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<div>2</div> <div> <p>A L S O P R E S E N T:</p> <p>MATT WARD, A.I.C.P., P.P. Supervising Planner</p> <p>City Planning Division</p> <p>CAMERON BLACK, A.I.C.P., P.P. Senior Planner</p> <p>City Planning Division</p> <p>ELIZABETH OPPER, A.I.C.P., P.P. Urban Designer</p> <p>City Planning Division</p> <p>MATTHEW da SILVA Senior Planner</p> <p>City Planning Division</p> <p>PRECISION REPORTING SERVICE (908) 642-4299</p> </div>	<div>4</div> <div> <p>PUBLIC SWORN</p> <p>NAME PAGE</p> <p>Vito Brunetti 184</p> <p>Caroline Katz Mount 188</p> <p>Kate Donnelly 189</p> <p>Dan Blidner 191</p> <p>Jeffrey Budney 194</p> <p>Monique Herrera 196</p> <p>Courtney Walker 198</p> <p>Jennifer Segal 199</p> <p>Alicia Rodgers 200</p> <p>Sofia Wang 202</p> <p>E X H I B I T S</p> <p>NO. DESCRIPTION PAGE</p> <p>A-6 Notice for 01/24/24 meeting 6</p> <p>A-7 Cut/Fill Analysis Plan 11</p> <p>A-8 Architectural presentation, 28 slides 57</p> <p>O-1 Applicant's site plan with annotations by objector 117</p> <p>O-2 Slide presentation by Mr. Weissman, 11 slides 169</p> <p>O-3 Slide presentation by Mr. Weissman, 4 slides 172</p> <p>PRECISION REPORTING SERVICE (908) 642-4299</p> </div>

<p style="text-align: center;">5</p> <p>1 CHAIRMAN LANGSTON: So let's get into 2 old business. We'll call case P22-140, it's a 3 preliminary and final major site plan for 152 Ogden 4 Avenue. This was carried from the meeting on -- 5 that's not correct -- the January 9th of '24. Cam, 6 what -- I'm sorry, Counsel, what was the meeting 7 where we actually took testimony? 8 MR. HARRINGTON: It was on November 28, 9 2023. 10 CHAIRMAN LANGSTON: Okay. So we had 11 taken testimony previously on November 28th. 12 Okay. Counsel, the floor is yours. 13 MR. HARRINGTON: Okay. Thank you, for 14 the record, Charles Harrington of Connell Foley on 15 behalf of the applicant. 16 As the chairman just noted, this was 17 originally heard on November 28th, 2023; it was 18 carried to January 9th, 2024. We did re-notice for 19 that, notwithstanding that we left that meeting 20 saying it was not required. So I'd ask that they be 21 reviewed and marked into evidence as well. 22 MR. ALAMPI: Thank you, Counsel. 23 I am in receipt of an affidavit of 24 publication, proof of mailing, with notice being sent 25 for this evening's meeting. <p style="text-align: center;">PRECISION REPORTING SERVICE (908) 642-4299</p> </p>	<p style="text-align: center;">7</p> <p>1 the board wanted to hear more about. There was also 2 a question about the driveway curb cut into the -- 3 into the property, that was raised in the Jersey City 4 Engineering comment letter. 5 So what we have done is we met with 6 Jersey City Engineering -- Traffic and Engineering 7 Department in the meantime, and we -- they agreed to 8 a relocation of the driveway, and you'll see that as 9 part of the plans. It's on -- it's in the plans that 10 are on the portal, where we moved it slightly to the 11 south, so that it's not conflicting with the 12 crosswalk anymore. You'll see that, in the new 13 engineering comment letter, that comment has been 14 removed. 15 So I'm going to bring up our engineer, 16 civil engineer, to speak to that briefly. And he 17 also has a further exhibit to show the cut and fill 18 operations on what is being cut and what is remaining 19 at the property, so I want to introduce that as well 20 to the board. 21 Then, as the board may recall, there was 22 a discussion about the bedrock, and the depth of the 23 bedrock, and the load capacity. So what has happened 24 since the last meeting is we've had a brand-new 25 report completed by Mr. Jundi of JZN Engineering, and <p style="text-align: center;">PRECISION REPORTING SERVICE (908) 642-4299</p> </p>
<p style="text-align: center;">6</p> <p>1 Chairman, I've had the opportunity to 2 review it; it does appear to be in order. I concur 3 request counsel that -- 4 PUBLIC SPEAKER: Mic's not working. 5 MR. ALAMPI: Chairman, I am in receipt 6 of the affidavit of notice, proof of publication, 7 with respect to the meeting here this evening. I 8 concur with counsel that the notice was not required, 9 but out of an abundance of caution, counsel has chose 10 to re-notice the application. It does appear to be 11 in order. We can mark it as A-1 (sic) for purposes 12 of the record. 13 (Whereupon, Exhibit A-6 is marked for 14 identification.) 15 CHAIRMAN LANGSTON: Thank you, Counsel. 16 MR. HARRINGTON: Thank you. 17 And just before we proceed, I note for 18 the record that Dr. Gonzalez was not here at the last 19 hearing, so I'd ask that he represent that he read 20 the transcript or viewed the video. 21 VICE CHAIRMAN GONZALEZ: Indeed I have, 22 Counsel. 23 MR. HARRINGTON: Thank you. 24 Okay. So, yeah, at the last hearing, 25 we -- we adjourned; there were a few open issues that <p style="text-align: center;">PRECISION REPORTING SERVICE (908) 642-4299</p> </p>	<p style="text-align: center;">8</p> <p>1 Mr. Jundi will come up and speak to that for the 2 board, and any other issues contained within his 3 report. 4 So I -- you know, beyond that, I will 5 have additional witnesses: 6 I have a structural engineer that will 7 speak to the proposed foundations at the building, 8 and how they would work. 9 And then, my architect, Mr. Vandermark, 10 will take you through the project. 11 And as a reminder, we're -- you know, 12 the project being proposed tonight is as of right, in 13 that we are not requesting any variances. 14 So with that said, I'd like to bring up 15 our civil engineer, Brian -- I always kill Brian's -- 16 Liebeskind. 17 B R I A N L I E B E S K I N D, having 18 been duly sworn, testified as follows: 19 MR. LIEBESKIND: Brian Liebeskind, 20 L-I-E-B-E-S-K-I-N-D. 21 CHAIRMAN LANGSTON: Mr. Liebeskind, good 22 evening. You were qualified at the last hearing. Is 23 your license still current tonight? 24 MR. LIEBESKIND: It is. 25 CHAIRMAN LANGSTON: Okay. Thank you, <p style="text-align: center;">PRECISION REPORTING SERVICE (908) 642-4299</p> </p>

<p style="text-align: right;">9</p> <p>1 sir. You're qualified again.</p> <p>2 MR. LIEBESKIND: Thank you.</p> <p>3 DIRECT EXAMINATION</p> <p>4 BY MR. HARRINGTON:</p> <p>5 Q. You can access it.</p> <p>6 A. Good evening, everyone.</p> <p>7 So it's just loaded to -- since the</p> <p>8 November hearing, we addressed one of the comments</p> <p>9 in the city engineering memo regarding the driveway</p> <p>10 location and the proximity to the existing</p> <p>11 crosswalk across Ogden Avenue. So since the last</p> <p>12 hearing, we had a conversation with city</p> <p>13 engineering and the division of transportation to</p> <p>14 discuss the relocation options to facilitate</p> <p>15 pedestrian traffic across the street, and turning</p> <p>16 movements for vehicles in and out of the driveway.</p> <p>17 So the revised site plan, which is on</p> <p>18 the screen, sheet C-301 in the civil set, shows the</p> <p>19 driveway shifted 10 feet to the south, directly</p> <p>20 abutting the neighbor's driveway, which both the</p> <p>21 city professionals and the project team felt was a</p> <p>22 wise relocation for traffic reasons, aligning with</p> <p>23 the intersection, and also providing sufficient</p> <p>24 clearance with that existing crosswalk.</p> <p>25 So the operations of the drive aisle</p> <p style="text-align: center;">PRECISION REPORTING SERVICE (908) 642-4299</p>	<p style="text-align: right;">11</p> <p>1 Q. Sorry, before you go into the details,</p> <p>2 I'd like to mark this -- I think we were up to A-6.</p> <p>3 MR. ALAMPI: That is -- we are up to</p> <p>4 A-6, but we marked the notice as A-1, the new notice.</p> <p>5 So for purposes of the record, let's</p> <p>6 correct the prior marking this evening, we'll make</p> <p>7 that as A-6, and now, what is on the screen, showing</p> <p>8 as Exhibit 2, we're going to mark as A-7.</p> <p>9 (Whereupon, Exhibit A-7 is marked for</p> <p>10 identification.)</p> <p>11 MR. ALAMPI: Mr. Harrington, why don't</p> <p>12 we identify the date on the plan, the title of the</p> <p>13 plan.</p> <p>14 BY MR. HARRINGTON:</p> <p>15 Q. Okay. Brian, could you do that,</p> <p>16 please?</p> <p>17 A. Sure. So the drawing title is</p> <p>18 Cut/Fill Analysis Plan, with a date of December 27,</p> <p>19 2023, a scale of 1 inch equals 10 feet. And,</p> <p>20 again, this is -- this was not part of the original</p> <p>21 site plan set, and was submitted as an exhibit.</p> <p>22 MR. ALAMPI: You said dated September</p> <p>23 27, 2023?</p> <p>24 MR. LIEBESKIND: Correct.</p> <p>25 MR. ALAMPI: That is A-7.</p> <p style="text-align: center;">PRECISION REPORTING SERVICE (908) 642-4299</p>
<p style="text-align: right;">10</p> <p>1 adjacent to the garage parking is staying the same,</p> <p>2 the only difference is the -- the curb cut off of</p> <p>3 Ogden Avenue and the transition to that drive</p> <p>4 aisle.</p> <p>5 The 10-foot separation between the --</p> <p>6 that drive aisle and the property line, you know,</p> <p>7 is consistent with what we've previously shown, and</p> <p>8 the -- the entry access, with pedestrian warning</p> <p>9 lights, gate, apron, are all, you know, consistent</p> <p>10 with the original design.</p> <p>11 Q. And, Brian, nothing has changed with</p> <p>12 regard to the building or the parking spaces. Is</p> <p>13 that correct?</p> <p>14 A. Correct.</p> <p>15 Q. Okay. And then, could you just, maybe,</p> <p>16 touch upon the exhibit that I referred to?</p> <p>17 A. Sure. So there were some questions at</p> <p>18 the last hearing regarding the components of the</p> <p>19 PPOD checklist items. And in addition to all of</p> <p>20 the documents that have been prepared to date for</p> <p>21 the site geology, the characteristics of the</p> <p>22 landform, we have provided this cut/fill exhibit to</p> <p>23 supplement what is written out in the engineer's</p> <p>24 report.</p> <p>25 And so what you're looking at here --</p> <p style="text-align: center;">PRECISION REPORTING SERVICE (908) 642-4299</p>	<p style="text-align: right;">12</p> <p>1 MR. HARRINGTON: Thank you.</p> <p>2 BY MR. HARRINGTON:</p> <p>3 Q. Okay, Brian. Could you walk us through</p> <p>4 this exhibit?</p> <p>5 A. Sure. So the color coding that you</p> <p>6 see represents the -- a comparison between the</p> <p>7 existing surface, the site, and the proposed</p> <p>8 finished grades. So the majority of the site,</p> <p>9 which is colored in the light green and beige,</p> <p>10 represents a slight increase in, you know, raising</p> <p>11 of grade, or remaining the same.</p> <p>12 The darker brown colors within the</p> <p>13 building footprint signify the areas of cellar and</p> <p>14 below-ground parking as part of the tray system.</p> <p>15 So the elevations in red note the --</p> <p>16 you know, the proposed elevations of those finished</p> <p>17 grades.</p> <p>18 And, again, the color coding is the --</p> <p>19 the difference between the existing elevations per</p> <p>20 the survey and the proposed elevations of both the</p> <p>21 site and the building itself.</p> <p>22 MR. HARRINGTON: Any questions for</p> <p>23 Brian?</p> <p>24 CHAIRMAN LANGSTON: Any questions,</p> <p>25 anybody?</p> <p style="text-align: center;">PRECISION REPORTING SERVICE (908) 642-4299</p>

<p style="text-align: right;">13</p> <p>1 COMMISSIONER GANGADIN: No. 2 COMMISSIONER TORRES: No. 3 VICE CHAIRMAN GONZALEZ: No. 4 CHAIRMAN LANGSTON: Okay. Thank you, 5 Counsel. 6 MR. LIEBESKIND: So the -- the remainder 7 of the engineering testimony I provided in November 8 would still be unchanged. So, I mean, if there are 9 any questions related to the driveway relocation or 10 this cut/fill exhibit, I can answer those, but I 11 believe all the other matters I spoke to at the prior 12 hearing. 13 CHAIRMAN LANGSTON: Okay. Thank you. 14 Ms. Hadjiyannis, do you want to 15 cross-examine? 16 MS. HADJIYANNIS: Yes. 17 MR. ALAMPI: Chair, let's have 18 Ms. Hadjiyannis put her representation on the record, 19 and then we can have her question the witness. 20 Ms. Hadjiyannis, I think that mic -- you 21 just got to hit the button. 22 MS. HADJIYANNIS: Testing. Okay. 23 Thanks. 24 Good evening, commissioners, I'm here on 25 behalf of Riverview Neighborhood Association. And PRECISION REPORTING SERVICE (908) 642-4299</p>	<p style="text-align: right;">15</p> <p>1 even from the existing conditions. 2 Q. But just going back to the memo, dated 3 February 17th, 2023, from Lichuan Wang in city 4 engineering, did he (sic) -- what was the rationale 5 for the original 30-foot requirement? 6 A. I can't speak to why they requested 7 that number, but that comment has since been 8 removed from their -- the engineering comments. 9 And we have confirmation from both engineering and 10 transportation that they are -- accept the new 11 driveway location. 12 Q. So the city was persuaded to just 13 dispense with the 30-foot requirement somehow? 14 A. Again, it's not a requirement that 15 they were noting; it's merely an -- you know, an 16 ideal separation for traffic safety, which, you 17 know, in conversation, they understood was not 18 feasible in many cases in Jersey City. 19 Q. Okay. Was -- was there any 20 consideration of alternatives, such as not having a 21 driveway? 22 A. We reviewed multiple alternatives with 23 the city, and deemed that this was the best 24 placement for the project, and for both pedestrians 25 and for vehicles. PRECISION REPORTING SERVICE (908) 642-4299</p>
<p style="text-align: right;">14</p> <p>1 for the record, my name is Cynthia Hadjiyannis. 2 CHAIRMAN LANGSTON: Okay. Thanks, 3 Ms. Hadjiyannis. The floor is yours. 4 CROSS-EXAMINATION 5 BY MS. HADJIYANNIS: 6 Q. Okay, Mr. Liebeskind. Good evening. 7 How are you tonight? 8 A. Good evening. 9 Q. So you just testified about the 10 relocation of the driveway, and I'm wondering, 11 was -- was the requirement previously provided in 12 the engineering memo that the driveway be relocated 13 a minimum of 30 feet away from the pedestrian 14 crosswalk? 15 A. The comment you're referring to, the 16 30-foot separation, is not actually a city 17 requirement by code; it was a suggestion. For 18 traffic reasons, that does not exist currently; it 19 is not feasible in many lots in Jersey City. The 20 conversation with city engineering and 21 transportation acknowledged that, you know, the 22 site constraints, they only allow for certain 23 separation. The 4.1 feet that's currently provided 24 between the edge of the driveway and the crosswalk 25 was deemed acceptable, and we feel an improvement PRECISION REPORTING SERVICE (908) 642-4299</p>	<p style="text-align: right;">16</p> <p>1 Q. Okay. And when -- I'm just going to 2 read to you from his memo, because I do -- to me, as 3 a lawyer, and in legal parlance, we would call this 4 a prior inconsistent statement. Mr. Huang (sic) 5 wrote in his memo: This driveway must be relocated 6 a minimum of 30 feet away from the pedestrian 7 crosswalk. And then, that was deleted -- that 8 comment was deleted in his subsequent memo, which is 9 dated today, and just uploaded to the portal shortly 10 before the hearing, and there's no explanation as to 11 why he deleted that comment. 12 And what -- what is your -- what is 13 your understanding as to why he dispensed with that 14 requirement? 15 A. Again, for the reasons I just 16 explained, that this is not a code requirement. 17 And in conversations with Ms. Huang, we went over 18 what was an acceptable separation, and we honored 19 their request to keep the existing crosswalk 20 location, with the curb cuts on both sides of the 21 street, which we have done, and made the 22 adjustments, you know, with the driveway itself. 23 Q. Okay. 24 A. So I can't speak to why Ms. Huang, you 25 know, had the comment originally, but I can tell PRECISION REPORTING SERVICE (908) 642-4299</p>

<p style="text-align: right;">17</p> <p>1 you, again, it's not -- it was a suggestion, and</p> <p>2 not citing a specific land use requirement.</p> <p>3 MR. ALAMPI: Ms. Hadjiyannis, just for</p> <p>4 the board's clarification, the memo states that</p> <p>5 Ms. Huang reviewed the revised plans, dated December</p> <p>6 27, 2023, and that comment that Ms. Hadjiyannis just</p> <p>7 read, about the 30-foot distance, has been removed</p> <p>8 from the latest city engineering comment letter.</p> <p>9 BY MS. HADJIYANNIS:</p> <p>10 Q. Okay. And so, now, what's the distance</p> <p>11 from the pedestrian crosswalk, how -- or let me</p> <p>12 rephrase that: How far is the driveway from the</p> <p>13 pedestrian crosswalk now?</p> <p>14 A. It's 4.1 feet.</p> <p>15 Q. 4.1 feet. And you had testified that,</p> <p>16 now, it's aligning with the intersection?</p> <p>17 A. The existing driveway to the south of</p> <p>18 our site, which we will be abutting, is within the</p> <p>19 existing intersection with Ferry Street, and the</p> <p>20 suggestion was that -- to consolidate those curb</p> <p>21 cuts, to locate ours adjacent to the neighbor's</p> <p>22 driveway.</p> <p>23 It is -- the curb location on the plan</p> <p>24 is slightly misleading, and the actual intersection</p> <p>25 is a little bit north of where it's showing here.</p> <p style="text-align: center;">PRECISION REPORTING SERVICE (908) 642-4299</p>	<p style="text-align: right;">19</p> <p>1 Q. Did you testify about erosion</p> <p>2 potential?</p> <p>3 A. I did.</p> <p>4 Q. Okay. And you testified about</p> <p>5 load-bearing capacity?</p> <p>6 A. No, I deferred that to the</p> <p>7 geotechnical engineer.</p> <p>8 Q. Okay. How about depth to bedrock?</p> <p>9 A. We reviewed that as part of the</p> <p>10 original geotech report, but I would defer those</p> <p>11 questions to the geotechnical engineer that we have</p> <p>12 tonight.</p> <p>13 Q. Okay. I wanted to ask you about the</p> <p>14 cut and fill analysis plan. Do you know what the</p> <p>15 actual depth of the maximum excavation required for</p> <p>16 the deepest portion of the basement and car storage?</p> <p>17 A. Again, the color coding on the plan</p> <p>18 reflects to the level of cut or fill, you know,</p> <p>19 comparing existing conditions to proposed. So the</p> <p>20 highest range that's shown would be a -- at most, a</p> <p>21 10-foot cut on the plans. Again, the geotechnical</p> <p>22 engineer can talk in more detail about, you know,</p> <p>23 the actual excavation and cut, but the overall</p> <p>24 characteristics reflected on the exhibit, it's</p> <p>25 approximately, you know, 10 feet.</p> <p style="text-align: center;">PRECISION REPORTING SERVICE (908) 642-4299</p>
<p style="text-align: right;">18</p> <p>1 Q. Okay. Do you have a way to point to it</p> <p>2 on your screen? Just because I -- I'm not that good</p> <p>3 at reading plans.</p> <p>4 A. So the existing crosswalk and curb cut</p> <p>5 on the west side of Ogden Avenue, that is all</p> <p>6 staying. And so what appears to be a little bit</p> <p>7 large of a distance between that curb cut and Ferry</p> <p>8 Street is actually closer, and the radius of that</p> <p>9 is around where my hand is now.</p> <p>10 So to answer your question, it's</p> <p>11 within the -- it's opposite of Ferry Street.</p> <p>12 Q. Okay. Is it safer to put the driveway</p> <p>13 closer to the intersection?</p> <p>14 A. That was our belief, and that was also</p> <p>15 the opinion of the city professionals.</p> <p>16 Q. Okay. You had just testified that now</p> <p>17 the plans are compliant with the PPOD ordinance's</p> <p>18 technical requirements. Is there any sort of</p> <p>19 exhibit, or something in your report that summarizes</p> <p>20 the compliance?</p> <p>21 A. The landform analysis, which was</p> <p>22 provided as part of the engineer's report, walks</p> <p>23 through each of the provisions of the PPOD, and the</p> <p>24 site characteristics that I testified to</p> <p>25 previously.</p> <p style="text-align: center;">PRECISION REPORTING SERVICE (908) 642-4299</p>	<p style="text-align: right;">20</p> <p>1 Q. But the cut and fill is your plan.</p> <p>2 Right? It's not the geotech engineer's plan.</p> <p>3 A. Correct, this is an overall</p> <p>4 representation of the earthwork activities for the</p> <p>5 project.</p> <p>6 Q. Okay. So you're saying there's a -- so</p> <p>7 you -- why do you give it as a level instead of</p> <p>8 actual -- an actual measurement in feet and inches?</p> <p>9 A. The color coded ranges on the plan are</p> <p>10 2-foot intervals. So I'm saying the darkest brown</p> <p>11 color here represents between a 10-foot cut and an</p> <p>12 8-foot cut.</p> <p>13 Q. Okay. What is the volume in cubic</p> <p>14 yards of materials that will be excavated?</p> <p>15 A. That is not something that we</p> <p>16 quantified, nor was that a requirement in the PPOD</p> <p>17 regulations. To be truthful, I think it is</p> <p>18 inappropriate to give, you know, an estimate of</p> <p>19 that volume, given the -- sort of, the design</p> <p>20 complexities of the materials that are on-site, the</p> <p>21 materials that would be removed. The volume of</p> <p>22 pavement, volume of concrete -- there's a lot of</p> <p>23 things that go into overall earthwork. A cubic</p> <p>24 yard of soil taken out of the ground and put back</p> <p>25 into the ground is not the same volume. So it's, I</p> <p style="text-align: center;">PRECISION REPORTING SERVICE (908) 642-4299</p>

<p style="text-align: center;">21</p> <p>1 think, unfair to, you know, represent that on the 2 plan.</p> <p>3 So the total areas of those cuts, you 4 know, are shown in the legend, so you could do the 5 multiplication and arrive at an approximation of 6 what that is. But I will repeat: This plan is 7 simply comparing the existing surface to the 8 proposed surface; it does not reflect, you know, 9 material adjustments, again, from the building 10 slab, pavement, et cetera.</p> <p>11 Q. Okay. What -- what methods are going 12 to be used for excavation?</p> <p>13 A. I would defer those questions to the 14 geotechnical engineer.</p> <p>15 Q. Okay. So since you didn't calculate 16 the volume, I'm not sure you're going to be able to 17 answer the next question, but do you know how many 18 trucks will be required to export the soil that's 19 going to be moved?</p> <p>20 A. I did not do those calculations.</p> <p>21 Q. Okay. All right. I think that's it 22 for my questions. Thank you.</p> <p>23 CHAIRMAN LANGSTON: Okay. Thank you, 24 Counsel.</p> <p>25 Mr. Harrington, do you have anything to PRECISION REPORTING SERVICE (908) 642-4299</p>	<p style="text-align: center;">23</p> <p>1 updated today, but, in fact, did you meet with them 2 in early December?</p> <p>3 A. Yes.</p> <p>4 Q. Okay. And a decision was made, that 5 this was an acceptable relocation, was mid December, 6 is that accurate, sometime around that time?</p> <p>7 A. Yes.</p> <p>8 MR. HARRINGTON: That's all, I just 9 wanted to clarify that.</p> <p>10 CHAIRMAN LANGSTON: Okay. Thank you, 11 Counsel.</p> <p>12 Anybody else, any questions?</p> <p>13 MS. HADJIYANNIS: If I could just have a 14 brief --</p> <p>15 CHAIRMAN LANGSTON: Sure, just on what 16 was discussed there.</p> <p>17 MS. HADJIYANNIS: Yeah, just limited to 18 the --</p> <p>19 RE-CROSS-EXAMINATION 20 BY MS. HADJIYANNIS</p> <p>21 Q. So you just testified you met with 22 somebody from transportation?</p> <p>23 A. Correct, yeah, we met with Mike 24 Manzella and Lyndsey Scofield from transportation.</p> <p>25 Q. Okay. But, then, did either of them PRECISION REPORTING SERVICE (908) 642-4299</p>
<p style="text-align: center;">22</p> <p>1 add?</p> <p>2 REDIRECT EXAMINATION</p> <p>3 BY MR. HARRINGTON:</p> <p>4 Q. Just a few follow-up questions to 5 clarify your discussion with the traffic and 6 engineering department.</p> <p>7 When you met with them -- it's 8 Ms. Huang. Right?</p> <p>9 A. Yes.</p> <p>10 Q. When you met with Ms. Huang, you met 11 with other professionals from the traffic department 12 in Jersey City. Correct?</p> <p>13 A. Correct.</p> <p>14 Q. So this was not just a decision made by 15 Ms. Huang; it was a decision made by Jersey City 16 Engineering and the traffic professionals that work 17 for Jersey City. Correct?</p> <p>18 A. Correct. The original review memos 19 that we received from the city did not include any 20 comments from the division of transportation. We 21 took it upon ourselves to include them in this 22 conversation, to identify the best location for the 23 driveway.</p> <p>24 Q. Okay. And I know the updated 25 engineering comment letter was dated today, and was PRECISION REPORTING SERVICE (908) 642-4299</p>	<p style="text-align: center;">24</p> <p>1 sign the memo that was uploaded to the portal today?</p> <p>2 A. The conversation was with both city 3 engineering and city transportation. All parties 4 in attendance at that meeting confirmed that this 5 was an acceptable location.</p> <p>6 Q. Okay. Is any -- are any of those 7 people here today to testify?</p> <p>8 A. Again, it's reflected in the updated 9 comment letter that this is, you know, no longer a 10 comment from the city.</p> <p>11 Q. Okay.</p> <p>12 MS. HADJIYANNIS: I mean, I'm -- I just 13 have a -- I'm not going to bother objecting; the 14 board can weigh that however they would like to. But 15 I do just want to note for the record that the other 16 people are not signatories to this memo, and we don't 17 have any anything -- you know, other than 18 Mr. Liebeskind's characterization, we don't have 19 anything evidencing that they were on board with this 20 decision to relocate the driveway the way that it was 21 done.</p> <p>22 MR. ALAMPI: Thank you, Ms. Hadjiyannis.</p> <p>23 MR. HARRINGTON: For the board's 24 edification, I have emails from the traffic 25 department confirming that this is an acceptable PRECISION REPORTING SERVICE (908) 642-4299</p>

<p style="text-align: right;">25</p> <p>1 location. This letter that they updated was the</p> <p>2 result of us asking them to put in writing, formal</p> <p>3 writing, that they agreed on the location.</p> <p>4 CHAIRMAN LANGSTON: Okay. Thank you,</p> <p>5 Counsel.</p> <p>6 So the emails aren't for the board's</p> <p>7 privy.</p> <p>8 MR. HARRINGTON: Right.</p> <p>9 CHAIRMAN LANGSTON: Obviously, you know,</p> <p>10 we have the engineering report, and that's what we go</p> <p>11 by. Okay?</p> <p>12 All right. Thank you, Mr. Liebeskind.</p> <p>13 MR. LIEBESKIND: Thank you.</p> <p>14 MR. HARRINGTON: Okay. My next witness</p> <p>15 is Mr. Jundi, who was before this board at the last</p> <p>16 meeting. As I noted, he has prepared a new report,</p> <p>17 and he'll walk you through that, and address the</p> <p>18 bedrock issues and the load-bearing capacities and</p> <p>19 other issues.</p> <p>20 N E J M J U N D I, having been duly</p> <p>21 sworn, testified as follows:</p> <p>22 MR. JUNDI: Nejm Jundi, N-E-J-M, last</p> <p>23 name Jundi, J-U-N-D-I.</p> <p>24 MR. HARRINGTON: And Mr. Jundi was</p> <p>25 qualified at the last meeting, and I ask that he</p> <p style="text-align: center;">PRECISION REPORTING SERVICE (908) 642-4299</p>	<p style="text-align: right;">27</p> <p>1 reviewed the project. Correct?</p> <p>2 A. I wrote the report, yes.</p> <p>3 Q. And the proposed project that --</p> <p>4 A. Yes.</p> <p>5 Q. -- is being presented?</p> <p>6 Okay. So can you walk through your</p> <p>7 report with the board, noting -- you know, you</p> <p>8 remember, at the last meeting, there were questions</p> <p>9 about the depth of the bedrock and the load</p> <p>10 capacity. Could you address that as part of your</p> <p>11 overview?</p> <p>12 A. Sure. So the first thing we did is we</p> <p>13 took the borings that were done by Johnson Soil</p> <p>14 Company for the -- I believe they were done for the</p> <p>15 cellar of the property. We reviewed those borings,</p> <p>16 and then decided that we will do three additional</p> <p>17 borings, two by the slope area which is to the east</p> <p>18 of the site, and one to the west of the site, where</p> <p>19 the borings were taken all the way to refusal in</p> <p>20 rock, and then, to confirm it's rock, we cored 15</p> <p>21 feet into the rock in the two locations closer to</p> <p>22 the slope, and then we cored 5 feet into the rock</p> <p>23 on the west side of the site, which is closer to</p> <p>24 Ogden Avenue.</p> <p>25 And in both -- in all three cases, the</p> <p style="text-align: center;">PRECISION REPORTING SERVICE (908) 642-4299</p>
<p style="text-align: right;">26</p> <p>1 continue --</p> <p>2 CHAIRMAN LANGSTON: Yes.</p> <p>3 Mr. Jundi, good evening. Your license</p> <p>4 is current tonight?</p> <p>5 MR. JUNDI: Yes.</p> <p>6 CHAIRMAN LANGSTON: Okay. Thank you,</p> <p>7 sir. You're qualified.</p> <p>8 DIRECT EXAMINATION</p> <p>9 BY MR. HARRINGTON:</p> <p>10 Q. So, Mr. Jundi, you prepared a report</p> <p>11 for the -- the project. Is that correct?</p> <p>12 A. Yes, we were -- we were retained by</p> <p>13 the developer to take over as the geotech engineer</p> <p>14 of report for his development. So we -- we redid</p> <p>15 the investigation on-site by -- via drilling soil</p> <p>16 borings and rock coring, and we prepared a report.</p> <p>17 In addition, we did a slope stability analysis for</p> <p>18 the rock slope, to see if adding the building would</p> <p>19 cause any harm to the slope.</p> <p>20 Q. Okay. And that report that you're</p> <p>21 referring to is what's on the screen now, prepared</p> <p>22 by JZN Engineering, dated December 29, 2023. Is</p> <p>23 that correct?</p> <p>24 A. Correct.</p> <p>25 Q. Okay. So could you -- and you've</p> <p style="text-align: center;">PRECISION REPORTING SERVICE (908) 642-4299</p>	<p style="text-align: right;">28</p> <p>1 rock was confirmed to be competent, and it's</p> <p>2 diabase rock, and it's -- towards the slope, it's</p> <p>3 about 8 to 9 feet existing grade, and towards Ogden</p> <p>4 it's about 11 feet, that's the top of the rock.</p> <p>5 And then, from there, we cored 5 feet on Ogden and</p> <p>6 15 feet, just to qualify the rock type.</p> <p>7 So it is confirmed that the rock is</p> <p>8 there at between, let's say, 8 and 11 feet,</p> <p>9 depending on where you are on the site.</p> <p>10 Q. Mr. Jundi, I think you just said -- you</p> <p>11 referred to diabase rock. Could you just clarify</p> <p>12 that? Is that is it bedrock you're referring to?</p> <p>13 A. Yes, it's the type of rock.</p> <p>14 Q. Okay.</p> <p>15 A. We have spoken -- in preparation for</p> <p>16 this geotech report, we have spoken to the project</p> <p>17 structural engineer, to understand the wall</p> <p>18 takedown of the building, and how is it going to be</p> <p>19 supported. And, basically, this building will be</p> <p>20 supported on shallow footings bearing directly on</p> <p>21 bedrock. So we're going to excavate down to rock</p> <p>22 and just put the footings to support the building.</p> <p>23 And in speaking with him, we also took</p> <p>24 the -- the weight of the building, converted it to</p> <p>25 bearing capacity -- I'm sorry, stress on the</p> <p style="text-align: center;">PRECISION REPORTING SERVICE (908) 642-4299</p>

