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VILLAGE OF RIDGEWOOD
ZONING BOARD OF ADJUSTMENT
TUESDAY, APRIL 11, 2023
COMMENCING AT 7:30 P.M.

.....
IN THE MATTER OF : TRANSCRIPT
APPLICATION: : OF
OUTFRONT MEDIA, LLC : PROCEEDING
500 Route 17 South :
Block 4703, Lot 10 :
in the OB-2 Zone :
.....

B E F O R E:
VILLAGE OF RIDGEWOOD ZONING BOARD OF ADJUSTMENT
THERE BEING PRESENT:

- GREG BROWN, CHAIRMAN
- MATTHEW BANDELT, VICE CHAIRMAN
- GARY NEGRYCZ, CHAIRMAN PRO TEM
- JASON CURRERI, MEMBER
- DIANA RUHL, MEMBER (ABSENT)
- JONATHAN PAPIETRO, MEMBER (ABSENT)
- MICHAEL PICKHOLZ, MEMBER (RECUSED)
- HAROLD MAXWELL, ALTERNATE #1 MEMBER
- JAMIE FOX, ALTERNATE #2 MEMBER (ABSENT)

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3 JOHN BARREE, P.P., VILLAGE PLANNER

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I N D E X (Continuing)

E X H I B I T S

<u>NO.</u>	<u>DESCRIPTION</u>	<u>IDENT./EVID.</u>
A-16	Site Plan, Last Revised 3/29/23	18
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1 CHAIRMAN BROWN: We're also going to go
2 back on the record.

3 Also, just let the record reflect that
4 Mr. Pickholz had to recuse himself, so he's not here.

5 And next up we have Outfront Media,
6 LLC. It's an application for preliminary and final
7 major site plan approval for the construction and
8 operation of a single-pole double-faced digital
9 multi-message advertising sign, which is a prohibited
10 use and will result in a second principal use,
11 expansion of an existing nonconforming use and bulk
12 variance relief at 500 Route 17 South, Block 4703,
13 Lot 10, in an OB2 zone.

14 It was continued from August 23rd,
15 2022, carried from January 31, 2023.

16 Good evening, Mr. D'Arminio.

17 How are you?

18 MR. D'ARMINIO: Good. Good evening.

19 CHAIRMAN BROWN: Good evening.

20 Also good evening to Mr. Standriff, how
21 are you?

22 And also Mr. Inglima, good evening.

23 MR. D'ARMINIO: Okay.

24 CHAIRMAN BROWN: Go back to you,
25 Mr. D'Arminio.

1 Go for it.

2 MR. D'ARMINIO: Okay.

3 Again, Lou D'Arminio, Price, Meese,
4 Shulman and D'Arminio, for the applicant.

5 Just some housekeeping I would like to
6 inform the Board that we've resolved our differences
7 with Mr. Inglima's client, which is 490 Ridgewood,
8 LLC and Bergen Convenience Flagship.

9 So he can speak for himself if he
10 wishes, but -- his participation, he's still here.
11 But in terms of cross-examination and like, he's
12 withdrawing -- his client has withdrawn their
13 objections.

14 CHAIRMAN BROWN: Mr. Inglima, do you
15 want to come forward and just confirm?

16 Thank you.

17 MR. INGLIMA: Thank you, Mr. Chairman.

18 Robert Inglima, Jr., for the record,
19 representing 490 Ridgewood and Bergen Convenience
20 Flagship.

21 I would like to affirm what
22 Mr. D'Arminio just said, my client and -- my clients
23 and his client have entered into an agreement.

24 So we are withdrawing any objection we
25 have to the application, and I will not be asking any

1 questions of witnesses.

2 CHAIRMAN BROWN: Okay.

3 MR. INGLIMA: Thank you.

4 MR. D'ARMINIO: Thank you.

5 CHAIRMAN BROWN: Thank you.

6 MR. D'ARMINIO: Good evening,

7 Commissioners.

8 The application was well-described by
9 the Chairman, but just a brief recap here, this is
10 our fifth hearing.

11 We have had several witnesses. The
12 first was John Antal, general manager of our New
13 Jersey plant for Outfront.

14 He's got many years experience in the
15 outdoor advertising industry.

16 He testified as to the company, their
17 location, its particular suitability, the site plan,
18 and described the proposed sign.

19 He also introduced various exhibits and
20 talked about the operation of the proposed digital
21 billboard, introduced the module and discussed the
22 various terms of the -- various aspects of the sign
23 itself.

24 He also went over the various benefits,
25 the PSAs that it provided on a realtime basis, the

1 emergent -- we provided emergency protocols to the
2 board, and various examples of also nonemergency use
3 that the municipality or the Village would take
4 advantage of.

5 Then we had Tiago Duarte, he was our
6 professional engineer. He talked about the
7 surrounding area, also dealt with sign specifics,
8 talked about the -- indicated how various simulations
9 were prepared, and introduced these various
10 simulations and cross-sections; described the
11 technical aspects of the lighting controls,
12 introduced the parabola which indicated the scope of
13 any lighting. That would only be 0.3 over ambient at
14 any time because it adjusts to local lighting, and
15 addressed site plan -- the lack of any site plan
16 concerns.

17 And our last witness was Justin Taylor.
18 All the engineers were engineers from Dynamic
19 Engineering.

20 He was the traffic engineer. He
21 discussed the nature of how a driver views a
22 billboard. He spoke about the various federal
23 studies, both human factor studies and the
24 statistical studies, which indicated that signs do
25 not at all compromise safety.

1 He described the location, indicated
2 that there was ample time for the viewing of the sign
3 based on the configuration of the roadways, and
4 indicated that the road itself -- the general safety
5 of the road itself would not be compromised at all by
6 the sign.

7 Now, tonight we have one witness, that
8 is Brett Skapinetz, professional engineer, also from
9 Dynamic Engineering.

10 In response to concerns that were
11 expressed by our office neighbor represented by
12 Mr. Standriff, we made some changes to the plan.

13 And also we're going to incorporate
14 what's known as narrow-view technology.

15 Mr. Standriff's client kindly gave us
16 access to his location, we took various pictures, and
17 it will show that the object of the narrow-view
18 technology is to take the view of the face of the
19 sign, the copy of the sign, out of view of the
20 surrounding neighbor, and specifically
21 Mr. Standriff's neighbor.

22 We have several exhibits that are going
23 to explain this which Mr. Skapinetz will detail.

24 Unless the Board has any other
25 questions, that's the scope of the testimony today,

1 and I'd like to get started.

2 CHAIRMAN BROWN: Okay, thank you.

3 MR. D'ARMINIO: All set?

4 MR. WHITAKER: Just for the edification
5 of the public, there's going to be a limit to the
6 presentation this evening, and it's not the last
7 presentation.

8 So as we've said to the members of the
9 public in the past, you can ask questions as it
10 pertains to this particular testimony that is given
11 tonight.

12 He will have -- the Applicant is going
13 to have other witnesses, we understand, at a future
14 meeting for purposes of the planning concept and to
15 finalize their application.

16 Then members of the public can bring
17 questions of those witnesses, they can testify, they
18 can bring their own witnesses, their own experts if
19 they wish.

20 So tonight's hearing will be very
21 limited and focused on whatever you hear from the
22 Applicant's engineer and you could ask questions
23 about the testimony that the Applicant's engineer
24 testifies to this evening.

25 MR. D'ARMINIO: Okay, I'd like to call

1 Mr. Skapinetz.

2 MR. WHITAKER: Mr. Skapinetz, if you
3 would raise your right hand, please.

4 Do you swear or affirm the testimony
5 you're about to give will be the truth and nothing
6 but the truth?

7 MR. SKAPINETZ: I do.

8 B R E T T S K A P I N E T Z, PE, PP

9 1904 Main Street, Lake Como, New Jersey, having
10 been duly sworn, testifies as follows:

11 VOIR DIRE EXAMINATION

12 BY MR. D'ARMINIO:

13 Q. Mr. Skapinetz, will you give the board
14 the benefit of your personal background, experiences,
15 education and licenses?

16 A. Sure.

17 My name is Brett Skapinetz. Last name
18 is S-K-A-P-I-N-E-T-Z.

19 I am a director with Dynamic
20 Engineering Consultants out of our Chester, New
21 Jersey office.

22 I have been with Dynamic for almost
23 17 years now. I am licensed in the State of New
24 Jersey, as well as several surrounding states.

25 Been qualified before over 150

1 different boards. In fact, I think I was before this
2 Board, but it was several years ago on a
3 single-family residential application. But you can
4 put that aside, we can treat it as the first time if
5 you wish.

6 But my experience is on a multitude of
7 land development applications, including several
8 dozen billboard applications such as this, static as
9 well as digital, and I am familiar with even the
10 technology that we're going to describe today.

11 I've provided testimony on a couple
12 other billboards with the same type.

13 So that's generally it.

14 MR. WHITAKER: Any questions by board
15 members or members of the public as to
16 Mr. Skapinetz's credentials and qualifications as a
17 licensed engineer in the State of New Jersey?

18 The purpose of my asking that question
19 is he'll be able to render a professional opinion in
20 that field.

21 You'll be able to question him later
22 about what he testifies to, but this is just as to
23 his credentials.

24 (No response.)

25 MR. WHITAKER: There being none,

1 Mr. Chairman, he will be so qualified.

2 Mr. D'Arminio, you can proceed -- oh,
3 there is a question.

4 I didn't see that.

5 MR. DeSILVA: Rohan DeSilva, 521 West
6 Saddle River Road.

7 THE COURT REPORTER: I'm sorry, spell
8 your last name for the record, sir.

9 MR. DeSILVA: Am I required to?

10 I thought I --

11 MR. WHITAKER: Yes, you are required
12 to.

13 CHAIRMAN BROWN: Yes, you are required.

14 We Ask That of Everybody.

15 MR. WHITAKER: This matter --

16 MR. DeSILVA: Stop, I'm -- I can only
17 -- I'm partially deaf, and this whole thing has been
18 very difficult for me to understand.

19 MR. WHITAKER: So I would recommend
20 that perhaps if you sit up front it might be a little
21 bit better.

22 And we're recording this, and there is
23 a person here transcribing it. That's required by
24 law that all public hearings be recorded.

25 MR. DeSILVA: Okay.

1 MR. WHITAKER: And so for a hearing to
2 be recorded, anybody that's testifying has to
3 identify themselves with their name and their
4 address.

5 MR. DeSILVA: I did that.

6 MR. WHITAKER: We did not hear you. If
7 you would speak into the microphone, give us that,
8 and spell your last name.

9 MR. DeSILVA: Is that required of
10 everyone?

11 MR. WHITAKER: Yes.

12 MR. DeSILVA: Okay.

13 Ron DeSilva, 521 West Saddle River
14 Road. D-e S-I-L-V-A.

15 MR. WHITAKER: Please proceed with your
16 question.

17 MR. DeSILVA: Okay. So we've been
18 involved in a lot of dealings with the Village of
19 Ridgewood, the Council and so on.

20 How can we verify his credentials?
21 'Cause he gave some -- you know, he just said it.

22 CHAIRMAN BROWN: Well, he --

23 MR. WHITAKER: Mr. DeSilva --

24 MR. DeSILVA: I would like to know what
25 credentials --

1 CHAIRMAN BROWN: He's testifying under
2 oath.

3 MR. DeSILVA: Yeah, but, you know --

4 CHAIRMAN BROWN: So, his --

5 MR. DeSILVA: -- there are people that
6 are willing to perjure themselves under oath as well,
7 so...

8 THE WITNESS: I can answer that if you
9 wish?

10 MR. DeSILVA: Okay, thank you.

11 CHAIRMAN BROWN: Sure, please.

12 THE WITNESS: I have a bachelor of
13 science degree in civil engineering from Rutgers
14 University.

15 You can look me up on the internet, my
16 credentials are all there. You can look at my
17 website at www.dynamicec.com, that lists my
18 credentials there as well, lists my license numbers
19 for my professional licenses with all my states.

20 And also, too, if you go to the state
21 board for professional engineers, you could also put
22 in my name and that information will come up as well.

23 MR. DeSILVA: Thank you very much.

24 That's all I really wanted to know.

25 THE WITNESS: You're welcome.

1 MR. DeSILVA: All right.

2 CHAIRMAN BROWN: Thank you.

3 No other questions?

4 (No response.)

5 CHAIRMAN BROWN: Board Members'

6 questions?

7 (No response.)

8 CHAIRMAN BROWN: No?

9 Okay. So, Mr. D'Arminio.

10 MR. D'ARMINIO: So he'll be accepted as
11 an expert in engineering?

12 CHAIRMAN BROWN: Yes.

13 Thank you.

14 MR. D'ARMINIO: Thank you very much.

15 THE WITNESS: Thank you.

16 DIRECT EXAMINATION

17 BY MR. D'ARMINIO:

18 Q. Mr. Skapinetz, you prepared some
19 exhibits and performed some analysis with regard to
20 today, right?

21 A. Yes, I did.

22 Q. Any other matters you have done that
23 you've been preparing for this application?

24 A. I visited the site, obviously reviewed
25 transcripts, obviously consulted with my partner,

1 Tiago Duarte, who is providing the majority of site
2 testimony at previous meetings in preparation for
3 this evening.

