

1 COUNTY OF HUDSON
2 STATE OF NEW JERSEY
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3 In Re: APPLE VIEW, LLC
4 7009 & 7101 RIVER ROAD
5 NORTH BERGEN, NEW JERSEY 07047
6 CASE NO. 4-10

Applicant.

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June 24, 2010
7:10 p.m.

9
10 B E F O R E:
11 THE NORTH BERGEN PLANNING BOARD

12 PRESENT:

13 HARRY D. MAYO, III, Chairman
14 RICHARD LOCICCHIO, Member
15 SEBASTIAN ARNONE, Member
16 PATRICIA BARTOLI, Member
17 REHAB AWADALLAH, Alternate Member
18 MANUEL FERNANDEZ, Alternate Member

19
20 GITTLEMAN, MUHLSTOCK & CHEWCASKIE, ESQS.
21 Attorneys for the Planning Board
22 BY: Steven Muhlstock, Esq.

23 Geraldine Baker, Board Clerk
24 Jill Hartmann, Board Planner
25 Derek McGrath, Board Engineer

Reported by:
CELESTE A. GALBO, CCR, RPR, RMR

Celeste A. Galbo, CSR, RMR

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

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2
3 ALAMPI & DeMARRAIS
4 Attorneys for the Applicant
5 1 University Plaza
6 Hackensack, New Jersey 07601
7 BY: Carmine R. Alampi, Esq.
8
9 BEATTIE PADAVANO, LLC
10 Attorneys for Galaxy Towers Condominium
11 Association, Inc.
12 50 Chestnut Ridge Road
13 Montvale, New Jersey 07645
14 BY: JOHN J. LAMB, ESQ.
15
16 MARIA GESUALDI, ESQ.
17 Attorney for the Township of Guttenberg
18 6806 Bergenline Avenue
19 Guttenberg, New Jersey 07093
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1 THE CHAIRMAN: Meeting is called to
2 order. Pursuant to the Open Public Meetings Act
3 please be advised that notice of this special

4 meeting was faxed to the "Journal/Dispatch" and
5 "Bergen Record" on June 2nd, 2010 advising that
6 the North Bergen Planning Board would hold a
7 special meeting on June 24, 2010 at 7 p.m. in the
8 municipal building located at 4233 Kennedy
9 Boulevard, North Bergen, New Jersey 07047. Board
10 members, attorneys and applicants were mailed
11 notices on that date and a copy of this notice
12 was posted on the bulletin board in the lobby of
13 the municipal building for public inspection.

14 Gerry, please call the roll.

15 (Whereupon roll call is taken and
16 Vice Chairman George Ahto and Member Robert
17 Baselice are absent.

18 THE CHAIRMAN: Okay, Case No.
19 4-10 7009 to 7101 River Road.

20 MR. ALAMPI: Thank you,
21 Mr. Chairman. My name is Carmine Alampi,
22 A-L-A-M-P-I. I'm with the firm of Alampi &
23 Demarrais in Hackensack and I am the
24 representative attorney of the owner of the
25 property who is also the applicant, Apple View

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1 LLC, limited liability company. Apple View, LLC
2 is a company own by Mr. Carmello Spoletti in the
3 second row along with his wife and family
4 members.

5 MR. MUHLSTOCK: Mr. Alampi, before

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6 you start, let me just indicate for the record
7 that you have handed up your proof of
8 publications in the newspapers, in the "Jersey
9 Journal" on June 14 and in "The Record" on June
10 10. I reviewed the form of the letter given to
11 200 foot owners, everything appears to be in
12 order, you've provided the green cards. And
13 based on that, Mr. Chairman, the board does have
14 jurisdiction to hear the matter.

15 THE CHAIRMAN: Thank you, counselor.

16 MR. ALAMPI: Thank you, Chairman.
17 Thank you, Mr. Muhlstock.

18 As indicated, we did provide the
19 notice to the property owners within 200 feet.
20 We gave individual notice to all the condominium
21 unit owners of townhouses and what we call
22 lateral development. We have, of course,
23 provided notice to the Galaxy Towers Association
24 and I guess, Mr. Lamb, I just want to note his
25 appearance.

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1 MR. LAMB: When you're done I'll --

2 MR. ALAMPI: Say who you are.

3 MR. LAMB: John J. Lamb from the law
4 firm of Beattie Padavano, 50 Chestnut Ridge Road,
5 Montvale. We represent the Galaxy Towers
6 Condominium Association, Inc.

7 MR. ALAMPI: Thank you, John. And
8 Chairman, along with the notification publication
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9 we have filed this application which seeks to
10 develop the property in the P-2 multi-family high
11 density development zone with a residential
12 development of 60 dwelling units. This is a
13 five-story building containing 60 residential
14 apartment units located on the property proper
15 with surface parking.

16 We'll have testimony in this
17 presentation from the site engineer, the project
18 architect, the traffic consultant and then
19 ultimately we have the testimony of the
20 professional planning consultant since we did
21 implicate two variances from your zoning code.
22 Although this is a permitted use and it's the
23 type of development that is contemplated by the
24 zoning, and far below the height and the density
25 as required -- as permitted in the zone, the

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1 property is 2.3 acres, and you have in your
2 ordinance a requirement that a minimum lot size
3 be five acres. So that is the primary relief
4 that we are seeking.

5 And secondarily, the building
6 coverage that's permitted we are exceeding the
7 building coverage by a view percent. So that is
8 the second variance. These are what we call the
9 bulk variances or C type variances. The
10 application is proceeding before this planning

11 board because it is a site plan review, a major
12 site plan review along with the bulk variances.
13 Thank you.

14 THE CHAIRMAN: All right. Thank
15 you. Do you want to put your appearance on the
16 record?

17 MS. GESUALDI: Maria Gesualdi,
18 G-E-S-U-A-L-D-I. Good evening, I appear before
19 you this evening representing the Township of
20 Guttenberg on this application.

21 MR. ALAMPI: Chairman, the exhibits
22 have been provided with this application. We
23 have provided and placed on file much more than
24 ten days before this meeting a full application
25 along with an engineering site plan which the

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1 engineer will present, but I believe my engineer
2 is still on the road and on his way here. The
3 engineering plans consist of many pages and they
4 will be prepared in the course of his testimony.
5 In addition to that there is a storm water
6 management and drainage report and additionally a
7 traffic report. You may recall from earlier
8 applications on this property, applications which
9 did not proceed to a conclusion, that there were
10 several reports that were referred to. Those
11 reports have been updated to address the current
12 set of plans and were re-analyzed and submitted
13 with the revisions of a more current date. They

14 would include, of course, the storm water
15 management, the traffic impact report and the
16 geotechnical analysis and study. In addition to
17 these reports we have provided and interfaced
18 with the municipal utility authority. We've also
19 been interfacing with the department heads within
20 the Township of North Bergen and we'll present
21 the testimony of the expert witnesses as they
22 unfold.

23 In addition, of course, we provided
24 the architectural plans which show the elevation
25 of the property -- of the building, of the floor

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1 plans and the design and the surface parking.

2 Normally what I do is present the
3 engineer first so that you can see the size of
4 the property and the location and such, but since
5 he's not here I will start with the architect so
6 that we could unfold at least the improvements
7 that are being developed, the size of the
8 building, the square footage, the height and the
9 number of stories and so on.

10 MR. LAMB: Mr. Chairman, before --

11 THE CHAIRMAN: Before we proceed,
12 excuse me, John. Just so everyone is aware,
13 we're going to end at roughly 9:00. So I'm going
14 to try and cut it at a point where we're perhaps
15 at the end of a witness or at least at the end of

16 a phase. Obviously this is going to continue
17 beyond tonight, but I just want everyone to know
18 ahead of time that we're going to cut it roughly
19 around 9:00.

20 Yes, Mr. Lamb.

21 MR. LAMB: Thank you, Mr. Chairman.
22 I sent correspondence to the board and an e-mail
23 this afternoon, and I wanted to set forth certain
24 jurisdictional objections and procedural
25 objections involving the application. I have --

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1 one of the issues -- and I'll just try to go
2 through them quickly -- one of the issues is the
3 fact that although this is a permitted use, it is
4 a permitted use on a minimum of five acres. And
5 normally, in the normal case, that is a bulk
6 variance. It's a lot area variance.

7 when reviewing the zoning ordinance,
8 it was clear to me that the only use permitted in
9 this zone that had a five acre minimum was this
10 particular use. And that leaves the issue open
11 as to whether this is a specific condition, not
12 generally applicable, this is not a lot area
13 requirement that every use in the zone requires a
14 certain minimum. This -- the only use in this
15 zone that requires five acres is this. As a
16 result of that it leaves open a question of
17 whether this is a conditional use or a use
18 variance because the governing body chose to only

19 permit this use with five acres.

20 Now, I will acknowledge, and as
21 Mr. Alampi alluded to, there was previously an
22 application before the Board of Adjustment, and I
23 did raise this issue with Ms. Hartmann at the
24 time that my client had retained me, and I
25 understand her position and normally it's not

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1 clear. Normally a conditional use is set form in
2 a separate section of the zoning ordinance and
3 you do have -- and I acknowledge in my letter,
4 you do have a conditional use section and this
5 isn't listed. So it's a little bit confusing.
6 But when you also look at the table that has
7 these uses, the table has permitted
8 uses/conditional uses except for none of those
9 listed are conditional uses unless you
10 specifically focus on the lot area.

11 Now, I had a brief conversation with
12 Mr. Muhlstock, and I know he'll advise you. I
13 know that's a jurisdictional issue and I
14 understand the board planner and the board
15 attorney are of the opinion that the board has
16 jurisdiction and this is a C variance and not a D
17 variance. So I just wanted to set forth on the
18 record and I don't think we have to --

19 THE CHAIRMAN: That's correct.

20 MR. LAMB: I don't think we have to

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21 spend a lot of time on it.
22 MR. MUHLSTOCK: No. And, Mr. Lamb,
23 you can certainly during your presentation
24 through your witnesses make any case that you
25 want with respect to that argument. But as you

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1 said, the planning board planner and our office
2 both feel that this is probably a bulk variance
3 at this point for jurisdictional purposes at this
4 point, so we'll proceed on that issue.

5 MR. LAMB: Thank you.

6 The second issue in a more important
7 issue, I think, is the involvement of the
8 adjacent property owned by the North Bergen
9 Municipal Utility Authority and that is Lot 8.
10 These plans specifically show an access and a
11 maintenance easement that is now proposed to go
12 on the northerly portion of the property that is
13 to connect an access to the Transco gas line.
14 And as a result of that, that implicates the
15 involvement of Lot 8. As a matter of fact, the
16 site plan submitted by Calisto Bertin do indicate
17 that there is an access proposed.

18 I know that the board engineer has
19 correctly referred to this as an issue, and
20 frankly, as I set forth in my letter,
21 representing the Galaxy, one of the most
22 important issues we have other than the fact of
23 the so substantial deficiency in lot area to even

24 have this type of use, is the safety of that
25 transmission line.

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1 Of course I've been in touch with the
2 counsel for Transco. I know Mr. Alampi has been
3 in touch with the counsel from Transco, and I
4 know Mr. McGrath has been in touch with the
5 counsel from Transco. This also happened when a
6 different iteration of this application was
7 before the board of adjustment because everybody
8 is concerned about whether there is sufficient
9 easement area given the proposal that there is
10 major construction to undertake next to this
11 transmission line.

12 As I understand it, that hasn't been
13 the extent of the access and the easement and the
14 terms and conditions are still the subject of
15 some discussion between Mr. Alampi's office and
16 Transco, but from a safety standpoint that is
17 probably the number one problem that the Galaxy
18 has with respect to this proposal because if you
19 watch and seen other --

20 MR. MUHLSTOCK: Let me stop you for
21 a second. Are you saying that there's a
22 jurisdictional question with respect to your
23 argument on Lot 8?

24 A. Yes.

25 MR. MUHLSTOCK: Jurisdictional?

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1 MR. LAMB: Correct. What is clear
2 is that {while the applicant shows the Transco
3 gas line and he shows it on the adjacent
4 property, and they propose access along the
5 subject property to get to that gas line, that
6 property, Lot 8, is not part of this application.
7 There has not been -- there has not been a
8 request for site plan review of the gas line. I
9 know Mr. Bertin calls it as a license, but I also
10 understand that Transco has insisted on an
11 easement. So whether you call it a license or an
12 easement or whatever property interest you want
13 to have, that's not settled yet.

14 But the point is that on this piece
15 of property, this square, the applicant is
16 proposing multi-family residential, and the
17 applicant is proposing access to a gas line that
18 is on the adjacent property. And so that's why
19 Lot 8 is implicated. If the applicant is not
20 applied -- has used Lot 8 in part of its
21 application, has not put on the relief, needs an
22 amended site plan, none of that has been applied
23 for. And unless you want to go point by point
24 and I'm happy to do --

25 MR. MUHLSTOCK: I think we should go

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1 point by point. Let Mr. Alampi respond to that.

2 MR. LAMB: Sure.

3 MR. ALAMPI: Mr. Chairman, most
4 respectfully, I know Mr. Lamb for over 30 years.
5 I'm not going to allow Mr. Lamb to go on for 20
6 minutes on a one or singular point of objection
7 and sit mutely. He totally misspeaks on this
8 issue. There is no implication to Lot 8. Lot 8
9 is owned by the Municipal Utilities Authority in
10 the Township of North Bergen. It is true that
11 the mayor's office and others including Williams
12 asked my client to gratuitously provide to them
13 along the north property line a 20-foot strip of
14 area that could be utilized on a non-exclusive
15 basis for purposes of Williams gas transmission
16 people to have better access to their structure,
17 to have easier access to their structure, to have
18 additional access to their structure. There's
19 nothing in this for Apple View. There is no
20 benefit and there is no detriment because we are
21 going to utilize that area as part of the parking
22 surface. So the 20-foot strip does not service
23 Lot 8, does not augment the Municipal Utility
24 Authority, does not host a sanitary sewer, does
25 not facilitate a hook-up to the sewerage, it's

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1 not implicated in any way, it doesn't extend off

2 the property into Lot 8. And Mr. Lamb knows
3 better than to raise this issue that an easement
4 or license area of a 20-foot surface strip wholly
5 within the Apple View property triggers a
6 connection to Lot 8 and/or site plan -- or
7 extended site plan to Lot 8.

8 So, most respectfully, this is a red
9 herring. This is an effort to exaggerate a
10 problem. Just like it's a wrongful statement to
11 say that there are safety concerns and there are
12 issues with the development of Apple View. State
13 law and the appropriate regulations require only
14 a five foot setback from the easement area of the
15 Transco gas line. These gas lines are all over
16 the country, all over Hudson County, all over
17 Bergen County, and there is no restriction beyond
18 the minimum standard of five feet off the
19 easement area.

20 In this particular case, although
21 we're going to allow Transco for their benefit on
22 a non-exclusive basis to have an area that they
23 could put some equipment when they need to, bring
24 a crane when they need to, if they ever need to,
25 and have what we call a staging area, there is no

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1 infrastructure on the Apple View property, there
2 is no gas line on the Apple View property at that
3 level, at that level. There is the gas line that
4 comes off around the rim of the Palisades and

5 comes down on an angle to the MUA property, but
6 at that point and because the gas line is up on
7 the cliffs and because it's difficult unless they
8 hire donkeys and go up with donkeys to go up to
9 their property, they wanted us to provide some
10 accommodation so if they brought a crane or truck
11 or backhoe that they could stage it from there.
12 There is no infrastructure, though, that comes to
13 this easement or licensed area and as such, I
14 don't see this as an issue in any way with regard
15 to the notification and the implication of any
16 part of the property beyond the Apple View
17 parcel.