<p style="text-align: center;">29</p> <p>1 ground, which came up to be 1,500 kips per square</p> <p>2 foot, which is 15,000 pounds per square foot of</p> <p>3 load averaged across the whole building, because</p> <p>4 that's what we needed to do the slope stability</p> <p>5 analysis.</p> <p>6 So what we did -- I'm just trying to</p> <p>7 go to the figure -- we took our cross-section, kind</p> <p>8 of, in the central portion of the building, with</p> <p>9 the slope information that we have from the survey,</p> <p>10 and we came up with a -- a cross-section,</p> <p>11 representing the slope, the soil conditions, and</p> <p>12 the rock. And you can see it up on the screen,</p> <p>13 it's cross-section A.</p> <p>14 We took that, and run a finite element</p> <p>15 method, using the Hoek Brown criteria, which,</p> <p>16 basically, in rock, it talks about the reduction in</p> <p>17 shear strength. So, basically, how much are you</p> <p>18 reducing the capacity of the rock by applying the</p> <p>19 load?</p> <p>20 So the first thing we did was assume</p> <p>21 there's nothing. It's a parking lot. So what is</p> <p>22 the available shear strength of the rock, the</p> <p>23 slope, which is basically a factor of safety. And</p> <p>24 it was found to be 10.63, and that's called the</p> <p>25 shear rock reduction factor.</p> <p style="text-align: center;">PRECISION REPORTING SERVICE (908) 642-4299</p>	<p style="text-align: center;">31</p> <p>1 available 10 times more to actually cause a failure</p> <p>2 because of the building.</p> <p>3 Q. And when you say you're not causing any</p> <p>4 additional change, you're assuming that the project</p> <p>5 is being built. Is that correct?</p> <p>6 A. Correct, this load is assuming the</p> <p>7 building is finished and occupied.</p> <p>8 Q. Okay. And I might have missed it, I</p> <p>9 might have looked down, but did you state what the</p> <p>10 depth of the bedrocks are?</p> <p>11 A. Yes, it's about 8 to 9 feet towards</p> <p>12 the slope or the east side of the property, and</p> <p>13 about 11 feet towards the west, which is Ogden</p> <p>14 Avenue. So it's fairly level.</p> <p>15 Q. And based upon your analysis and</p> <p>16 review, and your analysis of the load capacity, do</p> <p>17 you see any issues with any of the foundation</p> <p>18 proposals to build this project?</p> <p>19 A. No. No, we don't.</p> <p>20 Q. And is that -- is the reason for that</p> <p>21 what you just explained, because it's not changing</p> <p>22 anything?</p> <p>23 A. Yes, it's not changing the stress</p> <p>24 overall on the global stability of the rock -- of</p> <p>25 the rock slope.</p> <p style="text-align: center;">PRECISION REPORTING SERVICE (908) 642-4299</p>
<p style="text-align: center;">30</p> <p>1 And then, we took the average weight</p> <p>2 of the building -- actually, the -- I'm sorry, the</p> <p>3 stress applied by the building on the -- on the</p> <p>4 ground, and we applied the 1.5 kips per-square-foot</p> <p>5 load of the building, as represented here, and that</p> <p>6 sheer rock -- sheer reduction factor was found to</p> <p>7 be 10.49. So it's a reduction of, give or take, 1</p> <p>8 percent of the sheer strength of the rock, which is</p> <p>9 negligible.</p> <p>10 Q. And when you say it was a reduction,</p> <p>11 could you maybe explain that? What do you mean?</p> <p>12 What caused that reduction, or would cause that</p> <p>13 reduction?</p> <p>14 A. Well, when you -- the diabase rock is</p> <p>15 a homogenous rock formation that is very intact.</p> <p>16 It might be fractured on the top, but it's very</p> <p>17 intact; the bottom is one whole mass. So if you</p> <p>18 imagine, it has a certain strength, and that was --</p> <p>19 and to exceed it, you have to apply a lot more</p> <p>20 load. And the sheer strength of it would -- the</p> <p>21 factor of safety of -- to reduce that sheer</p> <p>22 strength would take about 10 times more the load,</p> <p>23 basically, that we applied. And we are not</p> <p>24 changing the load being applied on that slope by</p> <p>25 much, only by 1 percent. So we still have</p> <p style="text-align: center;">PRECISION REPORTING SERVICE (908) 642-4299</p>	<p style="text-align: center;">32</p> <p>1 Q. And, Mr. Jundi, does your report speak</p> <p>2 to methods to excavate at the property, and -- with</p> <p>3 regard to filling at the property?</p> <p>4 A. Yeah, sure. The overburdened soil is</p> <p>5 basically more sandy and gravelly; can be easily</p> <p>6 excavated with an excavator. And the project site</p> <p>7 already have two below-ground areas for the car</p> <p>8 pits, and we don't see any need for major</p> <p>9 excavation for the rock. So everything could be</p> <p>10 accomplished with just normal excavators.</p> <p>11 Q. And does your report address methods in</p> <p>12 which to excavate and -- the site?</p> <p>13 A. Well, we would talk about it</p> <p>14 generally. If we actually tell the contractor how</p> <p>15 to excavate a site, that would be inversion of</p> <p>16 means and methods, and we cannot really do that as</p> <p>17 engineers. There's a fine line between how a</p> <p>18 contractor actually excavates and how an engineer</p> <p>19 designs, it's means and methods. We basically</p> <p>20 advise the contractors that you can excavate it</p> <p>21 using normal machines, and excavator machine, like</p> <p>22 any other site.</p> <p>23 Q. Okay. Anything further you want to</p> <p>24 touch upon in your report?</p> <p>25 A. No.</p> <p style="text-align: center;">PRECISION REPORTING SERVICE (908) 642-4299</p>

<p style="text-align: center;">33</p> <p>1 MR. LEGG: Excuse me, I don't know what</p> <p>2 the protocol is. My name is Jim Legg. I live up the</p> <p>3 street at --</p> <p>4 CHAIRMAN LANGSTON: Sir, we'll have</p> <p>5 public comment once all the testimony is given.</p> <p>6 MR. LEGG: I had a question for the</p> <p>7 engineer.</p> <p>8 CHAIRMAN LANGSTON: Are you a member of</p> <p>9 the RNA?</p> <p>10 MR. LEGG: I am a member of RNA, but I'm</p> <p>11 speaking on my own behalf.</p> <p>12 CHAIRMAN LANGSTON: So Ms. Hadjiyannis</p> <p>13 can address any testimony given.</p> <p>14 MR. LEGG: I was wondering about</p> <p>15 earthquakes, if he tested --</p> <p>16 CHAIRMAN LANGSTON: Sure. I'm sure,</p> <p>17 Ms. Hadjiyannis, you can handle that question?</p> <p>18 That's your client. Right?</p> <p>19 MR. HARRINGTON: Well, my -- the</p> <p>20 organization is my client, yes.</p> <p>21 MR. WARD: We need that on the record,</p> <p>22 so -- for the recording as well. I just want to</p> <p>23 reiterate that for people, now that we're not on</p> <p>24 Zoom.</p> <p>25 CHAIRMAN LANGSTON: Mike, did you get</p> <p style="text-align: center;">PRECISION REPORTING SERVICE (908) 642-4299</p>	<p style="text-align: center;">35</p> <p>1 A. Okay. So when you look at the rock</p> <p>2 mass, you look at the sheer strength of the rock.</p> <p>3 There's two parts of the sheer strength: one is the</p> <p>4 intact part of it, and one is the interaction of</p> <p>5 those fractures. Right? And that's what the sheer</p> <p>6 strength reduction factor is talking about. The</p> <p>7 weaker part would be the fracture. Any rock mass,</p> <p>8 at the top of it, the few inches would be fracture.</p> <p>9 As you go deeper, it would be more solid, and those</p> <p>10 fractures become far and apart.</p> <p>11 Q. Okay.</p> <p>12 A. Being at the surface, it doesn't</p> <p>13 affect the stability of the soil, because we're</p> <p>14 going to be resting a little bit on that. So it's</p> <p>15 not going to be affecting the global stability of</p> <p>16 the rock mass.</p> <p>17 Q. Okay. When -- when the test borings</p> <p>18 were done, did you find fractures in the rock cores</p> <p>19 below the surface?</p> <p>20 A. Yes, we did. And we used -- I'm going</p> <p>21 to just pull up for you -- we did RQD value and</p> <p>22 recovery. And you can see it took us eleven</p> <p>23 minutes, eight minutes, seven minutes, to core</p> <p>24 through the rock. In comparison, for example, if</p> <p>25 you have a sandstone rock, it would take you one</p> <p style="text-align: center;">PRECISION REPORTING SERVICE (908) 642-4299</p>
<p style="text-align: center;">34</p> <p>1 that?</p> <p>2 THE REPORTER: Yeah.</p> <p>3 CHAIRMAN LANGSTON: Okay. Mr. Jundi,</p> <p>4 that's your testimony?</p> <p>5 MR. JUNDI: Yes.</p> <p>6 CHAIRMAN LANGSTON: Okay. Anybody from</p> <p>7 the board? Anyone?</p> <p>8 VICE CHAIRMAN GONZALEZ: No.</p> <p>9 COMMISSIONER GANGADIN: No.</p> <p>10 CHAIRMAN LANGSTON: Okay.</p> <p>11 Ms. Hadjiyannis?</p> <p>12 CROSS-EXAMINATION</p> <p>13 BY MS. HADJIYANNIS:</p> <p>14 Q. Good evening, Mr. Jundi.</p> <p>15 A. Good evening. How are you?</p> <p>16 Q. I'm good. How are you?</p> <p>17 A. I'm all right.</p> <p>18 Q. Okay. So you just testified that the</p> <p>19 diabase is fractured at the top. Would you explain</p> <p>20 what you meant by that?</p> <p>21 A. Yeah, any -- any rock formation would</p> <p>22 have seams in it, or fractures, but it doesn't mean</p> <p>23 that the rock is not stable.</p> <p>24 Q. Okay. And so -- so what does -- what</p> <p>25 do the fractures mean, then?</p> <p style="text-align: center;">PRECISION REPORTING SERVICE (908) 642-4299</p>	<p style="text-align: center;">36</p> <p>1 minute to go, two minutes to go through the rock,</p> <p>2 but diabase is so strong, it took, you know, 11</p> <p>3 minutes, 12 minutes to go through it.</p> <p>4 Q. Okay.</p> <p>5 A. There is fracture in every rock mass.</p> <p>6 There's no such thing as a rock mass without</p> <p>7 fracture. All right?</p> <p>8 Q. Okay.</p> <p>9 A. We take that into account. Typically,</p> <p>10 anything about close to 80 percent RQD is</p> <p>11 considered massive rock, meaning, if you were to</p> <p>12 come and excavate it, you basically need hammers</p> <p>13 and dynamite to remove it.</p> <p>14 Q. What does RQD stand for?</p> <p>15 A. Rock quality designation.</p> <p>16 Q. Okay. And I think some of the notes on</p> <p>17 the test boring logs did say that there was a flat</p> <p>18 to moderately dipping fracture inclination. Is that</p> <p>19 correct?</p> <p>20 A. Yes.</p> <p>21 Q. And do you know if the fracture</p> <p>22 inclination dipped downhill?</p> <p>23 A. In our analysis, we assume they're all</p> <p>24 doing downhill, because that's the worst case --</p> <p>25 Q. Okay. So if --</p> <p style="text-align: center;">PRECISION REPORTING SERVICE (908) 642-4299</p>

<p style="text-align: right;">37</p> <p>1 A. -- not opposite -- like, if it's</p> <p>2 dipping toward Ogden, actually, it would help the</p> <p>3 job. We assumed it was dipping toward the slope.</p> <p>4 Q. And if there's a fracture -- I'm</p> <p>5 assuming -- I shouldn't assume. Are these</p> <p>6 horizontal fractures?</p> <p>7 A. Some are, and some are dipping.</p> <p>8 Q. Okay. So do you know how -- whether</p> <p>9 these are continuous fractures or --</p> <p>10 A. No, they're not.</p> <p>11 Q. How could you tell that with only three</p> <p>12 borings?</p> <p>13 A. In geotechnical engineering, we cannot</p> <p>14 go and put a boring every 5 inches. So it -- we</p> <p>15 look at the geology of the building -- I'm sorry,</p> <p>16 of the formation. We know how rock is fractured in</p> <p>17 diabase. We confirm it with the borings. It's</p> <p>18 impossible to know if they are all connected. The</p> <p>19 assumption is, with the reduction we used from Hoek</p> <p>20 Brown, it would reduce a lot, and assume some kind</p> <p>21 of interlocking between the two. And that's how we</p> <p>22 come up with a mass overall.</p> <p>23 And this method of analysis, just to</p> <p>24 let you know, is accepted by the Port Authority,</p> <p>25 it's accepted by the PATH station, accepted by the</p> <p style="text-align: center;">PRECISION REPORTING SERVICE (908) 642-4299</p>	<p style="text-align: right;">39</p> <p>1 things can be reduced, to make an assumption of --</p> <p>2 to make an engineering model how it's going to</p> <p>3 behave. And that's what we used to input into our</p> <p>4 finite element method.</p> <p>5 Q. And then, your model is on this final</p> <p>6 page here?</p> <p>7 A. As I said, we did two things. That's</p> <p>8 the results of it. Sorry. I keep putting the</p> <p>9 wrong slide.</p> <p>10 So this is the existing condition.</p> <p>11 The -- if I can zoom in, you can read that -- the</p> <p>12 critical SRF --</p> <p>13 Q. Okay.</p> <p>14 A. -- is 10.63. So this is the -- what</p> <p>15 you have available for you against any failure on</p> <p>16 the slope.</p> <p>17 And the next thing is we compared it</p> <p>18 by adding the building at the elevation we're</p> <p>19 supposed to be supporting it, and that number went</p> <p>20 from 10.63 to 10.49, which is a reduction of less</p> <p>21 than 1.1 percent.</p> <p>22 Q. Okay. Did you -- I mean, I don't --</p> <p>23 did -- and you used some kind of software to</p> <p>24 generate this --</p> <p>25 A. Yes.</p> <p style="text-align: center;">PRECISION REPORTING SERVICE (908) 642-4299</p>
<p style="text-align: right;">38</p> <p>1 MTA, it's accepted by New York City Building</p> <p>2 Department. This is not something just specific to</p> <p>3 this job or locality.</p> <p>4 Q. And let me ask you: Do fractures make</p> <p>5 the rock more susceptible to a landslide?</p> <p>6 A. In -- if -- yes, they do, but that's</p> <p>7 why you calculate what is the factor of safety</p> <p>8 against landsliding.</p> <p>9 Q. Okay. Is -- and where is that in the</p> <p>10 report, the factor of safety against landsliding?</p> <p>11 A. Okay. So we looked at the slope</p> <p>12 stability analysis using the Hoek and Brown method,</p> <p>13 and it's called stress reduction factor. That</p> <p>14 method of analysis -- and if you want me more</p> <p>15 specific -- sorry.</p> <p>16 Okay. So we came up with the quality</p> <p>17 of the rock, the soil parameters, all based on</p> <p>18 different kind of inputs from different -- Federal</p> <p>19 Highway Administration, Bowles recommendation,</p> <p>20 Terzaghi, soil mechanics for the soil. We used the</p> <p>21 GSI method, Hoek and Brown, failure criterion. So,</p> <p>22 in rock, it's different analysis than typical soil,</p> <p>23 because it's impossible to know how the fractures</p> <p>24 are, so different scientists and engineers</p> <p>25 developed different methods to look at how these</p> <p style="text-align: center;">PRECISION REPORTING SERVICE (908) 642-4299</p>	<p style="text-align: right;">40</p> <p>1 Q. -- diagram?</p> <p>2 Okay. And I'm assuming you put some</p> <p>3 kind of number -- you know, did -- you put some kind</p> <p>4 of inputs into the software to generate this?</p> <p>5 A. Yes.</p> <p>6 Q. Did you -- was one of those inputs</p> <p>7 pound per square foot?</p> <p>8 A. Yes.</p> <p>9 Q. And what was your assumption about the</p> <p>10 pounds per square foot for the building?</p> <p>11 A. It's not an assumption. I spoke to</p> <p>12 the structural engineer, and we asked him what is</p> <p>13 the weight pressure of the building on this rock</p> <p>14 mass, on the foundation, and the average load of</p> <p>15 the building, including -- like, because you have</p> <p>16 columns that have loads; you have slab that doesn't</p> <p>17 have load. Right? So the columns may have 100</p> <p>18 kips, and the slab may have 40 kips. But, in</p> <p>19 totality, the building would be applying about 1.5</p> <p>20 kips, which is 1,500 pounds per square foot, on the</p> <p>21 soil -- on the ground.</p> <p>22 Q. Did the Johnson Soils report have</p> <p>23 another number for the load-bearing --</p> <p>24 A. You're talking about two different</p> <p>25 things here.</p> <p style="text-align: center;">PRECISION REPORTING SERVICE (908) 642-4299</p>

<p style="text-align: right;">41</p> <p>1 Q. Okay.</p> <p>2 A. So the allowable bearing capacity, by</p> <p>3 code, in New Jersey, on diabase rock, would be a</p> <p>4 maximum of 6 tons per square foot, which is 12 kips</p> <p>5 per square foot. That's a bearing capacity; that's</p> <p>6 not a pressure.</p> <p>7 Q. Okay. I'm over -- I'm in over my head</p> <p>8 now with the engineering.</p> <p>9 Okay. So did your -- let me just move</p> <p>10 on to slope stability. Did you -- oh, wait, I had</p> <p>11 one more question about the fractures.</p> <p>12 A. Okay.</p> <p>13 Q. Did you identify any location where</p> <p>14 there's a potential failure of the surfaces?</p> <p>15 A. At the site?</p> <p>16 Q. Yeah.</p> <p>17 A. On the surface, we couldn't identify</p> <p>18 anything at the surface. It's a gravel paved</p> <p>19 parking lot. We can't see anything.</p> <p>20 Q. Okay. Let me --</p> <p>21 A. We dug down -- we drilled down a hole</p> <p>22 that is 4 inches in diameter, 5 inches in diameter.</p> <p>23 Q. What about the surface between the</p> <p>24 overburden and the bedrock that's shown on this</p> <p>25 diagram, kind of, right here?</p> <p style="text-align: center;">PRECISION REPORTING SERVICE (908) 642-4299</p>	<p style="text-align: right;">43</p> <p>1 negative 2 KSF, basically.</p> <p>2 Q. Okay. Why is that?</p> <p>3 A. Because we removed the soil, and we're</p> <p>4 applying the soil below the top of that existing</p> <p>5 surface.</p> <p>6 Q. Okay. So the section of the slope</p> <p>7 that's going to be in front of the building, did you</p> <p>8 evaluate the stability of that, just independent of</p> <p>9 the building?</p> <p>10 A. I'm sorry, I don't understand the</p> <p>11 question.</p> <p>12 Q. Did -- so there's a section of the</p> <p>13 slope in front of the building where the overburden</p> <p>14 meets the diabase rock.</p> <p>15 A. Correct.</p> <p>16 Q. Okay. Did you evaluate the stability</p> <p>17 of that section of the slope on its own?</p> <p>18 A. I don't need to for building</p> <p>19 stability. My load is being applied 11 feet below</p> <p>20 the surface.</p> <p>21 Q. Okay.</p> <p>22 A. So I -- in a global sense, I am not</p> <p>23 putting any load on that soil you're talking about.</p> <p>24 Q. Okay.</p> <p>25 A. I'm actually relieving the stress,</p> <p style="text-align: center;">PRECISION REPORTING SERVICE (908) 642-4299</p>
<p style="text-align: right;">42</p> <p>1 A. Okay. What are -- what's your</p> <p>2 specific question?</p> <p>3 Q. Is that the location of any potential</p> <p>4 surface failure?</p> <p>5 A. Not from the building, because the</p> <p>6 building, you see the bottom, where the arrow is,</p> <p>7 the bottom of that? That's where the load of the</p> <p>8 building is going; not on the soil that you are</p> <p>9 identifying.</p> <p>10 Q. So when you're saying not from the</p> <p>11 building, would there be any other reason for --</p> <p>12 A. It's stable right now.</p> <p>13 Q. -- a slope failure?</p> <p>14 A. I can't tell you. I'm not God. I</p> <p>15 can't tell you what's going to happen in the</p> <p>16 future. If somebody digs there, removes there,</p> <p>17 regrade it. That's an open-ended question.</p> <p>18 Q. Well -- okay. So -- so you didn't --</p> <p>19 you didn't do anything to model the slope stability</p> <p>20 of the remaining over burden material?</p> <p>21 A. No, because my slowed is being applied</p> <p>22 on the rock, not on soil. So this model represents</p> <p>23 how -- if you want me to interpret it right now,</p> <p>24 that's fine. You see the lighter blueish? Okay.</p> <p>25 It's saying that we are relieving stress by a</p> <p style="text-align: center;">PRECISION REPORTING SERVICE (908) 642-4299</p>	<p style="text-align: right;">44</p> <p>1 because I'm removing soil that was applying soil</p> <p>2 (sic) to the slope.</p> <p>3 Q. So, but during construction, will that</p> <p>4 be impacted at all by vibrations or any kind of</p> <p>5 construction activity?</p> <p>6 A. The slope stability?</p> <p>7 Q. Yeah.</p> <p>8 A. Well, to be able to dig down that</p> <p>9 deep, they probably maybe have to use supportive</p> <p>10 excavation, or they have to slope the other way.</p> <p>11 But, in any case, you are removing stress; you are</p> <p>12 removing load. You're creating a hole. So,</p> <p>13 basically, you have a sack of apples that weigh ten</p> <p>14 pounds, and now you remove four pounds of it, that</p> <p>15 sack is going to hold less, it's going to be</p> <p>16 stronger.</p> <p>17 Q. Okay.</p> <p>18 A. If you're not --</p> <p>19 Q. Okay. Okay. I see what you're saying.</p> <p>20 So did you look at stormwater at all in</p> <p>21 your analysis?</p> <p>22 A. Stormwater for what?</p> <p>23 Q. Stormwater that's going to be stored</p> <p>24 below the parking lot.</p> <p>25 A. I don't understand the question.</p> <p style="text-align: center;">PRECISION REPORTING SERVICE (908) 642-4299</p>

<p style="text-align: right;">45</p> <p>1 Q. Well, you did a geotechnical study.</p> <p>2 Did you factor in the stormwater at all?</p> <p>3 A. What does the geotechnical have to do</p> <p>4 with stormwater management?</p> <p>5 Q. Well, I would think that -- you're</p> <p>6 going to tell me. I think I'm supposed to ask you</p> <p>7 the question, not the other way around.</p> <p>8 A. No, I'm asking you a question, because</p> <p>9 I need to understand it specifically, to be able</p> <p>10 answer you specifically. But --</p> <p>11 MR. ALAMPI: So, sir, if you don't</p> <p>12 understand the question, say you don't understand the</p> <p>13 question.</p> <p>14 MR. JUNDI: Okay.</p> <p>15 MR. ALAMPI: Counsel, you have to</p> <p>16 rephrase it, so the witness can answer the question.</p> <p>17 MS. HADJIYANNIS: Okay. So let me</p> <p>18 ask --</p> <p>19 MR. ALAMPI: And, Counsel, let's keep</p> <p>20 this within the realm of the direct testimony,</p> <p>21 please.</p> <p>22 BY MS. HADJIYANNIS:</p> <p>23 Q. Would introducing stormwater to the</p> <p>24 subsurface for groundwater recharge have an effect</p> <p>25 on the overall stability of the diabase rock?</p> <p style="text-align: center;">PRECISION REPORTING SERVICE (908) 642-4299</p>	<p style="text-align: right;">47</p> <p>1 Q. Have you evaluated how this</p> <p>2 construction might impact the adjacent properties?</p> <p>3 A. We are well away from any other</p> <p>4 properties, so we should not have an impact.</p> <p>5 Q. Okay. Have you reviewed the conditions</p> <p>6 of those adjacent buildings at all?</p> <p>7 A. I was on-site when they did the soil</p> <p>8 borings, for a portion of it, so I took a look</p> <p>9 from -- I cannot enter those buildings. We are not</p> <p>10 impacting them. We're not constructing a party</p> <p>11 wall or within 5 feet of any existing building.</p> <p>12 Q. And did you look at seasonal</p> <p>13 groundwater at all when you did your analysis?</p> <p>14 A. For what reason?</p> <p>15 Q. How it might impact stability.</p> <p>16 A. No.</p> <p>17 Q. Okay.</p> <p>18 A. When we did the borings, we didn't</p> <p>19 find any groundwater.</p> <p>20 Q. Okay. So your testimony is that the</p> <p>21 stormwater and seasonal groundwater won't impact</p> <p>22 stability?</p> <p>23 A. Seasonal high groundwater is a</p> <p>24 definition made by DEP in New Jersey, and actually</p> <p>25 other states too, to measure the highest level of</p> <p style="text-align: center;">PRECISION REPORTING SERVICE (908) 642-4299</p>
<p style="text-align: right;">46</p> <p>1 A. Diabase rock is impermeable. You</p> <p>2 cannot infiltrate water through it.</p> <p>3 Q. Okay. What about the impact to the</p> <p>4 stability of the overburden?</p> <p>5 A. Again, the building is being supported</p> <p>6 way below the overburden, directly on the diabase.</p> <p>7 How the water -- stormwater management is being</p> <p>8 taken care of is done through the civil</p> <p>9 engineering; they're probably designing a storage</p> <p>10 system redirecting the water somehow to meet their</p> <p>11 regulations. But stormwater is not going to impact</p> <p>12 the stability of the slope or the building. I am</p> <p>13 sure they're not recharging the water into the</p> <p>14 diabase.</p> <p>15 Q. How -- you --</p> <p>16 A. Right now, the existing site is a</p> <p>17 paved gravel surface. So when it rains, when it</p> <p>18 snows, the water just travels down and goes on its</p> <p>19 own merry way on top of the rock. Nothing is</p> <p>20 happening to the slope. It's been like that for</p> <p>21 ages. Same thing goes for existing properties to</p> <p>22 the north and south. There is residential</p> <p>23 buildings to the north and south of this lot, and</p> <p>24 they've been sitting there for a hundred years,</p> <p>25 give or take.</p> <p style="text-align: center;">PRECISION REPORTING SERVICE (908) 642-4299</p>	<p style="text-align: right;">48</p> <p>1 groundwater elevation measured in a soil condition</p> <p>2 or on a site. It's typically determined by looking</p> <p>3 at the iron pebbles in the soil. When the water</p> <p>4 goes up and down, the soil loses the iron in it,</p> <p>5 and it leaves orange marks, dots, basically.</p> <p>6 In this case, we didn't even find</p> <p>7 water table on the site, and we stated that in our</p> <p>8 report. So seasonal high is not going to factor</p> <p>9 in, because there's no water table that goes up and</p> <p>10 down. The water only comes from the rain, because</p> <p>11 it's an open lot, and then it comes down, it hits</p> <p>12 the diabase, it's not going to go anywhere, it's</p> <p>13 just going to follow the surface of the diabase; in</p> <p>14 this case, down the slope.</p> <p>15 And the slope, as is, right now, it's</p> <p>16 been stable for the longest time. That has been a</p> <p>17 parking paved area for the longest time. And by us</p> <p>18 adding a building to it, that's not going to affect</p> <p>19 it.</p> <p>20 Q. So water flowing underground down the</p> <p>21 slope won't cause erosion?</p> <p>22 A. It's not -- erosion is the action of</p> <p>23 water on top of the ground, not below the ground.</p> <p>24 Q. Okay. So water that's below the</p> <p>25 surface doesn't disturb the soil on top of the</p> <p style="text-align: center;">PRECISION REPORTING SERVICE (908) 642-4299</p>

<p style="text-align: center;">49</p> <p>1 diabase?</p> <p>2 A. Right now, we did not find something</p> <p>3 that could be identified as a groundwater table.</p> <p>4 There's no sitting water forever on top of the</p> <p>5 rock. When it rains, the water just disperses,</p> <p>6 either coming down, moving down the slope on the</p> <p>7 surface, or whatever percolates and stay on top of</p> <p>8 the surface, percolates down and moves away. So</p> <p>9 there's no -- if there was a water table constant</p> <p>10 over there, then it could be coming out of the face</p> <p>11 of that slope.</p> <p>12 Q. Okay.</p> <p>13 A. But we don't have that condition here.</p> <p>14 Q. So where's the water -- I mean, you</p> <p>15 said tis' -- I guess I'm having trouble following</p> <p>16 you -- and I'm going to move on in a second. So</p> <p>17 you're testifying the water goes underground --</p> <p>18 waterfalls onto the --</p> <p>19 A. Majority of the water --</p> <p>20 Q. -- flat part of the site, and then it</p> <p>21 flows down the slope. Doesn't it come out</p> <p>22 somewhere?</p> <p>23 A. It just -- as the -- as you move down</p> <p>24 the slope, right, the water follows the rock. And</p> <p>25 if you move further east, the rock becomes 60 and</p> <p style="text-align: center;">PRECISION REPORTING SERVICE (908) 642-4299</p>	<p style="text-align: center;">51</p> <p>1 approach the job.</p> <p>2 Q. Okay. I think that's it for my</p> <p>3 questions. Thank you.</p> <p>4 A. No problem.</p> <p>5 MS. HADJIYANNIS: Thanks.</p> <p>6 CHAIRMAN LANGSTON: Thank you, Counsel.</p> <p>7 Mr. Harrington?</p> <p>8 MR. HARRINGTON: I have nothing further</p> <p>9 for Mr. Jundi.</p> <p>10 CHAIRMAN LANGSTON: Okay. Thank you.</p> <p>11 Anybody else? Anybody from the board?</p> <p>12 VICE CHAIRMAN GONZALEZ: No.</p> <p>13 COMMISSIONER TORRES: No.</p> <p>14 MR. HARRINGTON: Okay. Then, I'm going</p> <p>15 to move on with -- our structural engineer is Jason</p> <p>16 Tarantino.</p> <p>17 J A S O N T A R A N T I N O, having</p> <p>18 been duly sworn, testified as follows:</p> <p>19 MR. TARANTINO: Jason Tarantino,</p> <p>20 T-A-R-A-N-T-I-N-O.</p> <p>21 CHAIRMAN LANGSTON: Good evening,</p> <p>22 Mr. Tarantino. We've qualified you in the past.</p> <p>23 Your license is current tonight?</p> <p>24 MR. TARANTINO: Yes.</p> <p>25 CHAIRMAN LANGSTON: Okay. Thank you.</p> <p style="text-align: center;">PRECISION REPORTING SERVICE (908) 642-4299</p>
<p style="text-align: center;">50</p> <p>1 70 feet down, and sometimes to 100 feet down,</p> <p>2 depending on how far you are, and the water just</p> <p>3 goes there. That's where you find the groundwater</p> <p>4 table.</p> <p>5 But on a condition like this, where</p> <p>6 you're next to the slope, there's no actual water</p> <p>7 table that you could -- you need to dewater, for</p> <p>8 example, if you have a basement, or you need to</p> <p>9 dewater during construction. It's not sitting</p> <p>10 water.</p> <p>11 Q. Okay.</p> <p>12 A. Just like in my house, when it rains</p> <p>13 on the site, in the backyard, I have a basement,</p> <p>14 the water just flows down, and it either follows</p> <p>15 the surface topography; whatever is remaining just</p> <p>16 percs down, nothing happens to my house.</p> <p>17 Q. Okay. When this is under construction,</p> <p>18 do you -- is there going to be any shoring?</p> <p>19 A. For -- to allow for the construction?</p> <p>20 Q. Yeah.</p> <p>21 A. We're way ahead of that conversation.</p> <p>22 We haven't even started with the building</p> <p>23 foundation design and any of that. But given the</p> <p>24 depth of it, probably there will be shoring.</p> <p>25 Depending on the contractor, how would he like to</p> <p style="text-align: center;">PRECISION REPORTING SERVICE (908) 642-4299</p>	<p style="text-align: center;">52</p> <p>1 You're qualified again.</p> <p>2 MR. TARANTINO: Okay.</p> <p>3 DIRECT EXAMINATION</p> <p>4 BY MR. HARRINGTON:</p> <p>5 Q. Okay. And just for the benefit of the</p> <p>6 board, Mr. Tarantino, can you just give a little bit</p> <p>7 of your experience in Jersey City, and some of the</p> <p>8 projects you've worked on, some of which may be</p> <p>9 similar to the project at issue?</p> <p>10 A. Yes. So we've worked on, I don't</p> <p>11 know, about two dozen or more projects in the</p> <p>12 Jersey City area. One of the projects currently</p> <p>13 completed is on Oakland Avenue, Overlook, 15-story</p> <p>14 building, which overlooks, kind of, the Palisades</p> <p>15 and the previous railway.</p> <p>16 We also have another site, which is a</p> <p>17 29-story building, two blocks over, again, along</p> <p>18 that -- that same Palisades, kind of, railway,</p> <p>19 right up against -- on diabase rock, and dealing</p> <p>20 with some very similar conditions, similar to the</p> <p>21 site we're dealing with here.</p> <p>22 Q. Okay. Mr. Tarantino, have you had an</p> <p>23 opportunity to review Mr. Jundi's report?</p> <p>24 A. Yes.</p> <p>25 Q. And have you had an opportunity to</p> <p style="text-align: center;">PRECISION REPORTING SERVICE (908) 642-4299</p>

<p style="text-align: right;">53</p> <p>1 review the project that's being proposed at the</p> <p>2 site?</p> <p>3 A. Yes.</p> <p>4 Q. And are you familiar with what types of</p> <p>5 foundation you would be proposing here?</p> <p>6 A. Yes.</p> <p>7 Q. And could you speak to those types of</p> <p>8 foundations, and if there are any issues you find</p> <p>9 with proposing them as part of this development?</p> <p>10 A. Yeah, so in speaking with the</p> <p>11 architect, as well as the geotechnical engineer, we</p> <p>12 looked at the eight-story building, took -- we</p> <p>13 looked at a few different options, as far as</p> <p>14 building construction types, and we landed on, at</p> <p>15 least for the initial stages, a conservative</p> <p>16 approach, utilizing cast-in-place concrete,</p> <p>17 estimated loads, I presented those to Nejm for his</p> <p>18 analysis, and, you know, we proposed the use of</p> <p>19 spread-footing foundations for the support of the</p> <p>20 building structure. Those spread footings would be</p> <p>21 supported directly on the rock, and we've</p> <p>22 estimated, on a, you know, pounds per square foot</p> <p>23 basis, of roughly 1.5 kips per square foot of the</p> <p>24 building area.</p> <p>25 Q. And is there anything unusual about the</p> <p style="text-align: center;">PRECISION REPORTING SERVICE (908) 642-4299</p>	<p style="text-align: right;">55</p> <p>1 CROSS-EXAMINATION</p> <p>2 BY MS. HADJIYANNIS:</p> <p>3 Q. Okay. Hi, Mr. Tarantino.</p> <p>4 A. How are you?</p> <p>5 Q. Good. How are you?</p> <p>6 A. Good.</p> <p>7 Q. Okay. So -- I'm not sure I can read</p> <p>8 this question.</p> <p>9 Okay. Are the -- is -- will there be</p> <p>10 any excavation into the rock at all?</p> <p>11 A. I believe there'll be excavation down</p> <p>12 to the rock. And I guess, depending on where on</p> <p>13 the site, I think Nejm said there was 8 to 11 feet,</p> <p>14 I think they'll have to cut into the rock slightly</p> <p>15 to get to the appropriate footing elevations for</p> <p>16 the proposed basement.</p> <p>17 Q. Okay. And will the foundation be, I</p> <p>18 guess, enclosed in the bedrock?</p> <p>19 A. Depending on the depth of the</p> <p>20 foundation and the thickness of it, we may have to</p> <p>21 dig out certain elevations of rock deeper than</p> <p>22 other areas.</p> <p>23 Q. Okay. Thank you.</p> <p>24 CHAIRMAN LANGSTON: Thank you, Counsel.</p> <p>25 Mr. Harrington, anything?</p> <p style="text-align: center;">PRECISION REPORTING SERVICE (908) 642-4299</p>
<p style="text-align: right;">54</p> <p>1 development of this project on this site that would</p> <p>2 jump out to you?</p> <p>3 A. No. You know, standard conditions,</p> <p>4 you know, having to excavate below grade, bearing</p> <p>5 the building on rock, is going to give you the</p> <p>6 highest bearing capacity. Hopefully most stable --</p> <p>7 stable foundation conditions.</p> <p>8 Q. That's -- unless you have anything to</p> <p>9 add?</p> <p>10 A. No.</p> <p>11 MR. HARRINGTON: That's all I have for</p> <p>12 Mr. Tarantino.</p> <p>13 CHAIRMAN LANGSTON: Okay. Thank you.</p> <p>14 Anybody, any questions?</p> <p>15 COMMISSIONER TORRES: Just that last --</p> <p>16 that last statement you made, that there's some cases</p> <p>17 you find it for stable when it's on bedrock, or solid</p> <p>18 bedrock, in your experience, of foundations?</p> <p>19 MR. TARANTINO: Yes, rock is always</p> <p>20 going to be the strongest bearing surface.</p> <p>21 COMMISSIONER TORRES: Okay. Thank you.</p> <p>22 CHAIRMAN LANGSTON: Okay. Thank you.</p> <p>23 Ms. Hadjiyannis, nothing?</p> <p>24 MS. HADJIYANNIS: Okay. Sorry.</p> <p>25</p> <p style="text-align: center;">PRECISION REPORTING SERVICE (908) 642-4299</p>	<p style="text-align: right;">56</p> <p>1 MR. HARRINGTON: I have nothing further</p> <p>2 for Mr. Tarantino.</p> <p>3 CHAIRMAN LANGSTON: Okay.</p> <p>4 MR. TARANTINO: Thank you.</p> <p>5 CHAIRMAN LANGSTON: Thank you.</p> <p>6 MR. HARRINGTON: Okay. Then, my next</p> <p>7 witness is our architect, it was a large lead-up to</p> <p>8 this, so we'll take you through the proposed project.</p> <p>9 A N T H O N Y V A N D E R M A R K,</p> <p>10 having been duly sworn, testified as follows:</p> <p>11 MR. VANDERMARK: Anthony C. Vandermark</p> <p>12 Jr., V-A-N-D-E-R-M-A-R-K, principal of the</p> <p>13 architectural firm of MVMK Architecture.</p> <p>14 CHAIRMAN LANGSTON: Mr. Vandermark, good</p> <p>15 evening. Pleasure to see you in person.</p> <p>16 MR. VANDERMARK: Good evening, Chair.</p> <p>17 Thank you.</p> <p>18 CHAIRMAN LANGSTON: And we've qualified</p> <p>19 you as well in the past. Your license is current</p> <p>20 tonight?</p> <p>21 MR. VANDERMARK: It is, Chair.</p> <p>22 CHAIRMAN LANGSTON: Okay. Thank you.</p> <p>23 You're qualified.</p> <p>24 MR. VANDERMARK: Thank you.</p> <p>25</p> <p style="text-align: center;">PRECISION REPORTING SERVICE (908) 642-4299</p>

