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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

LAURA A. CARUCCI, C.S.R., R.P.R., L.L.C.
CERTIFIED COURT REPORTERS
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LAURA A. CARUCCI, C.S.R., R.P.R., L.L.C.
201-641-1812

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

AL BORRELLI, LAND USE SECRETARY

GREGORY POLYNIAC, P.P., P.E., NEGLIA ENGINEERING

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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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 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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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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00:02 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 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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00:03 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

20 please ask you to put your left hand on the Bible and

21 raise your right hand.

22 Do you swear the testimony you're about

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

24 truth and nothing but the truth so help you God?

25 MR. MISKOVICH: I do.

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<p style="text-align: right;">13</p> <p>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. <p style="text-align: center;">LAURA A. CARUCCI, C.S.R., R.P.R., L.L.C. 201-641-1812</p> </p>	<p style="text-align: right;">15</p> <p>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. <p style="text-align: center;">LAURA A. CARUCCI, C.S.R., R.P.R., L.L.C. 201-641-1812</p> </p>
<p style="text-align: right;">14</p> <p>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: <p style="text-align: center;">LAURA A. CARUCCI, C.S.R., R.P.R., L.L.C. 201-641-1812</p> </p>	<p style="text-align: right;">16</p> <p>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. <p style="text-align: center;">LAURA A. CARUCCI, C.S.R., R.P.R., L.L.C. 201-641-1812</p> </p>

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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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00:09 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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00:10 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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00:11 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: -- 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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00:14 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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00:15 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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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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00:23 **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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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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00:28 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 no

