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2 COUNTY OF HUDSON  
3 STATE OF NEW JERSEY  
4 -----x  
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6 In Re: APPLE VIEW  
7 7009-7101 RIVER ROAD  
8 NORTH BERGEN, NEW JERSEY 07047  
9 CASE NO. 4-10

Applicant.

10 -----x  
11  
12 December 7, 2010  
13 7:03 p.m.

14 B E F O R E:

15 THE NORTH BERGEN PLANNING BOARD

16 PRESENT:

17 HARRY D. MAYO, III, Chairman  
18 GEORGE AHTO, JR., Vice Chairman  
19 ROBERT BASELICE, Member  
20 STEVEN SOMICK, Member  
21 RICHARD LOCRICCHIO, Member  
22 SEBASTIAN ARNONE, Member  
23 PATRICIA BARTOLI, Member  
24 REHAB AWADALLAH, Alternate Member  
25 MANUEL FERNANDEZ, Alternate Member

26 GITTLEMAN, MUHLSTOCK & CHEWCASKIE, ESQS.  
27 Attorneys for the Planning Board  
28 BY: Steven Muhlstock, Esq.

29 Geraldine Baker, Board Clerk  
30 Grace Lynch, Board Planner  
31 Derek McGrath, Board Engineer

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

Celeste A. Galbo, CSR, RMR

12-7-10 Appleview  
A P P E A R A N C E S:

1  
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 Objectors Galaxy Towers  
11 Condominium Association, Inc.  
12 50 Chestnut Ridge Road  
13 Montvale, New Jersey  
14 BY: JOHN J. LAMB, ESQ.

15  
16 MARIA GESUALDI, ESQ.  
17 Attorney for Objector Township of  
18 Guttenberg  
19 6806 Bergenline Avenue  
20 Guttenberg, New Jersey 07093  
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1 THE CHAIRMAN: Case No. 4-10, 7009  
2 to 7101 River Road.

3 MR. ALAMPI: Thank you, Chairman.  
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4 Again, for the record, Carmine Alampi for Apple  
5 view, LLC. This is a continuation of a series of  
6 public hearings.

7 Chairman, we left off with the  
8 planning consultant having concluded the direct  
9 testimony and being available for  
10 cross-examination. I don't see Mr. -- I don't  
11 see Bahman in the audience, although I advised  
12 him to be here, it starts at 7 and there was a  
13 short application in front of it, I asked him to  
14 be here by seven which he indicated he would be.  
15 I can proceed with the planning consultant, bring  
16 his direct testimony and then we can revert back  
17 to the testimony of the other witness, and of  
18 course we have Mr. Bertin on call. We promised  
19 to have the engineer available as well. Is  
20 Calisto here? But Mr. Bertin will be here as  
21 well for any questions.

22 THE CHAIRMAN: Okay. Mr. Lamb, you  
23 had a comment?

24 MR. LAMB: Yes, Mr. Chairman, good  
25 evening. John J. Lamb from the law firm of

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1 Beattie Padavano representing the Galaxy.

2 I don't have any objection proceeding  
3 that way. I am prepared to cross-examine the  
4 traffic expert, and I didn't really think we were  
5 going to get to the cross-examination of the

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6 planner. So as long as I can reserve my right to  
7 cross-examine the planner, to keep this going I  
8 think the next witness that Carmine has available  
9 we can switch back to the traffic expert.  
10 THE CHAIRMAN: Yeah, why won't we do  
11 this, when do you expect him, momentarily?  
12 MR. ALAMPI: Yes.  
13 THE CHAIRMAN: What I'm getting at  
14 is perhaps we start his direct testimony, when he  
15 shows let's go to the cross because both Mr. Lamb  
16 and the public are expecting to cross. Does that  
17 sound like a plan?  
18 MR. ALAMPI: Yes, sir.  
19 THE CHAIRMAN: Okay.  
20 MR. MUHLSTOCK: Mr. Chairman, let me  
21 put a couple of items on the record. I have  
22 signed certifications from Mr. Ahto that he read  
23 the transcripts of June 24, July 29, September  
24 29, October 21 and November 17, and he certified  
25 to that.

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1 I also have the certification of Mr.  
2 Basalice that he read the transcripts of June 24,  
3 October 21 -- June 24, September 29, October 21  
4 and November 17. And Mr. Somick certifying that  
5 he read the transcript of the proceedings held on  
6 November 17. So I believe everyone here is now  
7 up to date on all of the transcripts and everyone  
8 is qualified.

9 And there's one other item,  
10 Mr. Chairman. This is more in the nature of a  
11 substantive issue that I have to raise on the  
12 Apple View matter.

13 Subsequent to the last proceedings  
14 and in connection with the discussion of the  
15 necessity of a required yard variance, there's  
16 been a lot of testimony, I won't repeat  
17 everything that's been -- that's gone on in the  
18 application, but I contacted Jill Hartmann and  
19 Grace Lynch of Mayo Lynch and discussed and then  
20 asked Ms. Lynch for her opinion as to whether or  
21 not given the ordinance sections and the figure  
22 that was pointed out to us, that being Figure 14,  
23 and the discussions and some of the questioning  
24 from the public and from Mr. Lamb, whether or not  
25 a rear yard variance might be necessary and in

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1 fact would be necessary in this particular  
2 application. So I'll leave Grace to answer that  
3 question for the board.

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

7 GRACE LYNCH, having been duly sworn by the Notary  
8 Public, was examined and testified as follows:

9 MS. LYNCH: well, I think as  
10 described in the documents --

11 12-7-10 Appleview  
THE CHAIRMAN: Let me first ask,  
12 Celeste, have they been sworn?  
13 THE COURT REPORTER: Yes.  
14 MS. LYNCH: Yes. I think as  
15 described in the supplementary regulations for  
16 the waterfront district and for lots with a  
17 greater than 30 percent slope, and certainly in  
18 the southwest corner, adjacent to the southwest  
19 corner of the building the slope would meet that  
20 criteria, and I think there's been testimony to  
21 that effect. And I apologize for my voice. I  
22 will whisper if need be. And I know there has  
23 been testimony relative to the interpretation of  
24 the slope and the cliff face, but I think under  
25 the supplementary regulations for a rear yard the

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1 measurements really should be occurring at the  
2 first habitable floor, the first residential  
3 floor. And I think that section leads you  
4 directly to Figure 14. And Figure 14 in a  
5 diagram pretty clearly is describing an arrow  
6 which is talking and then the sketch below it  
7 kind of backs that up. And it talks about the  
8 minimum rear yard relative to the slope measured  
9 at that first habitable floor level. And I think  
10 looking at it that way, and I think that is a  
11 professional -- that would be my professional  
12 interpretation, that the most stringent  
13 interpretation should be exacted -- I would do

14 that and I think a variance is in order. I think  
15 it would be prudent for the applicant to request  
16 a variance, and I think some of the testimony has  
17 not actually addressed that issue of where the  
18 measurement takes place. And I think this  
19 diagram points to that conclusion and so I think  
20 a variance is in order.

21 THE CHAIRMAN: All right. Thank  
22 you.

23 Mr. Alampi.

24 MR. ALAMPI: Thank you, chairman.  
25 We don't agree fully with your planner's

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1 analysis. We will be presenting the testimony of  
2 Mr. Denisha (phonetic). We don't disagree with  
3 her fully either. What I think this is coming  
4 down to is there is a question as to whether or  
5 not the slope as measured on the site meets or  
6 exceeds 30 percent, which triggers this special  
7 review under Figure 14, or if it's below. I will  
8 state that the exhibits previously presented and  
9 the testimony -- we'll tie this in of course with  
10 the witness' testimony -- that the 30 percent  
11 criteria might be triggered in one section of the  
12 property but not throughout. And so the language  
13 of the ordinance is not clear on the 30 percent  
14 of the slope as to whether or not it has to  
15 measure this way on average, throughout the site,

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16 or a portion of the site. So Mr. Denisha will be  
17 presenting his testimony, and be mindful that we  
18 think that the request for a variance may not be  
19 implicated but it's like parsing hairs now  
20 because there may be a small area of the property  
21 that exceeds the 30 percent slope, and yet as an  
22 average it's below that.

23 Mr. Denisha will address it and we  
24 will request relief from the rear setback  
25 requirement because we didn't write your

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1 ordinance, we don't fault anyone for writing it  
2 and addressing it with the Figure 14 as an  
3 addendum to the ordinance, but we will address  
4 that exact point. And it's a good point to focus  
5 on for everyone.

6 THE CHAIRMAN: Let me cut to the  
7 chase. If in fact it's determined that you need  
8 a variance, you're applying for one; is that  
9 correct?

10 MR. ALAMPI: Absolutely.  
11 Absolutely.

12 THE CHAIRMAN: All right. Thank  
13 you.

14 MR. LAMB: Mr. Chairman, as a  
15 follow-up to that, if they need a substantial  
16 rear yard variance, I think it's incumbent upon  
17 the applicant to provide public notice so that  
18 interested parties understand that that's part of



19 a requirement to have the rear yard setback.  
20 It's not like it's not a one foot setback, it's a  
21 substantial rear yard setback.

22 MR. MUHLSTOCK: And I think the  
23 applicant in the application, unless I'm wrong,  
24 and I don't think I am on this, Mr. Lamb, applied  
25 for the variances that were known at the time and

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1 any and all other variances that might be  
2 required by the board.

3 MR. LAMB: I don't even have to  
4 look, that's standard. I'm sure Mr. Alampi did  
5 that. But what I'm suggesting is that because  
6 it's a substantial variance, that the applicant  
7 is required to apply for it.

8 MR. MUHLSTOCK: You can argue that  
9 but I don't necessarily agree with that.

10 MR. ALAMPI: And we're going to rely  
11 upon the notice provided, it was ample and full.  
12 The issue of substantial is an argument of the  
13 degree of the variance, if at all. But we'll  
14 proceed with the testimony.

15 MR. LAMB: And the other thing, I  
16 just want to respond to Mr. Alampi's argument, if  
17 you read the ordinance carefully, the ordinance  
18 specifically says if there's a 30 percent grade  
19 or more, then this happens. It doesn't say if  
20 part of it is 30 percent but then it's only that

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21 part, it doesn't say that. The condition  
22 precedent is if you have more than 30 percent,  
23 then there is a requirement.  
24 MR. MUHLSTOCK: Okay.  
25 THE CHAIRMAN: And it doesn't say

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1 anything about an average.  
2 MR. LAMB: No.  
3 MR. ALAMPI: Well, I think we all  
4 through your planner and counsel and myself have  
5 hit the nail on the head as to the triggering  
6 criteria, the 30 percent and whether it's any  
7 part of the property, all of the property,  
8 substantially all of the property or a small  
9 fraction of it. We're going to address that with  
10 sworn testimony and exhibits. But I see that our  
11 traffic consultant has arrived. We'll give him  
12 30 seconds to compose himself, but if people were  
13 planning to go into his cross-examination, then I  
14 think, Chairman, if you will agree --  
15 THE CHAIRMAN: Yes, let's proceed  
16 with that.  
17 MR. ALAMPI: You want to proceed  
18 with that?  
19 MR. LAMB: That's fine. And,  
20 Mr. Chairman, my question to Mr. Alampi is,  
21 understanding what the board's attorney just  
22 stated and the board's planner, are there going  
23 to be a revised plan which makes that calculation

24 as part of the presentation? Because right now  
25 the plans are incorrect because they don't

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Izadmehr - Cross

1 calculate that. Mr. Bertin's site plans and all  
2 the testimony do not specifically indicate the  
3 dimension and the extent of it and where the  
4 setback is.

5 THE CHAIRMAN: Well, he has said  
6 he's going to address that with his planner. So  
7 we'll --

8 MR. ALAMPI: We'll address the  
9 planning testimony. And we've agreed -- and  
10 Mr. Bertin has been here for three meetings,  
11 although he hasn't been reached, and he'll tie it  
12 all in at the end.

13 THE CHAIRMAN: Okay.

14 BAHMAN IZADMEHR, having been duly sworn by the  
15 Notary Public, was examined and testified as  
16 follows:

17 THE CHAIRMAN: Now, Mr. Lamb, before  
18 you begin, just an outside estimate of how long  
19 you anticipate, recognizing it may vary.

20 MR. LAMB: It could go quicker than  
21 I expect, but I think I will take up most of the  
22 evening, although it could go quicker.

23 THE CHAIRMAN: All right.

24 We're going to try and hasten you  
25 along.

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Izadmehr - Cross

1 MR. LAMB: And, Mr. Chairman, and if  
2 you want to stop 15 minutes in advance to give  
3 the public --

4 THE CHAIRMAN: I do want to give the  
5 public an opportunity, so...

6 MR. LAMB: Okay, thank you.

7 CROSS-EXAMINATION

8 BY MR. LAMB:

9 Q. Sir, you prepared the traffic report  
10 that was the subject of your testimony last  
11 revised June 10th?

12 A. That's correct.

13 Q. And did anybody help you prepare it?

14 A. Yes.

15 Q. Who helped you prepare it?

16 A. The office staff.

17 Q. And does that mean that they took  
18 the actual traffic counts in the report?

19 A. That's correct.

20 Q. You didn't take any of the traffic  
21 counts?

22 A. No, I did not.

23 Q. So when there's initials on your  
24 traffic counts, those are people that work for  
25 Bertin Engineering?

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Izadmehr - Cross

1 A. That's correct.

2 Q. Forgetting about the actual traffic  
3 counts and information, did anybody help you  
4 actually write the report, the traffic impact  
5 study?

6 A. Yes, they did.

7 Q. And who helped you?

8 A. The staff in the office.

9 Q. Okay. What staff members?

10 A. Jennifer O'Donald and Eric Hough.

11 Q. So, your conclusions in this  
12 report -- you signed this report as representing  
13 your opinion based upon these facts?

14 A. That's correct.

15 Q. Your opinion is based upon all of  
16 the traffic counts and the data and the schedule  
17 and the studies and the projections that were  
18 prepared in this report?

19 A. That's correct.

20 Q. Is there any other information other  
21 than those traffic counts, traffic counts from  
22 other days or analysis from other days that are  
23 part of your conclusion?

