

CITY OF JERSEY CITY
PLANNING BOARD

In the Matter of: :
: Transcript
CASE P22-140 :
: of
PF ASSOCIATES, LLC :
152 Ogden Avenue : Proceedings
Block 5103, Lot 10 :
-----X

Tuesday, November 28, 2023
Zoom Remote Videoconference
Commencing at 5:59 p.m.

BOARD MEMBERS PRESENT:
CHRISTOPHER LANGSTON, Chairman
EDUARDO TORRES, Commissioner
VIDYA GANGADIN, Commissioner
DAVID CRUZ, Commissioner
STEVE LIPSKI, Commissioner

A P P E A R A N C E S:
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Attorney for the Board

CONNELL FOLEY, LLP
BY: CHARLES J. HARRINGTON III, ESQUIRE
Attorneys for the Applicant

CYNTHIA HADJIYANNIS, ESQUIRE
Attorney for Interested Party

MICHAEL LOMBARDOZZI,
Certified Shorthand Reporter

PRECISION REPORTING SERVICE
CERTIFIED SHORTHAND REPORTERS
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1 ALSO PRESENT:
2 TANYA MARIONE, A.I.C.P., P.P.
Director of Planning
3 City Planning Division
4 MATT WARD, A.I.C.P., P.P.
Supervising Planner
5 City Planning Division
6 CAMERON BLACK, A.I.C.P., P.P.
Senior Planner
7 City Planning Division
8 FRANCISCO ESPINOZA
Senior Planner
9 City Planning Division
10 ELIZABETH OPPER, A.I.C.P., P.P.
Urban Designer
11 City Planning Division
12 MATTHEW da SILVA
Senior Planner
13 City Planning Division
14 XUNRU HUANG
Assistant Planner
15 City Planning Division
16
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1 CHAIRMAN LANGSTON: Let's move into new
2 business, then. Item 9 on the agenda is case
3 P20-140. It's a preliminary and final major site
4 plan for 152 Ogden Avenue.
5 MR. HARRINGTON: Okay. Is -- well, for
6 the record, Charles Harrington of Connell Foley on
7 behalf of the applicant. I see Mr. Vandermark and
8 Mr. Liebeskind up here -- I'm probably killing
9 Brian's last name again.
10 But yeah, so the application before you
11 tonight -- first, I'd ask that the notices be
12 reviewed and marked into the record. I do note for
13 the record that this application was previously
14 listed on the September 19th planning board agenda,
15 then was carried with preservation of notices to
16 October 10th, and then further to October 24th, and
17 then further to November 14th, and then it carried us
18 to today. So the notices that are of record are the
19 ones that initially noticed for the September 19th
20 hearing date, with all the continuations.
21 MR. ALAMPI: So good evening, Counsel.
22 Counsel, we will mark those in one second.
23 But, Chairman, if we could have
24 Ms. Hadjiyannis elevated, let's get her
25 representation on the record, because I know that she

<p style="text-align: right;">Page 5</p> <p>1 represents an interested party in the matter.</p> <p>2 MS. HADJIYANNIS: Good evening,</p> <p>3 commissioners, Cynthia Hadjiyannis here on behalf of</p> <p>4 Riverview Neighborhood Association.</p> <p>5 CHAIRMAN LANGSTON: Good evening,</p> <p>6 Counsel.</p> <p>7 MR. ALAMPI: Thank you, Counsel.</p> <p>8 Chairman, I've had the opportunity to</p> <p>9 review the proof of publication, affidavit of</p> <p>10 service, as well as the notice. It was noticed for</p> <p>11 the September 19th hearing date, and it was carried</p> <p>12 through this evening with the preservation of that</p> <p>13 notice. It does appear to be in order. We're going</p> <p>14 to mark it as A-1 for purposes of the record.</p> <p>15 (Whereupon, Exhibit A-1 is marked for</p> <p>16 identification.)</p> <p>17 CHAIRMAN LANGSTON: All right. Thank</p> <p>18 you, Counsel.</p> <p>19 MR. ALAMPI: Chairman, I'd be remiss if</p> <p>20 we didn't do a little housekeeping, so that everybody</p> <p>21 understands what they need to understand with respect</p> <p>22 to this particular application, because it is</p> <p>23 somewhat nuanced.</p> <p>24 As the board is aware, and for everybody</p> <p>25 in the public, Ms. Hadjiyannis had filed an appeal of</p>	<p style="text-align: right;">Page 6</p> <p>1 the administrative officer's decision with respect to</p> <p>2 whether or not a variance was needed from the cliff</p> <p>3 face setback. That application -- or that appeal, I</p> <p>4 should say, was filed, and was heard before the</p> <p>5 Zoning Board. And the Zoning Board heard that</p> <p>6 application, or that appeal, as it is required to do</p> <p>7 under the statute, and the Zoning Board made a</p> <p>8 determination, and that was memorialized in their</p> <p>9 resolution, it's under their case number Z23-040.</p> <p>10 And under N.J.S.A. 40:55D-70A,</p> <p>11 Ms. Hadjiyannis, on behalf of her client, the</p> <p>12 Riverview Neighborhood Association, had filed an</p> <p>13 appeal of the zoning officer's determination to the</p> <p>14 Zoning Board. The Zoning Board upheld the</p> <p>15 determination of the zoning officer.</p> <p>16 That is important to this body,</p> <p>17 obviously, because that determination is, therefore,</p> <p>18 binding on this body. We are not the appeal arm of</p> <p>19 the Zoning Board. The Zoning Board is a</p> <p>20 quasi-judicial body, as is this body. The decision</p> <p>21 of the Zoning Board is appealable to the Superior</p> <p>22 Court. As I understand it, that appeal is pending in</p> <p>23 the Superior Court; however, there is no stay of this</p> <p>24 proceeding. So the applicant has the right to</p> <p>25 proceed before this board, in the nature in which the</p>
<p style="text-align: right;">Page 7</p> <p>1 application is presented.</p> <p>2 We are bound by the decision of the</p> <p>3 Zoning Board, as far as their upholding of the zoning</p> <p>4 officer's determination, and this body will be guided</p> <p>5 appropriately. And we are not going to heal the</p> <p>6 appeal of the Zoning Board determination, that's not</p> <p>7 appropriate. So, Chairman, I would ask that we not</p> <p>8 get into that issue. That issue has been properly</p> <p>9 adjudicated by the Zoning Board, and is now on appeal</p> <p>10 to the Superior Court, where it is properly venued.</p> <p>11 So it is not for this body to go back; this body is</p> <p>12 bound by that decision.</p> <p>13 And with that, Chairman, Mr. Harrington</p> <p>14 can introduce the application. And, Chairman, if</p> <p>15 Mr. Harrington or Ms. Hadjiyannis would like to place</p> <p>16 any statement on the record regarding the instruction</p> <p>17 I've just given, obviously, you can allow that to</p> <p>18 take place.</p> <p>19 CHAIRMAN LANGSTON: Okay. And, Santo,</p> <p>20 just so the board is crystal clear, if that decision</p> <p>21 by the Zoning Board is appealed and is overturned,</p> <p>22 any approval or denial that this board makes tonight</p> <p>23 would be invalid. Correct?</p> <p>24 MR. ALAMPI: So as I understand it --</p> <p>25 and either counsel can correct me if I make any</p>	<p style="text-align: right;">Page 8</p> <p>1 misstatement factually -- as I understand it, the</p> <p>2 determination of the Zoning Board is currently being</p> <p>3 appealed in the Superior Court, meaning</p> <p>4 Ms. Hadjiyannis, I believe, on behalf of Riverview,</p> <p>5 has filed that prerogative writ in the Superior Court</p> <p>6 in Hudson County, challenging the Zoning Board's</p> <p>7 determination.</p> <p>8 If Ms. Hadjiyannis prevails, it is</p> <p>9 possible, depending on what the court decides, but it</p> <p>10 is possible that Ms. Hadjiyannis's win in the</p> <p>11 Superior Court would affect whatever happens this</p> <p>12 evening. But there are some factors that may come</p> <p>13 into play where it doesn't affect what happens this</p> <p>14 evening. I can't really say, because that would be</p> <p>15 some kind of speculation.</p> <p>16 What I can tell you, Chairman, is I have</p> <p>17 not seen an order from the Superior Court staying</p> <p>18 this proceeding. And if my memory serves me</p> <p>19 correctly, I believe this application was filed and</p> <p>20 pending when the Zoning Board matter was heard. And</p> <p>21 Mr. Harrington had agreed to not move forward before</p> <p>22 this board, until the Zoning Board heard the</p> <p>23 challenge to the zoning officer's determination. But</p> <p>24 that was my recollection.</p> <p>25 So that's where we are, Chairman.</p>

