAGIERE: Mr. Chairman, did you
 01:10 8 want to take a --
 01:10 9 MR. NIX: Hey, hey, hey.
 01:10 10 MR. MALAGIERE: -- take a break or do
 01:10 11 you want to recognize this gentleman.
 01:10 12 CHAIRMAN GUERRA: Yes. Let's listen to
 01:10 13 Mr. Nix.
 01:10 14 MR. MALAGIERE: Okay. Mr. Nix.
 01:10 15 I'm going to swear you in, sir.
 01:10 16 Do you swear the testimony you're about
 01:10 17 to give before this Board to be the truth, the whole
 01:11 18 truth and nothing but the truth so help you God?
 01:11 19 MR. NIX: Yes, I do.
 01:11 20 L E N N Y N I X,
 01:11 21 Residing at 83 Elm Avenue, Hackensack, New
 01:11 22 Jersey, having been duly sworn, testifies as
 01:11 23 follows:
 01:11 24 MR. NIX: Nix, Hackensack.
 01:11 25 300 Prospect --
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01:11 1 MR. MALAGIERE: Welcome.
 01:11 2 I said welcome.
 01:11 3 MR. NIX: At 300 Prospect I've been up
 01:11 4 there every day. The first 14 days and just about
 01:11 5 every day since. And --
 01:11 6 MALE AUDIENCE MEMBER: Microphone.
 01:11 7 MR. NIX: There's no reason for that --
 01:11 8 MR. MALAGIERE: Use the microphone.
 01:11 9 MR. NIX: There's no reason for the
 01:11 10 street to be closed. I've been fighting that since
 01:11 11 -- I'll give you three days. I'll give you a week,
 01:11 12 the street should have been opened up.
 01:11 13 And you got to think in terms of, you
 01:11 14 know, it depends on how -- where you coming from, but
 01:11 15 if you wanted to sabotage this project, Prosect
 01:11 16 Heights, I think there's -- there's no better way
 01:11 17 then to set this 300 -- 300 Prospect up because the
 01:11 18 biggest disaster up there has been after the collapse
 01:11 19 of the garage.
 01:11 20 I've been through everybody,
 01:12 21 prosecutors and everybody. I'll talk to anybody,
 01:12 22 probably a lot of people have seen me there. And I
 01:12 23 can -- I can get that street open.
 01:12 24 So I'm very disturbed and I knew it was
 01:12 25 going to happen like this. And it's -- it's just a
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01:12 1 conglomeration of false evidence and people
 01:12 2 stretching the truth here tonight.
 01:12 3 AUDIENCE MEMBERS: Oh, come on. Come
 01:12 4 on.
 01:12 5 MR. NIX: And I will -- anybody that
 01:12 6 wants to talk -- anybody that wants to talk to me,
 01:12 7 I'm in the phone box, 24/7, the back door's always
 01:12 8 open.
 01:12 9 I'm not here to play no games. I'm not
 01:12 10 here to stretch the truth. I'm here to do the right
 01:12 11 thing.
 01:12 12 And I don't like this hearing, number
 01:12 13 two, just the fact of this hearing getting stretched
 01:12 14 out so long, has drawn so much juice out of the
 01:12 15 building department, that they're not functioning at
 01:12 16 all.
 01:12 17 I can turn in ten, 15 violations every
 01:12 18 day I turn -- you think that site's bad on 300, I got
 01:13 19 Marten Luther King on First Street. I got High
 01:13 20 Street and First Street. And I got the building next
 01:13 21 to the Arena diner on First Street.
 01:13 22 And I'm sick -- and I'm all on the
 01:13 23 place. I'm up and down the east coast.
 01:13 24 MALE AUDIENE MEMNER: What does this
 01:13 25 have to do with the meeting?

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01:14 1 you?
 01:14 2 FEMALE AUDIENCE MEMBER: Do you even
 01:14 3 live in Hackensack?
 01:14 4 MR. NIX: The VA --
 01:14 5 FEMALE AUDIENCE MEMBER: Where do you
 01:14 6 live?
 01:14 7 MR. NIX: The VA --
 01:14 8 FEMALE AUDIENCE MEMBER: Where do you
 01:14 9 live?
 01:14 10 MR. NIX: The VA --
 01:14 11 MALE AUDIENCE MEMBER: What asylum do
 01:14 12 you live in?
 01:14 13 MR. NIX: What?
 01:14 14 CHAIRMAN GUERRA: Please --
 01:14 15 MALE AUDIENCE MEMBER: What asylum do
 01:14 16 you live in?
 01:14 17 CHAIRMAN GUERRA: Mr. Nix has the mike.
 01:14 18 MR. MALAGIERE: You have to address the
 01:14 19 Chairman.
 01:14 20 MR. NIX: Huh?
 01:14 21 MR. MALAGIERE: You have to speak to
 01:14 22 Mr. Guerra, please.
 01:14 23 MR. NIX: The VA has proposed a parking
 01:14 24 garage. And the -- I don't know if it's this board
 01:14 25 or another board.

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01:13 1 MR. NIX: Would you -- would you -- how
 01:13 2 many towns in Bergen County do you think would get an
 01:13 3 F on their intersections.
 01:13 4 FEMALE AUDIENCE MEMBER: Come on.
 01:13 5 FEMALE AUDIENCE MEMBER: Sit down.
 01:13 6 MR. MISKOVICH: Well, I would suspect
 01:13 7 that there's probably a number of intersections that
 01:13 8 have that Level of Service.
 01:13 9 MR. NIX: In Bergen County?
 01:13 10 MR. MISKOVICH: Yes.
 01:13 11 MR. NIX: And very few that probably
 01:13 12 aren't at an F, I mean in the New York metropolitan
 01:13 13 area I think it's the most congested area in -- and,
 01:13 14 you know, everything -- I haven't heard anything
 01:13 15 that's really valid since a year-and-a-half.
 01:13 16 I appreciate that, you know, they're
 01:13 17 concerned with their life, but I hope this Board
 01:13 18 knows that this Board is up here for the betterment
 01:13 19 of the City of Hackensack. The City's got to get
 01:14 20 through and make all the people of this City move.
 01:14 21 Not just the certain choice group that have decided
 01:14 22 what they don't like on Prospect Avenue.
 01:14 23 FEMALE AUDIENCE MEMBER: Come on. We
 01:14 24 live there.
 01:14 25 MALE AUDIENE MEMNER: We pay taxes. Do

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01:14 1 CHAIRMAN GUERRA: It's us.
 01:14 2 MR. NIX: So all the problems -- I
 01:14 3 haven't heard of a problem here that can't be
 01:14 4 resolved. I think the people building this building
 01:14 5 -- I think the people building this building will do
 01:14 6 -- outside of the impossible -- will do everything
 01:14 7 they can to make the building function and make it --
 01:15 8 make things better for people that are sick.
 01:15 9 This is not some fancy hotel we're
 01:15 10 building here. And, you know, I find it very
 01:15 11 disheartening and I'm very disheartened with the
 01:15 12 American public anyway. But the more meetings I go
 01:15 13 to the more disheartening I get.
 01:15 14 AUDIENCE MEMBERS: Sit down, sit down.
 01:15 15 MALE AUDIENE MEMNER: What is your
 01:15 16 point?
 01:15 17 CHAIRMAN GUERRA: Mr. Nix has the mike
 01:15 18 please.
 01:15 19 MR. MALAGIERE: Mr. Nix, please. Mr.
 01:15 20 Nix.
 01:15 21 MR. NIX: You don't want to know my
 01:15 22 point.
 01:15 23 MR. MALAGIERE: Just address the Chair,
 01:15 24 please.
 01:15 25 Thank you.

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01:15 1 CHAIRMAN GUERRA: Len, you done?
 01:15 2 MR. NIX: Well, you know ...
 01:15 3 CHAIRMAN GUERRA: You're supposed to
 01:15 4 direct this towards traffic, Len.
 01:15 5 MR. NIX: Supposed to be directed to
 01:15 6 everybody. If they're going to --
 01:15 7 AUDIENCE MEMBERS: No. No.
 01:15 8 CHAIRMAN GUERRA: You're speaking about
 01:15 9 the traffic.
 01:15 10 MR. NIX: If they're going to be rude,
 01:15 11 which I --
 01:15 12 CHAIRMAN GUERRA: You have the mike,
 01:15 13 Mr. Nix, direct your questions about traffic please.
 01:15 14 MR. NIX: Is there anything -- anything
 01:15 15 in this project that's against the State Master Plan?
 01:15 16 MALE AUDIENCE MEMBER: Yes, a lot.
 01:16 17 MR. MISKOVICH: That I can't respond
 01:16 18 to, that I don't know.
 01:16 19 MR. NIX: Anything against the
 01:16 20 Hackensack Master Plan development.
 01:16 21 MR. MISKOVICH: Well, other than the
 01:16 22 fact they're before the Zoning Board for a
 01:16 23 non-permitted use, as I could understand it.
 01:16 24 MR. NIX: But that's...
 01:16 25 MR. MISKOVICH: That's really planning

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01:17 1 MR. NIX: Yes.
 01:17 2 MR. MALAGIERE: -- on the corner of
 01:17 3 Passaic and Prospect, that's a variance because that
 01:17 4 was a residential.
 01:17 5 MR. BORRELLI: Right.
 01:17 6 MR. MALAGIERE: It was a variance to
 01:17 7 operate an office there.
 01:17 8 CHAIRMAN GUERRA: It's a use, right.
 01:17 9 MR. NIX: Yeah, but once you have --
 01:17 10 once you have medical -- from Anderson Street.
 01:17 11 MR. MALAGIERE: Okay.
 01:17 12 MR. NIX: -- dentist, there's doctors
 01:17 13 there.
 01:17 14 MR. MALAGIERE: Correct.
 01:17 15 MR. NIX: Anderson Street to Essex
 01:17 16 Street, the -- and if -- if not all, every one of
 01:17 17 these buildings has a doctor, blood. I'm in them
 01:17 18 all.
 01:17 19 MR. MALAGIERE: There's some of them
 01:17 20 but there are different zones there too, though.
 01:17 21 CHAIRMAN GUERRA: Yes.
 01:18 22 MR. MALAGIERE: It goes to a different
 01:18 23 zone.
 01:18 24 MR. NIX: Yeah, but once you have --
 01:18 25 once you have that you sort of broke the...