24 A. No, everything which is part of a  
25 conclusion is included in the report plus our

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Izadmehr - Cross

1 observations.

2 Q. As a general rule you agree that  
3 River Road is previously, I guess, designed by  
4 the county pretty much be at its maximum  
5 capacity?

6 A. I don't know.

7 Q. In other words, there was a redesign  
8 a number of years ago. Are you familiar with  
9 that?

10 A. Oh, yes, there was a redesign, I  
11 don't know exactly how many years ago, but River  
12 Road was widened quite a bit, most of the  
13 sections.

14 Q. Do you know if there's any other  
15 plans to widen River Road?

16 A. I don't.

17 Q. Okay. You indicated that there  
18 is -- is there an application pending with the  
19 Hudson County Planning Board?

20 A. For this project?

21 Q. Yes, for this project.

22 A. Yes.

23 Q. Okay. And Hudson County Planning  
24 Board have not ruled on that application yet?

25 A. Well, Hudson County reviewed the

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Izadmehr - Cross

1 application for the prior site plan.

2 Q. Okay. But I'm talking about the  
3 application for 60 units, although it's been  
4 modified to 59 units, that was filed in April of  
Page 14

5 this year, has that application been submitted to  
6 Hudson County?

7 A. Yes, it has.

8 Q. And when was that submitted?

9 A. I'm not sure about the date.

10 Q. Okay. Is your office involved in  
11 processing that application?

12 A. That's correct, yes.

13 Q. Now, we agree generally that -- and  
14 I believe Mr. Bertin had testified to this, there  
15 is a building coverage that is approximately 25  
16 percent over the maximum building coverage for  
17 the property. Do you recall that?

18 A. No, I was not here.

19 Q. Okay. If I tell you that the  
20 project could be reduced by 25 percent of the  
21 footprint, so that it was a complying footprint,  
22 would that not have a tendency to decrease the  
23 number of units?

24 A. Not necessarily.

25 MR. ALAMPI: I'll just object. I

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Izadmehr - Cross

1 don't offer this witness -- I didn't go into any  
2 of that issue. We went into traffic, traffic  
3 flow, traffic safety, traffic volumes.

4 Q. Okay. If I reduce the number of  
5 units and the size of the building, do I not  
6 decrease the traffic?

7 A. The traffic projections are based on  
8 solely by number of units in this case.

9 Q. Right. And so there's a lesser  
10 effect if I decrease the building size to a  
11 lesser number of units?

12 A. Not necessarily the building size  
13 but the number of units because the units could  
14 be smaller in terms of square footage.

15 Q. Right. When you --

16 A. And therefore the numbers will  
17 result in lesser than what we have.

18 Q. When you did the -- your study, did  
19 you take into account the size of the units  
20 proposed?

21 A. No.

22 Q. Okay. Did you only count whether --  
23 did you take into account whether they were one  
24 or two bedrooms?

25 A. Only for the parking calculations,

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Izadmehr - Cross

1 yes.

2 Q. Okay.

3 A. But not for traffic.

4 Q. So whether it was a two bedroom unit  
5 that was 1,000 square feet or a two bedroom that  
6 was 4,000 square feet, that did not take into  
7 account that considered by your traffic report?

8 A. It is because the number of the --  
9 the type of units are already embedded in the



10 traffic data, in the traffic projections that we  
11 use from ITE publications.

12 Q. But does the ITE publications --  
13 isn't it a factor in ITE publications that they  
14 use the size of the units as a factor in trip  
15 generation?

16 A. No, it's solely by number of units.

17 Q. Solely by number of units?

18 A. That's correct.

19 Q. No other criteria in the IT manual?

20 A. Not for this particular type of  
21 development.

22 Q. If I have a project, so what you're  
23 saying is the ITE manual will base trip  
24 generations as only using the standard of the  
25 number of units?

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Izadmehr - Cross

1 A. That's correct.

2 Q. Any other standards that the ITE  
3 uses to generate the trip -- the number of trips  
4 that they projected --

5 A. Yes, but not for residential. For  
6 warehouses, shopping centers you could use number  
7 of employees as an independent variable or you  
8 could use square footages or of course the size  
9 of the building.

10 Q. Okay. So you went back and said you  
11 could use square footages but that's for

12 non-residential?

13 A. That's for non-residential, for  
14 commercial.

15 Q. So the size of the units is isn't  
16 factored in or isn't a consideration in  
17 determining trip generations?

18 A. Well, it's already included in that  
19 trip generation rates because the data that the  
20 ITE has compiled over the years includes mix of  
21 apartments, one bedroom, two bedroom, three  
22 bedroom. So this is like national average. But,  
23 again, I just want to point out that we are not  
24 talking about many trips here.

25 Q. Right.

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Izadmehr - Cross

1 A. We're talking about 59 units which  
2 the traffic impact is absolutely minimum.

3 THE CHAIRMAN: Excuse me for a  
4 second because I'm a bit confused. Do the number  
5 of bedrooms have any impact on trip generation?

6 THE WITNESS: Not on traffic, no. I  
7 shouldn't say no, it does impact, but I'm saying  
8 that ITE does not have separate rates for one  
9 bedroom, two bedroom, three bedroom units. ITE  
10 rates are compiled across the country considering  
11 a different type of apartments and townhouses and  
12 apartments.

13 THE CHAIRMAN: So you're saying it's  
14 an overall average?

15 THE WITNESS: It's an overall  
16 average. It includes, of course, it includes  
17 different type of units.

18 MR. MUHLSTOCK: So, do you know how  
19 many cars ITE assumes would come out of 59 units?

20 THE WITNESS: Yes. I went over  
21 those last week -- I mean last hearing. Based on  
22 59 units, and this being a mid-rise apartment  
23 which is three and up floors, we have -- we are  
24 expecting 12 trips during morning rush hour  
25 coming and exiting the site.

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Izadmehr - Cross

1 MR. MUHLSTOCK: Well, that really  
2 didn't answer my question.

3 THE WITNESS: Okay.

4 MR. MUHLSTOCK: I asked you do you  
5 know how many total cars would this particular  
6 development generate under ITE regulations? If  
7 there are 59 units, do they assume two cars per  
8 unit? Do they assume three cars? One? Do you  
9 know?

10 THE WITNESS: Yes. If I look at the  
11 average, the ITE assumes each unit will produce  
12 roughly .34 trips per unit, .34 units per -- I'm  
13 sorry, .34 trips per unit during the rush hour.

14 MR. MUHLSTOCK: But that doesn't  
15 tell us how many cars --

16 THE WITNESS: Yeah.

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17 MR. MUHLSTOCK: No, it tell us how  
18 many trips.  
19 THE WITNESS: Trips are cars.  
20 MR. MUHLSTOCK: Can you work  
21 backwards to tell us how many cars or no?  
22 THE WITNESS: Yes, yes. You're  
23 going to have 12 cars, eight coming in -- I'm  
24 sorry, eight going out and four coming in during  
25 the rush hour. Now, if you're asking for the

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Izadmehr - Cross

1 whole day, 24 hours, it's about 120 cars.  
2 THE CHAIRMAN: How many times would  
3 the same car go in and out in a day?  
4 THE WITNESS: The ITE doesn't give  
5 you those numbers, the same car.  
6 THE CHAIRMAN: All right. He's  
7 asking how many cars, not how many trips.  
8 THE WITNESS: No, it does not. But  
9 usually it assumes about 2.5.  
10 MR. MUHLSTOCK: How do you know  
11 that?  
12 THE WITNESS: Again, based on the  
13 observations they have had if they do what they  
14 call origin destination at a given site, then  
15 they have determined that one car will go in and  
16 out two and a half times roughly, the same car,  
17 the same car. But, again, to us it doesn't  
18 matter which cars are going in or going out. To  
19 us the number of trips, the number of maneuvers.

20 MR. BASELICE: Is there another  
21 standard besides ITE?

22 THE WITNESS: No, the other standard  
23 would be to do actual count at similar locations.  
24 So you basically pick out a location with 59  
25 units on a road like River Road and you do actual

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Izadmehr - Cross

1 counts, but that's what ITE has done so that it  
2 would make our job a lot easier. We don't have  
3 to go and look for, you know, locations similar  
4 to this one with similar characteristics and then  
5 do an actual traffic count.

6 MR. BASELICE: You said .34?

7 THE WITNESS: .34 is an average  
8 during one hour only.

9 MR. BASELICE: During one hour. So  
10 59 units .34 gives you what number, would give  
11 you 20.06?

12 THE WITNESS: It gives you about 19.

13 MR. BASELICE: Okay, 19, 20. And  
14 that's over a one-hour period?

15 THE WITNESS: That's an average.

16 MR. BASELICE: But you said 12  
17 trips, the 12 trips are just for that one hour in  
18 the morning a.m. peak?

19 THE WITNESS: Yes.

20 Q. Sir, I'm going to skip around  
21 because since we're on this topic, you're talking

12-7-10 Appleview  
22 about your schedule 8.1 on page 8 of your traffic  
23 report?

24 A. That's correct, yes.

25 Q. And that's where you use mid-rise

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Izadmehr - Cross

1 apartment category land use 223?

2 A. That's correct.

3 Q. So you took a number, 34; is that  
4 correct?

5 A. No, I did not use that number. I  
6 was just answering commissioners.

7 Q. I'd like to know how you got to 12.

8 A. 12, there is a formula in the book  
9 or a chart, you can use the chart because the  
10 formula which is the same and what ITE does, ITE  
11 collects the data and then tries to summarize the  
12 data in a tabular form that you could use based  
13 on the number of units. So if you look at the  
14 chart, the chart have X and Y axes, and Y being  
15 the number of trips and Y being the number of  
16 units.

17 Q. Okay --

18 A. So you have 59 units, you use the  
19 chart and then you see what the corresponding  
20 trips are during the morning rush hour or p.m.  
21 rush hour or Saturday or during the whole day.

22 Q. Okay. And when you do that, when  
23 you look at that number, is it reasonable to use  
24 that average number, whatever in the ITE manual

25 whatever category, you take the average number

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Izadmehr - Cross

1 that they've calculated by looking at all the  
2 studies and you take the average number and  
3 multiply it by the number of units?

4 A. You could do that, yes.

5 Q. So if there's a category, and let's  
6 take these numbers and this is not necessarily  
7 reflective of the facts, if I have 60 units, and  
8 the ITE manual says the average number of trips  
9 per unit is .50 -- I know you use .34 but let's  
10 use for simplicity sake .50. So for me to get  
11 the average number of trips for that morning peak  
12 hour or afternoon peak hour I would take .50  
13 multiply it by 60 and get 30 trips?

14 A. That's correct.

15 Q. Okay. Now, you used land use  
16 category 223.

17 A. That's correct.

18 Q. And do you know what the average  
19 trip, trips in the a.m. peak hour is for land use  
20 category 223?

21 A. Again, I'm speaking of my mind, it's  
22 about .3.

23 Q. Okay. So assuming it's .3, I take  
24 .3 and , again, I'm using 60 because it's easy to  
25 multiply, .3 times 60 and I get about 18 units?

Izadmehr - Cross

1           A.    That's correct, 18 cars, 18 trips,  
2    yes.

3           Q.    Now, but your total on the a.m. peak  
4    hour says 12 cars?

5           A.    That's correct.

6           Q.    So how do we get from 18 to 12?

7           A.    Well, as I said, that's an average.

8    But ITE also provides the best fit line for bunch  
9    of data points that they have collected across  
10   the country. And you always use the formula  
11   which again takes into account all the data  
12   points that you have data for, that you have  
13   collected the trips for. So based on that  
14   formula or based on the software which again uses  
15   the formula or the chart, same difference, you  
16   come up with 12.

17          Q.    Okay. I'm go --

18          A.    If you do not have good data, then  
19   you could use the average, but in this case we  
20   have good data, we have good feed --

21          Q.    Why do you say you have good data?

22          A.    Because the ITE has collected a lot  
23   of data for this type of developments across the  
24   country.

25          Q.    Do you know what the average size of



1 the development is in the ITE manual for land use  
2 category 223?

3 A. Well, they have based it on the  
4 number of floors. As I said, this is a mid-rise,  
5 so three floors. And the average sizes are  
6 anywhere from 100 units, 50 units, I assume to  
7 about 400, 500 units. They provide the detail  
8 information.

9 Q. So you didn't use the -- in the ITE  
10 manual, every ITE category has an average, does  
11 it not? It has -- let's take Section 223, it has  
12 Section 223 and it's got a.m. peak?

13 A. Yes.

14 Q. It's got p.m. peak?

15 A. That's correct.

16 Q. It's got a.m. project generator?

17 A. That's correct.

18 Q. It's got p.m. project generator,  
19 it's got Saturdays?

20 A. That's correct.

21 Q. Each one of these charts if I look  
22 at it, at the top of the chart there's an average  
23 number per unit of trips?

24 A. That's correct.

25 Q. Okay. So you did not use that

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□

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Izadmehr - Cross

1 number, you used this other formula; is that  
2 correct?

3 A. This other formula which is again on  
4 the same chart.

5 Q. And in traffic review, if the  
6 average number times the number of units is a  
7 number that's greater than the formula, is it not  
8 appropriate to be conservative and use the higher  
9 number?

10 A. No, no. In this case it doesn't  
11 really matter what you use because even if you  
12 use the average, which is .3, so you get 20. So  
13 20 cars are not much. The impact of 20 cars on  
14 River Road as opposed to 12 cars are the same.

15 Q. So when you use mid-rise apartment  
16 category 223, now I'm referring to the seventh  
17 edition, there is I guess just came out an 8th  
18 edition, I don't have the eighth edition.

19 A. It's about the same.

20 Q. The average rate as you indicated is  
21 .30 for the morning peak?

22 A. That's correct.

23 Q. Okay. Now, there's also a data plot  
24 and equation below that, is that what you're  
25 referring to to try to --

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Izadmehr - Cross

1 A. That's what I used, the equation or  
2 the chart which is the same.

3 Q. Okay. But you don't take that  
4 average rate and multiply it by the number of  
5 units to get the total?

6 A. No.

7 Q. I want to just take a step back from  
8 a practical standpoint. I have 59 units and 59  
9 units are it's built, it's constructed, there are  
10 people in 59 units, these are large units. Are  
11 these large units that you're aware of?