<p style="text-align: right;">Page 9</p> <p>1 CHAIRMAN LANGSTON: Okay. Thank you, 2 Counsel. 3 So I'll start off with Mr. Harrington, 4 if -- Counsel, if you'd like to put a statement on 5 the record. 6 MR. HARRINGTON: Well, I -- yeah, just, 7 for the record, I agree and concur with Mr. Alampi's 8 comments regarding the decision made by the Zoning 9 Board, and how that is binding upon this board and 10 tonight's hearing. It is noted -- it's my 11 understanding that decision is under appeal to the 12 Superior Court, and if the appellant were to prevail, 13 it may or may not affect this, I really don't know, 14 depending on what the decision would say. 15 But Mr. Alampi is correct in that this 16 application was before the board -- listed on the 17 agenda back in January and February of 2023. It was 18 moved off the agenda, and that's when the 19 interpretation request occurred. And then, it was 20 basically held in abeyance until that was put before 21 the Zoning Board. And that hearing was in July of 22 2023, and the resolution was adopted, I believe, in 23 early September of 2023. So that's -- that's why we 24 had the delay between the initial listing of it and 25 now, before the board, and that's why, you know,</p>	<p style="text-align: right;">Page 10</p> <p>1 we're back here with an application that we believe 2 is deemed, you know, as of right, because of the 3 decision of the Zoning Board. 4 And I note that the Zoning Board also 5 made a conclusion in their resolution that there is 6 no cliff face that is part of this property or 7 project. And I just note that because the appeal, 8 for the benefit of the board, was all about the 9 interpretation of PPOD regulations, PPOD being 10 Palisade Preservation Overlay District. So that's 11 what the issue was between the parties and before the 12 Zoning Board, and that's what they made the 13 determination on. 14 CHAIRMAN LANGSTON: Okay. Thank you, 15 Counsel. 16 And Ms. Hadjiyannis, I'll extend the 17 same courtesy to you, if you want to put a statement 18 on record before we start. 19 MS. HADJIYANNIS: Thank you, Chairman. 20 I just want to clarify that I am not 21 handling the Superior Court action, and the 22 plaintiffs in that action are people who live in the 23 neighborhood, but not Neighborhood Riverview 24 Association (sic), so I just wanted to clarify that 25 for the record.</p>
<p style="text-align: right;">Page 11</p> <p>1 And I just want today state that our 2 position is that, although the Zoning Board's 3 resolution -- that, I believe, was uploaded to the 4 online portal, and it is, I guess, precedential, in a 5 way, they interpreted the application of the PPOD on 6 this particular site -- I would submit to the board 7 that the findings contained in that resolution cannot 8 be imported into this proceeding, because that was a 9 different hearing with different witnesses, and the 10 board's findings were based on the presentation that 11 was made that day. So I want to draw a distinction 12 between the conclusion that the board reached about 13 how to interpret the ordinance, and the findings that 14 were made in the resolution. 15 CHAIRMAN LANGSTON: Understood, Counsel. 16 And, obviously, the Zoning Board's decision, you 17 know, only upheld the zoning officer's determination. 18 So, you know, it's my understanding that this board 19 is bound by that determination; that is, the 20 determination that was appealed, it was upheld. So, 21 you know, any further action doesn't affect our 22 hearing tonight. 23 MS. HADJIYANNIS: Thank you. 24 CHAIRMAN LANGSTON: Thank you, Counsel. 25 Appreciate it.</p>	<p style="text-align: right;">Page 12</p> <p>1 Okay, Mr. Harrington. The floor is 2 yours, sir. 3 MR. HARRINGTON: Okay. Thank you. 4 So to proceed, the application before 5 you is a project that is in the R-3 Zone. It's an 6 oversized project, as you'll see during the 7 presentation. The proposal is for an eight-story 8 building with 14 residential units and 14 on-site 9 parking spaces. 10 As noted, it's as-of-right, so I really 11 don't have anything beyond what was just set forth on 12 the record. And I think I'll -- I'd like to jump in 13 with -- I have two witnesses proposed tonight, my 14 civil engineer and my architect. I have other 15 professionals on standby, if the board would like to 16 hear from them, but my intention is to have the civil 17 engineer come, Brian will take you through the site, 18 and -- because it is a little bit of a unique site, 19 and then I'll follow up with Mr. Vandermark to take 20 you through the project. 21 CHAIRMAN LANGSTON: Okay. Thank you, 22 Counsel. 23 And, obviously, Ms. Hadjiyannis, we'll 24 allow to cross examine all the witnesses. 25 MR. ALAMPI: So, Chairman, I think that,</p>

<p style="text-align: right;">Page 13</p> <p>1 although it was uploaded to the portal, we're going</p> <p>2 to mark the Zoning Board resolution as A-2 for</p> <p>3 purposes of the record. It is a 10-page resolution,</p> <p>4 and it is as of and memorialized on September 7th,</p> <p>5 2023, case Z23-040.</p> <p>6 (Whereupon, Exhibit A-2 is marked for</p> <p>7 identification.)</p> <p>8 CHAIRMAN LANGSTON: Okay. Thank you,</p> <p>9 Counsel.</p> <p>10 BRIAN LIEBESKIND, having</p> <p>11 been duly sworn, testified as follows:</p> <p>12 MR. LIEBESKIND: Brian Liebeskind,</p> <p>13 L-I-E-B-E-S-K-I-N-D.</p> <p>14 CHAIRMAN LANGSTON: Mr. Liebeskind, good</p> <p>15 evening. Always a pleasure. We've qualified you in</p> <p>16 the past. Your license is current as an engineer in</p> <p>17 the state of New Jersey tonight?</p> <p>18 MR. LIEBESKIND: It is.</p> <p>19 CHAIRMAN LANGSTON: Okay. Thank you,</p> <p>20 sir. You're qualified.</p> <p>21 MR. LIEBESKIND: Thank you.</p> <p>22 DIRECT EXAMINATION</p> <p>23 BY MR. HARRINGTON:</p> <p>24 Q. Okay, Brian. If you could, walk us</p> <p>25 through the site.</p>	<p style="text-align: right;">Page 14</p> <p>1 A. Okay. So, to start, I'll pull up an</p> <p>2 aerial of the existing site.</p> <p>3 Q. And, Brian, before you talk -- speak to</p> <p>4 this, do we need to mark this as A-3, or any other</p> <p>5 exhibits -- or sheets that you're going to look at?</p> <p>6 A. This is -- was not part of the</p> <p>7 submission package. So --</p> <p>8 Q. Okay. So let's mark this as A-3. And</p> <p>9 if you could, then, describe it for the record.</p> <p>10 A. So this is looking southwest, down</p> <p>11 Ogden Avenue, to give everyone some context. As</p> <p>12 Mr. Harrington noted, this is an irregularly shaped</p> <p>13 lot that extends all the way back to Mountain Road.</p> <p>14 In total, it's about 0.9 acres, of which the</p> <p>15 project site is 0.2 acres, the piece closest to</p> <p>16 Ogden Avenue.</p> <p>17 MR. ALAMPI: So this is an aerial</p> <p>18 photograph?</p> <p>19 MR. LIEBESKIND: Correct.</p> <p>20 MR. ALAMPI: Was it taken by yourself</p> <p>21 via a drone? Was it taken off of a Google image?</p> <p>22 MR. LIEBESKIND: This is a drone aerial</p> <p>23 image.</p> <p>24 MR. ALAMPI: And you're familiar with</p> <p>25 the site, sir?</p>
<p style="text-align: right;">Page 15</p> <p>1 MR. LIEBESKIND: I am.</p> <p>2 MR. ALAMPI: And this is an accurate</p> <p>3 representation of the existing condition of the site?</p> <p>4 MR. LIEBESKIND: It is.</p> <p>5 MR. ALAMPI: Was this drone aerial taken</p> <p>6 in the last six months?</p> <p>7 MR. LIEBESKIND: Within the past year.</p> <p>8 This was part of the application to the Zoning Board.</p> <p>9 But it still reflects existing conditions.</p> <p>10 MR. ALAMPI: And this is from the</p> <p>11 vantage point looking what direction, sir?</p> <p>12 MR. LIEBESKIND: This is -- southwest is</p> <p>13 the top of the page.</p> <p>14 MR. ALAMPI: Very good.</p> <p>15 A-3, for purposes of the record.</p> <p>16 (Whereupon, Exhibit A-3 is marked for</p> <p>17 identification.)</p> <p>18 CHAIRMAN LANGSTON: All right. Thank</p> <p>19 you, Counsel.</p> <p>20 A. So, again, just to get bearings, the</p> <p>21 Riverside Medical is across the street, and two</p> <p>22 blocks down is the Supremo grocery store. As</p> <p>23 noted, this lot is zoned for R-3, Multi-Family</p> <p>24 Mid-Rise Housing District, and also in the</p> <p>25 Palisades Preservation Overlay District, or PPOD.</p>	<p style="text-align: right;">Page 16</p> <p>1 The red outline on this aerial</p> <p>2 represents the building footprint, and the yellow</p> <p>3 is the full property. As you can see, the existing</p> <p>4 lot is a surface parking lot, with the full lot to</p> <p>5 be used for the proposed building and driveway</p> <p>6 access.</p> <p>7 And to flip to -- this is a colored</p> <p>8 site plan, which was --</p> <p>9 MR. ALAMPI: We're marking this as A-4?</p> <p>10 MR. LIEBESKIND: Yes.</p> <p>11 (Whereupon, Exhibit A-4 is marked for</p> <p>12 identification.)</p> <p>13 A. So, again, the project is an</p> <p>14 eight-story, 14-unit building, with 14 parking</p> <p>15 spaces, the driveway located to the south of the</p> <p>16 building, with a 10-foot-wide curb cut off of Ogden</p> <p>17 Avenue. The building is set back 5 feet from the</p> <p>18 property line along Ogden Avenue, per the bulk</p> <p>19 requirements of the R-3 Zone; also compliant with</p> <p>20 side yard setbacks, building height requirements,</p> <p>21 parking standards. The driveway into the site is</p> <p>22 at 22 feet wide, with perpendicular parking into</p> <p>23 the first floor of the building, with a mechanical</p> <p>24 system in the cellar, to provide a total of 14</p> <p>25 spaces. The area as shown in green is a planted</p>