4 Q. Great.

5 Well, first let's go with the updated
6 site plan that we had previously filed timely.

7 MR. D'ARMINIO: I got extra copies for
8 the board if that would be helpful, unless you have
9 them yourself.

10 CHAIRMAN BROWN: We have them, yeah,
11 no, we've been provided with -- unless it's something
12 new.

13 MR. D'ARMINIO: No.

14 CHAIRMAN BROWN: Okay, then we have
15 them.

16 MR. WHITAKER: Let's leave some out for
17 members of the public also --

18 MR. D'ARMINIO: Sure.

19 MR. WHITAKER: -- in case they can't see
20 it on the screen.

21 THE WITNESS: So these -- as
22 Mr. D'Arminio is handing those out, I can -- I can
23 start to discuss --

24 CHAIRMAN BROWN: Okay.

25 THE WITNESS: Actually, you know what,

1 I'll wait.

2 CHAIRMAN BROWN: Wait one second,
3 Mr. Skapinetz.

4 Just one second.

5 MR. WHITAKER: We'll mark this as an
6 exhibit. You have the list there, Mr. D'Arminio?

7 MR. D'ARMINIO: Yes, it's A-16. I
8 actually have one premarked as A-16.

9 MR. WHITAKER: With a revision date?

10 MR. D'ARMINIO: Yes.

11 The date is originally 2/20. It's
12 revised as of 3/29/23.

13 (Whereupon, Site Plan, Last Revised
14 to 3/29/23 is received and marked as Exhibit
15 A-16 for identification.)

16 THE WITNESS: So Mr. D'Arminio noted
17 the revision date of the revised plan set of 3/29/23.

18 There was really only one revision made
19 to the plan set, and that was out of, as
20 Mr. D'Arminio also noted in the beginning, in the
21 introduction, out of concern by our neighbor to the
22 north at 545 Route 17 about the visibility of the
23 sign.

24 So that one change to the site plan is
25 the increase in the spread, or making the V larger as

1 far as the configuration of the billboard.

2 And what does that mean? If we go here
3 for the public, maybe go to page --

4 MR. D'ARMINIO: Page 3.

5 THE WITNESS: -- 3 of the site plan
6 sheet.

7 So you'll see in the site plan sheet
8 the billboard is in a V, and the spread on the back
9 end of that V or the wider part of the V was 30 feet
10 in the original plans.

11 And so in order to help shift the angle
12 of the billboard face that faces towards 545 Route
13 17, we increased that spread to 35 feet.

14 So now there's a sharper angle now to
15 Route 17 as a result of that shift of 5 feet.

16 That was the first phase and that was
17 change --

18 BY MR. D'ARMINIO:

19 Q. And that was only the one to the north
20 face. Let's call it the --

21 A. Just the north face, correct.

22 Q. Which is -- we just talked about the
23 north face.

24 A. Right.

25 So -- so there was essentially an even

1 spread in the beginning of 15 feet to either side --
2 off the center of the pole, so now it's 15 feet off
3 the center pole for the southern face and 20 feet off
4 the center line of the pole for the northern face.

5 Q. Now, this, along with some of the other
6 changes and explanations you're going to have, what
7 was the purpose of doing that?

8 A. Again, that's just to increase that
9 angle so that the -- upon facing it perpendicular to
10 the sign, that shifts further away from the building,
11 but -- as a result of just shifting or increasing
12 that angle by the 5 feet.

13 Q. Okay.

14 Now, I talked a little bit in the
15 introduction about the narrow-view technology.

16 Can you explain what that is and could
17 you, using the next exhibit, which is going to be
18 A-17, the module, can you explain how it works?

19 (Whereupon, Narrow-View Technology
20 Module Document is received and marked as
21 Exhibit A-17 for identification.)

22 THE WITNESS: Yes.

23 So much like the louvers as Mr. Duarte
24 talked to and testified to, that it is typical for
25 these LED signs -- there is typically what's called a

1 louver that sits just above each row of LEDs.

2 And that -- what that does is helps to
3 prevent essentially the sky-glow issue that you
4 typically see with billboards, particularly static
5 boards that have uplighting.

6 But it will -- it eliminates that
7 uplighting issue with respect to the LED boards in
8 particular.

9 What we're doing with this technology
10 is adding these louvers now to the sides of each LED
11 cluster.

12 As, again, previously testified, there
13 is the red, green and blue LEDs that are situated
14 within each module and make up the entire board.

15 We're now -- for each set of those
16 three LEDs, there will be a louver to either side.
17 And, basically -- I mean, it's simply -- I'm trying
18 to give a really simple example to the Board as to
19 how to describe this.

20 So if you were to focus on the palm of
21 my hand, if each board member could look -- could see
22 my hand (indicating), if that's the face of the
23 board, if we have the louver on the side, if you're
24 facing it straight on you're obviously going to see
25 my hand and the palm of my hand.

1 But as I move to the side and get to a
2 certain point, depending on the length of that louver
3 and how far out it extends out from the palm of my
4 hand, that visibility is going to decrease, okay, as
5 the angle decreases, especially if that louver gets
6 longer.

7 So we worked with Outfront Media's VP
8 of digital operations and this -- essentially, this
9 new tech, this narrow-view tech, basically used and
10 constructed through a manufacture called OptoTech has
11 been tested and we coordinated with them to
12 understand what could be done in addition to that
13 5-foot change that I just described in the V, adding
14 in the louvers, could we accommodate a sign where
15 anywhere in that building at 545 looking out the
16 windows, looking out the window you would essentially
17 see black. You would not see the image being
18 displayed on the board.

19 And we have achieved that. And that,
20 again, is through this technology.

21 And Mr. D'Arminio passed out the
22 exhibit and it shows -- on that picture it shows
23 essentially two parts. It would show what the board
24 was originally proposed as, which is the -- the
25 right-hand side of the image. That's what was

1 previously proposed (indicating).

2 And on the left-hand side you can see
3 how it's harder to see those LEDs because they're
4 surrounded by the louvers (indicating).

5 Q. The vertical louvers.

6 A. The vertical louvers, correct.

7 Q. And that was A-17.

8 Now, you also prepared an exhibit which
9 illustrated that -- the impact of that, correct?

10 A. Yes, we did.

11 MR. D'ARMINIO: Let me pass that out as
12 well.

13 (Whereupon, Narrow-View Technology
14 Exhibit, Sheet 1 of 1," prepared 3/29/23 is
15 received and marked as Exhibit for
16 identification.)

17 MR. D'ARMINIO: That will be A-18.

18 THE WITNESS: So A-18 is entitled,
19 "Narrow-View Technology Exhibit, Sheet 1 of 1."

20 And it has a preparation date of
21 3/29/23.

22 BY MR. D'ARMINIO:

23 Q. Could you explain that exhibit, why it
24 was made, how it was made?

25 A. So how it was made, as I mentioned,

1 G -- G. Todd Lathan of Outfront was consulted by our
2 office. We provided him the parameters of what we
3 needed to occur to be able to eliminate the view of
4 that image from 545 Route 17.

5 What we did was he had the information
6 from our site plan. We provided survey information.
7 We discussed how the angle on the sign was originally
8 designed, originally set up, and how we could shift
9 it the 5 feet to start, which, at the 35 feet, mind
10 you, is really essentially about a maximum with
11 respect to that spread from a structural standpoint.
12 So we maximize that.

13 And then he went to work and we
14 consulted with him, and he returned to us indicating
15 that the technology, this narrow-view technology,
16 this revised board with the vertical louvers would
17 indeed be able to meet the requirements.

18 So this exhibit helps to illustrate
19 that. And if you're looking at the image, you will
20 see in a similar orientation as most of the other
21 exhibits, you got Route 17 to the bottom. You'll see
22 the outline of the property in the solid dash
23 followed by a short dashed line, the property,
24 itself, and the billboard location (indicating).

25 You were also presented previously an

1 exhibit that showed what we call the parabola that
2 indicates the 0.3 footcandles over ambient that the
3 board, at maximum, will illuminate outward from the
4 face of the sign.

5 And as you can see, this parabola,
6 excuse me, is different. It's been narrowed from the
7 sides than what you previously saw.

8 So you could see that it's been
9 narrowed inward, it's got more of a focus towards the
10 highway, and the areas that have been shadowed show
11 that those areas will not be able to see the image of
12 the sign because of these louvers.

13 So the LEDs will be completely blocked
14 once you've hit that angle, which is about 25 degrees
15 off of perpendicular from the face to either side.

16 Q. So just in terms of the calculation,
17 can you go over what the typical billboard -- the
18 original billboard was proposed would be what, 70 --

19 A. Seventy degrees.

20 Q. -- degrees --

21 A. Yes, off the -- off the edge of the
22 face, correct.

23 Q. -- off side --

24 A. Correct.

25 Q. -- from center.

1 And this is 25 --

2 A. Correct, yes.

3 Q. Okay. And that provides the lines that
4 are indicated on the -- on Exhibit A-18, correct?

5 A. That is correct.

6 Q. And that actually works both ways to
7 the -- to the top of the edge and -- the back edge as
8 well as the front edge, right?

9 A. That is correct.

10 Q. So the line -- the view is completely
11 blocked from both sides and that's the shadowed area?

12 A. That is correct.

13 Q. And the red is the -- the red is an
14 outline of where the sign face is now, the north sign
15 face.

16 Is that correct?

17 A. That is correct.

18 Q. And then you have the yellow and you
19 have the distance, and that parabola notes what, the
20 .03 footcandles above ambient?

21 A. Right.

22 So directly out in front of the face of
23 the sign, similar to Mr. Duarte's testimony, at
24 187-and-a-half or so feet, that's the maximum, that's
25 the .3 over ambient.

1 And, essentially, the standard that's
2 set with an all white sign, that would be the maximum
3 over ambient you would have as far as illumination at
4 that point.

5 And then obviously as -- and following
6 that yellow line around, that's that same 0.3 as you
7 make your way around to the edge of the sign itself.

8 Q. And the -- our neighbor's location is
9 off -- that office building is completely within the
10 dark?

11 A. That is correct, yeah.

12 You could see that the entire building
13 within that 545 17 is within the dark area.

14 MR. D'ARMINIO: So that's A-18. Okay,
15 let me do the last exhibit.

16 (Whereupon, Crane Test Document is
17 received and marked as Exhibit A-19 for
18 identification.)

19 BY MR. D'ARMINIO:

20 Q. Just by way of background, again, the
21 neighbor kindly allowed us to enter the building. It
22 was on December 21st, 2022. We conducted a crane
23 test.

24 Using exhibit that's been marked A-19,
25 I guess A would be the best one, the first one.

1 Can you describe how that crane test
2 was conducted and how the simulations were prepared?

3 A. Sure.

4 Just to further elaborate, so they --
5 the neighbor was kind enough to let us go into the
6 building. We went into the classroom, and the
7 photographs were taken that you'll see from within
8 the classroom by us facing towards the location of
9 the sign.

10 At that time a crane was set up behind
11 the building. That's -- the bucket on that crane was
12 -- rose up to the height of the sign, and so the top
13 of the sign, again, is at 40 feet.

14 It was just below that. Affixed to the
15 edge of the bucket was, essentially, a board that was
16 10-foot-6-inches in length, which is the height of
17 our billboard. And the top of that board was set at
18 the 40-foot height above ground that we're proposing
19 as part of our application.

20 This --

21

22 Q. And that was verified by your office?

23 A. And that was verified by our office.

24 And those photographs were taken. And that board,
25 essentially, was used as the basis to be able to give

1 to the rendering designer a perfect reference point
2 as to where the sign essentially would be, how it
3 would be oriented in relation to the building and the
4 surrounding uses.

5 Q. So in terms of the measurements, the
6 setback was measured, so it's in the exact location?

7 A. That's right.

8 Q. And then using the board, the
9 10-and-a-half, you were able to do the other
10 extrapolations, correct?

11 A. That's right.

12 Well, this is mainly for vertical. And
13 we set the -- we set the crane and the board itself,
14 the board was only about 2- or 3-feet wide, but
15 10-and-a-half-feet tall.

16 So we centered it as best we could in
17 the location of the sign.

18 And then the renderer went to work with
19 respect to our revised plan, with the revised V.

20 Then triangulating the location based
21 on our plan and the surrounding uses, where the edges
22 of each one of the boards would be. And then came up
23 with the images that you see of the billboard,
24 itself, outlined in black as shown in each of the two
25 photos.

1 MR. D'ARMINIO: Now, I've distributed A
2 -- set of photos, two photos, A-19A and A-19B.

3 (Whereupon, Two Photographs are
4 received and marked as Exhibits A-19A and A-19
5 B for identification.)

6 BY MR. D'ARMINIO:

7 Q. Taking each of these photos, can you
8 describe what -- how they were taken and what they
9 depict? And the location from where they were taken?

10 A. Sure.

11 Q. I'm sorry.

12 A. And I'll start with the first photo.

13 So this was taken right up against the
14 window, obviously, looking out towards the site.

15 And as I described earlier, depicting
16 the location of the board. That -- the pole for the
17 board is in that back left corner of the tire and
18 wheel center, so that's exactly where it's shown here
19 (indicating).

20 And then the configuration of each of
21 the boards, they still remain at the 10-and-a-half
22 foot in height, as I mentioned before, and they're
23 35-feet8-and-a-quarter inches in width.

24 There is the small skirt on the bottom
25 as well, and that's also depicted in this photo.

1 That's 2-and-a-half feet in height, followed by the
2 width of the sign.

3 Q. And you could see -- also would you
4 point out the bucket truck is actually in the
5 picture?

6 A. Yes, you could actually see the crane.
7 You can't see the bucket, itself, but you can -- you
8 see the boom of the crane, itself, that is sitting
9 there.

10 So that, again, was then taken, we
11 showed -- took a picture further back in the
12 classroom, and that is A-19B, and again, showing the
13 same configuration of the sign and how it will look.

14 As the Board may be aware, we did
15 survey out there the building. We surveyed windows,
16 we surveyed the existing -- the building on our site.
17 And when I first said building, I meant 545 Route 17.

18 So we have relative elevations with
19 respect to windows and where the top and bottom of
20 the billboards stand with regards to the windows
21 itself.

22 So again, very comfortable in the
23 accuracy with respect to how the billboard is
24 displayed in each of these two exhibits.

25 Q. And the depiction indicates a dark

1 screen, correct?

2 A. Yes, obviously, yes.

3 And as testified, it's going to be
4 black. The materials of the structure, the case of
5 the structure, the louvers will be black, and so
6 that's what will be seen from this angle or from any
7 of the windows within 545 Route 17.