12 A. These are one bedroom and two  
13 bedrooms.

14 Q. The two bedrooms, I said, I don't  
15 know whether you were here, they're fairly large  
16 two bedrooms?

17 A. I don't know how large they are.

18 Q. Okay. If you have as an example 60  
19 people -- 60 units and you have 30 people from  
20 this complex commute or go to work, just  
21 practically, forget about the formulas and the  
22 calculations --

23 A. Sure.

24 Q. -- doesn't that mean that really  
25 there would be 30 trips out in the morning and 30

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30

Izadmehr - Cross

1 trips back at some -- at the end of the day of  
2 work?

3 A. Yes, but 30 trips in the morning  
4 period which is more than an hour, so the numbers  
5 that we are talking about here are during the  
6 morning peak hour, so only single hour 60  
7 minutes.

8 Q. Right. And --

9 A. So of course people don't leave all  
10 at the same time during the same hour, so they  
11 leave from six to nine, let's say, so that's  
12 three hours.

13 Q. When I take the ITE manual category  
14 223, if I use that average number, the average  
15 number is for the peak hour, it's not for the  
16 peak two hours, it's for the peak hour, is it  
17 not?

18 A. The average number is for the  
19 morning peak or p.m. peak --

20 Q. But for a one-hour period?

21 A. That's correct.

22 Q. So if that average peak, if I'm  
23 using the average peak and I know you're not, but  
24 if that average peak is .50 or .60, then you  
25 would get 30 trips generated by using that

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□

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Izadmehr - Cross

1 average number?

2 A. You would get 20 in this case, 20.

3 Q. Okay. If it's .30?

4 A. .30 actually you would get 16 -- I  
5 mean 18, sorry, 18. --

6 Q. Now, you're aware that land uses  
7 category 223, and I'm just going to read it for  
8 you, "mid-rise apartments are apartments (rental  
9 dwelling units) in rental buildings that have  
10 between three and 10 levels"?

- 11 A. That's correct.
- 12 Q. So this clearly has between three
- 13 and 10 levels, does it not?
- 14 A. It's three levels.
- 15 Q. Okay. Well, how many levels is the
- 16 project?
- 17 A. Well, four levels but the first
- 18 level is parking.
- 19 Q. Okay. But are these rental units?
- 20 A. Yes, they are.
- 21 Q. So these are not luxury condos,
- 22 they're going to be rented?
- 23 A. I think that was explained in the
- 24 hearing probably a year ago or so because of the
- 25 economy.

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Izadmehr - Cross

- 1 Q. Okay.
- 2 A. The owner has decided to make this
- 3 rentals.
- 4 Q. Are there any other categories for
- 5 rental units that this project could fit into?
- 6 A. Not based on ITE definitions, no.
- 7 Q. Now, Land Use 220 is entitled
- 8 Apartments; is that correct?
- 9 A. 220?
- 10 Q. Yes.
- 11 A. I think so.
- 12 Q. And isn't that the land use category

12-7-10 Applevue  
13 that you used for the Hudson Point Condominiums?  
14 A. Yes.  
15 Q. Okay. And land use 220 is defined  
16 as "apartments or rental dwellings units that are  
17 located within the same building with at least  
18 three other dwelling units"?  
19 A. That's correct.  
20 Q. "For example, quadplexes and all  
21 types of apartments buildings."  
22 Now, could not this proposed project  
23 also fall within land use category 220 based upon  
24 that definition?  
25 A. No, because the 223 is more precise

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Izadmehr - Cross

1 with reference to this project. It says three  
2 levels or more. This particular one, it does not  
3 talk about number of levels. So if you have no  
4 clue about the number of levels, then you would  
5 use this category. But regardless, even if we  
6 use this category, again the number of trips that  
7 this project will generate when it opens is not  
8 that much.  
9 Q. Okay. There's also land use  
10 category 221, low-rise apartments. And I'm going  
11 to read that one: "Low rise apartments, rental  
12 dwellings units are units located in rental  
13 buildings that have one or two level floors such  
14 as garden apartments."  
15 A. That's correct.

16 Q. So that's not applicable because  
17 it's --

18 A. Because it's more than three levels.

19 Q. We have four residential levels.  
20 okay.

21 A. Yes.

22 Q. Now, there is nothing to prevent an  
23 applicant to use -- to sell these at a later date  
24 if the market turns around or it's a better real  
25 estate market they can convert these to condos,

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□

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Izadmehr - Cross

1 can't they? That's one possible use in the  
2 future?

3 A. I don't know, that depends on the  
4 market conditions and the owner's decision.

5 MR. ALAMPI: This witness is not  
6 qualified to even venture an opinion on that and  
7 I don't think this board regulates --

8 THE CHAIRMAN: True.

9 Q. There is an ITE category for  
10 residential condominium townhouses; is that  
11 correct?

12 A. Yes, there is.

13 Q. That's Land Use Category 230?

14 A. That's correct.

15 Q. There's also a hi-rise residential  
16 condominium townhouse Land Use Category 232?

17 A. That's correct.

18 Q. Now, that one indicates it has three  
19 or more floors?

20 A. That's correct.

21 Q. Okay. So just by comparison, I know  
22 you -- this is a rental unit based upon what you  
23 have indicated, but if this wasn't a rental unit  
24 that's another category that might be applicable  
25 to this building?

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Izadmehr - Cross

1 A. That's correct.

2 Q. There's also a luxury condominium  
3 townhouse category?

4 A. Yes, there is.

5 Q. And, again, that if this were not  
6 rental, if this was another type of ownership,  
7 that also might be applicable?

8 A. That's correct.

9 Q. Now, when you looked at all these  
10 lands use categories, and I understand the rental  
11 versus the sale, did you try to be conservative  
12 at all and use any of the higher average trip  
13 numbers for the other categories in your  
14 analysis?

15 A. Yes, we did.

16 Q. Okay.

17 A. As a matter of fact, when this  
18 project was conceived, we looked at different  
19 categories, and in terms of traffic impact is  
20 about the same. It really doesn't change that



12-7-10 Appreview

21 much. Even though previously this application  
22 had a lot more units than it currently has. So,  
23 again, in sum 59 units does not have much of an  
24 impact on traffic on River Road if you consider  
25 any of those land use quotes that you just

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Izadmehr - Cross

1 summarized.

2 Q. Well, if I took, for example, the  
3 apartment 220, now I know you used mid-rise 223,  
4 but if I put the apartment 220, the seventh  
5 edition says that the average trip generation is  
6 .67 for the peak p.m. generator.

7 A. Um-hum.

8 Q. So .67 is twice as much as the .30  
9 that you indicated would be used under the  
10 other --

11 A. Yeah, but if you use the average,  
12 but if you use the formula, you will get roughly  
13 about 30 trips. Again --

14 MR. BASELICE: Can I ask you a  
15 question?

16 THE WITNESS: Go ahead, I, sorry.

17 MR. BASELICE: Mr. Lamb, you just  
18 said peak p.m. what's the peak p.m. --18 is the  
19 peak p.m. for this building currently?

20 THE WITNESS: For this building,  
21 yes, 18, that's correct.

22 MR. BASELICE: And if it were the

23 .67, it would be peak -- what would that number  
24 be?

25 THE WITNESS: I mean, it's a

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Izadmehr - Cross

1 different category.

2 THE CHAIRMAN: But you're saying it  
3 would be roughly 30?

4 THE WITNESS: It would be roughly 30  
5 even if you use that category.

6 MR. BASELICE: Okay. .

7 THE WITNESS: Which is just purely  
8 apartments without any specific.

9 Q. .67 times 60 would be 40.

10 A. Well, if you use the average but,  
11 again, the average has a range and also a  
12 standard deviation. So if you -- if the data  
13 doesn't have a good fit or a good chart, then you  
14 could use those averages just for ballpark  
15 estimate.

16 Q. Now, again, you used mid-rise 223 so  
17 I'm going to stay with that for a second. The  
18 seventh edition says that's based on the average  
19 number of dwelling units which is 120?

20 A. Um-hum.

21 Q. So this is really 50 percent of that  
22 average number of dwelling units?

23 A. Yeah, so that means actually those  
24 are more intensely -- more intense developments  
25 than this one.

Celeste A. Galbo, CCR, RMR

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Izadmehr - Cross

1 Q. Okay. When you took the transit use  
2 credit of -- again I'm just going to stay with  
3 this chart because we're on it -- when you took  
4 those numbers and then you took the transit use  
5 credit of 10 percent --

6 A. Yes.

7 Q. -- if you have the p.m. -- the a.m.  
8 peak hour at four going in and you take away one  
9 unit that's 25 percent, one over four is 25  
10 percent. How did you get 10 percent?

11 A. As I said, if you look at the  
12 transit use in this neighborhood, it's a lot more  
13 than 10 percent. So we were extremely  
14 conservative. We used the absolute minimum that  
15 ITE recommends, 10 percent.

16 Q. Where does it say that in this  
17 neighborhood it's more than 10 percent? What did  
18 you base your opinion is?

19 A. Based on the discussions we have had  
20 with the county, Hudson County. As a matter of  
21 fact, Hudson County asked us to use -- to apply  
22 for credit for transit use in this neighborhood.

23 Q. Is that only based upon the bus  
24 schedule that you attached to your traffic  
25 report?

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Izadmehr - Cross

1           A.     Basic on the bus schedule, the  
2     ferries and also the light rail, the Hudson  
3     Bergen Light Rail.

4                     Again, ten percent is extremely  
5     conservative, that's the absolute minimum. It  
6     might be a lot more than 10 percent. But even if  
7     we did not consider that credit for transit use,  
8     again we are talking about only 20 cars. I mean,  
9     20 cars are nothing.

10           Q.     Right. But if you use your .30, if  
11     you use some of the other -- if you use the  
12     average numbers, it starts --

13           A.     Even if we use the average, it will  
14     not change the level of service for the built  
15     year. So whatever the existing conditions are,  
16     let's say level of service C or D or E, adding  
17     20, 30 cars during the a.m. peak hour or p.m.  
18     peak hour or using the average number that you  
19     are referring to, it will not change the results.  
20     Thirty cars do not have an impact. Thirty cars  
21     basically are normal fluctuation of traffic.

22           Q.     And when you say 30 cars don't have  
23     an impact, is it fair to say that the access, the  
24     exit from this project is one lane? Is the  
25     access one lane to get out of this project? You

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□

Izadmehr - Cross

1     want to leave this project, exit the project, how  
                                    Page 36

2 many lanes --

3 A. It's one lane as it's shown on the  
4 site plan. It's shown on A-3 exhibit. This  
5 particular development has two driveways, one  
6 ingress and egress. And you're quite right, the  
7 egress driveway is 20 feet wide, therefore can be  
8 only used as a single exit lane.

9 Q. Okay. So --

10 A. Making right or left.

11 Q. So when I'm going out, I'm exiting,  
12 I'm going out the egress which is the southerly  
13 access point, if I want to make a left and  
14 there's traffic, I have to wait -- I know you've  
15 done -- we'll get into the gap, but I have to  
16 wait for the gap --

17 A. That's correct.

18 Q. -- to get out there?

19 A. That's correct.

20 Q. So a car cannot come around me and  
21 go south. If somebody is going south and they're  
22 behind me, they can't go south because I'm trying  
23 to make a left going north; is that correct?

24 A. That's correct.

25 Q. So therefore with 20 cars or 30 cars

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Izadmehr - Cross

1 or 12 cars, whatever, in that peak hour if there  
2 are a number of cars that are trying to get out,  
3 it depends on how easy it is for the front car,

4 the lead car to get out to make the left-hand  
5 turn?

6 A. That's correct.

7 Q. Okay. It's probably easier for the  
8 car going south to make the right-hand turn, but  
9 -- unless you disagree with me, but the left-hand  
10 turn could block or hold up cars from otherwise  
11 exiting?

12 A. Yeah. But again we're talking about  
13 very few cars. I mean, the likelihood of having  
14 a queue meaning that there is a front car and a  
15 there is a lead car -- I'm sorry, there is a car  
16 behind it, waiting to make a right or a left,  
17 it's almost impossible.

18 Q. Now, I'm going to add in --

19 A. Not impossible, improbable.

20 Q. Suppose from Ferry Road there's a  
21 backup. Have you observed any backups?

22 A. Yes.

23 Q. And is it possible that there can be  
24 a backup from the Ferry Road intersection north?

25 A. Well, I have not seen the backup as

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D

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Izadmehr - Cross

1 far as this driveway, but that could happen.

2 Q. So if there's a backup -- and isn't  
3 there a way to determine what the length of  
4 backup is? Is there a way for traffic  
5 engineering to do that?

6 A. Yes.

12-7-10 Appleview

7 Q. And is that a queueing analysis?

8 A. Queueing analysis, yes.

9 Q. Did you perform a queueing analysis  
10 on this project?

11 A. No, I did not.

12 Q. But a queueing analysis would tell  
13 us whether or to what extent cars are going to  
14 back up from Ferry Road in front of the project  
15 if it's constructed; is that correct?

16 A. That's correct.

17 Q. Let's go to the other -- let's go to  
18 the north.

19 A. North.

20 Q. Same thing, if cars going north  
21 start backing up from the next intersection  
22 backing up to the south, that would impede cars  
23 making a left-hand turn going north from the  
24 site; is that correct?

25 A. That's correct.

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□

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Izadmehr - Cross

1 Q. Okay. So if I did a queueing  
2 analysis from the intersection to the north, that  
3 would also determine whether there's a  
4 queueing -- whether there's a problem that  
5 prevents egress in that direction?

6 A. That's correct.

7 Q. Okay.

8 A. But that happens everywhere. I

9 mean, it's not unique to this particular site.