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 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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00:29 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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<p style="text-align: right;">41</p> <p>00:30 1 study on Summit Avenue/Prospect Avenue area 365 days</p> <p>00:30 2 a year for many years.</p> <p>00:30 3 In my case four years in this</p> <p>00:30 4 particular area of Summit Avenue because this is</p> <p>00:30 5 where I've lived for the last four years.</p> <p>00:30 6 And my statistics may be a little but</p> <p>00:30 7 different than yours, I assume that yours is a</p> <p>00:30 8 statistical analysis?</p> <p>00:30 9 MR. MISKOVICH: Partially, yes.</p> <p>00:30 10 MR. CRUSIUS: Because we all know about</p> <p>00:31 11 statistics, there are lies, damn lies and statistics.</p> <p>00:31 12 In any case, your statistics are right.</p> <p>00:31 13 The area can handle the traffic. However, our lives</p> <p>00:31 14 will be hell.</p> <p>00:31 15 Absolutely can handle it, but we bought</p> <p>00:31 16 residential homes in that area. Some of them are</p> <p>00:31 17 condos and apartments, others -- others have -- are</p> <p>00:31 18 private homes. And we enjoy being able to live in an</p> <p>00:31 19 area where we can almost get out of our driveways.</p> <p>00:31 20 Currently I have to back in to my driveway because</p> <p>00:31 21 it's too dangerous to back out of it.</p> <p>00:31 22 And when I back into it, usually the</p> <p>00:31 23 traffic is stopped for two blocks.</p> <p>00:31 24 There are sirens in our area because of</p> <p>00:31 25 the hospital, as you probably are aware, the current</p> <p style="text-align: center;">LAURA A. CARUCCI, C.S.R., R.P.R., L.L.C. 201-641-1812</p>	<p style="text-align: right;">43</p> <p>00:32 1 MR. MALAGIERE: Please give us your</p> <p>00:32 2 name, spell your last name, provide us with a home</p> <p>00:32 3 address.</p> <p>00:33 4 MS. STERN: My name is Anne Stern. I'm</p> <p>00:33 5 at 151 Prospect Avenue.</p> <p>00:33 6 MR. MALAGIERE: Welcome, Ms. Stern.</p> <p>00:33 7 MS. STERN: Thank you.</p> <p>00:33 8 This backs up quite a ways.</p> <p>00:33 9 Originally I remember that we were</p> <p>00:33 10 discussing the amount of parking that was going to be</p> <p>00:33 11 required for the staff at this hospital.</p> <p>00:33 12 I don't remember anything being said in</p> <p>00:33 13 reference to the fact that there's an overlap of</p> <p>00:33 14 shift changes because of having the different parts</p> <p>00:33 15 so you're not talking about X number, you're talking</p> <p>00:33 16 about two X number requirements.</p> <p>00:33 17 That's still a valid comment that I</p> <p>00:33 18 wanted to make, but aside from that since we had that</p> <p>00:33 19 discussion the requirements of parking on Summit</p> <p>00:33 20 Avenue, I believe, have changed, which is that two</p> <p>00:33 21 days a week, there's three hours you're not allowed</p> <p>00:33 22 to park on Summit Avenue. There's also a two hour</p> <p>00:33 23 limit.</p> <p>00:34 24 Now, in my mind's eye that strongly</p> <p>00:34 25 impacts the amount of spaces that are going to be</p> <p style="text-align: center;">LAURA A. CARUCCI, C.S.R., R.P.R., L.L.C. 201-641-1812</p>
<p style="text-align: right;">42</p> <p>00:31 1 hospital, the real one.</p> <p>00:32 2 But the funny thing is that the sirens</p> <p>00:32 3 don't start sounding, you don't -- you don't hear</p> <p>00:32 4 them a half mile away, you don't hear them a quarter</p> <p>00:32 5 mile away, you hear them when they get to some place</p> <p>00:32 6 between Passaic and Central Avenue because that's</p> <p>00:32 7 where the traffic is so they have to start blowing</p> <p>00:32 8 the siren. You don't hear it before then, but that's</p> <p>00:32 9 is where the sirens go off.</p> <p>00:32 10 Finally, I have one real important</p> <p>00:32 11 question for you, would you be willing to buy my</p> <p>00:32 12 house on Summit Avenue?</p> <p>00:32 13 Thank you.</p> <p>00:32 14 (Applause).</p> <p>00:32 15 MR. MALAGIERE: Anyone else?</p> <p>00:32 16 We're going to swear you in please,</p> <p>00:32 17 ma'am.</p> <p>00:32 18 Do you swear the testimony you're about</p> <p>00:32 19 to give before this Board to be the truth, the whole</p> <p>00:32 20 truth and nothing but the truth so help you God?</p> <p>00:32 21 MS. STERN: Yes, I do.</p> <p>00:32 22 A N N E S T E R N ,</p> <p>00:32 23 Residing at 151 Prospect Avenue, Hackensack, New</p> <p>00:32 24 Jersey, having been duly sworn, testifies as</p> <p>00:32 25 follows:</p> <p style="text-align: center;">LAURA A. CARUCCI, C.S.R., R.P.R., L.L.C. 201-641-1812</p>	<p style="text-align: right;">44</p> <p>00:34 1 available for parking for whatever set staff of the</p> <p>00:34 2 hospital is going to require parking. And I know we</p> <p>00:34 3 had major discussions on how many people are going to</p> <p>00:34 4 come by car, how many people are going to come by</p> <p>00:34 5 bus. How many people are going to walk.</p> <p>00:34 6 Was the changes on Summit Avenue ever</p> <p>00:34 7 considered by you or the other traffic study?</p> <p>00:34 8 MR. MISKOVICH: Up until tonight this</p> <p>00:34 9 is the first I've heard that there were changes made.</p> <p>00:34 10 MS. STERN: Come visit, you'd know.</p> <p>00:34 11 MR. MISKOVICH: I have been out there.</p> <p>00:34 12 And I don't know -- I don't recall when we did our</p> <p>00:34 13 counts and done the analysis and probably several</p> <p>00:34 14 hearings --</p> <p>00:34 15 MS. STERN: You said that at the</p> <p>00:34 16 beginning --</p> <p>00:34 17 MR. MISKOVICH: But even after that,</p> <p>00:34 18 some of the meetings, that there were restrictions</p> <p>00:34 19 placed on that roadway as far as parking. I don't</p> <p>00:34 20 remember seeing any signs.</p> <p>00:34 21 MS. STERN: Because this is a recent</p> <p>00:34 22 happening.</p> <p>00:34 23 MR. MISKOVICH: And it could be the</p> <p>00:34 24 result of Prospect being closed, but --</p> <p>00:34 25 MS. STERN: No.</p> <p style="text-align: center;">LAURA A. CARUCCI, C.S.R., R.P.R., L.L.C. 201-641-1812</p>