8 Q. And nevertheless, the view to the
9 highway stays the same, it's not compromised at all;
10 correct?

11 A. No, it's not.

12 Once you get out -- and I'll go back to
13 exhibit -- what did we mark this one.

14 Q. A-18.

15 A. A-18, which I have up on the easel
16 here. I'll talk a little bit louder just to make
17 sure that you can hear me.

18 So the --

19 CHAIRMAN BROWN: Jane, do we -- we have
20 a mic you can use, yup.

21 Thank you.

22 THE WITNESS: Thank you.

23 If you look at A-18, this is
24 545 Route 17.

25 And that black -- the shadow line,

1 law we wouldn't, and if we did, we'd have to tell
2 you.

3 MR. WHITAKER: But I mean, how does --
4 how does it get monitored? How does it get
5 monitored.

6 THE WITNESS: The monitoring is -- so
7 Mr. Duarte --

8 MR. WHITAKER: I'm not -- hold on. I'm
9 not suggesting it's going to just be done.

10 THE WITNESS: Right.

11 MR. WHITAKER: But technology changes.

12 THE WITNESS: Right.

13 MR. WHITAKER: And three or four years
14 down the road, someone goes there and installs their
15 newest -- because this is not something that was
16 around ten years ago probably.

17 THE WITNESS: Right. Right.

18 MR. WHITAKER: And if they do that and
19 they're not aware of these meetings and what you've
20 testified to here and they put this up, how would the
21 Village know that and how is it monitored?

22 That's the question.

23 THE WITNESS: So by way -- I can throw
24 out a couple of facts now that will be on the record
25 that you could put in the resolution --

1 MR. WHITAKER: That's what I'm looking
2 for.

3 THE WITNESS: -- that obviously my plan
4 and the location of the face, as illustrated in this
5 site plan, is the starting point.

6 Then from there, off -- off of
7 perpendicular -- if you were facing perpendicular
8 from the sign at each edge -- so I will go to, I'll
9 call it the eastern edge or the back end of the sign.

10 So if we're facing it -- and I'm going
11 to put my scale as if you were looking at it from the
12 road. That's 90 degrees (indicating).

13 Twenty-five degrees off of that center
14 is the angle in which this shadow line occurs
15 (indicating).

16 So nothing greater than 25 degrees
17 would, therefore, be permitted --

18 MR. WHITAKER: So the location now and
19 the degree and angle is a given.

20 How about the louvers and the lighting
21 itself; how is that monitored?

22 THE WITNESS: Okay.

23 So that goes back to what Mr. Duarte
24 testified to, and the fact that similarly to the
25 previous billboard composition, there will still be a

1 camera that will always be monitoring the sign, there
2 will be continual monitoring of the sign.

3 And should something happen with
4 respect to it during its operation where it flickers,
5 goes all white, causes an issue, it will be monitored
6 and, essentially, shut down immediately to then be
7 inspected and monitored by proper personnel.

8 So that type of monitoring is always
9 occurring, whether it would be this technology or the
10 previous technology that -- of -- well, the
11 technology of the other board. Both boards have
12 cameras.

13 MR. WHITAKER: So the stipulation being
14 that looking at what was Exhibit A-17 --

15 THE WITNESS: Yup.

16 MR. WHITAKER: -- the stipulation being
17 that if new technology comes into being and they do
18 replacements 10, 15 years from now, the net effect of
19 even the new technology would be what you're
20 describing on the left-hand side of that?

21 THE WITNESS: That is correct.

22 MR. WHITAKER: I just wanted to get
23 that clarified.

24 THE WITNESS: Okay, yes.

25 MR. D'ARMINIO: And also, Mr. Whitaker,

1 I would believe, I am certain, that we'd have to get
2 an electrical permit, so we -- the town would monitor
3 -- if we would change it, we would -- it would be
4 monitored. And we would stipulate that if we had a
5 -- if we had to swap out a module, we would use those
6 modules. So --

7 MR. WHITAKER: So what I'm getting at,
8 just so the record is clear, that even if new
9 technology comes into being, and, obviously, it does,
10 years ago they didn't have anything like this, we all
11 know that, even if it is, this -- even with new
12 technology, this would still remain -- the effect of
13 it would still remain the same.

14 That's what I just wanted to put on the
15 record.

16 THE WITNESS: And that is correct, yes.

17 MR. D'ARMINIO: Yes.

18 MR. WHITAKER: That's how I understand
19 it.

20 MR. D'ARMINIO: That's a great way to
21 put it, the effectiveness would still stay the same.

22 CHAIRMAN BROWN: Okay, great. Thank
23 you, Mr. Whitaker.

24 Mr. Standriff, go for it.

25 MR. STANDRIFFF: Thank you.

1 CROSS-EXAMINATION

2 BY MR. STANDRIFF:

3 Q. Are there any other signs within the
4 immediate area of Bergen County that we could go to
5 look at and see this?

6 A. I am -- I do not -- I'm not aware that
7 Outfront has. I would have to ask and provide you
8 that answer at a separate time. We could give you
9 that answer, though.

10 MR. D'ARMINIO: I could provide that
11 information --

12 THE WITNESS: Yeah.

13 MR. D'ARMINIO: -- if there is. There
14 may be other competitors that have it.

15 THE WITNESS: Right.

16 MR. D'ARMINIO: But this is our -- this
17 is, you know, technology -- our technology.

18 BY MR. STANDRIFF:

19 Q. The times that you went to some outside
20 company who came up with the idea of the louvers, was
21 that the manufacturer of the sign or is that
22 Outfront?

23 A. No, no, it's -- well, I can't answer
24 that question as to -- it's like a chicken and egg
25 thing, I'm not sure. I just know, I will tell you,

1 the technology's been around. This is not old
2 technology. OptoTech, which I testified earlier, and
3 Outfront, they're using that.

4 There are -- there is another company
5 called WatchFire that's out there that has similar
6 technology.

7 There are other companies as well that
8 have similar technology.

9 This is not something that is brand new
10 just for this application. It's out there. It's
11 just that the manufacture that Outfront's using with
12 OptoTech, they've just recently implemented it as far
13 as I know, and obviously I've looked at it
14 specifically for this application alone.

15 Q. Well, this is just some kind of
16 physical barrier that prevents you from seeing the
17 sign if you're at an angle to it, right?

18 A. There is a physical barrier, yes, the
19 louver prevents that -- the visibility of the image.

20 Q. All right. I would ask that both of
21 those -- sometime that has this --

22 A. Uh-huh.

23 Q. -- that someone could see, that you
24 would notify us?

25 So you used a very specific angle, and

1 you said 25 percent, but you really don't know if
2 it's 24 percent or 27 percent or something like that?

3 A. Twenty-five degrees. That is -- that
4 is where we're stating is at 25 degrees. At 25
5 degrees you will not be able to see the image.

6 Q. Well, did you take that measurement or
7 are you relying on someone else to give you that?

8 A. No, I'm relying -- I am relying, as I
9 noted, from the senior VP at Outfront, G. Todd
10 Lathan, L-A-T-H-A-N.

11 He -- we consulted with him much that
12 -- he did the analysis and he is the one that has the
13 detail of the board and the specs to be able to --
14 and he was the one to be able to verify that at the
15 25-degree angle is where the image would stop.

16 Q. My question was, you didn't make the
17 calculation, someone else did, and --

18 A. Yes, yes. And it was provided to us.
19 That is correct.

20 Q. Okay.

21 A. Yes.

22 MR. STANDRIFF: No further questions.

23 THE WITNESS: Thank you.

24 CHAIRMAN BROWN: Thank you.

25 I will go ahead and open it up to Board

1 Members for questions.

2 Jason, go ahead.

3 MR. CURRERI: Yeah.

4 So one quick one on the survey that was
5 used for A-18. When the prior engineer was
6 testifying from Dynamic, we had some discussion about
7 the survey or using the visual map from 5/18. I
8 guess it wasn't accurate, and you said you were going
9 to provide a different map.

10 MR. D'ARMINIO: I'm sorry, I don't
11 recall that, but I have the other exhibits, could you
12 -- I didn't hear whether the --

13 MR. CURRERI: Well, the one on the
14 parabola was one --

15 MR. D'ARMINIO: Oh, the parabola --

16 MR. CURRERI: -- when this discussion
17 was started and there was a backup for it, and it was
18 noted that the 2018 photo wasn't up to date, to the
19 current topography.

20 MR. D'ARMINIO: Oh, I know. I remember
21 now. It was actually that the parabola was -- that
22 the surrounding area, the topography --

23 MR. CURRERI: Correct.

24 And this photo uses -- this is -- thi
25 sis using the same photo.

1 THE WITNESS: That's right.

2 MR. D'ARMINIO: Oh, that's right?

3 THE WITNESS: It's using the 5/18 --
4 the 2018 photo, yes.

5 I don't know what the concern was then,
6 but I did -- from my site visit, with respect to the
7 impacts here and what I am testifying to, the
8 building remains the same at 545 Route 17.

9 That has not changed between the two
10 photos.

11 The building on our site has not
12 changed between those two photos. I can say that
13 because I was just at the site today and I reviewed
14 that.

15 With respect to other nuances on the
16 ground, I would agree with you. There's some smaller
17 changes on the ground around our building where
18 there's some structures, cars, a couple of containers
19 that are behind the building on the subject site
20 where the billboard is located that are slightly
21 different.

22 However, I will -- I can testify that
23 that doesn't have impact with respect to my testimony
24 as far as the image, any -- any -- and what the new
25 technology that I just described will do with respect

1 to the visibility of the sign.

2 MR. D'ARMINIO: And I do remember that
3 testimony and I believe our planner was going to come
4 back with an updated aerial.

5 But that was -- but that's the next --
6 that was my next witness.

7 And again, as Mr. Skapinetz indicated,
8 that really doesn't change the testimony.

9 MR. CURRERI: But the parabola is
10 different; right, I think was your testimony?

11 THE WITNESS: Yes, the parabola -- the
12 parabola is different, right, because that's based on
13 the angle of the sign as well as the technology I
14 described, that -- that did change.

15 MR. CURRERI: But for the limited
16 purpose of that modification, you're saying it
17 doesn't matter, that this is still the 2018
18 photography.

19 THE WITNESS: Yes, right.

20 It doesn't matter because the -- the
21 goal of my testimony is to show you and describe to
22 you what we're doing to achieve the no visibility of
23 that sign to 545 Route 17 based on previous objection
24 by that neighbor.

25 MR. CURRERI: Okay. And with that

1 objection, there was testimony from others that it
2 wasn't actually visible from within the building, but
3 with your new -- your new evidence, you're saying
4 that it would have been visible from the building,
5 but for this new technology.

6 THE WITNESS: I will say that with
7 respect to this new -- with respect to this new
8 technology, it will not.

9 I can't speak exactly to what you're
10 saying as far as what was testified earlier.

11 It would have been -- it likely would
12 have -- well, it would have been visible under the
13 previous technology without the louvers.

14 MR. CURRERI: Okay.

15 And just one last one, this new
16 technology, does that change the physical light
17 component of it?

18 Like, if you're still looking at it
19 directly --

20 THE WITNESS: Right.

21 MR. CURRERI: -- is that different than
22 the candlelit.

23 THE WITNESS: No, it doesn't. It
24 doesn't change that aspect.

25 MR. CURRERI: Okay.

1 Thank you.

2 THE WITNESS: You're welcome.

3 CHAIRMAN BROWN: Just a quick question.

4 If you're using this louver technology
5 on the north side of the sign to sort of shield other
6 properties and direct it more towards Route 17, why
7 not use it on the south side of the sign, too? It
8 will have the same effect.

9 THE WITNESS: That is a good point, and
10 I will say that it's possible.

11 But what I am not prepared to say is
12 whether it's -- what else needs to be done in order
13 to achieve that and what issues that may or may not
14 cause.

15 Because just as I indicated as far as
16 the angle, obviously we're reducing the spread or,
17 you know, the visibility of that sign and the angle
18 of that sign is not as sharp to Route 17 as the other
19 sign is, so it would cause some other changes.

20 So I could say that we can look into
21 that and come back with you -- come back to you with
22 an answer --

23 CHAIRMAN BROWN: Okay.

24 THE WITNESS: -- at the next meeting.

25 CHAIRMAN BROWN: Thank you.

1 MR. NEGRYCZ: Can I ask you a different
2 question?

3 I'm just -- you know we have angles and
4 I understand you spread one side to point it more at
5 the highway and swing it over and then by the narrow
6 review you get a couple more degrees out of it.

7 I got that.

8 But now somebody's got to go out there
9 and span that thing up. Okay?

10 THE WITNESS: Right.

11 AUDIENCE MEMBER: We can't hear you.

12 MR. NEGRYCZ: I have --

13 CHAIRMAN BROWN: Is your mike on there?

14 MR. NEGRYCZ: Somebody's got to be able
15 to go out there, stand up that pipe --

16 THE WITNESS: Yup.

17 MR. NEGRYCZ: -- put that sign on --

18 THE WITNESS: Yup.

19 MR. NEGRYCZ: -- and move it back and
20 forth until they got some precise location.

21 THE WITNESS: Right.

22 MR. NEGRYCZ: All right.

23 Now, I think the only thing out there
24 that's not going anywhere, at least not foreseeable
25 future, would be the center line of, say, the north

1 or southbound lanes of Route 17.

2 All right.

3 THE WITNESS: Right.

4 MR. NEGRYCZ: And there should be --
5 from a surveying point of view, it's got to be tied
6 to something.

7 THE WITNESS: Absolutely.

8 MR. NEGRYCZ: All right? And I guess
9 what I'm saying is that if they tie it to something,
10 that would mean that if somebody here decided they
11 wanted to go out and check to see whether you really
12 put it where you said you were going to put it --

13 THE WITNESS: Right, right.

14 MR. NEGRYCZ: -- they could go out
15 there and they could set up a surveyor and say, you
16 know what, you did what you said.