<p style="text-align: right;">Page 17</p> <p>1 area to the east of the site, which transitions 2 down to the existing slope going down the 3 Palisades.</p> <p>4 In terms of site improvements, the 5 project proposes new concrete sidewalk along the 6 street frontage, new concrete curb along the 7 street, and a mill and overlay of Ogden Avenue. 8 Also proposing a pedestrian warning sign at the 9 re-striped crosswalk in the street. As -- again, 10 as noted, this is a fully compliant project in the 11 R-3 Zone, and also compliant with the requirements 12 of the PPOD.</p> <p>13 I'll just spend a couple minutes 14 briefly going through the basis for establishing 15 those site constraints. So this is the steep slope 16 plan, C-811 in the civil package. This is showing 17 a plan view on the bottom of the site, and then a 18 one-to-one cross-section looking at the side view. 19 The color coding on this, the green represents the 20 gentle slopes, less than 10 percent; yellow being a 21 mild slope between 10 percent and 30 percent; the 22 steep slopes, as defined in the ordinance, are 23 those greater than 30 percent.</p> <p>24 So for the PPOD constraints, there 25 were -- for the two provisions that we were</p>	<p style="text-align: right;">Page 18</p> <p>1 evaluating, the first is a minimum building setback 2 to the -- to the cliff, which is the top of -- the 3 cliff face at the top of cliff, it was our 4 determination, and confirmed by the zoning officer, 5 that there is no cliff present on the site, cliff 6 being defined as a near-vertical slope of exposed 7 bedrock, which is not present on the site. So that 8 30-foot minimum setback is not applicable for this 9 project.</p> <p>10 The other constraint, which we did 11 abide by, is a 10-foot setback to the steep slopes. 12 So as you can see, the steep slopes, shaded in 13 orange, are savings and loan with a 10-foot offset, 14 which is this cross hatch here. At the closest 15 point of the building overhang, it's 11.2 feet from 16 that steep slope. The building has a cantilevered 17 upper floors, such that the first floor of the 18 building, as shown in gray here, is the actual 19 building footprint at grade. That is -- that's 20 about 20 feet from that steep slope. So, again, I 21 don't need to go more into it, but this is the -- 22 at the heard of the presentation to the Zoning 23 Board, was evaluating the presence of the cliff.</p> <p>24 Going back to the grading plan, as 25 part of the civil set, as described, the actual</p>
<p style="text-align: right;">Page 19</p> <p>1 project site is relatively flat. The proposed 2 building, at elevation 108, and then sloping about 3 1 to 2 percent in all directions, and tying into 4 existing grades along the slope at around elevation 5 105.</p> <p>6 The stormwater for the project is 7 compliant with the Jersey City regulations for 8 minor development. The storm and sanitary will 9 discharge to a manhole with Ogden Avenue, and a new 10 18-inch pipe that will run south to the adjacent 11 manhole. The other utilities, water, electric, 12 cable, and gas, will be fed off of existing 13 utilities within the street.</p> <p>14 The lighting and landscaping for the 15 project, also compliant with the city requirements, 16 we've received a review letter from city 17 engineering, and we'll work with their office to 18 satisfy their comments.</p> <p>19 If there are no other questions, that 20 concludes my testimony.</p> <p>21 CHAIRMAN LANGSTON: All right. Thank 22 you, Mr. Liebeskind.</p> <p>23 I do have a question, just regarding the 24 rear of the site. So, obviously, there's going to be 25 piles driven; there's going to be excavation of the</p>	<p style="text-align: right;">Page 20</p> <p>1 building envelope. Is there any kind of retaining 2 wall that goes behind the building?</p> <p>3 MR. LIEBESKIND: So the way it's -- I'll 4 flip back to the grading plan. As of right now, 5 there's a curb at the edge of this paver; it's a 6 driveway that wraps around the east side of the 7 building, as a patio area. And then, from that curb, 8 which is -- would slope down at no more than a 3-to-1 9 slope down to existing grades.</p> <p>10 So to answer your question, there's not 11 currently a retaining wall proposed.</p> <p>12 CHAIRMAN LANGSTON: Okay. Understood. 13 Thank you, sir.</p> <p>14 All right. Anybody else, any questions 15 for Mr. Liebeskind?</p> <p>16 MR. ALAMPI: Mr. Liebeskind, can you 17 tell me, I'm looking at the drawing -- what's the 18 distance from what you were just describing, that 19 paver patio, to the rear of property line?</p> <p>20 MR. LIEBESKIND: Between the driveway 21 and the property to the south is 10 feet.</p> <p>22 MR. ALAMPI: To the rear.</p> <p>23 MR. LIEBESKIND: To the rear?</p> <p>24 MR. ALAMPI: That steep slope, that 79, 25 and then that 105 is to the building, but not the</p>

<p style="text-align: right;">Page 21</p> <p>1 cantilever, 92'6 is to the cantilever?</p> <p>2 MR. LIEBESKIND: Correct.</p> <p>3 MR. ALAMPI: Thank you, sir.</p> <p>4 CHAIRMAN LANGSTON: All right. Anybody</p> <p>5 else, any questions for Mr. Liebeskind?</p> <p>6 Okay. Ms. Hadjiyannis, would you like</p> <p>7 to cross-examine?</p> <p>8 MS. HADJIYANNIS: I would, thank you.</p> <p>9 CHAIRMAN LANGSTON: Sure.</p> <p>10 CROSS-EXAMINATION</p> <p>11 BY MS. HADJIYANNIS:</p> <p>12 Q. Good evening, Mr. Liebeskind. How are</p> <p>13 you doing tonight?</p> <p>14 A. Good.</p> <p>15 Q. So I first wanted to ask you: What</p> <p>16 kind of engineer are you?</p> <p>17 A. I'm a civil engineer.</p> <p>18 Q. Okay.</p> <p>19 MS. HADJIYANNIS: Actually, can we take</p> <p>20 the plan down, so I can see Mr. Liebeskind in a --</p> <p>21 you know, his -- in a larger screen? Thanks.</p> <p>22 BY MS. HADJIYANNIS:</p> <p>23 Q. Okay. You said you're a civil</p> <p>24 engineer?</p> <p>25 A. Correct.</p>	<p style="text-align: right;">Page 22</p> <p>1 Q. Okay. So you're not a geotechnical</p> <p>2 engineer?</p> <p>3 A. I do not practice as a geotechnical</p> <p>4 engineer.</p> <p>5 Q. And what's the difference between a</p> <p>6 civil engineer and a geotechnical engineer?</p> <p>7 A. My experience, and -- for which I feel</p> <p>8 comfortable designing to is for site aspects of the</p> <p>9 project; so the exterior of the building. A</p> <p>10 geotech engineer would evaluate subsurface</p> <p>11 conditions, both outside the building, but</p> <p>12 primarily, in Jersey City, it's a part of the</p> <p>13 foundation design that goes with the architecture.</p> <p>14 Q. And was there a geotechnical engineer</p> <p>15 on this project?</p> <p>16 A. There was.</p> <p>17 Q. And who was that?</p> <p>18 A. I -- we have them here -- we have a</p> <p>19 structural engineer and a geotechnical engineer for</p> <p>20 the project who can speak to the design of the</p> <p>21 building, if Mr. Harrington feels that's</p> <p>22 appropriate.</p> <p>23 MR. HARRINGTON: That's right, we have</p> <p>24 them available.</p> <p>25 MS. HADJIYANNIS: Okay. I'm just -- I'm</p>
<p style="text-align: right;">Page 23</p> <p>1 looking at the -- I guess I can't tell who it is on</p> <p>2 the screen right now. Okay.</p> <p>3 BY MS. HADJIYANNIS:</p> <p>4 Q. So -- but you had appended to your</p> <p>5 engineer's report a report from Johnson Soils. Is</p> <p>6 that correct?</p> <p>7 A. Correct.</p> <p>8 Q. And aren't -- aren't they geotechnical</p> <p>9 engineers?</p> <p>10 A. They are.</p> <p>11 Q. Okay. Now, you had testified that you</p> <p>12 were responsible for compliance with the PPOD</p> <p>13 regulations that apply to the Palisades Protection</p> <p>14 Overlay District. Is that -- is that correct?</p> <p>15 A. Correct.</p> <p>16 Q. And did you review the procedural</p> <p>17 regulations that are part of that -- that ordinance?</p> <p>18 A. I did.</p> <p>19 Q. Okay. And just -- I guess -- and it</p> <p>20 required -- and my reading of it -- and you tell me</p> <p>21 if you agree with me -- is that those procedural</p> <p>22 regulations in the PPOD require certain information</p> <p>23 to be submitted, in addition to what's listed on the</p> <p>24 site plan checklist. Is that correct?</p> <p>25 A. There are components of the</p>	<p style="text-align: right;">Page 24</p> <p>1 application, such as the steep slope plan and a</p> <p>2 site analysis, that wouldn't normally be required.</p> <p>3 Q. And did you submit everything that's</p> <p>4 required under the PPOD's procedural regulations?</p> <p>5 A. We did.</p> <p>6 Q. Okay. So I just wanted to go through a</p> <p>7 couple of the things, and just ask you questions</p> <p>8 about those.</p> <p>9 So did you -- I mean, I -- I saw you</p> <p>10 had submitted a topographic map. Is that correct?</p> <p>11 A. There was a survey submitted as part</p> <p>12 of the application.</p> <p>13 Q. Okay. And a land form analysis, which</p> <p>14 you just showed to us.</p> <p>15 A. Correct.</p> <p>16 Q. Okay. Now, the -- the procedural</p> <p>17 regulations also say that a physical description of</p> <p>18 the site, with a technical summary of site</p> <p>19 characteristics such as soils, load-bearing</p> <p>20 capacity, erosion potential, and depth to bedrock,</p> <p>21 are -- have to also be included in the application.</p> <p>22 Was that part of your application?</p> <p>23 A. The application was amended early this</p> <p>24 year, with plans revised, with new survey data, and</p> <p>25 the engineering report was also revised to include</p>

<p style="text-align: right;">Page 25</p> <p>1 a written land form analysis that walks through</p> <p>2 each of the components of the PPOD regulations.</p> <p>3 Q. Okay. So this technical summary, what</p> <p>4 does it say about load-bearing capacity?</p> <p>5 A. Are you asking me just to read those</p> <p>6 --</p> <p>7 Q. That's part of the technical summary</p> <p>8 that was supposed to be submitted, and I just want</p> <p>9 to ask you about each of those items that are part</p> <p>10 of the technical summary.</p> <p>11 So what -- what -- how did you -- what</p> <p>12 information did your application contain about</p> <p>13 load-bearing capacity?</p> <p>14 A. It included the geotechnical findings</p> <p>15 from Johnson Soils in an appendix to the report.</p> <p>16 Q. Is there a calculation somewhere in the</p> <p>17 appendix that showed us load-bearing capacity?</p> <p>18 A. A description of the soil, in</p> <p>19 compliance with the PPOD regulations, was submitted</p> <p>20 to and deemed complete by city planning.</p> <p>21 Q. But I'm asking -- that's not the</p> <p>22 question I asked you. I asked you: Was there a</p> <p>23 calculation in your submission that you said</p> <p>24 complied with the PPOD regulations? I'm asking you:</p> <p>25 Is there a calculation of load-bearing capacity</p>	<p style="text-align: right;">Page 26</p> <p>1 somewhere in your application?</p> <p>2 A. There's a general assessment of site</p> <p>3 soils. There is not a full geotech assessment that</p> <p>4 is included as part of the planned work</p> <p>5 application.</p> <p>6 Q. Okay. Do you know how heavy the</p> <p>7 building will be?</p> <p>8 A. We have a geotechnical engineer here</p> <p>9 that can speak to the technical design.</p> <p>10 Q. But can you direct us to anywhere in</p> <p>11 the application where there's information about how</p> <p>12 heavy the load is, so that load-bearing capacity</p> <p>13 could be determined?</p> <p>14 A. Again, the soil characteristics, which</p> <p>15 is really what the PPOD speaks to; those were</p> <p>16 included as part of the application. The full</p> <p>17 structural design of the building, you know, is not</p> <p>18 customarily done as part of the initial filing.</p> <p>19 Q. But that was one of the procedural</p> <p>20 regulations. So I guess -- I'm not going to keep</p> <p>21 asking you the same question over and over again.</p> <p>22 Okay. So you're saying there was some</p> <p>23 general description of the soils. What -- what was</p> <p>24 that general description?</p> <p>25 A. A classification of the soils, boring</p>
<p style="text-align: right;">Page 27</p> <p>1 logs showing the strata of soil types, and the</p> <p>2 depth to bedrock, and a, you know, conclusion based</p> <p>3 on the likely foundation design for a building.</p> <p>4 Q. Okay. So what is the depth to bedrock?</p> <p>5 A. I would have to pull out the -- those</p> <p>6 reports.</p> <p>7 Q. Okay. Wasn't -- wasn't that one of</p> <p>8 the -- part of the technical summary that was</p> <p>9 supposed to be submitted as part of this</p> <p>10 application?</p> <p>11 A. Yeah, as you'll recall, we started</p> <p>12 this process over a year ago. So I would have to</p> <p>13 pull out those findings.</p> <p>14 Q. Okay. What -- what kind of subsurface</p> <p>15 testing was done?</p> <p>16 A. Again, that was all outlined in the</p> <p>17 geotech report. I can pull that out and go through</p> <p>18 those findings, if you'd like.</p> <p>19 Q. I mean, I think you're going to have</p> <p>20 to, because there's a part -- this is part of the</p> <p>21 unique procedural regulations that are part of the</p> <p>22 PPOD ordinance, and you didn't testify to any of</p> <p>23 them, and I'm not -- you testified the application</p> <p>24 is compliant, but I'm asking you specific questions</p> <p>25 about the compliance, and you don't seem to be able</p>	<p style="text-align: right;">Page 28</p> <p>1 to answer them. So, I mean, you can pull out the</p> <p>2 report, if that helps you answer the question.</p> <p>3 MR. HARRINGTON: I just object, for the</p> <p>4 record. He is answering the questions. He's just</p> <p>5 not -- you know, Cynthia's just not getting answers</p> <p>6 that she likes.</p> <p>7 BY MS. HADJIYANNIS:</p> <p>8 Q. Okay. So what is the depth to bedrock?</p> <p>9 That was my question.</p> <p>10 A. I can -- if you bear with me one --</p> <p>11 Q. I mean, I don't recall that -- I mean,</p> <p>12 we can have the court reporter read the transcript</p> <p>13 back, but I don't recall receiving an answer to that</p> <p>14 question.</p> <p>15 MR. ALAMPI: Ms. Hadjiyannis, you did</p> <p>16 get an answer to the question, but you did not get a</p> <p>17 measurement. So if the witness has --</p> <p>18 MS. HADJIYANNIS: I didn't get a</p> <p>19 substantive answer. Saying what is the depth to</p> <p>20 bedrock, and the answer is I can pull out the report,</p> <p>21 doesn't answer the question. It doesn't begin to</p> <p>22 answer the question.</p> <p>23 MR. HARRINGTON: Well --</p> <p>24 MR. ALAMPI: So he is looking at the</p> <p>25 report and is going to answer the question,</p>