<p style="text-align: right;">57</p> <p>1 DIRECT EXAMINATION</p> <p>2 BY MR. HARRINGTON:</p> <p>3 Q. Okay, Mr. Vandermark. If you could</p> <p>4 just walk us through the proposed -- well.</p> <p>5 A. Yes, I have two different slide</p> <p>6 formats, and I would like to mark the presentation</p> <p>7 format as an exhibit, since we will be showing</p> <p>8 renderings and different existing condition</p> <p>9 photographs and aerials. So if we can mark this</p> <p>10 exhibit prior to beginning here.</p> <p>11 CHAIRMAN LANGSTON: A-8, I believe we're</p> <p>12 up to, Counsel.</p> <p>13 VICE CHAIRMAN GONZALEZ: That's correct.</p> <p>14 MR. HARRINGTON: Yes, I think so.</p> <p>15 (Whereupon, Exhibit A-8 is marked for</p> <p>16 identification.)</p> <p>17 CHAIRMAN LANGSTON: And, Mr. Vandermark,</p> <p>18 if you could just describe what you're presenting to</p> <p>19 us as an exhibit, how many pages.</p> <p>20 MR. VANDERMARK: Yes, we have a</p> <p>21 presentation slide deck of 28 slides, which is a</p> <p>22 series of renderings, photographs, and graphics from</p> <p>23 the existing filing set that was on the portal, dated</p> <p>24 12/18/23.</p> <p>25 A. So what I'm going to do is I'm going</p> <p style="text-align: center;">PRECISION REPORTING SERVICE</p> <p style="text-align: center;">(908) 642-4299</p>	<p style="text-align: right;">59</p> <p>1 as previously stated, we are proposing 14 units as</p> <p>2 part of this application. The proposed project has</p> <p>3 two one-bedrooms, and those sizes are 683 square</p> <p>4 feet to 800 square feet, and we have 12</p> <p>5 two-bedrooms here, at 1,245 to 1,619.</p> <p>6 We are proposing 14 parking spaces,</p> <p>7 which is compliant with the current R-3 filing</p> <p>8 regulations; that is at 1 to 1. We are proposing</p> <p>9 16 bicycle parking spaces on the interior, once</p> <p>10 again, compliant with two outdoor bicycle parking</p> <p>11 spaces at the sidewalk.</p> <p>12 As part of this proposal, we have a</p> <p>13 308-square-foot rooftop amenity. We have a</p> <p>14 1,061-square-foot roof deck, which is on the</p> <p>15 eastern portion of the roof. We have a volunteered</p> <p>16 large amount of extensive green roof located at the</p> <p>17 eighth story; that total is 1,214 square feet of</p> <p>18 extensive green roof, which is equivalent to 38</p> <p>19 percent of the overall roof area.</p> <p>20 As part of this application, the</p> <p>21 driveway apron, as we go further into this</p> <p>22 presentation, we are proposing a permeable paver</p> <p>23 system at the interior of the site, to the southern</p> <p>24 portion of the structure.</p> <p>25 Going back to the presentation deck</p> <p style="text-align: center;">PRECISION REPORTING SERVICE</p> <p style="text-align: center;">(908) 642-4299</p>
<p style="text-align: right;">58</p> <p>1 to jump back and forth briefly between the slide</p> <p>2 deck I've just marked as an exhibit and the</p> <p>3 preexisting set that is filed on the portal, that</p> <p>4 the board has in front of them.</p> <p>5 Just to talk about the building --</p> <p>6 and, again, I'm very happy to be here this evening</p> <p>7 to finally speak of the structure and the</p> <p>8 architecture of the project, as opposed to maybe</p> <p>9 the site conditions. We're here tonight to talk</p> <p>10 about an eight-story building. It's 85 feet in</p> <p>11 height. We are proposing, as part of the</p> <p>12 structure, 14 residential units.</p> <p>13 Just going back to the actual filing</p> <p>14 set that you have before you, the site sits within</p> <p>15 the R-3 Zone district here in Jersey City. The R-3</p> <p>16 Zone district permits multi-family mid rise</p> <p>17 construction of this type. It is an as-of-right.</p> <p>18 It permits a residential multi-family format</p> <p>19 greater than four units. It permits eight stories</p> <p>20 and 85 feet in total height, and that's what we're</p> <p>21 here this evening to present.</p> <p>22 The proposed site has 39,484 square</p> <p>23 feet of site area; that is 0.9 acres. And based on</p> <p>24 that site area, within the R-3 Zone, you're</p> <p>25 permitted upwards of 131 units. However, tonight,</p> <p style="text-align: center;">PRECISION REPORTING SERVICE</p> <p style="text-align: center;">(908) 642-4299</p>	<p style="text-align: right;">60</p> <p>1 that we just marked an exhibit, the overall site --</p> <p>2 and I just want to back up and just talk a little</p> <p>3 bit about existing conditions, because I know the</p> <p>4 board has been looking at a bunch of</p> <p>5 two-dimensional graphics here, and some different</p> <p>6 civil engineering plans. Let's, really, just talk</p> <p>7 about where we are, briefly.</p> <p>8 The site, again, 0.9 acres, boot</p> <p>9 shaped, sitting in the R-3 Zone. We have a 70-foot</p> <p>10 frontage on Ogden Avenue. Ogden Avenue, as we all</p> <p>11 know, is a one-way street that runs north to south.</p> <p>12 We have an overall 200-foot depth that runs to the</p> <p>13 east of the property. And from north to south, we</p> <p>14 have 492 feet from side to side. So it's a large</p> <p>15 parcel. A lot of it is on slope, being a gentle</p> <p>16 slope on the Palisades; however, we're developing</p> <p>17 only on the preexisting developed area, which is</p> <p>18 the parking lot.</p> <p>19 The preexisting condition, if I go to</p> <p>20 the next slide, the preexisting condition is</p> <p>21 surface grade asphalt parking lot with 26 parking</p> <p>22 spaces. The current driveway apron curb cut is mid</p> <p>23 property, with the pedestrian crosswalk directly to</p> <p>24 the south, followed by the preexisting curb cut for</p> <p>25 what is 140 Ogden.</p> <p style="text-align: center;">PRECISION REPORTING SERVICE</p> <p style="text-align: center;">(908) 642-4299</p>

<div>61</div> <div>1 Going into the existing structures,</div> <div>2 starting to the south, which is a</div> <div>3 3-and-a-half-story masonry building, we have 140</div> <div>4 Ogden, which is six residential units. It has a</div> <div>5 10-foot-wide curb cut with a 10-foot-wide driveway</div> <div>6 that goes to the rear yard. As you can see, 100</div> <div>7 percent impervious. That's six parking spaces.</div> <div>8 In the foreground here of the slide</div> <div>9 before you, slide 3 of 28, immediately to the south</div> <div>10 of page, you have 152 Ogden Avenue, which is a</div> <div>11 three-story masonry structure that is 20 units. As</div> <div>12 you can see here in this graphic, that building</div> <div>13 actually projects further, closer to the slope of</div> <div>14 the Palisades. And beyond the actual building</div> <div>15 line, it has an additional rear yard with concrete</div> <div>16 apron and a swimming pool.</div> <div>17 That building does have impact.</div> <div>18 Similar construction, not of the same height, not</div> <div>19 of similar loads, but what you have to understand</div> <div>20 is that this construction was done 100 years ago,</div> <div>21 and what we're proposing this evening is</div> <div>22 construction of current date, with structural</div> <div>23 engineering of current time. And, again, the red</div> <div>24 outline or the red boundary would be our building</div> <div>25 footprint here, 41 feet 8 inches in width, facing</div> <div>PRECISION REPORTING SERVICE</div> <div>(908) 642-4299</div>	<div>63</div> <div>1 offset of our property boundary. And, again,</div> <div>2 there's an existing parking lot with more cars than</div> <div>3 what we're presenting today, and the crosswalk is</div> <div>4 actually being moved to a safer condition. The</div> <div>5 current condition, right now, is that crosswalk is</div> <div>6 in between two preexisting curb cuts, a parking lot</div> <div>7 and the driveway apron for 140 Ogden. We are</div> <div>8 marrying those two curb cuts, and then moving to</div> <div>9 the north the pedestrian crosswalk.</div> <div>10 Preexisting survey. The red line that</div> <div>11 runs north/south on this page is the existing</div> <div>12 utility easement, 12 feet in width. You cannot</div> <div>13 construct on this easement line within that 12-foot</div> <div>14 boundary; therefore, the building and the building</div> <div>15 footprint is located to the north of this easement.</div> <div>16 And the building line itself runs to the sky, not</div> <div>17 within the easement boundary itself. 70 feet in</div> <div>18 width on Ogden Avenue, 100 feet in depth on the</div> <div>19 parking lot, or the improved area, with an</div> <div>20 additional 100 feet down slope on the Palisades.</div> <div>21 Again, 492 feet in width of the property boundary.</div> <div>22 As you can see, there's a series of existing</div> <div>23 structures within the survey; the larger one</div> <div>24 directly to the north is the 152 Ogden Avenue</div> <div>25 structure.</div> <div>PRECISION REPORTING SERVICE</div> <div>(908) 642-4299</div>
<div>62</div> <div>1 Ogden, and we have approximately 98 feet 10 inches</div> <div>2 in depth.</div> <div>3 As you can see here, we are developing</div> <div>4 only on the northern portion of the site. And I'll</div> <div>5 get into that when I start talking about the actual</div> <div>6 site characteristics. There's a preexisting</div> <div>7 easement on the site; that's why the building</div> <div>8 structure is to the northern portion of the</div> <div>9 property, and the driveway and the permeable paver</div> <div>10 system is to the southern portion of the site.</div> <div>11 Going back to preexisting conditions,</div> <div>12 again, three-story masonry building at 152 Ogden.</div> <div>13 This building has a cellar, so there was excavation</div> <div>14 involved in the construction of this 100-year-old</div> <div>15 project.</div> <div>16 Building to the south, again,</div> <div>17 multi-family, six units, a three-and-a-half-story</div> <div>18 masonry structure, again, with a driveway, and a</div> <div>19 parking lot behind the structure to the east.</div> <div>20 Directly across the street, we have</div> <div>21 Wood Place. It is a one-way street that runs east</div> <div>22 to west. This is the intersection in question. To</div> <div>23 the previous questions that Ms. Hadjiyannis was</div> <div>24 asking Mr. Liebeskind, is that this intersection,</div> <div>25 as you can see it in this graphic, is slightly</div> <div>PRECISION REPORTING SERVICE</div> <div>(908) 642-4299</div>	<div>64</div> <div>1 The overall site plan approach, the</div> <div>2 easement line, highlighted in red, again, is</div> <div>3 running within the 22-foot 5-inch driveway drive</div> <div>4 aisle. The building is constructed on the northern</div> <div>5 portion of the property. We have an eight-story</div> <div>6 predominant structure, but the first 18 feet of the</div> <div>7 structure itself is six stories.</div> <div>8 When I go into the elevations of this</div> <div>9 project, it's that this developer has voluntarily</div> <div>10 given up square footage, and actually set the</div> <div>11 building back at the upper two floors to lessen the</div> <div>12 impact on Ogden Avenue, to make it more contextual</div> <div>13 within the neighborhood.</div> <div>14 As part of this proposal, again, all</div> <div>15 the way to the left, the southern portion of the</div> <div>16 sidewalk is the 10-foot-wide curb cut. Directly to</div> <div>17 the north of that is the pedestrian ADA ramp</div> <div>18 system, with new crosswalk. We are proposing one</div> <div>19 new street tree that's compliant with the Jersey</div> <div>20 City forestry standard, and the main residential</div> <div>21 entry is just to the north of that street tree. We</div> <div>22 are proposing, within our property boundary, in</div> <div>23 front of what we are proposing a masonry privacy</div> <div>24 screen, we are proposing a 3-foot-wide planter that</div> <div>25 runs from the driveway apron to our building</div> <div>PRECISION REPORTING SERVICE</div> <div>(908) 642-4299</div>

<p style="text-align: center;">65</p> <p>1 structure.</p> <p>2 So, again, eight-story building,</p> <p>3 stepping down to six, and we have a 5-foot front</p> <p>4 yard setback that's compliant with the R-3 Zone.</p> <p>5 Rotating the plan now, Ogden Avenue</p> <p>6 being to the left side, all new street</p> <p>7 improvements, such as new curbing, new sidewalk,</p> <p>8 the planter I just previously mentioned, the</p> <p>9 10-foot-wide curb cut apron, with the southern</p> <p>10 entry point for the vehicles. Again, 14 parking</p> <p>11 spaces within their own garage compartments. Up</p> <p>12 front here, as you can see in the garage, we</p> <p>13 have -- it's three cars, which is actually a</p> <p>14 mechanical system, which will be five cars in</p> <p>15 total. We are proposing one ADA compliant parking</p> <p>16 space with van loading, one at-grade-level park</p> <p>17 being space, and then, again, a tandem parking</p> <p>18 system with seven parking spaces. So 14 in total.</p> <p>19 Going back to the entry point for the</p> <p>20 vehicles, we are proposing a 6-foot-high masonry</p> <p>21 wall with a slide gate that opens and closes via</p> <p>22 key fob for the residents as they enter the</p> <p>23 driveway apron. On our property, on the ground</p> <p>24 adjacent to the property line, will be a linear LED</p> <p>25 strip for pedestrian warning safety. On that wall,</p> <p style="text-align: center;">PRECISION REPORTING SERVICE (908) 642-4299</p>	<p style="text-align: center;">67</p> <p>1 square feet. Again, we have a small apron behind</p> <p>2 the actual building footprint for pedestrians</p> <p>3 sitting, looking back down over the Palisades to</p> <p>4 the east.</p> <p>5 This is a three-dimensional rendering</p> <p>6 prepared by my office, in the foreground showing</p> <p>7 the permeable pavers. Directly to the right will</p> <p>8 be the 10-foot-wide landscaped and tree-planted</p> <p>9 buffer zone. Immediately to the right of that, to</p> <p>10 the south, is a 6-foot-high masonry wall, which</p> <p>11 will be skinned in the Roman style brick, which is</p> <p>12 complementary to the building that we're proposing</p> <p>13 here.</p> <p>14 As previously stated, each one of</p> <p>15 those garage bays will have its own garage door,</p> <p>16 and the building has a series of cantilevers that</p> <p>17 hold the easement lines, and there's a series of</p> <p>18 setbacks on every other floor, and it's part of the</p> <p>19 building design.</p> <p>20 As you can see here in the foreground,</p> <p>21 we have a buff colored Roman style brick, which is</p> <p>22 a pier system, with an ACM horizontal cladding at</p> <p>23 the building floor materials, and we have an</p> <p>24 aluminum clad window system above.</p> <p>25 Proposed project, within the building</p> <p style="text-align: center;">PRECISION REPORTING SERVICE (908) 642-4299</p>
<p style="text-align: center;">66</p> <p>1 adjacent to that slide gate or the entry point,</p> <p>2 will be an audio and a visual strobe at eye level.</p> <p>3 So you get two different levels of pedestrian</p> <p>4 safety: one on the ground should somebody be</p> <p>5 looking down at their phone, and then one at eye</p> <p>6 level, should they be walking not looking at their</p> <p>7 phone. So we have a double level of safety here.</p> <p>8 We have a compliant drive aisle width.</p> <p>9 There will be individual garage doors that enter</p> <p>10 the individual garage bays. We are proposing a</p> <p>11 10-foot-wide landscaped buffer with three trees to</p> <p>12 the southern portion of the property. We have a</p> <p>13 centrally located elevator system; we have two</p> <p>14 means of egress. And the secondary means of egress</p> <p>15 is set back an additional 4 foot 10, and that's at</p> <p>16 the northern portion of the property.</p> <p>17 The R-3 does permit 100 percent lot</p> <p>18 coverage within the site boundary, when it's</p> <p>19 compliant with the PPOD. We are proposing a 0-foot</p> <p>20 northern setback, which is compliant with the R-3.</p> <p>21 That is set back, then, to 5 feet on the upper</p> <p>22 residential floors, compliant with the zoning</p> <p>23 ordinance. Again, we are proposing an 8.6 percent</p> <p>24 building coverage, way less than what is compliant</p> <p>25 -- or what is required by the R-3 Zone, at 3,415</p> <p style="text-align: center;">PRECISION REPORTING SERVICE (908) 642-4299</p>	<p style="text-align: center;">68</p> <p>1 footprint, it does have car pit locations, as</p> <p>2 previously stated, that we do have multiple</p> <p>3 locations where there will be mechanical parking.</p> <p>4 These pits will be 7 feet deep. There'll be a</p> <p>5 foundation below that 7-foot car pit location.</p> <p>6 We're proposing different utility spaces within the</p> <p>7 plan at a height of 7 feet. And within the central</p> <p>8 location here, we have 16 bicycle parking spaces.</p> <p>9 As you work your way up the building,</p> <p>10 the second floor, again, to the north, pulls in 5</p> <p>11 feet to be compliant with the R-3 District</p> <p>12 regulations. As you can see here in the upper</p> <p>13 portion of the plan, there is a roof below that is</p> <p>14 a one-story section that is strictly used for</p> <p>15 egress.</p> <p>16 Each one of these floors are very</p> <p>17 similar, there's two units per floor to the left</p> <p>18 side, which is the red, which is the western</p> <p>19 portion of the building, we have a two-bedroom at</p> <p>20 1,321, and to the eastern portion of the building,</p> <p>21 we have a two-bedroom, slightly larger, at 1,619.</p> <p>22 The second floor is the largest of the bunch,</p> <p>23 because we do have a series of setbacks that are</p> <p>24 part of the building design. This is at 9 percent</p> <p>25 building coverage, at 3,550.</p> <p style="text-align: center;">PRECISION REPORTING SERVICE (908) 642-4299</p>

<p style="text-align: right;">69</p> <p>1 Taking you to the third floor, again,</p> <p>2 two bedrooms east and west, 1,246 and 1,558.</p> <p>3 Standard two-bedroom/two-bath. The building</p> <p>4 itself, other than the architecture and the site</p> <p>5 characteristics we're talking about, is very</p> <p>6 straightforward with 14 units. We have one outdoor</p> <p>7 space, which is a roof deck, at 43 square feet. As</p> <p>8 you can see, that's in the southeastern portion of</p> <p>9 the plan. The overall building coverage here is</p> <p>10 8.7 percent, at 3,416.</p> <p>11 The eastern portion of the building,</p> <p>12 as you can see here, has a series of butterflyed</p> <p>13 cantilevers as part of the building design, that</p> <p>14 rise out of the podium, which is the garage</p> <p>15 structure. Every other floor, you know,</p> <p>16 alternates, as far as a roof deck and outdoor space</p> <p>17 for the residents. The top floor has one</p> <p>18 continuous outdoor roof deck. And, again, as</p> <p>19 previously stated, we are proposing an amenity at</p> <p>20 the roof and a common area roof deck at the roof</p> <p>21 line.</p> <p>22 The materials here are a continuation</p> <p>23 of the previous rendering exhibit. We have a</p> <p>24 series of horizontal ACM profile panels, we have</p> <p>25 aluminum window clad system, and we have a Roman</p> <p style="text-align: center;">PRECISION REPORTING SERVICE (908) 642-4299</p>	<p style="text-align: right;">71</p> <p>1 a little bit more complementary to the</p> <p>2 neighborhood. We understand that this building has</p> <p>3 great mass, it has great impact on this</p> <p>4 neighborhood; however, we think that this</p> <p>5 implementation of this setback, of the design,</p> <p>6 certainly assists in the impact of the overall</p> <p>7 scale of this building.</p> <p>8 That changes the splits here. The</p> <p>9 western unit at this floor is at 680 square feet,</p> <p>10 and the eastern unit is at 1,520. The overall</p> <p>11 building coverage is reduced to 7.1 percent. And,</p> <p>12 again, there's a very small area of terrace at 35</p> <p>13 square feet.</p> <p>14 Last floor, eighth floor, we have a</p> <p>15 roof below now at the front yard setback, an</p> <p>16 800-square-foot one-bedroom, and a</p> <p>17 1,520-square-foot two-bedroom, 7.4 percent, with</p> <p>18 one continuous roof deck facing east.</p> <p>19 The roof approach, as previously</p> <p>20 stated, we have a centrally located amenity space,</p> <p>21 308 square feet. We have a 1,061-square-foot roof</p> <p>22 deck. As you can see here, we have a series of</p> <p>23 green roof areas, both to the north and the eastern</p> <p>24 portion of the mechanical area. And the mechanical</p> <p>25 area will be screened with privacy screen at a</p> <p style="text-align: center;">PRECISION REPORTING SERVICE (908) 642-4299</p>
<p style="text-align: right;">70</p> <p>1 style buff brick color, which plays off of the</p> <p>2 existing conditions of both the beige building at</p> <p>3 152 Ogden and at 140 Ogden Avenue also. So there's</p> <p>4 a similar color tone that's within the</p> <p>5 neighborhood, and we are, you know, trying to</p> <p>6 complement that. I'm not saying to mimic, I'm not</p> <p>7 saying to copy, but it's complementary in color and</p> <p>8 pallet to the preexisting conditions.</p> <p>9 Going back up the building, fourth</p> <p>10 floor, two two-bedrooms at 1,320, 1,618, 9.0</p> <p>11 building coverage, and there's an outdoor roof area</p> <p>12 of 135 square feet.</p> <p>13 Fifth floor, two two-bedrooms at 1,246</p> <p>14 and 1,558, 8.7 building coverage, with a</p> <p>15 43-square-foot roof deck.</p> <p>16 Sixth floor, which is the top floor of</p> <p>17 the full building footprint, two-bedrooms at 1,320,</p> <p>18 and 1,618, at 9.coverage. We have a</p> <p>19 135-square-foot roof deck at this area.</p> <p>20 At the seventh floor, now, the</p> <p>21 building line changes. Right? As the building</p> <p>22 sets itself back, 18 foot 6 from the front of the</p> <p>23 building, 23 foot 6 from the property line. This</p> <p>24 was voluntarily done by this owner, again, to</p> <p>25 change the scale of the building, make the building</p> <p style="text-align: center;">PRECISION REPORTING SERVICE (908) 642-4299</p>	<p style="text-align: right;">72</p> <p>1 48-inch-high privacy screen. I don't think it'll</p> <p>2 be visible, with the building at this height. And</p> <p>3 it's centrally located behind the amenity; I won't</p> <p>4 be visible from any direction here.</p> <p>5 The overall building green extensive</p> <p>6 roof area, as previously stated in my introduction,</p> <p>7 is 1,214 square feet. This is volunteered by</p> <p>8 ownership, to make this a better project, for</p> <p>9 better stormwater management. And that covers 38</p> <p>10 percent of the overall roof area.</p> <p>11 Going back to the exterior elevations</p> <p>12 now on Ogden Avenue, we have a Roman style sized</p> <p>13 brick, again, so it's a thinner, wider brick, in a</p> <p>14 buff color. The windows facing Ogden Avenue have</p> <p>15 an aluminum clad square liner system, with a medium</p> <p>16 aluminum gray window inset. Directly to the left</p> <p>17 side is a profiled rose colored ACM panel for a</p> <p>18 decorative element that returns back into the</p> <p>19 window.</p> <p>20 We're proposing a floating canopy at</p> <p>21 the sixth floor. The sixth floor setback is at 63</p> <p>22 feet 4 inches. So, again, building steps itself</p> <p>23 back 18 foot 6. We have a medium gray colored ACM</p> <p>24 floating cornice line.</p> <p>25 The building itself for the top two</p> <p style="text-align: center;">PRECISION REPORTING SERVICE (908) 642-4299</p>

<p style="text-align: right;">73</p> <p>1 floors will be majority of aluminum clad window 2 system, but, again, set back off of the front 3 building line to change the scale of this building. 4 The northern portion of this project 5 will be clad in the Roman style brick masonry, with 6 a decorative rose colored ACM profile. Once again, 7 we understand that the visibility of the northern 8 portion of this building has impact upon the 9 neighborhood. This could be -- there's no 10 requirement for what this material could be. This 11 could be cement board. This could be stucco. This 12 could be a series of different things. This owner 13 has chosen to provide a more quality or a better 14 material at this elevation, because he understands 15 the exposure of the northern elevation to the 16 neighborhood, and also to the east. 17 Two-dimensional elevations, very 18 similar to what I previously described. The 19 setback, again, is at the top of the sixth floor. 20 The seventh and eighth floors are set back 18 foot 21 6; it varies. There's some small bay projection os 22 at that setback. Materials that I previously 23 described are listed above. And, again, at the 24 first floor, you can see the individual garage bays 25 that the cars will pull into.</p> <p style="text-align: center;">PRECISION REPORTING SERVICE (908) 642-4299</p>	<p style="text-align: right;">75</p> <p>1 way, because you have a driveway directly to the 2 south, and then you have another parking lot 3 directly to the north, and we do have approximately 4 30 feet of staging area within our property 5 boundary. That typically does not happen. So, you 6 know, construction staging, and even all of the 7 excavation itself, can be dug from north to south; 8 it doesn't have to -- the machines or the material 9 doesn't have to be pulled to the Palisades or to 10 the east, everything can be worked within the site 11 boundary, not technically on slope of the Palisades 12 or above the crest line. 13 So, again, it's a unique situation. 14 And I think, between the structural engineering 15 team, as he had previously stated, that we have 16 just recently put a 29-story cast-in-place building 17 right directly on top of the Bergen Arches, with 18 limited distance directly to that railway line, I 19 think this is something that certainly can be 20 achievable here on this site. 21 In closing, and the shadow study, 22 shadows to the March -- typically, you know, rises 23 in the east, sets in the west. The building will 24 have impact or cast a shadow in March, midday to 25 later on in the day, directly to the north. In</p> <p style="text-align: center;">PRECISION REPORTING SERVICE (908) 642-4299</p>
<p style="text-align: right;">74</p> <p>1 Northern elevation, rear elevation, 2 which the majority of the material at the eastern 3 elevation, which is technically the rear, will be 4 aluminum clad window system with some small ACM, or 5 aluminum composite material, accents. 6 Daytime view of the Ogden Avenue 7 facade. As you can see, there is a 6-foot-high 8 front wall with the slide gate for the vehicular 9 entry point. Crosswalk is directly to the north. 10 In the foreground is the one street tree, in 11 compliance with the forestry standard. And, again, 12 the side elevation, which is the southern, the 13 masonry begins, and then it slowly dissipates and 14 turns into the majority of glazing to the east. 15 The overall impact of the building, 16 another requirement from your checklist items, site 17 impact plan, as you can see the massing and scale 18 in the upper site line, number 1. Building is 19 offset to the northern portion of the property. 20 And, again, the three-and-a-half-story masonry 21 building to the south. 22 Just going back to maybe some of the 23 conversation and questions regarding this site, and 24 as far as excavation, I have done quite a few sites 25 here in Jersey City; this site is unique in its</p> <p style="text-align: center;">PRECISION REPORTING SERVICE (908) 642-4299</p>	<p style="text-align: right;">76</p> <p>1 June, typically, on the summertime, sun is directly 2 overhead; the shadows will cast pretty much 3 straight down. And as you work both in September 4 and then also in December, again, shadow lines are 5 slightly longer, and the majority of the impact or 6 shadow of this structure will be both to the west, 7 which is the medical facility across Ogden, and 8 then to 152 Ogden Avenue to the north later on in 9 the day. 10 This concludes my presentation for 11 tonight. 12 CHAIRMAN LANGSTON: Okay. Thank you, 13 Mr. Vandermark. 14 Just a couple of quick questions -- and, 15 Counsel, is that okay? Or do you have a follow-up? 16 MR. HARRINGTON: Oh, no, absolutely, go 17 ahead. 18 CHAIRMAN LANGSTON: Okay. Two 19 questions. Screening on any of the rooftop units? 20 MR. VANDERMARK: Yes, agreed, and I 21 testified to that. Everything will be centrally 22 located. We will have some condenser units, which is 23 located behind the amenity space, and we'll probably 24 have an RTU and a generator centrally located. 25 Everything will be screened and out of view.</p> <p style="text-align: center;">PRECISION REPORTING SERVICE (908) 642-4299</p>

<p style="text-align: center;">77</p> <p>1 CHAIRMAN LANGSTON: Okay. How are the</p> <p>2 parking spaces assigned?</p> <p>3 MR. VANDERMARK: One per unit. So,</p> <p>4 again, I think, you know, the ADA space would be</p> <p>5 obvious, should -- in the event that any one of these</p> <p>6 14 units -- I think, potentially, this would be a</p> <p>7 condominium project, so any of the ADA required units</p> <p>8 would be to the ADA parking space, and then the</p> <p>9 remainder would come on a first come first served</p> <p>10 basis. But, again, I don't want to speak for</p> <p>11 ownership on how they would be delegated or assigned.</p> <p>12 CHAIRMAN LANGSTON: Okay. The reason I</p> <p>13 ask, with that mechanical system towards west of the</p> <p>14 building, I'll call it, so there's five cars that</p> <p>15 rotate through there?</p> <p>16 MR. VANDERMARK: Correct.</p> <p>17 CHAIRMAN LANGSTON: So there's actually</p> <p>18 six spaces, but five -- there's one movable?</p> <p>19 MR. VANDERMARK: There's always one</p> <p>20 empty space within the modular. So there'll be five</p> <p>21 trays, and the empty space, you know, rotates,</p> <p>22 dictates, you know, where the car is spit out in the</p> <p>23 garage parking space.</p> <p>24 But I think, you know, in this case, we</p> <p>25 will have, you know, probably the ability to even</p> <p style="text-align: center;">PRECISION REPORTING SERVICE (908) 642-4299</p>	<p style="text-align: center;">79</p> <p>1 easy for a guy like me.</p> <p>2 MR. VANDERMARK: Okay. Yes.</p> <p>3 COMMISSIONER TORRES: Okay.</p> <p>4 MR. VANDERMARK: And just for the</p> <p>5 record, we have this system at various locations in</p> <p>6 Jersey City; I have one at 650 Montgomery that's</p> <p>7 approximately 15 years old.</p> <p>8 COMMISSIONER TORRES: And it works?</p> <p>9 MR. VANDERMARK: Oh, yeah, still works.</p> <p>10 COMMISSIONER TORRES: Thank you very</p> <p>11 much.</p> <p>12 CHAIRMAN LANGSTON: Okay. Anybody else,</p> <p>13 any questions?</p> <p>14 COMMISSIONER GANGADIN: No.</p> <p>15 CHAIRMAN LANGSTON: Okay. Thank you,</p> <p>16 sir.</p> <p>17 MR. VANDERMARK: Thank you.</p> <p>18 MR. HARRINGTON: I have nothing further</p> <p>19 for Mr. Vandermark.</p> <p>20 CHAIRMAN LANGSTON: Ms. Hadjiyannis, go</p> <p>21 ahead.</p> <p>22 MS. HADJIYANNIS: Thank you.</p> <p>23 CROSS-EXAMINATION</p> <p>24 BY MS. HADJIYANNIS:</p> <p>25 Q. Okay. Good evening, Mr. Vandermark.</p> <p style="text-align: center;">PRECISION REPORTING SERVICE (908) 642-4299</p>
<p style="text-align: center;">78</p> <p>1 dedicate, you know, whatever garage stall will be</p> <p>2 opening to that particular tenant. So I think they</p> <p>3 can probably even take it the next further. It won't</p> <p>4 be a random thing; it'll be something that, kind of,</p> <p>5 appears at that location for that resident.</p> <p>6 CHAIRMAN LANGSTON: Okay. Understood.</p> <p>7 Anybody else, questions?</p> <p>8 COMMISSIONER TORRES: Yeah, going back</p> <p>9 to the five parking spaces, the mechanical device</p> <p>10 that randomly picks one space opens, there's six of</p> <p>11 them, how -- how convenient -- how easy is it to</p> <p>12 operate, anybody just -- or is it somebody special</p> <p>13 going to be operating it or --</p> <p>14 MR. VANDERMARK: Oh, no, this will all</p> <p>15 be operational by the residents.</p> <p>16 COMMISSIONER TORRES: By the residents.</p> <p>17 MR. VANDERMARK: Obviously, there'll be</p> <p>18 a maintenance contract on this, or a service contract</p> <p>19 that will be done annually; however, it'll be done</p> <p>20 via key fob, okay, the garage door will open, the</p> <p>21 system will rotate with your key fob, the empty tray</p> <p>22 will land right in the garage bay, and the person</p> <p>23 will pull right in.</p> <p>24 So these residents --</p> <p>25 COMMISSIONER TORRES: You're making it</p> <p style="text-align: center;">PRECISION REPORTING SERVICE (908) 642-4299</p>	<p style="text-align: center;">80</p> <p>1 A. Good evening.</p> <p>2 Q. I just had a few questions for you.</p> <p>3 A. Sure.</p> <p>4 Q. So you mentioned that there's a</p> <p>5 swimming pool on an adjacent structure.</p> <p>6 A. Just from what I could see via a</p> <p>7 Google Earth image, yes.</p> <p>8 Q. Okay. So what, was it the blue color</p> <p>9 that gave you that idea?</p> <p>10 A. It was a blue color.</p> <p>11 Q. Okay. And then, you had compared this</p> <p>12 proposed structure to 154 Ogden --</p> <p>13 A. I did not compare them. I said 154</p> <p>14 Ogden is a three-story masonry structure that was</p> <p>15 actually constructed further east, closer to the</p> <p>16 crest of the Palisades, as opposed to what we're</p> <p>17 proposing here. Yes, it's three stories; it has a</p> <p>18 cellar, which is similar to what our cellar would</p> <p>19 be on this project.</p> <p>20 So from an excavation standpoint, that</p> <p>21 building has foundations, that building was</p> <p>22 constructed further east, and that building was</p> <p>23 constructed a hundred years ago. And I don't see</p> <p>24 any slipping or any failure on that building today.</p> <p>25 Q. Are you aware it has a retaining wall?</p> <p style="text-align: center;">PRECISION REPORTING SERVICE (908) 642-4299</p>