17 THE WITNESS: Sure.

18 MR. NEGRYCZ: All right.

19 So I need to understand how that's
20 going to happen --

21 THE WITNESS: Right.

22 MR. NEGRYCZ: -- and can that
23 information be furnished --

24 THE WITNESS: Yes.

25 The answer to the second part is yes.

1 MR. NEGRYCZ: -- for the record.

2 THE WITNESS: Yeah, the second part is
3 yes.

4 And I will turn to your engineer and we
5 will work that out as to what location or benchmark
6 will be set in order to be able to establish that.

7 And whether that's an existing
8 benchmark that is already out there and it may be
9 already established within the right-of-way that we
10 could use as a frame of reference or a new one that
11 we will set and, you know, have the Township or the
12 Village will -- will know where that is in the
13 future.

14 MR. NEGRYCZ: That -- that way I think
15 it answers a lot of the questions we're hearing.

16 How do we know it's going to be where
17 you say it's going to be?

18 THE WITNESS: Right. Yup.

19 MR. NEGRYCZ: All right.

20 THE WITNESS: That's a very good point.

21 MR. NEGRYCZ: I think that kind of
22 takes that off the table.

23 THE WITNESS: Absolutely, yes.

24 CHAIRMAN BROWN: Board Members,
25 additional questions?

1 MR. PAPIETRO: Yes.

2 Looking at A-17, the first picture you
3 gave us. And I see the darkened side and the LED
4 side. What -- what term did you use to describe
5 these covers?

6 Is there an official correct term --

7 THE WITNESS: Louvers.

8 CHAIRMAN BROWN: Louvers.

9 MR. PAPIETRO: Louvers?

10 THE WITNESS: Yup.

11 MR. PAPIETRO: Okay.

12 So looking at this picture, how many
13 vertical rows are going to have louvers on that right
14 side?

15 THE WITNESS: So --

16 MR. PAPIETRO: How many vertical rows of
17 the LEDs --

18 THE WITNESS: Let me --

19 MR. PAPIETRO: -- will have some kind of
20 louvering?

21 THE WITNESS: Right.

22 Well, let's go -- let's go
23 horizontally, right.

24 So there's going to be -- there's going
25 to be multiple rows running horizontal, left to

1 right, of LEDs.

2 And each -- and it's groups of LEDs,
3 right, the red, green, blue.

4 That was described under previous
5 testimony. There's -- and each one of those three
6 LED, individual little LEDs is going to have the
7 louvers side to side of it.

8 And that's going to happen -- that's
9 going to repeat for every group of LEDs running along
10 every one of those rows of the billboard.

11 So you're going to have, you know,
12 thousands -- you know, hundreds, thousands of these
13 -- of these louvers that will make up the billboard
14 -- the module, itself.

15 MR. PAPIETRO: Okay. I understand the
16 positioning of the louvers to direct the light, but
17 is it going to be on -- how many rows straight up or
18 every -- is it the entire sign or how much of that
19 face --

20 THE WITNESS: The entire sign.

21 MR. PAPIETRO: The entire sign is going
22 to have the louvering --

23 THE WITNESS: The entire sign will have
24 the louvering.

25 MR. PAPIETRO: -- so that it redirects?

1 Okay.

2 THE WITNESS: That's correct.

3 MR. PAPIETRO: So it's every row, top
4 to bottom, across the face?

5 THE WITNESS: That is correct.

6 MR. PAPIETRO: -- 35 feet across and
7 10-feet high.

8 THE WITNESS: That's right.

9 MR. PAPIETRO: Very good.

10 And you mentioned something about this
11 technology earlier.

12 Did I hear it correct, this is existing
13 and you're using it and modifying it, you didn't come
14 up with this? This is existing technology.

15 THE WITNESS: No, this technology has
16 been out there, I can't tell you how long, but I'm
17 going to say within the last, you know, couple of
18 years, few years. It's been there. It's being used.

19 MR. PAPIETRO: Okay.

20 THE WITNESS: It's just that there's
21 different manufacturers that are using it and have
22 implemented it.

23 Outfront, this is -- they're using
24 their specific manufacturer to do so.

25 MR. PAPIETRO: Very good.

1 Now, looking at A-18, this illumination
2 envelope, this yellow dotted line, the left side and
3 right side where you show the shadows, is that a hard
4 illumination line where it stops or is it a soft line
5 and there is still a flooding over?

6 THE WITNESS: That's -- so that's --
7 that's actually a really good point. That's
8 something that I just learned -- actually learned it
9 with this technology, with Outfront's board, they're
10 doing actually something slightly different than what
11 I'm used to.

12 And, again, I don't know if Mr. Duarte
13 described this, but the LEDs, the red/green/blue, are
14 typically in the shape of a triangle, okay?

15 That's -- on most boards, that's how
16 it's been.

17 With these louvers added side to side,
18 the LEDs are actually going to be straight up and
19 down, okay, in a line.

20 And that's because what was found was
21 if you would go on more and more of an angle, you
22 would get a fade.

23 And what would happen is you would get
24 a fade because, again, if you have a triangle, you
25 may see the top of the triangle and the side -- and

1 in the left corner, bottom left corner, but the
2 bottom right corner gets removed first.

3 So you're seeing a partial image and
4 then it fades away to nothing, right?

5 But also at the same time you're --
6 you're getting an altered image because it's not the
7 full all three LEDs working in harmony together,
8 you're only getting two of them that you're able to
9 view, and so it becomes a distorted image, and there
10 might be different colors that start to show up.

11 So by putting them vertical, once we
12 hit the point of no image being seen, again, my
13 example of my hand, they're all getting cut off at
14 once, once you hit that point. So it should just
15 stop at 25 degrees.

16 MR. PAPIETRO: So that yellow dotted
17 line will be -- are you saying it will be a hard
18 line?

19 THE WITNESS: Yeah.

20 MR. PAPIETRO: Noticeable the light
21 ends here and then it's shaded or darkened there
22 (indicating).

23 THE WITNESS: That's correct.

24 MR. PAPIETRO: Okay.

25 THE WITNESS: Yes.

1 MR. PAPIETRO: On both sides?

2 THE WITNESS: On both sides.

3 MR. PAPIETRO: Okay.

4 Now, the -- on that same picture, A-18,
5 you have a measurement that goes out to the furthest
6 distance in the center line.

7 THE WITNESS: That's right.

8 MR. PAPIETRO: Perpendicular.

9 What was the previous distance that you
10 estimated, and is this one longer?

11 THE WITNESS: No, it's --

12 MR. PAPIETRO: Further away.

13 THE WITNESS: It's the same distance.

14 MR. PAPIETRO: Same distance.

15 THE WITNESS: Yeah.

16 It definitely changes out directly from
17 the face facing it straight on. It's only changing
18 on the sides.

19 Follow?

20 MR. PAPIETRO: Okay.

21 So then the control of the lighting, to
22 keep it in this envelope, doesn't extend how far the
23 existing light goes further in the distance?

24 THE WITNESS: I'm not sure what you're
25 saying with that question.

1 Could you repeat it?

2 MR. PAPIETRO: Well, with the change to
3 the illumination not being able to go sideways --

4 THE WITNESS: Right.

5 MR. PAPIETRO: -- it's going to stay
6 along this hard line now that you've created --

7 THE WITNESS: Right.

8 MR. PAPIETRO: -- but are you saying
9 that the total illumination doesn't go any further in
10 depth?

11 THE WITNESS: Right. We're not talking
12 about any more intensity of light, we're just talking
13 about cutting off the light --

14 MR. PAPIETRO: Okay.

15 THE WITNESS: -- at its sides.

16 MR. PAPIETRO: Okay.

17 The last item, the structure for the
18 sign, itself, the support structure --

19 THE WITNESS: Yes.

20 MR. PAPIETRO: -- and all of that
21 framing --

22 THE WITNESS: Yes.

23 MR. PAPIETRO: -- is the color of that
24 framing and that pole going to be selected to
25 complement and be somewhat invisible in the area?

1 Is the color of that going to
2 complement the area, the ambient light, the ambient
3 colors, or it's just going to be some hard, dark
4 color.

5 THE WITNESS: It's typically a hard
6 dark color.

7 MR. PAPIETRO: Okay.

8 THE WITNESS: But we could --

9 MR. WHITAKER: You testified it was
10 going to be black at one time I have my notes.

11 MR. D'ARMINIO: But we could work with
12 the Village on that design and on the color.

13 If that is something that you want.

14 THE WITNESS: And in the past when
15 we've done that, there's such a wide array of palette
16 of colors that are through there, as you could see,
17 between the different uses, I mean, just driving by,
18 the different colors of the different buildings,
19 usually it's an earth tone that's usually chosen that
20 could help to blend in, you know, more of a natural
21 color. And we could work with the Village to pick
22 that color and paint that pole that -- what is
23 chosen.

24 MR. PAPIETRO: Okay. Now, this -- this
25 plan is for the north facing sign. You made some

1 mention of the south facing.

2 Do you have a similar plan to show the
3 board of the existing envelope on the south facing?

4 THE WITNESS: That was provided
5 previously and there's no change to that right now;
6 however, based on the question of Chairman Brown, we
7 will come back to you with potential revisions
8 showing that the modification of that southerly face
9 as well.

10 MR. PAPIETRO: Very good.

11 Thank you.

12 THE WITNESS: You're welcome.

13 MR. PAPIETRO: That's all,
14 Mr. Chairman.

15 MR. D'ARMINIO: Just to be clear, I
16 don't have authority from my client to commit to
17 that, but we are going to investigate that.

18 THE WITNESS: Yes, I'll repeat, I said
19 potentially. We need to -- we need to take a look at
20 other parameters, as I mentioned, the structure, what
21 can be changed.

22 And, again, the -- what can be done to
23 ensure that the visibility is still achieved to
24 traffic heading northbound on Route 17 with that
25 change.

1 CHAIRMAN BROWN: Any board members have
2 any questions.

3 VICE CHAIRMAN BANDELT: I have a quick
4 question.

5 So on Sheet 3 of your site plan, I just
6 want to confirm, so the structure is going to be
7 40-feet high.

8 Is that correct?

9 THE WITNESS: That's right.

10 VICE CHAIRMAN BANDELT: So -- 'cause
11 the zoning table shows that there's no variance
12 required for the height.

13 Is there a variance required for the
14 height?

15 MR. D'ARMINIO: I don't believe so.

16 I think that that's the height that
17 meets the height in the zone for principal use.

18 But I'll check on that.

19 VICE CHAIRMAN BANDELT: The design
20 table --

21 MR. D'ARMINIO: I will check on that.

22 VICE CHAIRMAN BANDELT: Okay. The
23 table shows 30, so if you could just confirm --

24 MR. D'ARMINIO: Oh, my goodness.

25 THE WITNESS: Yes.

1 MR. D'ARMINIO: Does it say 30?

2 THE WITNESS: Yeah.

3 MR. D'ARMINIO: Oh, Jesus.

4 THE WITNESS: Yeah, 30 by -- and that
5 upper chart, by the way, is referencing mainly the no
6 change to the building --

7 (Simultaneous Speaking.)

8 VICE CHAIRMAN BANDELT: Yeah, I
9 understand the building --

10 THE WITNESS: -- the chart below.

11 VICE CHAIRMAN BANDELT: -- isn't
12 changing, yes.

13 THE WITNESS: Right.

14 VICE CHAIRMAN BANDELT: But since we
15 are creating a new structure --

16 THE WITNESS: Yes.

17 VICE CHAIRMAN BANDELT: -- I assume we
18 would need to comply --

19 THE WITNESS: That's correct.

20 VICE CHAIRMAN BANDELT: -- with any bulk
21 variances as well.

22 MR. D'ARMINIO: I see that was the
23 building height, okay.

24 VICE CHAIRMAN BANDELT: Yes.

25 MR. D'ARMINIO: Okay. All right.

1 We'll clarify that.

2 VICE CHAIRMAN BANDELDT: Additionally,
3 would it be possible -- if you could visually
4 describe it to me, the angle that this is oriented is
5 -- has shifted down, or I guess -- I'm losing my
6 direction, but it shifted down, right, relative to
7 this?

8 So how much has that angle changed?

9 THE WITNESS: Yeah, I don't know -- I
10 don't know how many -- I can't tell you how many
11 degrees off.

12 But, again, I can get you that number
13 if you wanted specific.

14 VICE CHAIRMAN BANDELDT: Okay.

15 THE WITNESS: We can note that, too, on
16 the plan if you want it specifically noted.

17 VICE CHAIRMAN BANDELDT: Yeah, it would
18 be helpful just to see, like, where the center line
19 was --

20 THE WITNESS: Sure.

21 VICE CHAIRMAN BANDELDT: -- from the --
22 because we have a lot of testimony about, sort of,
23 this being the correct location (indicating) to have
24 it properly oriented for drivers and whatnot.

25 THE WITNESS: Right.

1 VICE CHAIRMAN BANDELT: I'm just trying
2 to understand how this is changed from the prior
3 testimony. That would be a helpful bit of evidence.

4 Thank you.

5 THE WITNESS: No problem.

6 CHAIRMAN BROWN: All right.

7 MR. WHITAKER: So the record's clear,
8 you've got a 30-foot height requirement so it's the
9 D-6 variance, Mr. D'Arminio.

10 MR. D'ARMINIO: Okay.

11 MR. WHITAKER: If your planner would
12 address that.

13 CHAIRMAN BROWN: I'll go ahead and go
14 to our professionals.

15 Mr. Barree?

16 Can you just speak a little louder?
17 They're having trouble hearing.

18 MR. BARREE: I don't have anything
19 particularly exciting to say, so I'll keep it quick.

20 Mr. Whitaker answered the question with
21 regard to height, that was the only thing I was going
22 to chime in on right now, so... nothing else at the
23 moment.

24 CHAIRMAN BROWN: Okay, thank you.

25 Our engineer, do you have any

1 questions?

2 (No response.)