18 THE CHAIRMAN: Thank you.

19 Mr. Muhlstock?

20 MR. MUHLSTOCK: Yes, Mr. Chairman, I
21 agree. I don't see this as a jurisdictional
22 issue.

23 MR. LAMB: Mr. Muhlstock, we're not
24 finished yet so we'd like to put, respectfully,
25 our arguments on the record.

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1 MR. MUHLSTOCK: You can go on after.

2 MR. LAMB: Thank you.

3 MR. MUHLSTOCK: This issue is not a
4 jurisdictional issue in my mind at this point.
5 Okay. You can argue later on during your case if
6 you want to create that issue, if you feel. I

7 don't think that it is a jurisdictional defect at
8 this point either substantively or with respect
9 to the notice that you allege should have gone
10 out from Lot 8 to 200 foot owners, I don't agree.
11 So I'm advising the board I think that that is
12 not an issue that would preclude going forward.

13 MS. GESUALDI: If I may, Mr.
14 Muhlstock, in a letter dated June 22nd by Boswell
15 in paragraph No. 4, it states here in a letter
16 dated June 10, 2010 "From the applicant's
17 engineer it was indicated that a 'license
18 agreement' could permit access along the northern
19 property line at the site to the existing
20 easement in the northwest corner of the site" --

21 MR. MUHLSTOCK: That is cited, that
22 is cited, in Mr. Lamb's memo that he wrote to the
23 board. That provision is cited. So we
24 considered that.

25 MS. GESUALDI: This implicates the

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1 Williams Gas and the North Bergen MUA as part of
2 the agreement and easement.

3 MR. MUHLSTOCK: Just because it's an
4 easement doesn't mean that it's necessarily a
5 jurisdictional defect, I'm sorry, I don't agree.

6 MS. GESUALDI: I just wanted to
7 raise that, well, because Mr. Alampi seemed to
8 indicate there was no licensing agreement that
9 needed to be addressed generally. I just wanted
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10 to raise that issue at the moment. But be that
11 as it may.

12 MR. MUHLSTOCK: Mr. Lamb, why don't
13 you move on to your next issue.

14 MR. LAMB: I'd like to, finish, Mr.
15 Muhlstock with all due respect.

16 MR. MUHLSTOCK: Why don't you move
17 on to the next issue.

18 MR. LAMB: I'd like to finish--

19 MR. MUHLSTOCK: I think you're
20 taking up the board's time.

21 MR. LAMB: I may be. I'd like to
22 create a record.

23 MR. MUHLSTOCK: I think you can
24 create a record on your case. I don't think it's
25 appropriate to try to interfere with the

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1 application going forward. You can create that
2 issue, if you want, if you want, on your case.

3 MR. LAMB: I just want to correct
4 some statements that Mr. Alampi made.

5 MR. MUHLSTOCK: Do it on your case.

6 MR. LAMB: Would you, would you --

7 MR. MUHLSTOCK: That wasn't
8 testimony, that was argument.

9 MR. LAMB: But the board is going to
10 make a decision on this.

11 MR. MUHLSTOCK: It's a

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12 jurisdictional argument.
13 MR. LAMB: Mr. Muhlstock,
14 respectfully look at the Angel vs. Franklin Board
15 of Adjustment case and the Brower Development
16 case on the effect of an access to another piece
17 of property, respectfully.
18 MR. MUHLSTOCK: This is not an
19 access, this is an accommodation. It's not an
20 access.
21 MR. LAMB: Well, how come the
22 engineering plans says proposed 20 foot wide
23 access, it says access by their engineer.
24 MR. MUHLSTOCK: Call the engineer on
25 your case. Move on. What's your next issue?

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1 MR. LAMB: Mr. Muhlstock, I want to
2 raise an issue now, a procedural issue.
3 MR. MUHLSTOCK: Go ahead.
4 MR. LAMB: I'd like to know if
5 you're office currently is using the Bertin
6 engineers as an expert that you've hired.
7 MR. MUHLSTOCK: In any case?
8 MR. LAMB: Yes.
9 MR. MUHLSTOCK: Yes, I believe we
10 probably do.
11 MR. LAMB: I'm going to object to
12 your continuation of advising the board when you
13 have a relationship with Calisto Bertin and
14 Bertin Engineering. I'm putting it on the
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15 record.

16 MR. MUHLSTOCK: Fine, it's on the
17 record. That's good. Move only to the next
18 argument.

19 MR. ALAMPI: Mr. Mayo, why don't we
20 ask Mr. Lamb whether --

21 MR. MUHLSTOCK: Let me add one
22 thing. We don't represent Mr. Bertin
23 individually at all nor his firm.

24 MR. LAMB: I didn't say
25 representation. I said you have a business

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1 relationship with Mr. Bertin.

2 MR. MUHLSTOCK: We have used him as
3 an engineer in our applications in other
4 municipalities, we have.

5 MR. LAMB: And you currently are
6 using Mr. Bertin.

7 MR. MUHLSTOCK: I'm sure there are
8 some.

9 MR. LAMB: Thank you.

10 MR. MUHLSTOCK: Thank you.

11 MR. ALAMPI: And, Mr. Mayo, perhaps
12 Mr. Lamb would reveal that he too avails himself
13 from time to time on behalf of his private client
14 the use of Bertin Engineering as I also did.

15 MR. LAMB: I am not an independent
16 attorney representing a planner board.

17 THE CHAIRMAN: Gentleman, gentleman,
18 we can be here for the next 40 years the way
19 we're going.

20 MR. LAMB: I'm trying to go through
21 the argument as quickly as I can, Mr. Chairman.

22 THE CHAIRMAN: Please proceed to
23 your next item.

24 MR. LAMB: Thank you.

25 Mr. Alampi, could I just have like a

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1 couple feet? I mean, it's he okay to stand three
2 feet away from me, I love you, we've been friends
3 for years but... thank you.

4 we also have the issue of the consent
5 of the Lot 8 owner and you've ruled.

6 MR. MUHLSTOCK: We've ruled on that.

7 MR. LAMB: I understand. I've also
8 set forth that the applicant requires a reverse
9 subdivision or re-division. In the application
10 the section that refers to the subdivision is not
11 marked, and although the applicant proposes to
12 consolidate the lots, the applicant has not
13 applied for a subdivision. This board previously
14 had this issue in the Riverview Development case
15 and the applicant in that case did end up
16 applying for the reverse subdivision or
17 re-division.

18 MR. MUHLSTOCK: Disagree. You even
19 indicate in your own memo that the applicant

20 indicates in its notice "if approval is granted,
21 properties will be consolidated into a single
22 lot, therefore no member of the public is misled
23 with respect to what's going to happen if the
24 application happens to be granted."

25 MR. LAMB: It's very simple, Mr.

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1 Muhlstock, the applicant can put anything they
2 want in the notice. If they don't apply for it
3 and there is no application, the board can't give
4 them the relief.

5 MR. MUHLSTOCK: Disagree that the
6 notice is defective. Move on to your next
7 argument.

8 MR. LAMB: Thank you.

9 The next issue is the hazardous waste
10 on the property. This isn't really a
11 jurisdictional issue.

12 MR. MUHLSTOCK: It's not --

13 MR. LAMB: It's more information to
14 point out to the board that because there's a
15 residential use proposed on the property, that
16 the applicant should address that and the board
17 should address that.

18 MR. MUHLSTOCK: Subject to DEP,
19 absolutely right, it's not jurisdictional.

20 MR. LAMB: The next issue is
21 Mr. Alampi's statement about the geotechnical, I

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22 guess, study and the traffic impact study. When
23 we reviewed the file -- and I don't know whether
24 the file was completely together, but we only
25 reviewed it yesterday morning, we did not see the

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1 traffic impact study, the geological study,
2 although it might have been in there but we
3 didn't see it. When I looked at Mr. Alampi's
4 letter of submission to the board, the traffic
5 impact study was not enclosed nor was that
6 geological study. Now, I understood from one of
7 Mr. McGrath's review letters that he of course
8 had the benefit of being the board of adjustment
9 attorney -- engineer, excuse me, in the prior
10 application so he referred to it because it was
11 in the file. But if it's Mr. Alampi's intent to
12 submit those documents, traffic and geological
13 study, and I guess he referred to in his opening
14 statement that he had updated it, I would request
15 a copy of it because I don't have it.

16 MR. MUHLSTOCK: That's not
17 jurisdictional, but I'm sure Mr. Alampi will
18 provide whatever he's going to rely on to all the
19 parties.

20 MR. ALAMPI: These things were it
21 submitted over the course of time by letter, by
22 hand delivery to the board secretary, to the
23 professionals and of course we'll provide them if
24 --

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MR. MUHLSTOCK: They're updated.

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1 MR. ALAMPI: If they're updated and
2 if there are any updates.

3 THE CLERK: Daniel came in yesterday
4 and asked to see plans and that's exactly what I
5 showed him. He never inquired about -- that's
6 why he didn't see them. That's why --

7 MR. LAMB: My understanding is that
8 he went to look at the file and he was able to
9 get not only plans but engineering reports. He
10 was able to get all the engineering reports from
11 Mr. McGrath to the extent that we didn't
12 previously have them and that was helpful.

13 THE CLERK: He didn't ask for
14 traffic or storage or anything like that. What I
15 had laid out was what he saw and he took what he
16 wanted and I allowed him to do that.

17 MR. LAMB: No, and you've also been
18 cooperative, but normally when an attorney looks
19 at the entire file and he didn't bring it back
20 and if it was there and I'm requesting a copy of
21 this.

22 THE CLERK: He also said any
23 paperwork regarding this application was filed in
24 a timely manner.

25 MR. LAMB: I'm not saying it's not

1 timely. Mr. Alampi is not even required before
2 the application starts to file his traffic study,
3 he's not required to do that. I'm just saying --

4 THE CLERK: It's there. I'll be
5 there tomorrow if you'd like to come.

6 MR. LAMB: I'd love to get a copy of
7 it.

8 THE CLERK: I'll be there tomorrow.

9 MR. LAMB: Thank you. And there's
10 also an updated geological study?

11 THE CLERK: There is.

12 MR. ALAMPI: Of course we filed
13 everything.

14 MR. LAMB: I would just say that
15 Mr. Alampi was copying me on everything, but I
16 guess I didn't get a copy of that cover letter.
17 I did get a copy of the plans in the initial
18 cover letter but not the other documents.
19 Mr. Alampi has been cooperative, I guess, for
20 some of the submissions but not all of the
21 submissions.

22 MR. ALAMPI: I called you five times
23 to ask you whether we could get together.

24 MR. LAMB: And I only called you
25 back twice and discussed it.

1 with respect to the notice, I sent
2 an e-mail this afternoon also addressing other
3 variances that are required that were not set
4 forth in the notice. One is that --

5 MR. MUHLSTOCK: Let me stop you
6 right there. The notice requested any and all
7 variances, waivers, deviations that might come
8 up. So it's not jurisdictional. While you
9 certainly can question his witnesses, it's not
10 jurisdictional.

11 MR. LAMB: With all due respect, I
12 believe that if there is a variance that's known
13 prior to the hearing, that the applicant should
14 provide that in the application and provide
15 notice of it. The applicant requires a parking
16 space variance, the applicant requires a front
17 yard setback variance and the applicant requires
18 a rooftop landscaping variance and those are also
19 set forth in the board's planner's report which
20 came out this afternoon. So those are the three
21 variances that are not set forth in the notice
22 and not set form in the application.

23 THE CHAIRMAN: Thank you.

24 MS. HARTMANN: I didn't say that.

25 MR. MUHLSTOCK: Do you want to

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1 respond to that?

2 MS. HARTMANN: My report actually

3 doesn't note that a variance for parking is
4 required. I will tell you that the Residential
5 Site Improvements Standards require 117.6 parking
6 spaces, and they have provided 117. So I was
7 incorrect in my report in saying that no variance
8 was necessary because in reality they need 118
9 spaces, however, I think the applicant in
10 discussing it with him can in fact make those
11 spaces.

12 If you read the -- our ordinance,
13 you're required to have a 15 foot setback from
14 the curb line to allow the construction of a
15 sidewalk if you -- if either it is there or you
16 require it. And the applicant has that 15 feet.
17 It's not 15 feet to the sidewalk, it's 15 feet to
18 the municipal right-of-way. So I don't believe
19 they need a variance there.

20 MR. SHAW: Point of order, we can't
21 hear the lady.

22 MS. HARTMANN: As far as the rooftop
23 landscaping is proposed, we don't have a
24 landscaping plan on that. And I do raise that
25 issue. I don't know whether a variance is

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1 necessary because the applicant certainly can
2 still submit the landscaping plan which they
3 probably will.

4 THE CHAIRMAN: Okay.

5 MR. MUHLSTOCK: Okay.
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6 THE CHAIRMAN: Thank you.
7 MR. MUHLSTOCK: Thank you.
8 Mr. Lamb.
9 MR. LAMB: Thank you. And for the
10 record the extra half of space if it's more than
11 .5 spaces it's rounded up.
12 MS. HARTMANN: I did say that, you
13 missed it.
14 MR. LAMB: You had it in two
15 conflicting places and different numbers.
16 THE CHAIRMAN: All right.
17 Mr. Alampi.
18 MR. ALAMPI: Okay, so I'd like to
19 start the presentation.
20 THE CHAIRMAN: Yes, please.
21 MR. ALAMPI: And with all due
22 deference to my learned colleagues, I have decided
23 to start with the architect.
24 THE CHAIRMAN: Let me stop you for a
25 second. Please, with all counsel, let's cut out

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1 the side remarks. Just present the case.
2 MR. ALAMPI: You know, Chairman, we
3 know each other so well we can't help it.
4 THE CHAIRMAN: Well --
5 MR. ALAMPI: I know. We'll put
6 aside --
7 THE CHAIRMAN: Let's have an orderly

8 --
9 MR. ALAMPI: We'll put aside all the
10 snide remarks.
11 THE CHAIRMAN: Thank you.
12 MR. ALAMPI: And you're certainly
13 correct. With that, Chairman, we're going to
14 start with the architectural testimony because I
15 don't see Mr. Bertin here, although Mr. Bowman is
16 here, he's a traffic consultant but I'd rather
17 wait for Mr. Calisto Bertin for the engineering.
18 So with that -- and Chairman, I don't know what
19 your practice is but we have so many exhibits and
20 plans and such that are already on file, do you
21 remark them or are they just considered part of
22 the case record and certified that they have been
23 on file? And then tonight when we take
24 presentation boards, I'll just mark as the
25 evening progresses the presentation boards fresh

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1 at each public hearing.
2 MR. MUHLSTOCK: Typically,
3 Mr. Alampi, typically the board does not
4 separately mark any items, reports that you've
5 already submitted as part of the planning board
6 file. Anything that comes up during the
7 presentation which is new we'll stop and we'll
8 mark those separately starting with A-1.
9 MR. ALAMPI: Chairman, we're going
10 to start with the project architect Mr. Jose

11 Carballo, and I guess if I didn't misunderstand
12 we are going to mark the exhibit boards, right?

13 MR. MUHLSTOCK: We should mark the
14 exhibit board because they're not part of the --

15 MR. ALAMPI: We'll start with A-1.
16 How many sheets do you have, Jose?

17 MR. CARBALLO: We have four.

18 MR. ALAMPI: We'll mark collectively
19 A-1 the four sheet architectural plan. If you
20 could just tell us the date of the plan and last
21 revision and confirm once you're sworn in, that
22 is, confirm that the plans are the same that are
23 on file but I think you have to be sworn in.