<p style="text-align: right;">81</p> <p>1 A. I was not privy to being on the</p> <p>2 backside of that property; however, that retaining</p> <p>3 wall was constructed -- I don't know when it was</p> <p>4 constructed, but it exists, and it does have impact</p> <p>5 on the Palisades.</p> <p>6 Q. Right. And are you aware retaining</p> <p>7 walls are no longer permitted on the Palisades?</p> <p>8 A. We're not proposing one.</p> <p>9 Q. Okay. Could you describe the paver</p> <p>10 system that you had shown in one of your renderings?</p> <p>11 A. Yeah. I mean, we could even stay on</p> <p>12 this slide. This is a paver system that allows</p> <p>13 water seepage through this paver system, that goes</p> <p>14 directly into the ground. The preexisting</p> <p>15 condition on this site is a 100 percent -- on this</p> <p>16 portion of the site, is 100 percent asphalt paving</p> <p>17 system, which is a parking lot. So that paving</p> <p>18 system sheet flows in every direction, whichever</p> <p>19 the parking lot is pitched to. So the current</p> <p>20 condition here is that the water is going to fall,</p> <p>21 it is going to dissipate with downwards, into the</p> <p>22 soil condition, and it will eventually touch the</p> <p>23 rock.</p> <p>24 Q. Okay. And just going back to the size</p> <p>25 of the -- that -- how many square feet is the</p> <p style="text-align: center;">PRECISION REPORTING SERVICE (908) 642-4299</p>	<p style="text-align: right;">83</p> <p>1 regulatory standard for that?</p> <p>2 A. Not in Jersey City, no.</p> <p>3 Q. Okay. Are you familiar with any state</p> <p>4 regulatory standards for those?</p> <p>5 A. I am not, but, you know, this is a</p> <p>6 site approach that, kind of, goes further into,</p> <p>7 kind of, stormwater management and green building</p> <p>8 technique. So, again, it -- you know, this is only</p> <p>9 a plus for the project, not a negative.</p> <p>10 Q. So are the pavers --</p> <p>11 CHAIRMAN LANGSTON: Counsel, if I could</p> <p>12 jump in real quick: Regulatory by who?</p> <p>13 MS. HADJIYANNIS: The State, DEP.</p> <p>14 CHAIRMAN LANGSTON: Okay. Thank you.</p> <p>15 A. I mean, ultimately, this project will</p> <p>16 be approved by NJDEP, as proposed by our civil</p> <p>17 engineer. So if this is something that the state</p> <p>18 regulates against, then this part of the</p> <p>19 application would be changed to a regular paver</p> <p>20 system, nonpermeable, but I certainly wouldn't be</p> <p>21 presenting asphalt here.</p> <p>22 Q. Okay. Is this -- so this is part of --</p> <p>23 so the permeable pavers are part of the stormwater</p> <p>24 management system?</p> <p>25 A. It's part of a green building</p> <p style="text-align: center;">PRECISION REPORTING SERVICE (908) 642-4299</p>
<p style="text-align: right;">82</p> <p>1 existing parking lot?</p> <p>2 A. It's approximately 70 by 100, so it's</p> <p>3 7,000 square feet.</p> <p>4 Q. Okay. I'm sorry, 7,000, you said?</p> <p>5 A. Yes.</p> <p>6 Q. And when you're talking about water, I</p> <p>7 guess -- are the pavers themselves permeable, or is</p> <p>8 it there's just spaces in between?</p> <p>9 A. There's spaces in the paver. The</p> <p>10 paver itself will probably be some form of concrete</p> <p>11 material, and there's, like, a small gap in between</p> <p>12 these pavers that allows the water to drain into,</p> <p>13 as opposed to sheet flowing on the adjacent</p> <p>14 properties or, you know, into the slope of the</p> <p>15 Palisades.</p> <p>16 Q. And -- but, then, the waters -- after</p> <p>17 the water filters down through the initial layers of</p> <p>18 sand and gravel, it'll hit impermeable bedrock?</p> <p>19 A. And that was previously stated by our</p> <p>20 geotechnical engineer, yes.</p> <p>21 Q. Okay. Is -- so you're calling this a</p> <p>22 permeable paver system?</p> <p>23 A. I'm calling this a permeable paver</p> <p>24 system, correct.</p> <p>25 Q. Okay. Is there a -- is there a</p> <p style="text-align: center;">PRECISION REPORTING SERVICE (908) 642-4299</p>	<p style="text-align: right;">84</p> <p>1 technique.</p> <p>2 Q. Okay. And I just wanted to go to your</p> <p>3 rendering, I think it was on slide number 24. Okay.</p> <p>4 And did you testify that the height of this building</p> <p>5 is 85 -- the proposed structure is 85 feet?</p> <p>6 A. To the principal roof level, correct.</p> <p>7 Q. And it's eight stories?</p> <p>8 A. Yes.</p> <p>9 Q. And the building to the north at 154</p> <p>10 Ogden, how many stories is that?</p> <p>11 A. Three stories.</p> <p>12 Q. Okay.</p> <p>13 A. But it's a taller three stories with a</p> <p>14 taller parapet line. But, again, I'm not</p> <p>15 testifying to that height as part of this graphic;</p> <p>16 I'm testifying to strictly the building alone.</p> <p>17 There is a massing of similar scale to 154 Ogden,</p> <p>18 but I'm not testifying that that -- you know,</p> <p>19 there's a parapet line on that building, and it's a</p> <p>20 very tall three stories above grade.</p> <p>21 Q. Do you know how tall 154 Ogden is?</p> <p>22 A. I did not take a measurement.</p> <p>23 Q. To me, would you say this correctly --</p> <p>24 this rendering reflects that proportional</p> <p>25 relationship of an eight-story building to the</p> <p style="text-align: center;">PRECISION REPORTING SERVICE (908) 642-4299</p>

<p style="text-align: right;">85</p> <p>1 three-story building?</p> <p>2 A. I think, when you look at the</p> <p>3 preexisting condition of that structure, you have a</p> <p>4 tall three stories with a very high parapet line</p> <p>5 and decorative cornice. So this could,</p> <p>6 aesthetically, be three and a half to four stories</p> <p>7 in height. It's of similar scale. I'm not saying</p> <p>8 it's an exact scale, and I didn't put that as part</p> <p>9 of the record.</p> <p>10 Q. Right. Okay.</p> <p>11 And when you designed this structure at</p> <p>12 152 Ogden, did you take into consideration the</p> <p>13 design standards in our Land Development Ordinance?</p> <p>14 A. I always do, sure.</p> <p>15 Q. Okay. Thanks. That's it.</p> <p>16 MR. HARRINGTON: Just one question for</p> <p>17 Mr. Vandermark --</p> <p>18 CHAIRMAN LANGSTON: Sure.</p> <p>19 MR. HARRINGTON: -- kind of, to clear</p> <p>20 up the record.</p> <p>21 REDIRECT EXAMINATION</p> <p>22 BY MR. HARRINGTON:</p> <p>23 Q. The existing parking lot there is -- I</p> <p>24 believe it's a gravel parking lot. Is that correct?</p> <p>25 A. Well, it is a -- it's a parking lot</p> <p style="text-align: center;">PRECISION REPORTING SERVICE (908) 642-4299</p>	<p style="text-align: right;">87</p> <p>1 defer until after public comment. I'd just note for</p> <p>2 the record I have our traffic engineer here tonight,</p> <p>3 in the event the board has any questions regarding</p> <p>4 that.</p> <p>5 And I'm not presenting any planning</p> <p>6 testimony tonight; as I mentioned earlier, it's an</p> <p>7 as-of-right application. The issue as to whether a</p> <p>8 variance was required or not was adjudicated by the</p> <p>9 zoning board, and that's under appeal. So there is</p> <p>10 no planning testimony.</p> <p>11 CHAIRMAN LANGSTON: Okay. Understood.</p> <p>12 Thank you.</p> <p>13 MR. HARRINGTON: With that said, that</p> <p>14 completes our presentation.</p> <p>15 CHAIRMAN LANGSTON: Thank you.</p> <p>16 Ms. Hadjiyannis, anything else?</p> <p>17 MS. HADJIYANNIS: Yes.</p> <p>18 CHAIRMAN LANGSTON: Please, come on up</p> <p>19 to the mic and speak.</p> <p>20 MS. HADJIYANNIS: Yeah, we have an</p> <p>21 engineering expert tonight, and then Kern Weissman's</p> <p>22 going to be a fact witness on behalf of Riverview</p> <p>23 Neighborhood Association's development committee, and</p> <p>24 then Roger Heitmann's going to stand up briefly and</p> <p>25 talk on behalf of the organization's board.</p> <p style="text-align: center;">PRECISION REPORTING SERVICE (908) 642-4299</p>
<p style="text-align: right;">86</p> <p>1 that is in disrepair.</p> <p>2 Q. It's a little bit of both, a little</p> <p>3 broken up?</p> <p>4 A. It's a little bit of both, it's a</p> <p>5 little broken asphalt, and there is some portions</p> <p>6 of gravel.</p> <p>7 Q. Okay.</p> <p>8 MR. HARRINGTON: Just wanted to clear</p> <p>9 that up. Thank you. I have nothing further.</p> <p>10 CHAIRMAN LANGSTON: Okay. Thank you,</p> <p>11 Counsel. Okay. Thank you.</p> <p>12 So the time is 7:26; we're going to take</p> <p>13 a 10-minute break, everybody -- 7:27, I apologize.</p> <p>14 Be back at 7:37.</p> <p>15 Just for the board's notice, we are</p> <p>16 under an open application; no conversations between</p> <p>17 us, no conversations with any members of the public.</p> <p>18 Okay?</p> <p>19 (Whereupon, the board hears other agenda</p> <p>20 items at this time.)</p> <p>21 CHAIRMAN LANGSTON: Okay. Could we come</p> <p>22 to order again, please?</p> <p>23 Mr. Harrington, I'll offer you a closing</p> <p>24 statement, if you'd like, or after public comment.</p> <p>25 MR. HARRINGTON: Well, yeah, maybe I'll</p> <p style="text-align: center;">PRECISION REPORTING SERVICE (908) 642-4299</p>	<p style="text-align: right;">88</p> <p>1 CHAIRMAN LANGSTON: Okay. And that's</p> <p>2 going to be under direct testimony from you?</p> <p>3 MS. HADJIYANNIS: Yes, that's right.</p> <p>4 CHAIRMAN LANGSTON: Okay. Thank you.</p> <p>5 G E O F F R E Y G O L L, having been</p> <p>6 duly sworn, testified as follows:</p> <p>7 MR. GOLL: My first name is Geoffrey,</p> <p>8 G-E-O-F-F-R-E-Y, middle initial M, last name Goll,</p> <p>9 G-O-L-L.</p> <p>10 CHAIRMAN LANGSTON: Mike, can we pause</p> <p>11 the record for one sec? I just left my iPad in the</p> <p>12 other room.</p> <p>13 (Whereupon, there is a brief pause in</p> <p>14 the proceeding.)</p> <p>15 CHAIRMAN LANGSTON: Okay. Thank you,</p> <p>16 everybody.</p> <p>17 DIRECT EXAMINATION</p> <p>18 BY MS. HADJIYANNIS:</p> <p>19 Q. Okay. Mr. Goll, could you give the</p> <p>20 board your expert qualifications?</p> <p>21 A. Sure. I graduated from Rutgers</p> <p>22 University in 1990 with a bachelor in civil</p> <p>23 engineering. I have a master's degree from the</p> <p>24 University of Wisconsin in engineering management;</p> <p>25 I graduated in 2013. I'm licensed in New Jersey</p> <p style="text-align: center;">PRECISION REPORTING SERVICE (908) 642-4299</p>

<p style="text-align: right;">89</p> <p>1 and nine other states, as well as the District of 2 Columbia, as a professional engineer. 3 After graduating from Rutgers, I 4 worked for a highway engineering firm, which is 5 called Dewberry now; it was Goodkind and O'Dea back 6 in the day. I worked for Mellick-Tully, a 7 geotechnical engineering firm, for several years. 8 We started Princeton Hydro, my firm. I'm the 9 president of the firm. I've been the president for 10 the last seven years, but I'm a founding partner. 11 But we work in water resources and geotechnical 12 engineering, water resources consulting in 13 science -- both in science and engineering. 14 I've testified before a number of 15 different planning boards. I actually was 16 qualified by the Jersey City Zoning Board of 17 Adjustment. I'm actually just -- I'm also one of 18 the engineers of record on the Liberty State Park 19 project, we're working for the -- my company is 20 working for the U.S. Army Corps of Engineers; we're 21 doing all the geotechnical work. 22 CHAIRMAN LANGSTON: That's fine, sir. 23 You're qualified. 24 MR. GOLL: Thank you. 25 BY MS. HADJIYANNIS: PRECISION REPORTING SERVICE (908) 642-4299</p>	<p style="text-align: right;">91</p> <p>1 presented. 2 MR. HARRINGTON: Well, I'd -- 3 MR. ALAMPI: Mr. Harrington, I'll hear 4 you. 5 MR. HARRINGTON: For the record, I'm 6 going to state an objection to them, because they 7 were not provided before tonight. 8 COMMISSIONER TORRES: I agree. 9 MR. HARRINGTON: Well, they aren't -- 10 MR. ALAMPI: So, Chairman, obviously, 11 Mr. Harrington has not had the opportunity -- 12 MS. HADJIYANNIS: Can we show it to him 13 right now? We have a big board. We can show you 14 right now, actually, without putting it up on the 15 screen. Can we show it to him now? 16 MR. ALAMPI: Ms. Hadjiyannis, just let 17 me state what I'm going to state, and then we will 18 see how this plays out. 19 So Chairman, board, obviously, the 20 objector has been known to both the board and to 21 Mr. Harrington for some time. They have not provided 22 these documents in advance. I have not seen these 23 documents; I don't know that anybody on behalf of the 24 board, any of our professionals, have seen the 25 documents. I have no idea what they are. PRECISION REPORTING SERVICE (908) 642-4299</p>
<p style="text-align: right;">90</p> <p>1 Q. Okay. Mr. Goll, you heard all the 2 testimony from the applicant's engineers. Did you 3 have any opinion about the site plan? 4 A. Yes. One of the things that I'd like 5 to start off with is some of the regulatory. We 6 heard a lot of really interesting things about 7 approaches in -- to the proposed development, but I 8 wanted to start out with what is under the purview 9 of the planning board and what the applicant is 10 required to follow, in terms of the stormwater 11 ordinance. 12 Currently, the applicant has testified 13 that they are a -- considered -- considered to be a 14 minor development, and that was testified to, I 15 believe, by the engineer in the last meeting. For 16 this, they talk about on-site -- on-site 17 disturbance in impervious cover, and I want to 18 discuss that a little bit. So I have a -- three, 19 actually, different slides I'd like to show, and if 20 I can present here. 21 MR. ALAMPI: Ms. Hadjiyannis, were these 22 provided to the board and/or to Mr. Harrington prior 23 to the meeting? 24 MS. HADJIYANNIS: They weren't, but 25 they're based on the site plans that were already PRECISION REPORTING SERVICE (908) 642-4299</p>	<p style="text-align: right;">92</p> <p>1 Mr. Harrington has not seen them. So, obviously -- 2 MS. HADJIYANNIS: Yeah, if I could lay a 3 foundation for what we're about to present, and I 4 think, then, after it's been presented, the board can 5 make a decision about whether they'd like to admit it 6 into evidence. 7 MR. ALAMPI: So I don't know that the 8 board even wants to entertain it, Ms. Hadjiyannis. 9 So that's what we're going to find out. 10 MS. HADJIYANNIS: I don't think it's 11 incumbent upon any objector to present exhibits in 12 advance. Our exhibits are a response to the 13 presentation given by the applicant, which was only 14 completed tonight, and I don't know of any board in 15 the state that requires an objector to submit 16 exhibits in advance of the hearing. 17 MR. ALAMPI: Okay, Ms. Hadjiyannis, but 18 you were here in November, this gentleman is here 19 tonight with exhibits that he prepared in 20 anticipation of testifying -- which is fine, no 21 problem with that -- but you now have a board that 22 has not even had the opportunity to review them; 23 Mr. Harrington hasn't had the opportunity to review 24 them. 25 So, Mr. Harrington, would you like to PRECISION REPORTING SERVICE (908) 642-4299</p>

<p style="text-align: center;">93</p> <p>1 attempt to review these? I would hate to carry the</p> <p>2 matter and delay the proceeding, because they have</p> <p>3 not been shared prior.</p> <p>4 MR. HARRINGTON: Yeah, I would like to</p> <p>5 review them. I know a lot of time has been spent</p> <p>6 tonight and November. You know, my issue is, yeah,</p> <p>7 we were here in November --</p> <p>8 PUBLIC SPEAKER: Can you speak into the</p> <p>9 mic?</p> <p>10 MS. HADJIYANNIS: We received an</p> <p>11 engineering memo this afternoon that was uploaded to</p> <p>12 the website. I mean, you could say the same thing to</p> <p>13 the applicant's lawyer --</p> <p>14 MR. ALAMPI: That was not from the</p> <p>15 applicant, Ms. Hadjiyannis. The memo that was</p> <p>16 received is from the city engineering department. So</p> <p>17 that is not anybody's doing, other than city</p> <p>18 engineering, which this board will take full control</p> <p>19 of. So --</p> <p>20 MR. HARRINGTON: I'd like to review them</p> <p>21 briefly, just to see if they're just a factual</p> <p>22 compilation of data, or is it a report or analysis?</p> <p>23 MR. ALAMPI: So with that,</p> <p>24 Ms. Hadjiyannis, can you lay somewhat of a</p> <p>25 foundation, so we know what we're talking about?</p> <p style="text-align: center;">PRECISION REPORTING SERVICE (908) 642-4299</p>	<p style="text-align: center;">95</p> <p>1 MR. ALAMPI: Fair enough.</p> <p>2 MS. HADJIYANNIS: -- certain commentary.</p> <p>3 MR. ALAMPI: Fair enough. The -- that's</p> <p>4 one of the exhibits or two of the exhibits?</p> <p>5 MS. HADJIYANNIS: That's one exhibit.</p> <p>6 MR. ALAMPI: Okay.</p> <p>7 MS. HADJIYANNIS: And then, the second</p> <p>8 exhibit is just showing what's required under our</p> <p>9 ordinance. It's, like, a screenshot of our own</p> <p>10 stormwater control ordinance.</p> <p>11 MR. ALAMPI: "Our ordinance" being the</p> <p>12 city's ordinance?</p> <p>13 MS. HADJIYANNIS: Yes. Yes.</p> <p>14 MR. ALAMPI: Okay. So, Mr. Harrington,</p> <p>15 I have no issue with the city ordinance. To be</p> <p>16 honest, I don't think I have an issue with comments</p> <p>17 added to the site plan, if the gentleman was going to</p> <p>18 testify from those as having been his analysis of the</p> <p>19 site plan.</p> <p>20 MR. HARRINGTON: Yeah, I don't have an</p> <p>21 objection, either. It sounds like, you know, for the</p> <p>22 limited purposes of demonstrative presentation,</p> <p>23 that's my understanding of what is being done here.</p> <p>24 That, I have no objection.</p> <p>25 CHAIRMAN LANGSTON: Just give us one</p> <p style="text-align: center;">PRECISION REPORTING SERVICE (908) 642-4299</p>
<p style="text-align: center;">94</p> <p>1 MR. HARRINGTON: Yes, of course.</p> <p>2 So the plan -- it's just taking the</p> <p>3 applicant's site plan from its civil engineer and</p> <p>4 coloring in some of the squares to illustrate the</p> <p>5 square footage of the building footprint, the</p> <p>6 permeable portion of the site, the impermeable</p> <p>7 portion of the site, and the off-site disturbance,</p> <p>8 which is -- our math is a little different than</p> <p>9 theirs, and we show how we come up with different</p> <p>10 numbers, based upon their site plan --</p> <p>11 MR. GOLL: It's the same. It is the</p> <p>12 same as theirs.</p> <p>13 MR. HARRINGTON: I mean, our</p> <p>14 measurements are the same, but the way we</p> <p>15 interpret --</p> <p>16 MR. WARD: Let's keep the conversation</p> <p>17 on the mic, please.</p> <p>18 MS. HADJIYANNIS: Okay. Sorry about</p> <p>19 that.</p> <p>20 The second one is just showing our</p> <p>21 ordinance --</p> <p>22 MR. ALAMPI: Are they edited -- site</p> <p>23 plan drawings edited by your expert?</p> <p>24 MS. HADJIYANNIS: It's not edited; it's</p> <p>25 overlain with --</p> <p style="text-align: center;">PRECISION REPORTING SERVICE (908) 642-4299</p>	<p style="text-align: center;">96</p> <p>1 second, please.</p> <p>2 (Whereupon, there is a brief pause in</p> <p>3 the proceeding.)</p> <p>4 CHAIRMAN LANGSTON: Okay. So, Counsel,</p> <p>5 both of you, here's my concern: If there's some kind</p> <p>6 of mathematical work that's on this presentation,</p> <p>7 that's on this exhibit, obviously, Mr. Harrington's</p> <p>8 engineering experts should have access to it. So</p> <p>9 I'll entertain that.</p> <p>10 And, Mr. Harrington, I'll go back to you</p> <p>11 and see if you're comfortable with those numbers, but</p> <p>12 I don't want to make a rash decision tonight, just</p> <p>13 because you're in front of us tonight. So if there's</p> <p>14 numbers on this, I certainly want your engineering</p> <p>15 team to look at these numbers, and have some kind of</p> <p>16 qualified response. I don't think it's fair to --</p> <p>17 you know, the board is the board. We'll take expert</p> <p>18 testimony, we've qualified your expert, we've</p> <p>19 qualified your expert witnesses. So there's expert</p> <p>20 testimony from both sides, but I think your expert</p> <p>21 witnesses should be able to review the data.</p> <p>22 Now, Santo, should that happen before we</p> <p>23 see it or after we see it, or during?</p> <p>24 MR. ALAMPI: So, Chairman, if we're not</p> <p>25 comfortable proceeding, because Mr. Harrington has</p> <p style="text-align: center;">PRECISION REPORTING SERVICE (908) 642-4299</p>

<p style="text-align: right;">97</p> <p>1 not had the full opportunity to review and analyze</p> <p>2 it, then the board is absolutely within its purview,</p> <p>3 if the board is uncomfortable, with carrying the</p> <p>4 application, to allow the applicant's attorney the</p> <p>5 time to review these, and confirm or object to</p> <p>6 whatever that calculation is. So that's absolutely</p> <p>7 within the board's discretion.</p> <p>8 COMMISSIONER TORRES: I don't think it's</p> <p>9 funny. We just had a break, and you didn't even</p> <p>10 bring it up?</p> <p>11 CHAIRMAN LANGSTON: Eddie, please turn</p> <p>12 your mic on.</p> <p>13 COMMISSIONER TORRES: Sorry, this is</p> <p>14 Commissioner Torres. I don't find this funny. I</p> <p>15 just spent two hours of my time, and you're laughing</p> <p>16 there, and -- what do you call it -- you should see</p> <p>17 the -- and the truth of the matter is we just</p> <p>18 announced that we were going to have a 10-minute</p> <p>19 break, and you had the mic in your hand, and you</p> <p>20 didn't announce that there was something that we</p> <p>21 could look at, that you could have looked at in</p> <p>22 those 10 minutes that we were -- took a break so he</p> <p>23 could have rest. I don't find this funny at all.</p> <p>24 MS. HADJIYANNIS: I didn't -- I've</p> <p>25 never said it was funny --</p> <p style="text-align: center;">PRECISION REPORTING SERVICE (908) 642-4299</p>	<p style="text-align: right;">99</p> <p>1 COMMISSIONER TORRES: You don't</p> <p>2 understand what I'm saying?</p> <p>3 MS. HADJIYANNIS: I said I understand</p> <p>4 what you're saying, Commissioner.</p> <p>5 COMMISSIONER TORRES: Okay. Thank you.</p> <p>6 CHAIRMAN LANGSTON: So, Counsel, this</p> <p>7 is -- you've had this -- and I don't mean this with</p> <p>8 any disrespect -- you had Mr. Harrington's exhibits</p> <p>9 for how long now?</p> <p>10 MS. HADJIYANNIS: Well --</p> <p>11 CHAIRMAN LANGSTON: You've reviewed the</p> <p>12 applicant's exhibits.</p> <p>13 MS. HADJIYANNIS: January 11th was the</p> <p>14 first date his new -- I mean, we've been here</p> <p>15 repeatedly, so that the applicant could be given the</p> <p>16 opportunity to rectify a deficient application. We</p> <p>17 were here, I think, first in October, then in</p> <p>18 November --</p> <p>19 CHAIRMAN LANGSTON: Yes.</p> <p>20 MS. HADJIYANNIS: -- after, as Chairman,</p> <p>21 you pointed out they didn't have the right</p> <p>22 geotechnical report.</p> <p>23 CHAIRMAN LANGSTON: I don't --</p> <p>24 MS. HADJIYANNIS: This is my -- I think</p> <p>25 it does seem a bit imbalanced to me. I should</p> <p style="text-align: center;">PRECISION REPORTING SERVICE (908) 642-4299</p>
<p style="text-align: right;">98</p> <p>1 CHAIRMAN LANGSTON: One at a time,</p> <p>2 Ms. Hadjiyannis.</p> <p>3 MS. HADJIYANNIS: I've never said it was</p> <p>4 funny.</p> <p>5 MR. ALAMPI: Ms. Hadjiyannis, we have a</p> <p>6 commissioner speaking. Please, a little decorum and</p> <p>7 respect.</p> <p>8 COMMISSIONER TORRES: And for the</p> <p>9 record, this board, since I've been on this board, if</p> <p>10 we walked in here today, and they gave me an</p> <p>11 engineering report from the City of Jersey City, we'd</p> <p>12 carry that meeting, because we would not accept a</p> <p>13 report that was given to us when we walked in. If it</p> <p>14 was posted on the data portal before we got here, we</p> <p>15 would -- we had a chance to look at it. But this</p> <p>16 board has always, since I been on it -- and I want to</p> <p>17 put this down for the record -- has turned down</p> <p>18 engineering reports from Jersey City, because it was</p> <p>19 given to us when we sat down here before a meeting.</p> <p>20 Just want to put that in for the record.</p> <p>21 CHAIRMAN LANGSTON: Absolutely.</p> <p>22 COMMISSIONER TORRES: Thank you. I</p> <p>23 don't find it funny.</p> <p>24 MS. HADJIYANNIS: I understand what</p> <p>25 you're saying, Commissioner.</p> <p style="text-align: center;">PRECISION REPORTING SERVICE (908) 642-4299</p>	<p style="text-align: right;">100</p> <p>1 just -- and I am going to strenuously object to this.</p> <p>2 I do think that, if you all take a look at the</p> <p>3 exhibit, or if Mr. Harrington's -- you'll see it's</p> <p>4 basically his exhibit, it's nothing new. And the</p> <p>5 math's not new; it's their numbers. So it's just a</p> <p>6 visual -- I mean -- that's going to help illustrate</p> <p>7 our expert's presentation.</p> <p>8 MR. HARRINGTON: If I could, because I'd</p> <p>9 like to move forward --</p> <p>10 CHAIRMAN LANGSTON: Sure.</p> <p>11 MR. HARRINGTON: -- I have no objection</p> <p>12 with them proceeding, and I could maybe reserve a</p> <p>13 right to rebuttal, or reserve the objection, if I</p> <p>14 believe that my experts need more time. My gut is</p> <p>15 telling me that it's a presentation for demonstrative</p> <p>16 purposes, and he just has a different opinion as to</p> <p>17 whether it's a major development or a minor</p> <p>18 development.</p> <p>19 MS. HADJIYANNIS: That's exactly right.</p> <p>20 CHAIRMAN LANGSTON: Yeah, I'm not trying</p> <p>21 to reinvent the wheel here. I don't want to, you</p> <p>22 know, throw this into chaos. I just want to make</p> <p>23 sure that all parties have access to exhibits that</p> <p>24 are presented, and have them beforehand. If</p> <p>25 Mr. Harrington is waiving that, I'm comfortable with</p> <p style="text-align: center;">PRECISION REPORTING SERVICE (908) 642-4299</p>

<p style="text-align: right;">101</p> <p>1 that.</p> <p>2 MS. HADJIYANNIS: What did -- just to</p> <p>3 clarify: What is the policy? Because Commissioner</p> <p>4 Torres referred to -- is there a time -- is there a</p> <p>5 formal policy how far in advance exhibits have to be</p> <p>6 submitted?</p> <p>7 MR. ALAMPI: Ms. Hadjiyannis, everything</p> <p>8 has to be submitted and posted to the portal 10 days</p> <p>9 before the hearing --</p> <p>10 MS. HADJIYANNIS: That's for the</p> <p>11 applicant.</p> <p>12 MR. ALAMPI: That's for the --</p> <p>13 Ms. Hadjiyannis, please don't interrupt me. I let</p> <p>14 you talk, you let me talk. That's how this works.</p> <p>15 So the answer is 10 days in advance.</p> <p>16 For you to come in the night of a hearing with</p> <p>17 exhibits that you want to present in opposition to an</p> <p>18 application, and not share them with your adversary</p> <p>19 before the hearing, is upsetting. It's upsetting.</p> <p>20 So it should have been produced beforehand. You</p> <p>21 could have sent a letter two days ago saying we've</p> <p>22 just prepared this in response to what we got 10 days</p> <p>23 ago. But none of that took place.</p> <p>24 And to the commissioner's point, for the</p> <p>25 past 10 minutes, while everybody was in recess, you</p> <p style="text-align: center;">PRECISION REPORTING SERVICE (908) 642-4299</p>	<p style="text-align: right;">103</p> <p>1 outvoted, it sounds like.</p> <p>2 All right. Thank you, Ms. Hadjiyannis.</p> <p>3 Continue, please.</p> <p>4 (Whereupon, there is a brief pause in</p> <p>5 the proceeding.)</p> <p>6 CHAIRMAN LANGSTON: You're going to have</p> <p>7 to blow that up for us.</p> <p>8 MR. GOLL: I will do that right now.</p> <p>9 CHAIRMAN LANGSTON: Thank you. Perfect.</p> <p>10 A. Okay. So the one thing I wanted to,</p> <p>11 really, just first cover on my testimony is the</p> <p>12 definition of major development versus the minor</p> <p>13 development. And he is correct in --</p> <p>14 MR. ALAMPI: Ms. Hadjiyannis, let's lay</p> <p>15 the foundation, the chapter and verse for this</p> <p>16 exhibit.</p> <p>17 CHAIRMAN LANGSTON: And where is this</p> <p>18 coming from?</p> <p>19 MS. HADJIYANNIS: Sure. This is an</p> <p>20 excerpt from our stormwater -- Jersey City stormwater</p> <p>21 control ordinance --</p> <p>22 MR. ALAMPI: Let's ask the witness,</p> <p>23 please.</p> <p>24 BY MS. HADJIYANNIS:</p> <p>25 Q. Mr. Goll, could you explain what --</p> <p style="text-align: center;">PRECISION REPORTING SERVICE (908) 642-4299</p>
<p style="text-align: right;">102</p> <p>1 didn't even say to Mr. Harrington we have these</p> <p>2 exhibits that we're going to move.</p> <p>3 So that is the point.</p> <p>4 Chairman, Mr. Harrington wants to</p> <p>5 reserve. He wants to move forward. I don't know</p> <p>6 that the board is comfortable moving forward, and</p> <p>7 Mr. Harrington reserving, but he is the applicant,</p> <p>8 and it's always in the discretion of the board how to</p> <p>9 proceed.</p> <p>10 CHAIRMAN LANGSTON: Anybody have an</p> <p>11 opinion?</p> <p>12 COMMISSIONER TORRES: If Mr. Harrington</p> <p>13 is okay with moving forward, and we have -- they have</p> <p>14 a right to rebuttal, then I'm okay with that process.</p> <p>15 I think that would -- that'll be fair.</p> <p>16 VICE CHAIRMAN GONZALEZ: Mr. Chairman, I</p> <p>17 agree. Yeah, if you're okay with that, Counsel --</p> <p>18 MR. HARRINGTON: Yes.</p> <p>19 VICE CHAIRMAN GONZALEZ: -- I'm okay</p> <p>20 with that, too. If anything, it's just professional</p> <p>21 courtesy to have been provided before. I'm okay.</p> <p>22 COMMISSIONER GANGADIN: Chair, same with</p> <p>23 me, I'm okay with Mr. Harrington is waiving that.</p> <p>24 And a rebuttal will be happening, if he so wishes to.</p> <p>25 CHAIRMAN LANGSTON: Okay. David, you're</p> <p style="text-align: center;">PRECISION REPORTING SERVICE (908) 642-4299</p>	<p style="text-align: right;">104</p> <p>1 what's being displayed on the screen, please?</p> <p>2 A. Yes, this is -- this is the language</p> <p>3 and the definitions of Subsection 345-74,</p> <p>4 Stormwater Control, of the Jersey City ordinance,</p> <p>5 and it's in the definitions that defines major</p> <p>6 development. And this was literally copied and</p> <p>7 pasted into this document.</p> <p>8 MR. ALAMPI: And is it the entire</p> <p>9 chapter and verse of 345-74?</p> <p>10 MR. GOLL: No, it is -- sorry. No, it</p> <p>11 is just simply the definition, and then I have -- on</p> <p>12 the next slide, I have further definitions of</p> <p>13 impervious and motor vehicle surfaces.</p> <p>14 MR. ALAMPI: So it is the definitions of</p> <p>15 specific terms that you've taken out of 345-74 of the</p> <p>16 Jersey City ordinance, and created this document</p> <p>17 using the specific terms that you want to discuss</p> <p>18 here this evening. Is that fair?</p> <p>19 MR. GOLL: Correct, the only difference</p> <p>20 is I bolded certain terms and underlined other terms.</p> <p>21 CHAIRMAN LANGSTON: No. No, it's</p> <p>22 edited. It's an edited document now.</p> <p>23 MR. GOLL: I don't know what that means.</p> <p>24 CHAIRMAN LANGSTON: You don't know what</p> <p>25 "edited" means?</p> <p style="text-align: center;">PRECISION REPORTING SERVICE (908) 642-4299</p>