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01:16 1 testimony.
 01:16 2 MR. NIX: But I don't even -- I don't
 01:16 3 even see that -- oh, use variances.
 01:16 4 MR. MISKOVICH: Well, if it was a
 01:16 5 permitted use it would be before the Planning Board.
 01:16 6 MR. NIX: But --
 01:16 7 MR. MISKOVICH: So I would have to
 01:16 8 assume it's before this board because it's not
 01:16 9 permitted or a portion of it is not permitted.
 01:16 10 MR. NIX: But the whole -- they're --
 01:16 11 there's medical -- but once you have a use -- but
 01:16 12 once you have medical buildings, the VA hospital, if
 01:17 13 not -- most, if not all the other buildings from
 01:17 14 Anderson Street to Essex Street are used medical and
 01:17 15 doctors, then if that -- the use variances are gone.
 01:17 16 CHAIRMAN GUERRA: It's a different
 01:17 17 zone.
 01:17 18 MR. MALAGIERE: It's a different zone.
 01:17 19 CHAIRMAN GUERRA: Yeah.
 01:17 20 MR. MALAGIERE: This is a use -- Lenny,
 01:17 21 it's a use variance.
 01:17 22 MR. NIX: Yeah, you're right.
 01:17 23 MR. MALAGIERE: It's not permitted --
 01:17 24 so there's no VA hospital. You're talking about 385
 01:17 25 Prospect --

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01:18 1 MR. MALAGIERE: No. Some of that stuff
 01:18 2 is permitted there, Len, you got to speak to the
 01:18 3 specifics.
 01:18 4 CHAIRMAN GUERRA: Yes. It's property
 01:18 5 specific so.
 01:18 6 MALE AUDIENCE MEMBER: It's property
 01:18 7 specific.
 01:18 8 MR. NIX: Well, where does -- where
 01:18 9 does the hospital -- where is the Hospital zone start
 01:18 10 at Atlantic Street?
 01:18 11 MR. MALAGIERE: Do you know where the
 01:18 12 Hospital zone is, the Hospital zone is Essex Street.
 01:18 13 MR. BORRELLI: Essex Street, Beech
 01:18 14 Street.
 01:18 15 MR. NIX: Railroad.
 01:18 16 MR. MALAGIERE: Hold on, let me swear
 01:18 17 you in, Mr. Borrelli. We're going to swear you in.
 01:18 18 Do you swear the testimony you're about
 01:18 19 to give before this Board to be the truth, the whole
 01:18 20 truth and nothing but the truth so help you God?
 01:18 21 MR. BORRELLI: Yes, I do.
 01:18 22 A L B O R R E L L I,
 01:18 23 Having been duly sworn, testifies as follows:
 01:18 24 MR. MALAGIERE: Please identify
 01:18 25 yourself for the record.

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01:18 1 MR. BORRELLI: My name is Al Borrelli.
 01:18 2 I am the Zoning Officer for the City of Hackensack.
 01:18 3 MR. MALAGIERE: Can you answer Mr.
 01:18 4 Nix's question?
 01:18 5 MR. BORRELLI: Yes, I can.
 01:18 6 The -- the HCS zone, the health care
 01:18 7 services zone has been designated to be Essex Street
 01:18 8 and I believe Beech Street and from Railroad to
 01:18 9 Prospect I believe. That's where it is.
 01:18 10 MR. MALAGIERE: That's the hospital
 01:19 11 overlay.
 01:19 12 MR. BORRELLI: That's the hospital
 01:19 13 overlay.
 01:19 14 MR. MALAGIERE: As we call it.
 01:19 15 MR. NIX: You're going to tell me every
 01:19 16 doctor and every medical place and apartment outside
 01:19 17 of that zone from --
 01:19 18 MR. BORRELLI: Professional offices are
 01:19 19 permitted in the R-3 District which is to the north
 01:19 20 of that section, which is R-3 by Prospect, north of
 01:19 21 Beech Street. And that would be permitted. And a
 01:19 22 doctor's office would be permitted there.
 01:19 23 But a health care service facility
 01:19 24 would be permitted in the HCS zone, which is -- which
 01:19 25 is basically where this belongs.

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01:20 1 MR. NIX: Throughout the country,
 01:20 2 there's plenty of ones -- there's plenty of zones
 01:20 3 that about a different zone and you put them together.
 01:20 4 MR. MALAGIERE: I could have Mr.
 01:20 5 Polyniak, swear him in and address that. It's not an
 01:20 6 issue.
 01:20 7 MR. NIX: You're telling me it's on --
 01:20 8 MR. MALAGIERE: He's our planner.
 01:20 9 MR. NIX: It's on Newman Street to --
 01:20 10 to Polify Road.
 01:20 11 MR. POLYNIK: On the record --
 01:21 12 MR. MALAGIERE: Let me swear you in.
 01:21 13 MR. NIX: Well, he could swear to it,
 01:21 14 but he's wrong.
 01:21 15 MR. BASRALIAN: Excuse me.
 01:21 16 Mr. Chairman, I don't mean to interpret
 01:21 17 Mr. Nix or the testimony, but it really goes to
 01:21 18 planning and our planner will be here next month. I
 01:21 19 thought we were going to direct this to traffic.
 01:21 20 MR. MALAGIERE: I think it's important
 01:21 21 --
 01:21 22 MR. NIX: Okay. Traffic.
 01:21 23 MR. MALAGIERE: -- I think it's
 01:21 24 important to just get this on the record now.
 01:21 25 CHAIRMAN GUERRA: Yes, let's just get

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01:19 1 FEMALE AUDIENCE MEMBER: So Two
 01:19 2 Prospect --
 01:19 3 MR. NIX: Okay. Then is this --
 01:19 4 MR. MALAGIERE: Hold on second. Let me
 01:19 5 just explain and of course Mr. Polyniak could put
 01:19 6 this on the record he just explained it to me, this
 01:19 7 is just to orient the conversation, Mr. Nix, this --
 01:19 8 in this piece of property, it would be permitted for
 01:19 9 a high density residential on Prospect. Okay?
 01:20 10 Summit is a residential zone.
 01:20 11 MR. NIX: Right.
 01:20 12 MR. MALAGIERE: So this is a use
 01:20 13 variance because this is a long term acute care
 01:20 14 facility sitting on both of those zones.
 01:20 15 MR. NIX: Well, once you have -- once
 01:20 16 you have a R-3, a -- next to it?
 01:20 17 MR. MALAGIERE: I don't think it works
 01:20 18 that way. I think I know what you're asking and if I
 01:20 19 could, Mr. Chairman, I don't think that when you have
 01:20 20 zones abutting one another that some how that one
 01:20 21 takes over the other, that's not my understanding of
 01:20 22 how it works.
 01:20 23 MR. NIX: Yes, it does.
 01:20 24 MR. MALAGIERE: Well, I would disagree
 01:20 25 with that, but, you know, I've been wrong before.

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01:21 1 it on the record.
 01:21 2 MR. MALAGIERE: Do you swear the
 01:21 3 testimony you're about to give before this Board to
 01:21 4 be the truth, the whole truth and nothing but the
 01:21 5 truth so help you God?
 01:21 6 MR. POLYNIK: Yes, I do.
 01:21 7 G R E G O R Y P O L Y N I A K,
 01:21 8 Having been duly sworn, testifies as
 01:21 9 follows:
 01:21 10 MR. MALAGIERE: Could you please
 01:21 11 identify yourself for the record?
 01:21 12 MR. POLYNIK: Sure, Gregory Polyniak,
 01:21 13 Neglia Engineering Associates, board planner and
 01:21 14 board engineer.
 01:21 15 As Mr. Malagiere stated the lot is
 01:21 16 split zoned, a portion of the lot is located in the
 01:21 17 R-3 district. The other portion of the lot is
 01:21 18 located in the R-75 district. The use is not
 01:21 19 permitted in either zone.
 01:21 20 But in the R-3 district high density
 01:21 21 multifamily residential is permitted. And the R-75
 01:21 22 zone it's basically single family with the -- with
 01:21 23 the permission of professional office as long as 30
 01:21 24 percent of the building is dedicated to the office
 01:22 25 space and remains --

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01:22 1 MR. NIX: Well, that's --
 01:22 2 MR. POLYNIAK: -- and the remainder --
 01:22 3 MR. NIX: Well, that's --
 01:22 4 MR. POLYNIAK: And the remainder is
 01:22 5 dedicated to the residential use of the property.
 01:22 6 MR. NIX: Less there 30 percent. Less
 01:22 7 than one --
 01:22 8 MR. POLYNIAK: It's 30 percent or less.
 01:22 9 MR. NIX: Yeah.
 01:22 10 Well, we know zoning is a difficult
 01:22 11 situation in Hackensack. So I'm not going to go to
 01:22 12 that, I think Mr. Basralian's planner will.
 01:22 13 But we have all kinds of combination of
 01:22 14 lots throughout Hackensack.
 01:22 15 I guess for the traffic, if this
 01:22 16 building doesn't go then the -- then they can build
 01:22 17 residential units, God knows how many stories.
 01:22 18 There's no height limit on Prospect Avenue.
 01:22 19 FEMALE AUDIENCE MEMBER: Yes, there is.
 01:22 20 MALE AUDIENE MEMNER: Yes, there is.
 01:22 21 FEMALE AUDIENCE MEMBER: Yes, there is.
 01:22 22 MR. NIX: What is the height limit, do
 01:22 23 you know?
 01:22 24 MR. MALAGIERE: Do you know it?
 01:22 25 MR. NIX: There ain't none.