<p style="text-align: right;">Page 29</p> <p>1 Ms. Hadjiyannis. We are well outside of direct, but 2 I am giving you a ton of leeway in that regard. So 3 if this witness is not the appropriate witness to 4 answer the question, he can't answer the question. 5 But I believe his testimony was clear, that he has to 6 look it up. He does not have it at his disposal, but 7 it appears that he is looking for it. So he will get 8 us that answer, if it was actually submitted with the 9 geotech report. 10 A. Thank you. So in that time, I have 11 the boring logs that were prepared by Johnson 12 Soils, and they show the depth to rock starting at 13 about 8 feet below grade, and then varies to as 14 much as 13 and a half feet. 15 Q. Okay. Didn't -- didn't the report say 16 that you have to do rock core drilling to tell where 17 the bedrock is? 18 A. Those boring logs indicate the depth 19 to bedrock. 20 Q. I -- do the boring logs -- doesn't the 21 report also say that you need to do rock core 22 drilling to determine where bedrock is? 23 A. We determined where bedrock is. There 24 were multiple locations performed. There were five 25 borings done in the site area.</p>	<p style="text-align: right;">Page 30</p> <p>1 Q. Okay. What -- one of the -- one of the 2 technical -- part of the technical summary was also 3 erosion potential. Did you use any particular 4 methodology to determine erosion potential? 5 A. We have a soil erosion and sediment 6 control plan as part of our civil set. You know, 7 we are -- again, we're at the top of the slope, 8 and, you know, we're -- it's relatively flat. So 9 other than where we are -- are tying in to the 10 east, it doesn't dictate any special erosion 11 control measures. 12 Q. On the civil plans, sheet C-802, there 13 was a note that said "Steep slopes incurring 14 disturbance may require additional stabilization 15 measures." What additional stabilization measures 16 do you believe may be necessary? 17 A. I'm sorry, which plan are you 18 referring to? 19 Q. This is sheet C-802 of the site plans 20 that you prepared. And note 14 says "Steep slopes 21 incurring disturbance may require additional 22 stabilization measures." So I'm just -- I'm 23 wondering -- 24 A. Yeah, that's not a project-specific 25 note. That note comes from the soil conservation</p>
<p style="text-align: right;">Page 31</p> <p>1 district. 2 Q. Okay. Do you know how deep the 3 basement is going to be for the building? 4 A. The architect can speak to that. 5 Q. Okay. Do you know whether excavation 6 is going to be required? 7 A. A portion of the cellar will be 8 excavated, yes. 9 Q. Is there any detail in your plan about 10 cut and fill operations? 11 A. The civil plans don't have a cut fill 12 analysis. 13 Q. Okay. Was that one of the requirements 14 under the PPOD procedural regulations? Do you 15 recall? 16 A. It was not. 17 Q. So I just want to refresh your memory, 18 it says -- the PPOD regulation, the procedural 19 regulations, say site grading and development data 20 which shall include the type and location of 21 development activity. Procedures for grading, 22 excavation, construction access, and stockpiling, 23 extent and phasing of construction, and cut and fill 24 operations, have to be submitted as part of the 25 plans.</p>	<p style="text-align: right;">Page 32</p> <p>1 So is site grading and development data 2 included as part of the plans? 3 A. It is. 4 Q. Okay. How about procedures for 5 grading? 6 A. That's provided. 7 Q. How about procedures for excavation? 8 A. The grading for the site is part of 9 the civil plans, and the excavation for the 10 building itself is part of the architectural 11 package. 12 Q. Okay. How about construction access 13 and stockpiling? 14 A. That was provided as part of the soil 15 erosion and sediment control plan. 16 Q. And extent and phasing of construction? 17 A. That's shown on the plan, and there's 18 a sequence of construction on sheet 802. 19 Q. And then, the last item, cut and fill 20 operations, you already had responded that that's 21 not part of the plans. 22 Okay. So would you explain what a land 23 form analysis is? 24 A. Where it is? 25 Q. What it is. What is a land form</p>

<p style="text-align: right;">Page 33</p> <p>1 analysis?</p> <p>2 A. So as part of the engineering report,</p> <p>3 we walk through the general characteristics of the</p> <p>4 site, the topography, and the four provisions of</p> <p>5 the PPOD, two of which pertain to projects located</p> <p>6 on the high side of the Palisades, and the others</p> <p>7 pertain to projects on the low side.</p> <p>8 So we walked through the steep slope</p> <p>9 analysis as part of the civil plans, and the</p> <p>10 setback requirements that I went through earlier.</p> <p>11 Q. Is the -- is the top of cliff shown on</p> <p>12 your land form analysis?</p> <p>13 A. There is no top of cliff, as we</p> <p>14 determined.</p> <p>15 Q. Is it shown on the topographical survey</p> <p>16 that was submitted?</p> <p>17 MR. HARRINGTON: I object. He just</p> <p>18 answered there is no top of cliff.</p> <p>19 MS. HADJIYANNIS: Okay. I'm asking --</p> <p>20 MR. ALAMPI: I'm going to sustain the</p> <p>21 objection. Counsel, move on to the next</p> <p>22 question. This has been dealt with at the Zoning</p> <p>23 Board; it's been determined already, and this board</p> <p>24 is bound by that --</p> <p>25 MS. HADJIYANNIS: There's a -- I'm going</p>	<p style="text-align: right;">Page 34</p> <p>1 to have to object to the --</p> <p>2 MR. ALAMPI: I understand. You've been</p> <p>3 overruled, so move on to the next question, please,</p> <p>4 Counsel.</p> <p>5 MS. HADJIYANNIS: Is the surveyor here</p> <p>6 this evening to testify?</p> <p>7 MR. HARRINGTON: No, he's not.</p> <p>8 MS. HADJIYANNIS: Okay.</p> <p>9 BY MS. HADJIYANNIS:</p> <p>10 Q. Did you -- when you were preparing the</p> <p>11 plans, did you have different iterations of the land</p> <p>12 form analysis?</p> <p>13 A. The plans were revised early this year</p> <p>14 to reflect an updated survey. The slope to the</p> <p>15 east of our proposed building was inaccessible</p> <p>16 during -- for most of the year. Only in the dead</p> <p>17 of winter was a surveyor able to get -- gain access</p> <p>18 and take additional elevations. The updated survey</p> <p>19 was resubmitted, along with revised civil plans, to</p> <p>20 show that.</p> <p>21 Q. Okay. So the land form analysis</p> <p>22 changed over time. Is that --</p> <p>23 A. The written land form analysis, it's</p> <p>24 in the engineer's report, was not previously</p> <p>25 included. So it was provided as part of the</p>
<p style="text-align: right;">Page 35</p> <p>1 resubmission in February; that's the only version</p> <p>2 that's been submitted.</p> <p>3 Q. Okay. Did city engineering review your</p> <p>4 plans?</p> <p>5 A. They did.</p> <p>6 Q. And did you comply with all of their</p> <p>7 comments?</p> <p>8 A. We did. And those that require</p> <p>9 further discussion, we will work with their office</p> <p>10 to address.</p> <p>11 Q. Okay. Didn't one of the comments say</p> <p>12 that the proposed driveway is located on the curb</p> <p>13 ramp facing a pedestrian crosswalk; the driveway</p> <p>14 must be relocated a minimum of 30 feet away from the</p> <p>15 pedestrian crosswalk? Wasn't that one of the</p> <p>16 comments made by city engineering?</p> <p>17 A. Yes, so the location of the crosswalk</p> <p>18 on the survey is slightly off from true conditions.</p> <p>19 So the -- the comment from Lichuan was that,</p> <p>20 currently, the crosswalk would terminate at the</p> <p>21 driveway to our site, where, in present day, it's</p> <p>22 between the various driveway openings to the</p> <p>23 parking lot and the adjacent building. So -- and</p> <p>24 the crosswalk would likely be shifted south, with a</p> <p>25 curb ramp provided in the sidewalk.</p>	<p style="text-align: right;">Page 36</p> <p>1 Q. So did you move the driveway 30 feet</p> <p>2 away from the crosswalk?</p> <p>3 A. Yeah, the condition that she's</p> <p>4 referring to is not actually in conflict. So as</p> <p>5 part of the -- a resolution compliance set, we will</p> <p>6 show the restriping of the crosswalk coming from</p> <p>7 the Wood Place intersection.</p> <p>8 Q. Okay. So are you saying you're moving</p> <p>9 the crosswalk, and you're not moving the driveway --</p> <p>10 A. Yes, the existing crosswalk that both</p> <p>11 crosses Wood Place and crossing Ogden Avenue would</p> <p>12 be adjusted slightly, with new curb ramps</p> <p>13 installed, to not be in conflict with the new</p> <p>14 driveway. And as mentioned, we would also provide</p> <p>15 a pedestrian warning sign at that crosswalk.</p> <p>16 Q. Okay. So how far away from the</p> <p>17 driveway is the crosswalk going to be?</p> <p>18 A. That's something that we still need to</p> <p>19 coordinate with city engineering, on the exact</p> <p>20 location. Just the fact that it's, you know,</p> <p>21 one-way travel southbound, and located just below</p> <p>22 our driveway, we feel is -- you know, it's still a</p> <p>23 safe condition, and an improvement from the</p> <p>24 existing parking lot that operates today.</p> <p>25 Q. Is there a stormwater management plan</p>