<p style="text-align: right;">105</p> <p>1 MR. GOLL: No, I don't know how it</p> <p>2 impacts this. Is it -- is there a concern --</p> <p>3 CHAIRMAN LANGSTON: Because there's</p> <p>4 certain deference given to certain words that isn't</p> <p>5 shown in the Jersey City ordinance. What you're</p> <p>6 showing me right now -- and we shouldn't even be</p> <p>7 looking at this now -- what you're showing me isn't</p> <p>8 the exact ordinance.</p> <p>9 MR. ALAMPI: Correct.</p> <p>10 CHAIRMAN LANGSTON: There's words</p> <p>11 emboldened. There's things underlined. Are there</p> <p>12 quotes added?</p> <p>13 MR. GOLL: No.</p> <p>14 CHAIRMAN LANGSTON: Okay. So those</p> <p>15 quotes are in the ordinance?</p> <p>16 MR. GOLL: Correct.</p> <p>17 CHAIRMAN LANGSTON: I'm not comfortable</p> <p>18 with reading an altered document as evidence.</p> <p>19 MR. ALAMPI: That's fair, Chairman.</p> <p>20 MR. GOLL: Can I explain why I did it,</p> <p>21 or -- is it okay?</p> <p>22 CHAIRMAN LANGSTON: It's altered. It's</p> <p>23 not the ordinance.</p> <p>24 MR. ALAMPI: I understand why you did</p> <p>25 it. I mean, I assume the reason you did it was to,</p> <p style="text-align: center;">PRECISION REPORTING SERVICE (908) 642-4299</p>	<p style="text-align: right;">107</p> <p>1 problem if you gave us the actual ordinance, but with</p> <p>2 anything highlighted, with anything emboldened,</p> <p>3 underlined, now it's -- you're creating opinion out</p> <p>4 of it, rather than fact, in my eyes.</p> <p>5 MR. GOLL: Isn't it my opinion that</p> <p>6 matters here?</p> <p>7 CHAIRMAN LANGSTON: You're a fact</p> <p>8 witness. Correct? Or you're an expert witness.</p> <p>9 MR. ALAMPI: He's an expert.</p> <p>10 MR. GOLL: And my professional opinion</p> <p>11 matters.</p> <p>12 MR. ALAMPI: Sir, you're going to give</p> <p>13 an opinion, but, again, I think it's going to have to</p> <p>14 come in verbal testimony, based on what you've -- and</p> <p>15 what you intend to highlight and bring to the board's</p> <p>16 attention within the ordinance. But if we're going</p> <p>17 to look at the ordinance, we want to see the sentence</p> <p>18 before and after, and make sure, obviously, that the</p> <p>19 way you're interpreting that ordinance is the same as</p> <p>20 we want to interpret it, in terms of whether the</p> <p>21 sentence before or after a sentence matters to the</p> <p>22 interpretation of that sentence. So I think that's</p> <p>23 the actual concern for the board.</p> <p>24 But with that, obviously, if you have</p> <p>25 the ordinance in its full text, you can share that</p> <p style="text-align: center;">PRECISION REPORTING SERVICE (908) 642-4299</p>
<p style="text-align: right;">106</p> <p>1 obviously, highlight certain things.</p> <p>2 CHAIRMAN LANGSTON: Of course.</p> <p>3 MR. ALAMPI: I think we all understand</p> <p>4 that.</p> <p>5 CHAIRMAN LANGSTON: Yeah.</p> <p>6 MR. ALAMPI: I think that the concern is</p> <p>7 valid, as to whether or not the emphasizing of</p> <p>8 certain words in a document is fair or not fair, as</p> <p>9 opposed to just showing 345-74 in its actually</p> <p>10 enacted regulation, and then testifying to it.</p> <p>11 So, Chairman, if --</p> <p>12 MR. GOLL: I'll take it away and explain</p> <p>13 it, if that's okay. I can read out of the ordinance,</p> <p>14 and my testimony will be in the transcript and in the</p> <p>15 -- on the video, that's it. I apologize, I had no</p> <p>16 idea.</p> <p>17 CHAIRMAN LANGSTON: Yeah, I'm not --</p> <p>18 MR. ALAMPI: I understand.</p> <p>19 CHAIRMAN LANGSTON: I understand the</p> <p>20 reason for it, and I'm -- believe me, if I was in</p> <p>21 your shoes, I would probably do the exact same thing.</p> <p>22 It's just it's -- as far as the board is concerned,</p> <p>23 it's not the exact ordinance anymore; it's altered.</p> <p>24 And believe me, this board is more than</p> <p>25 familiar with reading ordinances. So I would have no</p> <p style="text-align: center;">PRECISION REPORTING SERVICE (908) 642-4299</p>	<p style="text-align: right;">108</p> <p>1 and -- or if you'd rather read and articulate it,</p> <p>2 that's acceptable too.</p> <p>3 MR. GOLL: I'll read it and articulate</p> <p>4 it.</p> <p>5 MR. ALAMPI: Okay.</p> <p>6 MR. GOLL: May I proceed?</p> <p>7 CHAIRMAN LANGSTON: Sure, go ahead.</p> <p>8 MR. GOLL: Thank you very much, I</p> <p>9 appreciate it. And I appreciate the consideration.</p> <p>10 A. So under the definition, under</p> <p>11 Subsection 345, the -- on the stormwater</p> <p>12 development regulations, in the definitions, this</p> <p>13 is really where the applicant has purported that</p> <p>14 their application meets the definition of minor</p> <p>15 development. I don't know if you recall, but in</p> <p>16 the last hearing, the applicant's engineer</p> <p>17 qualified disturbance as on-site disturbance and</p> <p>18 on-site impervious cover.</p> <p>19 And, obviously, I think you're aware</p> <p>20 that there's a major difference between a -- to</p> <p>21 throw a pun out there -- there's a big difference</p> <p>22 between the major and the minor development</p> <p>23 applications, in terms of what's required. A minor</p> <p>24 development application requires --</p> <p>25 CHAIRMAN LANGSTON: Sure. I love a pun.</p> <p style="text-align: center;">PRECISION REPORTING SERVICE (908) 642-4299</p>

<p style="text-align: right;">109</p> <p>1 MR. GOLL: I'm sorry?</p> <p>2 CHAIRMAN LANGSTON: I love a pun.</p> <p>3 MR. GOLL: Oh, okay. Well, you don't</p> <p>4 want to get me into that.</p> <p>5 A. But the -- obviously, the minor -- the</p> <p>6 minor development -- the minor development</p> <p>7 application really requires, sort of, like, an</p> <p>8 approach to green infrastructure, doing what you</p> <p>9 can, green roof, looking at permeable pavement and</p> <p>10 that kind of thing, but there's not really a lot of</p> <p>11 standards associated with -- when you get kicked</p> <p>12 into the major development, then you have to</p> <p>13 actually follow the rest of the ordinance, which is</p> <p>14 the model ordinance for the New Jersey Department</p> <p>15 of Environmental Protection ordinance: groundwater</p> <p>16 recharge, water quality, quantity, you know,</p> <p>17 reducing peak flows, and doing all the things that</p> <p>18 are required under that. It's a much more heavy</p> <p>19 lift, so to speak, onto this. So it is an</p> <p>20 important distinction to understand.</p> <p>21 And I did read the -- you know, when I</p> <p>22 read the purpose under the Jersey City stormwater</p> <p>23 ordinance, the city said they were -- well, at</p> <p>24 least in the ordinance, it says it recognizes that</p> <p>25 the city has a combined sewer overflow, a CSO, and,</p> <p style="text-align: center;">PRECISION REPORTING SERVICE (908) 642-4299</p>	<p style="text-align: right;">111</p> <p>1 talks about development disturbance, any</p> <p>2 disturbance. You go off-site to connect utilities,</p> <p>3 you need to -- that's counted as -- you pull up the</p> <p>4 pavement to replace it, you know, you dig a trench,</p> <p>5 that's disturbance. So that's important to</p> <p>6 understand.</p> <p>7 Same thing with the impervious</p> <p>8 surfaces and/or the regulated motor vehicle</p> <p>9 surfaces -- and I'll explain what those two are in</p> <p>10 a minute. So those are as well -- the ordinance</p> <p>11 doesn't distinguish between the two. If you're</p> <p>12 going to be replacing or putting in new impervious</p> <p>13 surfaces, or regulated motor vehicle surfaces, it</p> <p>14 counts.</p> <p>15 Now, the one thing I want to -- I</p> <p>16 wanted to show is -- can I pull up the --</p> <p>17 Q. Yeah, let me -- I have to -- I</p> <p>18 unplugged it so you wouldn't look at the other</p> <p>19 exhibit.</p> <p>20 CHAIRMAN LANGSTON: Thank you.</p> <p>21 (Whereupon, there is a brief pause in</p> <p>22 the proceeding.)</p> <p>23 MR. WARD: Just for your knowledge, I am</p> <p>24 the one that controls it. I need to wait for you to</p> <p>25 put it in, and then I see it.</p> <p style="text-align: center;">PRECISION REPORTING SERVICE (908) 642-4299</p>
<p style="text-align: right;">110</p> <p>1 therefore, in a lot of the development that occurs</p> <p>2 is well under the threshold of DEP's minimum</p> <p>3 standards for putting you into a major development.</p> <p>4 According to DEP regulations, a major</p> <p>5 development would be considered one acre of</p> <p>6 disturbance or a quarter acre of new impervious --</p> <p>7 replacing impervious cover, or regulated motor</p> <p>8 vehicle surfaces. And so I'm going to talk a</p> <p>9 little bit about the difference between those two</p> <p>10 as well.</p> <p>11 In Jersey City's case, because of</p> <p>12 their concern about the smaller developments, and</p> <p>13 the cumulative effect, you took the model ordinance</p> <p>14 and adopted it and lowered the standards, so</p> <p>15 instead of an acre of disturbance, it's 10,000</p> <p>16 square feet of disturbance. Instead of a quarter</p> <p>17 acre of impervious cover or regulated motor vehicle</p> <p>18 service -- surface, it's now 5,000 square feet.</p> <p>19 So the applicant has proposed -- and</p> <p>20 the reason I had talked about that, there's -- you</p> <p>21 really need to understand that difference, because</p> <p>22 there's really going to make a difference. The one</p> <p>23 thing I want to clarify: There's nothing in the</p> <p>24 Jersey City ordinance that states you are to</p> <p>25 separate on-site versus off-site. Disturbance, it</p> <p style="text-align: center;">PRECISION REPORTING SERVICE (908) 642-4299</p>	<p style="text-align: right;">112</p> <p>1 MS. HADJIYANNIS: This might work</p> <p>2 better.</p> <p>3 MR. WARD: I see it on the HDMI. You</p> <p>4 just can't pull it out and in, because I can't see it</p> <p>5 until it shows up.</p> <p>6 MS. HADJIYANNIS: Sorry about that.</p> <p>7 MR. WARD: I'll do it when I see it.</p> <p>8 MS. HADJIYANNIS: Do you see anything</p> <p>9 now?</p> <p>10 MR. WARD: Yes, I do. Hold on. Don't</p> <p>11 pull it out.</p> <p>12 MS. HADJIYANNIS: Okay. I'm having</p> <p>13 trouble enlarging it.</p> <p>14 (Whereupon, there is a brief pause in</p> <p>15 the proceeding.)</p> <p>16 MS. HADJIYANNIS: I don't know why this</p> <p>17 is doing this.</p> <p>18 MR. WARD: I can try putting it in my</p> <p>19 computer.</p> <p>20 (Whereupon, there is a brief pause in</p> <p>21 the proceeding.)</p> <p>22 A. Okay. So what this drawing shows is</p> <p>23 the applicant's most recent -- it's actually the</p> <p>24 soil erosion and sediment control plan. And it's a</p> <p>25 little bit more difficult to see, but all the other</p> <p style="text-align: center;">PRECISION REPORTING SERVICE (908) 642-4299</p>

<p style="text-align: right;">113</p> <p>1 elements of the project are still located on</p> <p>2 this -- the reason I use this sheet is because it</p> <p>3 provides the limit of disturbance for all the work.</p> <p>4 And so, if you'll see the red line</p> <p>5 that outlines the entire limit of disturbance, so</p> <p>6 to speak, around the plan. So if you look here,</p> <p>7 this is the LOD line, which matches this</p> <p>8 disturbance boundary, and it goes around and then</p> <p>9 into the street, where they're proposing their</p> <p>10 utilities.</p> <p>11 MR. ALAMPI: So did you create that</p> <p>12 line?</p> <p>13 MR. GOLL: Yes, I did.</p> <p>14 MR. ALAMPI: So what you have now deemed</p> <p>15 the level of disturbance line, you then placed onto</p> <p>16 their drawing? Is that accurate?</p> <p>17 MR. GOLL: Which just traced over their</p> <p>18 own limit of disturbance, I have not changed it.</p> <p>19 MR. ALAMPI: So --</p> <p>20 MS. HADJIYANNIS: Can I ask my own</p> <p>21 witness?</p> <p>22 MR. ALAMPI: Can I ask, since I haven't</p> <p>23 seen the drawing, and I need to understand the</p> <p>24 drawing?</p> <p>25 You highlighted their limit of</p> <p style="text-align: center;">PRECISION REPORTING SERVICE (908) 642-4299</p>	<p style="text-align: right;">115</p> <p>1 MR. GOLL: Yes, I colored -- for</p> <p>2 example, in the blue, it includes the building and</p> <p>3 any other impervious surface, such as sidewalks,</p> <p>4 walkways, that are not driven over by a vehicle.</p> <p>5 MR. ALAMPI: But did you create the box,</p> <p>6 or was the box or the shape already in existence,</p> <p>7 like the limit of disturbance line -- limit of</p> <p>8 disturbance line?</p> <p>9 MR. GOLL: That, I added.</p> <p>10 MR. ALAMPI: That, you added?</p> <p>11 MR. GOLL: I added that.</p> <p>12 MR. ALAMPI: And the same thing with the</p> <p>13 regulated motor vehicle surface?</p> <p>14 MR. GOLL: That is correct.</p> <p>15 MR. ALAMPI: Okay.</p> <p>16 MR. WARD: Can I ask a question too,</p> <p>17 Counsel?</p> <p>18 MR. ALAMPI: Absolutely.</p> <p>19 MR. WARD: You said you reviewed the</p> <p>20 stormwater ordinance and its definitions?</p> <p>21 MR. GOLL: Correct.</p> <p>22 MR. ALAMPI: Did you review the</p> <p>23 definition of "disturbance"?</p> <p>24 MR. GOLL: I did as well. I had the --</p> <p>25 I had it up on my other -- I can give you the --</p> <p style="text-align: center;">PRECISION REPORTING SERVICE (908) 642-4299</p>
<p style="text-align: right;">114</p> <p>1 disturbance line?</p> <p>2 MR. GOLL: That is correct.</p> <p>3 MR. ALAMPI: With the red, obviously.</p> <p>4 MR. GOLL: That is correct.</p> <p>5 MR. ALAMPI: Okay. The other thing that</p> <p>6 was added was the table, the large table?</p> <p>7 MR. GOLL: Yes. Well, while we're on</p> <p>8 the highlighting, you'll see the -- I guess it's</p> <p>9 purple or blue highlight, I added that, that was</p> <p>10 traced on all their impervious surfaces that are not</p> <p>11 what we'd call regulated motor vehicle surface. And</p> <p>12 the red or pink -- light pink would be the regulated</p> <p>13 motor vehicle surfaces, I added that to the plan as</p> <p>14 well.</p> <p>15 MR. ALAMPI: But not the actual lines.</p> <p>16 MR. GOLL: I'm not sure what you mean,</p> <p>17 I'm sorry.</p> <p>18 MR. ALAMPI: So the limit of disturbance</p> <p>19 line, it appears to me that it was a dashed line that</p> <p>20 you, then, for lack of a better term, colored with a</p> <p>21 red marker. That, I follow.</p> <p>22 MR. GOLL: Correct.</p> <p>23 MR. ALAMPI: The blue shading, regulated</p> <p>24 impervious surface, did you color in the existing box</p> <p>25 or shape, whatever you want to say?</p> <p style="text-align: center;">PRECISION REPORTING SERVICE (908) 642-4299</p>	<p style="text-align: right;">116</p> <p>1 MR. WARD: Yeah. Did you testify that</p> <p>2 milling and paving -- and repaving is part of</p> <p>3 disturbance?</p> <p>4 MR. GOLL: No, the milling and paving is</p> <p>5 actually being done beyond the limit of that limit of</p> <p>6 disturbance shown. If you go to the one -- I forgot</p> <p>7 what sheet it is, but it shows the milling that's</p> <p>8 going to be done for the entire -- you know, for a</p> <p>9 larger area of road. That, I know, is not</p> <p>10 considered, you know, disturbance.</p> <p>11 MR. WARD: Okay.</p> <p>12 MR. GOLL: So everything that I've -- at</p> <p>13 least everything, in my professional opinion, and</p> <p>14 what's been proposed on the plan for engineering that</p> <p>15 requires excavation, everything that's the regulated</p> <p>16 motor vehicle surface, like the road and the parking</p> <p>17 lot, for example, that is -- they're going to rip up</p> <p>18 that pavement and completely replace it, because they</p> <p>19 have to, you know -- you know, to put in the</p> <p>20 utilities, you have to pull up the pavement, and dig</p> <p>21 the trench, and then do all that. So all of that is</p> <p>22 considered disturbance, per the definition of the</p> <p>23 ordinance.</p> <p>24 MR. ALAMPI: All right. I just wanted</p> <p>25 to get the general understanding of what existed and</p> <p style="text-align: center;">PRECISION REPORTING SERVICE (908) 642-4299</p>

<p style="text-align: center;">117</p> <p>1 what was altered, because I know that counsel's going</p> <p>2 to question you regarding the drawing.</p> <p>3 MR. GOLL: Understood. Thank you.</p> <p>4 CHAIRMAN LANGSTON: And, Santo, we</p> <p>5 haven't marked any of these yet.</p> <p>6 MR. ALAMPI: This has not yet been</p> <p>7 marked. If you would like, we could mark it for</p> <p>8 identification purposes, since it is up on the</p> <p>9 screen. So we can mark it, only for identification</p> <p>10 purposes, as O-1.</p> <p>11 (Whereupon, Exhibit O-1 is marked for</p> <p>12 identification.)</p> <p>13 MR. GOLL: Thank you.</p> <p>14 May I proceed?</p> <p>15 CHAIRMAN LANGSTON: Sure.</p> <p>16 MR. GOLL: Thank you.</p> <p>17 A. So what I did was I added up all</p> <p>18 those -- those are basically reflective of the</p> <p>19 definitions within the Jersey City ordinance for</p> <p>20 disturbance, regulated impervious surface, and</p> <p>21 regulated motor vehicle surface.</p> <p>22 One thing to keep in mind, if you'll</p> <p>23 note, it says "regulated motor vehicle surface."</p> <p>24 It doesn't say regulated impervious surface, it</p> <p>25 doesn't say anything like that. When you look at</p> <p style="text-align: center;">PRECISION REPORTING SERVICE (908) 642-4299</p>	<p style="text-align: center;">119</p> <p>1 Now, with that said, let's say we go</p> <p>2 with the definition of on-site, which I still</p> <p>3 don't -- I'm just -- on the record, I don't agree,</p> <p>4 it's total disturbance -- but even if you go by</p> <p>5 just the on-site, when you add up the on-site, I</p> <p>6 didn't provide that information, I scaled it off</p> <p>7 the plans, you're still dealing with a little bit</p> <p>8 under 6,000 square feet of total regulated motor</p> <p>9 vehicle surface plus regulated impervious surface.</p> <p>10 So any way you slice it, it's -- in my professional</p> <p>11 opinion, it triggers a major development.</p> <p>12 What that means is -- I'm sorry, go</p> <p>13 ahead.</p> <p>14 Q. And could you just -- I know you just</p> <p>15 explained the triggering on the bottom row of the</p> <p>16 chart, total regulated impervious plus regulated</p> <p>17 motor vehicle. Could you explain the first row,</p> <p>18 where you -- how are you coming up with 10,519</p> <p>19 square feet of disturbed surface?</p> <p>20 A. 10,519, you can't -- it's hard to read</p> <p>21 on the plan, it's small, but 10,519 square feet of</p> <p>22 disturbance is actually their own limit of</p> <p>23 disturbance line. Now, that was placed on their</p> <p>24 for soil erosion and sediment control, it's</p> <p>25 required, but it's still a disturbance, if you look</p> <p style="text-align: center;">PRECISION REPORTING SERVICE (908) 642-4299</p>
<p style="text-align: center;">118</p> <p>1 the definitions of regulated motor vehicle</p> <p>2 surfaces, it could be anything. So anything that</p> <p>3 vehicles will drive over, that potential pollutants</p> <p>4 can drop out onto the driving surface, would be</p> <p>5 considered regulated motor vehicle surfaces. So if</p> <p>6 you had a dirt road, that would be considered a</p> <p>7 regulated motor vehicle surface.</p> <p>8 So even -- like, as the architect had</p> <p>9 testified about the pervious pavement, while you</p> <p>10 can say that it's pervious pavement, maybe, it's</p> <p>11 still a regulated motor vehicle surface. And the</p> <p>12 reason that's important is because, when you add it</p> <p>13 all up, they meet the definition of major</p> <p>14 development, triggers major development for the</p> <p>15 total disturbance, and the total -- and what you</p> <p>16 do, in the ordinance, it also says you add up the</p> <p>17 two different types of surfaces, regulated</p> <p>18 impervious and regulated motor vehicle surface, and</p> <p>19 when -- so by themselves, they don't trigger the</p> <p>20 major development, but in combination, as per the</p> <p>21 ordinance, they do.</p> <p>22 My calculations were based on my</p> <p>23 measurement off of their plan. Scaled off of the</p> <p>24 plan, it was 7,680 square feet for regulated</p> <p>25 impervious plus regulated motor vehicle surface.</p> <p style="text-align: center;">PRECISION REPORTING SERVICE (908) 642-4299</p>	<p style="text-align: center;">120</p> <p>1 at the definition of disturbance. And so I</p> <p>2 measured it off; I confirmed, I agree that the</p> <p>3 10,519 is considered -- is the measurement, and,</p> <p>4 therefore, we are over the 10,000-square-foot limit</p> <p>5 that triggers the major development.</p> <p>6 That's really all I wanted to cover on</p> <p>7 the regulatory side. And I wanted to just -- well,</p> <p>8 that's not entirely true. What I'm trying to do</p> <p>9 is -- that sets the basis for some of the other</p> <p>10 questions that we have on the project. So --</p> <p>11 MR. ALAMPI: Sir, is this --</p> <p>12 MR. GOLL: Yes.</p> <p>13 MR. ALAMPI: Is this their most recent</p> <p>14 C-801 sheet? I just can't see the date on it.</p> <p>15 MR. GOLL: Yes, it is.</p> <p>16 MR. ALAMPI: Okay. So this is the one</p> <p>17 --</p> <p>18 MR. GOLL: Yeah, the transfer to an</p> <p>19 image didn't -- yeah, it's a little blurry. It is</p> <p>20 the -- well, let me explain. It is the current plan,</p> <p>21 not including the recent modification they made for</p> <p>22 the driveway, but by moving the driveway, I think</p> <p>23 they did add a little bit more green space on it, but</p> <p>24 it essentially doesn't change the -- necessarily, the</p> <p>25 overall magnitude of triggering the major</p> <p style="text-align: center;">PRECISION REPORTING SERVICE (908) 642-4299</p>

<p style="text-align: center;">121</p> <p>1 development. So this is the latest signed and sealed</p> <p>2 plan of the entire set that was submitted to the</p> <p>3 planning board.</p> <p>4 MR. ALAMPI: Well, I don't know that</p> <p>5 that's accurate, Chairman. If this doesn't include</p> <p>6 when there was the move to the driveway, I have no</p> <p>7 idea how it impacts the calculations. I have no idea</p> <p>8 if it changes the calculations.</p> <p>9 MR. GOLL: It doesn't change it</p> <p>10 materially at all.</p> <p>11 MR. ALAMPI: Well, but you use words</p> <p>12 like "it doesn't change it materially," but you're</p> <p>13 telling me that the disturbance is an exact figure of</p> <p>14 10,519, so --</p> <p>15 MR. GOLL: Oh, no, the overall</p> <p>16 disturbance doesn't change. That's the same.</p> <p>17 MR. ALAMPI: I don't --</p> <p>18 MR. GOLL: I am allowed to rely on my</p> <p>19 professional opinion, am I not?</p> <p>20 CHAIRMAN LANGSTON: Of course.</p> <p>21 MR. ALAMPI: You are, but I've got a</p> <p>22 drawing that isn't the most recent drawing that's</p> <p>23 been used.</p> <p>24 MR. GOLL: Then the applicant should be</p> <p>25 required to submit an entirely new set of plans,</p> <p style="text-align: center;">PRECISION REPORTING SERVICE (908) 642-4299</p>	<p style="text-align: center;">123</p> <p>1 your experts have any objection to this? Do you have</p> <p>2 any objection to this?</p> <p>3 MR. ALAMPI: It would be if</p> <p>4 Mr. Harrington has an objection.</p> <p>5 MR. HARRINGTON: Well, it's -- again, I</p> <p>6 think it's for demonstrative purposes now. It is</p> <p>7 what it is. I don't want to delay this, because</p> <p>8 I'm -- I think, you know, my expert, you know, can</p> <p>9 counter, you know, testify to this, and make it very</p> <p>10 clear to the board what the issues are. So I don't</p> <p>11 want to go down a -- you know, a rabbit hole, with</p> <p>12 something that I don't think is -- in my opinion,</p> <p>13 whether it's dated the prior plan or not. We</p> <p>14 disagree with his numbers, I'll tell you right now.</p> <p>15 We disagree with his analysis. So whatever he has up</p> <p>16 there, and whatever he's testifying to, we disagree</p> <p>17 to his opinion, and we're going to have that.</p> <p>18 CHAIRMAN LANGSTON: Obviously, we'll get</p> <p>19 to that. I just want to make sure that, you know,</p> <p>20 everybody has seen and qualified the documents that</p> <p>21 are in front of us. That's all. I'm not biasing</p> <p>22 one way or the other, obviously. I just want to make</p> <p>23 sure everybody has seen these, and has had a chance</p> <p>24 to review. That's all.</p> <p>25 MR. HARRINGTON: Okay. Understood.</p> <p style="text-align: center;">PRECISION REPORTING SERVICE (908) 642-4299</p>
<p style="text-align: center;">122</p> <p>1 because this is the only sheet within their entire</p> <p>2 set of plans -- or these are the -- that's the only</p> <p>3 thing they have on the record, other than that recent</p> <p>4 modification to that one sheet. So if I can't use</p> <p>5 this, they can't use this.</p> <p>6 MR. ALAMPI: Are we using it for the</p> <p>7 same purpose?</p> <p>8 MR. GOLL: It's the official submitted</p> <p>9 civil engineering set that's before this planning</p> <p>10 board.</p> <p>11 MR. ALAMPI: I understand that, but is</p> <p>12 this particular sheet being used for the same purpose</p> <p>13 was the question, and I don't know the answer.</p> <p>14 That's all I'm suggesting.</p> <p>15 MR. GOLL: The purpose, in terms of the</p> <p>16 impervious cover?</p> <p>17 MR. ALAMPI: Purpose for which this</p> <p>18 sheet was created by the applicant versus the manner</p> <p>19 in which you're using the sheet.</p> <p>20 MR. GOLL: No, this was a soil erosion</p> <p>21 and sediment control plan, but it has all the</p> <p>22 elements for me to overlay all the impervious motor</p> <p>23 vehicle surfaces and limits of disturbance, in my</p> <p>24 professional expertise and experience.</p> <p>25 CHAIRMAN LANGSTON: Mr. Harrington, do</p> <p style="text-align: center;">PRECISION REPORTING SERVICE (908) 642-4299</p>	<p style="text-align: center;">124</p> <p>1 A. Okay. So with that said, you know,</p> <p>2 again, it's my opinion that conforming to the major</p> <p>3 development is required without question. They</p> <p>4 have 10,519 square feet of disturbance associated</p> <p>5 with this development. They have the required --</p> <p>6 they have -- they exceed the minimum impervious</p> <p>7 covers for combined for totaled regulated</p> <p>8 impervious and regulated motor vehicle service --</p> <p>9 excuse me, regulated motor vehicle surface.</p> <p>10 So I think it's pretty clear that this</p> <p>11 is -- this is how it's -- this is how it's</p> <p>12 calculated. I've worked with DEP and</p> <p>13 municipalities on many different applications, and</p> <p>14 the total disturbance is the total disturbance is</p> <p>15 the total disturbance. Same thing with the</p> <p>16 impervious and the motor vehicle surfaces,</p> <p>17 associated with one complete project.</p> <p>18 The applicant, again, they don't</p> <p>19 include -- they talk about pervious pavers on this</p> <p>20 project, except the -- on the details on the</p> <p>21 engineering plans have no -- there is no provision</p> <p>22 for pervious pavement -- pavers on the engineering</p> <p>23 plans, none. There is no -- there's a detail for</p> <p>24 pavers, with concrete below it, with some weed</p> <p>25 pulls, and dense graded aggregate, which is highly</p> <p style="text-align: center;">PRECISION REPORTING SERVICE (908) 642-4299</p>

<p style="text-align: right;">125</p> <p>1 compacted and impermeable. So none of that</p> <p>2 information has been provided. The first testimony</p> <p>3 I heard about it was that the applicant's engineer</p> <p>4 has mentioned it -- has stated it, it's in his</p> <p>5 report that they're doing it, but on plan, it's not</p> <p>6 there.</p> <p>7 In order to provide -- if this were to</p> <p>8 conform as a major development, they would have to</p> <p>9 comply, if they want to use that parking lot as</p> <p>10 a -- as the architect called it, a permeable</p> <p>11 pavement system, that entire term is an engineered</p> <p>12 system. It's not just the pavers. When you look</p> <p>13 at the DEP -- the NJDEP best management practice</p> <p>14 manual, a pervious pavement system consists of the</p> <p>15 porous asphalt, choker stone underneath it, and</p> <p>16 then a layer of at least 12 inches of gravel under</p> <p>17 the road to store it. You also have to have an</p> <p>18 outfall for that, because you talk about, like,</p> <p>19 water that might, you know, go into the ground, but</p> <p>20 if it exceeds that, it now has to have a place to</p> <p>21 go, and so -- or to convey to another location.</p> <p>22 And so that is something that needs to be</p> <p>23 considered by the board.</p> <p>24 The other thing is they're proposing</p> <p>25 these pervious pavers over a PSE&G easement, and</p> <p style="text-align: center;">PRECISION REPORTING SERVICE (908) 642-4299</p>	<p style="text-align: right;">127</p> <p>1 the absence of evidence of the modeling that he</p> <p>2 discussed -- you know, the iron depletions and</p> <p>3 things like that -- and he's very accurate in terms</p> <p>4 of his description of that -- in the absence of any</p> <p>5 of that evidence, in accordance with the DEP manual</p> <p>6 and rules and regulations -- the BMP manual, excuse</p> <p>7 me, Chapter 12, under -- whoops -- well, we don't</p> <p>8 need to see that anymore anyway -- under that rule,</p> <p>9 under that chapter of the BMP manual, you have to</p> <p>10 be at least 2 feet above seasonal high water, and</p> <p>11 you can only determine that seasonal high water</p> <p>12 table is by doing investigations or test pits from</p> <p>13 the months of January through April. They did it</p> <p>14 at the end of December. From a regulatory or a BMP</p> <p>15 manual standpoint, you can't do that. You can't</p> <p>16 say that's -- there's no seasonal high, if you</p> <p>17 haven't seen it.</p> <p>18 The other issue is seasonal high</p> <p>19 doesn't necessarily -- is not necessarily depicted</p> <p>20 by an actual water table that -- you know, a</p> <p>21 regional water table. The bedrock underneath the</p> <p>22 site can actually promote a seasonal high water</p> <p>23 table. The water goes down, as they explained, it</p> <p>24 hits the rock, it rises up to a certain elevation,</p> <p>25 it does flow laterally as well, as was stated,</p> <p style="text-align: center;">PRECISION REPORTING SERVICE (908) 642-4299</p>
<p style="text-align: right;">126</p> <p>1 there is a pipeline under it. And so, if they're</p> <p>2 promoting and proposing a stormwater structure,</p> <p>3 regardless of whether you're just saying it's a</p> <p>4 pervious pavement system -- or pervious pavement or</p> <p>5 pervious pavement system, whether minor or major,</p> <p>6 it's still a stormwater management structure, and</p> <p>7 as I understand, you're not allowed to have</p> <p>8 structures on top of the -- on top of that PSE&G</p> <p>9 easement. In addition, you're now promoting water</p> <p>10 on -- into the easement over the -- you know,</p> <p>11 you're actually taking more volume and putting it</p> <p>12 underground into the stormwater system that sits</p> <p>13 over this pipeline.</p> <p>14 So they need to provide those details.</p> <p>15 They haven't provided any other details about how</p> <p>16 they're going to do it. And the pavement -- the</p> <p>17 paver detail on the plan completely contradicts the</p> <p>18 testimony and the report -- the stormwater report</p> <p>19 that they provided.</p> <p>20 In addition, it is absolutely</p> <p>21 important to find seasonal high groundwater. The</p> <p>22 geotechnical engineer testified before that he</p> <p>23 didn't see any groundwater, and, therefore, there</p> <p>24 is no seasonal high groundwater, or any water, for</p> <p>25 that matter, in this area. The actuality is, in</p> <p style="text-align: center;">PRECISION REPORTING SERVICE (908) 642-4299</p>	<p style="text-align: right;">128</p> <p>1 which was a little disconcerting, about putting</p> <p>2 that stormwater and then sending it over to the</p> <p>3 slope, but that -- I'll talk about that in a little</p> <p>4 bit.</p> <p>5 So that's one of the big issues</p> <p>6 associated with this stormwater system. They don't</p> <p>7 know where seasonal high groundwater is, and they</p> <p>8 don't have any details on the stormwater management</p> <p>9 system, and how they're going to manage excess</p> <p>10 stormwater going off the site. I know, in the</p> <p>11 engineer's report, he stated -- or it was stated in</p> <p>12 the engineering letter today, that was submitted,</p> <p>13 that they need to connect the drainage from the</p> <p>14 pavers to the stormwater system. I don't -- I</p> <p>15 wasn't sure if that meant an inlet or a -- under</p> <p>16 from -- you know, the gravel system that's supposed</p> <p>17 to be under this site, I don't know.</p> <p>18 Q. If this project is considered a major</p> <p>19 development under our stormwater control ordinance,</p> <p>20 what would have been required to comply with the</p> <p>21 ordinance?</p> <p>22 A. You would go down the ordinance, and</p> <p>23 you would have to follow, basically, the rest of</p> <p>24 the -- what's been the model ordinance from the</p> <p>25 DEP. You have to look at peak flow, so the 2, 10,</p> <p style="text-align: center;">PRECISION REPORTING SERVICE (908) 642-4299</p>

<p style="text-align: center;">129</p> <p>1 and 100-year storm events. You have to look at 2 groundwater recharge. The architect stated that he 3 agreed there was gravel on this site, and the 4 parking lot as well. So there is some kind of 5 recharge going on here. So they'd have to work on 6 engineering the system to make up for that depleted 7 recharge. And they'd also have to do water quality 8 treatment on the site as well, and that could 9 include recharge, it could be a recharge system, 10 but if you're going to go to groundwater -- well, 11 pervious pavement, actually, is its own water 12 quality treatment, but you have to prove that you 13 can actually recharge that groundwater to the 14 subsurface. So they'd have to go in and do more 15 testing, more excavations, and to prove that they 16 can get that recharge on the site.</p> <p>17 Again, it's a structure on top -- 18 also, part of it is on top of the PSE&G easement, 19 and so that would be concerning to me.</p> <p>20 I'm trying to go to some of the 21 other -- sorry, I have my notes here. So that was 22 really it on the -- the compliance with the major 23 versus minor development. I apologize it took this 24 long to get to that point, but here we are.</p> <p>25 So the next thing that I wanted to PRECISION REPORTING SERVICE (908) 642-4299</p>	<p style="text-align: center;">131</p> <p>1 yards? Is it 100 yards? Is it 1,000 yards -- 2 cubic yards of material that's going to have to be 3 excavated? Where is it going to go? How many 4 trucks need to drive through the neighborhood to do 5 that? I haven't calculated that, that's not my 6 position on this application, but I think the 7 applicant should provide that information.</p> <p>8 Tri-axle dump trucks hold 15 cubic yards, so if 9 it's -- I don't know, you could throw out a number 10 there, I'm not going to -- on the record, I'm not 11 going to throw out an exact number, because I 12 haven't calculated -- yes, sir?</p> <p>13 CHAIRMAN LANGSTON: So we shouldn't give 14 a number. We shouldn't guess at a number.</p> <p>15 MR. GOLL: I'm not going to guess at a 16 number. I think the applicant should provide that 17 number.</p> <p>18 CHAIRMAN LANGSTON: Okay. 19 MR. GOLL: Thank you.</p> <p>20 A. And they can caveat it by saying, 21 well, you know, there's -- things could change. 22 Material may not be adequate. They may need it for 23 other areas of the site. You know, they can caveat 24 that. But I have been asked, and provided a number 25 of times, and seen applications that do provide the PRECISION REPORTING SERVICE (908) 642-4299</p>
<p style="text-align: center;">130</p> <p>1 talk about is, some other things missing from the 2 application is, under the PPOD ordinance, they talk 3 about a description -- physical description of the 4 site, which shall include a technical summary of 5 the site characteristics, such as soils, 6 load-bearing capacity, erosion potential, depth to 7 bedrock, et cetera.</p> <p>8 So, so far, only, you know, the soil 9 load -- the soil, the load-bearing capacity, and 10 depth to bedrock has been provided. There isn't 11 any discussion about erodibility of soils. I can 12 expect that the response to that would be, well, we 13 are complying with the soil conservation district, 14 in terms of impacts, but that's not discussing soil 15 erodibility associated with it.</p> <p>16 The other thing is the applicant's 17 engineer provided that cut/fill. Just to be clear, 18 it's not an exact cut/fill; it's ranges. So when 19 all those different colors are -- you know, 2 feet, 20 they're basically ranges of 2 feet.</p> <p>21 He said it's unfair to ask him how 22 much volume would be excavated. I think you -- I 23 think it would be fair to do that. Engineers have 24 the ability to calculate estimated volumes that 25 would need to be excavated. I don't know, is it 50 PRECISION REPORTING SERVICE (908) 642-4299</p>	<p style="text-align: center;">132</p> <p>1 cut/fill, and the exact volume that they expect to 2 be removed from the site.</p> <p>3 They do talk about, you know, in the 4 PPOD, the extent and phasing of the construction. 5 It is a relatively small site; I wouldn't expect 6 that there would be a significant amount of 7 phasing. But they do have a stockpile there. Is 8 that stockpile going to be adequate to hold all of 9 the excavation material? How are they going to 10 export it? How often? I think that's information 11 that is requested that should be provided to the 12 planning board, because as in the PPOD ordinance, 13 with the information that you're getting, it does 14 provide -- it helps the planning board understand 15 not just compliance with the specific items in the 16 ordinance, but your job is also to -- and I don't 17 want to presume your job, so I'm just -- you know, 18 as I understand, if you look at the ordinance -- I 19 realized I said that, and I shouldn't have, so I 20 apologize -- but the issue is you're also looking 21 at public safety, and so making sure that this 22 application doesn't provide any impact to the 23 neighborhood and things like that, and I think the 24 truck traffic, and excavation of that material, is 25 something definitely to be considered. PRECISION REPORTING SERVICE (908) 642-4299</p>