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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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00:35 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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00:06 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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00:37 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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00:39 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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00:40 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 though 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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00:41 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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00:54 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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00:55 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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00:56 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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00:58 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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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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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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01:01 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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01:02 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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01:03 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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01:05 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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01:06 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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01:07 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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01:13 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 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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01:14 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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01:16 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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01:17 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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01:18 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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01:19 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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01:20 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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01:21 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 AUDIENCE MEMBER: 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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01:22 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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01:23 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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01:25 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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<p style="text-align: right;">97</p> <p>1 face.</p> <p>2 FEMALE AUDIENCE MEMBER: It was a man.</p> <p>3 MR. NIX: Say it to my face or else</p> <p>4 shut your mouth.</p> <p>5 FEMALE AUDIENCE MEMBER: No, why don't</p> <p>6 you shut your mouth.</p> <p>7 CHAIRMAN GUERRA: Hey, Len.</p> <p>8 FEMALE AUDIENCE MEMBER: You shut your</p> <p>9 mouth. It was the room.</p> <p>10 MR. NIX: You two, you two. Come on</p> <p>11 outside. Come one outside.</p> <p>01:26 12 CHAIRMAN GUERRA: Off the record.</p> <p>01:26 13 (Whereupon, a short recess is taken.)</p> <p>01:42 14 CHAIRMAN GUERRA: Back on.</p> <p>01:42 15 MR. MALAGIERE: Anyone from the public</p> <p>01:42 16 who wishes to ask any questions of this witness or to</p> <p>01:42 17 comment on this witness' testimony?</p> <p>01:42 18 (NO RESPONSE.)</p> <p>01:42 19 CHAIRMAN GUERRA: Seeing no one.</p> <p>01:42 20 MR. MALAGIERE: Please come forward.</p> <p>01:42 21 Okay.</p> <p>01:42 22 Want me to announce that again,</p> <p>01:42 23 Mr. Chairman?