10 Q. Now, you indicated that the project  
11 complies with the RSIS.

12 A. The parking.

13 Q. Yes.

14 A. Yes.

15 Q. But technically that's not correct  
16 because there are a number of undersized spaces;  
17 is that right?

18 A. That's correct.

19 Q. Okay. And you indicated that this  
20 complies with the Zoning Ordinance of the  
21 Township of North Bergen, but is it fair to say  
22 that because this is a residential project, the  
23 RSIS controls what is required for this project?

24 A. Yes, it does.

25 Q. So therefore if the RSIS there's a

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Izadmehr - Cross

1 requirement of nine by 18 spaces and so if this  
2 is has less than nine, it doesn't comply with the  
3 RSIS?

4 A. That's correct.

5 Q. You indicated that this was a  
6 permitted use, that a multi-family dwelling was a  
7 permitted use?

8 A. In this zone.

9 Q. In this zone. Okay, but are you  
10 aware that that's only a properties that are five  
11 acres or more?



12-7-10 Appleview

12 A. No, I was not aware of that.

13 Q. Okay. Now, you did some traffic  
14 studies, traffic activity and I guess traffic  
15 counts, and I'm going to take Section 5.1 of your  
16 report, the River Road hospital driveway  
17 intersection. That's on page 5.

18 A. Okay.

19 Q. Now, isn't it customary -- you did  
20 these traffic studies on December 2nd and  
21 December 3rd for the morning and evening peak; is  
22 that correct?

23 A. That's correct.

24 Q. Isn't it customary to use the same  
25 day for the morning peak and afternoon peak?

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Izadmehr - Cross

1 A. No, not necessarily.

2 Q. When you -- when your office did the  
3 2006 traffic study, didn't they use the same day  
4 morning and afternoon peak?

5 A. Yes.

6 Q. So you didn't use that here, you  
7 skipped a day or --

8 A. That's correct, yeah.

9 Q. Now, is there any reason why you  
10 didn't look to do the Saturday peak in December  
11 in that week that you were doing the traffic  
12 study that you did it almost six -- I guess six  
13 months earlier on April 19th, 2008?

12-7-10 Appleview

14           A.     Because we did that Saturday count  
15     for another project. So we used the data here,  
16     we referred to that data here.

17           Q.     Okay. So essentially the study, the  
18     River Road hospital driveway intersection, you  
19     used traffic studies that are several years old?

20           A.     Yes.

21           Q.     And you happened to have this  
22     Saturday, April 19th, one so that explains that.

23           A.     That's correct.

24           Q.     Did you do any other traffic counts  
25     for any other days other than what's in this

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Izadmehr - Cross

1     traffic report?

2           A.     For this project?

3           Q.     Yes.

4           A.     No.

5           Q.     Okay. You didn't do any -- there is  
6     no studies for other days that you didn't  
7     include, that you just decided you weren't going  
8     to include them?

9           A.     No.

10          Q.     These are all the studies that  
11     you've done?

12          A.     That's correct.

13          Q.     Now, you also did on the River Road  
14     hospital driveway intersection, you also took the  
15     Saturday counts; is that correct?

16          A.     Yes.

17 Q. You did not take the Saturday counts  
18 when you did the River Road/Ferry Road  
19 intersection; is that correct?

20 A. That's correct.

21 Q. Is there any reason for that?

22 A. Well, the Saturday counts is not  
23 required for residential use but since we had the  
24 data at the hospital driveway intersection so we  
25 referred to it, because we had done it for

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□

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Izadmehr - Cross

1 another project.

2 Q. Okay. So because you happened to  
3 have this on a Saturday --

4 A. That's correct.

5 Q. -- that's why you added it but you  
6 didn't do it for any other projects?

7 A. That's correct.

8 Q. Isn't it customary in a larger  
9 residential complex to also do Saturday peak  
10 hours even if it's less than the weekday peaks?

11 A. Unless you have a particular reason,  
12 the Saturday traffic might be higher than the  
13 a.m. peak or the p.m. peak.

14 Q. So other than the April 19th, 2008,  
15 you didn't do Saturday peaks for any of the other  
16 studies in this report?

17 A. No.

18 Q. Now, you indicated when you did the

12-7-10 Appleview

19 River Road/Ferry Road intersection you used  
20 traffic counts from 2006. That's on Section 5.2.  
21 A. Yes.  
22 Q. And it's fair to say traffic counts  
23 from June 13, 2006 that's more than four years  
24 ago?  
25 A. That's correct.

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Izadmehr - Cross

1 Q. Did you do any other current counts  
2 for River Road/Ferry Road intersection?  
3 A. Yeah, we did also 2008 which is in  
4 the table under Section 5.4.  
5 Q. But isn't that table, isn't that an  
6 estimate? Isn't that an adjustment? That's not  
7 actual counts, that's an adjustment under 5.4?  
8 A. That's correct.  
9 Q. Okay. But I'm talking actual traffic  
10 counts based upon a sheet that's on the  
11 attachment of this report --  
12 A. No, we did not do.  
13 Q. So you only did for that  
14 intersection 2006?  
15 A. That's correct.  
16 Q. Now, this application was filed  
17 April of 2010, and I understand you tried to use  
18 other reports, but wouldn't it be customary to do  
19 a traffic count on relevant intersection closer  
20 to the time of the filing of the application?  
21 A. Not for this case because as I said,

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22 we had done a lot of traffic counts along River  
23 Road, both here and in Edgewater. And as a  
24 matter of fact as was suggested by the county the  
25 traffic has actually gone down over 10 percent,

Celeste A. Galbo, CCR, RMR

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Izadmehr - Cross

1 so we did the counts just to prove that the  
2 county was providing us the right information.

3 Q. And the traffic went down about 10  
4 percent?

5 A. Yes.

6 Q. What is the current unemployment  
7 rate, are you familiar with that?

8 A. 9.6 percent.

9 Q. 9.6, 9.8 percent?

10 A. Yes.

11 Q. From a traffic standpoint isn't it  
12 appropriate to compute various factors that weigh  
13 on the reliability of the information in the  
14 report?

15 A. Well, as I said earlier, no matter  
16 how you cut this, we are talking about 59 units.  
17 59 units will generate no more than 20 cars  
18 during any peak hour, Saturday, Sunday, Monday,  
19 Tuesday. So 20 cars will not have any impact on  
20 River Road traffic. The traffic fluctuation,  
21 traffic has fluctuation, normal fluctuation from  
22 day-to-day from time to time from season to  
23 season, that fluctuation is more than 100 cars.

12-7-10 Appleview  
24 so 59 units will generate at most 20, 25, let's  
25 say even 30. Thirty cars will not have any

Celeste A. Galbo, CCR, RMR

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Izadmehr - Cross

1 impact whatsoever on those intersections that  
2 we've been talking about as well as River Road.

3 Q. well, but you don't know the  
4 queueing, right, you don't know whether those  
5 cars are going to be blocked in there?

6 A. There is no need for queueing  
7 because we have not observed queueing all the way  
8 to the project site.

9 Q. You have not personally or we when  
10 you --

11 A. I said we and my staff as well, they  
12 have not observed traffic backing up to this  
13 site, the proposed driveway at the site. Now,  
14 the queueing, even if the queueing occurs, it  
15 happens all the time, that's part of the traffic.

16 Q. 2006, when you look at actual  
17 traffic counts, and I'm going to take an example,  
18 southbound a.m. 1697 cars, vehicles.

19 A. Yes.

20 Q. 1697.

21 A. which intersection, I'm sorry?

22 Q. Southbound.

23 A. Okay, River and Ferry Road, right?

24 Q. Yes, I'm sorry, still same Section

25 5.2.

Izadmehr - Cross

1 A. Sure, 1697.

2 Q. 1697. Again, when you are trying to  
3 extrapolate, but isn't it relevant that in 2006  
4 the economy was better, it was a different  
5 commuter, a different employment situation?  
6 Isn't that relevant to this report in general?

7 A. As I said, it does not have any  
8 impact because of the size of the complex.  
9 You're talking about 59 units, so at most, as I  
10 said before, even though if you do not account  
11 for transit use in this particular neighborhood  
12 and if you do not adjust the traffic numbers from  
13 2006 to 2008 or 2010, we are talking about the  
14 difference of one or two or at most five cars.

15 Q. But I'm going to take 2006 to 2008  
16 or 2006 to 2010, isn't it relevant that if as you  
17 say traffic has gone down, there's an economy and  
18 employment situation that is a potential  
19 rationale explanation for the decrease?

20 A. That's correct.

21 Q. When you're looking -- and I know  
22 that this board has been presented with various  
23 traffic reports, that when you're looking at  
24 what's a conservative number of trips so this  
25 board can make a decision, then in a declining --

1 assuming you're correct and it's declining, isn't  
2 it better, more conservative to use earlier  
3 figures?

4 A. Yeah, but the declining did not  
5 happen in 2010. We were advised by the county  
6 when we were talking to them about the prior  
7 application on the same site, that traffic  
8 actually has reduced so they ask us if we could  
9 do another traffic count just to prove, just to  
10 see how much traffic has reduced River Road. So  
11 the traffic was done at a good time economy,  
12 better times.

13 Q. So your sole -- your conclusion that  
14 it's decreased is because the county, somebody at  
15 the county told you that it's decreased?

16 A. Yes, and then, no, we did the  
17 counts. We showed the counts here and we showed  
18 that the traffic actually decreased from 2006 to  
19 2008.

20 Q. Did you do any counts that -- for  
21 example, you use June 13, 2006. You didn't do  
22 June 13th, 2008 or June 13th, 2009, about the  
23 same time, about the same month?

24 A. No, we did not, but again the county  
25 receives a lot of other traffic reports from

Celeste A. Galbo, CCR, RMR

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Izadmehr - Cross

1 others so they did --

2 Q. Did the county send you something?  
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3           A.     They did not, no, but they told us  
4     based on other traffic reports traffic has  
5     reduced on River Road. We said okay, if that's  
6     the case, we'll do a count just to prove that  
7     traffic also has reduced at our site because they  
8     were talking about general traffic on River Road.  
9     So we did counts just to see how much traffic has  
10    reduced because application was, as I said, it  
11    was a different application, we had a lot more  
12    units at the time. So it would have impact at  
13    that project but, again, this project doesn't  
14    have any impact. I shouldn't say have any  
15    impact, it has minimal impact. You're talking  
16    about only at most 25 cars.

17           Q.     But were it not for the county  
18    telling you that there's a decrease, your  
19    familiarity with the area, is it not fair to say  
20    that traffic has not increased just by if you're  
21    familiar with the area? And I don't know whether  
22    you're familiar with the area.

23           A.     I am familiar with the area, but,  
24    again, I do not commute here on a daily basis but  
25    I have noticed myself traffic has decreased.

Celeste A. Galbo, CCR, RMR

□

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Izadmehr - Cross

1           Q.     Okay.

2           A.     Somehow, somewhat since 2005. 2006  
3     I should say.

4           Q.     When you talk about trying to

5 project out in the future and you try to project  
6 to a 2012 combined build up --

7 A. Yes.

8 Q. -- you only use one percent as an  
9 adjustment?

10 A. That's correct.

11 Q. Are you aware that other traffic  
12 expert use more than one percent in various  
13 studies along River Road?

14 A. Yes, they have used as high as one  
15 and a half to 2 percent.

16 Q. Is it appropriate to use a higher  
17 number here, one and a half or 2 percent to be  
18 conservative?

19 A. It does not change the picture.

20 THE CHAIRMAN: Mr. Lamb, a question,  
21 and I think I get the sense of your questioning,  
22 do you plan on bringing your own traffic expert?

23 MR. LAMB: We are considering  
24 bringing our own traffic expert. I have been in  
25 touch with our traffic expert. I actually sent

Celeste A. Galbo, CCR, RMR

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Izadmehr - Cross

1 him the report this morning.

2 THE CHAIRMAN: Because you're making  
3 the point you don't believe his figures, is that  
4 a fair assessment of what you're saying?

5 MR. LAMB: That's a fair assessment,  
6 Mr. Chairman.

7 THE CHAIRMAN: I think we got that

8 point.

9 MR. LAMB: Well, I'm just trying to  
10 get also the derivation of where this came from.

11 THE CHAIRMAN: Okay, let's move it  
12 along if we can.

13 MR. LAMB: Yeah.

14 Q. Do you know in particular who you  
15 talked to at the county?

16 A. I don't know. My staff had several  
17 conversations with county or county traffic  
18 engineering consultants.

19 Q. Okay. Now, how you did -- you know,  
20 when we get this Section 5.4 and your statement  
21 is "the 2006 traffic data for the River  
22 Road/Ferry Road intersection has been adjusted,"  
23 you use the word adjusted, "in accordance with  
24 the River Road hospital driveway intersection  
25 counts." How did the adjustment, how did that --

Celeste A. Galbo, CCR, RMR

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Izadmehr - Cross

1 A. Because we did the counts at the  
2 intersection of River Road and hospital driveway  
3 in a span of two years, so we computed the  
4 percentage reductions of traffic at that  
5 intersection. So we applied the same reduction  
6 at that intersection to this intersection of  
7 Ferry and River Road.

8 Q. How did you get -- what numbers did  
9 you use to get the reduction?

10 A. We used the traffic counts in 2006  
11 and the traffic counts in 2008.

12 Q. Okay. Give me specific dates, in  
13 2006 you used the June 13th --

14 A. Okay, I can tell you in a minute.  
15 Yes, the River Road and hospital  
16 drive intersection traffic was conducted at this  
17 intersection on Wednesday, December 3rd, 2008  
18 from seven a.m. to nine a.m., and on Tuesday,  
19 December 2nd, 2008 from four p.m. to six p.m.  
20 And we talked about the Saturday which was done  
21 also in 2008 I think it was April 19th, 2008 from  
22 11 a.m. to one p.m.

23 Q. I'm trying to figure out how you got  
24 that adjustment.

25 A. Okay.

Celeste A. Galbo, CCR, RMR

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Izadmehr - Cross

1 Q. How the numbers like -- you got a  
2 percentage and applied this and I don't  
3 understand that.

4 A. And then the traffic also, the  
5 traffic count was done at the same  
6 intersection -- I'm sorry, at Ferry Road and  
7 River Road on June 13th, 2006, so we used the  
8 data that we have collected at River Road and  
9 hospital driveway, and we figure out what the  
10 percentage of reduction was and we compared those  
11 two sets of data and applied the same percentage  
12 to the June 13th, 2006 data that we have

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13 collected at the intersection of River Road and  
14 Ferry Road. And by doing that we adjust, we show  
15 the adjust the traffic data for 2008 and we don't  
16 give any date because that's just for the entire  
17 2008. Again, this is a projection, an estimate.