24 THE CHAIRMAN: Let's qualify the
25 witness, first.

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Carballo - Voir Dire

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1 JILL HARTMANN, having been duly sworn by the
2 Notary Public, was examined and testified as
3 follows:

4 DEREK MCGRATH, having been duly sworn by the
5 Notary Public, was examined and testified as
6 follows:

7 JOSE CARBALLO, having been duly sworn by the
8 Notary Public, was examined and testified as
9 follows:

10 VOIR DIRE EXAMINATION

11 BY MR. ALAMPI:

12 Q. Mr. Carballo, could you give us the

13 benefit of your educational background and then
14 briefly your professional background and any
15 licensing you hold?

16 A. Certainly. I have a Bachelor's of
17 Architecture in Architecture from NJIT. I
18 received that in 1980. In 1986 I received my
19 license to practice architecture in the State of
20 New Jersey, and to this date that license is
21 valid and fully paid for, so I am very current on
22 that.

23 I have appeared in front of this
24 board many times. I have appeared in front of
25 every board in Hudson County, planning board,

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Carballo - Direct

1 boards of adjustment or a joint planning boards,
2 about 50 percent of the boards in Bergen county
3 and I've been doing this since 1986.

4 THE CHAIRMAN: We'll accept him as
5 an expert.

6 MR. ALAMPI: Thank you,
7 Mr. Chairman.

8 THE WITNESS: Thank you.

9 (Applicant's Exhibit 1, Architectural
10 plans, four sheets, was received in
11 evidence.)

12 DIRECT EXAMINATION

13 BY MR. ALAMPI:

14 Q. Mr. Carballo, we have just marked as
15 A-1 a four sheet exhibit that you have now as

16 your architectural plans, that would be
17 elevations, floor plans, and bedroom calculation
18 and the like, correct?

19 A. That is correct.

20 Q. The plans, could you just tell us
21 the date and last revision date?

22 A. Certainly. The date on the plans is
23 10/19/09, and it was issued to the planning board
24 12/07/09, and we made some comments as to Boswell
25 Engineering and that was dated 5/24/2010. And

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Carballo - Direct

1 those are all the dates on the drawings.

2 Q. And the plans that you have mounted
3 are the plans that have been placed on file from
4 your office and my own with the planning board?

5 A. Except but for the color on the
6 drawings, yes, they are the same.

7 Q. Thank you. Could you just tell us
8 what the first sheet is, and without interrupting
9 you too much I'll let you just flow through your
10 presentation.

11 A. Certainly. The first sheet shows,
12 it's your title sheet, it shows basically who my
13 client is, the address, the lots involved on this
14 property. It shows all the people involved, and
15 it also shows a breakdown of all the units that
16 are included in this property. We do have 60
17 units. We do have 12 one bedroom units, and we

6-24-10 Appleview1
18 do have 48 two bedroom units, again, for a total
19 of 60 units.
20 You will see that we do have several
21 floor plans. The building is a five-story
22 building. It contains parking, lobbies and
23 utility areas on the first level, and then it has
24 three levels of units. The first two levels of
25 units are what we call flats, the units are all

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Carballo - Direct

1 on one level and then the top two levels are
2 duplex units.

3 Q. Now, Jose, your first exhibit shows
4 what looks like a horseshoe configuration of
5 planning. Could you just tell us what that
6 illustrates?

7 A. Certainly. For purposes that we
8 have it here that is a diagram of the building,
9 and it shows all the units and the areas of all
10 the units as well as the full area of the
11 building.

12 Q. When you say the area, you mean the
13 total square footage of the combined floors of
14 the building?

15 A. That is correct.

16 Q. And does it show anything else?

17 A. No. For this it doesn't show
18 anything else other than just that it's just a
19 breakdown of the units and the square footage of
20 the areas of the units.

21 Q. And generally are you familiar with
22 what zone that the subject property is located
23 in?

24 A. Yes, I am.

25 Q. To help you, would it be the P2

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Carballo - Direct

1 Zone?

2 A. Yes, it would be.

3 Q. And is there anything else on your
4 first sheet that you want to bring to the
5 attention of the board, any notes or any details
6 before you flip the page?

7 A. No, other than that is a designation
8 of which units are two bedrooms and which units
9 are one bedroom. This basically simplifies the
10 entire building so that you understand where
11 these units are and the size of these units.

12 Q. Now, Jose, there are 60 dwelling
13 units. Are there any three bedroom units in the
14 building?

15 A. No three bedroom units.

16 Q. How many are one bedroom and how
17 many are two bedroom? I know you said it but you
18 were going a little too fast.

19 A. There's 12 one bedroom units and
20 then there is 48 two bedroom units, again, for a
21 total of 60 units.

22 Q. Within several of these units, some

23 units also contain either a den or an area and
24 there is a question in one of the comment letters
25 that you should address that, is it true?

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Carballo - Direct

1 A. It is true that we have a den, that
2 happens on the duplex units on the fourth and
3 fifth floors. What we have done is since we put
4 a bedroom on the top on the upper level of
5 duplexes, one of the bedrooms downstairs we
6 basically eliminated closets and made the
7 doorways wide so that it would not become a
8 bedroom.

9 Q. Jose, if you could just slow up the
10 tempo of your testimony.

11 with regard to the duplexes, you're
12 saying on the upper floor these units are two
13 level units is that it?

14 A. Two floors of this building are
15 duplex units, that is correct.

16 Q. Can we move on to the next sheet?
17 And we're not going to mark each sheet, we'll say
18 collectively this is A-1.

19 What is your second sheet?

20 A. Second sheet shows the first two
21 floor plans of the first two levels of the
22 building. Again, first level parking, lobbies,
23 utility areas. And the second floor plan shows
24 the typical first and second floor residential
25 levels which are all flat levels, all flat unit

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Carballo - Direct

1 levels.

2 Q. Now, going to the diagram on the
3 left, that is our left, what is that, the surface
4 or ground floor plan?

5 A. That's what's called plan 1. That
6 shows the ground floor, this is how you enter the
7 building, this is how you enter the site. As you
8 can see, it's a U-shaped building with a U open
9 towards the east or River Road. You come into a
10 courtyard that contains parking. It contains two
11 areas, two driveways, one going in, another one
12 going out. And then for vehicular movement it
13 actually contains entrances going into the inside
14 of the building which contains parking spaces.

15 Q. So let's -- please go slowly, the
16 surface parking is both underneath the building
17 and in the exposed courtyard, correct?

18 A. That is correct. We have indoor and
19 outdoor parking.

20 Q. And a vehicle can travel or traverse
21 into any element whether it be under the building
22 or inside the center courtyard, and it can freely
23 move around and underneath the building?

24 A. That is correct, it's got full
25 through traffic, full through vehicle movement

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Carballo - Direct

1 going from outside to inside, as well as from
2 inside to outside.

3 Q. Now, with your hands, if you would,
4 please, just show us if you would come into the
5 driveway, how a vehicle could circulate. Just
6 show us with your hands how that -- you have a
7 laser, even better. Just show us how a vehicle
8 could come in and if there are drive aisles, how
9 it would freely move around the site?

10 A. The vehicle would come in on River
11 Road, it would turn into the courtyard. We have
12 a driveway that contains parking on both sides of
13 the driveway. It connects to a driveway that
14 goes north and south. That driveway goes into
15 the building, doorway or garage door on this
16 side, garage door on that side. You can go in,
17 you can park as well as you can travel through
18 the building and come out again should you need
19 to. Way out from here and just go back on River
20 Road, and that's basically the path of vehicles
21 within the site.

22 Q. Now, this all on the grade surface?

23 A. This is all one level, first level,
24 there are no ramps, no other parking levels with
25 this building.

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Carballo - Direct

1 Q. Are there any basements or
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2 infrastructure below the building other than
3 utilities and --

4 A. There are no basements, this is the
5 lowest level which is at grade. There are no
6 basements, there are no utility basements or any
7 other basement in this building.

8 Q. Now, in that lower level that's on
9 the ground level, I note that you have some rooms
10 or such in the building. Can you just tell us
11 what they are?

12 A. Certainly. Since we've designed
13 basically a C shaped building, we decided to
14 locate two lobbies, one will be in the southern
15 portion of the building, the other one would be
16 southern wing -- the northern wing. The lobbies
17 front on River Road for easy access for
18 pedestrians, as well as to locate the point of
19 entry into the building, make it more visible.
20 We do have the elevator lobbies in there as well
21 as trash areas, that happens on both sides of the
22 wings. Behind those areas on one side we have a
23 manager's office maintenance area, we have
24 emergency generator, as well as the transformer
25 room in the front. On the other side, the only

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Carballo - Direct

1 space aside from the lobby area is a storage area
2 towards the front of the building. We also have
3 on that lower level on the corners to the back of

4 the building, we have more utility areas should
5 we need it or that would just become storage
6 areas.

7 Q. And these would just be general
8 utility and storage areas and, as you said,
9 management office, the mailroom, things of that
10 nature?

11 A. That is correct, basically ancillary
12 spaces for building uses.

13 Q. And are there elevators in this
14 building?

15 A. We do have two elevators. We have
16 one on the north wing and one on the south wing
17 and obviously that goes through the entire
18 building making it fully accessible or adaptable
19 for handicapped usage.

20 Q. And before I forget, do you have a
21 fire suppression or a fire alarm type of system
22 for this building?

23 A. This building is multi-family
24 building and as such with the IBC Code it has to
25 been fully sprinklered and alarmed. There's a

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Carballo - Direct

1 whole bunch of different components that we have
2 to put in this building for safety. We have
3 stairwells. It has to be done by code.

4 Q. And according to those codes there's
5 secondary means of egress, there's fire
6 suppression, all of those type of code

7 requirements have been studied by yourself and
8 can you certify that they are implemented in this
9 plan?

10 A. Yes, I do.

11 Q. Now, with regard to the elevators
12 themselves, the sizing of the elevator cab and
13 the shaft to contain the elevator, could you
14 discuss those for a moment?

15 A. Those elevators have to be what's
16 called stretcher size elevators. They have to be
17 able to fit a stretcher inside the elevator so
18 that in case of emergency transport of a person,
19 that that person is laying flat within the
20 elevator.

21 Q. This is an element of the code that
22 has changed in recent years?

23 A. Yes, it has.

24 Q. Are there any other issues regarding
25 barrier free access or fire suppression that

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Carballo - Direct

1 should be discussed at this time?

2 A. The IBC Code that I mentioned before
3 is actually a subcode, the parent code is the UCC
4 which is the Uniform Construction Code. That UCC
5 code basically sets all the standards for
6 handicapped accessibility, not necessarily the
7 requirements but where and when it should happen.
8 This building fully meets that with all the other

9 dimensions within the units, public spaces, the
10 path of travel from the actual parking area to a
11 person's apartment, it's all taken into account
12 and the building has been designed to conform to
13 those.

14 Q. You have designed more than one or
15 two multiple dwelling buildings in your career?

16 A. I have designed a few, yes.

17 Q. And a few hundred possibly?

18 A. I'm not that old.

19 Q. Okay.

20 A. I don't think anyway.

21 Q. But you are familiar with these
22 requirements and codes?

23 A. At least a dozen buildings I've
24 designed, yes.

25 Q. Now, could we move then to the

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Carballo - Direct

1 exhibits on the --

2 MR. ARNONE: I have a question. How
3 are you going to get the trash out of there?
4 There's two trash on both sides.

5 THE WITNESS: You have two trash
6 areas, and as you can see if you look at the
7 plan, you can see that we have doors that lead to
8 the outside, we have a striped area on the
9 outside where the truck or vehicle would stop,
10 get the trash and then come back to the other one
11 get it and then just leave.

12 MR. ARNONE: Thank you.

13 MR. MCGRATH: If I could comment on
14 that, Mr. Arnone, the MUA is going to look at
15 this to make sure they can pick it up. In
16 general if a fire truck can get through the
17 parking lot, the MUA garbage trucks can get
18 through the parking lot.

19 MR. ARNONE: Okay, thank you.

20 THE WITNESS: Before we move on,
21 there was a question of 117 parking spaces versus
22 118 parking spaces. We too made the same mistake
23 of calculating 117.6 and basically we put 117
24 parking spaces. What I'm proposing, and we will
25 be changing the plan, is in this area right here

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Carballo - Direct

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1 is move the parking down and create another
2 parking space on that side. The only thing that
3 will suffer will be the manager's office which is
4 rather large anyway. So we will be locating a
5 one parking space there to make it 118 parking
6 spaces so that we don't have any parking
7 variances.

8 Q. While we are talking about the
9 number of spaces, the size of the spaces are
10 what?

11 A. Size of the spaces are 8-1/2 by 18.

12 Q. What is the municipal code
13 requirement?

6-24-10 Appleview1
14 A. 8-1/2 by 18, except those parking
15 spaces that are up against walls, those are nine
16 by 18 and those have been designed by nine by 18
17 wherever they meet a side wall.
18 Q. Are there handicapped spaces also
19 provided?
20 A. We have provided five handicapped
21 spaces which is what the UCC as well as ANSI
22 requires.
23 Q. These acronyms that you are using
24 are acronyms for certain codes that regulate
25 these issues?

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Carballo - Direct

1 A. It's the American National Standards
2 Institute, that's ANSI. And basically that code
3 sets forth in numbers all the requirements that
4 the UCC just has as a concept requirement, for
5 example.
6 Q. Now, moving to the diagram on the
7 right-hand side, it looks like a bunch of little
8 boxes. Could you tell us what that is?
9 A. They are a whole bunch of little
10 boxes and those boxes have uses within
11 themselves. Those are the apartments. Again,
12 the building is a U-shaped building. You enter
13 the floors on that point right there. This is
14 the south wing, this is the elevator lobby.
15 There's a corridor that goes actually around the
16 building and it terminates at stairwells. The

17 width of the corridor, the length of that
18 corridor, the length of the path of travel, all
19 of that has been calculated by using, again, the
20 IBC Code and its requirements.

21 Q. And having calculated the length of
22 walk pattern and the location of the stairwells,
23 are they compliant with those standards?

24 A. They're definitely compliant. There
25 are certain formulas I use for that. There are

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Carballo - Direct

1 tables with the IBC Code that tells you how far
2 you can go with a sprinklered or non-sprinklered
3 building. Of course this being a sprinklered
4 building you have a longer length of path of
5 travel, and all of that has been calculated and
6 it has been shown on all the drawings as a code
7 compliant building.

8 Q. Jose, could you again just show us,
9 you mentioned the stairwell besides the elevator,
10 could you show us where each stairwell is located
11 on the footprint?

12 A. If you follow the path of the
13 corridor or hallway, once you get to the end of
14 those, you have two stairwells. Again, the code
15 says that you got to have the stairwells within a
16 certain distance of the end of the hallway. We
17 went beyond that and we put them at the end of
18 the hallway so we don't have what's called dead

19 end corridors or any other code issues that are
20 not permitted. Again, those are fully within the
21 IBC Code.