<p style="text-align: right;">Page 37</p> <p>1 for the project?</p> <p>2 A. There is. So the project is over</p> <p>3 5,000 square feet of disturbance; qualifies as a</p> <p>4 minor development. And there is a permeable paving</p> <p>5 system in the driveway, with a recharge component</p> <p>6 underneath, with calculations showing that we</p> <p>7 comply with the city ordinance.</p> <p>8 Q. And when you say it's a minor</p> <p>9 development, doesn't our ordinance state that more</p> <p>10 than 10,000 square feet of disturbance make it a</p> <p>11 major development?</p> <p>12 A. The qualifications for disturbance for</p> <p>13 on-site puts us in that range, between 5,000 and</p> <p>14 10,000, as a minor development.</p> <p>15 Q. Okay. And how much disturbance is</p> <p>16 shown in your plans?</p> <p>17 A. The on-site disturbance is 8,600</p> <p>18 square feet.</p> <p>19 Q. Isn't -- on your plan, sheet C-801,</p> <p>20 isn't is limit of disturbance shown as 10,519 feet?</p> <p>21 A. Yes, and with about 2,000 of that</p> <p>22 being off-site work within the right-of-way, which</p> <p>23 is not counted toward that threshold for</p> <p>24 development.</p> <p>25 Q. Okay. So you're saying you don't</p>	<p style="text-align: right;">Page 38</p> <p>1 exceed the 10,000-square-foot threshold?</p> <p>2 A. Correct.</p> <p>3 Q. Okay. Isn't there another threshold,</p> <p>4 if you have more than 5,000 square feet of</p> <p>5 impermeable -- or impervious surface, that would put</p> <p>6 this project in the major development category?</p> <p>7 A. For the Jersey City ordinance, for the</p> <p>8 stormwater ordinance, there are two categories:</p> <p>9 There's minor development, which is between 5,000</p> <p>10 and 10,000, and then, above 10,000 is a major</p> <p>11 development. Separately, the soil conservation</p> <p>12 district requires a permit for -- if soil</p> <p>13 disturbance exceeds 5,000 square feet. So we would</p> <p>14 submit to the soil conservation district for the</p> <p>15 project.</p> <p>16 Q. Okay. Have you -- have you reviewed</p> <p>17 our stormwater ordinance? Because I -- it's -- I</p> <p>18 believe it says -- I'm just going to pull it out</p> <p>19 here -- it says that major development -- there's</p> <p>20 different types of thresholds for major development.</p> <p>21 One is the disturbance of 10,000 or more square</p> <p>22 feet, but it also says you're -- this would be</p> <p>23 considered a major development if the creation -- if</p> <p>24 there is a creation -- if the project results in the</p> <p>25 creation or replacement of 5,000 or more square feet</p>
<p style="text-align: right;">Page 39</p> <p>1 of regulated impervious surface. Does this project</p> <p>2 create or replace 5,000 or more square feet of</p> <p>3 regulated impervious surface?</p> <p>4 A. It does not.</p> <p>5 Q. How much does it -- does it create or</p> <p>6 replace?</p> <p>7 A. We have 3,671 square feet of proposed</p> <p>8 impervious surface.</p> <p>9 Q. How did you come up with that number?</p> <p>10 A. That's the interior of the site that</p> <p>11 is subject to vehicular traffic.</p> <p>12 Q. Isn't the part of the site where the</p> <p>13 building's going also a regulated impervious</p> <p>14 surface?</p> <p>15 A. Not for the purposes of stormwater.</p> <p>16 Q. Are you sure about that?</p> <p>17 A. We -- to be honest, we have not yet</p> <p>18 gotten a comment letter from JCMUA; however, the --</p> <p>19 from our vast experience in Jersey City, and this</p> <p>20 ordinance, this is how we interpreted it, and thus</p> <p>21 far have not gotten a comment that it was done</p> <p>22 incorrectly.</p> <p>23 Q. Okay. Are you expecting to receive</p> <p>24 feedback from the MUA?</p> <p>25 A. We will, as part of the permitting</p>	<p style="text-align: right;">Page 40</p> <p>1 process.</p> <p>2 Q. So how do you know if the development</p> <p>3 complies with the requirements of the ordinance if</p> <p>4 you don't receive the finding -- the written finding</p> <p>5 from the MUA?</p> <p>6 MR. HARRINGTON: I object. It's been</p> <p>7 asked and answered. It's based upon his experience</p> <p>8 in other projects in the city.</p> <p>9 MR. ALAMPI: I'm going to sustain the</p> <p>10 objection.</p> <p>11 Ms. Hadjiyannis, we are well outside the</p> <p>12 scope of the direct testimony. So if you have a</p> <p>13 witness that's going to testify in conflict to what</p> <p>14 has been put forth, then we will hear from that</p> <p>15 witness.</p> <p>16 MS. HADJIYANNIS: I'm just going to say</p> <p>17 that all -- as far as I'm concerned, anything that</p> <p>18 was uploaded to -- this is not a courtroom. Anything</p> <p>19 that was part of the application is something I can</p> <p>20 ask questions about.</p> <p>21 MR. ALAMPI: Ms. Hadjiyannis, I've given</p> <p>22 you a lot of liberty to go far afield from his direct</p> <p>23 testimony. So ask your next question, but if you're</p> <p>24 going to have a witness that's going to get up and</p> <p>25 testify as to why it's classified as a major</p>

<p style="text-align: right;">Page 41</p> <p>1 development for stormwater purposes, then we'll hear</p> <p>2 that testimony when we get to it. But let's move to</p> <p>3 the next question, please.</p> <p>4 BY MS. HADJIYANNIS:</p> <p>5 Q. Okay. And does the stormwater</p> <p>6 management plan, does it factor in that this is an</p> <p>7 environmentally sensitive area?</p> <p>8 A. That is not part of the stormwater</p> <p>9 calculation.</p> <p>10 Q. Okay. And just -- what's the surface</p> <p>11 area of the proposed building?</p> <p>12 A. I would prefer to defer to the</p> <p>13 architect on the exact measurements.</p> <p>14 Q. Okay. All right. I think that's it</p> <p>15 for my questions. Thank you, Mr. Liebeskind.</p> <p>16 CHAIRMAN LANGSTON: All right. Thank</p> <p>17 you, Counsel.</p> <p>18 I do want to follow up on one thing,</p> <p>19 Mr. Liebeskind. I'm looking at the report from</p> <p>20 Johnson Soils at the bottom of page 2 of 9 under</p> <p>21 findings. It shows the borings 1, 2, 3, 4, and 5,</p> <p>22 encountered refusal at 8 foot 9, 13'7, 8 foot, 10</p> <p>23 foot 1, and 10 foot 1-and-a-half.</p> <p>24 It does go further down and says rock</p> <p>25 core drilling would be necessary to define whether</p>	<p style="text-align: right;">Page 42</p> <p>1 the refusal depth is cobble, boulders, or bedrock,</p> <p>2 and that was not part of their scope of work. I</p> <p>3 believe it was your testimony that there was rock</p> <p>4 core drilling?</p> <p>5 MR. LIEBESKIND: No, the question was</p> <p>6 whether we -- we satisfied with the provisions of the</p> <p>7 PPOD and established the depth to bedrock.</p> <p>8 CHAIRMAN LANGSTON: Can you show me</p> <p>9 where it says that that was bedrock.</p> <p>10 MR. LIEBESKIND: The boring logs show</p> <p>11 the depth of rock for each of the five locations.</p> <p>12 CHAIRMAN LANGSTON: Because where I just</p> <p>13 read, it doesn't conclude that that was bedrock. And</p> <p>14 if you could, just point me to where in the boring</p> <p>15 logs it shows that that's bedrock. I see possible</p> <p>16 rock on B1.</p> <p>17 MR. LIEBESKIND: Correct, yeah, I'm</p> <p>18 using what they denote as possible rock.</p> <p>19 CHAIRMAN LANGSTON: Okay. Is it outside</p> <p>20 your scope to determine if that's bedrock or not?</p> <p>21 MR. LIEBESKIND: Yeah, I can't speak</p> <p>22 beyond what's noted in their findings.</p> <p>23 CHAIRMAN LANGSTON: Okay.</p> <p>24 Mr. Harrington, do you have anybody that can testify</p> <p>25 to that?</p>
<p style="text-align: right;">Page 43</p> <p>1 MR. HARRINGTON: I have a geotechnical</p> <p>2 engineer that I'll bring up next. And I just have a</p> <p>3 few questions for Brian before we move on, if</p> <p>4 that's --</p> <p>5 CHAIRMAN LANGSTON: Sure. Absolutely.</p> <p>6 I just wanted to get that out while it was on my</p> <p>7 mind. Yeah, go ahead, Counsel.</p> <p>8 REDIRECT EXAMINATION</p> <p>9 BY MR. HARRINGTON:</p> <p>10 Q. So, Brian, I just wanted to touch upon</p> <p>11 the procedural regulations, when you were talking</p> <p>12 about calculations, or asked about calculations, it</p> <p>13 says a physical description of the site which shall</p> <p>14 include a technical summary of site characteristics</p> <p>15 such as soil, load-bearing capacity, erosion</p> <p>16 potential, depth to bedrock. So is it your</p> <p>17 understanding -- or do you agree that the report</p> <p>18 submitted had a summary of all of those conditions?</p> <p>19 A. Correct.</p> <p>20 Q. And this doesn't state that you need to</p> <p>21 make any specific calculations for that report. Is</p> <p>22 that correct?</p> <p>23 A. Right.</p> <p>24 Q. Okay. And in the land form analysis</p> <p>25 that you amended, was that the result of the updated</p>	<p style="text-align: right;">Page 44</p> <p>1 survey that was prepared for the project?</p> <p>2 A. It was.</p> <p>3 Q. Okay.</p> <p>4 MR. HARRINGTON: That's all I have.</p> <p>5 CHAIRMAN LANGSTON: Okay. Thank you,</p> <p>6 Counsel.</p> <p>7 Are there any other questions for</p> <p>8 Mr. Liebeskind?</p> <p>9 Okay. Mr. Harrington, the floor is</p> <p>10 yours, sir.</p> <p>11 MR. HARRINGTON: Okay. Then we'll bring</p> <p>12 up -- since there's some questions about the site and</p> <p>13 the geotech, we do have a geotechnical engineer, Nejm</p> <p>14 Jundi, that I'd like to promote, and have him speak</p> <p>15 to the site.</p> <p>16 MR. ALAMPI: Chairman, can we take a</p> <p>17 30-second break?</p> <p>18 CHAIRMAN LANGSTON: Let's -- it's 7</p> <p>19 o'clock now. I try to get Mike a break at 7 o'clock.</p> <p>20 So if we could, in between witnesses, maybe we'll</p> <p>21 take 10, we'll be back at 7:10.</p> <p>22 (Whereupon, there is a brief pause in</p> <p>23 the proceeding.)</p> <p>24 CHAIRMAN LANGSTON: All right. Counsel,</p> <p>25 let's call your next witness, please.</p>