18 Q. Okay, right. So these aren't actual  
19 counts?

20 A. Yes.

21 Q. But what you're saying is you took  
22 the starting point June 13th, 2006, you compared  
23 those numbers with December 3rd, 2008 --

24 A. And 2nd, December 2nd and 3rd, yes.

25 Q. That's about a year and a half?

Celeste A. Galbo, CCR, RMR

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Izadmehr - Cross

1 A. Yes.

2 Q. A year and a half period?

3 A. Yes.

4 Q. And because they went down in 2008  
5 you took the percentage --

6 A. That's correct.

7 Q. -- and applied it to the 2006  
8 figures?

9 A. The annual percentage, yes. The  
10 reduction per year.

11 Q. Okay. Now, there are a number --

12 THE CHAIRMAN: Mr. Lamb, you got a  
13 maximum of ten minutes.

14 MR. LAMB: Do you know what time it

12-7-10 Appleview

15 is?

16 THE CHAIRMAN: Twenty after eight.

17 I want the public to get a chance.

18 MR. LAMB: Okay, that's fine.

19 Q. Traffic reports that I've seen  
20 including those presented to this board usually  
21 include other projects that could be in line  
22 either approved or under construction or built  
23 waiting to be sold or occupied?

24 A. That's correct.

25 Q. The only one that I saw that's

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Izadmehr - Cross

1 included in this traffic report is the Hudson  
2 Point Phase 2?

3 A. Phase 2, that's correct.

4 Q. And I know it was -- not Admiral's  
5 walk, it's Hudson Point?

6 A. It's not Admiral's walk it's further  
7 south.

8 Q. Your reference in the report to  
9 Admiral's walk was incorrect, it should have been  
10 Hudson Point?

11 A. Okay.

12 Q. No, I am not --

13 A. Yes, that's correct.

14 Q. Did you include in this report any  
15 other projects that might go on line?

16 A. No, the only project that we said we  
17 were aware of which is directly across from the  
Page 54

18 subject site is Hudson Point Phase 2 or building  
19 two of K. Hovanian.

20 Q. And that's the 24 units?

21 A. That's the 24 units. But, again,  
22 that's the reason for those projections, the one  
23 percent of one and a half percent that you do to  
24 account for anything else that we are not aware  
25 of.

Celeste A. Galbo, CCR, RMR

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Izadmehr - Cross

1 Q. Okay. There's a project to the  
2 north, the Avak.

3 A. Yes.

4 Q. That's a commercial retail center.  
5 Did you include that in adding to the traffic  
6 counts, the projections from that?

7 A. I'm not sure. I don't think so, no.

8 Q. There's another project which I  
9 don't want to mention. It's north of WCI right  
10 on the Edgewater border, it's a vacant lot. Did  
11 you include anything --

12 A. No.

13 Q. -- from that site?

14 A. No, we did not.

15 Q. Okay. Only project that you added  
16 traffic counts for was for the 24 units at Hudson  
17 Point?

18 A. That's correct.

19 Q. When you did your report did you

12-7-10 Appleview  
20 account for, in all these counts, did you account  
21 for any of the trips from Hudson Point Phase 1?  
22 A. It's already included in the counts  
23 because that was built when we did the counts.  
24 Q. Okay. Now, you did the counts in  
25 June 13th, 2006; is that correct?

Celeste A. Galbo, CCR, RMR

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Izadmehr - Cross

1 A. Well, in one location.  
2 Q. Do you know whether those units,  
3 that phase one was built on June 13th, 2006?  
4 A. No.  
5 Q. Okay.  
6 A. I don't know.  
7 Q. So if it wasn't built on June 13th,  
8 2006, you would normally have to adjust those  
9 numbers with the trips from that project?  
10 A. That's correct.  
11 Q. Do you know whether it was occupied  
12 or fully constructed by the December 2008?  
13 A. I think it was.  
14 Q. Okay. And if I told you that it was  
15 one-third occupied by 2008, would you therefore  
16 have to take two-thirds of phase one to add it  
17 back into here?  
18 A. Yes.  
19 Q. Okay.  
20 A. But again it does not change the  
21 picture. Assuming there is X number of cars  
22 travel southbound and Y number of cars travel  
Page 56



23 northbound on River Road, those are existing  
24 conditions. Including all those projects that  
25 you just mentioned. So we are adding maximum 18,

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Izadmehr - Cross

1 20, 25 cars to Xs and to Ys. It does not change  
2 the picture. The amount of cars that we are  
3 adding to this existing traffic volume on River  
4 Road, it's fraction of traffic fluctuations on  
5 River Road from day-to-day or from time to time  
6 from hour to hour.

7 Q. Is it fair to say that the more cars  
8 from these other projects or potential other  
9 projects, I just named a couple of them, more  
10 cars from another project, is it fair to say then  
11 may increase queueing in front of the subject  
12 property or across from the subject property?  
13 Isn't that a possibility?

14 A. It's a possibility but in this case  
15 it will not because River Road has a good  
16 facility capacity, it has five lanes, two lanes  
17 going north, two lanes going south with a middle  
18 lane for left turn in both directions.

19 Q. Okay.

20 A. So River Road actually is operating  
21 at an acceptable level of service.

22 Q. The only way that this project works  
23 based upon your traffic report is if the county  
24 approves of a change in the median striping in

12-7-10 Appleview  
25 the middle of River Road right in front of the

Celeste A. Galbo, CCR, RMR

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Izadmehr - Cross

1 property; is that correct?

2 A. No. As a matter of fact, county  
3 approved that middle lane change not only for  
4 this project but also for Hudson Point Phase 2 or  
5 building two.

6 Q. So you're saying that the stripping  
7 that you recommended, I think you call it a two  
8 step turn?

9 A. That's correct.

10 Q. Going north?

11 A. That's correct.

12 Q. You call it a two step turn, that's  
13 already approved by county?

14 A. That has already been approved by  
15 the county for the previous project. So this  
16 project even has a lot less traffic, so obviously  
17 it will remain approved. It will remain  
18 approved. So the approval stands.

19 Q. Now, if the DOT reviews traffic on  
20 this, would they not project increases of a  
21 couple percent? The DOT manuals, don't they  
22 usually require that an automatic -- they just  
23 increase it by 2 percent?

24 A. It's different from region to  
25 region. For this region I believe is 1.5 percent

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Izadmehr - Cross

1 for DOT.

2 Q. I'm going to show you -- give a copy  
3 to Mr. Alampi, if I can pass it up to the board.  
4 I'd just like you to look at that and I've tried  
5 to take all the dates of all the data that is in  
6 your report, the various dates that various study  
7 were made or counts.

8 MR. MUHLSTOCK: Mr. Lamb, do you  
9 want to mark this as an exhibit?

10 MR. LAMB: Yeah, might as well mark  
11 it as an exhibit.

12 MR. MUHLSTOCK: Hold on, let me look  
13 to see.

14 MR. LAMB: Let's mark it O-6 then  
15 and put the date on it.

16 (Objector's Exhibit 6, dates of  
17 counts, trips and studies in the report,  
18 was received in evidence.)

19 THE CHAIRMAN: So these are --

20 MR. MUHLSTOCK: This is O-6.

21 THE CHAIRMAN: --his counts.

22 Q. These are all the dates in  
23 chronological order from your traffic report. I  
24 just want to make sure that that's correct.

25 THE CHAIRMAN: Do you agree?

Celeste A. Galbo, CCR, RMR

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Izadmehr - Cross

1 Q. Have you had a chance to review your  
2 report?

3 A. Sure.

4 Q. Yes. Is that -- have I accurately  
5 summarized it?

6 A. I think so, yes.

7 Q. Wouldn't it be more appropriate to,  
8 again, within a one or two year period prior to  
9 the application to try to get data that's on  
10 these various -- the 15 minute traffic intervals,  
11 the hospital driveway, the Ferry Road  
12 intersection, isn't that -- wouldn't that give  
13 the board a better picture of the traffic  
14 conditions immediately prior to the application?

15 MR. ALAMPI: Mr. Chairman, I think  
16 this has been asked at least five times during  
17 this cross-examination.

18 THE CHAIRMAN: I'll allow an answer  
19 if you have one.

20 A. It would be the same because traffic  
21 in general has not changed on River Road or over  
22 the last five years.

23 THE CHAIRMAN: Okay. Mr. Lamb, your  
24 time has expired.

25 MR. LAMB: Thank you, Mr. Chairman.

Celeste A. Galbo, CCR, RMR

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Olsen

1 THE CHAIRMAN: Okay, members of the  
2 public, does anyone wish to ask questions of this  
3 witness? Please come forward, state your name

4 and address for the record. Please make sure  
5 your questions or comments are related to the  
6 traffic study only.  
7 RUTH OLSEN, residing at 7004 Boulevard East,  
8 Guttenberg, New Jersey, having been duly sworn by  
9 the Notary Public, was examined and testified as  
10 follows:

11 THE WITNESS: Okay. In terms of  
12 traffic, and this I would think would impact  
13 traffic, there is no parking for any guests at  
14 all in this project, right?

15 MR. IZADMEHR: There is visitor  
16 parking indicated as you enter the parking lot.

17 THE WITNESS: For how many spaces.

18 MR. IZADMEHR: I have to look it up.  
19 Eight parking spaces.

20 THE WITNESS: Okay. So in terms of  
21 the queueing line on River Road, let's say it's  
22 July 4th, it's Thanksgiving, it's Christmas, New  
23 Years, Easter Sunday when people gather together  
24 to have parties, to eat. Let's say even 10  
25 percent of the apartments which would be six and

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□

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Olsen

1 that's very conservative in my opinion gather  
2 together and they're going to need far more than  
3 eight parking spaces. If it's, let's say each  
4 person, each apartment has 10 to 15 people for  
5 dinner. The other people will have to find

6 parking elsewhere. But probably I know it would  
 7 be if I were dropping people off, they would drop  
 8 people off and let them -- and then find parking  
 9 spaces which means you would have a lot more  
 10 people, you know, and the queues I think would be  
 11 far more because you'd have people going into the  
 12 driveway, dropping people off, everybody gets  
 13 their packages out and then they have to go out  
 14 again and the same would happen when they come  
 15 back in to pick people up. So wouldn't that  
 16 affect the traffic on River Road and the whole  
 17 queueing? And I think 10 percent is a very low  
 18 estimate.

19 MR. IZADMEHR: Well, it may affect  
 20 but, again, you're talking about 59 units. How  
 21 many guests are you going to have?

22 THE WITNESS: A lot.

23 MR. IZADMEHR: So let's say you have  
 24 15 more guests, so the traffic will double, so  
 25 that happens once in a while. What happens in

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Olsen

1 Christmas shopping times? So the parking lots  
 2 get full, the traffic queues up, but that's not  
 3 unique to this project, that's everywhere. What  
 4 happens in Galaxy?

5 THE WITNESS: We have a very, very  
 6 large parking lot.

7 MR. IZADMEHR: But that's not  
 8 traffic. It happens everywhere.

12-7-10 Appleview

9 THE WITNESS: The Galaxy there's  
10 very little queueing up because if there's a  
11 queue you can go to the side, and they can deal  
12 with people who are guests as opposed to people  
13 who have stickers who can just go straight  
14 around. So there's practically no queueing and  
15 there are wide enough spaces so if you're going  
16 out, and there's a lot, they can do the same  
17 thing.

18 MR. IZADMEHR: There will not be  
19 much queueing here because we're talking about as  
20 I said before, 59 units but 50 more guests,  
21 you're talking about 100 units.

22 THE WITNESS: Now, does your  
23 expertise include the parking lot and the parking  
24 spaces, you know, and that roadway?

25 MR. IZADMEHR: Yes.

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Olsen

1 THE WITNESS: what happens when  
2 there are large delivery trucks? would they be  
3 blocking that roadway.

4 MR. IZADMEHR: No, the parking lot  
5 is designed to accommodate not only passenger  
6 cars but also single unit 30 foot long trucks.

7 THE WITNESS: Okay, so what  
8 happens --

9 MR. IZADMEHR: without, without any  
10 backing or going up and, you know, front and

12-7-10 Appleview

11 back?

12 THE WITNESS: So then a car could go  
13 around that truck?

14 MR. IZADMEHR: A car could go  
15 around, yes.

16 THE WITNESS: What about a fire  
17 truck, could a fire truck go around a big  
18 delivery truck?

19 MR. IZADMEHR: When a fire truck  
20 comes in, everything else basically stops, right?

21 THE WITNESS: Well, but the delivery  
22 truck, they're up in the apartment.

23 MR. IZADMEHR: So this happens  
24 anywhere, it's not unique to this site.

25 THE CHAIRMAN: Repeat your first

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Olsen

1 part of the answer.

2 MR. IZADMEHR: This happens  
3 anywhere, this not unique to this site.

4 THE CHAIRMAN: Before that.

5 MR. IZADMEHR: This is not unique to  
6 this site, so that could happen anywhere.

7 THE WITNESS: There are many sites  
8 where you might have to wait five or ten minutes  
9 for a fire truck to get through?

10 MR. IZADMEHR: The fire truck could  
11 go through because the aisles are 24 feet wide  
12 and a regular delivery truck is seven and a half  
13 to eight feet wide so you still have --



12-7-10 Appleview

14 THE WITNESS: Is that a van?

15 MR. IZADMEHR: No, a regular truck.  
16 A lane, a travel lane, a highway lane is minimum  
17 10 feet wide. So a fire truck or a delivery  
18 truck is about eight feet. So if you put two  
19 trucks side by side is only 16 feet but we have  
20 24 feet.

21 THE WITNESS: That's if the truck is  
22 parked. Is there going to be somebody there to  
23 make sure that trucks are not blocking?