22 Q. And these stairwells are concrete or
23 masonry and they're fire rated and all of that?

24 A. The stairwells can be almost of any
25 material. This is what's called a type 5

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Carballo - Direct

1 building which is basically a wood frame
2 building. It's fully sprinklered, it meets all
3 the requirements of the code for that type of
4 building, and all that has been designed in such
5 a way, the stairwells as well as the elevator
6 shafts or towers, those will be masonry only
7 because we need that stability in case of fire.

8 Q. And on this diagram, this is to
9 depict the second floor and the third floor?

10 A. That is correct. We do see the
11 first and second floor. We mean the first and
12 second residential floors which actually become
13 the second and third building floors. Those two
14 floors are exactly the same. Again, you have
15 your corridor, you have -- it's double loaded
16 which means you have units on both sides on the
17 wings, and then single loaded towards the west
18 portion of the building. And we do have towards
19 the back of the building areas that are called
20 community spaces. Those community spaces will
21 become either offices or conference areas such as

22 somebody needs to meet a person in that building
23 or if there's a party that somebody wants to get
24 together with a few people, that's what those
25 rooms are for, just for the strict use of the

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Carballo - Direct

1 building tenants.

2 Q. Could you show us, you're saying
3 these common element rooms or community rooms,
4 where are they?

5 A. They will be alongside the back of
6 the building or the west side of the building.

7 Q. How many of them are there= ?

8 A. It will be determined at some point.
9 I think we have like eight per floor.

10 Q. But they could be reconfigured, you
11 might only have six or five?

12 A. Or we may not have any.

13 Q. That would be across the back area?

14 A. That is across the western portion
15 of the building which it is the back of the
16 building.

17 Q. And of course looking out of the
18 building you'd be looking into the Palisade cliff
19 face, correct?

20 A. That is correct. On one of the
21 floors you also have access to the back of the
22 building in case anybody wants to go out there
23 and, you know, climb.

24 Q. Now, with regard to the rooms on
25 that level, how many apartment units are on each

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Carballo - Direct

1 level on the second floor? So that's why you did
2 that diagram, so it's spelled out?

3 A. On the second floor we have two,
4 four, six, eight, nine, 10, 11, 12, 13, 14, 15
5 and five is 20. We actually have 20 units per
6 floor. It's just that 20 units on the top floor
7 being duplex.

8 Q. Well, so it's 20 and 20 that's 40?

9 A. That's 40.

10 Q. And then there is 20 duplex?

11 A. That is correct, and that's your 60.

12 Q. Can we go to the next sheet, sheet
13 No. 3, I believe?

14 Now, what is this exhibit depicting?
15 Could you just tell us what it's labeled and what
16 it depicts?

17 A. It's actually labeled third and roof
18 level, third floor and roof level. This is the
19 first floor of the duplex apartments. Again,
20 there's 20. And basically this building has been
21 designed so that all the units basically are the
22 same, stacked on top of each other. And we do
23 that for structural purposes and we have bearing
24 walls.

25 Q. Now, Jose, on the what we'll call

Carballo - Direct

1 the lower level of the duplex, are those floors
2 plans similar in size to the units below?

3 A. That space itself is exactly the
4 same as the floor below.

5 Q. But it may not have the same layout
6 of the bedrooms because you have now created a
7 duplex, a two level type of apartment?

8 A. That is correct. And if you look at
9 the enlarged third floor lower level unit, you're
10 going to see it was a bedroom on the second floor
11 is now more open, plus it has been removed, it's
12 got double doors and then you have a stairwell
13 right next to it adjacent to it that will lead to
14 the upper level bedroom.

15 Q. Now, you have shown on the lower
16 portion both on the right and left on the lower
17 portion, is that a prototypical layout of each of
18 the 20 duplex units?

19 A. No, they do vary a little bit, but
20 this is your typical layout. We just chose one
21 so we could show how it works as far as a duplex.

22 Q. That's some variation, not major
23 variation?

24 A. No, all the units are not the same.
25 There are several different types of units.

1 Q. So on the lower level of the duplex,
2 what's the square footage of the units?

3 A. As an example, if we go to the lower
4 penthouse, you have for example, let's say the
5 unit on the corner, that unit is 1277 square feet
6 on the first floor, second floor is 1,000 square
7 feet. So that units is about 2700 square feet.

8 Q. Now, the upper level is slightly
9 smaller because you have the stairway, correct?

10 A. It's not only the stairway, what we
11 did on the upper level is we actually set back
12 that floor so we could have terraces and, you
13 know, basically all we need on that floor is just
14 a bedroom, bathroom and a closet space. So we
15 reduced that floor.

16 Q. Now, within the third floor
17 duplexes, there is no elevator in each unit,
18 these are just accessed by the stairway; is that
19 correct?

20 A. That is correct.

21 THE CHAIRMAN: Excuse me for a
22 second. Mr. Carballo, you just mentioned 2700
23 square feet. I'm trying to find that.

24 THE WITNESS: Well, if you take the
25 lower level at 1277 -- I'm looking at where it

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Carballo - Direct

1 says seven.

2 THE CHAIRMAN: Okay.
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3 THE WITNESS: And just the unit
4 right above that. It says 1277, remember that's
5 the lower level, plus the 1021.

6 THE CHAIRMAN: Okay.

7 MR. ALAMPI: But that's 2200.

8 THE WITNESS: That's 2200.

9 MR. ALAMPI: I think he said 2200,
10 Mr. Mayo.

11 MS. HARTMANN: No, he said 27.

12 THE WITNESS: It is 2200 and 77, 78
13 square feet.

14 MR. ALAMPI: Math was not Mr.
15 Carballo's strong point.

16 THE WITNESS: I'm getting old, I
17 guess.

18 Q. So 2200 square feet?

19 A. It is about 2200 square feet.

20 Q. And the bedroom configuration of
21 these duplexes typically, could you comment on
22 that? I believe there was a comment letter or
23 reference in the comment letter regarding that.
24 Are these the units that would contain what you
25 labeled as a den area?

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Carballo - Direct

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1 A. That is correct.

2 Q. Could you just tell us where you
3 have the enlarged footprint of the duplex? For
4 example on the 1200 square foot main floor of the

6-24-10 Appleview1
5 duplex, are there any bedrooms there?

6 A. On the main floor, yes, there's a
7 master bedroom towards the back of the units,
8 there's an office space, then you have your
9 living/dining/kitchen area, your bathroom or
10 bathing facilities would be up against the
11 corridor.

12 Q. Now, you used the word office, is
13 the office interchangeable with den or is that
14 something else?

15 A. Office, study, den, if you want to
16 put a desk, if you want to make a TV room.

17 MR. ARNONE: Could be a bedroom,
18 too.

19 MR. ALAMPI: It could be.

20 THE WITNESS: The living room could
21 be a bedroom.

22 MR. ARNONE: Don't it look like a
23 bedroom?

24 THE WITNESS: To me it doesn't.
25 It's not going to be a bedroom.

Celeste A. Galbo, CCR, RMR

D

Carballo - Direct

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1 Q. What is the square footage of that?
2 You've labeled it office, den whatever you want
3 to call it?

4 A. It's about 10 by 15.

5 Q. It's conceivable it could be a
6 bedroom, right?

7 A. At some point somebody could make it
Page 50

8 into a bedroom, definitely. You could also have
9 a couch in the living room and make it into a
10 bedroom.

11 Q. Now, on the upper floor, the
12 thousand square feet or 1092 square feet, what is
13 contained on that upper level?

14 A. You have another master bedroom, you
15 have closet space, you have a bathroom and then
16 you have more storage. From this area also you
17 have the access out to a roof area as well as
18 outdoor deck.

19 Q. Okay. Now, do you have a fourth
20 sheet to this exhibit?

21 A. Yes, we do.

22 Q. Now, Mr. Carballo, the fourth sheet
23 what would you call that, the elevation plan?

24 A. That's your building elevation, that
25 is correct.

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Carballo - Direct

1 Q. Now, the exhibit that you have there
2 is dark charcoal gray and black and such. You
3 added that coloring for purposes of illustration
4 this evening?

5 A. It's just a different generation of
6 the different materials of the building.

7 Q. But the plan that is on file is just
8 black and white, correct?

9 A. That is correct.

10 Q. So let's ask you then on this
11 elevation sheet, you have four elevations,
12 correct?

13 A. That is correct.

14 Q. And I would assume north, south,
15 east and west. Could you tell us which is which?

16 A. Definitely. If we -- let's start
17 with the top elevation, just to go down. This is
18 actually an elevation looking north and that's
19 the interior courtyard.

20 Q. When you say looking north, you
21 would be at the Galaxy property looking to the
22 building?

23 A. You would be in the courtyard. This
24 is in the courtyard now.

25 Q. Inside the courtyard?

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Carballo - Direct

1 A. Inside the courtyard.

2 Q. Wouldn't be that westerly?

3 A. You could look north or south.

4 MR. MCGRATH: Or west.

5 THE WITNESS: Or west.

6 Q. You see that diagram on the side,
7 the one at the top --

8 A. This --

9 Q. On the side.

10 A. This little one here.

11 Q. With your laser where would you be
12 standing when you're looking at the top

13 elevation?

14 A. You're here looking this way.

15 Inside the courtyard looking this way.

16 Q. So inside the courtyard, looking
17 back toward the Galaxy inside the courtyard?

18 A. Inside the courtyard, correct. And
19 that's what it looks like inside. As you can see
20 this is the garage door or garage opening where
21 you could drive in and out.

22 Q. I'm going to ask you the obvious
23 question. The lower level, would then be on the
24 outside of that -- the exterior wall of that
25 building?

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□

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Carballo - Direct

1 A. The lower level, that's the outside,
2 exactly the outside of that. This actually which
3 is the south facing elevation of the building,
4 that's the elevation that faces the Galaxy.

5 Q. With your laser, looking at the
6 lower level, where would you be standing on the
7 little diagram?

8 A. The little diagram, right here.

9 Q. So between the Galaxy and this
10 building as proposed --

11 A. That is correct.

12 Q. -- that is the aspect that you would
13 see?

14 A. Correct.

15 Q. And now I interrupted you. why
16 don't you tell us, then, some of the features of
17 your elevation, and I think most especially the
18 height of the building from each elevation and
19 how you measured that?

20 A. Sure. Definitely. This is -- and
21 let's start with this one right here. what we've
22 done is we've actually made a flat platform at
23 this point so that, you know, there would be easy
24 travel, easy walking within the property. That
25 elevation is at about 12 and a half, 12.5. The

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Carballo - Direct

1 first level is all parking and this level is 15
2 feet high, that accommodates structures, that
3 accommodates utility, that accommodates a ceiling
4 within the parking area as well as a lobby.

5 Q. Jose, I couldn't follow you. Let's
6 go over this again.

7 A. Okay. The first floor --

8 Q. The first floor you used an
9 elevation, a starting elevation point. Could you
10 tell us what that is?

11 A. Definitely. That elevation or that
12 starting point is 12 foot six or 12 and a half
13 feet elevation.

14 Q. And where would that be?

15 A. That would be right at the floor.
16 That's right at grade.

17 Q. That would be at the front right to
Page 54

18 the back of the building?

19 A. That is correct. That is the
20 finished first floor elevation.

21 Q. Now, are you familiar with the
22 elevation of River Road?

23 A. Yes, I am.

24 Q. And are you familiar with the center
25 line or the crown of River Road?

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□

Carballo - Direct

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1 A. I am familiar, don't quote me
2 numbers. I think it's about three foot
3 difference.

4 Q. Okay, that's all I'm asking. So in
5 your discussions and conferences with the Bertin
6 Engineering and your collaboration with the
7 developer, you're aware more or less that the
8 grade point that you're starting with, the first
9 floor is about three feet differential from River
10 Road more or less?

11 A. That is correct. That is correct.

12 Q. So departing at that point and from
13 that point, the top of the roof line or whatever
14 tell us what height you have achieved?

15 A. That height is 67 and a half feet
16 which actually gives us a height of 55 feet and
17 that's --

18 Q. You said the height was 67. Do you
19 mean the elevation is 67?

20 A. I'm sorry, yes, the elevation is 67
21 based on the 12 and a half, that elevations is
22 67' 6", which gives us a height, building height
23 of 55 feet.

24 Q. Now, when you define the building
25 height, could you show us with your laser what

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Carballo - Direct

1 point of the building you're referring to as the
2 height? And if there was a definition that you
3 followed, just tell us what it is.

4 A. Certainly. What we're doing is
5 we're going from the first floor finish
6 elevation, we're going to the roof elevation of
7 the fifth level of the building which is the
8 duplex, the upper level duplex roof.

9 Q. Now, when you talk about the roof,
10 are you talking about the surface of the roof,
11 the floor of the roof, or are you talking about
12 anything else?

13 A. I believe the definition is to the
14 structure.

15 Q. What does that mean?

16 A. That means the structural system of
17 the building. That's where --

18 Q. Okay. I do this for a living and I
19 don't know what that means. Is it the deck of
20 the roof that you're talking about or is it
21 another aspect of the roof?

22 A. It is the deck of the roof.

23 Q. Like if I was standing on the roof,
24 it would be the floor?

25 A. That is correct, that's the

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Carballo - Direct

1 structure, exactly.

2 Q. Now, the roof itself, does it have a
3 parapet wall around the perimeter?

4 A. No, it doesn't. The top floor, the
5 top roof does not have one.

6 Q. Okay.

7 A. Okay.

8 Q. And on top of the roof, you have not
9 finalized the full roof plan, that is, there's a
10 landscape plan that the ordinance calls for and
11 such you haven't --

12 A. There will be a landscape plan, it
13 obviously will include green, but it also
14 includes decks that we include here.

15 Q. You anticipate other structures.
16 For example, you have an elevator in this
17 building?

18 A. That is correct.

19 Q. Will the bulkhead of the elevator
20 that hosts the column that the elevator travels,
21 will the bulkhead be higher than the deck of the
22 roof?

23 A. It might be a foot higher but no
24 higher than that.

25 Q. 6-24-10 Appreview1
Normally it's 13 or 14 feet higher,

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Carballo - Direct

1 isn't it?

2 A. Depends on which elevator you're
3 using.

4 Q. But the elevator is not going to go
5 to the second level of the duplex, it's only
6 going to go to the first level of the duplex?

7 A. That is correct.

8 Q. So it's only going to protrude a
9 foot or two?

10 A. It's not going to go beyond the roof
11 of the fourth level residential -- fourth level
12 of the residential component.

13 Q. On the roof notwithstanding the
14 development of a landscape plan, will there be
15 any other mechanical structures, fans, air
16 conditioners and other type of apparatus that go
17 beyond the deck of the roof?

18 A. If you look at the fourth level, I'm
19 going back to A-2 of four, if you look at the
20 fourth level, you're going to see that we have a
21 rooftop units here and a rooftop unit there.
22 That is a make up air for the common areas. In
23 other words for all the corridors, stairwells, et
24 cetera, those units will be on the fourth level
25 roof.

Carballo - Direct

1 THE CHAIRMAN: I'm sorry, where are
2 they again?

3 THE WITNESS: If you look at the
4 plan where the elevators are, and you see some,
5 it's a rectangle that has like circles within it.
6 And they're at opposite ends by the elevate core.
7 Did you find it, Mr. Mayo?

8 THE CHAIRMAN: Yes.

9 A. So far that's the make up air units
10 or rooftop units that we're planning for this
11 building. We don't need any more than that.
12 We'll be taking fresh air from the sides walls,
13 the rear of the building or the west portion of
14 the building. Those rooftop units will be
15 located on the roof of the fourth floor, not the
16 fifth floor. As the units recede back, we're
17 creating space for those rooftop units RTUs to be
18 located hidden from sight. They're behind the
19 elevator, they're tucked in one of the nooks that
20 we've created, and the units will be located
21 there.