<p style="text-align: right;">Page 45</p> <p>1 MR. HARRINGTON: Okay. Thank you. I'm</p> <p>2 going to call Nejm Jundi. Mr. Jundi?</p> <p>3 MR. ALAMPI: Do we have the witness?</p> <p>4 MR. HARRINGTON: He's up here.</p> <p>5 MR. BLACK: I've asked them to unmute.</p> <p>6 It's possible they haven't come back to their</p> <p>7 computer yet.</p> <p>8 MR. JUNDI: I'm sorry, I'm here.</p> <p>9 MR. HARRINGTON: Can you put your camera</p> <p>10 on, Mr. Jundi?</p> <p>11 MR. JUNDI: Sure.</p> <p>12 N E J M J U N D I, having been duly</p> <p>13 sworn, testified as follows:</p> <p>14 MR. JUNDI: My name is Nejm Jundi, first</p> <p>15 name N-E-J-M, last name J-U-N-D-I.</p> <p>16 CHAIRMAN LANGSTON: Mr. Jundi, good</p> <p>17 evening. I don't believe we've ever qualified you in</p> <p>18 the past. I don't think we've ever qualified a</p> <p>19 geotechnical engineer. So tonight's a first for us,</p> <p>20 and I'm excited for it. But if you could, just go</p> <p>21 through your background, your educational background,</p> <p>22 and your licensing in the state of New Jersey.</p> <p>23 MR. JUNDI: Sure. I hold a master's</p> <p>24 degree in the geotechnical engineering specialty. My</p> <p>25 BS degree was earned back in 1998, and my master's</p>	<p style="text-align: right;">Page 46</p> <p>1 degree -- I actually forgot when I earned it, but</p> <p>2 about 2005. I'm a licensed professional in the state</p> <p>3 -- engineer in the state of New Jersey, in addition</p> <p>4 to New York and other states. I've been practicing</p> <p>5 geotechnical engineering since 1998; specifically</p> <p>6 here with this firm, I started back in 2008.</p> <p>7 CHAIRMAN LANGSTON: Okay. And,</p> <p>8 Mr. Jundi, your licenses, is it specific to</p> <p>9 geotechnical engineering, or is it just an</p> <p>10 engineering license?</p> <p>11 MR. JUNDI: No, there's no specific</p> <p>12 license for geotech engineering in the state of New</p> <p>13 Jersey.</p> <p>14 CHAIRMAN LANGSTON: Okay. Understood.</p> <p>15 But given your background, I feel</p> <p>16 comfortable going forward. And that license is</p> <p>17 current tonight?</p> <p>18 MR. JUNDI: Yes.</p> <p>19 CHAIRMAN LANGSTON: Okay. Thank you,</p> <p>20 sir. You're qualified.</p> <p>21 MR. JUNDI: Thank you.</p> <p>22 DIRECT EXAMINATION</p> <p>23 BY MR. HARRINGTON:</p> <p>24 Q. Okay. Thank you, Mr. Jundi. Before we</p> <p>25 get into the specifics of the site, could you give</p>
<p style="text-align: right;">Page 47</p> <p>1 us the benefit of your experience in Jersey City,</p> <p>2 and what type of work you have done with regard to</p> <p>3 similar sites?</p> <p>4 A. Can I share my screen?</p> <p>5 Q. Yes.</p> <p>6 CHAIRMAN LANGSTON: And, Mr. Jundi, just</p> <p>7 understand that, if, you know, you're presenting</p> <p>8 anything on screen that wasn't delivered to this</p> <p>9 board prior to this meeting, we would need to mark</p> <p>10 that as an exhibit.</p> <p>11 MR. JUNDI: Well, what I'm going to</p> <p>12 present to you is a Google Earth map with, basically,</p> <p>13 dots showing my projects in Jersey City.</p> <p>14 MR. HARRINGTON: So let's mark that as</p> <p>15 A-4, when it comes up.</p> <p>16 MR. ALAMPI: We're up to A-5, because we</p> <p>17 marked the colorized site plan as A-4.</p> <p>18 (Whereupon, Exhibit A-5 is marked for</p> <p>19 identification.)</p> <p>20 MR. ALAMPI: So go ahead, Mr. Jundi, you</p> <p>21 can share your screen.</p> <p>22 A. Basically, every dot of those that you</p> <p>23 see in front of you -- I'm going to just remove the</p> <p>24 labeling, make it easier for you to see -- that's</p> <p>25 how many projects we worked on in Jersey City.</p>	<p style="text-align: right;">Page 48</p> <p>1 MR. ALAMPI: Mr. Jundi, who are you</p> <p>2 employed by?</p> <p>3 MR. JUNDI: I own the firm, JZN</p> <p>4 Engineer, PC.</p> <p>5 MR. ALAMPI: And what is depicted on the</p> <p>6 screen is red dots showing project sites that your</p> <p>7 firm has been involved with in doing geotechnical</p> <p>8 engineering for?</p> <p>9 MR. JUNDI: Yes.</p> <p>10 MR. ALAMPI: Mr. Jundi, it looks like a</p> <p>11 lot.</p> <p>12 MR. JUNDI: Yes, we have --</p> <p>13 MR. ALAMPI: Would you say it's a</p> <p>14 hundred?</p> <p>15 MR. JUNDI: I would say more than that,</p> <p>16 but yeah.</p> <p>17 MR. ALAMPI: Within Jersey City.</p> <p>18 MR. JUNDI: Yeah.</p> <p>19 BY MR. HARRINGTON:</p> <p>20 Q. Okay. Mr. Jundi, maybe we could cut</p> <p>21 this down. If you could, maybe just speak to a few</p> <p>22 recent projects that you have worked on or are</p> <p>23 currently working on, that involve, you know,</p> <p>24 similar, you know, rock formations that you've had</p> <p>25 to deal with.</p>

<p style="text-align: right;">Page 49</p> <p>1 A. Sure. This is 499 Summit Avenue. 2 It's a 56-story building. It's being constructed 3 as we speak. What you see here in the green, 4 that's just vegetation covering the diabase rock 5 formation, which is the same formation as the 6 project site, the same kind of cliff. What you see 7 here are the Port Authority rail lines. 8 And this one has similar condition, 9 where you have a flat surface on top here, and then 10 a sharp drop of rock formation, slope. And we are 11 constructing a 56-story tower here. This is in the 12 Journal Square area, and it has the same issue as 13 the stability of the rock face here, as it relates 14 to adding weight of the building. This is the most 15 recent job we are doing. 16 We similarly did that, the same thing, 17 but this job is on hold right now, 500 Summit 18 Avenue. 19 Q. Okay. And did you also work on a site 20 across from the new courthouse, off of Route 139? 21 A. I might have. I'm sorry, I've done so 22 many -- 23 Q. It's Milton Fantin. Does that -- 24 A. I don't -- no, I don't recall. What's 25 the address? If you don't mind.</p>	<p style="text-align: right;">Page 50</p> <p>1 Q. 32 Oakland Avenue. 2 A. Yeah. Yes. Yes. 3 CHAIRMAN LANGSTON: Counsel, I think we 4 could move on. I don't think we need to -- 5 A. Yeah, this is the project, and that's 6 the same cliff. But this is the old historic 7 Conrail tunnel that is historically preserved right 8 now, it's the same tunnel, and that's the building. 9 We actually worked on two buildings here. 10 Q. Okay. All right. Yeah, let's move on, 11 then, Mr. Jundi, specific to this site. Have you 12 visited the site? 13 A. Yes, I drove by it, I walked through 14 it, but I did not do any investigation specifically 15 on the site here. 16 Q. Okay. But did you review the Johnson 17 Soils report that is part of this application? 18 A. Yes. 19 Q. Okay. And based upon, you know, your 20 experience in Jersey City, your visiting the site, 21 and the Johnson Soils report, can you give your -- 22 give us the benefit of your opinion or analysis of 23 the site conditions here? 24 A. Sure. You're on top of the Palisades 25 rock formation over here. The rock, typically, is</p>
<p style="text-align: right;">Page 51</p> <p>1 anywhere -- it actually varies, because its -- 2 diabase is vertically fractured and weathered from 3 the top, so it varies between at the surface to 4 down to 15 feet, typically. 5 And then, as you go down this cliff, 6 you can see where I marked here, the rock is 7 shallow right next to that cliff, and then 8 historically drops to 100 feet, like, in these 9 areas here. 10 We have done -- I don't know if you 11 guys are familiar with, this is the -- the cliff, 12 and this is the stairs, the famous stairs that was 13 done for the community a while back, over at 14 Mountain Road. The stairs itself is supported on 15 micropiles; however, the top of the stairs reach 16 the top of the Mountain Road, it's all rock. This 17 development was done back in 2006, 2007, maybe 18 before then; however, we were retained to stabilize 19 the rock face and this whole area here, because 20 rock was falling down, and we stabilized it. And 21 rock was about 5 feet below the top of the hill. 22 So while the report in Johnson Soils 23 did not core the rock, as the gentleman stated 24 before, the depth is -- of refusal is in line with 25 the -- where the rock should be.</p>	<p style="text-align: right;">Page 52</p> <p>1 CHAIRMAN LANGSTON: But Mr. Jundi, if I 2 could just jump in real quick. 3 MR. JUNDI: Sure. 4 CHAIRMAN LANGSTON: You know, it's your 5 experience that, you know, on those two projects just 6 north of the site, that that's where the rock should 7 be. And, you know, to be honest, the stairs, I've 8 walked those stairs I don't know how many times at 9 this point; it's a vast difference between that set 10 of stairs and the mass that we're talking about at 11 152 Ogden. 12 MR. JUNDI: Well, the stairs goes down 13 the hill. Right? And each landing of the stairs is 14 supported on micropiles that are sunk in the rock. 15 But the top of the stairs, there's an existing 16 retaining wall, historic retaining wall over here, 17 and we investigated to understand how to put the 18 landing on top, and it was -- and we found rock to be 19 shallow in that area. And the top of the rock over 20 here, on the cliff, behind that existing residential 21 development, is also evident over there, that it's 22 right below the surface. 23 Johnson Soils did five borings that 24 refused below the surface, but regardless of if the 25 rock is at 5 or 15 feet here, we will be supporting</p>