<p style="text-align: center;">133</p> <p>1 Okay. So moving to the geotechnical</p> <p>2 investigation, I read the JZN report. I don't have</p> <p>3 any -- I don't have a difference of opinion of</p> <p>4 whether or not this -- the rock can vertically hold</p> <p>5 this structure in place. That's not what's at</p> <p>6 odds. I do have some concerns about some of the</p> <p>7 modeling and some of the -- the way it was modeled.</p> <p>8 He said he didn't provide any input of groundwater,</p> <p>9 because he said there is no groundwater, but he</p> <p>10 also, at the same time, another -- later on in his</p> <p>11 testimony tonight, said, well, if the water does go</p> <p>12 down, it's going to hit the bedrock and go</p> <p>13 sideways, and when -- you know, toward the slope,</p> <p>14 and then go down the slope and disappear into</p> <p>15 nothing.</p> <p>16 Well, the reality is water is a great</p> <p>17 lubricator, and it provides, if there's an</p> <p>18 interface between either bedrock fractures or soil,</p> <p>19 and more importantly the soil, the overburden</p> <p>20 material, and the bedrock, that could create what's</p> <p>21 called a slip plane, which is where things would</p> <p>22 fail. The model that he generated generally looks</p> <p>23 -- looked -- basically assumed a mass of bedrock.</p> <p>24 So there wasn't really a lot of information on the</p> <p>25 fractures, and how this thing might -- you know,</p> <p style="text-align: center;">PRECISION REPORTING SERVICE (908) 642-4299</p>	<p style="text-align: center;">135</p> <p>1 if it -- because, now, it's not -- soil is -- you</p> <p>2 know, it can pull apart, but now there's nothing</p> <p>3 there, and there's a surface that could potentially</p> <p>4 slip and fail.</p> <p>5 The other issue associated with that</p> <p>6 is --</p> <p>7 CHAIRMAN LANGSTON: If we can -- just</p> <p>8 give me one second. Can you refer to a drawing</p> <p>9 number or something so we can follow along?</p> <p>10 MR. GOLL: Yes, it's in the geotechnical</p> <p>11 engineering report, which I will -- here it is. It</p> <p>12 got cut off when I printed it. It's -- well, if you</p> <p>13 recall, it was in the geotechnical report. I don't</p> <p>14 know what page it was on in the geotechnical report,</p> <p>15 but they provided -- the building is over here, if</p> <p>16 you can imagine, and this is that soil overburden</p> <p>17 that I was talking about, that wedge of soil.</p> <p>18 Yeah, it's also -- at the end of his</p> <p>19 report -- excuse me, sorry -- at the end of the</p> <p>20 report, he also shows his output. This is the output</p> <p>21 from his model --</p> <p>22 CHAIRMAN LANGSTON: I don't know how</p> <p>23 good your glasses are; mine aren't that good.</p> <p>24 MR. GOLL: Yeah, the output from the</p> <p>25 model does show that it's -- that he does go below</p> <p style="text-align: center;">PRECISION REPORTING SERVICE (908) 642-4299</p>
<p style="text-align: center;">134</p> <p>1 what could possibly -- there were no surfaces</p> <p>2 provided.</p> <p>3 More importantly to me, there</p> <p>4 wasn't -- I didn't see any information -- he had</p> <p>5 these lines that separated the bedrock from the</p> <p>6 overburden material. I don't disagree with them.</p> <p>7 You open up an excavation, you put in -- you know,</p> <p>8 you take the material away, but we also -- he</p> <p>9 didn't mention you're putting the building back,</p> <p>10 and you're putting all that load back on the soil.</p> <p>11 So you're putting an eight-story structure, an</p> <p>12 85-foot-high structure, back on the site. That is</p> <p>13 going to impart more load.</p> <p>14 He said he's not providing -- because</p> <p>15 it's going below the overburden material and</p> <p>16 sitting on bedrock, that it's not going to have an</p> <p>17 effect on the overburden. Well, if you notice, in</p> <p>18 that one -- on that one cross-section he provided,</p> <p>19 there was a little wedge of overburden on the</p> <p>20 bedrock at the slope. Two things:</p> <p>21 That width, I believe, is about 35</p> <p>22 feet -- the building, I'm just -- I think it's</p> <p>23 around 35 feet of width, and it's now going to cut</p> <p>24 off that slope and that overburden, and so could</p> <p>25 that potentially now have the propensity to slide,</p> <p style="text-align: center;">PRECISION REPORTING SERVICE (908) 642-4299</p>	<p style="text-align: center;">136</p> <p>1 the overburden, but it still has a slip plane there.</p> <p>2 MR. ALAMPI: Ms. Hadjiyannis, can we --</p> <p>3 MR. GOLL: Yes.</p> <p>4 MR. ALAMPI: So the report was</p> <p>5 submitted. Can we not show it on the screen?</p> <p>6 MR. GOLL: I don't have a digital copy</p> <p>7 of it.</p> <p>8 CHAIRMAN LANGSTON: I do. I want to</p> <p>9 know the page that we're on, that's all. I can</p> <p>10 follow along with the page.</p> <p>11 MS. HADJIYANNIS: I didn't -- I just --</p> <p>12 I'm sorry, I downloaded our exhibits, but not the</p> <p>13 applicant's exhibits. I don't know if you have a</p> <p>14 package or anything in --</p> <p>15 CHAIRMAN LANGSTON: I do, but I don't</p> <p>16 know where to look. You know, this --</p> <p>17 MS. HADJIYANNIS: Yeah.</p> <p>18 MR. ALAMPI: We do, so if you tell us</p> <p>19 the page number in the report --</p> <p>20 MR. GOLL: If you could pull up the</p> <p>21 report --</p> <p>22 CHAIRMAN LANGSTON: It's 46 pages long,</p> <p>23 though. I'd like something specific.</p> <p>24 MR. GOLL: It's page 32, probably, of</p> <p>25 the PDF. So it doesn't have a page number, but --</p> <p style="text-align: center;">PRECISION REPORTING SERVICE (908) 642-4299</p>

<p style="text-align: center;">137</p> <p>1 CHAIRMAN LANGSTON: That's fine. That</p> <p>2 works.</p> <p>3 MR. ALAMPI: Thank you, Matt. Matt's</p> <p>4 going to pull it up for everybody. Is that not what</p> <p>5 you were doing, Matt?</p> <p>6 MR. WARD: Yeah.</p> <p>7 MS. HADJIYANNIS: Thank you.</p> <p>8 MR. ALAMPI: This is the sheet Analysis</p> <p>9 Cross-Section?</p> <p>10 CHAIRMAN LANGSTON: Figure 4, page 2 of</p> <p>11 2? Possible?</p> <p>12 MR. GOLL: This is -- it just says</p> <p>13 Cross-Section A, it's titled, and it's on sheet -- I</p> <p>14 guess it's 32 of the PDF.</p> <p>15 MR. ALAMPI: What's -- it's a drawing?</p> <p>16 Are you looking at a drawing?</p> <p>17 MR. GOLL: Yeah, it's a cross-sectional</p> <p>18 drawing.</p> <p>19 MR. ALAMPI: Okay. So the problem is</p> <p>20 you can't see the title block, because of the size of</p> <p>21 yours, but it's a drawing --</p> <p>22 MR. GOLL: It's Analysis Cross-Section,</p> <p>23 is what it's called.</p> <p>24 CHAIRMAN LANGSTON: Okay. I think we're</p> <p>25 looking at the same thing, I just want to confirm it,</p> <p style="text-align: center;">PRECISION REPORTING SERVICE (908) 642-4299</p>	<p style="text-align: center;">139</p> <p>1 their first boring was, by the slope, their boring</p> <p>2 B-3, I guess, is what it's calmed here. And this</p> <p>3 boring here, I agree with, he found some -- he</p> <p>4 found top of rock, and that's where it is. Down</p> <p>5 here, it's per the survey. Is this actually still</p> <p>6 accurate? I remember, in the zoning board</p> <p>7 testimony, I don't know if -- is that they talked</p> <p>8 about, well, they didn't really find it, so they</p> <p>9 just picked a location.</p> <p>10 And so, is there really an outcrop</p> <p>11 there? Is this steeper? Is this is that cliff</p> <p>12 face, which is -- you know, the contention is that</p> <p>13 the definition in the zoning ordinance is that it's</p> <p>14 an exposed cliff face, that's part of the -- I may</p> <p>15 get quieted down here --</p> <p>16 MR. ALAMPI: Yeah, we're not going to</p> <p>17 talk about cliff faces and --</p> <p>18 MR. GOLL: All right. What I'm going to</p> <p>19 say is, though, that slope is probably -- that</p> <p>20 bedrock slope could very well precipitate off more</p> <p>21 quickly than what is shown on that, and that building</p> <p>22 could potentially be closer. This area was the part</p> <p>23 of that elevated rail that came up, so there was a</p> <p>24 lot of fill, and retaining walls. And so the area</p> <p>25 was highly modified. So I'm not making the argument</p> <p style="text-align: center;">PRECISION REPORTING SERVICE (908) 642-4299</p>
<p style="text-align: center;">138</p> <p>1 that's all.</p> <p>2 MR. GOLL: Thank you very much. That's</p> <p>3 it right there.</p> <p>4 CHAIRMAN LANGSTON: Thank you.</p> <p>5 A. So what I was pointing at of concern</p> <p>6 is this wedge of soil here. Now, he took,</p> <p>7 basically, the existing conditions of the site, and</p> <p>8 they put the building in. If you look at the</p> <p>9 cut/fill analysis sheet, they're actually going to</p> <p>10 be putting -- placing some fill over there as well.</p> <p>11 And so I didn't see that analyzed for putting that</p> <p>12 fill -- or putting up to, I think, a few feet of</p> <p>13 fill in that location. And so what impact does</p> <p>14 that have on the side -- on the slope stability as</p> <p>15 well?</p> <p>16 You look at the cross-section that</p> <p>17 they developed here, you'll notice that he assumed</p> <p>18 his bedrock outcrop, the surface was from -- where</p> <p>19 is it -- extent of exposed rock per survey. So I</p> <p>20 don't -- I'm not sure that the applicant's</p> <p>21 geotechnical engineer actually went down and saw</p> <p>22 the bedrock, or the exposed bedrock in that</p> <p>23 location, but nonetheless, it looks like they just</p> <p>24 used that. And then they interpolated -- by the</p> <p>25 way, that slope was interpolated -- up to top where</p> <p style="text-align: center;">PRECISION REPORTING SERVICE (908) 642-4299</p>	<p style="text-align: center;">140</p> <p>1 about whether there's a cliff face tonight or not.</p> <p>2 So I'm not doing that. What I'm saying is that we</p> <p>3 have no idea where that potential -- if there is a</p> <p>4 buried cliff face somewhere, or a more -- excuse me,</p> <p>5 instead of saying a cliff face, a more precipitous</p> <p>6 drop-off of bedrock.</p> <p>7 I can tell you, I've been on that slope,</p> <p>8 I've walked around -- I've not been on the site, but</p> <p>9 I walked down the side of the building to the north,</p> <p>10 and it's a pretty darn steep embankment there. You'd</p> <p>11 get killed walking down that, if you walk any</p> <p>12 further.</p> <p>13 So that is another concern that this</p> <p>14 building could be closer to the -- to a potential</p> <p>15 impact associated with having a cliff face.</p> <p>16 The applicant's geotechnical engineer</p> <p>17 talked about fractured rock. You can only look to</p> <p>18 last December, where -- up in North Bergen, where a</p> <p>19 section of the Palisades failed, and it was due to</p> <p>20 rainfall, rain got in the ground. So if you want</p> <p>21 to -- you know, talking about, obviously, I'm trying</p> <p>22 to make the equivalency between that and putting</p> <p>23 stormwater into the ground, and then promoting water</p> <p>24 running over the surfaces and through the fissures in</p> <p>25 this rock.</p> <p style="text-align: center;">PRECISION REPORTING SERVICE (908) 642-4299</p>

<p style="text-align: right;">141</p> <p>1 You can't say there'll never be a</p> <p>2 landslide. There are -- there have been documented</p> <p>3 landslides here. And so it is really best to be on</p> <p>4 the side of conservative, in terms of ensuring public</p> <p>5 safety.</p> <p>6 MR. ALAMPI: Sir, there've been</p> <p>7 documented landslides on this property?</p> <p>8 MR. GOLL: No, in the area. In the</p> <p>9 area. They're mapped by DEP. No, I did not say</p> <p>10 that, sorry.</p> <p>11 A. Okay. I believe I'm almost done. Do</p> <p>12 you have any more questions for me?</p> <p>13 Q. Just based on your review and your</p> <p>14 analysis of the application, do you have a</p> <p>15 conclusion?</p> <p>16 A. Yeah, based on my review, the</p> <p>17 application does qualify, without question, as a</p> <p>18 major development. It must follow the -- you know,</p> <p>19 the more detailed requirements that a major</p> <p>20 development application would require. It will</p> <p>21 help the city meet -- you know, meet the water</p> <p>22 quality and MS4 -- not MS4, the CSO requirements</p> <p>23 that the ordinance was developed for to protect</p> <p>24 that CSO and reduce stormwater from going to those</p> <p>25 locations.</p> <p style="text-align: center;">PRECISION REPORTING SERVICE (908) 642-4299</p>	<p style="text-align: right;">143</p> <p>1 move O-1 into evidence; it was marked for</p> <p>2 identification.</p> <p>3 MR. ALAMPI: Where'd O-1 go?</p> <p>4 MR. HARRINGTON: Is this it?</p> <p>5 MR. ALAMPI: I think that's O-1.</p> <p>6 MR. HARRINGTON: It is. I mean, I have</p> <p>7 no objection for the limited purposes of it's an</p> <p>8 overlay on my expert's plan --</p> <p>9 CHAIRMAN LANGSTON: Counsel, if you</p> <p>10 could, right into the microphone.</p> <p>11 MR. HARRINGTON: I have no objection for</p> <p>12 the limited purposes in that it's an overlay of my</p> <p>13 expert's plan, with their own calculations and</p> <p>14 nothing more than that.</p> <p>15 MR. ALAMPI: But as to accuracy, you</p> <p>16 remain objecting to it, Mr. Harrington?</p> <p>17 MR. HARRINGTON: Well, those are his</p> <p>18 numbers.</p> <p>19 MR. ALAMPI: Yes?</p> <p>20 MS. HADJIYANNIS: Can we let him</p> <p>21 cross-examine the --</p> <p>22 MR. ALAMPI: You're trying to move it</p> <p>23 into evidence. He hasn't asked him a question yet,</p> <p>24 Ms. Hadjiyannis.</p> <p>25 MS. HADJIYANNIS: I know, but I've --</p> <p style="text-align: center;">PRECISION REPORTING SERVICE (908) 642-4299</p>
<p style="text-align: right;">142</p> <p>1 And while they do provide a green</p> <p>2 roof, by the way, green roof is not an accepted BMP</p> <p>3 right now for DEP, you'd have to -- it's an</p> <p>4 alternative you'd have to prove. I'm not saying it</p> <p>5 does reduce peak flows, but that's -- it's not an</p> <p>6 approved means.</p> <p>7 Pervious pavement systems are</p> <p>8 approved, but they have to be designed in a</p> <p>9 specific manner in accordance with the New Jersey</p> <p>10 BMP manual.</p> <p>11 I'm also concerned about some of the</p> <p>12 modeling associated with this, and whether the</p> <p>13 overburden -- a landslide could be triggered by</p> <p>14 that overburden as well, and as well as the method</p> <p>15 of excavation and number of trucks and how that's</p> <p>16 going to impact the neighborhood.</p> <p>17 So thank you.</p> <p>18 CHAIRMAN LANGSTON: Just one second,</p> <p>19 please.</p> <p>20 (Whereupon, there is a brief pause in</p> <p>21 the proceeding.)</p> <p>22 CHAIRMAN LANGSTON: Okay.</p> <p>23 Ms. Hadjiyannis, that's all? Anything else? For</p> <p>24 this witness, obviously.</p> <p>25 MS. HADJIYANNIS: Yeah, I would like to</p> <p style="text-align: center;">PRECISION REPORTING SERVICE (908) 642-4299</p>	<p style="text-align: right;">144</p> <p>1 okay.</p> <p>2 MR. ALAMPI: So do you want to wait to</p> <p>3 try to move it into evidence, until Mr. Harrington</p> <p>4 cross-examines him? That's a great idea, that's what</p> <p>5 we'll do.</p> <p>6 MS. HADJIYANNIS: I'd rather have</p> <p>7 Mr. Harrington cross-examine him than have you</p> <p>8 cross-examine him.</p> <p>9 MR. ALAMPI: I'll consider...</p> <p>10 CHAIRMAN LANGSTON: So -- but we've</p> <p>11 already -- we've already heard testimony on the</p> <p>12 exhibit. We have to enter it.</p> <p>13 MS. HADJIYANNIS: That's why -- yes,</p> <p>14 that's right.</p> <p>15 MR. HARRINGTON: It is what it is. I</p> <p>16 have no objection to having this --</p> <p>17 CHAIRMAN LANGSTON: That's opinion.</p> <p>18 MR. ALAMPI: There you go.</p> <p>19 Mr. Harrington wants it in evidence, so great, it's</p> <p>20 moved into evidence. O-1 is in evidence and accepted</p> <p>21 by the board for its value.</p> <p>22 MR. HARRINGTON: Okay.</p> <p>23 CHAIRMAN LANGSTON: Okay.</p> <p>24 Mr. Harrington, do you want to cross-examine?</p> <p>25 MR. HARRINGTON: Yes, I just have a few</p> <p style="text-align: center;">PRECISION REPORTING SERVICE (908) 642-4299</p>

<p style="text-align: right;">145</p> <p>1 questions for Mr. Goll.</p> <p>2 CROSS-EXAMINATION</p> <p>3 BY MR. HARRINGTON:</p> <p>4 Q. To start off, you mentioned a North</p> <p>5 Bergen landslide. Do you know what kind of rock</p> <p>6 formation that was?</p> <p>7 A. That was part of the Palisades, the</p> <p>8 basalt.</p> <p>9 Q. Are you sure it wasn't sandstone?</p> <p>10 A. I didn't see that details of the</p> <p>11 report.</p> <p>12 Q. Okay. Am I -- how many developments</p> <p>13 have you worked on in Jersey City?</p> <p>14 A. Only the -- currently, the largest</p> <p>15 one, in Liberty State Park.</p> <p>16 Q. Okay. We don't have any Palisade Cliff</p> <p>17 issues over at Liberty State Park. Correct?</p> <p>18 A. No.</p> <p>19 Q. Okay. And so your testimony on the</p> <p>20 interpretation of the -- well, I guess your opinion</p> <p>21 on the Jersey City stormwater ordinance and the PPOD</p> <p>22 are based exclusively on your interpretation of the</p> <p>23 ordinance. Correct?</p> <p>24 A. The plain language of the ordinance,</p> <p>25 it's pretty clear. And my -- and, actually, the</p> <p style="text-align: center;">PRECISION REPORTING SERVICE (908) 642-4299</p>	<p style="text-align: right;">147</p> <p>1 know, pretty pictures.</p> <p>2 Q. But you had that report, and you didn't</p> <p>3 do any rebuttal report. Correct?</p> <p>4 A. That's correct.</p> <p>5 Q. Okay.</p> <p>6 MR. HARRINGTON: I have no further</p> <p>7 questions for Mr. Goll, but I would like to bring up</p> <p>8 my civil engineer to rebut the testimony regarding</p> <p>9 O-1. I think it would be appropriate now, while it's</p> <p>10 still fresh in everybody's head.</p> <p>11 MR. ALAMPI: Mr. Chairman, my only</p> <p>12 concern is Ms. Hadjiyannis has other witnesses. I</p> <p>13 don't know -- and I don't want to get into</p> <p>14 back-and-forth. So, obviously, Ms. Hadjiyannis just</p> <p>15 had her expert qualified to provide their testimony;</p> <p>16 it is only fair that Mr. Harrington be provided the</p> <p>17 opportunity for a rebuttal witness, he is the</p> <p>18 applicant. But, then, Ms. Hadjiyannis is going to</p> <p>19 come back with her next witness; it has to be in a</p> <p>20 different field or discipline. Do you have any</p> <p>21 further experts, or is this your only expert witness,</p> <p>22 Ms. Hadjiyannis?</p> <p>23 MS. HADJIYANNIS: We don't have any more</p> <p>24 experts, we just have fact witnesses who should be</p> <p>25 pretty quick. So either way is fine with me.</p> <p style="text-align: center;">PRECISION REPORTING SERVICE (908) 642-4299</p>
<p style="text-align: right;">146</p> <p>1 language in the ordinance, while the numbers have</p> <p>2 been reduced, in terms of, like, area of</p> <p>3 disturbance, and the impervious and motorized</p> <p>4 surfaces, and the addition of, like, a provision</p> <p>5 for minor development, everything else is the same.</p> <p>6 And I've worked on numbers -- dozens of those types</p> <p>7 of projects.</p> <p>8 Q. Okay. But it's based upon just your</p> <p>9 interpretation, and we understand you haven't done</p> <p>10 any other projects in Jersey City. Correct?</p> <p>11 A. On the plain language of the ordinance</p> <p>12 that has been used, and is -- was basically taken</p> <p>13 right from DEP's own model ordinance, which I've</p> <p>14 worked on before.</p> <p>15 Q. Okay. And you had a lot of comments</p> <p>16 on, you know, the geotech report. And I just want</p> <p>17 to ask you: Have you done -- well, I think the</p> <p>18 answer is obvious, but you haven't done any</p> <p>19 independent analysis or a report with regard to that</p> <p>20 report or the property. Correct?</p> <p>21 A. Well, I couldn't do any independent</p> <p>22 analysis of the report, I don't have any of the --</p> <p>23 the input data, or the data, or the output</p> <p>24 information that the applicant provided. He</p> <p>25 basically, in the appendices, just provided, you</p> <p style="text-align: center;">PRECISION REPORTING SERVICE (908) 642-4299</p>	<p style="text-align: right;">148</p> <p>1 MR. ALAMPI: Okay.</p> <p>2 CHAIRMAN LANGSTON: Mr. Harrington,</p> <p>3 let's bring up your witness, then.</p> <p>4 MR. HARRINGTON: Okay.</p> <p>5 MR. GOLL: I can be excused?</p> <p>6 MR. ALAMPI: Yes, sir.</p> <p>7 CHAIRMAN LANGSTON: Don't leave the</p> <p>8 building, though. But thank you.</p> <p>9 CHAIRMAN LANGSTON: And before we start,</p> <p>10 Mike, if you need a break, just yell.</p> <p>11 B R I A N L I E B E S K I N D, having</p> <p>12 been previously sworn, remained under oath and</p> <p>13 testified as follows:</p> <p>14 MR. ALAMPI: Sir, I'm going to remind</p> <p>15 you that you remain under oath. I just ask, for</p> <p>16 purposes of the record, that you repeat your name.</p> <p>17 MR. LIEBESKIND: Brian Liebeskind,</p> <p>18 L-I-E-B-E-S-K-I-N-D.</p> <p>19 REBUTTAL</p> <p>20 BY MR. HARRINGTON:</p> <p>21 Q. Brian, you were here for the testimony</p> <p>22 of Mr. Goll. Correct?</p> <p>23 A. I was.</p> <p>24 Q. And you had a chance to review what was</p> <p>25 marked as Exhibit O-1?</p> <p style="text-align: center;">PRECISION REPORTING SERVICE (908) 642-4299</p>

<p style="text-align: right;">149</p> <p>1 A. I did.</p> <p>2 Q. Okay. And you testified on -- in</p> <p>3 November, on November 28th, that this is a minor</p> <p>4 development per the stormwater ordinance. Is that</p> <p>5 correct?</p> <p>6 A. Correct.</p> <p>7 Q. Okay. And has the testimony of</p> <p>8 Mr. Goll, or his interpretation, changed your mind</p> <p>9 at all?</p> <p>10 A. It has not.</p> <p>11 Q. Okay. And I think you said it, you</p> <p>12 know, back in November, but is your interpretation</p> <p>13 of this ordinance based upon your experience with</p> <p>14 projects that you've worked on in Jersey City, and</p> <p>15 working with the MUA?</p> <p>16 A. It is.</p> <p>17 Q. Okay. And if -- let me ask you this:</p> <p>18 If this were -- or who would tell you that this is</p> <p>19 not a minor and a major -- and, instead, it's a</p> <p>20 major development?</p> <p>21 A. The city professionals; mostly the</p> <p>22 JCMUA.</p> <p>23 Q. And part of the process of getting</p> <p>24 permitting is to go through the JCMUA for the</p> <p>25 permitting with their -- their office. Correct?</p> <p style="text-align: center;">PRECISION REPORTING SERVICE (908) 642-4299</p>	<p style="text-align: right;">151</p> <p>1 CHAIRMAN LANGSTON: Ms. Hadjiyannis, do</p> <p>2 you want to cross-examine?</p> <p>3 MS. HADJIYANNIS: Yes, I do. Thank you,</p> <p>4 I have a couple of follow-up questions.</p> <p>5 CHAIRMAN LANGSTON: Sure.</p> <p>6 CROSS-EXAMINATION</p> <p>7 BY MS. HADJIYANNIS:</p> <p>8 Q. So was the stormwater management plan</p> <p>9 that was part of your report, was it submitted to</p> <p>10 the JCMUA?</p> <p>11 A. Yes, all of the documents, the signed</p> <p>12 and sealed engineering drawings and report, were</p> <p>13 provided to the city and the professionals.</p> <p>14 Q. And did you receive any written</p> <p>15 findings from the JCMUA?</p> <p>16 A. We have not yet received a review</p> <p>17 memo. I stated for the record that we would comply</p> <p>18 with any comments that we get from them.</p> <p>19 Q. Okay. And I actually would like to ask</p> <p>20 you if you're familiar with this part of the</p> <p>21 stormwater control ordinance, which I'm going to</p> <p>22 read into the record. It's 347 (sic) -- Section</p> <p>23 347-74.1.C.2 (sic), it says:</p> <p>24 No major or minor development shall be</p> <p>25 deemed in compliance with this ordinance, unless a</p> <p style="text-align: center;">PRECISION REPORTING SERVICE (908) 642-4299</p>
<p style="text-align: right;">150</p> <p>1 A. Correct.</p> <p>2 Q. Okay. And what -- what would happen if</p> <p>3 they determined that this was a major and not a</p> <p>4 minor, after their further review?</p> <p>5 A. So the main difference is that it</p> <p>6 would introduce an underground detention system</p> <p>7 below the building. So coupled with the green roof</p> <p>8 on top of the building, it would take that clean</p> <p>9 runoff and detain it underground, and then pipe it</p> <p>10 to the combined sewer in the street.</p> <p>11 Q. Right. And could that be done at this</p> <p>12 property?</p> <p>13 A. It could.</p> <p>14 Q. Okay. And if there is a determination</p> <p>15 by the planning board that it was minor or major,</p> <p>16 would that bind the JCMUA?</p> <p>17 A. No.</p> <p>18 Q. Okay. So, in essence, the ultimate</p> <p>19 determination of whether it's a minor or a major</p> <p>20 development will be made by the JCMUA,</p> <p>21 notwithstanding your opinion or Mr. Goll's opinion.</p> <p>22 Correct?</p> <p>23 A. Correct.</p> <p>24 Q. Okay.</p> <p>25 MR. HARRINGTON: That's all I have.</p> <p style="text-align: center;">PRECISION REPORTING SERVICE (908) 642-4299</p>	<p style="text-align: right;">152</p> <p>1 legally authorized body or official of the City of</p> <p>2 Jersey City has issued written findings based on a</p> <p>3 technical review by a legally authorized and</p> <p>4 qualified employee, agent, or official of the City</p> <p>5 of Jersey City, that such development complies with</p> <p>6 the requirements of this ordinance.</p> <p>7 Are you familiar with that that</p> <p>8 language in the ordinance?</p> <p>9 A. I am.</p> <p>10 Q. And are you aware that stormwater</p> <p>11 compliance is considered a checklist item on the --</p> <p>12 on the application checklist?</p> <p>13 A. Yes.</p> <p>14 Q. Okay. And so nobody's issued written</p> <p>15 findings?</p> <p>16 A. We have an engineering memo from</p> <p>17 Lichuan Wang that covers the site improvements,</p> <p>18 grading, and stormwater. Typically the JCMUA</p> <p>19 comment letter goes into more depth on the -- what</p> <p>20 they would like to see for connections in the</p> <p>21 street. I will note that there are some</p> <p>22 discrepancies between the LDO they cited and the</p> <p>23 rules and procedures for JCMUA. The plans as</p> <p>24 submitted comply with the ordinance; however, we</p> <p>25 expect certain changes as part of the -- in</p> <p style="text-align: center;">PRECISION REPORTING SERVICE (908) 642-4299</p>

<p style="text-align: right;">153</p> <p>1 accordance with the MUA, including removing any</p> <p>2 recharge as part of the parking lot, which is --</p> <p>3 from our vast experience in Jersey City, the JCMUA</p> <p>4 is adamantly opposed to any kind of infiltration</p> <p>5 into the ground.</p> <p>6 So it is written into the stormwater</p> <p>7 ordinance; we include it for the project. We note</p> <p>8 that it satisfies the volume requirement as a minor</p> <p>9 development; however, again, in our experience, we</p> <p>10 expect that the JCMUA will request that it be</p> <p>11 removed as part of the design.</p> <p>12 Q. Okay. So the design may change, you're</p> <p>13 saying?</p> <p>14 A. We are -- we are complying with the</p> <p>15 ordinance that is written. Another night, we can</p> <p>16 get into ironing out some of the language in the</p> <p>17 ordinance. I will tell you that -- you know, that</p> <p>18 the JCMUA has different engineering opinions on</p> <p>19 what's required. And so, we are complying with the</p> <p>20 rules, but I would -- the -- they will determine,</p> <p>21 you know, whether this is a minor development or</p> <p>22 major development. And, again, in my experience,</p> <p>23 this meets the criteria for a minor development,</p> <p>24 and the -- you know, the comments that we get from</p> <p>25 them would be limited in nature.</p> <p style="text-align: center;">PRECISION REPORTING SERVICE (908) 642-4299</p>	<p style="text-align: right;">155</p> <p>1 A. We cannot say definitively, but,</p> <p>2 again, our vast experience in Jersey City and</p> <p>3 projects of this size, that this qualifies as a</p> <p>4 minor development.</p> <p>5 Q. If we received the written findings</p> <p>6 that are required under our stormwater control</p> <p>7 ordinance, would we, then, know whether the JCMUA</p> <p>8 considers this to be a minor or a major development?</p> <p>9 A. Again, I think this is really just a</p> <p>10 different -- difference of interpretation of that</p> <p>11 one section of the code for regulated impervious</p> <p>12 coverage. I have my interpretation that the</p> <p>13 building itself does not qualify; that the work in</p> <p>14 the public right-of-way does not count towards that</p> <p>15 threshold. Your professional has a difference of</p> <p>16 opinion. You know, we can -- what counsel has said</p> <p>17 is that, if JCMUA disagrees with us, then we will</p> <p>18 simply, you know, revise the design to incorporate</p> <p>19 an underground detention.</p> <p>20 Q. Okay. And, then, would that alter --</p> <p>21 would you then have to excavate more bedrock, at</p> <p>22 that point, if you were building an underwater -- an</p> <p>23 underground detention basin?</p> <p>24 A. Potentially.</p> <p>25 Q. Okay. So that would alter the cut and</p> <p style="text-align: center;">PRECISION REPORTING SERVICE (908) 642-4299</p>
<p style="text-align: right;">154</p> <p>1 Q. So you're saying that the JCMUA</p> <p>2 doesn't -- they're not trying to force applicants to</p> <p>3 comply with this ordinance the way it's written?</p> <p>4 A. To go back to comments that Mr. Goll</p> <p>5 made, there are departures from the stormwater</p> <p>6 control ordinance that you read and what the state</p> <p>7 requirements are. Jersey City -- the vast majority</p> <p>8 of Jersey City is exempt from any requirements for</p> <p>9 groundwater recharge, because it is in the</p> <p>10 metropolitan planning region. That is, sort of,</p> <p>11 the view of the JCMUA as well, that, for reasons</p> <p>12 cited by your professionals, that introducing water</p> <p>13 into the ground is unwise in most areas of the</p> <p>14 city.</p> <p>15 Q. Right. So you had said there's a</p> <p>16 possibility a detention system could be constructed</p> <p>17 underneath the building?</p> <p>18 A. The hypothetical is that, in the</p> <p>19 unlikely event that the JCMUA says no, you -- we do</p> <p>20 not agree this is not a minor development, the,</p> <p>21 really, only impact to the project would be that --</p> <p>22 introducing a detention basin under the building.</p> <p>23 Q. Okay. So we don't know, yet, whether</p> <p>24 the JCMUA considers this to be a minor or a major</p> <p>25 development under the stormwater control ordinance?</p> <p style="text-align: center;">PRECISION REPORTING SERVICE (908) 642-4299</p>	<p style="text-align: right;">156</p> <p>1 fill plan that was submitted to this board?</p> <p>2 A. Again, if that unlikely event played</p> <p>3 out.</p> <p>4 Q. Okay. Thank you.</p> <p>5 MR. HARRINGTON: Okay. I have nothing</p> <p>6 further of Brian.</p> <p>7 CHAIRMAN LANGSTON: Okay. We're going</p> <p>8 to take a break for Mike, everybody. He's been</p> <p>9 typing away for a long time now. We appreciate you,</p> <p>10 Mike.</p> <p>11 MS. DONNELLY: Can I ask a question?</p> <p>12 CHAIRMAN LANGSTON: Are you represented</p> <p>13 by Ms. Hadjiyannis? Are you a member of RNA?</p> <p>14 MS. DONNELLY: No -- I am a member of</p> <p>15 RNA, but I also live down the block, and I have</p> <p>16 standing, and I'm a taxpayer.</p> <p>17 CHAIRMAN LANGSTON: Sure, obviously.</p> <p>18 No, actually, you can give your question to</p> <p>19 Ms. Hadjiyannis; she's speaking on behalf of RNA.</p> <p>20 MS. DONNELLY: Sure.</p> <p>21 CHAIRMAN LANGSTON: And we're going to</p> <p>22 take that break, though, but you can come back with</p> <p>23 the question.</p> <p>24 (Whereupon, there is a brief pause in</p> <p>25 the proceeding.)</p> <p style="text-align: center;">PRECISION REPORTING SERVICE (908) 642-4299</p>