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01:23 1 from that.
 01:23 2 Now that was included in our report
 01:23 3 because we included that as what we call by right,
 01:23 4 meaning if you follow the zoning, here's what we
 01:23 5 think you could build there. And we could compared
 01:23 6 that to the proposed LTACH facility. So --
 01:23 7 Well, Mr. Borrelli handed me the
 01:24 8 schedule of district regulations. The R-3 district,
 01:24 9 which is page 177, municipality ordinance and it
 01:24 10 allows maximum height, which is 30 stories maximum
 01:24 11 height, 280 feet multifamily.
 01:24 12 MR. MALAGIERE: That appears to be the
 01:24 13 outside limit of the height.
 01:24 14 MR. MISKOVICH: Correct.
 01:24 15 MR. MALAGIERE: Mr. Miskovich, would
 01:24 16 you state what Mr. Nix's question was with regards to
 01:24 17 the comparison of this as of right as opposed to the
 01:24 18 planned development, and the traffic impact
 01:24 19 comparison. It's a good question.
 01:24 20 MR. MISKOVICH: We had estimated that
 01:24 21 the -- there are three lots on Summit Avenue that
 01:24 22 could be converted to about 2,000-square foot
 01:24 23 residential/medical office type building. And that
 01:25 24 on Prospect Avenue the that could have a ten story
 01:25 25 apartment building with 68 residential units. And we

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01:22 1 MR. MALAGIERE: Go ahead, Mr. Nix,
 01:22 2 while Mr. Borrelli is looking.
 01:22 3 MR. NIX: Well, this --
 01:22 4 MR. BORRELLI: I'll give you the exact
 01:22 5 amount.
 01:22 6 MR. MALAGIERE: He'll look it up.
 01:22 7 He'll look it up.
 01:22 8 Go ahead.
 01:22 9 MR. NIX: And then a residential unit
 01:23 10 will cause more traffic.
 01:23 11 AUDIENCE MEMBERS: No. No. No.
 01:23 12 MR. MALAGIERE: Let him answer the
 01:23 13 question.
 01:23 14 Go ahead.
 01:23 15 MR. MISKOVICH: In our report we did an
 01:23 16 estimate as far as how many residential units could
 01:23 17 be in the R-3 zone.
 01:23 18 MR. NIX: How many?
 01:23 19 MR. MISKOVICH: Okay. There's --
 01:23 20 MR. NIX: Well --
 01:23 21 MR. MISKOVICH: We did a comparison.
 01:23 22 We've estimated how many units. How many could be in
 01:23 23 on Summit Avenue. And assuming those were converted
 01:23 24 -- residential that were converted to professional
 01:23 25 medical office and we did the estimate of the traffic

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01:25 1 did the traffic estimates for that.
 01:25 2 And we did compare that to the traffic
 01:25 3 from the LTACH.
 01:25 4 MR. BASRALIAN: We're doing a 30 story,
 01:25 5 280 unit building. That's what I'm putting up there
 01:25 6 when I buy it. I'm going to -- I'm going to make the
 01:25 7 maximum profit that can. That's what America is all
 01:25 8 about. I'm not building a stupid ten story building.
 01:25 9 It would be one of the smallest buildings up there.
 01:25 10 I hope the board is gearing in on this,
 01:25 11 but, you know, this is 2010 Hackensack. When you go
 01:25 12 through the State's plan, high density, mass transit,
 01:25 13 quit urban sprawl, come back to the city.
 01:25 14 Hackensack's got to be the best city in Bergen County
 01:25 15 some day, in spite of everybody's attitude.
 01:26 16 MR. MALAGIERE: Mr. Chairman, want to
 01:26 17 take a break?
 01:26 18 CHAIRMAN GUERRA: Yes, we're going to
 01:26 19 take a ten minute break.
 01:26 20 MR. NIX: Don't talk behind my back.
 01:26 21 Don't talk behind my back.
 01:26 22 AUDIENCE MEMBERS: No, no, no.
 01:26 23 MR. NIX: Don't talk behind my back.
 01:26 24 FEMALE AUDIENCE MEMBER: It wasn't him.
 01:26 25 MR. NIX: Was it you? Say it to my

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1 face.
 2 FEMALE AUDIENCE MEMBER: It was a man.
 3 MR. NIX: Say it to my face or else
 4 shut your mouth.
 5 FEMALE AUDIENCE MEMBER: No, why don't
 6 you shut your mouth.
 7 CHAIRMAN GUERRA: Hey, Len.
 8 FEMALE AUDIENCE MEMBER: You shut your
 9 mouth. It was the room.
 10 MR. NIX: You two, you two. Come on
 11 outside. Come one outside.
 01:26 12 CHAIRMAN GUERRA: Off the record.
 01:26 13 (Whereupon, a short recess is taken.)
 01:42 14 CHAIRMAN GUERRA: Back on.
 01:42 15 MR. MALAGIERE: Anyone from the public
 01:42 16 who wishes to ask any questions of this witness or to
 01:42 17 comment on this witness' testimony?
 01:42 18 (NO RESPONSE.)
 01:42 19 CHAIRMAN GUERRA: Seeing no one.
 01:42 20 MR. MALAGIERE: Please come forward.
 01:42 21 Okay.
 01:42 22 Want me to announce that again,
 01:42 23 Mr. Chairman?
 01:42 24 CHAIRMAN GUERRA: Yes, please.
 01:42 25 MR. MALAGIERE: Is there anyone from
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01:43 1 under the circumstance outlined, would be about 84
 01:43 2 percent capacity?
 01:43 3 MR. MISKOVICH: I -- I forget the
 01:43 4 number, but, yes, we --
 01:43 5 MR. BASRALIAN: Between 82 and 84
 01:43 6 capacity.
 01:43 7 MR. MISKOVICH: Yes.
 01:43 8 MR. BASRALIAN: Thank you.
 01:43 9 The situation on Prospect Avenue with
 01:43 10 the collapse certainly is -- constitute an emergency,
 01:43 11 but when the emergency is over than the congestion
 01:43 12 that this unfortunate incident has created will
 01:43 13 dissipate and will go back to the more normal traffic
 01:43 14 patterns that exist; isn't that correct?
 01:43 15 MR. MISKOVICH: Yes.
 01:43 16 MR. BASRALIAN: The same thing for the
 01:43 17 construction of Route 17, should it ever take place,
 01:43 18 that's been talked about for three decades plus, but
 01:43 19 during the construction period there may be
 01:43 20 inconvenience and change in traffic patterns, but it
 01:43 21 will go back to its normal pace if, as, and when that
 01:44 22 project is offer --
 01:44 23 MR. MISKOVICH: Well --
 01:44 24 MR. BASRALIAN: Excuse me. I said not
 01:44 25 construction, not about discharge, this is not
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01:42 1 the public who'd wish to comment on this witness'
 01:42 2 testimony or ask any questions of this witness, Mr.
 01:42 3 Miskovich, please come forward.
 01:42 4 (NO RESPONSE.)
 01:42 5 MR. MALAGIERE: Seeing no one,
 01:42 6 Mr. Chairman.
 01:42 7 CHAIRMAN GUERRA: Okay.
 01:42 8 MR. NIX: I couldn't hear the question.
 01:42 9 MR. MALAGIERE: Anybody from the public
 01:42 10 want to ask any questions?
 01:42 11 (NO RESPONSE.)
 01:42 12 MR. MALAGIERE: Nobody came up.
 01:42 13 Mr. Basralian, did you want to offer
 01:42 14 any testimony in rebuttal?
 01:42 15 MR. BASRALIAN: No, I have just a
 01:42 16 couple of questions of follow from what came from the
 01:42 17 members of the audience.
 01:42 18 Mr. Miskovich, both you and Mr. Keller
 01:42 19 accounted for the shift change between 2:30 and 3:30
 01:43 20 in your numbers, did you not? And that appeared in
 01:43 21 both of those reports?
 01:43 22 MR. MISKOVICH: That's correct.
 01:43 23 MR. BASRALIAN: And at last month's
 01:43 24 meeting, I think we concluded that at that time, at
 01:43 25 that peak period between 2:30 and 3:30 the garage,
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01:44 1 construction, no one knows what the plan is.
 01:44 2 But, normally, construction does have
 01:44 3 some disruption of the highways, people find
 01:44 4 alternatives, but when it's over they go back to the
 01:44 5 highway.
 01:44 6 Wouldn't that be the normal course of
 01:44 7 action?
 01:44 8 MR. MISKOVICH: That's typically the
 01:44 9 case. Yes.
 01:44 10 MR. BASRALIAN: Thank you.
 01:44 11 I have no further questions of Mr.
 01:44 12 Miskovich.
 01:44 13 CHAIRMAN GUERRA: Thank you.
 01:44 14 MR. MALAGIERE: Mr. Chairman, at this
 01:44 15 time, barring Mr. Basralian wanting to put any
 01:44 16 further witnesses on, which I don't think is the case
 01:44 17 because he's anticipated to put his planner on in
 01:44 18 September; is that correct?
 01:44 19 MR. BASRALIAN: That's correct.
 01:44 20 MR. MALAGIERE: I'd ask Mr. Moskowitz
 01:44 21 to come forward with -- I'm sorry?
 01:44 22 CHAIRMAN GUERRA: Why don't we address
 01:44 23 the meeting date for next month.
 01:44 24 MR. MALAGIERE: Okay.
 01:44 25 MR. BASRALIAN: We have a September --
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01:44 1 you set September 29th --
 01:44 2 MR. NIX: I can't hear.
 01:44 3 MR. BASRALIAN: -- you set
 01:44 4 September 29th, for the September meeting date.
 01:44 5 CHAIRMAN GUERRA: Did I say that?
 01:44 6 MR. MALAGIERE: Mr. Basralian --
 01:44 7 MR. BASRALIAN: It's in the transcript,
 01:44 8 yes.
 01:44 9 MR. MALAGIERE: Mr. Basralian has
 01:44 10 indicated he'd like the Board to consider an October
 01:44 11 meeting date late in month.
 01:44 12 Is that true, Mr. Basralian?
 01:44 13 MR. BASRALIAN: That's correct.
 01:44 14 MR. MALAGIERE: Would you offer what's
 01:44 15 the last two weeks, the last week.
 01:44 16 MR. BASRALIAN: Any time after the 26th
 01:44 17 of the month, so I guess the 25th, 26th, 27th, 28th
 01:45 18 of the month.
 01:45 19 CHAIRMAN GUERRA: Al, when is our
 01:45 20 regular meeting in October?
 01:45 21 MR. BORRELLI: In October the regular
 01:45 22 meeting would be the 20th, October 20th, would be the
 01:45 23 zoning meeting here in this chambers.
 01:45 24 CHAIRMAN GUERRA: All right. How about
 01:45 25 the 27th? What's it look like for October?

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01:46 1 the questionnaire, all responses, tabulations and
 01:46 2 employee counts comprehended in Exhibit 8 be
 01:46 3 produced.
 01:46 4 Also because they are at linked in some
 01:46 5 way, although two separate issues, after discussion
 01:46 6 my request that Mr. Keller be required to produce
 01:46 7 those parts of the Bergen Towne Center traffic study
 01:47 8 from 1980 -- from 2005 on. And he referenced or
 01:47 9 looked at, referred to or studied with respect to
 01:47 10 these hearings be produced. It was argument over
 01:47 11 that and Mr. Basralian, and with the approval of the
 01:47 12 Counsel Malagiere decided that, yes, I had to be told
 01:47 13 what he utilized, but that I could seek those records
 01:47 14 through the open public records act. And the Chair
 01:47 15 concurred with and enforced that ruling.
 01:47 16 Subsequent, during the same discussion,
 01:47 17 I asked that the items that he reviewed be identified
 01:47 18 specifically, and said that I would try to get them
 01:47 19 through the public records act since the proponent of
 01:47 20 the project was unwilling to produce them.
 01:47 21 But I needed to know exactly what he
 01:48 22 was referring to.
 01:48 23 Counsel Malagiere and the Board agreed
 01:48 24 with that. And directed that I be given that
 01:48 25 information.