</p> <p>01:42 24 CHAIRMAN GUERRA: Yes, please.</p> <p>01:42 25 MR. MALAGIERE: Is there anyone from</p> <p style="text-align: center;">LAURA A. CARUCCI, C.S.R., R.P.R., L.L.C.</p> <p style="text-align: center;">201-641-1812</p>	<p style="text-align: right;">99</p> <p>01:43 1 under the circumstance outlined, would be about 84</p> <p>01:43 2 percent capacity?</p> <p>01:43 3 MR. MISKOVICH: I -- I forget the</p> <p>01:43 4 number, but, yes, we --</p> <p>01:43 5 MR. BASRALIAN: Between 82 and 84</p> <p>01:43 6 capacity.</p> <p>01:43 7 MR. MISKOVICH: Yes.</p> <p>01:43 8 MR. BASRALIAN: Thank you.</p> <p>01:43 9 The situation on Prospect Avenue with</p> <p>01:43 10 the collapse certainly is -- constitute an emergency,</p> <p>01:43 11 but when the emergency is over than the congestion</p> <p>01:43 12 that this unfortunate incident has created will</p> <p>01:43 13 dissipate and will go back to the more normal traffic</p> <p>01:43 14 patterns that exist; isn't that correct?</p> <p>01:43 15 MR. MISKOVICH: Yes.</p> <p>01:43 16 MR. BASRALIAN: The same thing for the</p> <p>01:43 17 construction of Route 17, should it ever take place,</p> <p>01:43 18 that's been talked about for three decades plus, but</p> <p>01:43 19 during the construction period there may be</p> <p>01:43 20 inconvenience and change in traffic patterns, but it</p> <p>01:43 21 will go back to its normal pace if, as, and when that</p> <p>01:44 22 project is offer --</p> <p>01:44 23 MR. MISKOVICH: Well --</p> <p>01:44 24 MR. BASRALIAN: Excuse me. I said not</p> <p>01:44 25 construction, not about discharge, this is not</p> <p style="text-align: center;">LAURA A. CARUCCI, C.S.R., R.P.R., L.L.C.</p> <p style="text-align: center;">201-641-1812</p>
<p style="text-align: right;">98</p> <p>01:42 1 the public who'd wish to comment on this witness'</p> <p>01:42 2 testimony or ask any questions of this witness, Mr.</p> <p>01:42 3 Miskovich, please come forward.</p> <p>01:42 4 (NO RESPONSE.)</p> <p>01:42 5 MR. MALAGIERE: Seeing no one,</p> <p>01:42 6 Mr. Chairman.</p> <p>01:42 7 CHAIRMAN GUERRA: Okay.</p> <p>01:42 8 MR. NIX: I couldn't hear the question.</p> <p>01:42 9 MR. MALAGIERE: Anybody from the public</p> <p>01:42 10 want to ask any questions?</p> <p>01:42 11 (NO RESPONSE.)</p> <p>01:42 12 MR. MALAGIERE: Nobody came up.</p> <p>01:42 13 Mr. Basralian, did you want to offer</p> <p>01:42 14 any testimony in rebuttal?</p> <p>01:42 15 MR. BASRALIAN: No, I have just a</p> <p>01:42 16 couple of questions of follow from what came from the</p> <p>01:42 17 members of the audience.</p> <p>01:42 18 Mr. Miskovich, both you and Mr. Keller</p> <p>01:42 19 accounted for the shift change between 2:30 and 3:30</p> <p>01:43 20 in your numbers, did you not? And that appeared in</p> <p>01:43 21 both of those reports?</p> <p>01:43 22 MR. MISKOVICH: That's correct.</p> <p>01:43 23 MR. BASRALIAN: And at last month's</p> <p>01:43 24 meeting, I think we concluded that at that time, at</p> <p>01:43 25 that peak period between 2:30 and 3:30 the garage,</p> <p style="text-align: center;">LAURA A. CARUCCI, C.S.R., R.P.R., L.L.C.</p> <p style="text-align: center;">201-641-1812</p>	<p style="text-align: right;">100</p> <p>01:44 1 construction, no one knows what the plan is.</p> <p>01:44 2 But, normally, construction does have</p> <p>01:44 3 some disruption of the highways, people find</p> <p>01:44 4 alternatives, but when it's over they go back to the</p> <p>01:44 5 highway.</p> <p>01:44 6 Wouldn't that be the normal course of</p> <p>01:44 7 action?</p> <p>01:44 8 MR. MISKOVICH: That's typically the</p> <p>01:44 9 case. Yes.</p> <p>01:44 10 MR. BASRALIAN: Thank you.</p> <p>01:44 11 I have no further questions of Mr.</p> <p>01:44 12 Miskovich.</p> <p>01:44 13 CHAIRMAN GUERRA: Thank you.</p> <p>01:44 14 MR. MALAGIERE: Mr. Chairman, at this</p> <p>01:44 15 time, barring Mr. Basralian wanting to put any</p> <p>01:44 16 further witnesses on, which I don't think is the case</p> <p>01:44 17 because he's anticipated to put his planner on in</p> <p>01:44 18 September; is that correct?</p> <p>01:44 19 MR. BASRALIAN: That's correct.</p> <p>01:44 20 MR. MALAGIERE: I'd ask Mr. Moskowitz</p> <p>01:44 21 to come forward with -- I'm sorry?</p> <p>01:44 22 CHAIRMAN GUERRA: Why don't we address</p> <p>01:44 23 the meeting date for next month.</p> <p>01:44 24 MR. MALAGIERE: Okay.</p> <p>01:44 25 MR. BASRALIAN: We have a September --</p> <p style="text-align: center;">LAURA A. CARUCCI, C.S.R., R.P.R., L.L.C.</p> <p style="text-align: center;">201-641-1812</p>