24 MR. IZADMEHR: As I said, this is  
25 not unique to this location that could happen

Celeste A. Galbo, CCR, RMR

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Rosenblum

1 anywhere.

2 THE WITNESS: I know but it doesn't  
3 mean it's right.

4 MR. IZADMEHR: This not right, this  
5 is practical.

6 THE WITNESS: So there would be  
7 somebody there to make sure that the deliveries  
8 trucks aren't going to be blocking? I mean, I'm  
9 worried about that.

10 MR. IZADMEHR: The management will  
11 advise the delivery trucks where to load and  
12 unload and where to enter and where to exit.

13 THE WITNESS: Okay, all right.

14 Thank you.

15 MR. IZADMEHR: You're welcome.

16 THE CHAIRMAN: Someone back there.  
17 I guess it was this gentleman, yes.  
18 ROBERT ROSENBLUM, residing at 7400 River Road,  
19 North Bergen, New Jersey, having been duly sworn  
20 by the Notary Public, was examined and testified  
21 as follows:  
22 THE WITNESS: I'm a little floored  
23 when I hear about traffic decreasing on River  
24 Road. I go to work every morning, I leave at  
25 7:00. I moved into The View at Hudson Point

Celeste A. Galbo, CCR, RMR

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Rosenblum

1 February of 2008. At that time -- I'm in the  
2 north building, the north side of the building.  
3 At that time there was only one other unit  
4 occupied. There was no one in the garage but the  
5 two of us. And we didn't have that much problems  
6 getting out on River Road.

7 We are totally occupied as of about  
8 five months ago. The garage, both garages -- we  
9 have two garages -- are active as can be,  
10 constantly. The door, sometimes the door doesn't  
11 even come down because the cars are going in and  
12 out. I'm concerned for my own safety, my wife's  
13 safety as far as getting out onto River Road. We  
14 make a left turn to go south to the Lincoln  
15 Tunnel. Sometimes I have to sit there and wait  
16 and I normally wait for the both lights at the  
17 hospital and down by Ferry Road to change. Even  
18 though the lights change, there is such a queue

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19 of cars that you can't make that left turn.

20 I come home now at night, I can't  
21 believe the traffic. I used to take River Road.  
22 Now I go and take Boulevard East and come down by  
23 the A&P because that backup of traffic is just  
24 incredible. Yet I'm being told traffic has  
25 decreased. How could it decrease? We have 146

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Kronick

1 units, everybody has two cars, almost everybody  
2 has two cars there. Some people have three cars.  
3 And I just don't understand how the town can  
4 listen to this and somewhat accept the words of  
5 an investigation that was done in 2006 and saying  
6 that traffic has decreased. I just don't believe  
7 this.

8 MR. MUHLSTOCK: Do you want to  
9 respond to that?

10 MR. IZADMEHR: Well, I can't change  
11 the numbers, the numbers are the numbers. Those  
12 are the facts. But that does not mean it's okay  
13 to approve 145 units across from this site but  
14 this site only has 59 units. So if it's good for  
15 Hudson Point, I think it's good for this one too.  
16 DAVID KRONICK, residing at 7855 Boulevard East,  
17 North Bergen, New Jersey, having been duly sworn  
18 by the Notary Public, was examined and testified  
19 as follows:

20 THE WITNESS: Mr. Izadmehr, I wanted

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21 to compliment you at the presentation at the last  
22 meeting. It was one of the best I ever heard,  
23 but I have a problem, actually a few. Following  
24 up from the gentleman who just spoke about the  
25 traffic deduction, on my own limited experience I

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Kronick

1 go down Bulls Ferry Road on a Saturday. You may  
2 have to wait for two or three changes of the  
3 light to enter River Road. I believe you said  
4 something that is it the National Transportation  
5 Board, is that the over viewing agency that looks  
6 over everything?

7 MR. IZADMEHR: It's ITE.

8 THE WITNESS: ITE.

9 MR. IZADMEHR: Institute of  
10 Transportation Engineers.

11 THE WITNESS: Excuse me. And I  
12 think you said at the last meeting they give one  
13 point if you're near a mass transit center hub;  
14 is that correct.

15 MR. IZADMEHR: No, I said we get  
16 reduced traffic projections by 10 percent because  
17 of the mass transportation.

18 THE WITNESS: Better yet, that's  
19 good. How close does that mass transportation  
20 center have to be to the site?

21 MR. IZADMEHR: Within walking  
22 distance. So the ITE considers that anywhere  
23 from 100 feet to about a mile.

24 THE WITNESS: I would say except for  
25 buses, we do not have such a site, a mass transit

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kronick

1 site. To get to Hoboken, if you wanted to get  
2 the -- go into New York, you have to take your  
3 car or wait for a bus. To get to the train in  
4 weehawken, the light rail I should say, I don't  
5 think very many people would walk it. So I think  
6 that's a figure that, you know, you have to  
7 massage figures. And I think you massaged it but  
8 not reflecting the real facts because there is  
9 no -- except for buses there is no real mass  
10 transit to get to the light rail -- I'm sorry, to  
11 get to the ferry. You'd have to take a car, park  
12 in their lot, wait for a bus. So that I would  
13 question.

14 MR. IZADMEHR: We took the minimum,  
15 so 10 percent, it's pretty normal.

16 THE WITNESS: That's the minimum.  
17 It was interesting, I found a magazine from 2008,  
18 I'd like to show you it to you, it's called  
19 "Palisades". It was the March-April issue. And  
20 lo and behold on page 32 Theta Pavis, wrote an  
21 article. She sites in the beginning of the  
22 article a gentleman who was going from Hoboken to  
23 Fort Lee, took him 20 minutes in 2001. This is  
24 2008, it now is 50 minutes. 50 minutes. So  
25 that's what two and a half times? So when you

Kronick

1 hear the people here reflecting because they live  
2 it, they experience it, they see it, something is  
3 wrong obviously. And in that article, this is  
4 written by I'm sure an impartial person, "there  
5 are times on the weekend when traffic comes to a  
6 standstill," which means worse than the rush  
7 hour. With regard to the rush hour I would have  
8 to question the period that you used of four to  
9 six. I think it starts a little later like five  
10 and probably runs more to 7:30, and I think that  
11 if you want to do another study you should  
12 consider that.

13 Another concern that I have is you  
14 took this in the spring or summer, your study,  
15 the traffic study? Ideal conditions, right?  
16 Ideal. What would be the impact of torrential  
17 rain? We get flooding on River Road. Ice and  
18 snow, going Bulls Ferry Road and Ferry Road, can  
19 you imagine the cars queueing up sliding down? I  
20 think that has to be factored in somehow. It has  
21 to be factored in. It's not realistic to see it  
22 in any other light.

23 THE CHAIRMAN: Do you a question,  
24 Mr. Kronick?

25 THE WITNESS: A question. Well, I'm

Kronick

1 questioning that we need another traffic study.  
2 I'm very concerned about the impact that Avak is  
3 going to have. How do you in the morning at the  
4 rush hour you have a bank, you have a drugstore  
5 and maybe some coffee shop. Do you think there  
6 will be an impact of traffic that you did not  
7 foresee or calculate right adjacent almost to  
8 where you are?

9 MR. IZADMEHR: Well, of course that  
10 will be traffic impact but that project also is  
11 dedicated signal at its driveway. So and also  
12 experience has shown that shopping centers such  
13 as that one in the neighborhood will be utilized  
14 mostly by the traffic which is already on the  
15 road. So 80, 90 percent of the people will be  
16 going to that shopping center, they're already on  
17 the road either going from work to home or from  
18 home to work or they are basically running  
19 another errands, so they will stop on the way.  
20 So that traffic center is not necessarily going  
21 to increase the number of cars on River Road.

22 Q. Do you think that in light of what  
23 you heard tonight about developments coming  
24 online that you either didn't know about, that  
25 might be in different phases of acceptance,

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□

Kronick

1 approvals, starting to build, whatever, that a

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2 one percent factor is too low? Especially in  
3 light of the fact that on the border of North  
4 Bergen, Edgewater will have or has their town  
5 hall, will have several hundred units, will have  
6 a retail component, and when there was a traffic  
7 study for that back several years ago, the  
8 traffic engineer spoke about already back then  
9 facing crisis backup at that point.

10 MR. IZADMEHR: Yeah. Well, as I  
11 said, based on our discussion with the county we  
12 use one percent, but let's assume it's 2 percent  
13 or three percent or four percent, it will impact  
14 everybody, not only this project. So as I keep  
15 saying, this project has only 59 units which has  
16 going to generate not more than 20, 25 cars. So  
17 please let's be practical and let's be honest,  
18 this project will have absolutely minimum impact  
19 on River Road. I mean this project compared to  
20 other projects along River Road, it's minute.

21 THE WITNESS: But you have to look  
22 at the sum total of what this adds to all the  
23 others and the overall picture. I think I have  
24 no further comment. Thank you very much.

25 MR. IZADMEHR: Thank you.

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1 THE CHAIRMAN: Ma'am, I think you  
2 had your hand up next.

3 CONSTANCE FTERA, residing at 7312 Boulevard East,  
4 North Bergen, New Jersey, having been duly sworn



5 by the Notary Public, was examined and testified  
6 as follows:

7 THE WITNESS: A lot of what I was  
8 going to say has pretty much been covered but I  
9 wanted to ask you again how you come to 12 trips  
10 during rush hour when there are 59 apartments.  
11 There has to be at least one person working in  
12 each apartment and there probably are two. And  
13 you were very excited about the public  
14 transportation, especially the light rail  
15 station, but the light rail station is down at  
16 47th, 48th Street and I don't think most people  
17 here will walk a mile to a public transportation.  
18 The alternative is to take a bus, change to this  
19 and change to that, and also public  
20 transportation is only good to go to New York  
21 City. And if there are people working in  
22 other -- around in New Jersey, they must use a  
23 car.

24 So I really can't understand that  
25 there would be so few trips during rush hour. I

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Ftera

1 know you're going to say it's in the statistics,  
2 but I can't get it through my head.

3 MR. IZADMEHR: As I explained, there  
4 is a big difference between rush hour and rush  
5 period. This is only single hour, 60 minutes.  
6 Not everybody departs or comes in at the same

7 time. So people leave at different time of the  
8 day. So people will start leaving around six,  
9 some people leave around 5:30 in the morning,  
10 then some folks leave at 6:30, then 7 and between  
11 those hours and continues until about 9, 9:30.

12 THE WITNESS: So what does 12 mean?

13 MR. IZADMEHR: Twelve is the highest  
14 number of trips that this complex will generate  
15 during a single hour in the morning which in this  
16 case is about 7:30 to 8:30. So, again, let's not  
17 confuse the rush hour with rush period. Period  
18 it could be more than two hours, three hours. So  
19 this is again a single hour, 60 minutes, that's  
20 what we are expecting this project will generate.

21 THE WITNESS: There's one other  
22 thing I think to take into consideration and that  
23 is that River Road is not very friendly towards  
24 pedestrians, and if you're taking mass  
25 transportation, you're going to have to walk to a

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Ftera

1 bus stop, you're going to have to cross River  
2 Road which is like taking your life into your  
3 hands, and it was your excitement about the  
4 wonderful mass transportation that was there that  
5 I thought oh, that's, you know, I don't think  
6 that -- I still don't think that that small of  
7 amount of people will be coming out or driving  
8 out of the complex or whatever.

9 MR. IZADMEHR: Well, as I said

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10 before, even though we do not consider any credit  
11 for use of mass transportation, that was only 10  
12 percent, one car coming in, one car going out.  
13 So let's forget about mass transportation and we  
14 will not take any credit for it. So we still  
15 have maximum 18 cars coming in and leaving the  
16 site during the peak hour. As I said before, and  
17 I keep repeating myself, 18 cars are not going to  
18 impact the traffic on River Road. It's fraction  
19 of traffic fluctuation, existing traffic  
20 fluctuation in River Road.

21 THE WITNESS: You also talked -- say  
22 there will be another traffic signal by this, by  
23 Apple View, yes? You're talking about another  
24 traffic signal?

25 MR. IZADMEHR: No, I did not talk

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1 about another traffic signal --

2 THE CHAIRMAN: You mentioned one for  
3 another project.

4 MR. IZADMEHR: The intersection of  
5 River Road and hospital driveway is a T  
6 intersection with only the hospital driveway  
7 being signalized today. So Avak project will  
8 have its own driveway directly across from the  
9 hospital driveway which will also work with  
10 signalization. So when Avak project comes on  
11 board both driveways will go together, you know,

12 12-7-10 Appleview  
will become a regular four leg intersection.

13 THE WITNESS: I have no other  
14 questions.

15 THE CHAIRMAN: All right. Thank  
16 you.

17 JEREMY RABIN, residing at 7004 Boulevard East,  
18 Guttenberg, New Jersey, having been duly sworn by  
19 the Notary Public, was examined and testified as  
20 follows:

21 THE WITNESS: Well, I had a lot of  
22 questions based on the testimony from the  
23 previous hearing, and I know that there were a  
24 lot of people here at the previous hearing who  
25 couldn't be here tonight because of the last

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1 minute change in the scheduling. Some of those  
2 questions I wanted to get to too but it seemed to  
3 me that there was so much that went on at this  
4 hearing that I thought I needed to address some  
5 of this first.

6 MR. MUHLSTOCK: How about a  
7 question? Ask questions because it's getting  
8 late. Ask questions.

9 THE WITNESS: You said that you  
10 didn't need to be conservative with your numbers  
11 because it doesn't matter, was your quote, was it  
12 doesn't matter and that it's not much referring  
13 to 59 units. And Mr. Lamb demonstrated, I don't  
14 know, maybe dozen or more situations, maybe two

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15 dozen situations where you could have used  
16 numbers which not only would have been  
17 conservative but I think probably would have been  
18 accurate and instead you chose to use smaller  
19 numbers which were better for your client. Would  
20 you say that was the case?

21 MR. ALAMPI: I'll just pose for the  
22 record to keep a proper record a strenuous  
23 objection to this characterization.