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01:45 1 MR. BORRELLI: There is no -- this room
 01:45 2 seems to be open. There seems to be nothing in for
 01:45 3 the town.
 01:45 4 CHAIRMAN GUERRA: So September 29th and
 01:45 5 October 27th, special meeting.
 01:45 6 MR. BASRALIAN: Thank you.
 01:45 7 MR. MALAGIERE: Mr. Chairman, anything
 01:45 8 further on that?
 01:45 9 CHAIRMAN GUERRA: That's it.
 01:45 10 Why don't we address the attorney?
 01:45 11 MR. MALAGIERE: Mr. Moskowitz, would
 01:45 12 you like to come forward sir and address the issue
 01:45 13 with regards to -- that you characterized for us at
 01:45 14 the beginning of the meeting.
 01:45 15 Thank you.
 01:45 16 MR. MOSKOWITZ: I thank the Chair.
 01:45 17 I'll just go back and try not to repeat
 01:46 18 too much of what went on, on the 20th -- at the
 01:46 19 meeting of the 28th, after discussion and reviewing
 01:46 20 some papers the Board ruled that any and all papers
 01:46 21 pertinent to Exhibit 8 that's the so-called employee
 01:46 22 parking study for the employees of Prospect Heights,
 01:46 23 that I had requested in my letter of July 22, 2010,
 01:46 24 specifically at page 4A all papers pertinent the
 01:46 25 Exhibit 8, Mr. Keller's report, including a copy of

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01:48 1 When it got to be a week to ten days
 01:48 2 after the meeting and that information nor the
 01:48 3 so-called employee traffic study information was
 01:48 4 produced, I wrote to Board Counsel with copies to Mr.
 01:48 5 Basralian, Counsel Basralian, saying basically what's
 01:48 6 up, ten days have gone by, the meeting is not too far
 01:48 7 off. For it to continue properly I want the
 01:48 8 information or else I'm going to have to ask for Mr.
 01:48 9 Keller to be extended for cross examination on those
 01:48 10 matters as well as those other matters that the
 01:48 11 Board, though its Chair, had directed would also have
 01:48 12 to be addressed if there were some other things.
 01:48 13 So yesterday afternoon at 2:46 p.m. I
 01:49 14 got a fax from Mr. Keller who told me:
 01:49 15 "As requested by Mr. Basralian, I am
 01:49 16 attaching the survey form that was completed
 01:49 17 for employees of Prospect Heights Care Center.
 01:49 18 Names of individual employees have been
 01:49 19 redacted".
 01:49 20 Well, the redaction of individual
 01:49 21 names, I certainly understand because nobody likes
 01:49 22 anyone to know how they get to work around here.
 01:49 23 But I was given several unnumbered
 01:49 24 pages which are plain tally sheets. They are not the
 01:49 25 questionnaires. They are not the individual employee

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01:49 **1** questionnaires. They are not a copy of the
 01:50 **2** questionnaire. They are not responses to tabulation.
 01:50 **3** And there are a number or other structural
 01:50 **4** difficulties and what I was given.
 01:50 **5** And I would like the Board, through its
 01:50 **6** counsel, to direct that I would be given what I
 01:50 **7** requested and the Board directed I be given or Mr.
 01:50 **8** Keller swear that he doesn't have anything, except
 01:50 **9** what he's sent.
 01:50 **10** That's my first --
 01:50 **11** CHAIRMAN GUERRA: Mr. Basralian.
 01:50 **12** MR. MALAGIERE: Let's deal with that
 01:50 **13** first, Mr. Basralian?
 01:50 **14** MR. MOSKOWITZ: Yes.
 01:50 **15** Oh, I'm sorry.
 01:50 **16** MR. BASRALIAN: Yes, my office notified
 01:50 **17** by e-mail Mr. Moskowitz's office of the -- the
 01:50 **18** volumes of the traffic report that was prepared by --
 01:50 **19** for Bergen Towne Center on August 10th.
 01:50 **20** The whole report was part of the review
 01:50 **21** that Mr. Keller had done for another client at that
 01:51 **22** time, so there was no specific section he could
 01:51 **23** designate. With respect to the -- the compilation,
 01:51 **24** it was an oversight on Mr. Keller's part that it
 01:51 **25** didn't go out.

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01:51 **1** E R I C K E L L E R,
 01:51 **2** Having been duly sworn, testifies as follows:
 01:51 **3** MR. MALAGIERE: Could you please
 01:51 **4** identify yourself for the record?
 01:51 **5** MR. KELLER: Certainly, Eric Keller,
 01:51 **6** Omland Engineering Associates.
 01:51 **7** MR. MALAGIERE: Mr. Moskowitz, please.
 01:51 **8** CROSS EXAMINATION
 01:51 **9** BY MR. MOSKOWITZ:
 01:52 **10** **Q.** Mr. Keller, do you -- then I'll give
 01:52 **11** you a copy of what you sent me?
 01:52 **12** **A. Okay.**
 01:52 **13** **Q.** I'll represent -- why don't you take a
 01:52 **14** look at it, make sure that that's what it is.
 01:52 **15** **A. (Witness Complies.)**
 01:52 **16** **Yes, these are the pages that we sent**
 01:52 **17** **you.**
 01:52 **18** MR. MALAGIERE: Let's mark it, if it
 01:52 **19** becomes an issue later on it's going to be easier to
 01:52 **20** deal with.
 01:52 **21** Without objection we'll call it
 01:52 **22** Keller-1 with today's date, Al.
 01:52 **23** MR. BORRELLI: Right.
 01:52 **24** MR. MALAGIERE: And that is what Mr.
 01:52 **25** Keller sent Mr. Moskowitz in response to his request

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01:51 **1** However, there was no specific
 01:51 **2** questionnaire, you can ask him directly, no specific
 01:51 **3** questionnaire. The questions were answered orally
 01:51 **4** and checked off on the list when people came forth to
 01:51 **5** receive their compensation checks. And that's how
 01:51 **6** the compilation came out as to how they came to work.
 01:51 **7** So if you'd like Mr. Keller to testify
 01:51 **8** to --
 01:51 **9** CHAIRMAN GUERRA: Why don't we get him
 01:51 **10** up to --
 01:51 **11** MR. BASRALIAN: -- to that, that's
 01:51 **12** fine.
 01:51 **13** CHAIRMAN GUERRA: Why don't we get him
 01:51 **14** up to testify that that in fact is the case.
 01:51 **15** Would that satisfy?
 01:51 **16** MR. MALAGIERE: Well, I think it's the
 01:51 **17** only way to go.
 01:51 **18** Mr. Keller, come forward, let me swear
 01:51 **19** you in.
 01:51 **20** MR. KELLER: Okay.
 01:51 **21** MR. MALAGIERE: Do you swear the
 01:51 **22** testimony you're about to give before this Board to
 01:51 **23** be the truth, the whole truth and nothing but the
 01:51 **24** truth so help you God?
 01:51 **25** MR. KELLER: I do.

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01:52 **1** as the exhibit -- what is the exhibit, Mr. Moskowitz?
 01:52 **2** MR. BASRALIAN: Maybe it might be
 01:52 **3** Moskowitz-1.
 01:52 **4** MR. MOSKOWITZ: Exhibit 8.
 01:52 **5** MR. MALAGIERE: Want to call it that?
 01:52 **6** Well, let's change it. Let's call it
 01:52 **7** Moskiwitz-1, no disrespect, Mr. Moskowitz, Moskowitz
 01:52 **8** --
 01:52 **9** MR. MOSKOWITZ: You can call it
 01:52 **10** Moskowitz, mosque whatever is easier.
 01:52 **11** MR. MALAGIERE: Moskowitz-1 with
 01:52 **12** today's date.
 01:52 **13** (Whereupon, Mr. Keller's Response to
 01:52 **14** Mr. Moskowitz with respect to Exhibit 8 is
 01:52 **15** received and marked as Exhibit Moskowitz-1 for
 01:52 **16** Identification.)
 01:53 **17** MR. MALAGIERE: And the record will
 01:53 **18** reflect what it is.
 01:53 **19** Thank you. Go ahead.
 01:53 **20** BY MR. MOSKOWITZ:
 01:53 **21** **Q.** Mr. Keller, I'd like you to just take a
 01:53 **22** look at what has been marked as Moskowitz-1 that is
 01:53 **23** the only paper you have in your possession -- you
 01:53 **24** have had in your possession with respect to your
 01:53 **25** production of Exhibit 8?