22 Q. So you're utilizing the fourth
23 level, that's the first level of the duplex, the
24 roof of that level for those facilities?

25 A. That is correct.

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Carballo - Direct

1 Q. Okay. And back to the fifth level,
2 to this profile, these elevations you're showing
3 us, are you finished with your testimony on the
4 first elevation, the top elevation?

5 A. Basically I have materials. We're
6 talking about brick panels --

7 THE CHAIRMAN: Before you get to
8 materials, I have a question.

9 THE WITNESS: Sure.

10 THE CHAIRMAN: That grayed out area
11 to the right there --

12 THE WITNESS: This area?

13 THE CHAIRMAN: No, to the right.
14 That area.

15 THE WITNESS: Okay.

16 THE CHAIRMAN: It says that's the
17 building outline but what part of the building --

18 THE WITNESS: what we did, just so
19 we could show the inside, that inside portion if
20 you actually sliced the building in half, so if
21 we had shown all the components of the building,
22 you see floors, you see walls, this is actually
23 the interior of the building now.

24 THE CHAIRMAN: Well, let me ask the
25 question a different way.

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Carballo - Direct

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1 THE WITNESS: Sure.

2 THE CHAIRMAN: If I'm standing
3 inside that horseshoe looking north, I don't see

4 that?

5 THE WITNESS: No, no, you would
6 never see that. It's just to show that interior
7 elevation.

8 THE CHAIRMAN: Okay.

9 THE WITNESS: Okay. And the reason
10 we show that as opposed to just the simple
11 outline here is just to show the building itself
12 because we knew there would be more questions on
13 that. But that's basically a cut through or a
14 section through that portion of the building
15 right there which is the connecting portion of
16 the U. And we did that so we could show the
17 interior elevation of the courtyard --

18 THE CHAIRMAN: Wait a second. Then
19 it would be on the left, wouldn't it? If I'm
20 looking north.

21 THE WITNESS: No, no, this is the
22 north facing elevation. You're looking south but
23 you're -- it's north facing.

24 THE CHAIRMAN: Okay.

25 THE WITNESS: Every time you look at

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Carballo - Direct

1 elevation you're looking the opposite way of
2 where the elevation is facing.

3 Q. Mr. Carballo, you're saying the
4 north elevation of the southern pier, right?

5 THE CHAIRMAN: That's correct. It's

6 the northern face of the southern --

7 THE WITNESS: It's northern face.

8 We actually in this building we have two northern
9 facing and two southern facing elevations.

10 Q. Why don't I make it easy. You have
11 two wings, one is on the south, one is on the
12 north?

13 A. This the south wing.

14 Q. Right. This is the north wall of
15 the south wing. Jose, I'm going to suggest
16 because you know what you're doing and you have a
17 view in your mind's eye what you're looking at
18 from the courtyard, but to keep us all on track
19 with you so you have done like a cut, like an MRI
20 cut trying to show that, that's what you were
21 trying to show on that elevation?

22 A. Basically.

23 Q. And from the south wing we're
24 looking back towards the Galaxy, so that's the
25 north wall, correct?

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Carballo - Direct

1 A. Right, this is the north wall.

2 Q. All right. Now, you have -- is
3 there anything else in that elevation you'd like
4 to advance to the board?

5 A. No, not at that elevation, not now.

6 Q. Now, you have the next elevation.

7 And, again, first thing I want you to do with the
8 laser is point to the little diagram on the upper

9 right-hand side as to where you would be standing
10 and then the direction you're looking at and then
11 explain it.

12 A. Basically at this point we're
13 looking east from, let's say, Boulevard East from
14 Bulls Ferry Road we're looking east, we're
15 looking towards the building.

16 Q. So I would either be behind the
17 building up on top looking back to the Hudson
18 River?

19 A. That is correct, and that is the
20 western face of the building as you're looking
21 east.

22 Q. Okay.

23 A. Okay.

24 MR. MCGRATH: Mr. Alampi, just so we
25 clarify that, you use the term standing on

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Carballo - Direct

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1 Boulevard East. If you were standing on
2 Boulevard East and you looked straight out, would
3 you see this building or would you have to look
4 down to see this side of the building?

5 THE WITNESS: Oh, no, you have to
6 look down. It's just to show the location,
7 that's why I said Bulls Ferry Road. This is the
8 site facing the hill.

9 THE CHAIRMAN: Again, you would be
10 standing at the foot of the cliff?

11 THE WITNESS: That is correct.

12 THE CHAIRMAN: Looking east.

13 MR. ALAMPI: I'll get there,

14 Mr. Mayo, I'll get there.

15 Q. So when you're saying the west, of
16 course you will be standing right behind the
17 building in the property, you wouldn't be up on
18 Boulevard East?

19 A. That is correct.

20 Q. But if you were on Boulevard East,
21 you'd look over the building?

22 A. You'd certainly look way over the
23 building.

24 Q. Now, what are you showing us as
25 exposed? Is that from the grade level in the

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Carballo - Direct

1 rear wall of the property?

2 A. Right. Right. This line right
3 here, this is a relative height that matches the
4 floor level. This is now the grade as it exists,
5 and as we're basically building the building
6 into, and this is what you see of the building if
7 you're standing behind the building itself.

8 Q. So at that point of the property,
9 whether it's 200 feet or 300 feet in, the
10 building is going to be recessed into the -- from
11 the plateau into the rising grade more or less?

12 A. That's correct.

13 Q. And so then what are you showing us

14 there?

15 A. Well, what we're showing here is a
16 limited amount of window space. This is where we
17 have those accessory rooms towards the back of
18 the building. We really don't need that much
19 window space. We maintained it low. There's
20 really nothing to look at except the cliff coming
21 down and once you're there, you're really not
22 going to be looking at anything, you're going to
23 be looking at something else, so we limited the
24 window space with glazing in that area. And
25 that's what that elevation looks like.

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Carballo - Direct

1 Q. Now, on the top of that elevation
2 there seems to be three rectangular gray boxes up
3 there, what is that supposed to be depicting?

4 A. This is the fifth floor of the south
5 wing, that's the fifth floor of the north wing,
6 and this is the center portion of the building
7 that also contains one of the units.

8 Q. And there's a space between from the
9 north and the south wings to that center. Did
10 you intentionally create some space between them?

11 A. We wanted to -- yeah, we wanted to
12 make this building -- break it up on the top. We
13 recessed the units, we broke up where we didn't
14 need the space to create more room space and
15 that's what that shows.

16 Q. But of course that's the aspect
17 that's facing into the Palisades cliff face,
18 correct?

19 A. Well, on this side it's facing the
20 Palisades, but if you stand in and look the other
21 way, you can see New York City.

22 Q. And if you look at your floor plan
23 then, the fifth floor of these duplexes would
24 also show those cuts between that. Could you
25 just show us with your hands where that would be?

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Carballo - Direct

1 A. Certainly. If you look at the
2 fourth level of the penthouse, this is now the
3 south wing, this is the north wing. You can see
4 the space between the north wing and the center
5 portion as well as the south wing and the center
6 portion. This is space free of any building, any
7 obstructions on that fifth floor. It's merely
8 roof space.

9 Q. All right. And let's continue to
10 get through the last two elevations. So now the
11 third elevation, is that like dead on if you were
12 at the other side of River Road looking at the
13 building?

14 A. This is what you see from New York
15 City. Again, you see the shadows of the sun
16 casting into the void in the middle that creates
17 the courtyard. This wing, which is the north
18 wing, is here. This is the south wing which is

19 that side, and then this is the center portion of
20 the building. And, again, you see the courtyard,
21 these are the lobbies right here, and this is
22 where you'll be coming in traveling and either
23 out or back into the building on either one of
24 the wings.

25 Q. And, okay. And of course you still

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Carballo - Direct

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1 have to have the flat roof as you described
2 earlier?

3 A. That is correct. And that, again,
4 from the -- looking at it from the east, you see
5 -- facing east, this is the elevation, the
6 portions of the elevation that are basically
7 missing or were taken away from the fifth floor.

8 Q. And I think I took you out of turn.
9 We had gone to that lower elevation earlier. Is
10 there anything additional you want to talk about
11 on that last lower elevation?

12 A. Well, this is the elevation that
13 faces south. This is the elevation that faces
14 the Galaxy. No different from the other
15 elevation, same materials, same type of windows,
16 rhythm of windows and apartments. And design of
17 the building, you can see, again, the more even
18 lower levels, and then you see the broken up
19 fifth floor, second floor penthouse area.

20 Q. Now, those stripes that are going

21 through the lower level, is that an application
22 that you would see on the exterior or is that
23 your effort to try to give like a cut through of
24 the building?

25 A. No, that's a flat band that we have

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Carballo - Direct

1 on the outside, again, to break up the building a
2 little bit. It's more of a design decision than
3 anything else.

4 Q. Now, the colors that you've used for
5 this presentation, the gray and the black and
6 such, are they indicative of what you envision to
7 be the color of the materials you're going to
8 employ?

9 A. No, it actually didn't come out the
10 way I wanted it to come out. We're going to have
11 more lively colors --

12 Q. This came out like a Poskanzer
13 building?

14 A. No, it didn't come out the right way
15 but basically what the intention was to show
16 different levels, different colors that we're
17 going to be using. And of course it's not going
18 to be red, white, and blue but it's going to have
19 certain tones such as earth tones and reds and
20 things of that nature.

21 Q. So your desire was to show that
22 you're going to provide some different shades or
23 elements to break up the appearance of the

24 building, but you're not fixed on the exact color
25 but they'll be muted and earth tone type of

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Carballo - Direct

1 colors?

2 A. Right. We're not even thinking
3 about this color, so, yes.

4 Q. I was just curious why you used that
5 color.

6 A. Sometimes you press that button on
7 the computer and what comes out of there amazes
8 me.

9 Q. Now, Jose, we've worked through your
10 exhibit, are there any other features of your
11 testimony you need to present regarding the
12 building, the common elements, any of the
13 faculties or facilities of the building or
14 anything like that?

15 A. Again, it's a building for 60 units.
16 It's a building that has whatever is necessary
17 for this type of building. It's got all the
18 utilities, it's got all the points of entrance,
19 it's got all the code issues, all the code
20 requirements that any building of this size could
21 have, and this is what we've done with this
22 building. When we designed buildings, it's
23 always the mindset that it has to meet code even
24 before it gets to a point of presenting it to the
25 board. It's got to be more realistic than just

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Carballo - Direct

1 showing something, and that's what we show here.

2 Q. Well, do you want to tell the board
3 why you shaped the building in the configuration
4 you did, like what led to that?

5 A. Well --

6 Q. For example, why did you have a C
7 configuration? Is there a reason?

8 A. The reason we had a C configuration
9 is we have a very unique site here. We have a
10 site that has tremendous views of New York City,
11 and what we wanted to do is create a building in
12 which we would give each and every one of these
13 units the possibility of having a view of New
14 York City. If you have a building that is
15 parallel to the view, one-half of the building
16 will have views the other half will have no views
17 whatsoever. But if you take the same building
18 and locate it perpendicular to that view, that's
19 what you're going to have. Every unit will not
20 have a view of New York City, which you know this
21 is very important everybody wants that, and
22 that's one of the reasons we did this. The other
23 reason is we broke out this building into a
24 couple of different wings to make sure that the
25 building was as low as possible. You know, this

Celeste A. Galbo, CCR, RMR

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Carballo - Direct

1 is how many buildings we could get on the site,
2 basically it's two buildings joining in the
3 center by a third building, and we wanted to
4 break it down, break down the number of units
5 within as many buildings as possible which in
6 this case is two just to keep that building as
7 low as possible.

8 Q. So each apartment on each floor is
9 what we call a double loaded corridor, correct?

10 A. That is correct.

11 Q. And with the exception of the center
12 bar that goes across the back, is that going to
13 be single loaded?

14 A. Apartment-wise it is single loaded,
15 yes.

16 Q. So the double loaded so that
17 everybody has an exterior view to the north and
18 the south on both the north wing and the south
19 wing, correct?

20 A. That is correct.

21 Q. You're maximizing the view?

22 A. That is correct.

23 Q. Was that a consideration in why you
24 designed it this way?

25 A. Yes, I think I just went through

Celeste A. Galbo, CCR, RMR

D

Carballo - Direct

1 that. It definitely is, it's one of those

2 requirements that if you have a view, that's what
3 you want to have.

4 Q. And with regard to the bulk of the
5 building, given that you're signing this
6 building, do you have an opinion as to whether or
7 not the appearance of the building has an
8 impression as compared to just a straight
9 rectangular five or six or seven story building?

10 A. Again, one of the reasons we went to
11 two buildings or two wings to the building is to
12 try to divided the units into two areas so it
13 would be as low as possible. The profile that we
14 came up with I believe is a low profile, it's
15 certainly well below the maximum height that's
16 permitted in this area. So we were trying to do
17 that just to maintain -- trying to maintain as
18 much of a view from neighbors and other people as
19 much as we could. I think we successfully did
20 that and now we're very proud of the building we
21 came out with.

22 Q. Now, Mr. Carballo, you also are
23 aware of the setback requirements and the front,
24 side setback and rear. And does this building
25 comply, to your knowledge, after you evaluated

Celeste A. Galbo, CCR, RMR

D

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Carballo - Direct

1 the ordinance setbacks, does it comply to the
2 setback requirements?

3 A. We basically discussed it and
4 coordinated it with Mr. Bertin's office and we do

5 believe that it does comply with that.

6 Q. You checked the ordinance, didn't
7 you?

8 A. Yes, we did.

9 Q. You reviewed it with Mr. Bertin and
10 myself?

11 A. I certainly did.

12 Q. And you've had the opportunity to
13 see some of the comment letters of the
14 professional staff of the Township of North
15 Bergen?

16 A. Yes, I have.

17 Q. And it complies with the setback
18 requirements?

19 A. It certainly does.

20 Q. With regard to the parking, if --
21 does this configuration facilitate maximizing the
22 parking field? Does it have any impact on the
23 parking?

24 A. It does maximize, definitely.

25 Q. Would you tell us how?

Celeste A. Galbo, CCR, RMR

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Carballo - Direct

1 A. Certainly. Even the distance
2 that -- we started with parking is the tail that
3 wags the dog all the time. That's number one.
4 So we started out with how many parking aisles
5 could we create on this site before we went into
6 any variances.

7 Q. So the drive aisles for circulation
8 are a situation that you have to study as you
9 analyze the footprint and design of the building,
10 correct?

11 A. Definitely. And this particular
12 building went through several different
13 generations of design just to make sure that we
14 actually met the requirements of distances as
15 dictated by the RSIS standards.

16 Q. One last question before, I know I'm
17 interrupting you, the design of the footprint
18 also has some impact on the columns that would be
19 going from the ground floor to the upper levels,
20 correct?

21 A. Well, that is partially correct, but
22 that is also one of the concerns that we had.
23 What we basically did is we laid out columns and
24 then parking so that we would have a full 8-1/2
25 feet minus -- not counting the columns. We do

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□

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Carballo - Direct

1 have two feet in between parking spaces flanked
2 by columns so that we could be able to have a
3 column that not only is just part of the column
4 that comes out, but also the fire ratings and the
5 safety features that a column should have. So
6 that's how we came up with the interior layout of
7 the parking in the building.