<p style="text-align: right;">Page 53</p> <p>1 this building and anchoring into the rock as not to</p> <p>2 cause any stress on the slope.</p> <p>3 CHAIRMAN LANGSTON: Understood, but</p> <p>4 there's -- and please understand that, you know, this</p> <p>5 is a legal hearing, and we adhere to the letter of</p> <p>6 the law -- I don't see anything in a report that says</p> <p>7 that that's bedrock.</p> <p>8 MR. JUNDI: Well, like I said --</p> <p>9 CHAIRMAN LANGSTON: And your testimony,</p> <p>10 sir, is that you haven't even been on-site. You've</p> <p>11 been by there, but you haven't done any technical</p> <p>12 assessment of the site.</p> <p>13 MR. JUNDI: No, we have not undertaken a</p> <p>14 geotechnical investigation of the site yet. I'm</p> <p>15 hired -- the Johnson Soils report was done prior to</p> <p>16 my client's involvement on the site, and we are being</p> <p>17 hired to be his geotechnical engineer firm for this</p> <p>18 project. So, down the road, we will be doing an</p> <p>19 extensive investigation here, including rock coring</p> <p>20 and all that kind of stuff.</p> <p>21 CHAIRMAN LANGSTON: Okay. So you can't</p> <p>22 give me the answer on the rock coring tonight.</p> <p>23 MR. JUNDI: No. I can tell you that</p> <p>24 it's in line with the area that -- where the rock</p> <p>25 depth is being stated should exist.</p>	<p style="text-align: right;">Page 54</p> <p>1 CHAIRMAN LANGSTON: But, again, "should"</p> <p>2 and "shall" and -- you know, there's a big difference</p> <p>3 there. We're talking about should. You know, I</p> <p>4 think we should have that information before we talk</p> <p>5 about putting an eight-story building there.</p> <p>6 MR. HARRINGTON: Well, if I could jump</p> <p>7 in, Mr. Jundi, isn't that analysis done further down</p> <p>8 the road, and you would address that prior -- or as</p> <p>9 part of our permitting, and not before a site plan</p> <p>10 approval? Is that your experience?</p> <p>11 MR. JUNDI: Yes, correct. Most of the</p> <p>12 time, the geotechnical engineer is hired to do a soil</p> <p>13 analysis after the site has been approved from a</p> <p>14 zoning perspective. During the permitting, we will</p> <p>15 have to, you know, work closely with the structural</p> <p>16 engineer of the project to secure the building, or</p> <p>17 support. So we -- go ahead.</p> <p>18 MR. HARRINGTON: And -- and if, during</p> <p>19 your analysis at that time, independently or in</p> <p>20 conjunction with the structural engineer, if it's</p> <p>21 determined that the building cannot be supported,</p> <p>22 then you simply cannot move forward with the site</p> <p>23 plan or project, regardless of a site plan approval.</p> <p>24 Is that correct?</p> <p>25 MR. JUNDI: Well, there's no such thing</p>
<p style="text-align: right;">Page 55</p> <p>1 as you cannot support a building.</p> <p>2 MR. HARRINGTON: Okay.</p> <p>3 MR. JUNDI: I mean, we -- on the same</p> <p>4 formation, same rock, same soil conditions, same</p> <p>5 everything, we're putting a 56-story building. And</p> <p>6 anybody's welcome to go look at the site, 499 Summit</p> <p>7 Avenue. Or you can look at the Oakland Avenue job</p> <p>8 that, actually, the building has been completed now.</p> <p>9 Same conditions, same rock, just a different area of</p> <p>10 the city. Same formation. Diabase rock.</p> <p>11 CHAIRMAN LANGSTON: I think that slope</p> <p>12 is considerably different, though. Isn't it, sir?</p> <p>13 MR. JUNDI: No.</p> <p>14 MR. HARRINGTON: Actually, aren't the</p> <p>15 slopes over there, you have a sheer drop adjacent to</p> <p>16 those properties. Correct?</p> <p>17 MR. JUNDI: And so did we here. I mean,</p> <p>18 you can see it. You see that? That's the Conrail,</p> <p>19 it's a sheer drop.</p> <p>20 CHAIRMAN LANGSTON: Yeah, that's</p> <p>21 considerably different than the site we're talking</p> <p>22 about, Mr. Jundi.</p> <p>23 MR. JUNDI: Well, you have a flat</p> <p>24 surface here, and then the rock here. That's the</p> <p>25 drop.</p>	<p style="text-align: right;">Page 56</p> <p>1 MR. ALAMPI: Chairman, we're not going</p> <p>2 to argue with the witness. Is there something that</p> <p>3 you want to see? You want to see a geotech with</p> <p>4 where the rock is, because that wasn't done?</p> <p>5 CHAIRMAN LANGSTON: Well, I mean, the</p> <p>6 testimony was, you know, from Mr. Liebeskind, that</p> <p>7 there's bedrock there. I don't doubt that there's</p> <p>8 bedrock somewhere, but, you know, I think we should</p> <p>9 have that information prior to any action from this</p> <p>10 board. You know, this is a very different</p> <p>11 application than we're used to seeing. You know, the</p> <p>12 question of can this -- can this property -- can this</p> <p>13 lot support an eight-story building is in question</p> <p>14 here, I believe.</p> <p>15 MR. JUNDI: Let me ask you a question.</p> <p>16 CHAIRMAN LANGSTON: I'm not here to</p> <p>17 answer questions, sir.</p> <p>18 MR. JUNDI: No, I am going to ask my own</p> <p>19 question and answer it. Okay?</p> <p>20 CHAIRMAN LANGSTON: So ask yourself a</p> <p>21 question.</p> <p>22 MR. JUNDI: Yes, I am.</p> <p>23 If the rock is 5 feet down or 15 feet</p> <p>24 down or 50 feet down, and the soil is not capable of</p> <p>25 supporting the soil (sic), and we find out that the</p>

<p style="text-align: right;">Page 57</p> <p>1 stability of that slope is not, we're going to put 2 that building on piles, micropiles, drilled micro 3 piles socketed to rock. If we find the rock to be 4 shallow, we're going to tie the foundations down into 5 the rock, so it doesn't move. And that's exactly 6 what we did on every other job with similar 7 conditions. If the rock is at 5 feet, 10 feet, or 15 8 feet, it's not going to matter to us. There is a 9 million ways to slice the apple; there's a million 10 ways to support a building. And we're not going to 11 design a building that's going to just weather out -- 12 MR. ALAMPI: No, but, respectfully, 13 Mr. Jundi, we haven't -- we haven't done the 14 necessary work to design the building. So we have a 15 building design without the necessary data as to 16 whether or not it can be supported as being proposed. 17 I don't doubt that you can find a solution to the 18 problem, but the applicant's asking for an approval 19 without knowing if there is a problem. 20 So the board wants to know what the 21 depth to bedrock is, and nobody can provide that 22 answer, because the applicant has not incurred that 23 expense to be able to tell us what the depth of 24 bedrock is. I understand that wasn't part of your 25 scope of work, but I know that you could do it, if</p>	<p style="text-align: right;">Page 58</p> <p>1 the applicant was willing to pay you to do it. 2 MR. JUNDI: I mean, my -- I still 3 testify that, if the rock is 5 feet or 15 feet down, 4 we are supporting that building on the rock, whether 5 directly with footing on the rock, if it's shallow, 6 or on micropiles socketed to the rock. And if -- 7 MR. ALAMPI: I understand your position, 8 Mr. Jundi. 9 MR. JUNDI: Okay. 10 MR. ALAMPI: The board's position is 11 this is in the PPOD district, and there's a 12 requirement that has the board looking for a specific 13 answer that it does not seem that anybody can provide 14 to the board. And as always, as the attorney for the 15 board, I will defer to the board as to their 16 satisfaction. 17 But Chairman and board, please correct 18 me if I'm wrong, is that not the concern? 19 COMMISSIONER GANGADIN: Yes. 20 CHAIRMAN LANGSTON: Yeah, that's my 21 concern. 22 COMMISSIONER GANGADIN: Absolutely so. 23 CHAIRMAN LANGSTON: You know, obviously, 24 Santo, I'm not -- I'm not an attorney. I'm not an 25 engineer. I'm a -- just a simple pipe fitter. So,</p>
<p style="text-align: right;">Page 59</p> <p>1 you know, I'm not completely familiar with the ins 2 and outs of the Palisades Overlay. So, you know, as 3 far as I'm concerned, what I'm gathering here -- and, 4 you know, to put any concerns to rest about whether 5 this -- you know, it's in question whether this site 6 can handle this size building. 7 Now, Mr. Jundi's testimony is, you know, 8 essentially, we'll find a way to do it; there's rock 9 in there somewhere, we'll find a way to do it. You 10 know, that's not a -- that's not a black-and-white 11 answer for this board. 12 MR. ALAMPI: And, Chairman, if I'm not 13 understanding you, please correct me, but it sounds 14 to me like -- Mr. Jundi, please stop sharing your 15 screen -- it sounds to me, Chairman, like what you're 16 articulating is I wanted to know where the bedrock 17 is, and I want to know that you've designed this 18 based on where that bedrock is, before I'm 19 comfortable moving forward. 20 CHAIRMAN LANGSTON: Yeah, I think 21 that's, you know, unbelievably important in this 22 situation. Just the -- 23 MR. ALAMPI: Chairman, you don't have to 24 say anymore. It's very clear to me. 25 So, Mr. Harrington, it's --</p>	<p style="text-align: right;">Page 60</p> <p>1 MR. HARRINGTON: Yeah, no, I -- no, I 2 hear what you're saying, and, you know, I don't have 3 to read the tea leaves any further. It's -- I 4 understand that you're looking to see that answer; 5 that you don't believe you have that answer today. 6 It's a little unique, with the PPOD being part of 7 this. 8 I'd note that, you know, other 9 applications -- typical site plan applications, you 10 don't have to provide for that. They're not -- I 11 acknowledge they're not in the PPOD, but the other 12 ones that are built all over, you know, Journal 13 Square, where we're dealing with -- you know, within 14 feet of cliff faces, not gentle slopes. 15 But that being said, I think, you know, 16 I hear the board. You want this information. I 17 don't want to proceed when you don't have the 18 information you want to consider the application. 19 So, you know, let us carry -- carry this to a 20 meeting -- I'm not sure how long something like this 21 would take. So I'd respectfully just ask to be 22 carried to the next meeting, with the, you know, 23 understanding that, if I don't -- I don't know -- 24 well, you know what? I know we won't have it within 25 the time limit.</p>