24 THE CHAIRMAN: Somehow I knew that's  
25 why you stood up.

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1 MR. IZADMEHR: No, that's not true.  
2 I basically used what this project is intended to  
3 do. This project will become an apartment  
4 building, a rental apartment building and that's  
5 what ITE prescribed and that's what we use.

6 THE WITNESS: Well, there were more  
7 conservative numbers that you could have used, it  
8 seemed that consistently you chose not to use  
9 them and used --

10 MR. MUHLSTOCK: Mr. Lamb went  
11 through that already. You don't have to repeat  
12 that, do you?

13 THE WITNESS: Okay, I'll move on  
14 then.

15 I wanted to point this out in the  
16 context of the quotes that it doesn't matter and

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17 those sort of comments. Because to me it feels  
18 kinds of disrespectful that we're all here, we've  
19 been showing up at these hearings, I've been  
20 coming here for over five years to these hearings  
21 on this project, and we take this all very  
22 seriously. And you're a professional, and for  
23 you to keep saying the numbers don't really  
24 matter, I mean those are your quotes "because  
25 it's such a small project anyway." well, that's

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1 the project that we're here discussing, and  
2 that's the project that we've been hearing  
3 testimony about, and I think it would be  
4 appropriate if you were not falling back on  
5 saying it doesn't matter which numbers I use.  
6 MR. MUHLSTOCK: As that a question  
7 or a statement? That's a statement, isn't it?  
8 THE CHAIRMAN: It sounded like a  
9 statement.  
10 THE WITNESS: It's a statement that  
11 could have a response.  
12 MR. MUHLSTOCK: We heard it. Now  
13 ask a question if you have anything further on  
14 that.  
15 THE WITNESS: Well, if he objected  
16 to my characterization, I'd like to know --  
17 MR. MUHLSTOCK: It's been discussed.  
18 THE CHAIRMAN: Both he and his  
19 attorney objected.

20 MR. ALAMPI: I kept standing. Let  
21 the record reflect my standing means I object.  
22 MR. LAMB: Strenuous when you stand.  
23 THE WITNESS: Regarding car stacking  
24 you said that it was impossible and improbable.  
25 That is kind of amazing to me also as somebody

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1 who observes River Road, sees stacking all the  
2 time. Hudson Point has a very similar design to  
3 their driveway except that they have parking to  
4 the side.  
5 THE CHAIRMAN: And what is the  
6 question?  
7 MR. MUHLSTOCK: What's the question?  
8 THE WITNESS: Well, I think there's  
9 a number of questions coming out of this.  
10 MR. MUHLSTOCK: Well, ask one.  
11 THE CHAIRMAN: Ask one. Any one.  
12 THE WITNESS: Some of this does  
13 require some setup especially when the witnesses  
14 are not forthcoming which none of them have --  
15 THE CHAIRMAN: You said you don't  
16 believe them. What's your question?  
17 MR. MUHLSTOCK: Right.  
18 THE WITNESS: For -- if cars are  
19 stacking up in a driveway at Hudson Point which  
20 has a similar driveway with access from garages,  
21 a kind of a round area but in fact it has a lot

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22 more space between it and the road, and also  
23 where the parking is off to the side rather than  
24 in the center and sides of your access area, why  
25 would they have stacking and your project

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1 wouldn't?

2 MR. IZADMEHR: Well, I did not talk  
3 about stacking on River Road. I talked about the  
4 stacking for vehicles getting out of the proposed  
5 site. As we said, before the maximum number of  
6 cars that we expect exiting is about I think 12.  
7 It's actually eight. So the maximum number of  
8 cars that we expect during a single hour, rush  
9 hour is eight. So what's the average expectancy  
10 of a car exiting in an hour, it's basically every  
11 seven minutes. So that's why I do not see any  
12 probable stacking there. So I basically said --  
13 I rephrase myself. I said first it's impossible  
14 but then I said it was improbable. So I did not  
15 use both.

16 THE WITNESS: Okay. Well, you had  
17 said impossible, then you I guess changed to  
18 improbable.

19 MR. IZADMEHR: Yes.

20 THE WITNESS: Well, it's in fact I  
21 think very likely and it's very different than  
22 improbable, if for instance a husband and wife  
23 are going to work at the same time in separate  
24 cars because they work in different places, right



25 away you have a stacked situation.

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1 THE CHAIRMAN: Okay, what's the  
2 question?

3 THE WITNESS: Well, he just said  
4 it's improbable --

5 THE CHAIRMAN: No, no. You're  
6 taking a statement. What's your question? You  
7 disagree? We get that.

8 THE WITNESS: It's a very high  
9 standard you're putting me at here.

10 THE CHAIRMAN: It's a very simple  
11 standard. Ask a question.

12 THE WITNESS: If a husband and wife  
13 working different places, they have two cars,  
14 they come out at the same time to go to work,  
15 don't have you have -- that was a question --  
16 don't you have a stacking situation  
17 automatically?

18 MR. MUHLSTOCK: Answer that.

19 THE WITNESS: That was a question.

20 MR. IZADMEHR: Okay, let's say that  
21 happens but that's not unique again to this site,  
22 that could happen anywhere, right? So I don't  
23 want to, you know, be, again, repeating myself  
24 but if that happens, so what, the first car will  
25 go and then the second car will go. So that's

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1 not again unique to this particular site, that  
2 happens everywhere. I assume that happens when  
3 you're leaving now.

4 THE WITNESS: Well, part of the  
5 criteria I think that we're concerned with here  
6 is not whether it's unique. You've claimed  
7 something unique which is that stacking is  
8 improbable. This now you're saying well that  
9 just happens everywhere. Well it does happen  
10 everywhere except apparently in your project. So  
11 that's where I'm questioning it. And I'm  
12 pointing out that in every building project that  
13 I've ever seen there is stacking particularly  
14 during rush hour. And if you have cars pulling  
15 in and out of the parking around the sides, they  
16 can get in the way of those cars that are trying  
17 to get in and out as they're pulling out. So it  
18 seems to me that you've created -- well, your  
19 project has created a situation with many unique  
20 and unusual parking problems and access problems.

21 THE CHAIRMAN: So your question is,  
22 isn't that true? Is that true?

23 MR. IZADMEHR: No, it's not true.

24 THE CHAIRMAN: Thank you. Next  
25 question.

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1 THE WITNESS: Okay. The testimony  
2 from the resident of Hudson Point, I heard a lot  
3 of very similar testimony from people from Hudson  
4 Point who were here at the last session and  
5 couldn't be here today, so I'm glad that that  
6 witness was here. One of the things that he  
7 said --

8 MR. MUHLSTOCK: Don't repeat  
9 questions. Don't repeat what he said.

10 THE WITNESS: Well, this is very  
11 short but it's a question.

12 MR. MUHLSTOCK: Ask your question.  
13 Ask your question.

14 THE WITNESS: It's a question about  
15 what he said.

16 MR. MUHLSTOCK: Then ask the  
17 question. You don't have to go back and  
18 summarize the whole testimony here. Please.  
19 We're trying to move it.

20 THE WITNESS: It's one sentence and  
21 I think it's relevant. Because he said "I'm  
22 afraid for my life, my wife's safety." And that  
23 was the traffic situation that he was talking  
24 about at Hudson Point that currently exists.

25 THE CHAIRMAN: And your question is?

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1 THE WITNESS: And when he finished  
2 his testimony your comment about it was, "What's

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3 good for Hudson Point is good for Apple View."  
4 MR. MUHLSTOCK: No, all right.  
5 You're right, Mr. Alampi.  
6 MR. ALAMPI: Mr. Chairman, please  
7 move it along.  
8 MR. MUHLSTOCK: Sustained.  
9 First of all, you're taking it out of  
10 context the way the witness' answer to that. But  
11 it's also not an appropriate question.  
12 THE WITNESS: No, no. You've heard  
13 testimony that people are afraid for their life  
14 --  
15 MR. MUHLSTOCK: Please, please,  
16 please.  
17 THE WITNESS: -- because of a  
18 traffic situation.  
19 MR. MUHLSTOCK: Please, please,  
20 please. It's not a proper question. Ask another  
21 question.  
22 THE WITNESS: In the last session  
23 you were discussing the site views from this  
24 project. And as far as I could gather you had  
25 been on the site and there was no obstruction of

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1 the view, you said you could see for 400 feet. I  
2 want to know how did you account for what the  
3 view from that site would be once the project was  
4 built there? Because obviously an empty lot you  
5 have an unobstructed view currently. How did you  
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6 account for this project which is -- appears to  
7 be about five feet setback?

8 MR. IZADMEHR: Well, I went to the  
9 site, first of all you could do that in two ways;  
10 one, you go to the site and you determine where  
11 the location of the proposed driveways are. So  
12 you position yourself in the driver's eye view.  
13 Then you will look at to your right or to your  
14 north in this case and to your south at the  
15 proposed additional driveway and see if you have  
16 adequate site distance and that's the case. Or  
17 you could do the same thing by looking at the  
18 site plan because the site plan depicts all  
19 obstructions. So you could use, again, your  
20 survey data to determine if there is availability  
21 of site distance or not.

22 MR. MUHLSTOCK: And which one did  
23 you use?

24 MR. IZADMEHR: I believe both.

25 THE CHAIRMAN: And you did it based

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1 on where the building would be?

2 MR. IZADMEHR: Exactly. And the  
3 setbacks.

4 MR. MUHLSTOCK: Or the driveway.

5 THE CHAIRMAN: Well, the driveway  
6 and the building.

7 MR. IZADMEHR: That's correct.

8 THE WITNESS: And did you do any  
9 kind of visual presentation, something that shows  
10 with the architectural structure the building how  
11 those site plans would be mapped out?

12 MR. IZADMEHR: Well, that's what you  
13 effectively do when you look at the site plan or  
14 you go to the site and position yourself at the  
15 proposed location of the driveway. Basically  
16 you're doing a three dimensional analysis.

17 THE CHAIRMAN: I think his question  
18 is did you do any drawings based on that.

19 MR. IZADMEHR: No, I did not do any  
20 drawing myself.

21 THE CHAIRMAN: All right. Thank  
22 you.

23 THE WITNESS: Well, it seems that  
24 the presentation is all numbers and graphs, but  
25 what we have here actually is a -- something

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1 that's going to be in the real world. And I  
2 think what would be extremely helpful would be to  
3 see visual presentation --

4 MR. MUHLSTOCK: Question?

5 THE WITNESS: -- how will cars  
6 pulling out of there when there is only about a  
7 five foot setback how would a car see around that  
8 building? Essentially the building that's  
9 constructed here is kind of like blinders. It's  
10 set up --

11 THE CHAIRMAN: We just don't seem to  
12 be able to get a question out, do we?

13 MR. FERNANDEZ: I don't understand  
14 what he's asking.

15 THE WITNESS: I'm asking how we can  
16 determine, how he can determine and how he can  
17 present to a concerned public that there is 400  
18 feet of unobstructed view.

19 MR. MUHLSTOCK: He testified to  
20 that. He said he went to the site and he looked  
21 this way and then he looked that way and he had  
22 site views where the driveway would be. He also  
23 said that he used the site plan to do the same  
24 thing. So he said it did it two ways.

25 THE WITNESS: Right. And that's why

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1 I said how could he demonstrate to a concern  
2 public. And what I'm asking --

3 MR. MUHLSTOCK: But that's the  
4 question.

5 THE WITNESS: If he could show a  
6 visual of how because frankly --

7 THE CHAIRMAN: All right. We get  
8 it. Your position is you don't believe him.

9 THE WITNESS: I don't believe  
10 there's any way that a car could see around that  
11 building obstruction until it's already pulled  
12 out to the street. And the cars behind that

12-7-10 Appleview  
13 which would be stacked would also not be able to  
14 see 400 feet. And the cars --  
15 MR. MUHLSTOCK: Well, the stacked  
16 cars don't have to see until they pull up to the  
17 three to five feet from the curb line and then  
18 they turn. So the stacked cars don't have to see  
19 anything.  
20 THE WITNESS: But because the  
21 building is so close to the street, even when  
22 they're five feet from the street, they're not  
23 going to be able to see. They have to actually  
24 --  
25 MR. MUHLSTOCK: He testified they

Celeste A. Galbo, CCR, RMR

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Rabin

1 could. You're saying they can't.  
2 THE WITNESS: But he hasn't --  
3 MR. MUHLSTOCK: Do you have --  
4 THE WITNESS: I think it's telling  
5 that there's no visual presentation --  
6 THE CHAIRMAN: Okay.  
7 THE WITNESS: -- of those site plans  
8 were provided --  
9 THE CHAIRMAN: I'm going to call an  
10 end to the public session.  
11 THE WITNESS: All right. Thank you.  
12 THE CHAIRMAN: Folks, I'm sorry  
13 Mrs. Wong, we're passed time. We're going to  
14 close the public portion for tonight and our  
15 testimony for tonight.



16 Now, our next --  
17 MR. MUHLSTOCK: Mr. Alampi, do you  
18 have any redirect that you want this witness to  
19 attend to?  
20 MR. ALAMPI: No.  
21 MR. BASELICE: Nothing strenuous.  
22 MS. WONG: Will he be back for the  
23 next session so I get a chance to ask my  
24 question?  
25 MR. LAMB: Mr. Chairman, I have

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Izadmehr - Cross

1 about another ten minutes' worth.  
2 MR. MUHLSTOCK: No, no.  
3 MR. LAMB: You can say no, but you  
4 did cut me off and I understand that the public  
5 had a chance but I wasn't finished.  
6 THE CHAIRMAN: Mr. Lamb.  
7 MR. ARNONE: Can we have a time  
8 limit? You had a time limit, Mr. Chairman?  
9 THE CHAIRMAN: All right. Finish.  
10 MR. BASELICE: Do not ask the same  
11 question again, please, please.  
12 BAHMAN IZADMEHR, having been previously duly  
13 sworn by the Notary Public, was examined and  
14 testified as follows:  
15 CROSS-EXAMINATION  
16 BY MR. LAMB (Continued)  
17 Q. You used -- you thought it was

12-7-10 Applevue  
18 relevant to put the new Hudson Point project in  
19 for the 24 units. You've heard various members  
20 of the public ask you what about I-Park, what  
21 about Avak, what about all these other projects.  
22 You didn't call any of the building departments  
23 of surrounding towns to see what was going online  
24 for River Road?