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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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01:45 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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01:46 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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01:48 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 of 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** 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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01:51 **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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01:52 **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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01:54 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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01:55 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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01:56 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 it 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 and 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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<p style="text-align: right;">117</p> <p>01:59 1 THE WITNESS: Open-ended statement what</p> <p>02:00 2 sections I referenced. I referenced various</p> <p>02:00 3 components of the report.</p> <p>02:00 4 MR. MOSKOWITZ: I'll be glad to read</p> <p>02:00 5 both reports. I would ask the Court to -- or you --</p> <p>02:00 6 well, you are the Court. I would ask the Chair to</p> <p>02:00 7 suggest that rather than make me go through those</p> <p>02:00 8 hoops, which I will if I have to, to just turn over</p> <p>02:00 9 his two copies. And I will get them copied at, of</p> <p>02:00 10 course, my expense.</p> <p>02:00 11 If he doesn't want to do it --</p> <p>02:00 12 MR. MALAGIERE: Well, you can work that</p> <p>02:00 13 out Mr. Basralian, you have such a collegial</p> <p>02:00 14 relationship.</p> <p>02:00 15 Actually that ability, Mr. Moskowitz,</p> <p>02:00 16 you'll get it. Okay.</p> <p>02:00 17 MR. MOSKOWITZ: I'll get it. I thank</p> <p>02:00 18 the Board for it ruling.</p> <p>02:00 19 MR. NIX: That's harassment.</p> <p>02:00 20 CHAIRMAN GUERRA: Don't talk about</p> <p>02:00 21 harassment.</p> <p>02:00 22 MR. NIX: Open the public.</p> <p>02:00 23 CHAIRMAN GUERRA: Go ahead.</p> <p>02:00 24 MR. BASRALIAN: Since I indicated to</p> <p>02:00 25 the Board last month that our planner is going to be</p> <p style="text-align: center;">LAURA A. CARUCCI, C.S.R., R.P.R., L.L.C. 201-641-1812</p>	<p style="text-align: right;">119</p> <p>02:01 1 something that, for the --</p> <p>02:01 2 MR. MALAGIERE: Prospect.</p> <p>02:01 3 CHAIRMAN GUERRA: Prospect?</p> <p>02:01 4 MR. BASRALIAN: I wasn't aware of it</p> <p>02:01 5 either. I'll find out. I did not know about it.</p> <p>02:01 6 CHAIRMAN GUERRA: Is there a formal</p> <p>02:01 7 agreement?</p> <p>02:01 8 MR. BASRALIAN: I have no idea. This</p> <p>02:01 9 is the first I heard about it at all, so I will ask</p> <p>02:02 10 Mr. Pineles. I will inform the Board in writing</p> <p>02:02 11 through their attorney.</p> <p>02:02 12 MR. MALAGIERE: Well, I don't think</p> <p>02:02 13 that's going to sufficient and ultimately you're</p> <p>02:02 14 going to have to answer --</p> <p>02:02 15 MR. BASRALIAN: I -- I don't know. The</p> <p>02:02 16 answer is I don't know.</p> <p>02:02 17 MR. MALAGIERE: Of course.</p> <p>02:02 18 CHAIRMAN GUERRA: Well find out and if</p> <p>02:02 19 there's any kind of agreement that's something we</p> <p>02:02 20 might want to see.</p> <p>02:02 21 MR. NIX: They have --</p> <p>02:02 22 MR. MALAGIERE: Well, Mr. Pineles is</p> <p>02:02 23 going to need to testify to it, not this evening, but</p> <p>02:02 24 he's going to have to testify to it because a</p> <p>02:02 25 representation in a letter is just not sufficient.</p> <p style="text-align: center;">LAURA A. CARUCCI, C.S.R., R.P.R., L.L.C. 201-641-1812</p>