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01:53 1 **A. Yes.**
 01:53 2 **Q.** No one ever sent you anything else?
 01:53 3 **A. No.**
 01:53 4 **This is what I had discussed with Mr.**
 01:53 5 **Pineles. I gave you the questions and in discussion**
 01:53 6 **we felt that the best way was as each employee came**
 01:53 7 **in for their payroll, that the person handing them**
 01:53 8 **the check would say -- ask him the question, how did**
 01:53 9 **you get to work today? And that way we got everybody**
 01:53 10 **on a single day. We didn't double count people. We**
 01:54 11 **counted each person. The only thing is if somebody**
 01:54 12 **didn't work in that period, they were on vacation or**
 01:54 13 **whatever, they weren't questioned.**
 01:54 14 **But that's the way that we set it up**
 01:54 15 **and we knew that we get a high rate of return or rate**
 01:54 16 **of response if people had to answer the question when**
 01:54 17 **they got their paycheck.**
 01:54 18 **Q.** So there were no individual responses?
 01:54 19 **A. No, it's a very simple survey, and this**
 01:54 20 **is the best way, it's check a single box and say how**
 01:54 21 **did you get to work.**
 01:54 22 MR. MOSKOWITZ: Well, I know that the
 01:54 23 Board -- I'm going to have a lot of questions, when I
 01:54 24 have the chance to fully study this data, and the
 01:54 25 Board said I would have a full opportunity to cross
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01:55 1 there.
 01:55 2 **A. No.**
 01:55 3 **Q.** So what are you going to look at to be
 01:55 4 able to tell me the date? You already told me
 01:55 5 there's no other paper?
 01:55 6 **A. Just the -- in -- in my notes as to**
 01:55 7 **when we -- we discussed it with Mr. Pineles.**
 01:55 8 **Q.** What notes?
 01:55 9 **A. All the -- the notes that I do -- put**
 01:56 10 **together when I'm -- when I'm putting together a**
 01:56 11 **report. Questions that I have, discussion items to**
 01:56 12 **go over, that go into compiling the traffic report.**
 01:56 13 MR. MOSKOWITZ: Well, so that we don't
 01:56 14 have to cross examine you a time after next time, I'd
 01:56 15 like to ask the Board to direct you to produce your
 01:56 16 notes concerning this questionnaire including the
 01:56 17 dates, times and places when this was discussed.
 01:56 18 MR. BASRALIAN: I have an objection
 01:56 19 because it is clear in our rules that all of the prep
 01:56 20 work in connection with testimony and a final report
 01:56 21 are not subject to discovery.
 01:56 22 If he wants to ask about the data, if
 01:56 23 he knows --
 01:56 24 MR. MALAGIERE: Hold on. Hold on.
 01:56 25 MR. BASRALIAN: -- if he knows the date
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01:54 1 Mr. Keller on this, which I will do.
 01:54 2 But just so that we --
 01:54 3 **Q.** Again, you gave no written instructions
 01:54 4 -- you gave no written instructions as to what the
 01:54 5 questionnaire should say?
 01:54 6 **A. No. It's --**
 01:55 7 **Q.** Written instructions, yes or no?
 01:55 8 **A. No. No.**
 01:55 9 **Q.** Did you see it before it was shown to
 01:55 10 the employees?
 01:55 11 **A. No.**
 01:55 12 **Q.** And as far as you know, what was the
 01:55 13 date that was done? There's no date on any of that.
 01:55 14 **A. I don't recall. I'd have to look at my**
 01:55 15 **summary. I don't recall.**
 01:55 16 **Q.** Look at your summary of what?
 01:55 17 **A. When we summarized the data. I don't**
 01:55 18 **remember.**
 01:55 19 **Q.** Well, so --
 01:55 20 **A. It was done --**
 01:55 21 **Q.** -- how can you look at the summaries?
 01:55 22 Is there some other summary besides this one?
 01:55 23 **A. No, it's just this -- there's**
 01:55 24 **tabulation that we did.**
 01:55 25 **Q.** Well, look at it. There's no date on
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01:56 1 of that, that's fine, but to produce every note that
 01:56 2 he had with respect to his report --
 01:56 3 MR. MALAGIERE: That's not what he
 01:56 4 asked.
 01:56 5 MR. BASRALIAN: Yes.
 01:56 6 MR. MOSKOWITZ: No, no, no, not with
 01:56 7 respect --
 01:56 8 MR. MALAGIERE: Hold on one second.
 01:56 9 Hold on one second.
 01:56 10 Mr. Chairman, I'm going advise you to
 01:56 11 rule that -- and direct this witness to produce his
 01:56 12 notes as relevant to that compilation.
 01:56 13 CHAIRMAN GUERRA: Just relevant to that
 01:56 14 compilation.
 01:56 15 MR. MOSKOWITZ: Oh, absolutely. That
 01:56 16 was -- that was my clear --
 01:56 17 CHAIRMAN GUERRA: Yes, I'm going to say
 01:56 18 that --
 01:56 19 MR. BASRALIAN: I would still like to
 01:56 20 --
 01:56 21 CHAIRMAN GUERRA: You're going to need
 01:57 22 to do that.
 01:57 23 Go ahead.
 01:57 24 MR. BASRALIAN: I'll put my objection
 01:57 25 on the record --
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01:57 1 CHAIRMAN GUERRA: That's fine.
 01:57 2 MR. BASRALIAN: That's beyond the
 01:57 3 Board's power to order such a --
 01:57 4 CHAIRMAN GUERRA: So noted.
 01:57 5 MR. BASRALIAN: Such a report. Noted?
 01:57 6 CHAIRMAN GUERRA: Correct.
 01:57 7 MR. MALAGIERE: I disagree with that,
 01:57 8 but your objection is on the record. It's so noted.
 01:57 9 CHAIRMAN GUERRA: I just have one other
 01:57 10 simple question, all along when Mr. Moskowitz was
 01:57 11 asking for this formal survey and all this, why was
 01:57 12 it never mentioned it was just basically an informal
 01:57 13 thing, people came to pick up their check, and
 01:57 14 they're checking a box. I mean all along I'm
 01:57 15 thinking there's some big survey that all the
 01:57 16 employees are given as to how they get to work.
 01:57 17 Why wasn't that ever mentioned prior
 01:57 18 to, you know, yesterday at 2:46?
 01:57 19 THE WITNESS: I think I discussed when
 01:57 20 -- when the question came when I -- I originally
 01:57 21 testified that we just had the employees asked four
 01:57 22 simple questions: Did you drive? Did you -- you
 01:57 23 know, get dropped off? Did you take the bus? Or did
 01:57 24 you walk or take the bike, you know, ride your bike.
 01:57 25 CHAIRMAN GUERRA: Maybe I --

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01:57 1 THE WITNESS: It's a very simple --
 01:57 2 CHAIRMAN GUERRA: Maybe I interpreted
 01:58 3 that -- maybe I interpreted that as a more formal
 01:58 4 signed survey, employee name, you know with a whole
 01:58 5 list of questions. Not that they came and picked up
 01:58 6 their check and you asked them a question and check
 01:58 7 off a box, you know.
 01:58 8 THE WITNESS: And maybe it's -- I mean
 01:58 9 in the traffic profession we do surveys on a regular
 01:58 10 basis, in comparison to other surveys that we've done
 01:58 11 this is a very simple one, where we had a captive
 01:58 12 audience. I mean their employees, and we're trying
 01:58 13 to gather information. We have, you know, a
 01:58 14 principal of this application --
 01:58 15 CHAIRMAN GUERRA: Right.
 01:58 16 THE WITNESS: -- is a principal in that
 01:58 17 function, so to me it's very simple. And I guess I
 01:58 18 didn't convey it very well.
 01:58 19 CHAIRMAN GUERRA: It makes sense I -- I
 01:58 20 understand that, but all along -- were you expecting
 01:58 21 something, Mr. Moskowitz, more formal than that or
 01:58 22 was it me?
 01:58 23 MR. MOSKOWITZ: I certainly wasn't
 01:58 24 expecting --
 01:58 25 CHAIRMAN GUERRA: Right.

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01:58 1 MR. MOSKOWITZ: -- anything like this.
 01:58 2 CHAIRMAN GUERRA: Okay.
 01:58 3 MR. MOSKOWITZ: Because it appears to
 01:58 4 be part of the charade to me --
 01:58 5 MR. MALAGIERE: Well --
 01:58 6 MR. MOSKOWITZ: -- I don't know that
 01:58 7 this witness --
 01:58 8 MR. BASRALIAN: I object to that. You
 01:59 9 can't -- you can't -- you're accusing our client of a
 01:59 10 charade --
 01:59 11 CHAIRMAN GUERRA: No, no. No.
 01:59 12 MR. BASRALIAN: -- over this? If
 01:59 13 there's a representation, they've sworn under oath
 01:59 14 that's what they've testified to.
 01:59 15 MR. MALAGIERE: Hold on.
 01:59 16 MR. BASRALIAN: And you've determined
 01:59 17 that it's a charade because ti doesn't suit your
 01:59 18 purpose.
 01:59 19 MR. MALAGIERE: Hold on.
 01:59 20 Mr. Chairman, if I may, this isn't
 01:59 21 productive.
 01:59 22 MR. MOSKOWITZ: This isn't productive.
 01:59 23 MR. MALAGIERE: Mr. Moskowitz, pardon
 01:59 24 me.
 01:59 25 The Chairman's ruled. Next issue.

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01:59 1 MR. NIX: He should have his own
 01:59 2 stenographer and everything.
 01:59 3 MR. MALAGIERE: The next -- the next
 01:59 4 issue is, and I'm going to characterize it, because
 01:59 5 we do need to move this along, the next issue is what
 01:59 6 specifically do you need from this gentleman --
 01:59 7 MR. NIX: It's no way to act.
 01:59 8 MR. MALAGIERE: -- to characterize, so
 01:59 9 that you can properly go an employ the Open Public
 01:59 10 Meetings or the public records laws to obtain what
 01:59 11 you need for the Bergen Towne Center?
 01:59 12 MR. MOSKOWITZ: I needed it before
 01:59 13 yesterday.
 01:59 14 MR. MALAGIERE: Well, that's okay.
 01:59 15 MR. MOSKOWITZ: I didn't --
 01:59 16 MR. MALAGIERE: Now we're here today.
 01:59 17 Let's stop with the timing. There's no prejudice, we
 01:59 18 all know that. There's more hearings. Stop with the
 01:59 19 timing. What do you need?
 01:59 20 MR. MOSKOWITZ: If he will reference
 01:59 21 the sections that would be helpful.
 01:59 22 MR. MALAGIERE: Is that possible, sir?
 01:59 23 THE WITNESS: Well, I mean that's kind
 01:59 24 of an open-ended --
 01:59 25 MR. MOSKOWITZ: Go ahead. Sorry.