3 MR. STANDRIFF: I have --

4 CHAIRMAN BROWN: One second.

5 No questions? Okay.

6 Mr. Standriff, go ahead.

7 MR. STANDRIFF: Yes, I'm sorry. I

8 actually didn't hear Mr. Whitaker either.

9 MR. WHITAKER: I'm sorry.

10 MR. STANDRIFF: Could you go over that

11 -- over that 30 feet again, please?

12 MR. WHITAKER: The height is the --
13 limitation of height is 30 feet. They're proposing
14 40, so it's a D-6 variance.

15 CHAIRMAN BROWN: Board Members, any
16 additional questions.

17 (No response.)

18 CHAIRMAN BROWN: Okay. Seeing none, so
19 I'll go ahead and open it up to the members of the
20 public for questions.

21 Just remember, this is the time for
22 members of the public to ask questions of the
23 applicant's witness. It's a time for questions only
24 and not comments.

25 When you come forward, could you please

1 state your name and also spell your name, and then
2 give us your address for the record.

3 And direct your questions to the
4 witness.

5 Go ahead.

6 MS. LIMA: Denise Lima, 319 East Glen
7 Ave., and it's L-I-M-A.

8 You said that this was not new
9 technology. Is it the first time that this company
10 is using it?

11 THE WITNESS: I don't -- this is not
12 new technology, it's out there as far as the louvers.

13 My understanding is, is this is one of
14 the first times that they've used it and specifically
15 for this location.

16 MS. LIMA: Okay. So this is the first
17 time you're going to be testing it is here in
18 Ridgewood.

19 THE WITNESS: No.

20 This is not -- let me clarify. This is
21 existing technology --

22 MS. LIMA: The first time this company
23 -- let me ask my question again.

24 Is it the first time this company will
25 be using this technology?

1 THE WITNESS: I can't know -- I don't
2 know if it's exact, because it's a nationwide
3 company. I know it's specifically, obviously, for
4 this area, I know this is one of the first ones being
5 used.

6 And again, it is not new technology,
7 though, it is just --

8 MS. LIMA: I'm not asking about the
9 technology now, I'm specifically asking if your
10 company --

11 MR. D'ARMINIO: We could --

12 MS. LIMA: -- is the first time using
13 it.

14 MR. D'ARMINIO: We could have -- we
15 could answer that question.

16 We can get it for you at the next
17 meeting.

18 MS. LIMA: Okay. 'Cause there --

19 MR. D'ARMINIO: I agree, I don't
20 believe this is the first time we have used the
21 narrow-view technology.

22 THE WITNESS: Right.

23 MR. D'ARMINIO: But we'll get that --

24 MR. WHITAKER: Check and confirm.

25 MR. D'ARMINIO: -- into the board --

1 MS. LIMA: And I ask -- and I ask
2 because there's over 25 billboards of your company in
3 Bergen County, so having -- nationally, so if there's
4 zero that use it, just getting back to --

5 MR. D'ARMINIO: Okay. I think we could
6 -- I think we could say that this is the first time
7 we've used it --

8 AUDIENCE MEMBERS: In Bergen County,
9 that's correct.

10 MR. D'ARMINIO: It's the first time.

11 MS. LIMA: Okay. So you're testing it
12 for the first time in Ridgewood. Okay.

13 MR. D'ARMINIO: Well, not testing it,
14 but --

15 MR. WHITAKER: Clarify it, would you
16 call it a test?

17 MR. D'ARMINIO: -- first time in Bergen
18 County.

19 The record will stand for itself.

20 MS. LIMA: Okay. I'm not here to ask
21 about anything about the building, I'm trying to get
22 about the views leading up to the -- the billboard.

23 So do we -- have we seen yet what it's
24 going to be like as cars are coming?

25 MR. D'ARMINIO: Yeah, we have done that

1 testimony previously. We have simulations.

2 We have copies of marked exhibits, and
3 we had people testify.

4 We also are going to have our planner
5 will testify as to the vies, if any, that are
6 available to the surrounding area.

7 MR. WHITAKER: That was previously
8 testified to on previous exhibits, we're up to-17,
9 -18 and -19 as the number of exhibits tonight.

10 All of those things are on file in the
11 board's office.

12 MS. LIMA: Okay. And so would there be
13 another opportunity to ask questions specific to
14 those.

15 MR. WHITAKER: Well, when the planner
16 testifies, but not to the engineer that previously
17 testified.

18 MS. LIMA: Yeah, okay.

19 And the planner's due when?

20 MR. WHITAKER: The planner's never
21 testified yet, so --

22 MS. LIMA: Okay, great.

23 Thank you.

24 This picture here is, you're saying, 40
25 feet, so assuming you were on-site and you're coming

1 north/south or approaching the billboard, do you know
2 what's behind this billboard in the distance? Can
3 you -- do you have any -- what do you see as you're
4 approaching, anything behind it?

5 THE WITNESS: Yeah, the Exxon station.

6 MS. LIMA: Exxon station.

7 So on this curve, can you see the
8 steeple of the Paramus church?

9 MR. D'ARMINIO: That wasn't testified
10 to by this -- this -- excuse me, this witness, but
11 the planner --

12 MS. LIMA: Okay.

13 MR. D'ARMINIO: -- that would be a good
14 question to testify -- ask the planner, because that
15 has to do of the standard of the view here, so we'll
16 make sure the planner -- and he's taken the pictures
17 of the area and he's got views from every place,
18 so --

19 MS. LIMA: Okay.

20 MR. D'ARMINIO: -- many places, so
21 he'll answer that.

22 MS. LIMA: Is this the planner's
23 drawing also, or is this the engineer.

24 MR. D'ARMINIO: No, no, that's the
25 engineer's drawing.

1 MS. LIMA: This is your drawing
2 (indicating).

3 THE WITNESS: Yes.

4 MS. LIMA: Okay.

5 So the drawing looks like -- that Route
6 17 is -- is very flat from a horizontal perspective,
7 and it's got a pretty major curve, and I was just
8 interested in understanding why that's not drawn into
9 this site plan.

10 THE WITNESS: Because that short
11 distance -- the short distance that we've surveyed
12 and we're representing in our plan is not as much of
13 a curve as --

14 MS. LIMA: Okay. So if you look at the
15 New Jersey Transportation and Safety pictures --

16 THE WITNESS: Yes.

17 MS. LIMA: -- this is a very big curve
18 at this point --

19 THE WITNESS: Right.

20 MS. LIMA: -- and the reason why I ask
21 that is in this same site, they have statistics about
22 crash --

23 MR. D'ARMINIO: Okay. Could I just
24 indicate that we had a traffic engineer.

25 MR. WHITAKER: Yes.

1 MR. D'ARMINIO: He testified as to the
2 crashes. He compared the accidents to the accident
3 rates and to the national rate.

4 He had a view of an aerial of the
5 entire area that he included the curve -- whatever --
6 the topography and the curvature of the billboard and
7 we do have those exhibits and we've had testimony.

8 MS. LIMA: So that exhibit will tell
9 you that there's --

10 (Simultaneous Speaking.)

11 MR. D'ARMINIO: But in addition -- in
12 addition --

13 MS. LIMA: -- 1. -- of that 1.4,
14 because you had a chance to check --

15 MR. D'ARMINIO: Yes.

16 MS. LIMA: -- of that 1.4 there's been
17 90 accidents in that space.

18 MR. D'ARMINIO: That was what was
19 testified to.

20 MR. WHITAKER: As I explained earlier,
21 the testimony tonight --

22 MS. LIMA: Okay.

23 MR. WHITAKER: -- is not pertaining to
24 that subject matter.

25 That's something that was testified --

1 MS. LIMA: Okay.

2 MR. WHITAKER: -- to at an earlier
3 meeting --

4 MS. LIMA: Uh-huh.

5 MR. WHITAKER: -- and is behind us now.

6 MS. LIMA: Okay.

7 So no -- no more traffic discussions?

8 MR. WHITAKER: You can bring it up when
9 you want to testify --

10 MS. LIMA: Oh, okay.

11 MR. WHITAKER: -- but that is after the
12 presentation is finalized by the applicant.

13 MS. LIMA: Right.

14 MR. WHITAKER: It's not being concluded
15 tonight.

16 MS. LIMA: Okay.

17 Thank you.

18 MR. ROSSI: Good evening.

19 Matthew Rossi, 516 West Saddle River
20 Road. That's R-O-S-S-I.

21 I had two, kind of, questions for the
22 engineer.

23 So Mr. Duarte that testified earlier,
24 he works at the same firm as you?

25 THE WITNESS: Yes.

1 MR. ROSSI: So, I'm just trying to wrap
2 my head he, kind of, testified to things completely
3 to the contrary of what you're saying. He had
4 extensive testimony about how this will not be
5 visible from 545, and now you're testimony from the
6 same firm is testifying that, well, in fact, it will
7 be visible, but we'll put in louvers.

8 So I'm trying to understand, in your
9 professional opinion, should we disregard everything
10 Mr. Duarte said, since you're now testifying the
11 opposite?

12 MR. D'ARMINIO: Well, it -- the
13 testimony will speak for itself, as to what
14 Mr. Duarte said.

15 I think Mr. Duarte, you did say that it
16 was -- at some point that it was possible to be
17 visited --

18 MR. ROSSI: That's why it was too high.

19 MR. D'ARMINIO: Let me finish -- let me
20 finish, and that was one of the reasons why we asked
21 for access to the location so that we could take
22 pictures. We --

23 MR. ROSSI: Well, I'm just suggesting
24 from an engineer from the same firm, if someone
25 testified to something laden with inconsistencies,

1 should we disregard, in your professional opinion.

2 MR. WHITAKER: What the board is going
3 to do is evaluate the testimony of the first witness
4 and this witness. The board has access to the actual
5 transcripts of everything that was said.

6 So when the board renders a decision,
7 they don't render a decision on recollection, they
8 render a decision by looking at the testimony and
9 reading the testimony that was provided.

10 And those transcripts are also
11 available in the board office.

12 MR. ROSSI: I just was calling out from
13 an engineering standpoint, if we're testifying to two
14 opposite things, should we disregard something, in
15 his opinion.

16 MR. WHITAKER: Yes, you're working on
17 an assumption that they are -- that there is a --
18 that there's something different between the two
19 testimonies. You know, you can look at transcripts
20 and you could point out what -- if it is, where it
21 is.

22 MR. ROSSI: Sure, okay.

23 The second point I wanted to talk about
24 was the -- the image on the tripod.

25 Do you happen to know, on the bottom of

1 that image, which is the -- that's the eastbound side
2 of 17, so as you go down on that drawing going
3 further east, do you know what is further down in
4 that area?

5 MR. D'ARMINIO: Again, I'm not sure
6 this is within the scope of Mr. --

7 MR. ROSSI: He's the engineer.

8 MR. WHITAKER: Well, he can answer yes
9 or no --

10 MR. D'ARMINIO: He's given testimony,
11 but --

12 MR. WHITAKER: -- does he no or not.
13 It's a yes or no.

14 MR. D'ARMINIO: All right.

15 MR. WHITAKER: Do you?

16 THE WITNESS: I don't know the specific
17 uses that are on that -- so you're talking about the
18 other side of the highway.

19 MR. ROSSI: So on the image you have
20 up, the bottom of the image represents the eastbound
21 side of 17, correct.

22 THE WITNESS: This -- this -- this
23 would be the northbound side of 17 (indicating).

24 MR. ROSSI: Os that's going north,
25 right, but if you would go -- put your pen straight

1 down, that's going further east and down is even
2 further east, so --

3 THE WITNESS: Right.

4 MR. ROSSI: -- what continues in that
5 plot further down --

6 THE WITNESS: There's a -- there's mix
7 of uses, but I don't know what they are specifically.

8 MR. ROSSI: All right. It's primarily
9 residential, if I may address and that I live there.

10 So I'm wondering if, you know, we
11 should take into consideration on, kind of, a larger
12 scope with your drawing on how many residences would
13 be affected; would that be possible for you to
14 provide a larger image?

15 MR. D'ARMINIO: We have provided a
16 larger image, we provided an aerial of the entire
17 area. That's the -- the second page. We provided
18 testimony as to that, and the planner will provide
19 the testimony as to the lack of impact in any
20 residential areas.

21 MR. ROSSI: We moved the sign around a
22 lot of times and never once has there been an image
23 of the residential area affected, so I'm asking the
24 engineer if that could be provided.

25 MR. D'ARMINIO: The planner -- the

1 planner will deal with that.

2 MR. CURRERI: I do have a question for
3 you I'd like to ask.

4 With this --

5 CHAIRMAN BROWN: Can you talk into your
6 mike.

7 MR. CURRERI: With this 25 degree angle
8 on either side, you're going to be -- is it true
9 you're going to be reducing the amount of time the
10 motorists traveling south will view your billboard,
11 and to what extent is that view time reduced with
12 these 25 degree angles.

13 THE WITNESS: No, our -- our review
14 with our engineer and looking at it extend out, I
15 know, beyond the image that you show -- we show here
16 (indicating).

17 You can see the extension of the line
18 of that cut off as it heads towards the right-hand
19 side of the page, then the road continues to bend
20 more to the north/northeast and away.

21 So we don't see any change with respect
22 to the visibility to the traveling motorist. We just
23 cut it off to be able to affect or impact the
24 neighbor to the north.

25 MALE BOARD MEMBER: All right.

1 MR. ROSSI: That was my question, just
2 if we could see how it affects residences, but I
3 guess you're not the right guy, so maybe someone else
4 will...

5 Thank you.

6 CHAIRMAN BROWN: Thank you.

7 Good evening?

8 MR. BATES: Good evening.

9 And first, thank you to the board for
10 your time and attention tonight.

11 CHAIRMAN BROWN: Just give us your name
12 and address and spell your name for the record.

13 MR. BATES: I forgot that part.

14 CHAIRMAN BROWN: No worries.

15 And you could talk a little bit closer
16 to the mic, just so people can hear.

17 Thank you.

18 MR. BATES: How's this? I don't want
19 to yell into the mic.

20 CHAIRMAN BROWN: Much better, thank
21 you.

22 MR. BATES: All right. I apologize.

23 My name is Robert Bates, B-A-T-E-S.

24 I'm at 62 Walthery in Ridgewood.

25 Walthery is W-A-L-T-H-E-R-Y. I've had

1 to spell that for people for 20 years.