25 A. No.

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Izadmehr - Cross

1 Q. Now, when you talked about Hudson  
2 Point you put them in the apartment category; is  
3 that correct?

4 A. That's correct.

5 Q. Are you aware that -- and we already  
6 heard from the president of I guess Phase 1 that  
7 there was 146 units in it and his statement was  
8 in 2008 when you were doing these traffic counts  
9 it wasn't completed.

10 So is it correct to say that you  
11 would now have to adjust the River Road traffic  
12 to reflect the impact from the 146 units or  
13 whatever units were occupied at that point in  
14 time to be more accurate on River Road traffic?

15 A. There is no need for that.

16 Q. Okay.

17 A. Because it will not change the  
18 results of that analysis.

19 Q. So we have -- we put 5,000 unit, we  
20 build all along River Road, 5,000 units, hundred

21 of thousands of square feet, you're saying it  
22 doesn't matter for this particular project?

23 THE CHAIRMAN: No, he didn't say  
24 that.

25 MR. ALAMPI: I'll object. There is

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1 no foundation that there's 5,000 units. Even  
2 Trump doesn't have 5,000 units.

3 A. I did not say that. You asked me  
4 about 145 units. Based on the testimony of that  
5 gentleman he says in 2008 seven of the units were  
6 occupied. So I don't know what the facts are,  
7 but even though if none of them are occupied,  
8 when we did the traffic count that many units  
9 will not impact the traffic conditions on River  
10 Road.

11 Q. I'm going to mark as O-7, I'm going  
12 to give the dates of sale of all the Hudson Point  
13 units. I'll mark it as O-7. Mr. Alampi.

14 (Objector's Exhibit 7, dates of sale  
15 of all the Hudson Point units, was received  
16 in evidence.)

17 MR. MUHLSTOCK: Mr. Lamb, let me ask  
18 you a question so we can really narrow this  
19 issue. Let's assume, let's assume that all along  
20 River Road in North Bergen there were a million  
21 units that were built, would it be the objector's  
22 position that this property can't add any cars

12-7-10 Appleview  
23 and therefore can't be developed? Is that where  
24 you're going?

25 MR. LAMB: I would not go there

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Izadmehr - Cross

1 because as you know I'll site the case in  
2 support -- I'll site the case for Mr. Alampi, the  
3 Dunkin' Donuts case says you can't do that.

4 MR. ALAMPI: You don't have to site  
5 the case. I know it like you know it. We know  
6 that that's not the law.

7 MR. MUHLSTOCK: Okay, we know that  
8 that's not the law, right. So where are you  
9 hitting?

10 MR. LAMB: What I'm asking the board  
11 to do is have an accurate traffic assessment of  
12 what's there.

13 MR. MUHLSTOCK: Okay.

14 MR. LAMB: And let me go further to  
15 extrapolate what I really want. What I really  
16 want is that there's a traffic study that has  
17 current dates and up-to-date information that's  
18 not four plus years old that reflects the  
19 projects that are going to come online like we  
20 did in another project which I won't mention, and  
21 takes into account what the traffic is on River  
22 Road.

23 MR. MUHLSTOCK: And that's why the  
24 chairman, I believe, asked you are you going to  
25 have your own traffic expert who is going to give

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1 you that data.

2 MR. LAMB: Although I've consulted  
3 with a traffic expert, I have not had  
4 authorization to hire one yet.

5 MR. MUHLSTOCK: Okay.

6 MR. LAMB: So I can't say that.

7 MR. MUHLSTOCK: All right. Okay.

8 MR. LAMB: But I can also tell you  
9 that even if I were to hire a traffic expert, at  
10 least my client would hire one, I would not have  
11 them go out and do the applicants's work. It's  
12 the applicant's work to provide this to us.

13 MR. ALAMPI: We've left the realm of  
14 cross-examination and have gone into summation --

15 MR. MUHLSTOCK: You're right --

16 MR. LAMB: I'm trying to save us --

17 MR. MUHLSTOCK: He's answering my  
18 question, that's okay.

19 MR. LAMB: I'm trying to save us  
20 the effort because from now to the next meeting  
21 we could do that and I don't want to wait until  
22 the next meeting and say what I'm thinking. This  
23 is what I'm thinking.

24 MR. MUHLSTOCK: I know what you're  
25 thinking that's why I wanted to put it on the

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Izadmehr - Cross

1 record and I accept that.

2 MR. LAMB: I have copies of other  
3 traffic reports that were presented to this  
4 boards were this board asked the applicant to go  
5 through and get all of those online, make the  
6 phone calls to Weehawken, and West New York and  
7 Edgewater, put I-Park in, calculate it and see  
8 where we are. I just want accurate facts. If it  
9 works against me or not, I just want it to be  
10 accurate.

11 MR. BASELICE: Mr. Lamb, I have a  
12 question. If they were to do that and they get  
13 all that data that we've all seen before, does it  
14 make -- at the end of the day, isn't it still 20  
15 cars that we're talking about? Even if we get  
16 all that data, all these other buildings are  
17 generating, it will change the category of A, B,  
18 C, D, E, F which I don't agree it.

19 THE CHAIRMAN: And nor do I.

20 MR. BASELICE: But at the end it's  
21 still 20 vehicles that we're talking about.

22 MR. LAMB: First of all, I agree  
23 with that comment in general. First of all, I  
24 don't think it's 20, I think it's more like 40  
25 and I think if you use -- again, if you take

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Izadmehr - Cross

1 various other categories and do it more  
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2 conservatively it doesn't come out to 12 or 18,  
3 it comes out to 35 or 40.

4 MR. BASELICE: That's substantial.

5 MR. LAMB: In my world, I haven't  
6 proven that, but that's my argument. So if I  
7 argue that, then there is a question of other  
8 traffic; does traffic back up here? Does it back  
9 up in front of the project? Does it back up  
10 across the street when you're making a left turn  
11 north? How does the queueing work? Maybe, maybe  
12 the driveway should be wider so that the  
13 access -- the egress should be a little wider.

14 THE CHAIRMAN: Let me suggest this  
15 because you're not going to pull that out of this  
16 witness. If you do want to prove that case,  
17 you're going to have to make it. Okay. I  
18 understand where you're going, we have already  
19 said that we don't agree for instance with the  
20 classifications. But you're down to how much is  
21 this project going to impact the overall traffic  
22 on River Road. And if you have a different  
23 statement to make in that regard, as I say,  
24 you're really not going to get it out of him,  
25 you're going to have to bring a witness.

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Izadmehr - Cross

1 MR. LAMB: I understand, what you're  
2 saying is okay, I'm right, it's 40, 45 even, 35  
3 to 45 that comes out, what you're saying it

12-7-10 Appleview  
4 doesn't matter let's add -- I understand, let's  
5 add 30 projects, put them online, the total  
6 traffic count goes up and, again, it's the  
7 queueing analysis, how does that affect the  
8 project, should it be designed so that there are  
9 two means of ingress, one a left-hand turn, one a  
10 right to make its -- facilitate the access.  
11 Those are the issues.

12 MR. AHTO: I have a question. Is  
13 there a double line in the middle of that road?

14 THE CHAIRMAN: River Road.

15 THE WITNESS: River Road?

16 MR. AHTO: Is there a double --

17 THE WITNESS: There is a center  
18 hatched area for about 11, 12 foot which is being  
19 utilized as a left turn lane to either direction.

20 MR. AHTO: A left-hand lane travel  
21 which way?

22 THE WITNESS: Both.

23 MR. AHTO: Both ways?

24 THE WITNESS: It's called a double  
25 left turn bay or lane.

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Izadmehr - Cross

1 MR. AHTO: And if they build two or  
2 3,000 more units, will it change the trip in your  
3 analysis or is it still going to have the same  
4 amount of trips per hour?

5 THE WITNESS: Two, 3,000?

6 MR. AHTO: In the area.



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7 THE WITNESS: Yes, of course that's  
8 a substantial change.

9 MR. AHTO: Would that make a  
10 difference to your project as to how many trips  
11 during peak hours?

12 THE WITNESS: No, in other  
13 locations, no. It will increase the existing  
14 traffic on River Road but not the trip on our  
15 site.

16 MR. MCGRATH: The common term for  
17 the center lane where you can left either way  
18 which is not preferred by the traffic expert, it  
19 is called a suicide lane because you can drive  
20 facing each other. Theoretically I can be going  
21 south, you can be going north, we can both be  
22 making a left turn in the same general area and  
23 we're going head on at 40 miles an hour. That is  
24 why it's called a suicide lane.

25 MR. AHTO: Is that controlled by the

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Izadmehr - Cross

1 developer or by the county.

2 MR. MCGRATH: That is controlled by  
3 the county. The road was built that way  
4 specifically to get the left turn traffic out of  
5 through lanes to allow the through lane traffic  
6 to continue to move as best it can while the left  
7 turn traffic waited for the opportunity or the  
8 opening to make the left turn.

12-7-10 Appleview  
THE WITNESS: If I may, they used to

9  
10 be called suicide lanes many, many years ago, but  
11 there has been numerous studies performed over  
12 the years and their extremely safe. And as a  
13 matter of fact the country, they are changing the  
14 cross-section of highways and roads from four  
15 lanes to three lanes with a center dual left turn  
16 lane. So they're extremely safe. I think the  
17 actual records or crash records indicate that  
18 they are safe.

19 THE CHAIRMAN: The colloquial term  
20 is still suicide lane?

21 MR. MCGRATH: Yes.

22 THE CHAIRMAN: Thank you.

23 Q. Is it fair to say that right now you  
24 need the county to approve of a reconfiguration,  
25 re-striping addition of a lane in front of the

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Izadmehr - Cross

1 proposed project to have it work the way that  
2 it's proposed?

3 A. As I said before, county has  
4 approved the concept for the prior project on the  
5 same site.

6 Q. You said it approved the -- before  
7 you said, you originally testified the county  
8 approved it. Did the county give it a final  
9 county approval for this project in a previous  
10 configuration?

11 A. They did.

12-7-10 Appleview

12 Q. Okay. Do you have a copy of it?

13 A. I'm not sure if you have --

14 Q. I'm going to ask that he supply a  
15 copy of it because I'll just proffer that when I  
16 was investigating this, I'm not aware of that.  
17 It could be that I got the wrong information and  
18 maybe Mr. Alampi can tell us --

19 MR. ALAMPI: Of what?

20 MR. LAMB: Of the Hudson County  
21 approval of the prior application.

22 THE WITNESS: I did not say the  
23 application, I said the traffic report.

24 Q. Did the Hudson County Planning Board  
25 approve this prior project, the prior

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Izadmehr - Cross

1 application, yes or no? You said yes.

2 MR. BASELICE: No, he said the turn.

3 THE CHAIRMAN: First off, you said  
4 the left turn.

5 MR. BASELICE: He said the  
6 application.

7 MR. ALAMPI: Let me get a word in.  
8 Is it okay?

9 THE CHAIRMAN: Yeah.

10 MR. ALAMPI: I believe that Mr. Lamb  
11 is taking everything out of context with this  
12 issue. There was several applications on the  
13 site, a larger application, and it was processed

12-7-10 Appleview  
14 at the county planning board without conclusion.  
15 we all know that. But during the processing of  
16 that application there were reports reviewed  
17 favorably by the technical adjuncts and people  
18 who support the county planning board process.  
19 That's all that was stated. But there was never  
20 a final approval because the application was  
21 withdrawn.

22 MR. LAMB: Thank you. You answered  
23 the question. Because when you look at the  
24 transcript, he said the county approved it. The  
25 county has not given an approval of that

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Izadmehr - Cross

1 configuration that I'm aware of and that was just  
2 acknowledged.

3 THE CHAIRMAN: You're right.

4 MR. MUHLSTOCK: You're right. Mr.  
5 Alampi --

6 MR. ALAMPI: That's not true because  
7 that configuration was approved by the county  
8 with the Hudson Point development. And it was  
9 designed for the Hudson Point development. So  
10 and Mr. Lamb knows that.

11 MR. LAMB: No, I don't know that.

12 MR. ALAMPI: Look for the Hudson  
13 Point.

14 MR. LAMB: Then I'll just ask a  
15 general question and maybe someone knows.

16 Because Hudson Point is already approved, is  
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12-7-10 Appleview

17 what's out there going to stay there under your  
18 project? what's ever out there now, that  
19 striping, does that have to change or can it  
20 remain?

21 MR. ALAMPI: I don't think we're  
22 going to present the county application at this  
23 level before this board. There is a county  
24 application just filed and there will be a county  
25 application on that issue. We all know that

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Izadmehr - Cross

1 they'll take into consideration what they  
2 previously approved and what they continue to  
3 approve along River Road.

4 MR. LAMB: That answers the  
5 question.

6 MR. MUHLSTOCK: Thank you.

7 THE CHAIRMAN: Mr. Lamb, do you have  
8 anything else?

9 MR. LAMB: That's fine,  
10 Mr. Chairman, I think we brought it to a head.

11 THE CHAIRMAN: We're done. Mr.  
12 Alampi --

13 MR. ALAMPI: We'll present our  
14 planning consultant.

15 THE CHAIRMAN: We'll have to do that  
16 at the next meeting.

17 MR. ALAMPI: Do we have any idea,  
18 Mr. Chairman, of when the next meeting was?

12-7-10 Appleview  
19 THE CLERK: we have no dates.  
20 (Discussion off the record.)  
21 THE CHAIRMAN: All right. Ladies  
22 and gentlemen, the next meeting will be held on  
23 Thursday, January 20th at 7 p.m. here in these  
24 chambers. You will not receive new notice, so  
25 please take note.

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1 MR. ALAMPI: Thank you, chairman.  
2 (Time noted: 9:30 p.m.)  
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CERTIFICATE

2

STATE OF NEW JERSEY )

3

COUNTY OF BERGEN )

:ss

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 11th day January 2011.

17

18

19

CELESTE A. GALBO

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License No. 30X100098800

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