<p style="text-align: center;">157</p> <p>1 CHAIRMAN LANGSTON: Ms. Hadjiyannis, 2 before we continue, obviously -- 3 MR. ALAMPI: Housekeeping. 4 CHAIRMAN LANGSTON: -- you weren't our 5 only application tonight. It looks like you're going 6 to be our only application tonight, so I want to 7 entertain any adjournments from any other attorneys 8 in the room. 9 MS. HADJIYANNIS: Should I go back to my 10 chair? 11 MR. ALAMPI: I think you can stick 12 there. 13 (Whereupon, the board hears other agenda 14 items at this time.) 15 CHAIRMAN LANGSTON: Ms. Hadjiyannis, the 16 floor is yours. 17 MS. HADJIYANNIS: Thank you. 18 Mr. Liebeskind. We just had a couple of more 19 questions for you. Thank you. 20 BY MS. HADJIYANNIS: 21 Q. So do you know when our stormwater 22 control -- or when Jersey City's stormwater control 23 ordinance was adopted? 24 A. You're talking about the last revised 25 date?</p> <p style="text-align: center;">PRECISION REPORTING SERVICE (908) 642-4299</p>	<p style="text-align: center;">159</p> <p>1 analysis of compliance with the stormwater control 2 ordinance? 3 A. Yes, it describes how we've classified 4 it; that it's not subject to NJDEP definitions for 5 major development. It does not qualify as a major 6 development for the Jersey City stormwater control 7 ordinance; however, it did the meet the 8 5,000-square-foot threshold to be considered a 9 minor development. And then, walks through the 10 calculations for recharge based on the city's 11 requirement. 12 Q. Okay. But did you break out site 13 disturbance into the categories that we -- our 14 expert discussed: impervious coverage, motor vehicle 15 coverage, total disturbance? 16 A. The area that was used to compute the 17 volume of storage is based on the stormwater 18 control ordinance that the city has, and it's 19 strictly, you know, the -- that regulated area. 20 The total site disturbance is a separate matter; 21 again, I provided testimony explaining why I feel 22 that it's appropriate to call this a minor 23 development. 24 Q. Okay. I don't have anything further 25 for you.</p> <p style="text-align: center;">PRECISION REPORTING SERVICE (908) 642-4299</p>
<p style="text-align: center;">158</p> <p>1 Q. No, initially, I would say. 2 A. There's a version from, like, 2020, 3 around that era, which is what, you know, most of 4 our applications are following. 5 Q. Okay. And when was the last revised 6 date? 7 A. No, I'm saying that's -- it was last 8 revised, like -- 9 Q. 2020. 10 A. -- yeah, about three or four years 11 ago. 12 Q. Okay. All right. 13 And then, when you prepared the 14 engineer's report on this application, when did you 15 first prepare it? 16 A. I mean, there's a date on the report. 17 So -- 18 Q. Is it July 2022? 19 A. Yes. 20 Q. Okay. So you prepared this report 21 after Jersey City's stormwater control ordinance was 22 adopted? 23 A. Correct. It reflects the current 24 ordinance. 25 Q. Okay. And did your report contain any</p> <p style="text-align: center;">PRECISION REPORTING SERVICE (908) 642-4299</p>	<p style="text-align: center;">160</p> <p>1 CHAIRMAN LANGSTON: Mr. Harrington, 2 anything? 3 MR. HARRINGTON: Nothing. 4 CHAIRMAN LANGSTON: Okay. Thank you. 5 MS. HADJIYANNIS: Okay. I'd like to 6 call our fact witness, Kern Weissman. 7 CHAIRMAN LANGSTON: Sure. 8 K E R N W E I S S M A N, having been 9 duly sworn, testified as follows: 10 MR. WEISSMAN: K-E-R-N, last name 11 Weissman, W-E-I-S-S-M-A-N. 12 CHAIRMAN LANGSTON: Just for the board's 13 edification, Mr. Weissman is testifying as a fact 14 witness; he's not -- we're not qualifying you as an 15 expert tonight. 16 MR. WEISSMAN: No, definitely not. 17 CHAIRMAN LANGSTON: Always good to see 18 you, though. 19 MS. HADJIYANNIS: Okay. Mr. Weissman 20 did have -- he had a couple of exhibits, I showed 21 them to Mr. Harrington on the break, they were also 22 emailed to the review planner before the last 23 hearing, November 28th. 24 Chuck, did you want to confirm -- 25 Mr. Harrington, did you want to confirm that you</p> <p style="text-align: center;">PRECISION REPORTING SERVICE (908) 642-4299</p>

<p style="text-align: right;">161</p> <p>1 don't have a problem with these?</p> <p>2 MR. HARRINGTON: Yeah, I reviewed them,</p> <p>3 and I'm okay with the exhibits.</p> <p>4 MS. HADJIYANNIS: So we have paper</p> <p>5 copies; I can also pull them up on the screen, if the</p> <p>6 board --</p> <p>7 CHAIRMAN LANGSTON: Why don't we talk</p> <p>8 about what they are first, before we see them.</p> <p>9 MS. HADJIYANNIS: Sure. So the first</p> <p>10 exhibit is basically, like, a slideshow that just</p> <p>11 captures the observations of the Riverview</p> <p>12 Neighborhood Association development committee as</p> <p>13 they've reviewed the plans, you know, the various</p> <p>14 iterations of the plans, you know, over the past year</p> <p>15 or so.</p> <p>16 CHAIRMAN LANGSTON: But, obviously, you</p> <p>17 know what plan is in front of this board tonight.</p> <p>18 MS. HADJIYANNIS: Yes. Yeah.</p> <p>19 MR. WEISSMAN: Yes. We're speaking</p> <p>20 about those.</p> <p>21 CHAIRMAN LANGSTON: So we're not</p> <p>22 rehashing old plans or --</p> <p>23 MR. WEISSMAN: Nope, this is strictly</p> <p>24 on --</p> <p>25 MS. HADJIYANNIS: No, not at all.</p> <p style="text-align: center;">PRECISION REPORTING SERVICE (908) 642-4299</p>	<p style="text-align: right;">163</p> <p>1 are not. It's just a plan review, and a, sort of,</p> <p>2 discussion of this landslide as it pertains to the</p> <p>3 safety of construction on -- close -- you know,</p> <p>4 within the Palisades Protection Overlay District.</p> <p>5 CHAIRMAN LANGSTON: Okay. And,</p> <p>6 obviously, Mr. Weissman, any pictures, if you could</p> <p>7 identify the address they're taken from --</p> <p>8 MR. WEISSMAN: I will, absolutely.</p> <p>9 CHAIRMAN LANGSTON: The proximity to</p> <p>10 this site --</p> <p>11 MR. WEISSMAN: And I personally took</p> <p>12 them.</p> <p>13 CHAIRMAN LANGSTON: Okay. Yeah.</p> <p>14 Everything is helpful.</p> <p>15 MS. HADJIYANNIS: Sorry, Matt, but I'm</p> <p>16 going to plug my computer in again.</p> <p>17 (Whereupon, there is a brief pause in</p> <p>18 the proceeding.)</p> <p>19 CHAIRMAN LANGSTON: Kern, before you</p> <p>20 start, I do need to -- Ms. Hadjiyannis,</p> <p>21 Mr. Harrington, I do need to advise everyone in the</p> <p>22 room, we don't open new applications after 10</p> <p>23 o'clock; we're putting a hard stop at 10:30 tonight.</p> <p>24 MS. HADJIYANNIS: Okay. What time is it</p> <p>25 now?</p> <p style="text-align: center;">PRECISION REPORTING SERVICE (908) 642-4299</p>
<p style="text-align: right;">162</p> <p>1 CHAIRMAN LANGSTON: Okay. I just -- I</p> <p>2 don't want to muddy the board's view with any plan</p> <p>3 from three years ago, five years ago.</p> <p>4 MR. WEISSMAN: Nope.</p> <p>5 MS. HADJIYANNIS: Nope. It's -- believe</p> <p>6 me, it's just, like, a few quick --</p> <p>7 CHAIRMAN LANGSTON: I have to ask these</p> <p>8 questions before we see anything.</p> <p>9 MS. HADJIYANNIS: I understand, yes.</p> <p>10 It's a few quick observations.</p> <p>11 And then, this -- it's, kind of, a</p> <p>12 little slideshow.</p> <p>13 And the second one, it's a map</p> <p>14 showing -- an old historic map showing Ogden and some</p> <p>15 photographs of the back -- one of the backyards on</p> <p>16 Ogden that experienced a landslide, and Mr. -- I</p> <p>17 think Mr. Harrington's already even heard exactly</p> <p>18 what Kern's going to say at another hearing, so...</p> <p>19 CHAIRMAN LANGSTON: All right. But just</p> <p>20 so we're not -- we're obviously not relitigating what</p> <p>21 happened at the zoning board.</p> <p>22 MS. HADJIYANNIS: That's right.</p> <p>23 CHAIRMAN LANGSTON: That's not this</p> <p>24 board's purview; we are not allowed to do that.</p> <p>25 MS. HADJIYANNIS: No, we are not. We</p> <p style="text-align: center;">PRECISION REPORTING SERVICE (908) 642-4299</p>	<p style="text-align: right;">164</p> <p>1 MR. ALAMPI: It's 10 o'clock.</p> <p>2 CHAIRMAN LANGSTON: It's 9:48. So if</p> <p>3 we're in the middle of public comment, 10:30 hits, I</p> <p>4 apologize, we need to move on, we have other items at</p> <p>5 the end, you know, in-house items that need to get</p> <p>6 done before close of business tonight.</p> <p>7 MS. HADJIYANNIS: Understood.</p> <p>8 CHAIRMAN LANGSTON: So it's -- I can't</p> <p>9 believe I'm saying this, but we're a hard stop on</p> <p>10 this one at 10:30. And it's fascinating, I love it.</p> <p>11 I love it.</p> <p>12 MR. WEISSMAN: All right. I'll move</p> <p>13 through.</p> <p>14 A. Okay. So I won't spend a lot of time</p> <p>15 on this. This just shows all the different plans</p> <p>16 that were submitted that the committee -- so the</p> <p>17 Riverview Neighborhood Association has, you know, a</p> <p>18 development committee. I'm the chair of that</p> <p>19 committee. We have a group, you know, that is on</p> <p>20 that committee, that's been reviewing these plans</p> <p>21 from the beginning, just showing that, you know,</p> <p>22 there's been a lot of revisions. I'm going to</p> <p>23 focus on the current -- what's before you in your</p> <p>24 current set, that's what I'm going to focus on in</p> <p>25 these slides.</p> <p style="text-align: center;">PRECISION REPORTING SERVICE (908) 642-4299</p>

<p style="text-align: center;">165</p> <p>1 So failures to address Department of</p> <p>2 Infrastructure site plan review comes, I'm going to</p> <p>3 go through those real quick.</p> <p>4 So the dangerous crosswalk, obviously,</p> <p>5 there was a new thing loaded today that took away</p> <p>6 this comment, but the point is that crosswalk in,</p> <p>7 you know, the original request for that to be moved</p> <p>8 30 feet away for safety, we have seen that on other</p> <p>9 projects. I probably reviewed, with the committee,</p> <p>10 probably over 100 different projects in the</p> <p>11 neighborhood. I have seen that as a very common</p> <p>12 thing. They also don't like things near stop</p> <p>13 signs. Stop signs, pedestrian traffic, keep it</p> <p>14 away from the driveways. Makes sense. This</p> <p>15 doesn't appreciably change that. This is only 4</p> <p>16 feet away. And they're actually combining it with</p> <p>17 another driveway. So I would say still dangerous.</p> <p>18 I'm not going to cover this, don't</p> <p>19 worry about it, it's just showing that there's two</p> <p>20 different plans, there's one in an architectural</p> <p>21 diagram, but the actual engineering plan set still</p> <p>22 has the old design.</p> <p>23 Failure to address inadequate milling</p> <p>24 and paving. The limits of the -- so this is a</p> <p>25 direct comment from the engineering, it says the</p> <p style="text-align: center;">PRECISION REPORTING SERVICE (908) 642-4299</p>	<p style="text-align: center;">167</p> <p>1 that we did a month ago. So, you know, it's based</p> <p>2 on 12 units, not 14, highlighting that.</p> <p>3 Just showing a historic image of what</p> <p>4 it used to look like there, just speaks to some of</p> <p>5 the disturbance that happened on that site.</p> <p>6 CHAIRMAN LANGSTON: If we could, can we</p> <p>7 get an exact location on that picture?</p> <p>8 MR. WEISSMAN: Oh, sure.</p> <p>9 CHAIRMAN LANGSTON: Within reason,</p> <p>10 obviously.</p> <p>11 MR. WEISSMAN: Oh, absolutely. So this</p> <p>12 is actually leading right up to the 152 site. No, I</p> <p>13 appreciate you saying that, obviously. What happened</p> <p>14 was there was the rail, the elevated on the left that</p> <p>15 you're seeing, and there was the funicular that</p> <p>16 carried up horses, and buggies, and things like that.</p> <p>17 And this actually leads right into that.</p> <p>18 A. So when we talk about some of the</p> <p>19 disturbance on the site, and why, you know,</p> <p>20 especially, potentially, you know, it could have</p> <p>21 issues there or something like that, it's because</p> <p>22 the site has been disturbed. So we want -- the</p> <p>23 Palisades Protection Overlay, which RNA was one of</p> <p>24 the driving forces behind it, was trying to protect</p> <p>25 the entire Palisades, especially sites that have</p> <p style="text-align: center;">PRECISION REPORTING SERVICE (908) 642-4299</p>
<p style="text-align: center;">166</p> <p>1 milling and paving shall be extended 20 feet</p> <p>2 southwest of the sewer manhole being connected to.</p> <p>3 If you look on the right, the revised set shows</p> <p>4 that not happening yet. So that hasn't been</p> <p>5 addressed.</p> <p>6 The silt fence location, they also</p> <p>7 wanted that extended to the -- you know, relocated,</p> <p>8 actually, along the property line. On the latest</p> <p>9 set of plans, that was not addressed.</p> <p>10 Traffic, traffic study, everyone loves</p> <p>11 traffic. Right? The study actually contradicts</p> <p>12 itself. It basically says, on page 4 -- which I</p> <p>13 highlighted -- it basically says that the --</p> <p>14 there's 12 -- you know, indicates both 12 units and</p> <p>15 14 units in different places, and it appears that</p> <p>16 the actual traffic analysis, in terms of trip</p> <p>17 generation, was based on 12 units. And this is</p> <p>18 where I'm talking about that. So it does -- it</p> <p>19 just does matter. Accuracy matters. Right? We</p> <p>20 want to be -- we want to make sure we're not having</p> <p>21 errors and emissions in the plans that are</p> <p>22 submitted by applicants. So, basically, not</p> <p>23 correcting that -- I'm not sure why that wasn't</p> <p>24 corrected, it was pointed out -- this was</p> <p>25 submitted, again, you know, with the first hearing</p> <p style="text-align: center;">PRECISION REPORTING SERVICE (908) 642-4299</p>	<p style="text-align: center;">168</p> <p>1 been disturbed, from any further damage or --</p> <p>2 CHAIRMAN LANGSTON: So as I'm looking at</p> <p>3 that, the structure that the tracks lead up to,</p> <p>4 that's on the east side of Ogden or the west side of</p> <p>5 Ogden?</p> <p>6 MR. WEISSMAN: That's on the west side</p> <p>7 of Ogden --</p> <p>8 CHAIRMAN LANGSTON: Okay. So that's the</p> <p>9 corner of Wood --</p> <p>10 MR. WEISSMAN: It led into the Supremo</p> <p>11 building. You know the Supremo?</p> <p>12 CHAIRMAN LANGSTON: Okay. Yep.</p> <p>13 MR. WEISSMAN: So it would go in and</p> <p>14 basically --</p> <p>15 CHAIRMAN LANGSTON: Okay.</p> <p>16 A. Okay. Yeah, this was just some good</p> <p>17 historical context, I thought it was interesting.</p> <p>18 That is just a -- that was a photo of</p> <p>19 the -- there's a new utility pole that's right</p> <p>20 where the driveway entrance is proposed.</p> <p>21 CHAIRMAN LANGSTON: And for --</p> <p>22 obviously, I know where that is; the rest of the</p> <p>23 board, can you just describe the location for</p> <p>24 everybody?</p> <p>25 MR. WEISSMAN: Absolutely. So that's</p> <p style="text-align: center;">PRECISION REPORTING SERVICE (908) 642-4299</p>

<p style="text-align: right;">169</p> <p>1 where Ferry Street comes in, and it basically lands</p> <p>2 right there. So that's -- if you can see.</p> <p>3 CHAIRMAN LANGSTON: Wood Street.</p> <p>4 MR. WEISSMAN: Ferry and Ogden.</p> <p>5 PUBLIC SPEAKER: No, Wood Place.</p> <p>6 CHAIRMAN LANGSTON: No, that's Wood</p> <p>7 right there.</p> <p>8 MR. WEISSMAN: I'm sorry about that,</p> <p>9 wood and Ogden. So what happens is you basically</p> <p>10 have -- that crosswalk that was represented on the</p> <p>11 plan, this is right south of that, so that pole was</p> <p>12 basically right where the plan would -- I did see a</p> <p>13 comment in -- you know, that that was -- that that</p> <p>14 would have to be relocated.</p> <p>15 A. Okay. So we can pull up the other</p> <p>16 one?</p> <p>17 Q. Yeah.</p> <p>18 MR. ALAMPI: Ms. Hadjiyannis, we're</p> <p>19 going to mark the slides as O-2.</p> <p>20 MS. HADJIYANNIS: Thank you.</p> <p>21 MR. ALAMPI: I have it as 11 slides.</p> <p>22 MS. HADJIYANNIS: Okay. Thank you.</p> <p>23 (Whereupon, Exhibit O-2 is marked for</p> <p>24 identification.)</p> <p>25 MR. ALAMPI: You said that that had been</p> <p style="text-align: center;">PRECISION REPORTING SERVICE (908) 642-4299</p>	<p style="text-align: right;">171</p> <p>1 MR. WEISSMAN: I'm sorry, my apologies.</p> <p>2 A. So this is -- they do some historical</p> <p>3 maps. This is one of their studies that they did</p> <p>4 about the history of the neighborhood, of the city.</p> <p>5 So all I'm doing here is just showing</p> <p>6 you that Mountain Road used to go all the way</p> <p>7 through, behind Ogden. So, obviously, people in</p> <p>8 the Heights, kind of, know this, but what happens</p> <p>9 is Mountain Road, as I've highlighted, used to go</p> <p>10 all the way down, and you used to be able to drive</p> <p>11 all the way through, and then connect to Mountain</p> <p>12 Road to go down. So that's how that was.</p> <p>13 Historically, it was always designed that. That's,</p> <p>14 obviously, right on that edge of the cliff there.</p> <p>15 CHAIRMAN LANGSTON: And what are those</p> <p>16 cross streets? I'm sorry, my mic was off. What are</p> <p>17 those cross streets?</p> <p>18 MR. WEISSMAN: That's Griffith, and then</p> <p>19 that goes down to Franklin.</p> <p>20 MR. WARD: Let's just mark this as O-3.</p> <p>21 It's a four -- is this -- how many pages is this,</p> <p>22 154? What am I looking at here?</p> <p>23 MR. WEISSMAN: I have four pages.</p> <p>24 MR. WARD: Oh, the screenshot --</p> <p>25 MR. ALAMPI: It says 116 (sic) of 154.</p> <p style="text-align: center;">PRECISION REPORTING SERVICE (908) 642-4299</p>
<p style="text-align: right;">170</p> <p>1 submitted prior to --</p> <p>2 MS. HADJIYANNIS: Prior to November</p> <p>3 28th.</p> <p>4 MR. ALAMPI: And we will need a digital</p> <p>5 copy of O-1 as well.</p> <p>6 CHAIRMAN LANGSTON: And, Matt, in the</p> <p>7 event we don't reach a decision tonight, and we end</p> <p>8 up carrying this, can we get all of these exhibits up</p> <p>9 on the portal?</p> <p>10 MR. WARD: I will request them and try</p> <p>11 to get them up.</p> <p>12 MR. WEISSMAN: Sorry, we're having a</p> <p>13 little technical difficulty.</p> <p>14 (Whereupon, there is a brief pause in</p> <p>15 the proceeding.)</p> <p>16 MR. WEISSMAN: You can see? You're</p> <p>17 good?</p> <p>18 CHAIRMAN LANGSTON: Yes.</p> <p>19 A. So this is a historical -- there was a</p> <p>20 report called Washington Village. This was</p> <p>21 called -- basically, historical society -- Hudson</p> <p>22 City Historical Society. They basically showed</p> <p>23 these maps --</p> <p>24 COMMISSIONER TORRES: Excuse me, can you</p> <p>25 try to speak into that mic?</p> <p style="text-align: center;">PRECISION REPORTING SERVICE (908) 642-4299</p>	<p style="text-align: right;">172</p> <p>1 MR. WARD: Oh, okay. Four pages.</p> <p>2 (Whereupon, Exhibit O-3 is marked for</p> <p>3 identification.)</p> <p>4 COMMISSIONER TORRES: Griffith is on the</p> <p>5 left side of the screen? Griffith is on the left</p> <p>6 side of the screen?</p> <p>7 MR. WEISSMAN: Griffith is -- as I'm</p> <p>8 looking at it, it's on the right, and then Franklin's</p> <p>9 on the left.</p> <p>10 COMMISSIONER TORRES: Franklin's on the</p> <p>11 left. Okay.</p> <p>12 MR. WEISSMAN: Yeah, as I'm looking at</p> <p>13 it.</p> <p>14 MR. ALAMPI: So, Mr. Weissman, where did</p> <p>15 this map come from, and do we have a circa date?</p> <p>16 MR. WEISSMAN: So I included the -- you</p> <p>17 know, the link to it in the URL. So it was the</p> <p>18 Washington Village report, and that was basically by</p> <p>19 the Hudson City Historical Society, and this was</p> <p>20 published on the internet in 2014.</p> <p>21 MR. ALAMPI: And do you have any idea</p> <p>22 when this map is from, any -- 1910? 1920? 1860? Any</p> <p>23 idea?</p> <p>24 MR. WEISSMAN: No, I don't know the</p> <p>25 exact date of this map, but I know that road was</p> <p style="text-align: center;">PRECISION REPORTING SERVICE (908) 642-4299</p>

<p style="text-align: center;">173</p> <p>1 driven even in the '80s, people used to drive</p> <p>2 Mountain Road.</p> <p>3 CHAIRMAN LANGSTON: '90s, I even think.</p> <p>4 MR. WEISSMAN: What's that?</p> <p>5 CHAIRMAN LANGSTON: That went into the</p> <p>6 '90s, didn't it?</p> <p>7 MR. WEISSMAN: Yeah, I'm not sure the</p> <p>8 exact date. It was definitely -- I know people on</p> <p>9 Ogden used to drive down that in the '80s. But yeah,</p> <p>10 I'm sorry, I can't give you the exact date of when</p> <p>11 the map's from.</p> <p>12 Are we good to move on?</p> <p>13 MR. ALAMPI: Yes.</p> <p>14 CHAIRMAN LANGSTON: Sure, go ahead.</p> <p>15 A. So this shows behind 242 Ogden. You</p> <p>16 asked me to be specific, so that's between Griffith</p> <p>17 and Franklin. So this actually represents where</p> <p>18 that road used to be. You see a car -- it's</p> <p>19 actually nice that a car parked there for me, so I</p> <p>20 can show you that they were driving. You used to</p> <p>21 be able to drive right through right?</p> <p>22 So what happened was, apparently</p> <p>23 sometime in the '80s, there was a -- or the early</p> <p>24 '90s, there was a collapse there. It took about --</p> <p>25 so I went out there, I took this picture. I also,</p> <p style="text-align: center;">PRECISION REPORTING SERVICE (908) 642-4299</p>	<p style="text-align: center;">175</p> <p>1 backed up a little bit, just to show you that there</p> <p>2 is -- it then -- where the collapse happened, and</p> <p>3 then it widens back out again. So the collapse, kind</p> <p>4 of, took that road with it.</p> <p>5 And then, I'll show you what happens</p> <p>6 when you look south. Now, you get blocked. Right?</p> <p>7 Because they can't, obviously, allow anyone to go</p> <p>8 through there anymore. So it was just blocked off.</p> <p>9 So, basically, that historic -- that -- and this site</p> <p>10 is about a thousand feet away from, you know, the</p> <p>11 proposed site.</p> <p>12 I'm only representing this to show that</p> <p>13 collapses like this can happen, they can happen</p> <p>14 without warning, and they can happen on previously</p> <p>15 constructed -- you know, like, this was a Jersey City</p> <p>16 road, this was -- you know, this was an official road</p> <p>17 of Jersey City that then suffered a catastrophic</p> <p>18 collapse.</p> <p>19 It is important to understand that part</p> <p>20 of when the PPOD was put in place by -- you know,</p> <p>21 by -- on the advocacy of the RNA, we did ask for a</p> <p>22 buffer. Right? Because we wanted to make sure that</p> <p>23 development -- new development wasn't put right up</p> <p>24 against the cliff. It's very important. So from a</p> <p>25 public safety standpoint, it's really important</p> <p style="text-align: center;">PRECISION REPORTING SERVICE (908) 642-4299</p>
<p style="text-align: center;">174</p> <p>1 kind of, measured from the existing road, and all</p> <p>2 of this in -- this indented fencing that was put in</p> <p>3 by Jersey City. It's about 35 feet of roadway that</p> <p>4 was washed away with that collapse. You know,</p> <p>5 that's all -- if you look at it, you look over and</p> <p>6 you see rock there on either side, this whole</p> <p>7 portion just collapsed out.</p> <p>8 So just showing you just another image</p> <p>9 of that --</p> <p>10 CHAIRMAN LANGSTON: Before we move on,</p> <p>11 that's looking, what, north?</p> <p>12 MR. WEISSMAN: Yeah, that's looking</p> <p>13 north.</p> <p>14 CHAIRMAN LANGSTON: And that's from?</p> <p>15 MR. WEISSMAN: So I'm behind 242 Ogden</p> <p>16 and I'm looking north; so I'm looking toward</p> <p>17 Griffith.</p> <p>18 CHAIRMAN LANGSTON: Okay.</p> <p>19 MR. WEISSMAN: That make sense? So I'm</p> <p>20 basically right on the edge there --</p> <p>21 CHAIRMAN LANGSTON: But you're not --</p> <p>22 that doesn't go all the way through to Franklin.</p> <p>23 Correct?</p> <p>24 MR. WEISSMAN: Well, I'm going to show</p> <p>25 you. So what happens is, you're going to see I</p> <p style="text-align: center;">PRECISION REPORTING SERVICE (908) 642-4299</p>	<p style="text-align: center;">176</p> <p>1 that -- so I'm not even saying zoning, I'm saying</p> <p>2 public safety -- we really want to keep this back</p> <p>3 from the cliff, because we've seen catastrophic</p> <p>4 collapses like this.</p> <p>5 And I think that'll conclude my</p> <p>6 testimony.</p> <p>7 MS. HADJIYANNIS: Okay.</p> <p>8 CHAIRMAN LANGSTON: Mr. Harrington, do</p> <p>9 you want to cross-examine? Anything?</p> <p>10 MR. HARRINGTON: Just real quick.</p> <p>11 CROSS-EXAMINATION</p> <p>12 BY MR. HARRINGTON:</p> <p>13 Q. I mean, Kern, you pointed that there's</p> <p>14 been changes --</p> <p>15 PUBLIC SPEAKER: Can you speak into the</p> <p>16 mic?</p> <p>17 MR. HARRINGTON: I'm sorry, I got to get</p> <p>18 used to that.</p> <p>19 BY MR. HARRINGTON:</p> <p>20 Q. You referenced about the changes to the</p> <p>21 plans over the years, and it's -- we can agree,</p> <p>22 right, it's common that changes are made after</p> <p>23 meeting with your group, whether good, better,</p> <p>24 indifferent?</p> <p>25 MR. WEISSMAN: That's common. I would</p> <p style="text-align: center;">PRECISION REPORTING SERVICE (908) 642-4299</p>

<p style="text-align: right;">177</p> <p>1 say that this -- this has come to significantly more</p> <p>2 changes than I've seen in some other plans. But yes,</p> <p>3 after meeting with our group, it is common for plans</p> <p>4 to change.</p> <p>5 Q. Okay. And our -- you referenced the</p> <p>6 milling and paving. Are you aware this that those</p> <p>7 are review agent comments that are typically -- not</p> <p>8 typically, but that would be addressed after any</p> <p>9 approval and during construction?</p> <p>10 A. I'll to take your word for it.</p> <p>11 Q. Okay. And the traffic study, there are</p> <p>12 a few typos there, but I don't know if you have the</p> <p>13 traffic study with you, but I can represent to you</p> <p>14 that, in the introduction, it refers to 14 dwelling</p> <p>15 units and 14 cars, and in the traffic table</p> <p>16 analysis, trip generation summary, that also refers</p> <p>17 to 14 units and 14 cars. Do you recollect that?</p> <p>18 A. I do, but in the summary, they also</p> <p>19 reference 12 cars.</p> <p>20 Q. Yes.</p> <p>21 A. And I know you're saying it's a typo,</p> <p>22 but it references 12 cars.</p> <p>23 Q. Okay. And 240 Ogden Avenue, again, you</p> <p>24 said that's about a thousand square feet away from</p> <p>25 the subject property?</p> <p style="text-align: center;">PRECISION REPORTING SERVICE (908) 642-4299</p>	<p style="text-align: right;">179</p> <p>1 Let it out.</p> <p>2 MR. WEISSMAN: We're good?</p> <p>3 CHAIRMAN LANGSTON: Thank you.</p> <p>4 Appreciate it.</p> <p>5 MR. HARRINGTON: Okay. We have one more</p> <p>6 quick witness, Roger Heitmann, who's on the board of</p> <p>7 Riverview Neighborhood Association, as distinct from</p> <p>8 its development committee.</p> <p>9 R O G E R H E I T M A N N, having been</p> <p>10 duly sworn, testified as follows:</p> <p>11 MR. HEITMANN: Heitmann is</p> <p>12 H-E-I-T-M-A-N-N.</p> <p>13 CHAIRMAN LANGSTON: And just for the</p> <p>14 board, once again, Mr. Heitmann is testifying as a</p> <p>15 fact witness; we're not qualifying him as an expert.</p> <p>16 I apologize, that's just the legal term we use.</p> <p>17 MR. HEITMANN: Quite all right.</p> <p>18 CHAIRMAN LANGSTON: Go ahead,</p> <p>19 Ms. Hadjiyannis.</p> <p>20 DIRECT EXAMINATION</p> <p>21 BY MS. HADJIYANNIS:</p> <p>22 Q. Mr. Heitmann, what would you like to</p> <p>23 say to the board?</p> <p>24 A. Well, I have a brief statement I'd</p> <p>25 like to read on behalf of RNA.</p> <p style="text-align: center;">PRECISION REPORTING SERVICE (908) 642-4299</p>
<p style="text-align: right;">178</p> <p>1 A. That's correct.</p> <p>2 Q. Okay.</p> <p>3 MR. HARRINGTON: That's all.</p> <p>4 CHAIRMAN LANGSTON: Okay. Thank you.</p> <p>5 MR. WEISSMAN: Thanks.</p> <p>6 CHAIRMAN LANGSTON: Thank you,</p> <p>7 Mr. Weissman.</p> <p>8 MR. WEISSMAN: Thank you.</p> <p>9 COMMISSIONER TORRES: Is that a thousand</p> <p>10 square feet or a thousand linear feet?</p> <p>11 MR. HARRINGTON: Did I say square feet?</p> <p>12 MR. ALAMPI: Say it into the mic.</p> <p>13 MR. HARRINGTON: It's a thousand feet.</p> <p>14 COMMISSIONER TORRES: A thousand feet</p> <p>15 away.</p> <p>16 MR. WEISSMAN: Yeah, I was agreeing that</p> <p>17 it was a thousand feet away from the site -- the</p> <p>18 proposed site, where the application is.</p> <p>19 MS. HADJIYANNIS: That's a good</p> <p>20 clarification.</p> <p>21 CHAIRMAN LANGSTON: I'm sorry, I didn't</p> <p>22 ask the board: Does anybody have anything for Kern?</p> <p>23 COMMISSIONER TORRES: No, I jumped in.</p> <p>24 I'm sorry.</p> <p>25 CHAIRMAN LANGSTON: That's all right.</p> <p style="text-align: center;">PRECISION REPORTING SERVICE (908) 642-4299</p>	<p style="text-align: right;">180</p> <p>1 Good evening. I'm speaking tonight on</p> <p>2 behalf of the Riverview Neighborhood Association.</p> <p>3 I'm the treasurer, and since I pay the bills, I</p> <p>4 know the substantial costs of continuing this fight</p> <p>5 against proposed 152 Ogden project. Our members</p> <p>6 and residents, thankfully, have spoken, because</p> <p>7 they've donated their own personal funds to</p> <p>8 continue to finance this opposition.</p> <p>9 I'm also an Ogden Avenue Cliffside</p> <p>10 resident for the past 35 years. Personally, I can</p> <p>11 testify that I live about 50 feet away from the</p> <p>12 location, which is about 1,000 feet north, that</p> <p>13 washed away back in the 1980s. It's worth noting</p> <p>14 that the city never attempted to repair or restore</p> <p>15 the washout, and erected a guardrail instead around</p> <p>16 that cliff section, which is -- to this day,</p> <p>17 remains dangerous and unstable. This is why we</p> <p>18 oppose the construction at the edge of the</p> <p>19 Palisades, which we feel is contrary to the</p> <p>20 Palisades Protection Overlay Ordinance, and</p> <p>21 potentially a risky construction.</p> <p>22 The proposed building is out of</p> <p>23 character and scale with other buildings in the</p> <p>24 neighborhood, at over 85 feet. Pullman's Hall,</p> <p>25 currently the tallest residential building, is only</p> <p style="text-align: center;">PRECISION REPORTING SERVICE (908) 642-4299</p>