2 The witness, thank you for coming
3 tonight. My question -- I don't know if it's
4 combination of question and comment, I guess.

5 Just from what I noticed during the
6 testimony with respect to what I think you're
7 referring to as narrow-view technology and involving
8 the louvers, in the beginning I was encouraged
9 because you were providing a -- an example with your
10 hands, so that in my lay opinion it looked like, at a
11 certain angle, I would see nothing.

12 THE WITNESS: Right.

13 MR. BATES: But then I was concerned
14 during the testimony you used -- I'm not saying you
15 were trying to get away with anything, but these were
16 your words, you used words where I quoted you -- I'm
17 quoting you here, you said, "It makes it harder to
18 see," which I was thinking, okay, his example sounded
19 like it's impossible to see.

20 And later on, when you were referring
21 to, in your testimony about the building number, I
22 don't recall what it is, I think it's the one with
23 the classrooms, you used the phrase, "does not
24 impact."

25 And I don't know what that meant.

1 But during questioning by one of the
2 board members, you did specifically refer to a hard
3 line.

4 THE WITNESS: Right.

5 MR. BATES: So I'm confused.

6 Can you --

7 THE WITNESS: So I --

8 MR. BATES: Can you say with certainty
9 where those lines are --

10 THE WITNESS: Yes.

11 MR. BATES: -- if I'm on one side of
12 the line I'll see the light and on the other side of
13 the line, a foot later or so, I will not see the
14 light.

15 THE WITNESS: Right, that is -- yes.

16 With the technology and the louvers,
17 that is the intention; that you get to a point and
18 you will not see it, it will cut off. It will not
19 gradually cut off, it will just stop because of the
20 orientation of the louvers and the orientation of the
21 LEDs being vertical, you will get to that point of
22 the 25 degrees and it will stop and you will not see
23 the image.

24 MR. BATES: Okay.

25 Now the next part of my concern is how

1 do you know that? Because -- excuse me -- because
2 it's my understanding that you essentially have --
3 you have an educated background, I understand that.
4 You have a lot of experience.

5 But it sounds to me, from what I heard
6 tonight, you have no firsthand experience with this
7 technology; that you're relying on either things
8 you're reading or things you're told, and that I was
9 a little disappointed to hear that the company
10 doesn't even have any experience in this.

11 I was encouraged when someone asked can
12 we go look at one of these things, but we don't know
13 where one is.

14 So if possible, I'd like to know if
15 it's possible for the board to request or for you
16 guys to do, to have somebody provide some testimony
17 that, again, with all due respect to your testimony
18 --

19 MR. WHITAKER: Well, Mr. D'Arminio
20 committed to trying to find the locations.

21 MR. D'ARMINIO: Yeah, we will.

22 And we will also consider doing some
23 additional -- we won't just leave it here, we'll look
24 to see if maybe we can do some additional work with
25 this to allay those fears, and we'll find another

1 location and -- and I'll provide that to you,
2 Mr. Whitaker.

3 MR. WHITAKER: Yes.

4 To the board.

5 MR. D'ARMINIO: We will do that. Okay.

6 MR. BATES: I'm sorry, does that refer
7 to a new witness as well.

8 MR. WHITAKER: He'll give us an answer
9 to your question for a future meeting, so you'll have
10 the ability to know also.

11 MR. BATES: Thank you very much.

12 CHAIRMAN BROWN: Thank you.

13 Hello, good evening.

14 MS. DeSILVA: Hi, Frettra DeSilva, 521
15 -- DeSilva, D-E, space, S-I-L-V-A. Frettra DeSilva
16 521 West Saddle River Road.

17 My questions are, just to follow on
18 with what the previous gentleman said, the statement
19 that was made was that you would not see the image.
20 Would you see the light?

21 THE WITNESS: When you say "see the
22 light" --

23 MS. DeSILVA: Past that angle. You
24 were just talking about at that certain point you
25 wouldn't see the image.

1 THE WITNESS: Right.

2 MS. DeSILVA: Would you see the light?
3 Would -- would there just still be a light.

4 THE WITNESS: You would not see the
5 image. So you wouldn't see the light from the image.
6 Do you see a glow, a reflection off of other surfaces
7 --

8 MS. DeSILVA: Yeah, that's it.

9 THE WITNESS: -- that's -- yeah,
10 there's potential for that.

11 MS. DeSILVA: Okay.

12 So there'll be a glow or a light or --

13 THE WITNESS: There -- there could be,
14 again, depending on the conditions, nighttime within
15 that parabola, you will see -- there will be glow in
16 that area that one out -- someone outside of the area
17 -- again, it's -- it's -- it's no different than, you
18 know, the light in the distance, right, the light in
19 the distance that you see -- or might see, but
20 doesn't shine light on you, if you understand what
21 I'm saying.

22 MS. DeSILVA: Yes.

23 THE WITNESS: Headlights in the
24 distance sort of thing, right.

25 MS. DeSILVA: There was -- in other

1 words, we're changing the atmosphere, you'll see some
2 light, there'll be --

3 THE WITNESS: Again, yeah -- again, to
4 the extent that you would, I wouldn't -- that's a
5 good question. I can provide a little bit more data
6 again with respect to the louvers, and the other
7 gentleman's question, which was a good one, you know,
8 additional data, just to give you further
9 clarification on that.

10 MS. DeSILVA: Okay.

11 'Cause, you know, we were looking at
12 this, it seems like it's black.

13 So, you know, you can see everything
14 here and then you step over here and you can't see
15 anything, so I just want to, you know, understand
16 that part. All right.

17 Now, the sign is bigger, right, you
18 said from 30 to 35; is that the...

19 THE WITNESS: No, the sign is not
20 bigger --

21 MS. DeSILVA: The sign is not bigger.

22 THE WITNESS: No.

23 MS. DeSILVA: Okay.

24 THE WITNESS: The sign is not bigger,
25 it's just that the -- I'm going to go -- so the

1 distance -- here's -- here's the front edge of the
2 sign, closer to the road (indicating).

3 MS. DeSILVA: Uh -- huh.

4 THE WITNESS: And so again, picture a
5 V, so that's where my two hands are coming together
6 (indicating).

7 At the point where my fingers are, the
8 tips of my fingers (indicating), that was 30 feet.
9 We went to 35 feet in separation at the top.

10 MS. DeSILVA: Okay. Okay.

11 And how does that impact how far the --
12 the image is carried.

13 THE WITNESS: Not -- not a difference
14 --

15 MS. DeSILVA: Not a difference.

16 THE WITNESS: -- with respect to how
17 far forward out from the face that that image is
18 carried.

19 MS. DeSILVA: Okay, okay.

20 And we didn't -- your consideration in
21 making these changes were only with respect to the
22 scope of appointments and your considerations in
23 trying to make these adjustments were only with
24 respect to the neighbor to the north.

25 THE WITNESS: That's correct.

1 MR. D'ARMINIO: I'm not sure that --
2 I'll ask some questions. I'm sorry, I interrupted
3 you.

4 Go ahead.

5 MS. DeSILVA: Okay.

6 So there's been no consideration of any
7 other -- in making any of these changes or the impact
8 of these changes on any other residents, commercial
9 places or anything on that map or outside of that
10 map?

11 THE WITNESS: There's no other -- no
12 there changes have been made to the plan other than
13 as what I've testified to.

14 MS. DeSILVA: No, no, I'm saying, there
15 wasn't any consideration of impact outside of the
16 impact on that one neighbor.

17 THE WITNESS: Well, there's -- there
18 has been consideration from the -- from the very
19 beginning as far as impact.

20 The orientation --

21 MS. DeSILVA: No, I'm just talking
22 about these changes.

23 THE WITNESS: Again, the sign -- the
24 change to the north face was as a result of comments
25 -- comments and testimony at the -- at the previous

1 meetings, and concern over the visibility of that
2 northern sign, and that's the direction we took to
3 make the changes to that northern facing sign.

4 MS. DeSILVA: Okay.

5 Thank you.

6 THE WITNESS: You're welcome.

7 MR. WHITAKER: So perhaps we can take
8 the mystery out of that aspect --

9 CHAIRMAN BROWN: Thank you.

10 MR. WHITAKER: -- with looking at
11 addresses here and locations that you've gotten these
12 addresses, that if you just extended that on another
13 exhibit for the next meeting.

14 THE WITNESS: Yes.

15 MR. WHITAKER: And -- and pinpoint
16 those addresses --

17 THE WITNESS: Right.

18 MR. WHITAKER: -- because I think you
19 may see that they may be outside of the -- they may
20 be within that black triangle spreading out further.

21 MR. D'ARMINIO: Yeah, I mean, it -- can
22 I ask you as a follow-up question there, I mean, it
23 does -- we -- the iteration was the neighbor, the --
24 that prompted it.

25 But it has an impact on the surrounding

1 -- it has an impact as indicated.

2 THE WITNESS: Oh, absolutely. It
3 definitely does.

4 MR. WHITAKER: So the question's been
5 asked a few times, if you're looking at that
6 triangle, the black triangle, how far it extends out,
7 what does it touch on the other side of the highway?
8 So if you just went further with it, we would know.
9 Right.

10 THE WITNESS: Right.

11 MR. WHITAKER: I think that will give a
12 lot of information to these residents.

13 THE WITNESS: Yeah, we will superimpose
14 that onto the larger aerial and provide that.

15 MR. WHITAKER: Okay.

16 VICE CHAIRMAN BANDELT: Just to clarify
17 something I said earlier, too, if you're going to
18 look at that, can we make sure we look at having
19 louvers on both sides --

20 THE WITNESS: Yes, I will.

21 VICE CHAIRMAN BANDELT: -- and how that
22 expands the -- you know, to the specific properties
23 as well.

24 MR. D'ARMINIO: We will talk to the
25 client.

1 VICE CHAIRMAN BANDELT: Thank you.

2 MR. WARD: Good evening.

3 Could I go now?

4 Dave Ward, 552 Route 17 North.

5 The shaded area, is that where the sign
6 will not illuminate?

7 THE WITNESS: That's where the sign
8 will not be -- the image will not be visible.

9 MR. WARD: All right.

10 So the people that -- which is me,
11 directly across the highway from that, your louvers
12 will not help me in any way, shape or form; correct?

13 THE WITNESS: I don't know exactly
14 where you are in relation to --

15 MR. WARD: Well, I'm directly across
16 the highway from it, on the other side of the shaded
17 area.

18 MR. D'ARMINIO: Okay. We will have
19 testimony as to all the -- the nearest residences,
20 the other ones, there's trees, there's an overpass.

21 We have testimony as to everyone, and
22 we will --

23 MR. WARD: Trees lose leaves in the
24 fall --

25 MR. D'ARMINIO: -- indicate and we know

1 your address and we'll take a look at your address,
2 too.

3 MR. WARD: And then on the -- I guess
4 the south side of that, that will all be illuminated,
5 too; correct.

6 Because the Village is going to cut
7 down all the trees on the other side of that for a
8 ball field, so everybody on the other side is going
9 to be affected by that.

10 MR. D'ARMINIO: We're going to deal
11 with that --

12 MR. WARD: So I hope your louvers do
13 something about that, too.

14 MR. D'ARMINIO: We'll deal with that in
15 testimony.

16 MR. WARD: Yeah, I'll believe that when
17 I see it.

18 CHAIRMAN BROWN: Thank you.

19 Good evening.

20 (Whereupon, off-the-record discussion
21 is held.)

22 MR. DeSILVA: Rohan DeSilva, 521 West
23 Saddle River Road.

24 So I'm asking questions specifically to
25 specific people, and I would like them to answer

1 because it relates to them, not to anyone else.

2 CHAIRMAN BROWN: Sure. Your question

3 --

4 MR. DeSILVA: That's a fair point.

5 CHAIRMAN BROWN: That's a fair point,
6 but your questions are for the applicant's witness,
7 the engineer, or for the applicant's attorney.

8 MR. DeSILVA: Well, for both.

9 For both.

10 CHAIRMAN BROWN: Those are your -- or
11 you could -- sure.

12 MR. DeSILVA: But I will -- I will ask
13 one by one --

14 CHAIRMAN BROWN: Okay.

15 MR. DeSILVA: -- so that I will deal
16 with the engineering first and then I will go to the
17 attorney.

18 Okay. And I'd like to preface these
19 remarks to say that I'm not being antagonistic, I'm
20 only asking questions in search of information.

21 Okay. So number one, Mr. Engineer, in
22 lieu of butchering your name --

23 THE WITNESS: That's okay.

24 MR. DeSILVA: So, Mr. Engineer, I was
25 on the website, thank you for that information.

1 THE WITNESS: You're welcome.

2 MR. DeSILVA: Your professional
3 engineering license number with the State of New
4 Jersey is not there.

5 May I have that?

6 THE WITNESS: 41987.

7 MR. DeSILVA: I'm sorry.

8 THE WITNESS: 41985, sorry. 41985.

9 MR. DeSILVA: 41985.

10 THE WITNESS: Yes.

11 MR. DeSILVA: Okay.

12 And because I've had to look for this,
13 another thing -- and other issues dealing with the
14 town, and because we've had to request transcripts
15 from Rutgers University, I know you graduated in '94,
16 but which semester? Because they were lost.

17 MR. D'ARMINIO: I believe --
18 Mr. Chairman, Mr. Whitaker, I believe he's been
19 accepted as an expert witness already.