8 The exterior layout now we don't
9 have columns, but we do have other things like

10 paths and things of that nature, access points
11 that we had to take into account. And that's how
12 we arrived at that.

13 The number of units was basically
14 something we backed into once we knew what the
15 parking was and that's the 60 units that we have.

16 Q. And if you had designed the building
17 in a say rectangular configuration, would that
18 have affected the parking? would it have been
19 less advantageous?

20 A. I'm not sure what you have in mind
21 by rectangular, but this is definitely the most
22 efficient way to park within this site.

23 Q. This makes it the most marketable
24 and appealing in your mind?

25 A. Oh, it certainly does. It basically

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D

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Carballo - Direct

1 hides all the parking, it provides easy access
2 parking for visitors outside on the courtyard, as
3 well as if you're just going very quickly to your
4 apartment instead of having to park inside or
5 whatever. So it does facilitate that and I think
6 it makes traveling for people that are traveling
7 through the site very efficient.

8 THE CHAIRMAN: Is that what you
9 anticipate with the outside spaces will be for
10 visitors?

11 THE WITNESS: Well, RSIS,

12 Residential Site Improvement Standards, they --
13 it's an average of parking throughout the state,
14 and it does take into account visitors as well as
15 occupants of a building. And we do have that.
16 So, yeah, we do foresee that some of the spaces
17 outside will be used by visitors.

18 THE CHAIRMAN: Do you anticipate
19 assigning -- or you may not know the answer to
20 this as yet -- but do you anticipate assigning
21 spaces to the various units?

22 THE WITNESS: I'll leave that to
23 Mr. Alampi.

24 THE CHAIRMAN: Okay.

25 MR. ALAMPI: Mr. Mayo, we have not

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Carballo - Direct

1 determined if this building is approved it will
2 certainly be built as a rental in this economy.
3 It may develop over time into a condominium, but
4 everyone knows there is no condominium market, so
5 it would be a rental. So it will be under the
6 control of management and parking will be
7 controlled.

8 THE CHAIRMAN: Okay. Two more
9 questions. In terms of access to the parking and
10 to the units themselves, is there any controlled
11 access? What I'm getting at is, can anybody just
12 walk in?

13 THE WITNESS: Well, it's certainly
14 for the units outside, it's not going to be much
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15 because we're right up to the limits of River
16 Road, but we would have garage doors on those and
17 they'll be remotely controlled so that you would
18 have a some sort of a piece of technology that
19 will allow you to go into the spaces.

20 THE CHAIRMAN: So theoretically
21 anyone could drive in and park in those outdoor
22 spaces?

23 THE WITNESS: Theoretically, yes.

24 THE CHAIRMAN: Okay. Now, how about
25 access to the building as a whole for the

Celeste A. Galbo, CCR, RMR

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Carballo - Direct

1 residents?

2 THE WITNESS: You have doors, again
3 that will be controlled. There's a safety -- a
4 security point at each one of the lobbies so that
5 as a resident you'll be able to go in, if you're
6 not a resident, then you have to call whichever
7 apartment you're going to for them to let you in.

8 THE CHAIRMAN: Are you anticipating
9 cameras? You say this is a security points but
10 --

11 THE WITNESS: There will be a
12 security package. Whether it's cameras or
13 anything else, I'm not sure at this point. We
14 haven't decided that.

15 THE CHAIRMAN: You haven't really
16 designed anything at this point?

17 THE WITNESS: Oh, no, you don't
18 design it at this point.
19 THE CHAIRMAN: Okay.
20 MR. ALAMPI: Thank you, chairman.
21 Q. I did have a question. I'm trying
22 to remember it, to finish you off.
23 As you've designed this building and
24 with these discussions we've had, is this
25 something that if you drove by with your family

Celeste A. Galbo, CCR, RMR

□

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Carballo - Direct

1 and pointed to you'd be proud to say you designed
2 this?
3 A. I think I said it before, I'm proud
4 of the design we came up with. It's certainly
5 one of the better buildings on the strip,
6 certainly.
7 MR. ALAMPI: I have nothing further,
8 Chairman.
9 THE CHAIRMAN: All right. Thank
10 you.
11 Any board members have any questions?
12 MR. FERNANDEZ: Just one question.
13 Mr. Carballo, I know in your previous testimony
14 you said the building is of type five
15 construction.
16 THE WITNESS: Mr. Fernandez, as a
17 building inspector, I wouldn't expect any less of
18 a question than that.
19 No, what the code basically says is

20 that if you have a type one construction, which
21 is completely noncombustible, steel, concrete and
22 you provide a certain rating between that level
23 and residential levels above, that then you're
24 allowed to do certain things with that building
25 based on the code and that's what we're doing.

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□

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Carballo - Cross

1 The first floor is actually steel and concrete
2 and we do need that to create the spans that we
3 need for the 24-foot driveway and the space
4 between columns down below.

5 So basically the construction of this
6 building is going to be a steel and concrete
7 platform, and on top of that platform is a
8 building that is going to be put on top of that
9 building. So that's how we intended this
10 building.

11 MR. FERNANDEZ: Okay, four stories
12 of five construction.

13 THE WITNESS: It's four over one.

14 MR. FERNANDEZ: Four over one. And
15 your sprinkler system will be 13?

16 THE WITNESS: It has to be fully
17 sprinklered. It has to be 13 system centrally
18 located.

19 MR. FERNANDEZ: It's going to be
20 fully sprinklered.

21 THE WITNESS: Definitely.

6-24-10 Appleview1
THE CHAIRMAN: Mr. Lamb.

22

23 CROSS-EXAMINATION

24 BY MR. LAMB:

25 Q. Could you point out, while you have

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□

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Carballo - Cross

1 that open, that's A-1, could you show us where
2 the gas line access is proposed?

3 A. It will probably be coming in this
4 way into storage area or at this side back in
5 here.

6 Q. What about the Transco transmission
7 line, gas transmission line that we've spoken
8 about?

9 A. That is part of Mr. Bertin's
10 testimony.

11 Q. Did you take that into account when
12 you designed the building or located the
13 building?

14 A. Certainly. It was fully coordinated
15 with Mr. Bertin so the building was located as it
16 needed to be within the site plan.

17 Q. Do you know the distance of the
18 building that you laid out and that access area?

19 A. No, I don't.

20 Q. Okay. Could you describe what --
21 we'll just stay with A-1. This area right here,
22 is that a retaining wall?

23 THE CHAIRMAN: Let's just for the
24 record, let's -- you're saying "this".

25 MR. LAMB: I'm saying A-1,

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Carballo - Cross

1 Mr. Chairman, which is dated --

2 THE CHAIRMAN: All right. Let me
3 try and clear up the record for a second. The
4 question you asked about the gas line was on
5 either the southeast or the southwest portion of
6 the building?

7 THE WITNESS: It is the southwest --
8 southeast portion of the building.

9 MR. LAMB: No, but I was asking him
10 about the northern portion of the building.

11 THE CHAIRMAN: I know, I know but
12 you didn't identify that either. Now you're
13 asking about the northwest side.

14 MR. LAMB: Correct.

15 Q. On the northwest corner of the
16 building there's an indication here of a
17 stairwell, and I'm not sure whether that's a
18 retaining wall. Could you describe that?

19 A. We took that from Mr. Bertin's plan,
20 so you could ask him later on what that is all
21 about.

22 Q. So you don't know that?

23 A. Not exactly, no.

24 Q. Okay. You're aware of the building
25 coverage of the project that exceeds the 25

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Carballo - Cross

1 percent requirement?

2 A. I am aware.

3 Q. Okay. And is it fair to say that if
4 the total area of the building is about -- excuse
5 me, the total area of the property is about
6 100,000 square feet, and the building itself is
7 about 31 percent, then there is an extra 6,000
8 square feet of building over the 25 percent
9 requirement?

10 A. I don't know the exact numbers but
11 yeah, there's probably some overage, definitely.

12 Q. Did you ever consider trying to make
13 a compliant project and reducing the building by
14 the six percent so you would satisfy that
15 requirement?

16 A. No.

17 Q. Now, you talked about some of the
18 dimensions of the parking spaces. Can you review
19 that again? Are all the spaces nine by 18 feet?

20 A. No, all the spaces -- most of the
21 spaces are 8-1/2 by 18, the ones in the corners
22 adjacent to walls is nine by 18.

23 Q. Okay, can you point out which one
24 adjacent to walls are the nine by 18?

25 A. For example, that one, that one

Celeste A. Galbo, CCR, RMR

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Carballo - Cross
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1 there, not this one but those right there
2 (indicating).

3 THE CHAIRMAN: So you've pointed to
4 the northwest corner and the southwest corner?

5 THE WITNESS: Yes, exactly.

6 THE CHAIRMAN: Thank you.

7 Q. You proposed 117 parking spaces; is
8 that correct?

9 A. That is correct.

10 Q. Two in the southwest corner are nine
11 by 18?

12 A. That is correct.

13 Q. Two in the northwest corner are nine
14 by 18?

15 A. That is correct.

16 Q. And one --

17 A. There might be a couple more that
18 are nine by 18, correct.

19 Q. So if we taken those five or six or
20 seven spaces, other than that, approximately 100
21 spaces are less than nine feet by 18 feet in
22 dimension?

23 A. That is correct.

24 Q. Okay. Are you aware of what the
25 RSIS requirement is for parking spaces?

Celeste A. Galbo, CCR, RMR

□

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Carballo - Cross

1 A. It's nine by 18.

2 Q. And so therefore is it fair to say

3 that approximately give or take a --
4 approximately 100 of the parking spaces are
5 undersized according to the RSIS?

6 A. According to the RSIS, yes.

7 Q. Now, you talked about the community
8 rooms, and I note the sizes were fluctuating and
9 the number of rooms and that's on each floor. Is
10 that supposed to be a recreational area? Is that
11 what the intent is?

12 A. The intent is to have an area where
13 if somebody needs an office for a day or if
14 somebody needs to meet someone or a family member
15 comes and they don't want to be in the house,
16 it's a space that they can use for that.

17 Q. Like if it was in a dormitory, like
18 a room, like a living room or a lounge area?

19 A. No. Well, they're not lounge areas
20 like in a dormitory, people will not just be
21 hanging out there all day, but they could use
22 them, you know, frequently.

23 Q. Is there any -- in your design of
24 the architecture, did you provide any
25 recreational facilities for the tenants or

Celeste A. Galbo, CCR, RMR

□

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Carballo - Cross

1 occupants other than those community area rooms?

2 A. No, we don't.

3 Q. Anything on the roof, any
4 recreational area, play area?

5 A. No, the roofs are basically

6 designated for the top units.

7 Q. Now, I note that we had some
8 discussion as to the size of the duplex. I think
9 you modified it to be about 2277 square feet; is
10 that correct?

11 A. That is correct.

12 Q. How many duplexes in the complex out
13 of the 60 units are more than 2,000 square feet?

14 A. I would say probably at least half
15 of them.

16 Q. So round numbers, 30 out of 60 or
17 more than 2,000 square feet?

18 A. No, 10 out of 20.

19 Q. 10 out of 20, okay. 10 units.

20 Did you give any thought to making
21 those different sizes or smaller units, different
22 bedroom mix?

23 A. They're all different sizes, no.

24 Aside from that, no.

25 Q. Do you know what the average size is

Celeste A. Galbo, CCR, RMR

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Carballo - Cross

1 for these 60 units, the average size in the
2 building averaging the first and second?

3 A. They vary. They vary. For example,
4 this is a two bedroom 1216 square feet. This is
5 one bedroom --

6 THE CHAIRMAN: You're pointing to
7 the southwest corner?

8 THE WITNESS: I'm sorry.

9 MR. LAMB: Yes, on A-0 in the middle
10 breakdown in the southwest corner.

11 THE WITNESS: If we're looking at
12 the south wing, we have apartments that are two
13 bedrooms are 1216, the southwest corner. The
14 southeast corner is 1277. In the courtyard
15 facing north again we have one that is just shy
16 of 1200 square feet, and that's a large one
17 bedroom. There's another two bedroom here that
18 is about 1200 square feet, so we do have
19 different sizes with different bedroom count.

20 Q. So you've got some two bedrooms that
21 are in the southwest corner you've said anywheres
22 from 1200, 1,000, 1190, in that range?

23 A. That is correct.

24 Q. But you also have some two bedroom
25 units that are more than twice that size?

Celeste A. Galbo, CCR, RMR

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Carballo - Cross

1 A. In the fourth and fifth floors, yes.

2 Q. What's the smallest one bedroom that
3 you have?

4 A. About 1100.

5 Q. That's the smallest one bedroom?

6 A. I'm sorry, one bedroom? No, one
7 bedrooms are in the range of 900 square feet.

8 Q. Now, can you go to the floor plan of
9 a duplex unit on the higher floors? You're
10 referring to A-2 of your plans?

- 11 A. A-2 of 4.
- 12 Q. Let's take the bottom left-hand
- 13 corner. It's called "Enlarged Third Floor Lower
- 14 Penthouse Unit"?
- 15 A. That is correct.
- 16 Q. Can you give the dimension of that
- 17 office, office/study that's marked office/study?
- 18 A. It's 10 by 15.
- 19 Q. And the M bedroom means master
- 20 bedroom right above it?
- 21 A. That is correct.
- 22 Q. What is the size of the master
- 23 bedroom on that same schematic?
- 24 A. And that is 12 by 15 not counting
- 25 closets and the bathroom.

Celeste A. Galbo, CCR, RMR

□

Carballo - Cross

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- 1 Q. Okay. And is it fair to say that
- 2 that office study area is comparable with the
- 3 size of the master bedroom?
- 4 A. It is comparable.
- 5 Q. Now, where is the upper level of
- 6 that enlarged third floor?
- 7 A. Okay, if you look at the stair
- 8 that's adjacent to the office study --
- 9 Q. Right.
- 10 A. -- if you go to the drawing on your
- 11 right, that is the second floor, on top of that
- 12 the first floor. So that is the second floor of

13 the duplex.

14 Q. So on A-2 you really -- both of
15 these diagrams on the bottom of it, one is the
16 lower floor, one is the upper floor?

17 A. They're stacked on top of each
18 other, that is correct.

19 Q. Now, there also is indicated on the
20 second floor an M bedroom?

21 A. That is correct.

22 Q. And M means what?

23 A. That it's another master bedroom.

24 Q. So you designed in the penthouse two
25 master bedrooms?

Celeste A. Galbo, CCR, RMR

□

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Carballo - Cross

1 A. That is correct.

2 Q. Now, you also indicate there's a
3 walk-in closet of 16 by 10 and a half?

4 A. That is correct.

5 Q. What would prevent somebody from
6 using the penthouse as a two family unit?

7 A. I don't even know that I could
8 answer that.

9 Q. And ignoring the size of the parking
10 spaces and ignoring the fact that you're only off
11 one parking space, pretty much under the RSIS you
12 have a complying number of parking spaces but
13 only based upon these 2200 square foot units
14 having three bedrooms in them is that correct?

15 A. One and two bedrooms.

- 16 Q. One and two bedroom.
17 A. Yes, that is correct.
18 Q. So if someone were to add a bedroom
19 in one of these units, there is no additional
20 parking on site to accommodate that person?
21 A. Right.
22 Q. And is it fair to say that if there
23 was not available parking in the, I call it the
24 middle of the U, there is no street parking
25 available?