<p style="text-align: right;">Page 61</p> <p>1 MR. ALAMPI: Mr. Harrington, we're going</p> <p>2 to carry it to the meeting in January.</p> <p>3 MR. HARRINGTON: Yes, that's where I was</p> <p>4 going. There's no way we're going to have</p> <p>5 information in the next two days, and 10 days prior.</p> <p>6 CHAIRMAN LANGSTON: Yes.</p> <p>7 MR. HARRINGTON: And we can carry it to</p> <p>8 the first meeting in January, and preserve the</p> <p>9 notices.</p> <p>10 CHAIRMAN LANGSTON: And, Mr. Harrington,</p> <p>11 there are -- there's two commissioners here, myself</p> <p>12 and Commissioner Torres, that won't be at that next</p> <p>13 meeting, so I think it's completely unfair to have,</p> <p>14 you know, the rest of the board watch that video that</p> <p>15 we just experienced in real life.</p> <p>16 MR. HARRINGTON: Right. While it was</p> <p>17 coming out of my mouth, I realized there's -- it's</p> <p>18 not going to happen, because I'd have to have -- the</p> <p>19 experts would have to have that information in two</p> <p>20 days.</p> <p>21 CHAIRMAN LANGSTON: Yeah. I mean, you</p> <p>22 know, obviously, we just -- we want to have every bit</p> <p>23 of information for an as-of-right project that we</p> <p>24 can.</p> <p>25 MR. HARRINGTON: So I know the schedule</p>	<p style="text-align: right;">Page 62</p> <p>1 for 2024 was adopted. I don't recall off the top of</p> <p>2 my head what that date is.</p> <p>3 CHAIRMAN LANGSTON: I don't, either.</p> <p>4 MR. HARRINGTON: It is -- I know it's in</p> <p>5 person as well.</p> <p>6 CHAIRMAN LANGSTON: It is.</p> <p>7 MR. HARRINGTON: And it is -- and it is</p> <p>8 down at the -- near the JCRA office building.</p> <p>9 CHAIRMAN LANGSTON: It's at the annex</p> <p>10 there.</p> <p>11 MR. ALAMPI: Cameron, can you give us</p> <p>12 the date and the location of that meeting, the first</p> <p>13 meeting in January?</p> <p>14 MR. BLACK: I can.</p> <p>15 COMMISSIONER TORRES: January 9th?</p> <p>16 MR. BLACK: I'm just downloading it from</p> <p>17 our data portal real quick. And it is downloaded.</p> <p>18 And that date is Tuesday, January 9th of 2024. The</p> <p>19 location is -- will take place in the boardroom of</p> <p>20 the Holloway Building, 4 Jackson Square, Jersey City.</p> <p>21 So January 9th, 4 Jackson Square, Holloway Building</p> <p>22 boardroom.</p> <p>23 MR. HARRINGTON: So, Mr. Alampi, no</p> <p>24 further notice would be required, since this is</p> <p>25 continued to that specific date and location?</p>
<p style="text-align: right;">Page 63</p> <p>1 MR. ALAMPI: That is correct, having</p> <p>2 adopted the calendar for the 2024 board meeting</p> <p>3 dates, no further notice is required.</p> <p>4 To everybody in the public, all 115 of</p> <p>5 you that I see on the screen, this matter is being</p> <p>6 carried -- continued to the January 9, 2024 meeting.</p> <p>7 It will be in person, at 4 Jackson Square. We are</p> <p>8 starting at 5:30. It is in person. We will no</p> <p>9 longer be on the Zoom. We're excited to see</p> <p>10 everybody. So come on down to 4 Jackson Square.</p> <p>11 We'll be there.</p> <p>12 And there'll be no further notice. If</p> <p>13 you got notice of this back in September, you will</p> <p>14 not get another notice. This is your notice. Case</p> <p>15 P22-140, 152 Ogden Avenue, is going to be carried to</p> <p>16 the January 9th, 2024 public hearing, at 4 Jackson</p> <p>17 Square, live and in person. This is your notice.</p> <p>18 CHAIRMAN LANGSTON: And, Mr. Harrington,</p> <p>19 you know, in the time being, you know, I don't know</p> <p>20 how long something like this takes. If you could,</p> <p>21 maybe, you know, before that January 9th agenda goes</p> <p>22 out, maybe touch base with planning. I would hate</p> <p>23 to, you know, have the entire public come out to have</p> <p>24 you say that it's not done that night.</p> <p>25 MR. HARRINGTON: Oh, absolutely.</p>	<p style="text-align: right;">Page 64</p> <p>1 Totally understand. Yep.</p> <p>2 CHAIRMAN LANGSTON: So, you know, we'll</p> <p>3 get word through planning if that'll happen that</p> <p>4 night or not, but just, statutorily, you know, we're</p> <p>5 carrying -- preserving the notice to January 9th</p> <p>6 tonight, but, you know, we'll have further updates</p> <p>7 that city planning will be able to advise on.</p> <p>8 Do we need a motion, Santo?</p> <p>9 MR. ALAMPI: We'll entertain a motion.</p> <p>10 Mr. Harrington, obviously, it goes</p> <p>11 without saying that you copy Ms. Hadjiyannis on all</p> <p>12 communications.</p> <p>13 So, yes, Chairman, you can entertain a</p> <p>14 motion to carry the matter to the January 9th, 2024</p> <p>15 meeting, live and in person, 4 Jackson Square.</p> <p>16 CHAIRMAN LANGSTON: Okay. I'll</p> <p>17 entertain a motion to carry.</p> <p>18 COMMISSIONER GANGADIN: Chair, I'd like</p> <p>19 to make a motion to carry case P22-140 to the January</p> <p>20 9, 2024 meeting at 4 Jackson Square, Jersey City.</p> <p>21 COMMISSIONER LIPSKI: Second.</p> <p>22 CHAIRMAN LANGSTON: And that's with</p> <p>23 preservation of notice. Correct?</p> <p>24 COMMISSIONER GANGADIN: Yes.</p> <p>25 CHAIRMAN LANGSTON: Okay. So we have</p>

<p style="text-align: right;">Page 65</p> <p>1 the motion and a second to carry to January 9th.</p> <p>2 MR. BLACK: I'll do the roll.</p> <p>3 Vice Chair -- Acting Vice Chair</p> <p>4 Gangadin?</p> <p>5 COMMISSIONER GANGADIN: Aye.</p> <p>6 MR. BLACK: Commissioner Cruz?</p> <p>7 COMMISSIONER CRUZ: Aye.</p> <p>8 MR. BLACK: Commissioner Cruz?</p> <p>9 COMMISSIONER CRUZ: Aye.</p> <p>10 MR. BLACK: Commissioner Lipski?</p> <p>11 COMMISSIONER LIPSKI: Aye.</p> <p>12 MR. BLACK: Commissioner Torres?</p> <p>13 COMMISSIONER TORRES: Aye.</p> <p>14 MR. BLACK: And Chairman Langston?</p> <p>15 CHAIRMAN LANGSTON: Aye.</p> <p>16 MR. BLACK: Motion carries.</p> <p>17 CHAIRMAN LANGSTON: Okay. Thank you,</p> <p>18 everybody. We'll see you on the 9th in person.</p> <p>19 I feel like Santo was trying to sell us</p> <p>20 a used car there for a second. I was uncomfortable.</p> <p>21 MR. ALAMPI: I felt like I was promoting</p> <p>22 a concert.</p> <p>23 CHAIRMAN LANGSTON: Right?</p> <p>24 MR. ALAMPI: I'm excited, Chairman.</p> <p>25 COMMISSIONER GANGADIN: You were pretty</p>	<p style="text-align: right;">Page 66</p> <p>1 good at it too.</p> <p>2 CHAIRMAN LANGSTON: I am too. I think</p> <p>3 Santo should be our hype man out there once in a</p> <p>4 while.</p> <p>5 (Whereupon, the hearing concluded at</p> <p>6 7:40 p.m.)</p> <p>7</p> <p>8</p> <p>9</p> <p>10</p> <p>11</p> <p>12</p> <p>13</p> <p>14</p> <p>15</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p>
<p style="text-align: right;">Page 67</p> <p>1 C E R T I F I C A T E</p> <p>2</p> <p>3</p> <p>4</p> <p>5 I, Michael Lombardozzi, a Notary Public</p> <p>6 and Certified Court Reporter of the State of New</p> <p>7 Jersey, do hereby certify that the foregoing is a</p> <p>8 true and accurate transcript of the testimony as</p> <p>9 taken stenographically by and before me at the time,</p> <p>10 place, and on the date hereinbefore set forth.</p> <p>11 I do further certify that I am neither a</p> <p>12 relative nor employee nor attorney nor counsel of any</p> <p>13 of the parties to this action, and that I am neither</p> <p>14 a relative nor employee of such attorney or counsel</p> <p>15 and that I am not financially interested in this</p> <p>16 action.</p> <p>17</p> <p>18</p> <p>19 Michael Lombardozzi,</p> <p>20 Certified Court Reporter, State of New Jersey</p> <p>CERT #: 30X100239700</p> <p>Date: 8 Dec 2023</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p>	

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