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01:59 **1** THE WITNESS: Open-ended statement what
 02:00 **2** sections I referenced. I referenced various
 02:00 **3** components of the report.
 02:00 **4** MR. MOSKOWITZ: I'll be glad to read
 02:00 **5** both reports. I would ask the Court to -- or you --
 02:00 **6** well, you are the Court. I would ask the Chair to
 02:00 **7** suggest that rather than make me go through those
 02:00 **8** hoops, which I will if I have to, to just turn over
 02:00 **9** his two copies. And I will get them copied at, of
 02:00 **10** course, my expense.
 02:00 **11** If he doesn't want to do it --
 02:00 **12** MR. MALAGIERE: Well, you can work that
 02:00 **13** out Mr. Basralian, you have such a collegial
 02:00 **14** relationship.
 02:00 **15** Actually that ability, Mr. Moskowitz,
 02:00 **16** you'll get it. Okay.
 02:00 **17** MR. MOSKOWITZ: I'll get it. I thank
 02:00 **18** the Board for it ruling.
 02:00 **19** MR. NIX: That's harassment.
 02:00 **20** CHAIRMAN GUERRA: Don't talk about
 02:00 **21** harassment.
 02:00 **22** MR. NIX: Open the public.
 02:00 **23** CHAIRMAN GUERRA: Go ahead.
 02:00 **24** MR. BASRALIAN: Since I indicated to
 02:00 **25** the Board last month that our planner is going to be
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02:01 **1** testifying on the 29th, this would be the October
 02:01 **2** meeting that we would bring Mr. Keller back, because
 02:01 **3** that would give Mr. Moskowitz certainly plenty of
 02:01 **4** time to read the reports.
 02:01 **5** CHAIRMAN GUERRA: That's fine.
 02:01 **6** MR. BASRALIAN: I have appeared before
 02:01 **7** boards for 42 years. I've never raised my voice, but
 02:01 **8** I've never been accused of just creating a charade to
 02:01 **9** obfuscate an application.
 02:01 **10** CHAIRMAN GUERRA: I understand.
 02:01 **11** MR. BASRALIAN: And for that I am
 02:01 **12** upset.
 02:01 **13** CHAIRMAN GUERRA: I understand.
 02:01 **14** MR. MALAGIERE: Let the record reflect
 02:01 **15** Mr. Moskowitz wanted to respond to that but the
 02:01 **16** Chairman didn't allow him.
 02:01 **17** Mr. Chairman, did you mention that you
 02:01 **18** had a question with regard to a question from the
 02:01 **19** public?
 02:01 **20** CHAIRMAN GUERRA: Yes, there was
 02:01 **21** something brought up during testimony tonight that I
 02:01 **22** find curious and maybe you can help me out Mr.
 02:01 **23** Basralian, it was brought up that there was some kind
 02:01 **24** of parking agreement with the temple, the spaces
 02:01 **25** behind, is that -- I wasn't aware of that, is that
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02:01 **1** something that, for the --
 02:01 **2** MR. MALAGIERE: Prospect.
 02:01 **3** CHAIRMAN GUERRA: Prospect?
 02:01 **4** MR. BASRALIAN: I wasn't aware of it
 02:01 **5** either. I'll find out. I did not know about it.
 02:01 **6** CHAIRMAN GUERRA: Is there a formal
 02:01 **7** agreement?
 02:01 **8** MR. BASRALIAN: I have no idea. This
 02:01 **9** is the first I heard about it at all, so I will ask
 02:02 **10** Mr. Pineles. I will inform the Board in writing
 02:02 **11** through their attorney.
 02:02 **12** MR. MALAGIERE: Well, I don't think
 02:02 **13** that's going to sufficient and ultimately you're
 02:02 **14** going to have to answer --
 02:02 **15** MR. BASRALIAN: I -- I don't know. The
 02:02 **16** answer is I don't know.
 02:02 **17** MR. MALAGIERE: Of course.
 02:02 **18** CHAIRMAN GUERRA: Well find out and if
 02:02 **19** there's any kind of agreement that's something we
 02:02 **20** might want to see.
 02:02 **21** MR. NIX: They have --
 02:02 **22** MR. MALAGIERE: Well, Mr. Pineles is
 02:02 **23** going to need to testify to it, not this evening, but
 02:02 **24** he's going to have to testify to it because a
 02:02 **25** representation in a letter is just not sufficient.
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02:02 **1** MR. NIX: Maybe -- maybe bring the
 02:02 **2** employees in.
 02:02 **3** MS. EISEN: Mr. Chairman, I am the
 02:02 **4** treasurer of the synagogue and I negotiated the
 02:02 **5** agreement. I'd be happy to testify about it.
 02:02 **6** MR. NIX: You weren't recognized.
 02:02 **7** MR. MALAGIERE: Mr. Chairman, what I
 02:02 **8** would offer --
 02:02 **9** MR. BASRALIAN: Well, you've asked a
 02:02 **10** question of me. You asked a question of me, I will
 02:02 **11** find out. I will put on the record that the first I
 02:02 **12** ever heard of it was evening. And I didn't ask the
 02:02 **13** question yet.
 02:02 **14** CHAIRMAN GUERRA: Okay.
 02:02 **15** MR. MALAGIERE: Mr. Chairman, what I
 02:02 **16** would respectfully offer is that since it did come up
 02:02 **17** for counsel, but not the applicant, at least not
 02:02 **18** tonight, that you allow the testimony at the next
 02:02 **19** meeting.
 02:02 **20** So please, of course, Mr. Pineles has
 02:03 **21** been gracious enough to be here every meeting, please
 02:03 **22** be here in September.
 02:03 **23** MR. BASRALIAN: Well, I would really
 02:03 **24** like to get my planner on in September. The question
 02:03 **25** is there an agreement? Is this the agreement? And
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02:03 1 that's it. I don't want to go beyond the question
 02:03 2 of --
 02:03 3 MR. MALAGIERE: Well, Mr. Chairman is
 02:03 4 going to ask whatever question he wants to ask of the
 02:03 5 witness.
 02:03 6 MR. BASRALIAN: No, with respect -- if
 02:03 7 there is a parking agreement, with respect to the
 02:03 8 parking agreement that's what it should be. It
 02:03 9 doesn't go beyond anything else that's transpired.
 02:03 10 MR. MALAGIERE: Well, there may -- they
 02:03 11 may, for instance, want to ask, well, why he hasn't
 02:03 12 mentioned it before.
 02:03 13 MR. NIX: Maybe they park at McDonalds.
 02:03 14 FEMALE AUDIENCE MEMBER: Oh, shut up.
 02:03 15 MR. NIX: It's no difference where they
 02:03 16 park.
 02:03 17 MR. MALAGIERE: So Mr. Chairman, is it
 02:03 18 your intention to ask Mr. Pineles questions regarding
 02:03 19 the --
 02:03 20 MR. BASRALIAN: I --
 02:03 21 CHAIRMAN GUERRA: Yes, we're going to
 02:03 22 ask some questions.
 02:03 23 I just find it curious as to why this
 02:03 24 wasn't ever mentioned before.
 02:03 25 MR. BASRALIAN: I'm curious -- well,
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02:03 1 also, but this application is about the long term
 02:03 2 acute care hospital it's not about Prospect Heights,
 02:03 3 which is an -- is a facility that's been in existence
 02:03 4 for a decade which meets or exceeds the parking
 02:03 5 standards still in place in Hackensack.
 02:03 6 CHAIRMAN GUERRA: Right, but
 02:03 7 Mr. Pineles also testified in referencing his first
 02:03 8 facility certain issues about that, that was never
 02:03 9 raised. There was questions, I believe, from the
 02:03 10 public referencing parking and where they park. It
 02:04 11 was never mentioned that these other spaces were
 02:04 12 leased at all, you know. And I just find that
 02:04 13 curious that that was never --
 02:04 14 MR. BASRALIAN: No.
 02:04 15 CHAIRMAN GUERRA: We're going to ask
 02:04 16 questions on what we want.
 02:04 17 MR. NIX: It has nothing to do with
 02:04 18 this application.
 02:04 19 CHAIRMAN GUERRA: Lenny, you're out
 02:04 20 line, be quiet --
 02:04 21 FEMALE AUDIENCE MEMBER: Shut up.
 02:04 22 CHAIRMAN GUERRA: -- thank you.
 02:04 23 MR. BASRALIAN: You'll ask the
 02:04 24 questions you deem appropriate and if I object I will
 02:04 25 put that on the record as well.
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02:04 1 CHAIRMAN GUERRA: That's fine. You'll
 02:04 2 put it on the record as well. Okay.
 02:04 3 MR. BASRALIAN: All right. I will find
 02:04 4 out about it.
 02:04 5 CHAIRMAN GUERRA: Thank you.
 02:04 6 MR. BASRALIAN: I would like to do it
 02:04 7 rather than the 29th, because I need the whole night
 02:04 8 for the planner, maybe put that on the October agenda
 02:04 9 if that's okay?
 02:04 10 CHAIRMAN GUERRA: We'll address it on
 02:04 11 the 29th.
 02:04 12 MR. MALAGIERE: Mr. Chairman, I just
 02:04 13 wanted to ask you if --
 02:04 14 CHAIRMAN GUERRA: We'll work it out.
 02:04 15 MR. MALAGIERE: Mr. Eisen is in the
 02:04 16 audience, I don't know that he's going to be coming
 02:04 17 back.
 02:04 18 Of course we would welcome that.
 02:04 19 But did you want to take advantage of
 02:04 20 his testimony while he's here this evening with
 02:04 21 regards to this issue?
 02:04 22 MR. BASRALIAN: But there is no
 02:04 23 agreement -- if there's a written agreement that
 02:04 24 isn't before the Board and I think that's what the
 02:04 25 Board asked for.
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02:04 1 MR. NIX: He has nothing to say about
 02:04 2 it.
 02:04 3 MR. MALAGIERE: Mr. Basralian, your
 02:04 4 characterizations are of course on the record.
 02:04 5 Do you want to ask Mr. Eisen about this
 02:05 6 agreement?
 02:05 7 CHAIRMAN GUERRA: Yes, let's get some
 02:05 8 more information.
 02:05 9 MR. MALAGIERE: Mr. Eisen, do you want
 02:05 10 to testify to that?
 02:05 11 (Applause.)
 02:05 12 MR. BASRALIAN: Without an agreement in
 02:05 13 hand, if there is an agreement to note an objection
 02:05 14 an the procedure --
 02:05 15 MR. MALAGIERE: That's fine.
 02:05 16 MR. BASRALIAN: -- of this application
 02:05 17 utilizing --
 02:05 18 MR. NIX: I hope you're going to
 02:05 19 recognize me.
 02:05 20 CHAIRMAN GUERRA: So noted.
 02:05 21 MR. BASRALIAN: -- a report for
 02:05 22 something that isn't before the Board.
 02:05 23 CHAIRMAN GUERRA: So noted.
 02:05 24 MR. NIX: I want to talk on it too.
 02:05 25 MR. MALAGIERE: Sir, let me swear you
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02:05 1 in.
 02:05 2 MR. NIX: You're going to recognize
 02:05 3 everybody.
 02:05 4 MR. MALAGIERE: Do you swear the
 5 testimony you're about to give will be the truth, the
 6 whole truth and nothing but the truth, so help you
 7 God?
 8 MR. EISEN: Yes.
 9 L A R R Y E I S E N,
 02:05 10 Residing at 390 Maple Hill Drive, Hackensack, New
 02:05 11 Jersey, having been duly sworn, testifies as
 02:05 12 follows:
 02:05 13 MR. MALAGIERE: Could you please
 02:05 14 identify yourself for the record and give us your
 02:05 15 home address, sir.
 02:05 16 MR. EISEN: My name is --
 02:05 17 MR. NIX: You're supposed to raise your
 02:05 18 right hand not your left hand.
 02:05 19 CHAIRMAN GUERRA: Len, you're pushing
 02:05 20 it.
 02:05 21 MR. EISEN: I'm ambidexterous.
 02:05 22 MR. NIX: You're lot of things,
 02:05 23 brother.
 02:05 24 MR. EISEN: My name is Larry Eisen,
 02:05 25 seen I live at 390 Maple Hill Drive. And I am the
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02:05 1 treasurer of Temple Beth-El.
 02:05 2 MR. MALAGIERE: Thank you. Welcome,
 02:05 3 sir.
 02:05 4 MR. EISEN: They just want me to talk?
 02:05 5 MR. MALAGIERE: On the issue that --
 02:05 6 MR. EISEN: The temple has a parking
 02:05 7 lot with 36 spaces in it. Since we do not have a
 02:06 8 Hebrew school, we had decided a number of years ago
 02:06 9 to find out if we could generate some income from the
 02:06 10 parking lot.
 02:06 11 And we are currently renting 30 of the
 02:06 12 36 spaces to Prospect Heights. We get a check from
 02:06 13 them every month.
 02:06 14 MR. NIX: How much?
 02:06 15 CHAIRMAN GUERRA: I didn't ask that
 02:06 16 question.
 02:06 17 Go ahead.
 02:06 18 MR. NIX: How much?
 02:06 19 MR. EISEN: A sum of money. We do --
 02:06 20 MR. MALAGIERE: You don't have to
 02:06 21 answer any questions that are not posed by the
 02:06 22 Chairman.
 02:06 23 CHAIRMAN GUERRA: Don't worry. Go
 02:06 24 ahead.
 02:06 25 MR. EISEN: And we've had that
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02:06 1 agreement for quite a number of years. I -- it's
 02:06 2 probably in the single digits, but I don't know
 02:06 3 exactly the number.
 02:06 4 MR. NIX: I don't think he knows what
 02:06 5 he's talking about.
 02:06 6 CHAIRWOMAN GUERRA: That's five days a
 02:06 7 week?
 02:06 8 MR. EISEN: It's five days a week.
 02:06 9 And whether they park there on weekends
 02:06 10 or not, I do not know, just because we really don't
 02:06 11 pay attention on the weekends.
 02:07 12 But they take up 30 spaces during the
 02:07 13 week, every day.
 02:07 14 CHAIRMAN GUERRA: Do you know what the
 02:07 15 reason was why they needed to 30 spaces?
 02:07 16 MR. EISEN: I was -- I was told that
 02:07 17 with the number of families visiting residents of the
 02:07 18 nursing home they found that they were short of
 02:07 19 spaces, and so rather than have guests of family walk
 02:07 20 a distance, they moved over 30 employees to our
 02:07 21 parking lot. It's -- it's half a block away or so.
 02:07 22 CHAIRMAN GUERRA: Right.
 02:07 23 MR. EISEN: It's a short walk.
 02:07 24 And in order to identify who they are,
 02:07 25 we have stickers that go on their dashboard. And we
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02:07 1 regularly monitor that nobody else is trying to sneak
 02:07 2 in and use the spaces.
 02:07 3 CHAIRMAN GUERRA: Thank you. Any other
 02:07 4 board member?
 02:07 5 MR. CARROLL: Yes.
 02:07 6 CHAIRMAN GUERRA: Sure.
 02:07 7 MR. CARROLL: Mr. Eisen, did you
 02:07 8 personally negotiate this with Mr. Pineles?
 02:07 9 MR. EISEN: Yes.
 02:07 10 MR. CARROLL: You personally were
 02:07 11 involved --
 02:07 12 MR. EISEN: Yes. Yes.
 02:07 13 MR. CARROLL: -- with the deal and with
 02:07 14 him?
 02:07 15 MR. EISEN: Yes. That is -- there's
 02:07 16 not a contract. There's a letter. But it's not set
 02:08 17 up.
 02:08 18 MR. NIX: Oh, we've got a lot of
 02:08 19 letters.
 02:08 20 MR. CARROLL: Is there -- is there a
 02:08 21 length of this contract? How long the agreement is?
 02:08 22 MR. EISEN: At the moment we're just
 02:08 23 renewing it in perpetuity. I mean there's -- there's
 02:08 24 not time --
 02:08 25 MR. NIX: He can't do it.
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02:08 1 MR. EISEN: There's no particular time
 02:08 2 it cuts off.
 02:08 3 I guess either party could back out of
 02:08 4 it at any time.
 02:08 5 MR. CARROLL: Okay.
 02:08 6 MR. MALAGIERE: Mr. Chairman, anything
 02:08 7 else?
 02:08 8 Mr. Basralian, you wish to ask any
 02:08 9 questions of Mr. Eisen?
 02:08 10 MR. BASRALIAN: Yes. You mentioned
 02:08 11 that you had rented these parking spaces, did the
 02:08 12 temple rent them prior to entering into this letter
 02:08 13 agreement with Mr. Pineles?
 02:08 14 MR. EISEN: No.
 02:08 15 MR. BASRALIAN: Okay. Have they made
 02:08 16 the spaces available to other entities without
 02:08 17 charge?
 02:08 18 MR. EISEN: No.
 02:08 19 MR. NIX: Yes.
 02:08 20 MR. BASRALIAN: Okay. All right.
 02:08 21 Thank you.
 02:08 22 MR. MALAGIERE: Thank you, sir.
 02:08 23 Mr. Chairman, did you want to open this
 02:08 24 witness to the public?
 02:08 25 CHAIRMAN GUERRA: Do we have to?