Celeste A. Galbo, CCR, RMR

□

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Carballo - Cross

- 1 A. There is no street parking
2 available.
3 Q. Any parking to the north of the
4 property or south of the property?
5 A. None. We don't need it. We meet
6 the RSIS standards, so we don't need it.
7 Q. Now, did you do any review as to
8 whether offices are permitted in -- professional
9 offices are permitted in this zone?
10 MR. ALAMPI: I'll object.
11 MR. MUHLSTOCK: Sustained. There is
12 no testimony that there's a professional office,
13 it's just a study.
14 MR. LAMB: It's marked office, so I
15 wanted to see what the intent was.
16 Q. Now, you indicated there is no
17 special area for guest parking, that hasn't been

18 decided yet?

19 A. Specifically, no.

20 Q. Now, you were also the architect in
21 the prior application that was filed with the
22 board of adjustment?

23 A. Yes, I was.

24 Q. Okay. Did the board of adjustment
25 ask you to do a view shed analysis or --

Celeste A. Galbo, CCR, RMR

□

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Carballo - Cross

1 MR. ALAMPI: I'm going to object --

2 MR. MUHLSTOCK: What's the relevance
3 of that?

4 MR. LAMB: I wanted to see if there
5 was a view shed analysis prepared in connection
6 with the prior application because the board
7 chairman and the board directed the applicant to
8 provide same. So that's why I think it's
9 relevant.

10 MR. ALAMPI: I'll object. Number
11 one, I wasn't part of that application and,
12 number two, this is a different application.

13 MR. LAMB: I'm going to request
14 eventually that that be prepared just like the
15 board of adjustment prepared it, and you don't
16 have to request it.

17 MR. ALAMPI: I'll object, Mr. Mayo,
18 but you'll make the decisions.

19 MR. LAMB: I have every confidence
20 Mr. Alampi will object to everything I say and

21 Mr. Muhlstock will agree with him.

22 MR. MUHLSTOCK: Thank you. That's
23 nicely gratuitous of you, Mr. Lamb, but not true.

24 Q. When you talked about the elevations
25 -- and forgive me but I got a little confused --

Celeste A. Galbo, CCR, RMR

□

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Carballo - Cross

1 what is the height? what is the building height,
2 the maximum building height as you calculate it?

3 A. Fifty-five feet.

4 Q. Okay. And is that the legal
5 building height under the zoning ordinance?

6 A. I believe the legal height is 75
7 feet.

8 Q. I'd like to know if you take the
9 zoning ordinance and advise the board what is the
10 legal height as measured pursuant to the zoning
11 ordinance, what that number is?

12 MR. ALAMPI: Mr. Lamb, if I could
13 ask you --

14 MR. LAMB: If he knows.

15 MR. ALAMPI: I'm not sure I
16 understand your question. Are you asking for
17 what the maximum item is measured by the
18 ordinance or are you asking what the actual
19 height is measured by the ordinance?

20 MR. LAMB: I'm asking him not in the
21 maximum height under the ordinance, but the
22 actually height of this proposed building using

6-24-10 Appleview1
23 the zoning ordinance.
24 A. I believe it's 58 feet but
25 Mr. Bertin has in his drawings more exactly.

Celeste A. Galbo, CCR, RMR

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Carballo - Cross

1 Q. But you're the architect; is that
2 correct?
3 A. I am the architect, yes.
4 Q. And you have various information on
5 this including elevations?
6 A. That is correct.
7 Q. You've designed the building?
8 A. That is correct.
9 Q. Forget about the legal definition of
10 zoning ordinance, if -- the legal definition of
11 height under the zoning ordinance. Are you
12 saying that the actual height without relating it
13 to the middle of the River Road is 55 feet?
14 A. That is correct.
15 Q. But if you use the elevation and the
16 middle of River Road, it is higher than five
17 feet?
18 A. I think it's two or three feet more.
19 Q. Okay. So that's the only difference
20 that you're aware of?
21 A. That is the only difference.
22 Q. Okay. Did you take the elevations
23 of the four corners of the building to calculate
24 what the average elevation is when determining
25 height?

Celeste A. Galbo, CCR, RMR

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Carballo - Cross

1 A. No, I'm actually taking the height
2 as the maximum height of this building in the
3 front which is fully exposed or fully out of the
4 ground. So, no, I have not taken an average of
5 the building. At that point, it would be less
6 than that.

7 Q. Now, you gave us on -- you talked
8 about the various elevations which I guess is
9 A -- I'm sorry, on A-3 of your plans. This --
10 the elevation from River Road looking towards the
11 project, towards the west is number two, is it
12 not?

13 A. No, it's number three.

14 Q. I mean number three, I'm sorry.

15 A. Yes.

16 Q. Is it fair to say that the cars are
17 located in the lower area between metal canopy
18 and insulated window seams, that's where the cars
19 would be? If you drew the cars in the elevation,
20 is that where they would be located?

21 A. The ones outside the building, yes.

22 Q. Okay. And when I look over to the
23 left side of this or the right side there's other
24 cars parked in that first level?

25 A. Inside the building, correct.

Celeste A. Galbo, CCR, RMR

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Carballo - Cross

1 Q. Now, did anyone ever request of you
2 to design a building that complied with the
3 zoning other than the acreage issue, but to
4 comply with the other requirements of the zoning
5 ordinance as far as building coverage, sidewalk
6 design, et cetera?

7 A. No.

8 Q. Now, I wasn't quite sure, you said
9 there's two feet between the parking spaces.
10 When you calculated the parking spaces, is that
11 two feet by the columns when you talked about the
12 columns and there was a distance between the
13 parking spaces?

14 A. That is that space that is between
15 two parking spaces that contain a column, yes,
16 that is two feet.

17 Q. And does that distance get added to
18 one of the parking spaces when taking the
19 measurement of it?

20 A. No, no, I think I testified before
21 that the 8-1/2 feet is clear of that space for
22 columns.

23 MR. LAMB: Nothing further,
24 Mr. Chairman.

25 THE CHAIRMAN: All right. Thank

Celeste A. Galbo, CCR, RMR

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2 Ms. Gesualdi, did you have anything?

3 MS. GESUALDI: Nothing at this time.

4 THE CHAIRMAN: Since we're just
5 about -- I'm sorry, any member of the board have
6 any questions?

7 (No response.)

8 THE CHAIRMAN: Let us do this. I'm
9 going to open the public portion for this
10 witness. Does any member of the public wish to
11 ask any questions of this witness.

12 Yes, ma'am, please come forward,
13 state your name and address for the record.
14 VICKY OHAMA, residing at 7004 Boulevard East,
15 Guttenberg, New Jersey, 07093, having been duly
16 sworn by the Notary Public, was examined and
17 testified as follows:

18 THE CHAIRMAN: Okay, now.

19 THE WITNESS: Did you say there were
20 balconies with the units.

21 MR. CARBALLO: There are terraces on
22 the top floor.

23 THE WITNESS: Just terraces but the
24 south tower and the north tower do not have
25 balconies on the outside?

Celeste A. Galbo, CCR, RMR

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Rosen

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1 MR. CARBALLO: No, they don't.

2 THE WITNESS: So only the top?

3 MR. CARBALLO: Right, that's

4 correct, only if you look at the top floor and
5 we're looking at A-2 of four, and you look at
6 drawing number two, it shows the upper level of
7 the duplexes. If you see those areas where it
8 says den, those are the only areas that have
9 outdoor space per se.

10 THE WITNESS: On both sides, south
11 and north?

12 MR. CARBALLO: On both sides of each
13 wing, yes. Yes.

14 THE WITNESS: That was my only
15 question.

16 THE CHAIRMAN: All right. Thank
17 you.

18 Yes, sir. Same thing. Same thing,
19 state your name and address for the record.

20 STEVEN ROSEN, residing at 7004 Boulevard East,
21 Guttenberg, New Jersey, 07093, having been duly
22 sworn by the Notary Public, was examined and
23 testified as follows:

24 THE WITNESS: I'm a little confused
25 on the business about elevation. What is the

Celeste A. Galbo, CCR, RMR

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Rosen

1 average elevation of Boulevard East where it
2 crosses the building?

3 MR. CARBALLO: I have no idea.

4 THE WITNESS: You said the building
5 level that you drive into is two to three feet
6 higher than the center line of River Road?

7 THE CHAIRMAN: Excuse me, did you
8 mean Boulevard East or River Road?
9 THE WITNESS: I meant Boulevard
10 East.
11 THE CHAIRMAN: Okay.
12 THE WITNESS: Now, you said the
13 elevation of River Road was around 12 and a half
14 feet?
15 MR. CARBALLO: No, the set elevation
16 for the building is about 12 and a half feet.
17 THE WITNESS: 12 and a half feet.
18 okay. 12 and a half feet above what?
19 MR. CARBALLO: Sea level.
20 THE WITNESS: Sea level, not high
21 water level?
22 MR. CARBALLO: It's sea level. It's
23 a relative elevation. You'll hear more from
24 Bertin Engineering later on that.
25 THE WITNESS: Okay. I just wanted

Celeste A. Galbo, CCR, RMR

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Center

1 to ask you. Thank you.
2 ELAYNA CENTER, residing at 7002 Boulevard East,
3 Guttenberg, New Jersey, 07093, having been duly
4 sworn by the Notary Public, was examined and
5 testified as follows:
6 THE WITNESS: Parking, could you
7 review that with me, please?
8 MR. CARBALLO: Sure.

9 THE WITNESS: How many inside spots
10 do you have and how many outside spots do you
11 have? Inside being underneath the building that
12 you're noting as level one.

13 MR. CARBALLO: I believe there's 28
14 parking spaces out here and then the balance is
15 inside.

16 THE WITNESS: Okay. So you have 117
17 and a half spots at this point. You're willing
18 to comply with requirements for 118. You're
19 going to squeeze another spot in.

20 MR. CARBALLO: Well, I actually have
21 117 not 117 and a half but yes, you're right.

22 THE WITNESS: You're going to
23 squeeze an extra spot, you're going to take space
24 away from your manager's office here. But I want
25 to rent your building. I'm having a party. My

Celeste A. Galbo, CCR, RMR

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Center

1 friends have to get here by car. Where are they
2 going to park seeing there is no space north of
3 you, south of you or east of you on River Road?

4 MR. CARBALLO: I understand and we
5 meet the state standards so supposedly they took
6 that into account. That's all I can say.

7 THE WITNESS: I'd like to know if
8 there's going to be disclosures to tenants and
9 potential owners when they buy that there quests
10 have nowhere to park.

11 MR. MUHLSTOCK: That wouldn't be a
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12 question to Mr. Carballo. You can ask that later
13 on.

14 THE CHAIRMAN: And yes, ma'am?
15 MYRA BRODSKY, residing at 7004 Boulevard East,
16 Guttenberg, New Jersey 07093, having been duly
17 sworn by the Notary Public, was examined and
18 testified as follows:

19 THE WITNESS: I'm a little confused
20 about the elevation, and I want to ask a
21 practical question. If I live on the fifth floor
22 of the Galaxy, you said that this building is
23 going to be five stories.

24 MR. CARBALLO: Correct.

25 THE WITNESS: Okay. So, I look out

Celeste A. Galbo, CCR, RMR

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Center

1 my window and what do I see, do I see the roof?

2 MR. CARBALLO: You're going to see a
3 beautiful building.

4 THE WITNESS: No, I know I'll see a
5 beautiful building hopefully, but do I look out
6 by the roof?

7 MR. CARBALLO: You will be looking
8 out by the roof at that point. If you're on the
9 fifth floor, we're on the fifth floor, you're
10 going to be right at the same level.

11 THE WITNESS: Okay.

12 MR. CARBALLO: Again, I'm looking at
13 the fifth floor being all relative, I don't know

14 where your fifth floor is in relationship to my
15 fifth floor.

16 THE WITNESS: But did you say there
17 are floors underneath the first floor?

18 MR. CARBALLO: No, no.

19 THE WITNESS: Okay.

20 MR. CARBALLO: Is that all, ma'am?

21 THE WITNESS: Uh-huh.

22 THE CHAIRMAN: So roughly speaking,
23 she's going to be looking at the penthouse?

24 MR. CARBALLO: That is correct.

25 THE CHAIRMAN: Anyone else?

Celeste A. Galbo, CCR, RMR

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Marjan

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1 Yes, sir.

2 BIJAN MARJAN, residing at 8100 River Road, North
3 Bergen, New Jersey, 07047, having been duly sworn
4 by the Notary Public, was examined and testified
5 as follows:

6 THE WITNESS: Just a question. You
7 mentioned that the building is a wood frame
8 building?

9 MR. CARBALLO: That is correct.

10 THE WITNESS: And given the --
11 again, I'm not an architect or an engineer but
12 any means, so just question. While I understand
13 that the basis of the building you said is steel
14 and concrete, but yet the rest of the building is
15 wood, and given the proximity to this gas
16 pipeline, why would you consider not making it

17 entirely concrete?

18 MR. CARBALLO: It's fully
19 sprinklered, so that in itself if anything
20 happens, it will douse the fire so it is a
21 permitted building.

22 THE WITNESS: You still don't
23 consider fire to spread at a speed that is not
24 containable?

25 MR. CARBALLO: That is correct.

Celeste A. Galbo, CCR, RMR

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Marjan

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1 THE WITNESS: And that is
2 guaranteed?

3 MR. CARBALLO: I can't guarantee
4 anything. I can't even guarantee that your name
5 is by John as you said, so I can't guarantee
6 anything.

7 THE WITNESS: I think I can prove
8 that. Thank you.

9 THE CHAIRMAN: Yes, in the back
10 there.

11 DAVID KRONICK, residing at 7855 Boulevard, having
12 been duly sworn by the Notary Public, was
13 examined and testified as follows:

14 THE WITNESS: I just have a few
15 questions, and of course sitting back there I
16 couldn't see.

17 Did you give any consideration to the
18 apartments that would be facing north on the

19 fourth and fifth floor where they have balconies
20 or terraces, would they not indeed be looking out
21 at the tanks and the sewerage plant?

22 MR. CARBALLO: It's just like
23 everything else, even if you're in the Galaxy you
24 look down, that's what you're going to see. If
25 you look that way, you're going to see New York

Celeste A. Galbo, CCR, RMR

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Marjan

1 City.

2 THE WITNESS: And you realize that,
3 of course?

4 MR. CARBALLO: Definitely.

5 THE WITNESS: Will that be covered
6 in any manner, shape or form? Will that be
7 blocked out?

8 MR. CARBALLO: I can't block that
9 out, no.

10 THE WITNESS: Vegetation, plant,
11 trees?

12 MR. CARBALLO: Well, if you're on
13 one of the top floors and vegetation is not going
14 to go up that high, and plus we do have an access
15 road on the site that faces the treatment plant,
16 so, no, we can't plant anything.

17 THE WITNESS: What is the setback
18 from the Palisades cliff from the west.

19 MR. CARBALLO: That's a question for
20 the engineer when he comes up later.

21 THE WITNESS: Oh, I see. Was there

22 any thought given in the early stages of any
23 other kind of development, vis-a-vis a dozen
24 townhouses or that kind of approach? Or was it
25 always from the beginning it was going to be, you

Celeste A. Galbo, CCR, RMR

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Wong

1 know, the configuration --

2 MR. CARBALLO: Well, not the
3 configuration but the type of building, yes, this
4 was always from the beginning.

5 THE WITNESS: From the beginning. I
6 think that's all I have. Thank you.

7 THE CHAIRMAN: All right. Thank
8 you.

9 All right. I see three more and then
10 I'm going to call it. Someone way in the back
11 there. Yes.

12 PEGGY WONG, residing at 8550 Boulevard East,
13 North Bergen, New Jersey, 07047, having been duly
14 sworn by the Notary Public, was examined and
15 testified as follows:

16 THE WITNESS: Like Dave Kronick I
17 was sitting in the back and I couldn't really see
18 the plan. Did you say there were two elevators,
19 one serving each wing?