<p style="text-align: right;">181</p> <p>1 50 feet. The proposed building will block light, 2 air, and view corridors to neighboring buildings. 3 Finally, we're concerned about the 4 safety of the driveway and the Ogden Avenue 5 crosswalk, which I understand has been partially 6 mitigated here, but we're concerned that will 7 trucks and emergency vehicles be able to turn onto 8 Wood Place? We don't know. We also don't know the 9 purpose of narrowing Ogden Avenue. 10 We hope that the planning board will 11 understand how opposed most residents are to the 12 project for these good reasons, and they uphold the 13 Palisades Protection ordinance, and preserve the 14 character of our neighborhood by voting no on this 15 application. 16 Thank you. 17 CHAIRMAN LANGSTON: Thank you. 18 Ms. Hadjiyannis, anything? 19 MS. HADJIYANNIS: Okay. I think that 20 concludes. 21 CHAIRMAN LANGSTON: Mr. Harrington, do 22 you have any cross-examination? 23 MR. HARRINGTON: No, I do not. 24 CHAIRMAN LANGSTON: Thank you. 25 MR. HARRINGTON: That concludes our PRECISION REPORTING SERVICE (908) 642-4299</p>	<p style="text-align: right;">183</p> <p>1 which I suspect is the position that you and your 2 representatives have put forth here tonight. 3 MS. HADJIYANNIS: Yeah, I mean, I don't 4 have a membership roster, so I'm not sure who's -- 5 CHAIRMAN LANGSTON: I don't, either. 6 MS. HADJIYANNIS: -- from RNA and who's 7 not. 8 CHAIRMAN LANGSTON: Well, obviously, 9 we'll just ask that question under oath. 10 COMMISSIONER CRUZ: Yep. 11 COMMISSIONER TORRES: Is the -- we have 12 the chairman and the treasurer here. They don't know 13 who's on their committee, or no? 14 CHAIRMAN LANGSTON: I don't want to put 15 the onus on them. We'll ask everybody that comes up 16 from the public under oath. 17 COMMISSIONER TORRES: Okay. We brought 18 this up with other groups before -- 19 CHAIRMAN LANGSTON: Obviously. 20 COMMISSIONER TORRES: -- and I like to 21 be consistent, when we've brought it up with other 22 groups before. 23 CHAIRMAN LANGSTON: And the way we 24 handled it back then is I asked everybody who came up 25 to the microphone, or if it was online, I asked PRECISION REPORTING SERVICE (908) 642-4299</p>
<p style="text-align: right;">182</p> <p>1 presentation. Thank you for -- 2 CHAIRMAN LANGSTON: Okay. And we'll 3 allow you a closing statement after Mr. Harrington's 4 of course. 5 MS. HADJIYANNIS: Oh, sure. 6 MR. ALAMPI: She would go first. 7 CHAIRMAN LANGSTON: Ms. Hadjiyannis, I 8 apologize, we'll offer you a closing statement first. 9 MR. HARRINGTON: Are there any other 10 public? Just procedurally. 11 MR. ALAMPI: Well, so we do have to open 12 it to the public. Ms. Hadjiyannis is going to give a 13 closing before Mr. Harrington. So, Chairman, if you 14 would like to open to the public, then let 15 Ms. Hadjiyannis give her closing, and then we'll hear 16 from Mr. Harrington, that's the proper order to do it 17 in. 18 I think that we need to caution 19 everybody, obviously, Ms. Hadjiyannis represents the 20 association. We just heard from your representative 21 who voiced his concerns on behalf of the association. 22 So I see a large number of people in the public; I 23 suspect that they are members of your organization, 24 Ms. Hadjiyannis. So they do not all get the 25 opportunity to come up and repeat their position, PRECISION REPORTING SERVICE (908) 642-4299</p>	<p style="text-align: right;">184</p> <p>1 everybody online. Remember online, when we were 2 online? Remember way back? 3 Okay. So, at this point, let's open it 4 up for public comment. If anybody's here from the 5 public that wants to comment -- 6 MR. BRUNETTI: Yes, my name is Vito 7 Brunetti -- 8 CHAIRMAN LANGSTON: We do -- sir, we 9 need to swear in. We're going to give you three 10 minutes. And if you could, speak slowly, so Mike can 11 get everything you say on record. 12 V I T O B R U N E T T I, having been 13 duly sworn, testified as follows: 14 MR. BRUNETTI: Vito Brunetti, Cedar 15 Avenue, Hackensack, New Jersey. 16 I'm -- 17 CHAIRMAN LANGSTON: So, Mr. Brunetti, 18 obviously, you're not -- 19 MR. BRUNETTI: I am. 20 CHAIRMAN LANGSTON: You don't live in 21 the Heights, or you live in the Heights, or you 22 previously -- 23 MR. BRUNETTI: I lived on Ogden Avenue, 24 probably about a thousand feet from the sink hole 25 that Roger discussed. I'm a -- one of the founders PRECISION REPORTING SERVICE (908) 642-4299</p>

<p style="text-align: right;">185</p> <p>1 of RNA from 1983. I was instrumental in the</p> <p>2 development with RNA for the PPOD, worked with Robert</p> <p>3 Cotter, who I'm sure you're all aware of.</p> <p>4 CHAIRMAN LANGSTON: We've met.</p> <p>5 MR. BRUNETTI: To make sure that that</p> <p>6 was passed and put into the ordinance. So I have</p> <p>7 history and I would like to make my statement.</p> <p>8 CHAIRMAN LANGSTON: Are you a current</p> <p>9 member of the RNA or are you not?</p> <p>10 MR. BRUNETTI: I am -- what did they</p> <p>11 call Nancy Pelosi? A member emeritus.</p> <p>12 CHAIRMAN LANGSTON: Emeritus? Okay.</p> <p>13 Perfect. Go ahead, then.</p> <p>14 MR. BRUNETTI: Okay. I have rewritten</p> <p>15 my statement, but I wanted to make some quick</p> <p>16 comments.</p> <p>17 As to the architect, what his testimony</p> <p>18 was, he never really said whether they adhered to</p> <p>19 345-62 of the residential design standard. And I'm</p> <p>20 not going to read it, I don't have the time, but it</p> <p>21 does include the word "shall." It's not a, well, I</p> <p>22 think we will apply that standard, it's a shall apply</p> <p>23 that standard. The only thing he said was that he</p> <p>24 patronizingly stated that he tried to match the color</p> <p>25 tone of the two surrounding buildings on either side</p> <p style="text-align: center;">PRECISION REPORTING SERVICE (908) 642-4299</p>	<p style="text-align: right;">187</p> <p>1 interpretation of the testimony and the plans on.</p> <p>2 Also, I'm an attorney -- well, I</p> <p>3 recently retired. But I want to say something before</p> <p>4 it may be mentioned by the developer's attorney: The</p> <p>5 expert did not give a net opinion. A net opinion is</p> <p>6 based purely on opinion with no basis and no fact.</p> <p>7 This expert, RNA's expert, reviewed the reports,</p> <p>8 looked at the drawings, based his interpretation of</p> <p>9 the Jersey City zoning, specifically the groundwater,</p> <p>10 the PPOD, which is an official part of the statute,</p> <p>11 and also brought in to the -- into this discussion</p> <p>12 that there is a state NJ DEP standard that we have to</p> <p>13 look at.</p> <p>14 CHAIRMAN LANGSTON: And that's --</p> <p>15 MR. BRUNETTI: The court is aware of it,</p> <p>16 I'm not going to bring it to the mess of it, but</p> <p>17 there's a prerogative writ appeal in the superior</p> <p>18 court of the board of adjustment --</p> <p>19 CHAIRMAN LANGSTON: Thank you, sir, that</p> <p>20 is your time. I apologize, that's your time.</p> <p>21 Anybody else from public, if you'd like</p> <p>22 to comment, please come on up.</p> <p>23 MR. BRUNETTI: If not, I'll wait until</p> <p>24 someone gives me back my time.</p> <p>25 CHAIRMAN LANGSTON: I'm sorry, you have</p> <p style="text-align: center;">PRECISION REPORTING SERVICE (908) 642-4299</p>
<p style="text-align: right;">186</p> <p>1 of the project.</p> <p>2 He mentioned multiple times that this is</p> <p>3 a great mass development, it's going to have an</p> <p>4 important and a great impact, and it's unique in the</p> <p>5 neighborhood. Yes, it's an R-3 Zone, but it's a spot</p> <p>6 zoned. If the rest of the neighborhood is looked at,</p> <p>7 it's mainly R-1, I think, now, meaning one- and</p> <p>8 two-family housing. So this is definitely going to</p> <p>9 be out of design, and it's inappropriate pursuant to</p> <p>10 345-62. The closest is Pullman Hall, which was built</p> <p>11 in the 1800s, and that's literally only 45 --</p> <p>12 about -- well, it's double the size, this new</p> <p>13 project.</p> <p>14 The rebuttable -- the rebuttal by the</p> <p>15 engineer, when he was asked by the developer's</p> <p>16 attorney, he did not contest any of the facts of our</p> <p>17 engineer and our expert witness. All he admitted was</p> <p>18 that there is no discussion, they're waiting for a</p> <p>19 decision from the Jersey City MUA. So for anybody to</p> <p>20 be able to say it's a major and minor is really</p> <p>21 irrelevant, because there hasn't been a decision by</p> <p>22 the city. And therefore, I think, with all due</p> <p>23 respect, a decision by the planning board, at this</p> <p>24 point, is premature, because we don't know whether</p> <p>25 there is a decision that you can base your</p> <p style="text-align: center;">PRECISION REPORTING SERVICE (908) 642-4299</p>	<p style="text-align: right;">188</p> <p>1 three minutes, sir, you can only --</p> <p>2 C A R O L I N E K A T Z M O U N T,</p> <p>3 having been duly sworn, testified as follows:</p> <p>4 MS. KATZ MOUNT: Caroline Katz Mount, my</p> <p>5 home address is 74 Sherman Place, Jersey City.</p> <p>6 CHAIRMAN LANGSTON: Good evening. We</p> <p>7 have three minutes for you.</p> <p>8 MS. KATZ MOUNT: Yes, I'll be even</p> <p>9 quicker.</p> <p>10 I've lived in Jersey City since the</p> <p>11 early '90s, and one of the great joys that I've had</p> <p>12 here is working with different neighborhood</p> <p>13 associations. I'm with the Pershing Field</p> <p>14 Association, and we've worked closely with Riverview.</p> <p>15 And a few of us are here tonight because</p> <p>16 we share the concerns that have been presented to you</p> <p>17 by Riverview. We share their -- their dedication to</p> <p>18 keep our community safe from -- whether -- you know,</p> <p>19 from all kinds of changes that have come here,</p> <p>20 whether it's from developers, or even now, with</p> <p>21 something much more serious, the -- what might happen</p> <p>22 with another -- you know, excuse me -- with another</p> <p>23 fall, or another destruction of part of the</p> <p>24 community, by having houses that are not appropriate.</p> <p>25 And we've seen developers come in when we've had</p> <p style="text-align: center;">PRECISION REPORTING SERVICE (908) 642-4299</p>

<p style="text-align: right;">189</p> <p>1 meetings, where they've wanted to destroy group --</p> <p>2 where they've wanted to destroy homes that have been</p> <p>3 in this city for a long time, and homes that are</p> <p>4 livable for people who are not wealthy, who are not</p> <p>5 going to buy condominiums, but who add a great deal</p> <p>6 to our city and to our communities.</p> <p>7 And I am just here because I wanted to</p> <p>8 support the great work that Riverview is doing, and</p> <p>9 to hope that you'll recognize the importance of the</p> <p>10 reasons that they've come to you to support -- to</p> <p>11 support their work, and to deny the application from</p> <p>12 the organization over here.</p> <p>13 Thank you.</p> <p>14 CHAIRMAN LANGSTON: Thank you. We</p> <p>15 appreciate it.</p> <p>16 Okay. Anybody else, please come on up.</p> <p>17 K A T E D O N N E L L Y, having been</p> <p>18 duly sworn, testified as follows:</p> <p>19 MS. DONNELLY: Kate Donnelly, 206 Ogden</p> <p>20 Avenue.</p> <p>21 PUBLIC SPEAKER: She's on the RNA.</p> <p>22 MS. DONNELLY: I am on RNA.</p> <p>23 MR. BRUNETTI: She's also a citizen of</p> <p>24 Jersey City.</p> <p>25 MS. DONNELLY: Exactly. And so, if</p> <p style="text-align: center;">PRECISION REPORTING SERVICE (908) 642-4299</p>	<p style="text-align: right;">191</p> <p>1 MR. ALAMPI: And having voted on the</p> <p>2 matter.</p> <p>3 MS. DONNELLY: And having voted on the</p> <p>4 matter, and then resigned.</p> <p>5 COMMISSIONER TORRES: Did she give</p> <p>6 her -- did you give your question to the lawyer</p> <p>7 earlier, when we requested that you --</p> <p>8 MS. DONNELLY: Yes, I did.</p> <p>9 COMMISSIONER TORRES: You did. So, now,</p> <p>10 you're going to get back up and repeat again? We</p> <p>11 don't allow --</p> <p>12 MS. DONNELLY: No, I --</p> <p>13 COMMISSIONER TORRES: We don't allow</p> <p>14 anybody to talk twice.</p> <p>15 MS. DONNELLY: You know what, I'm not</p> <p>16 helping the matter, so I'm -- but I do object. Thank</p> <p>17 you.</p> <p>18 MR. ALAMPI: Thank you, Ms. Donnelly.</p> <p>19 D A N B L I D N E R, having been duly</p> <p>20 sworn, testified as follows:</p> <p>21 MR. BLIDNER: My name is Dan Blidner,</p> <p>22 D-A-N, B-L-I-D-N-E-R. My address is 140 Ogden</p> <p>23 Avenue, Jersey City, New Jersey, right in the</p> <p>24 Heights, right next door to this planned</p> <p>25 construction.</p> <p style="text-align: center;">PRECISION REPORTING SERVICE (908) 642-4299</p>
<p style="text-align: right;">190</p> <p>1 you're not going to let me enter something into the</p> <p>2 record, then I would like to object to that.</p> <p>3 CHAIRMAN LANGSTON: Okay. Ms. Donnelly,</p> <p>4 obviously, you are a member of the RNA.</p> <p>5 MS. DONNELLY: Yes.</p> <p>6 CHAIRMAN LANGSTON: Just for the record,</p> <p>7 we have to say it: You're also a member of the</p> <p>8 zoning board that --</p> <p>9 MS. DONNELLY: I was, and I resigned.</p> <p>10 CHAIRMAN LANGSTON: But you did vote on</p> <p>11 this case earlier.</p> <p>12 MS. DONNELLY: Yes, I did.</p> <p>13 CHAIRMAN LANGSTON: I just want to get</p> <p>14 it out in the open.</p> <p>15 MS. DONNELLY: Yes, absolutely.</p> <p>16 CHAIRMAN LANGSTON: I'm not deciding</p> <p>17 anything right now, I just want to get it out in the</p> <p>18 open.</p> <p>19 MR. HARRINGTON: For the record, then,</p> <p>20 Ms. Donnelly was a sitting member on the zoning board</p> <p>21 when that application was before it, and she decided</p> <p>22 on it. So I would object to her testimony, because I</p> <p>23 think it's inappropriate that she, as a sitting</p> <p>24 member of the zoning, now appear before the planning</p> <p>25 board.</p> <p style="text-align: center;">PRECISION REPORTING SERVICE (908) 642-4299</p>	<p style="text-align: right;">192</p> <p>1 CHAIRMAN LANGSTON: And Mr. Blidner,</p> <p>2 before you start, we have three minutes for you. But</p> <p>3 are you a member of the RNA?</p> <p>4 MR. BLIDNER: I am not a member of the</p> <p>5 RNA.</p> <p>6 CHAIRMAN LANGSTON: Okay. Go ahead,</p> <p>7 sir.</p> <p>8 MR. BLIDNER: I'm big fans of their work</p> <p>9 and the community; I am not a member.</p> <p>10 I want to thank the board for your</p> <p>11 tireless efforts and all your hard work. This is not</p> <p>12 easy. It's my first meeting like this.</p> <p>13 CHAIRMAN LANGSTON: Come back anytime.</p> <p>14 MR. BLIDNER: We'll see.</p> <p>15 But I have something to read. I have</p> <p>16 lived there for 12 years; I live there with my</p> <p>17 girlfriend, who's lived there for eight years. We've</p> <p>18 seen the community thrive and grow around us, and we</p> <p>19 don't feel that this development is in keeping with</p> <p>20 our community and with the neighborhood.</p> <p>21 So with that, I want to echo the</p> <p>22 concerns and challenges that have been raised thus</p> <p>23 far by my neighbors and community members. I want to</p> <p>24 reiterate what many others have mentioned. The</p> <p>25 number one concern here, really, is around safety.</p> <p style="text-align: center;">PRECISION REPORTING SERVICE (908) 642-4299</p>

<p style="text-align: right;">193</p> <p>1 This project does not seem to be a safe one. It</p> <p>2 seems to be unprecedented, and based on the planning</p> <p>3 that I've seen, fairly incomplete, in terms of its</p> <p>4 threshold for the safety concerns of the</p> <p>5 neighborhood. I think that we need to be concerned</p> <p>6 about this instability and any unforeseen challenges</p> <p>7 that could arise, that could cause grave injury to</p> <p>8 myself, my neighbors, my community.</p> <p>9 This is a great community. We have a</p> <p>10 number of members out today. I don't know if the</p> <p>11 board recalls, but upon the online version of these</p> <p>12 meetings, we had well over 100 people in attendance</p> <p>13 for this. This matter is something that the</p> <p>14 community does take very seriously.</p> <p>15 And we would ask the board to please</p> <p>16 deny this application, as we do not think it is in</p> <p>17 keeping with the aesthetic, the feel, and the</p> <p>18 community that we have worked so hard over the past</p> <p>19 decade to create.</p> <p>20 That's all I have.</p> <p>21 CHAIRMAN LANGSTON: Thank you, we</p> <p>22 appreciate your time.</p> <p>23 MR. BLIDNER: Thank you guys.</p> <p>24 CHAIRMAN LANGSTON: Okay. Anybody else,</p> <p>25 please come on up. It's nice to actually see people</p> <p style="text-align: center;">PRECISION REPORTING SERVICE (908) 642-4299</p>	<p style="text-align: right;">195</p> <p>1 facility, which certainly wouldn't be appropriate if</p> <p>2 that was placed on Ogden Avenue. So why should this</p> <p>3 one property be the only eight-story building on</p> <p>4 Ogden Avenue? It just does not seem compatible with</p> <p>5 the neighborhood.</p> <p>6 I'll also echo all the safety concerns</p> <p>7 that have been brought up through the meetings. So I</p> <p>8 don't need to repeat all that, but I will add, just,</p> <p>9 you know, an observation of being someone who lives</p> <p>10 right there, who lives right adjacent to the</p> <p>11 property, my parking space is right on the property</p> <p>12 line, at the very edge of the cliff looking down into</p> <p>13 Hoboken, there's a very large tree that's on the edge</p> <p>14 of that property, that's not -- you know, it's not</p> <p>15 represented on any of the diagrams that focused more</p> <p>16 on the ground, right, but there's a very large tree</p> <p>17 that's right at the edge of where they want to build,</p> <p>18 that I can't imagine that that tree is still going to</p> <p>19 be there after the development. And what does that</p> <p>20 do to the concerns of, you know, the stability of the</p> <p>21 ground, whether or not that soil is going to give</p> <p>22 way, and then what that's going to do, you know, to</p> <p>23 where I live, directly opposite where all that</p> <p>24 construction and all that disturbance of the ground</p> <p>25 is going to happen.</p> <p style="text-align: center;">PRECISION REPORTING SERVICE (908) 642-4299</p>
<p style="text-align: right;">194</p> <p>1 speaking in front of us again. This is great.</p> <p>2 J E F F R E Y B U D N E Y, having been</p> <p>3 duly sworn, testified as follows:</p> <p>4 MR. BUDNEY: Jeffrey, with a J, Budney,</p> <p>5 B-U-D-N-E-Y, 140 Ogden Avenue, Apartment 1R, I'm</p> <p>6 across the hallway from Dan.</p> <p>7 CHAIRMAN LANGSTON: And Mr. Budney, are</p> <p>8 you a member of RNA?</p> <p>9 MR. BUDNEY: I am not.</p> <p>10 CHAIRMAN LANGSTON: Okay. Thank you,</p> <p>11 sir.</p> <p>12 MR. BUDNEY: Just, again, thank you for</p> <p>13 the time. I'm here tonight on behalf of myself, my</p> <p>14 wife, my five-year-old son, and my one-year-old</p> <p>15 daughter, who live at the address at 140 Ogden.</p> <p>16 I'll say, first, from reviewing all the</p> <p>17 information that's been presented over a number of</p> <p>18 meetings, I don't find that this development is</p> <p>19 compatible with the neighborhood, based on planning</p> <p>20 rules. The site may be zoned R-3, but the</p> <p>21 residential properties directly adjacent to where the</p> <p>22 actual building will be constructed are not R-3</p> <p>23 zoned. The property zoning seems to be more</p> <p>24 compatible with the commercial silent down the cliff</p> <p>25 to the east, which is an industrial recycling</p> <p style="text-align: center;">PRECISION REPORTING SERVICE (908) 642-4299</p>	<p style="text-align: right;">196</p> <p>1 Thank you.</p> <p>2 CHAIRMAN LANGSTON: Thank you. We</p> <p>3 appreciate it.</p> <p>4 M O N I Q U E H E R R E R A, having</p> <p>5 been duly sworn, testified as follows:</p> <p>6 MS. HERRERA: Monique Herrera,</p> <p>7 H-E-R-R-E-R-A, and I live at 118 Ogden Avenue.</p> <p>8 CHAIRMAN LANGSTON: Ms. Herrera, good</p> <p>9 evening. Are you a member of RNA?</p> <p>10 MS. HERRERA: No, I am not. Thank you.</p> <p>11 I appreciate it.</p> <p>12 CHAIRMAN LANGSTON: Okay. Go ahead, we</p> <p>13 have three minutes for you.</p> <p>14 MS. HERRERA: Okay. I live on Ogden</p> <p>15 Avenue now for 20 years, and I live there with my hub</p> <p>16 and two children. My oldest is visually impaired,</p> <p>17 and my concern is of safety. He is 15, and, you</p> <p>18 know, is learning to cross the streets, to be an</p> <p>19 independent and productive member of the community.</p> <p>20 He's learning how to get to the light rail, and we</p> <p>21 would have to pass this property on our way there.</p> <p>22 So my concern is that you're talking</p> <p>23 about two driveways next to each other that he has to</p> <p>24 navigate, in order to, let's say, get to the light</p> <p>25 rail. And the way that I'm visualizing it is,</p> <p style="text-align: center;">PRECISION REPORTING SERVICE (908) 642-4299</p>

<p style="text-align: right;">197</p> <p>1 basically, you know, you're having -- he's going to</p> <p>2 have to cross sidewalks with no traffic control, as</p> <p>3 if it -- as he's crossing a two-way street, that's</p> <p>4 how I'm visualizing it. You know, you have two</p> <p>5 parking lots side-by-side, that he has to, you know,</p> <p>6 cross -- where he isn't, really, even able to see,</p> <p>7 you know, the car that's closest to his right, but</p> <p>8 now he has to figure out the car that's coming on the</p> <p>9 other side of the driveway. So that's my concern, in</p> <p>10 terms of safety.</p> <p>11 Let me see what else?</p> <p>12 I don't -- I don't even -- I don't feel</p> <p>13 that that building belongs in that area. It's</p> <p>14 just -- it's going to stand out. It's not -- you</p> <p>15 know, it's not going to complement it. So it doesn't</p> <p>16 belong there.</p> <p>17 And, also, I'm concerned about my</p> <p>18 property. I know, in the years that we've been</p> <p>19 living there, I've seen -- you know, we've lost some</p> <p>20 dirt in the back, whether it's rain, or snow, or</p> <p>21 whatever is, you know, washing away some of the --</p> <p>22 you know, I know that I've seen it, and I know that,</p> <p>23 you know, it's been happening throughout the years.</p> <p>24 So I'm not sure what, you know, the impact of having</p> <p>25 this type of construction is going to have on my</p> <p style="text-align: center;">PRECISION REPORTING SERVICE (908) 642-4299</p>	<p style="text-align: right;">199</p> <p>1 light there, almost on a daily basis. The</p> <p>2 intersection is also of a rather tricky nature, due</p> <p>3 to the fact that Ravine and Wood Place intersect</p> <p>4 Palisade Avenue at slightly different points, and it</p> <p>5 doesn't create your traditional four corner</p> <p>6 crosswalk.</p> <p>7 I have concerns with the proposed</p> <p>8 project on Ogden, since Ogden is a rather narrow road</p> <p>9 and a one-way street nature. Wood Place is a one-way</p> <p>10 street, and Ferry is also a one way going into Ogden.</p> <p>11 So the narrow street, the large project, this is</p> <p>12 going to push a lot of traffic onto Palisades,</p> <p>13 potentially creating confusion for drivers. And with</p> <p>14 the proximity to the rather tricky intersection of</p> <p>15 Palisade Avenue and Wood Place, I would like the</p> <p>16 council to deny the application as is, as I don't</p> <p>17 believe that it's conforming to traffic safety, as</p> <p>18 well as the other testimony people have provided.</p> <p>19 Thank you.</p> <p>20 CHAIRMAN LANGSTON: Okay. Thank you.</p> <p>21 We appreciate it.</p> <p>22 J E N N I F E R S E G A L, having been</p> <p>23 duly sworn, testified as follows:</p> <p>24 MS. SEGAL: Jennifer Segal, S-E-G-A-L.</p> <p>25 CHAIRMAN LANGSTON: And your address,</p> <p style="text-align: center;">PRECISION REPORTING SERVICE (908) 642-4299</p>
<p style="text-align: right;">198</p> <p>1 property also.</p> <p>2 Thank you.</p> <p>3 CHAIRMAN LANGSTON: Okay. Thank you.</p> <p>4 We appreciate your time.</p> <p>5 C O U R T N E Y W A L K E R, having</p> <p>6 been duly sworn, testified as follows:</p> <p>7 MS. WALKER: My name is Courtney Walker,</p> <p>8 C-O-U-R-T-N-E-Y, last name Walker. I'm a resident of</p> <p>9 310 Palisade Avenue, Jersey City. It's right around</p> <p>10 the corner from 152 Ogden, so at the intersection of</p> <p>11 Ravine, and Palisade Avenue, and Wood Place as well.</p> <p>12 CHAIRMAN LANGSTON: Okay. So before you</p> <p>13 start your testimony, are you a member of RNA?</p> <p>14 MS. WALKER: No.</p> <p>15 CHAIRMAN LANGSTON: Okay. Thank you.</p> <p>16 You have three minutes.</p> <p>17 MS. WALKER: Mm-hmm.</p> <p>18 I just want to say I agree with prior</p> <p>19 statements made by members of the public regarding</p> <p>20 safety concerns and neighborhood fit.</p> <p>21 I'd also like to add some additional</p> <p>22 concerns around traffic safety. My building, being</p> <p>23 right by the traffic light on Palisade Avenue, Wood</p> <p>24 Place, and Ravine there, that particular intersection</p> <p>25 is rather busy, and I've seen many drivers run a red</p> <p style="text-align: center;">PRECISION REPORTING SERVICE (908) 642-4299</p>	<p style="text-align: right;">200</p> <p>1 Ms. Segal?</p> <p>2 MS. SEGAL: 310 Palisade Avenue.</p> <p>3 CHAIRMAN LANGSTON: And are you a member</p> <p>4 of RNA?</p> <p>5 MS. SEGAL: No, I'm not.</p> <p>6 CHAIRMAN LANGSTON: Thank you. We have</p> <p>7 three minutes for you.</p> <p>8 MS. SEGAL: So as I said, I live at 310</p> <p>9 Palisade Avenue; it's right around the corner from</p> <p>10 152 Ogden. I agree with the prior statements by</p> <p>11 members of the public regarding safety concerns and</p> <p>12 neighborhood fit. The proposed building is wildly</p> <p>13 out of character with the current neighborhood as is,</p> <p>14 it creates a dangerous precedent for our</p> <p>15 neighborhood, both in terms of the large build, the</p> <p>16 eight-floor building, and being so close to the cliff</p> <p>17 without that retaining wall. So I ask the council to</p> <p>18 please deny this application as is.</p> <p>19 Thank you.</p> <p>20 CHAIRMAN LANGSTON: Okay. Thank you.</p> <p>21 A L I C I A R O D G E R S, having been</p> <p>22 duly sworn, testified as follows:</p> <p>23 MS. RODGERS: Alicia, A-L-I-C-I-A,</p> <p>24 Rodgers, R-O-D-G-E-R-S, I live at 11 Jefferson</p> <p>25 Avenue.</p> <p style="text-align: center;">PRECISION REPORTING SERVICE (908) 642-4299</p>

<p style="text-align: center;">201</p> <p>1 CHAIRMAN LANGSTON: And, Ms. Rodgers,</p> <p>2 before you start, you are a member of RNA or not?</p> <p>3 MS. RODGERS: No.</p> <p>4 CHAIRMAN LANGSTON: And just for</p> <p>5 everyone's notice, it's 10:28 currently, we do have a</p> <p>6 hard stop at 10:30 tonight. We still have closing</p> <p>7 statements from both attorneys. So I don't see a</p> <p>8 decision being made tonight, but I just want to put</p> <p>9 it out there.</p> <p>10 Okay. You have three minutes.</p> <p>11 MS. RODGERS: While I don't live on</p> <p>12 Ogden, I walk pass this property daily. I live a</p> <p>13 quarter mile away, just off Palisades, where there's</p> <p>14 a proposal for a 10-story building. I know that a</p> <p>15 building of this height will set precedence for</p> <p>16 future builds in our neighborhood.</p> <p>17 Slide number one of the architect's deck</p> <p>18 for this property on Ogden does not reflect what the</p> <p>19 actual street and the buildings on the adjacent lots</p> <p>20 look like. It is being proposed as if it's in a</p> <p>21 well-spaced industrial area; in reality, this</p> <p>22 neighborhood has small one to three-story homes. The</p> <p>23 buildings on either side, while anomalies for the</p> <p>24 neighborhood in mass, they're still only about half</p> <p>25 the height of the proposed build. This building will</p> <p style="text-align: center;">PRECISION REPORTING SERVICE (908) 642-4299</p>	<p style="text-align: center;">203</p> <p>1 can I speak now?</p> <p>2 CHAIRMAN LANGSTON: Sure, go ahead.</p> <p>3 MS. WANG: Okay. So thank you, the</p> <p>4 board, and it's really an honor here to be here at</p> <p>5 the planning board meeting.</p> <p>6 And I really want to point out one</p> <p>7 perspective which I think hasn't been brought up yet,</p> <p>8 which is the future residents of this proposed</p> <p>9 building. So my partner and I have moved into</p> <p>10 Downtown Jersey City, and we're looking to move, as</p> <p>11 our lease are coming up in six months for renewal,</p> <p>12 and the Heights is a place that we are really</p> <p>13 considering to live. And right now, hearing today</p> <p>14 about the proposed project, especially seeing the</p> <p>15 architecture plan, we're really worrying about, if I</p> <p>16 hadn't been here, hadn't been politically connected</p> <p>17 and engaged with the zoning board meeting that led to</p> <p>18 this planning board, I would not have known the</p> <p>19 safety concerns that had been posed today; that is</p> <p>20 not shown in the architecture plan, and probably will</p> <p>21 not be shown in the future advertisements going out</p> <p>22 for renters or condominiums for potential home</p> <p>23 buyers.</p> <p>24 So as a potential future resident of the</p> <p>25 area and a current resident for Jersey City, I really</p> <p style="text-align: center;">PRECISION REPORTING SERVICE (908) 642-4299</p>
<p style="text-align: center;">202</p> <p>1 tower over and disrupt community life in this</p> <p>2 neighborhood as we know it in regards to</p> <p>3 construction, sunlight, traffic, and parking.</p> <p>4 I can't even begin to wrap my mind</p> <p>5 around the construction phase. Where the trucks and</p> <p>6 flat beds going to park? Already, the weekly</p> <p>7 Coca-Cola truck delivering to the assisted living</p> <p>8 building down the street creates a giant mortgage</p> <p>9 traffic jam. As a resident of the Heights, I ask the</p> <p>10 board and the city to really consider the impact of</p> <p>11 this traffic to the larger Heights community.</p> <p>12 Thank you.</p> <p>13 S O F I A W A N G, having been duly</p> <p>14 sworn, testified as follows:</p> <p>15 MS. WANG: My name is Sofia Wang,</p> <p>16 W-A-N-G, and I live at 25 Christopher Columbus Avenue</p> <p>17 in Downtown Jersey City. I'm testifying --</p> <p>18 CHAIRMAN LANGSTON: And Ms. Wang, before</p> <p>19 you start, obviously, you're not a member of the RNA</p> <p>20 being on Christopher Columbus.</p> <p>21 MS. WANG: I'm not a member of the RNA;</p> <p>22 I don't live in the area.</p> <p>23 CHAIRMAN LANGSTON: And we are at 10:30</p> <p>24 right now, this will be our last speaker tonight.</p> <p>25 MS. WANG: Okay. So I think there is --</p> <p style="text-align: center;">PRECISION REPORTING SERVICE (908) 642-4299</p>	<p style="text-align: center;">204</p> <p>1 ask the board to consider whether or not this is a</p> <p>2 really good safety -- safe place for future residents</p> <p>3 to live. I haven't seen this perspective brought up,</p> <p>4 and I think, like, it's very common that, like,</p> <p>5 future residents that haven't been in the area, they</p> <p>6 probably don't know about it, but I happened to be</p> <p>7 there and I want to bring this perspective out.</p> <p>8 I'm really concerned of the safety, and</p> <p>9 to be frank, I probably would have chosen to live</p> <p>10 there if I had not heard of the meeting, but given</p> <p>11 what had been discussed today, I would never live in</p> <p>12 this building after its proposed construction,</p> <p>13 because of the safety concerns.</p> <p>14 Thank you.</p> <p>15 CHAIRMAN LANGSTON: Okay. Thank you.</p> <p>16 We appreciate your time.</p> <p>17 So, obviously, we're going to continue</p> <p>18 on with public comment at the next meeting.</p> <p>19 Ms. Hadjiyannis, you'll have a closing</p> <p>20 statement. Mr. Harrington, you'll have a closing</p> <p>21 statement. And we'll hear from planning staff.</p> <p>22 So I'll entertain a motion to carry to a</p> <p>23 date certain February 6th, please.</p> <p>24 VICE CHAIRMAN GONZALEZ: Mr. Chair, I'd</p> <p>25 like to -- excuse me. Mr. Chair, I'd like to make a</p> <p style="text-align: center;">PRECISION REPORTING SERVICE (908) 642-4299</p>

1 motion to carry case P2023-0040 (sic) to a date
 2 certain of February 6th.
 3 COMMISSIONER GANGADIN: Second.
 4 CHAIRMAN LANGSTON: Okay. We have a
 5 motion made and seconded to carry. Can we have a
 6 roll call, please?
 7 MR. WARD: Vice Chair Dr. Gonzalez?
 8 VICE CHAIRMAN GONZALEZ: Aye.
 9 MR. WARD: Commissioner Gangadin?
 10 COMMISSIONER GANGADIN: Aye.
 11 MR. WARD: Commissioner Torres?
 12 COMMISSIONER TORRES: Aye.
 13 MR. WARD: Commissioner Cruz?
 14 COMMISSIONER CRUZ: Aye.
 15 MR. WARD: Chairman Langston?
 16 CHAIRMAN LANGSTON: Aye.
 17 MR. WARD: Motion carries on a motion to
 18 carry to the next meeting.
 19 (Whereupon, the hearing concluded at
 20 10:33 p.m.)
 21
 22
 23
 24
 25

PRECISION REPORTING SERVICE
 (908) 642-4299

C E R T I F I C A T E

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 4
 5 I, Michael Lombardozi, a Notary Public
 6 and Certified Court Reporter of the State of New
 7 Jersey, do hereby certify that the foregoing is a
 8 true and accurate transcript of the testimony as
 9 taken stenographically by and before me at the time,
 10 place, and on the date hereinbefore set forth.
 11 I do further certify that I am neither a
 12 relative nor employee nor attorney nor counsel of any
 13 of the parties to this action, and that I am neither
 14 a relative nor employee of such attorney or counsel
 15 and that I am not financially interested in this
 16 action.
 17
 18
 19 _____
 Michael Lombardozi,
 20 Certified Court Reporter, State of New Jersey
 CERT #: 30X100239700
 Date: 26 Jan 2024
 21
 22
 23
 24
 25

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