20 Are we doing another voir dire of it?

21 I just --

22 MR. WHITAKER: Yes, those are questions
23 were to be asked -- those questions were to be asked
24 when we had him qualified as an expert witness --

25 MR. DeSILVA: This is the first time --

1 MR. WHITAKER: -- you could have
2 disputed him being an expert then.

3 MR. DeSILVA: This is the first time
4 he's coming.

5 MR. WHITAKER: Is it relevant as to
6 which semester he graduated.

7 He's testified he's a graduate. He has
8 a degree.

9 MR. DeSILVA: Yes, but just for your
10 information, Mr. Whitaker, I've requested transcripts
11 from Rutgers for other issues with the town, and they
12 want a graduation date.

13 MR. WHITAKER: So --

14 MR. DeSILVA: -- and I'm entitled to get
15 --

16 MR. WHITAKER: So let's -- let's
17 clarify, let's end this by saying what year did you
18 graduate.

19 THE WITNESS: 1994.

20 MR. WHITAKER: New Brunswick campus.

21 THE WITNESS: New Brunswick campus,
22 yes.

23 MR. WHITAKER: In the School of
24 Engineering.

25 THE WITNESS: That's correct.

1 Which was actually on the Busch campus,
2 but it's Rutgers New Brunswick.

3 MR. DeSILVA: May I continue.

4 MR. WHITAKER: Certainly.

5 MR. DeSILVA: Okay.

6 So, thank you. My son's -- takes a lot
7 of classes on the Busch campus, so I'm there
8 frequently to pick him up and so on.

9 That's your professional license with
10 the State of New Jersey. I did not get that for
11 Mr. Duarte as well.

12 So I don't need it now, but if you
13 could provide it to the zoning board, that would be
14 --

15 THE WITNESS: His license number is on
16 the sheet, site plan sheet, if you look at --

17 MR. DeSILVA: Oh, okay.

18 THE WITNESS: Both our names are on the
19 site plan sheet and both our license numbers are on
20 the site plan sheet.

21 MR. DeSILVA: Okay.

22 And the same with his education, which
23 is --

24 THE WITNESS: You can -- yeah, you can
25 look that up as well, it's on the company website.

1 MR. DeSILVA: Is he Rutgers, too.

2 THE WITNESS: I believe so, yes.

3 MR. DeSILVA: Okay.

4 And I can call your office and get that
5 information if I'd like.

6 THE WITNESS: Absolutely.

7 MR. DeSILVA: Okay, thank you.

8 Is Dynamic Engineering Consultants and
9 its affiliated companies, how many affiliated
10 companies are there?

11 MR. D'ARMINIO: Mr. Chairman --

12 MR. WHITAKER: That's an irrelevant
13 question.

14 MR. DeSILVA: It's irrelevant.

15 MR. WHITAKER: Irrelevant question.

16 MR. DeSILVA: Could you please speak
17 into the microphone? I would hear you better.

18 MR. WHITAKER: I'll say it a third
19 time, irrelevant question.

20 MR. DeSILVA: Okay. I ask this because
21 I'd like to know if there's a conflict of interest.

22 Where would I find the affiliated list
23 of companies?

24 MR. WHITAKER: It's irrelevant question
25 to what this gentleman has testified to tonight.

1 Move on.

2 MR. DeSILVA: No, he testified that
3 he's a -- he's a member of this in the Chester
4 office, and he gave us background on the office and
5 background of Dynamic Engineers.

6 I believe I'm entitled to this
7 information.

8 MR. WHITAKER: Well, I'm telling you
9 that it's irrelevant for what we are to consider.
10 Move on to the next question.

11 MR. DeSILVA: Chairman, is this -- is
12 he the Chairman or are you the Chairman? Is this
13 irrelevant.

14 MR. WHITAKER: I am giving advice to
15 the board as their attorney --

16 CHAIRMAN BROWN: He is our board
17 attorney --

18 MR. WHITAKER: -- and I'm telling you
19 that you have to direct your questions to what was
20 testified to tonight.

21 He's been qualified as an expert
22 witness. The questions that you would be directing
23 now would pertain to the testimony he gave about the
24 exhibits that he provided tonight and the reasons for
25 those exhibits.

1 MR. DeSILVA: Okay.

2 The attorney has also been testifying
3 tonight and clarifying, right?

4 MR. WHITAKER: Attorney doesn't
5 testify, he clarifies or he provides information and
6 makes representations on behalf of his client.

7 MR. DeSILVA: Okay, wonderful.

8 Mr. Attorney, what year did you
9 graduate from law school?

10 MR. WHITAKER: Irrelevant. He's an
11 attorney that practices in the State of New Jersey,
12 he's licensed. He's not a fact witness.

13 MR. DeSILVA: What does it take to be a
14 licensed attorney in the State of New Jersey.

15 MR. D'ARMINIO: I'm not --

16 MR. WHITAKER: Irrelevant as to --

17 MR. DeSILVA: No, I'm asking you,
18 Mr. Whitaker.

19 MR. D'ARMINIO: It's --

20 MR. DeSILVA: You have to meet certain
21 CLE requirements. You've got to be admitted to the
22 -- admitted and you have to maintain your standing in
23 good standing; correct.

24 CHAIRMAN BROWN: Mr. DeSilva, we really
25 need to just -- we're not going to go into

1 questioning the background or the licenses or the
2 education or the -- of the attorney or the engineer.
3 We've accepted it. They've been --

4 MR. DeSILVA: Who has accepted it.

5 CHAIRMAN BROWN: As a board, we have
6 the right to accept it. They have come before us
7 multiple times --

8 MR. DeSILVA: And you don't ask for
9 confirmation.

10 CHAIRMAN BROWN: They've come before us
11 multiple times. They've come before us multiple
12 times. They would not be here if they weren't
13 licensed correctly.

14 MR. DeSILVA: This gentleman said he
15 hadn't been here before except many years ago.

16 CHAIRMAN BROWN: He's been in front of
17 many board within New Jersey. They're accepted.

18 If you have -- like, if you have any
19 questions pertaining to his testimony tonight that's
20 around the angles of the light, the louvers, what
21 they changed, that's what you need to sort of focus
22 on right now.

23 MR. DeSILVA: Okay.

24 The billboard has not increased in
25 size?

1 THE WITNESS: No.

2 MR. DeSILVA: You have not studied the
3 patterns beyond your -- that south side of Route 17.

4 THE WITNESS: Can you repeat the
5 question.

6 MR. DeSILVA: You have not done any
7 impact studies beyond Route 17, the south side of
8 Route 17.

9 MR. D'ARMINIO: This -- this witness.
10 Of this witness, okay.

11 MR. WHITAKER: It's a yes-or-no
12 question.

13 THE WITNESS: No.

14 MR. DeSILVA: When did you do this.

15 MR. D'ARMINIO: It's my application.
16 We have another witness to that, not this witness.

17 MR. DeSILVA: I would ask that everyone
18 that comes before the board and testifies in a
19 professional capacity or as an expert of any kind,
20 that their documents and their credentials be
21 examined thoroughly, because we are in another
22 situation with the Village of Ridgewood that there
23 are potential issues.

24 And I have every right to, as a
25 citizen, and I don't think it's irrelevant, it's

1 perfectly relevant to ask for the credentials of the
2 people up there making these requests of the town.

3 CHAIRMAN BROWN: All right, just -- I
4 just want to answer that in one simple way, right.

5 We're a quasi-judicial board. So when
6 they testify, they are under oath. They are not
7 there -- they're under oath to where they cannot lie
8 about anything, right? We can question that, but
9 they're under oath. Their licenses are at stake if
10 they testify untruthfully.

11 MR. DeSILVA: Right.

12 CHAIRMAN BROWN: Whatever happens at
13 Village Council meetings with people, they are not
14 testifying under oath.

15 MR. DeSILVA: Okay.

16 CHAIRMAN BROWN: We are very different
17 from them from a quasi-judicial hearing perspective.
18 They're under oath. If they lie, their licenses can
19 get removed.

20 MR. DeSILVA: Who -- who on the board
21 --

22 CHAIRMAN BROWN: If it's determined on
23 the board that they are not being truthful to us or
24 they're lying about their credentials, we would turn
25 that in and they would go from there. They're under

1 oath.

2 MR. DeSILVA: Okay. So the board, for
3 example, didn't say okay, Mr. Engineer, is coming
4 before us, he has a degree, he says this, but nobody
5 checks the veracity of this -- of these credentials.
6 Nobody checks.

7 It's just accepted.

8 MR. WHITAKER: So, Mr. DeSilva, I'll
9 answer it very simply. He's under oath, as the
10 Chairman has stated.

11 Under oath is --

12 MR. DeSILVA: I'm sorry.

13 MR. WHITAKER: He's under oath. Okay?
14 So the board is accepting the truthfulness of his
15 statements.

16 He has testified that he's licensed in
17 the State of New Jersey. There is a seal on the
18 plans that have been marked into evidence that has
19 his license number on it.

20 On the basis of that, he's a licensed
21 engineer in the State of New Jersey.

22 MR. DeSILVA: And you don't check with
23 the licensing department.

24 MR. WHITAKER: No.

25 And if that upsets you, you could go

1 check.

2 MR. DeSILVA: So I have to go and check
3 and --

4 MR. WHITAKER: You don't have to do
5 anything, Mr. DeSilva, but it's not anything the
6 board has to do.

7 MR. DeSILVA: Don't you think it's --

8 MR. WHITAKER: You may not like my
9 answer, but that's the answer.

10 MR. DeSILVA: No, I like your answer
11 because you're giving me a direct answer.

12 MR. WHITAKER: You may not like my
13 answer, but that's the answer I'm giving you.

14 MR. DeSILVA: Okay.

15 I like your answer because it's a
16 direct answer.

17 And then I can rebut it.

18 So --

19 MR. WHITAKER: Next question.

20 MR. DeSILVA: The next question is that
21 how do you just rubber stamp people coming to the
22 board if you don't check? I think it's part of your
23 due diligence to check.

24 And you may not like my answer, but --
25 by your behavior now, but the question is a

1 legitimate one.

2 CHAIRMAN BROWN: Mr. DeSilva --

3 MR. DeSILVA: People are presenting
4 themselves --

5 CHAIRMAN BROWN: We heard --

6 MR. WHITAKER: That's your opinion,
7 you're not testifying --

8 MR. DeSILVA: No, it's not my opinion.

9 MR. WHITAKER: Ask a question.

10 MR. DeSILVA: Why are you not checking
11 on their credentials of these --

12 CHAIRMAN BROWN: Because we --

13 MR. WHITAKER: Because we do not have
14 to.

15 Next question.

16 CHAIRMAN BROWN: Your -- you have to --

17 MR. DeSILVA: Who has -- who has
18 oversight on that.

19 MR. WHITAKER: Next question.

20 MR. DeSILVA: Who has oversight on
21 that.

22 MR. WHITAKER: No one has to have
23 oversight. He's testified --

24 MR. DeSILVA: So the board's counsel
25 can't tell you that you have to check the credentials

1 of people.

2 MR. WHITAKER: Mr. DeSilva, you are so
3 far off base with the questions you are asking now, I
4 will tell you straight out, it's an embarrassment.

5 Move on to the next question.

6 MR. DeSILVA: I agree it's an
7 embarrassment, but I think it's for the board and the
8 counsel that they're not checking the credentials of
9 people that --

10 CHAIRMAN BROWN: Mr. DeSilva --

11 MR. DeSILVA: -- that are testifying as
12 expert witnesses.

13 CHAIRMAN BROWN: -- if you want to
14 bring that up at the Council, bring that up at the
15 Council, that doesn't have -- it's not in our
16 purview.

17 Again, this time is for questions only
18 of the applicants or the applicant's witness to what
19 they've testified to.

20 MR. DeSILVA: They're testifying based
21 on their professional --

22 CHAIRMAN BROWN: We're having a
23 roundabout --

24 MR. DeSILVA: -- expertise.

25 CHAIRMAN BROWN: -- conversation.

1 There's nothing that I can change about it, so --

2 MR. DeSILVA: -- no, no, what I'm
3 saying is --

4 CHAIRMAN BROWN: -- there's nothing
5 that I can change about it.

6 MR. DeSILVA: -- what I'm asking is --
7 is valid because --

8 CHAIRMAN BROWN: So we just need to --
9 we need to move on.

10 If you want to bring it up with the
11 Council, you need to bring it up directly with the
12 Council.

13 As I said, they're under oath. That is
14 very different than what goes on at Council meetings.
15 They're testifying under oath.

16 MR. DeSILVA: Okay.

17 CHAIRMAN BROWN: They can be sanctioned
18 for that, they can be --

19 MR. DeSILVA: But if nobody checks,
20 there's no sanction.

21 Somebody has to check.

22 CHAIRMAN BROWN: If you wanted to
23 check, you can certainly check.

24 MR. DeSILVA: Okay.

25 CHAIRMAN BROWN: We've done this for a

1 long time, this is the way it, sort of, works.

2 MR. DeSILVA: Yes.

3 CHAIRMAN BROWN: And, you know, if you
4 have a question of the applicant's witness --

5 MR. DeSILVA: I'd like the -- I'd like
6 the business card of the attorney and the business
7 card of the engineer, please.

8 CHAIRMAN BROWN: If you -- if you'd
9 like to approach them afterwards and ask for a
10 business card, it's up to their prerogative to give
11 it to you. I can't -- it's not under my purview as
12 Chairman of this board to have them do that.

13 MR. DeSILVA: Okay.

14 CHAIRMAN BROWN: Okay.

15 MR. DeSILVA: Thank you.

16 CHAIRMAN BROWN: Thank you.

17 MR. ROTH AUG: Walter Rothaug,
18 558 Hillcrest Road, Village of Ridgewood.

19 I apologize if I bring up something
20 which may -- the board may have questioned on,
21 because I do not hear very well.

22 And so if, you know...

23 I thought maybe something might have
24 been said about this. The turning of the sign which
25 is 25 degrees on either side, correct?