20 MR. CARBALLO: Yes, definitely. If
21 you look at the first floor plan which is on A-1
22 of 4 you see the two wings and the U-shaped
23 building. There's an elevator on that side and

24 there's an elevator on that side.

25 THE WITNESS: And what size is the

Celeste A. Galbo, CCR, RMR

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Wong

1 elevator?

2 MR. CARBALLO: Stretcher size

3 elevator.

4 THE WITNESS: Do you know what the
5 size is?

6 MR. CARBALLO: It's like seven by
7 five or something like that inside.

8 THE WITNESS: Seven by five. And
9 how high.

10 MR. CARBALLO: I'm sorry?

11 THE WITNESS: How high is it?

12 MR. CARBALLO: I think it's eight
13 feet high. Eight, nine feet high.

14 THE WITNESS: What happens -- I
15 mean, there is no freight elevator here, so what
16 happens when people are moving furniture in?

17 MR. CARBALLO: They'll move them in
18 with those elevators.

19 THE WITNESS: So where is the moving
20 van then?

21 MR. CARBALLO: The moving van will
22 be located in the courtyard.

23 THE WITNESS: Blocking other people
24 from parking in those spots.

25 MR. CARBALLO: Possibly.

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Wong

1 THE WITNESS: All right. Okay. Can
2 I look at the elevation of this ground level?

3 MR. CARBALLO: Of course. Of
4 course.

5 THE WITNESS: Could you explain --
6 is the parking level all open to the outside or?

7 MR. CARBALLO: No, there's a
8 courtyard, and if you look at this sketch up
9 here, this space, first floor, this space right
10 there, there's a courtyard which is open and then
11 you have building U-shaped around that.

12 THE WITNESS: Enclosed? Enclosed?

13 MR. CARBALLO: Yeah.

14 THE WITNESS: What is to stop me if
15 I'm going to this area and let's say I want to
16 take the bus to New York, what's to stop me from
17 driving in there and parking?

18 MR. CARBALLO: You'll get towed.

19 THE WITNESS: In what way? How
20 would anyone know?

21 MR. CARBALLO: People live there,
22 they know where they're going to be parking. If
23 they see a car that they don't know, if you're in
24 somebody else's parking space, it's 125 bucks.

25 THE WITNESS: But those people may

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1 also be driving to work, let's say, in Trenton,
2 so that spot will be empty. So who's to know
3 that I'm not --

4 MR. CARBALLO: You could always try
5 it.

6 THE WITNESS: I'm asking because
7 where I live we have something similar.

8 MR. CARBALLO: I understand that.
9 There's cameras, security that we'll know who is
10 coming in and out of the building so, yes, you'll
11 be spotted right away.

12 THE WITNESS: Okay. I'm not sure if
13 I totally believe you but okay. Okay. As I
14 said, I live in a similar complex.

15 MR. CARBALLO: Have I ever lied to
16 you before?

17 THE WITNESS: I live in a similar
18 complex and people can park if they know that
19 you're working during the course of the day and
20 you're away, they can park in your spot.

21 MR. CARBALLO: So, go for it.

22 THE WITNESS: You said that there
23 were eight community rooms on each floor or a
24 total of eight?

25 MR. CARBALLO: There is several

Celeste A. Galbo, CCR, RMR

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Wong

1 community rooms, yes, several of those areas.

2 THE WITNESS: But between all the
Page 106

3 floors how many?
4 MR. CARBALLO: I would say probably
5 about 20.
6 THE WITNESS: Twenty community rooms
7 well?
8 MR. CARBALLO: Well, 20 rooms.
9 They're not community per se.
10 THE WITNESS: Could we switch the
11 plan?
12 MR. CARBALLO: Sure.
13 THE WITNESS: That is on every
14 floor?
15 MR. CARBALLO: That is on every
16 floor except the top floor obviously.
17 THE WITNESS: Mr. Architect, what in
18 the world are you planning on with all those
19 rooms?
20 MR. CARBALLO: Giving people
21 facilities to use the space.
22 THE WITNESS: But there only 60
23 units in this complex.
24 MR. CARBALLO: Okay. So I want to
25 make it flexible.

Celeste A. Galbo, CCR, RMR

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Wong

1 THE WITNESS: Is this planned for
2 something else in the future?
3 MR. CARBALLO: Not that I know of.
4 THE WITNESS: You said that this was

5 a rental.

6 MR. CARBALLO: I just gave you the
7 answer as much as I know.

8 THE WITNESS: Was this requested by
9 the owner or was it something that --

10 MR. CARBALLO: It was left open
11 space that we had and we decided that we're going
12 to use it that way.

13 THE WITNESS: Well, I have to
14 congratulate you because I live in a complex that
15 400 units. We have one meeting room for 400
16 units. So here we've got 16 -- I'm just
17 wondering what they're going to do with this
18 space. It's going to be party time.

19 MR. CARBALLO: We have some nice
20 size units if you want to move in here.

21 THE WITNESS: I don't think so. I
22 don't think so. I'm just concerned as to what is
23 going to go on in those rooms.

24 THE CHAIRMAN: Thank you. Who is
25 the other one that had their hand up? Herb, I

Celeste A. Galbo, CCR, RMR

□

Shaw

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1 know you had your hand up. We'll get to you in a
2 second.

3 A VOICE: I think she asked my
4 question. It's going to be a rental.

5 THE CHAIRMAN: And, Herb, you get to
6 wrap up.

7 MS. GESUALDI: I have one after
Page 108

8 Herb.
9 THE CHAIRMAN: Now you have one?
10 MS. GESUALDI: I do.
11 HERBERT SHAW, residing at 4402 Liberty Avenue,
12 North Bergen, New Jersey, 07047, having been duly
13 sworn by the Notary Public, was examined and
14 testified as follows:
15 MR. CARBALLO: Mr. Shaw, long time
16 no see.
17 THE WITNESS: You haven't been here.
18 MR. CARBALLO: What is it 24 hours?
19 THE WITNESS: You stated that River
20 Road in that area is three foot above sea level?
21 MR. CARBALLO: I did not say that.
22 THE WITNESS: Okay, what did you
23 say?
24 MR. CARBALLO: I said that we're
25 locating the building about three feet above

Celeste A. Galbo, CCR, RMR

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Shaw

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1 River Road.
2 THE WITNESS: How far in that area
3 is River Road above sea level?
4 MR. CARBALLO: The engineer will be
5 able to answer that.
6 THE WITNESS: Okay. I presume also
7 the engineer will answer the projections that the
8 global warming people had of a rise in the ocean
9 level of two to 20 feet in the next 100 years?

10 MR. CARBALLO: To be honest with
11 you, I don't even know that those people can
12 answer that question, but whatever.

13 THE WITNESS: The question was --

14 MR. CARBALLO: I'm not going to get
15 into argument with that.

16 THE WITNESS: I'm not arguing. I'm
17 not arguing, but you're not taking that into
18 consideration. That's the point I'm making.

19 MR. CARBALLO: No, I'm not. I'm
20 not. Definitely not.

21 THE WITNESS: Harry, that's enough,
22 they're not considering it. It's not going to
23 happen according to them. Thank you.

24 THE CHAIRMAN: Thank you. One
25 question, right?

Celeste A. Galbo, CCR, RMR

□

Carballo - Cross

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1 MS. GESUALDI: I'll be brief.
2 JOSE CARBALLO, having been previously duly sworn
3 by the Notary Public, was examined and testified
4 as follows:

5 CROSS EXAMINATION

6 BY MS. GESUALDI:

7 MS. GESUALDI: Maria Gesualdi
8 appearing on behalf of the Township of
9 Guttenberg.

10 Q. Mr. Carballo, how many apartments in
11 this application have dens?

12 A. 20.

13 Q. Twenty. And how many parking spots
14 does the application provide for?

15 A. 117 right now.

16 Q. And we're one short from being
17 complaint with RSIS standard?

18 A. That is correct.

19 Q. If the dens were to be converted to
20 apartments, how many parking spaces would the
21 complex --

22 MR. MUHLSTOCK: You mean to
23 bedrooms?

24 MS. GESUALDI: To bedrooms. I'm
25 sorry.

Celeste A. Galbo, CCR, RMR

□

Carballo - Cross

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1 Q. If the dens were converted to
2 apartments -- I'm sorry --

3 A. You want to start again?

4 Q. If the dens were to be converted to
5 bedrooms, how many parking spots --

6 A. I have not done that calculation.

7 Q. -- would be required?

8 A. I have not done that calculation, so
9 I don't know.

10 Q. Well, would you agree that we would
11 need more parking spots?

12 A. If they were all converted, yes,
13 definitely.

14 Q. Okay. Would you agree then that

15 RSIS would not be met?

16 A. If they were all converted, that's a
17 big if, yeah.

18 Q. How many parking spots would be
19 required for one bedroom according to the North
20 Bergen standards?

21 A. North Bergen standards, I don't
22 know. We went by RSI.

23 Q. So RSI provides for how many parking
24 spots per bedroom?

25 A. For one bedroom, 1.8.

Celeste A. Galbo, CCR, RMR

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Carballo - Cross

1 Q. So 1.8 times 20 bedrooms?

2 A. No, no.

3 MR. MUHLSTOCK: They would be three
4 bedrooms at that point, so we'd have to calculate
5 a different calculation.

6 MS. HARTMANN: I don't know the
7 exact calculations but one bedroom is 1.8, a two
8 bedroom is two and a three bedroom is like 2.1.
9 It actually goes down.

10 MS. GESUALDI: I understand.

11 Q. Is there an allocation for any guest
12 parking on site?

13 A. The RSI provides for that.

14 Q. Does the plan provide for any?

15 A. We meet RSI, so RSI provides for
16 that, so, yes, we do provide for it.

17 Q. Can you show me where it is on the
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18 plan?

19 A. It's not designated right now. It
20 hasn't been assigned.

21 Q. It hasn't been assigned yet. And
22 this is before the board for a major site plan
23 approval and review?

24 A. That is correct.

25 Q. But you don't have the designated --

Celeste A. Galbo, CCR, RMR

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Carballo - Cross

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1 A. As long as we meet the RSIS that's
2 all we need to show.

3 Q. Can you tell me a little bit
4 about -- I'd like to talk about the front of the
5 building, specifically with regard to the U and
6 the lobby area. Specifically as -- let's suppose
7 somebody needs to be dropped off in front of the
8 building and they're coming heading south on
9 River Road, where would they be able to be
10 dropped off?

11 A. Pull in here, drop them off, and
12 they walk right in.

13 Q. And then show me how they would
14 proceed out then? So there would not be any
15 impediment to the flow of traffic?

16 A. No, no, that's why we're designing
17 the U shape also, the drive aisles.

18 THE CHAIRMAN: I'm sorry what was
19 the last --

20 THE WITNESS: That's with the drive
21 aisles we designed the U shape, so you have the
22 in and out.
23 Q. With regards to the empty rooms that
24 are on the different floors, specifically I
25 believe you said you had possibly eight which may

Celeste A. Galbo, CCR, RMR

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Carballo - Cross

1 be designated the community rooms, are there any
2 laundry facilities?
3 A. Laundry facilities will be within
4 each one of the units.
5 Q. Okay. So those empty rooms right
6 now are definitely empty rooms as of right now on
7 this --
8 A. Spare rooms. They could be assigned
9 as storage for the units, whatever. We did have
10 the space, so we used it.
11 Q. Community spaces, eight. Tell me in
12 terms of square footage, how much square footage
13 are we talking about per floor?
14 A. This room is about 120 square feet
15 as an example.
16 Q. Well, if we put the eight rooms all
17 together on one floor, how much square feet are
18 we talking about?
19 A. Probably talking about 1200 square
20 feet.
21 Q. 1200 square feet. Okay.
22 THE CHAIRMAN: That would be 1,000,
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23 wouldn't it?

24 MR. ALAMPI: Probably 1,000.

25 MS. GESUALDI: Thank you.

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Carballo - Cross

1 THE CHAIRMAN: All right. Thank
2 you.

3 Folks, that's it for tonight. Now,
4 attorneys, we need to --I assume the applicant
5 wants another special?

6 MR. ALAMPI: Thank you, Chairman.
7 I'm sorry. You're going to look at your summer
8 schedule and your meeting schedule. Given the
9 active participation of the community, I would
10 ask that we stay on some type of a special
11 meeting schedule so we can get maybe two hours or
12 two plus hours of testimony each meeting. And I
13 guess, Chairman, you always have them on a what
14 is this a --

15 MR. LAMB: Thursday.

16 MR. ALAMPI: Today is Thursday?
17 It's not Wednesday?

18 (Discussion off the record.)

19 THE CHAIRMAN: Okay. I believe
20 Gerry, we've selected two dates. You're both
21 okay with those dates?

22 MR. ALAMPI: That's July 29th, 2010
23 and August --

24 MR. MUHLSTOCK: 12th.

25 6-24-10 Appreview1
MR. LAMB: The 12th I wasn't

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Carballo - Cross

1 available. The following week I'm available, the
2 third week, which is the 19th.

3 THE CHAIRMAN: I'm not.

4 MR. LAMB: You're a key person so
5 that's a problem. Unfortunately the 12th
6 sometimes I can, you know, delegate. I can't
7 delegate that one.

8 THE CHAIRMAN: Well, let's do this,
9 then. Certainly we'll do the 29th, and we'll
10 have to figure out from there going forward.

11 MR. LAMB: So July 29th at 7:00?

12 THE CHAIRMAN: July 29th. Then the
13 next meeting on this matter will be July 29th,
14 Thursday, July 29th in these chambers at 7 p.m.

15 MR. ALAMPI: No further notice is
16 required?

17 THE CHAIRMAN: Let me finish, you
18 will not receive new notice. This your notice
19 I'm giving you now. So mark it down. If you
20 have neighbors that you want to bring along, let
21 them know, but there will not be new notices sent
22 out.

23 MR. ALAMPI: Thank you, Chairman.

24 THE CHAIRMAN: And with that the
25 chair will entertain a motion for adjournment.

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1 MR. ARNONE: Motion.
2 MR. FERNANDEZ: Second.
3 THE CHAIRMAN: Move and seconded.
4 All in favor?
5 (Chorus of ayes.)
6 THE CHAIRMAN: Opposed?
7 (No response.)
8 THE CHAIRMAN: Meeting stands
9 adjourned.
10 (Time noted: 9:28 p.m.)

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Celeste A. Galbo, CCR, RMR

4 I, CELESTE A. GALBO, a Certified
5 Court Reporter and Notary Public within and for
6 the State of New Jersey do hereby certify:
7 That all the witnesses whose
8 testimony is hereinbefore set forth, was duly
9 sworn by me and that such is a true record of the
10 testimony given by such witnesses.

11 I further certify that I am not
12 related to any of the parties to this action by
13 blood or marriage and that I am in no way
14 interested in the outcome of this matter.

15 In witness whereof, I have hereunto
16 set my hand this 5th day of July 2010.

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CELESTE A. GALBO
License No. 30X100098800

Celeste A. Galbo, CCR, RMR