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02:09 1 MS. PALINKAS: Could you do something
 02:09 2 about him? He's being disruptive.
 02:09 3 CHAIRMAN GUERRA: No, unfortunately, we
 02:09 4 can't.
 02:09 5 MS. PALINKAS: I've been taking notes
 02:09 6 since all these meeting started and one of the first
 02:09 7 things when Mr. Pineles was still --
 02:09 8 MR. MALAGIERE: Testifying?
 02:09 9 MS. PALINKAS: -- testifying. Thank
 02:09 10 you.
 02:09 11 MR. MALAGIERE: You're very welcome.
 02:09 12 MS. PALINKAS: I had asked right in the
 02:09 13 very beginning, because -- okay, how did you
 02:09 14 calculate the number of spaces needed? Are spaced
 02:09 15 being allotted for the Prospect Heights employees
 02:09 16 currently own streets and behind the temple.
 02:10 17 I asked that and I did not get an
 02:10 18 answer.
 02:10 19 When I asked why it was necessary for
 02:10 20 the employees to be parking on the streets rather
 02:10 21 than in the building, Mr. Pineles said that
 02:10 22 architecturally they -- I believe your words were --
 02:10 23 messed up. I believe that was -- we could go back to
 02:10 24 the early, early transcripts and that will be in
 02:10 25 there, that it was a miscalculation.

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02:08 1 MR. MALAGIERE: I think you do.
 02:08 2 CHAIRMAN GUERRA: Then let's open it
 02:08 3 up.
 02:08 4 MR. NIX: You do.
 02:08 5 MR. MALAGIERE: Anyone from the public
 02:08 6 wish to come forward?
 02:09 7 Mr. Nix?
 02:09 8 MR. NIX: No, let the blonde bomber go
 02:09 9 first. She's in a rush.
 02:09 10 MS. PALINKAS: Go ahead.
 02:09 11 MR. NIX: No, go ahead. Hang yourself.
 02:09 12 And do it -- you've been even doing it for all your
 02:09 13 life.
 02:09 14 CHAIRMAN GUERRA: Come on, Lenny.
 02:09 15 MR. MALAGIERE: Lenny.
 02:09 16 MR. NIX: No, I'm sick of these lies
 02:09 17 already.
 02:09 18 CHAIRMAN GUERRA: Lenny, stop.
 02:09 19 MR. MALAGIERE: You're under oath,
 02:09 20 ma'am, please just identify yourself for the record.
 02:09 21 MS. PALINKAS: Alexis Palinkas.
 02:09 22 CHAIRMAN GUERRA: Thank you.
 02:09 23 MR. MALAGIERE: Welcome. Thank you.
 02:09 24 MS. PALINKAS: I've been taking --
 02:09 25 MR. NIX: It's sickening.

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02:10 1 CHAIRMAN GUERRA: I remember something
 02:10 2 like that.
 02:10 3 MS. PALINKAS: You remember that?
 02:10 4 CHAIRMAN GUERRA: Yes.
 02:10 5 MS. PALINKAS: So this goes way back
 02:10 6 then the leasing agreement I thought was just general
 02:10 7 knowledge, but they've been parking there for a very,
 02:10 8 very long time and also on the streets.
 02:10 9 CHAIRMAN GUERRA: Okay.
 02:10 10 MR. MISKOVICH: So thank you.
 02:10 11 MR. MALAGIERE: Thank you.
 02:10 12 (Applause.)
 02:10 13 MR. MALAGIERE: Anyone else? Okay.
 02:10 14 CHAIRMAN GUERRA: Sir, your still under
 02:10 15 oath.
 02:11 16 MR. MALAGIERE: Your still under oath,
 02:11 17 doctor. Just identify yourself for the record.
 02:11 18 DR. JOHNSON: Mark Johnson, 339 Summit.
 02:11 19 Mr. Eisen, has Mr. Pineles negotiated
 02:11 20 the fee from year to year or has it been a flat rate
 02:11 21 over the whole time that he's been renting the space?
 02:11 22 MR. EISEN: About every second year I
 02:11 23 call up the Executive Director and tell them I'm
 02:11 24 rasing the price by \$100, you know, with no
 02:11 25 objection.

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02:11 1 DR. JOHNSON: Thank you.
 02:11 2 CHAIRMAN GUERRA: Okay.
 02:11 3 MR. MALAGIERE: Thank you.
 02:11 4 Anyone else from the public wish to
 02:11 5 come forward?
 02:11 6 MR. NIX: Go ahead.
 02:11 7 MR. GAILLARD: Yes
 02:11 8 MR. MALAGIERE: Sir, you're still under
 02:11 9 oath please identify yourself for the record.
 02:11 10 MR. GAILLARD: My name is Pierre
 02:11 11 Gaillard.
 02:11 12 Ever since I lived in Hackensack and
 02:11 13 since the parking for Hackensack Hospital we, the
 02:11 14 residents, had to buy a \$5 sticker for our car for
 02:11 15 the two hour parking.
 02:12 16 Since this establishment that's using a
 02:12 17 private lot and not paying the \$5 sticker, why -- and
 02:12 18 they are not residents of Hackensack, why is there a
 02:12 19 differential?
 02:12 20 MR. MALAGIERE: I don't know that the
 02:12 21 Board can answer that. But the question is on the
 02:12 22 record.
 02:12 23 And appreciate it. Thank you very
 02:12 24 much.
 02:12 25 MR. GAILLARD: Thank you.