1 MR. WHITAKER: That's a question for
2 the engineer.

3 THE WITNESS: So --

4 MR. WHITAKER: The question was, the
5 turning of the sign is 25 degrees on either side.

6 Is that correct?

7 THE WITNESS: Okay. That's not
8 correct. It's not the turning of the sign, it's that
9 the view of the image, if you're standing on --

10 MR. ROTH AUG: So -- go ahead. Go
11 ahead.

12 THE WITNESS: -- if you're standing in
13 front of the sign, if you're standing in front of the
14 sign and you move to 25 degrees away from
15 perpendicular from the sign, or at the sign, you will
16 lose the image. It will go away.

17 So 25 degrees off of perpendicular, the
18 image will go away.

19 MR. ROTH AUG: All right. Now, I notice
20 that you say this makes the image go away --

21 THE WITNESS: Yes.

22 MR. ROTH AUG: -- particularly to a
23 building which was -- is your plan anyway.

24 But doesn't this -- the Route 17 turns
25 at this point (indicating). Doesn't this enhance the

1 vision on Route 17 because there's a turn, you're now
2 facing that sign directly.

3 THE WITNESS: The sign was always
4 facing towards Route 17 in a similar manner in the
5 previous -- with the previous setup of the board.

6 This change, all it does is narrow the
7 focus to that area more versus out to the side.

8 MR. ROTH AUG: But it was facing -- if
9 you changed it before it was facing 25 degrees away
10 from Route 17, and now it's changed almost directly
11 on Route 17 facing both southbound and northbound,
12 'cause this changes on both sides --

13 THE WITNESS: No, it didn't -- it did
14 not change -- for the sign that faces southbound, it
15 did not change.

16 The sign that faces northbound, there
17 was a -- the only change was the angle of the sign,
18 shifting it 5 feet off center.

19 But as far as the 25 degree visibility
20 to the sides, that has no impact on the traffic. The
21 traffic is still going to see the sign in a similar
22 manner as originally proposed.

23 MR. ROTH AUG: Okay.

24 But it's now -- well, in other words,
25 the -- the whole sign, at least on one side, has been

1 altered by 25 plus 25 or 50 degrees, which is more
2 than half a right angle, correct?

3 THE WITNESS: It's been altered.

4 It's been altered, though, in a
5 different way than you're describing. It's been
6 altered such that from the side of the sign, from the
7 -- from the side of the sign to the west and to the
8 east, the visibility has been reduced.

9 Now, that's the shadows. So it's been
10 reduced such that the focus is only out towards the
11 roadway.

12 MR. ROTH AUG: Yes. Well, if you reduce
13 it in one direction, you must increase it in the
14 other actually.

15 THE WITNESS: That is in -- that is
16 incorrect, because we have two sides. So we're
17 making changes to both sides in reducing the
18 visibility and, essentially, centering the visibility
19 of the sign to the road. That's what this exhibit
20 shows.

21 MR. ROTH AUG: All right. Let me ask
22 another question.

23 Does not this -- the alteration of the
24 sign which you're saying changes the view of the
25 sign, this sounds like a new application.

1 Is this -- is this a change which has
2 been made tonight which is substantial; does this
3 affect all the testimony that has been given up till
4 now.

5 MR. WHITAKER: An applicant, under the
6 law, has the right to make modifications to an
7 application as they are proceeding with hearings.
8 This is a modification. He's testified that the sign
9 itself is at the same location. Angles of sign have
10 changed. That -- that is not something that is
11 uncommon when an application comes before this board
12 that, during the course of an application, an
13 applicant, whether it be a residential application or
14 a commercial application, modifications can be made,
15 amendments are made.

16 It's not a new application.

17 MR. ROTH AUG: When is -- you know, I
18 would say that if a substantial change is made, this
19 might be a new -- this might be -- invalidate the
20 testimony which is taken up to this point.

21 MR. WHITAKER: You may say that. It
22 would be up to the board to consider that.

23 MR. ROTH AUG: All right.

24 I wish the board would consider this,
25 and it seems like there was a -- at least to me, it

1 seems like a substantial modification of the
2 application was made.

3 And I also would question the --
4 whether the testimony which was taken up to this
5 point is, you know, relevant to the changes on this.
6 I just wish the board would consider that, this issue
7 when they, you know, as they go forward.

8 So I would say, I guess from that,
9 thank you very much and...

10 CHAIRMAN BROWN: Thank you very much.
11 Good evening.

12 Hi, good evening. This is a reminder,
13 if you could please state your name, spell your name,
14 give us your address.

15 And if you could, direct your questions
16 to the applicant's witness, the engineer.

17 Thank you.

18 MS. HADERTHAUER: Diane Haderthauer,
19 H-A-D-E-R-T-H-A-U-E-R, 470 Albin Court.

20 I'm looking at a map that you handed
21 out tonight, and you mentioned -- I don't -- I'm not
22 going to state it verbatim, but that there were quite
23 a number of trees that were part of the buffer for
24 the homes that are in this area.

25 And at the last meeting that we had,

1 which I know was several months ago, and I don't
2 remember if you personally were here at that meeting,
3 but I asked if we could see a map in the winter
4 instead of in the summer because most of these trees
5 are deciduous, and they don't exist for at least six
6 months out of the year.

7 And if you're going to give us an
8 aerial view showing us the trees that would help to
9 buffer some of the light from this sign, I really
10 would appreciate it -- and this is the second time
11 I'm asking -- for a map that shows a winter scene,
12 autumn to spring, when the trees are not here.

13 The foliage is not here. The trees are
14 here, the foliage is not.

15 MR. D'ARMINIO: That is not the
16 testimony of this witness.

17 We have a planner that will do that,
18 but we will also have testimony that the parameters
19 of any -- any light is .3 above ambient and then it
20 gets to zero pretty much very quickly after that.

21 We've had testimony as to the extent of
22 any light impact and it's 0.3 above ambient, and that
23 shows the extent of it.

24 That's the yellow line on that -- on
25 that exhibit, is that 18?

1 And it only goes to -- and that's .03
2 -- that's 0.3 over ambient and that only goes to the
3 highway. It does not extend anything further.

4 And there's a distinction between -- I
5 don't know if there's a distinction -- and we'll go
6 into that, too -- as to what could be seen from the
7 neighbors and any kind of light impact on the
8 neighbors. And we explained that and we'll explain
9 that further.

10 Now, as to whether -- I don't recall
11 whether our photos were taken in the summer or the
12 winter, but I know we have photos that were taken and
13 Mr. McDonough is going to testify to those.

14 MS. HADERTHAUER: They always seem to
15 be taken in the summer when the trees are full, but I
16 know at the last meeting, and I don't really recall
17 who was there, it was said that at the next meeting,
18 which I -- I appreciate the fact that it's -- you
19 know, it's been about six months, that there would be
20 a map showing the area without the trees that are not
21 -- the foliage that's not there six months out of the
22 year.

23 CHAIRMAN BROWN: I don't remember if we
24 said anything about foliage, but we did talk about a
25 more extensive map that had the property owners on

1 the other side and all of that, that they were going
2 to provide to us. So they still need to provide
3 that.

4 That testimony will probably come with
5 their planner, as they weren't planning on testifying
6 with -- to that tonight.

7 Again, they're just -- have the one
8 witness that's testifying about the change in the
9 angle of the sign and the new technology with the
10 louvers.

11 MS. HADERTHAUER: So this is not a
12 follow-up from the last meeting.

13 CHAIRMAN BROWN: It's a continuation of
14 the last meeting, but --

15 MS. HADERTHAUER: With different
16 witnesses.

17 CHAIRMAN BROWN: -- I would say that
18 they don't have the right witness here to testify to
19 what you're asking for. They will bring that witness
20 to testify.

21 MS. HADERTHAUER: They will bring that
22 --

23 CHAIRMAN BROWN: Yes.

24 MS. HADERTHAUER: -- at the next
25 meeting.

1 CHAIRMAN BROWN: Yes, the board would
2 definitely want that. Yes.

3 MS. HADERTHAUER: Okay. And I just
4 wanted to ask, where the curvature is in that road,
5 there's also a merge at that point. I don't know
6 how, between the merge and the curve, how -- is there
7 any way you can tell the effect of the distraction?
8 Is this for engineers or somebody else.

9 MR. D'ARMINIO: We had a whole night of
10 testimony from Justin Taylor he talked about dwell
11 times. He talked about the federal standards. He
12 talked about how this met the federal standards, that
13 it was not a distraction.

14 That testimony has all been done.

15 As Mr. Whitaker indicated, there is --
16 we bought a tran -- we got a transcriber here, we
17 have a transcript. And we've given that -- the
18 transcript to the town.

19 So if you'd like to look at that, it
20 was Justin Taylor's testimony.

21 MS. HADERTHAUER: Okay.

22 MR. D'ARMINIO: And he did talk about
23 the configuration of the roadway and he talked about
24 the -- as well as other aspects in terms of traffic
25 safety.

1 MS. HADERTHAUER: Okay.

2 Thank you.

3 CHAIRMAN BROWN: Thank you.

4 Any other members of the public that
5 would like to ask any questions?

6 (No response.)

7 CHAIRMAN BROWN: Okay, seeing none,
8 Mr. D'Arminio, I am back to you.

9 MR. D'ARMINIO: I have --

10 CHAIRMAN BROWN: You have nothing
11 further tonight.

12 MR. D'ARMINIO: No, just a follow-up
13 question.

14 You talked about the impact to the
15 building, but the impact as indicated on the exhibit
16 in terms of narrowing, it's just not the one
17 building; correct?

18 THE WITNESS: It's not just the one,
19 no, right. It narrows more, right.

20 MR. D'ARMINIO: It narrows more.

21 THE WITNESS: More than that, yes.

22 MR. D'ARMINIO: Okay. I just want to
23 make sure that -- I didn't want to leave that open.

24 That's it, I'm done.

25 CHAIRMAN BROWN: Okay.

1 Jane, when would we have a new meeting
2 to carry them to?

3 Let me ask a question: How many
4 witnesses are you going to bring to the -- one
5 meeting, is that your planner?

6 MR. D'ARMINIO: We -- we may --

7 CHAIRMAN BROWN: About how much time --

8 MR. D'ARMINIO: In terms of any
9 questions that were asked here, we may have
10 Mr. Duarte short -- have short testimony to clean up
11 any issues. And then we have Mr. McDonough. I would
12 think -- he's the planner and he would take some
13 time.

14 CHAIRMAN BROWN: He's going to take
15 some time.

16 They're going to do the planner, so
17 they probably need most of the --

18 MR. WHITAKER: We have Mr. Standriff
19 still presenting his case.

20 CHAIRMAN BROWN: Yes, of course,
21 Mr. Standriff has --

22 MR. STANDRIF: We have a planner also.

23 CHAIRMAN BROWN: I forgot you were
24 there, I apologize.

25 MR. WHITAKER: You're going to need a

1 night.

2 CHAIRMAN BROWN: So we're going to need
3 a whole night, so we probably are into July.

4 August? July?

5 MR. D'ARMINIO: June.

6 I can go with one witness and then we
7 can do Mr. Standriff on another night.

8 MR. NEGRYCZ: Make more sense.

9 MR. D'ARMINIO: May?

10 MS. WONDERGEM: July 11.

11 CHAIRMAN BROWN: July 11.

12 MS. WONDERGEM: July 11?

13 MR. D'ARMINIO: I have no idea what I'm
14 doing July 11.

15 CHAIRMAN BROWN: July 11th, yeah, I'm
16 sure.

17 MR. D'ARMINIO: Let me just --

18 CHAIRMAN BROWN: You want to confer
19 with --

20 MR. D'ARMINIO: Yeah, I mean, I don't
21 have Mr. McDonough here --

22 CHAIRMAN BROWN: Yup.

23 MR. D'ARMINIO: -- but I would think
24 that he probably is available, but I don't know about
25 vacations.

1 CHAIRMAN BROWN: Okay.

2 MR. D'ARMINIO: Can we do it to a
3 shorter date and then get back to you with that
4 information.

5 To carry it to a date --

6 MS. WONDERGEM: We can do June 22nd,
7 that would be the --

8 MR. WHITAKER: I was going to suggest
9 June 27; what does that look like.

10 MS. WONDERGEM: June 27, yeah.

11 MR. WHITAKER: We'll put it on June 27,
12 we'll hold some residential there, too.

13 MS. WONDERGEM: I'll put some
14 residential on there.

15 MR. WHITAKER: And we'll see if -- so
16 we don't lose a night.

17 MR. D'ARMINIO: Okay. And we could at
18 least get maybe any cleanup and Mr. McDonough done
19 and then Mr. Standriff will have his witness.

20 CHAIRMAN BROWN: So we're going to
21 carry it to June 27th, 2023, 7:00 p.m.

22 No further notice, Mr. Whitaker?

23 MR. WHITAKER: No further notice is
24 required.

25 MR. D'ARMINIO: And I'll check right

1 away with Mr. McDonough and if there's any issues
2 there, I'll get back to you.

3 CHAIRMAN BROWN: All right.

4 MR. WHITAKER: And, Mr. Standriff,
5 we're not ignoring you, that's good for you, too.

6 Just want to make sure.

7 MR. STANDRIFF: Okay. Great.

8 CHAIRMAN BROWN: Thank you, everyone.

9 (Whereupon, this matter is continuing
10 at a future date. Time noted: 10:02 p.m.)

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I, LAURA A. CARUCCI, C.C.R., R.P.R., a Notary Public of the State of New Jersey, Notary ID.#50094914, Certified Court Reporter of the State of New Jersey, and a Registered Professional Reporter, hereby certify that the foregoing is a verbatim record of the testimony provided under oath before any court, referee, board, commission or other body created by statute of the State of New Jersey.

I am not related to the parties involved in this action; I have no financial interest, nor am I related to an agent of or employed by anyone with a financial interest in the outcome of this action.

This transcript complies with regulation 13:43-5.9 of the New Jersey Administrative Code.



LAURA A. CARUCCI, C.C.R., R.P.R.
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Expiration Date December 3, 2023

Dated: May 11, 2023