<p style="text-align: right;">118</p> <p>02:01 1 testifying on the 29th, this would be the October</p> <p>02:01 2 meeting that we would bring Mr. Keller back, because</p> <p>02:01 3 that would give Mr. Moskowitz certainly plenty of</p> <p>02:01 4 time to read the reports.</p> <p>02:01 5 CHAIRMAN GUERRA: That's fine.</p> <p>02:01 6 MR. BASRALIAN: I have appeared before</p> <p>02:01 7 boards for 42 years. I've never raised my voice, but</p> <p>02:01 8 I've never been accused of just creating a charade to</p> <p>02:01 9 obfuscate an application.</p> <p>02:01 10 CHAIRMAN GUERRA: I understand.</p> <p>02:01 11 MR. BASRALIAN: And for that I am</p> <p>02:01 12 upset.</p> <p>02:01 13 CHAIRMAN GUERRA: I understand.</p> <p>02:01 14 MR. MALAGIERE: Let the record reflect</p> <p>02:01 15 Mr. Moskowitz wanted to respond to that but the</p> <p>02:01 16 Chairman didn't allow him.</p> <p>02:01 17 Mr. Chairman, did you mention that you</p> <p>02:01 18 had a question with regard to a question from the</p> <p>02:01 19 public?</p> <p>02:01 20 CHAIRMAN GUERRA: Yes, there was</p> <p>02:01 21 something brought up during testimony tonight that I</p> <p>02:01 22 find curious and maybe you can help me out Mr.</p> <p>02:01 23 Basralian, it was brought up that there was some kind</p> <p>02:01 24 of parking agreement with the temple, the spaces</p> <p>02:01 25 behind, is that -- I wasn't aware of that, is that</p> <p style="text-align: center;">LAURA A. CARUCCI, C.S.R., R.P.R., L.L.C. 201-641-1812</p>	<p style="text-align: right;">120</p> <p>02:02 1 MR. NIX: Maybe -- maybe bring the</p> <p>02:02 2 employees in.</p> <p>02:02 3 MS. EISEN: Mr. Chairman, I am the</p> <p>02:02 4 treasurer of the synagogue and I negotiated the</p> <p>02:02 5 agreement. I'd be happy to testify about it.</p> <p>02:02 6 MR. NIX: You weren't recognized.</p> <p>02:02 7 MR. MALAGIERE: Mr. Chairman, what I</p> <p>02:02 8 would offer --</p> <p>02:02 9 MR. BASRALIAN: Well, you've asked a</p> <p>02:02 10 question of me. You asked a question of me, I will</p> <p>02:02 11 find out. I will put on the record that the first I</p> <p>02:02 12 ever heard of it was evening. And I didn't ask the</p> <p>02:02 13 question yet.</p> <p>02:02 14 CHAIRMAN GUERRA: Okay.</p> <p>02:02 15 MR. MALAGIERE: Mr. Chairman, what I</p> <p>02:02 16 would respectfully offer is that since it did come up</p> <p>02:02 17 for counsel, but not the applicant, at least not</p> <p>02:02 18 tonight, that you allow the testimony at the next</p> <p>02:02 19 meeting.</p> <p>02:02 20 So please, of course, Mr. Pineles has</p> <p>02:03 21 been gracious enough to be here every meeting, please</p> <p>02:03 22 be here in September.</p> <p>02:03 23 MR. BASRALIAN: Well, I would really</p> <p>02:03 24 like to get my planner on in September. The question</p> <p>02:03 25 is there an agreement? Is this the agreement? And</p> <p style="text-align: center;">LAURA A. CARUCCI, C.S.R., R.P.R., L.L.C. 201-641-1812</p>

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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

02:05 5 testimony you're about to give will be the truth, the

02:05 6 whole truth and nothing but the truth, so help you

02:05 7 God?

02:05 8 MR. EISEN: Yes.

02:05 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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02:08 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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02:09 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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02:10 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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