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02:12 1 MR. MALAGIERE: Anyone else from the
 02:12 2 public wish to come forward?
 02:12 3 Mr. Nix? Mr. Nix, you're still under
 02:12 4 oath, sir.
 02:12 5 MR. NIX: Mr. Borrelli, is this
 02:12 6 illegal? Can you -- you cannot rent out a parking
 02:12 7 lot to another, unless you have an agreement with the
 02:12 8 City.
 02:12 9 You cannot build a parking lot -- I
 02:12 10 want to build a parking lot, then I want to rent it
 02:12 11 out. I cannot do that. That's in the zoning book.
 02:12 12 You cannot build a parking lot.
 02:12 13 MR. MALAGIERE: I think -- I'm sorry,
 02:12 14 Mr. Borrelli, if you want to address that?
 02:12 15 MR. BORRELLI: Well, basically the
 02:12 16 temple owns the parking lot that they're using for
 02:12 17 their temple. Okay.
 02:12 18 And the calculations for the temple,
 02:13 19 space inside is based on the parking allotted there.
 02:13 20 But what they do with the spaces on their off hours,
 02:13 21 I -- that's -- I don't know.
 02:13 22 MR. NIX: You can't rent them out.
 02:13 23 MR. MALAGIERE: I think Mr. Nix makes a
 02:13 24 point that I would agree with.
 02:13 25 MR. NIX: You can't rent them out.

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02:13 1 MR. MALAGIERE: I think that ultimately
 02:13 2 it may change the --
 02:13 3 MR. BORRELLI: The use.
 02:13 4 MR. MALAGIERE: -- the use.
 02:13 5 MR. NIX: He should go to jail.
 02:13 6 MR. MALAGIERE: Well, I don't know
 02:13 7 about that, but I just think that ultimately what
 02:13 8 might happen is that you have -- if you have an
 02:13 9 approved use and it operates with X amount of
 02:13 10 parking, and you lease it out, it may ultimately make
 02:13 11 your use --
 02:13 12 MR. BORRELLI: Right.
 02:13 13 MR. MALAGIERE: -- need a new variance,
 02:13 14 specifically parking variance. And it may trigger
 02:13 15 your zoning certificate and call it into question.
 02:13 16 MR. BORRELLI: That's right.
 02:13 17 MR. MALAGIERE: Not necessarily a
 02:13 18 conclusion, but an issue.
 02:13 19 MR. BORRELLI: Right.
 02:13 20 MR. NIX: So you know, I don't know
 02:13 21 what your purpose was for coming up here, but I think
 02:13 22 the police should look into this matter tomorrow and
 02:13 23 I think the appropriate agency should be looked into.
 02:13 24 And how much do you pay -- do you get
 02:13 25 paid a year for this illegal parking lot?

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02:13 1 I mean if they're going to know, you're
 02:14 2 the -- you're the treasurer.
 02:14 3 MR. EISEN: Approximately, 12,000 a
 02:14 4 year.
 02:14 5 MR. NIX: What do you mean
 02:14 6 approximately? You're the treasurer. You're
 02:14 7 pinpointing everybody up here.
 02:14 8 MR. EISEN: Do you know what you spent
 02:14 9 last week?
 02:14 10 MR. NIX: I am not the treasurer.
 02:14 11 You're coming up here --
 02:14 12 MR. MALAGIERE: Mr. Nix. Mr. Nix,
 02:14 13 cross examination is one thing. Personal attack is
 02:14 14 another.
 02:14 15 MR. EISEN: Why don't you have me
 02:14 16 fired.
 02:14 17 MR. NIX: Oh, I got more than a
 02:14 18 personal attack.
 02:14 19 If he's going to come up here and swear
 02:14 20 that he's the treasurer of this place, he had better
 02:14 21 know how much.
 02:14 22 CHAIRMAN GUERRA: He testified to an
 02:14 23 approximation. That's fine. That's enough.
 02:14 24 MR. NIX: Well, that's why I --
 02:14 25 CHAIRMAN GUERRA: It's good enough for

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02:14 1 me. That's all that matter.
 02:14 2 MR. NIX: How much? We'll go
 02:14 3 approximately.
 02:14 4 CHAIRMAN GUERRA: He just said
 02:14 5 approximately 12,000.
 02:14 6 MR. NIX: That's why non-profits are a
 02:14 7 \$2 trillion business in America. Approximate?
 02:14 8 MR. MALAGIERE: He said 12,000.
 02:14 9 CHAIRMAN GUERRA: He said 12,000.
 02:14 10 MR. NIX: So 12,000 a year.
 02:14 11 Well, I know Mr. -- I am totally upset
 02:14 12 because this is taking away from things that could be
 02:14 13 done in the City of Hackensack a year-and-a-half.
 02:14 14 We have got to start streamlining,
 02:15 15 because I've been in that parking lot. Okay? I have
 02:15 16 been up there every day. I'll be up there any time
 02:15 17 anybody wants to question it.
 02:15 18 I'm trying to make thing better.
 02:15 19 There's garage all over that place. All the drainage
 02:15 20 going into that parking lot. The water comes all
 02:15 21 through the parking lot, all the way to Golf place,
 02:15 22 all the way down to Prospect, down Prospect, all the
 02:15 23 way to Central and Prospect.
 02:15 24 CHAIRMAN GUERRA: Okay.
 02:15 25 MR. NIX: So I think Mr. Borrelli

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02:15 1 should look into what's really going on at this
 02:15 2 Jewish center because you have -- there are more
 02:15 3 violations than this project here.
 02:15 4 MR. MALAGIERE: Thank you, Mr. Nix.
 02:15 5 CHAIRMAN GUERRA: Okay.
 02:15 6 MR. MALAGIERE: Mr. Chairman, seeing no
 02:15 7 one else.
 02:15 8 MR. NIX: This meetings a joke.
 02:15 9 MR. MALAGIERE: Thank you, Mr. Eisen,
 02:15 10 for offering your comments.
 02:15 11 CHAIRMAN GUERRA: Was there someone
 02:15 12 else?
 02:15 13 MR. EISEN: Questions of me or general?
 02:15 14 MR. MALAGIERE: Well, there's no
 02:15 15 general questioning it's for you Mr. Eisen.
 02:15 16 MR. EISEN: Okay.
 02:15 17 CHAIRMAN GUERRA: Come on up.
 02:15 18 MR. MALAGIERE: I'm going to need to
 02:15 19 swear you in, sir.
 02:15 20 CHAIRMAN GUERRA: You have to be sworn
 02:15 21 in, sir.
 02:15 22 MR. MALAGIERE: I need you to have to
 02:16 23 go to the Bible please, sir. Thank you.
 02:16 24 If you would put your left hand on the
 02:16 25 Bible and raise your hand. Do you swear the

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1 testimony you're about to give before this Board to
 2 be the truth, the whole truth and nothing but the
 3 truth so help you God?
 4 MR. KRUSE: Yes, sir.
 5 R O N K R U S E,
 00:06 6 Residing at 125 Prospect Avenue, Hackensack, New
 00:06 7 Jersey, having been duly sworn, testifies as
 00:06 8 follows:
 02:16 9 MR. MALAGIERE: Could you please
 02:16 10 identify yourself for the record, spell your last
 02:16 11 name and give us a home address.
 02:16 12 MR. KRUSE: Ron Kruse, 125 Prospect
 02:16 13 Avenue.
 02:16 14 MR. MALAGIERE: Welcome, sir.
 02:16 15 MR. KRUSE: I just have one statement
 02:16 16 for the Board, very short.
 02:16 17 Prospect Avenue is a residential
 02:16 18 neighborhood.
 02:16 19 Thank you.
 02:16 20 CHAIRMAN GUERRA: Thank you.
 02:16 21 Mr. Chairman, seeing no one else.
 02:16 22 MR. NIX: That had nothing to do with
 02:16 23 the witness.
 02:16 24 MR. MALAGIERE: Mr. Chairman?
 02:16 25 CHAIRMAN GUERRA: Yes.

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02:16 1 No one else?
 02:16 2 (NO RESPONSE.)
 02:16 3 MR. NIX: Go back the Korea.
 02:16 4 MR. MALAGIERE: Motion to adjourn?
 02:16 5 CHAIRMAN GUERRA: Yes. I make the
 02:16 6 motion to adjourn.
 02:16 7 MR. BASRALIAN: Yes, but before you do
 02:16 8 please announce that there's a continuation hearing
 02:16 9 --
 02:16 10 CHAIRMAN GUERRA: Yes, of course.
 02:16 11 MR. BASRALIAN: -- on September 29th,
 02:16 12 at 7:00 p.m. and for those who care to know there's
 02:16 13 another hearing on October 27th.
 02:16 14 CHAIRMAN GUERRA: I thought we made
 02:16 15 that clear.
 02:16 16 MR. MALAGIERE: I'll announce it again.
 02:16 17 MR. BASRALIAN: Just so that it's at
 02:17 18 the end of the transcript.
 02:17 19 MR. MALAGIERE: This application will
 02:17 20 be carried without further notice to September 29th,
 02:17 21 2010, 7 p.m. in these chambers. And it will be
 02:17 22 carried thereafter and announced at that meeting.
 02:17 23 Is there a motion to adjourn?
 02:17 24 CHAIRMAN GUERRA: I'd like to make a
 02:17 25 motion to adjourn.

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02:17 1 MR. MALAGIERE: Second?
 02:17 2 MR. GOEZ: Second.
 02:17 3 MR. NIX: You gotta open it to the
 02:17 4 public.
 02:17 5 MR. MALAGIERE: All in favor?
 02:17 6 (Whereupon, motion is passed by a
 02:17 7 unanimous vote in favor.)
 02:17 8 MR. MALAGIERE: No, you don't.
 02:17 9 MR. NIX: Yes, you do.
 02:17 10 MR. MALAGIERE: We do not need to open
 02:17 11 to the public.
 02:17 12 MR. NIX: You gotta open the meeting to
 02:17 13 the public. There are certain things that come out
 02:17 14 that no one can talk about.
 02:17 15 MR. MALAGIERE: The meeting has been
 02:17 16 adjourned.
 02:17 17 (Whereupon, this matter will be
 18 continuing at a future date. Time noted 9:27
 19 p.m.)
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C E R T I F I C A T E

I, LAURA A. CARUCCI, C.C.R., R.P.R., a Notary Public of the State of New Jersey, Notary ID. #15855, Certified Court Reporter of the State of New Jersey, and a Registered Professional Reporter, hereby certify that the foregoing is a verbatim record of the testimony provided under oath before any court, referee, board, commission or other body created by statute of the State of New Jersey.

I am not related to the parties involved in this action; I have no financial interest, nor am I related to an agent of or employed by anyone with a financial interest in the outcome of this action.

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

 LAURA A. CARUCCI, C.C.R., R.P.R.
 License #XI02050, and Notary Public
 of New Jersey # 15855, Notary
 Expiration Date March 1, 2014

Dated: _____

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