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VILLAGE OF RIDGEWOOD
ZONING BOARD OF ADJUSTMENT
TUESDAY, MAY 10, 2022
COMMENCING AT 7:30 P.M.

.....
IN THE MATER OF: : TRANSCRIPT
OUTFRONT MEDIA, LLC : OF
500 Route 17 South : PROCEEDINGS
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:

- GREGORY BROWN, CHAIRMAN
- MATTHEW BANDELT, VICE CHAIRMAN
- GARY NEGRYCZ, CHAIRMAN PRO TEM
- DIANA RUHL, MEMBER
- JONATHAN PAPIETRO, MEMBER
- ISAAC LEBOW, MEMBER
- MICHAEL PICKHOLTZ, MEMBER (ABSENT)
- JASON CURRERI, ALTERNATE #1 MEMBER
- HAROLD MAXWELL, ALTERNATE #2 MEMBER

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A L S O P R E S E N T:

JANE WONDERGEM, BOARD SECRETARY

MARRYANN BUCCI-CARTER, PP, AICP, VILLAGE PLANNER

CHRIS PIERSA, PE, VILLAGE ENGINEER

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Flagship, Inc.

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1 CHAIRMAN BROWN: Next up we have
2 Outfront Media. This is an application for
3 preliminary and final major site plan approval for
4 the construction and operation of a single pole,
5 double-faced digital multi-message advertising sign,
6 which is a prohibited use and which -- and will
7 result in a second principal use; expansion of an
8 existing nonconforming use and bulk variance relief
9 at 500 Route 17 South, Block 4703, Lot 10, in the
10 OB-2 Zone.

11 This is continued from March 22, 2022.
12 Good evening.

13 MR. D'ARMINIO: Good evening.

14 Thank you. Lou D'Arminio; Price,
15 Meese, Shulman & D'Arminio for the applicant.

16 This -- I think we have another
17 appearance.

18 Yes, Mr. Inqlima.

19 MR. INGLIMA: Good evening, Robert
20 Inqlima, Jr., representing Bergen Convenience
21 Flagship, Inc., which is the owner of the property
22 located immediately south from the applicant's site.

23 Pursuant to the arrangement that we
24 described on the record at the last meeting, the
25 first hearing of this matter, Mr. D'Arminio and my

1 clients are discussing an arrangement that would
2 resolve any concerns my clients have. I believe
3 we're almost finished with that. It's involved some
4 negotiations and drafting of documents, but I would
5 like just to place on the record that we believe,
6 although we're going to have that resolved, that
7 we're still going to have the same arrangement
8 continue where I may be able to defer any questions
9 or present witnesses at a later date if we're unable
10 to reach that agreement.

11 MR. WHITAKER: That is correct.

12 MR. INGLIMA: Thank you.

13 Thank you, Mr. Whitaker.

14 MR. D'ARMINIO: Also, Counsel and
15 Chairman, Members of the Board, Douglas Standriff
16 also represents an objector, HA Realty, LLC, and I
17 don't see him here yet.

18 CHAIRMAN BROWN: I think that that's
19 where we left off.

20 MR. WHITAKER: He was to do the cross
21 examination.

22 CHAIRMAN BROWN: Yeah, he was
23 questioning Mr. --

24 MR. D'ARMINIO: Yeah, actually we had
25 some -- yeah, you wanted some cleanup. I have some

1 cleanup from him. I did speak to him, you know, I
2 don't want to foreclose him, so let's put Mr. --

3 MR. ANTAL: Antal.

4 MR. D'ARMINIO: -- Mr. Antal on for the
5 cleanup and maybe he'll come by then.

6 CHAIRMAN BROWN: Well, he won't be here
7 to hear the cleanup, though, Mr. Whitaker.

8 MR. WHITAKER: Yeah, let's do this:
9 Let's hold for a second. Maybe he's just delayed in
10 traffic. I don't know where he's coming from. I
11 know Route 17 south is way backed up.

12 CHAIRMAN BROWN: Should we do the
13 resolutions?

14 MR. WHITAKER: I was just going to say
15 there's only one resolution. We can just get that
16 out of the way now.

17 CHAIRMAN BROWN: Okay.

18 (Whereupon, the board conducts other
19 business and resumes the public hearing on
20 this matter at 7:43 p.m.)

21 MR. D'ARMINIO: For Mr. Antal, we just
22 have some cleanup testimony.

23 I mean, I did provide Mr. Standriff
24 with a transcript of the other hearing. Maybe we can
25 get that and there's maybe other questions --

1 CHAIRMAN BROWN: Can you speak louder,
2 just they can't hear you in the back.

3 MR. D'ARMINIO: Yes.

4 FEMALE AUDIENCE MEMBER: You have to
5 speak into the microphone.

6 MR. D'ARMINIO: I'm talking into the
7 microphone.

8 I'll put my mouth right on it. Okay?

9 CHAIRMAN BROWN: Yes. Thank you.

10 MR. D'ARMINIO: With regard to
11 Mr. Standriff, I only have some cleanup testimony for
12 Mr. Antal right now and he has the -- had the benefit
13 of a transcript. And so if -- there will be other
14 questions of members of the public of Mr. Antal --

15 CHAIRMAN BROWN: Yes.

16 MR. D'ARMINIO: So I would like to get
17 started, but he can -- you know, when he comes, he
18 could provide additional questioning.

19 MR. WHITAKER: And we'll reserve the
20 right for him to ask questions at the next meeting
21 with the transcript in hand.

22 MR. D'ARMINIO: Yeah, he has the
23 transcript in hand already, Mr. Whitaker, so...

24 MR. WHITAKER: Understood.

25 MR. D'ARMINIO: I don't want to cut him

1 off, so he'll get his chance to talk to Mr. Antal.

2 Okay?

3 CHAIRMAN BROWN: Okay, thank you.

4 MR. D'ARMINIO: We'll do that.

5 Maybe this -- this works better?

6 Maybe.

7 MR. WHITAKER: It does, yeah.

8 MR. D'ARMINIO: Okay.

9 Good evening, everyone. This is
10 Outfront's -- I don't think I need both. Let me do
11 this.

12 This is Outfront's application for a
13 back-to-back digital multi-message sign that's on
14 Route 17 south at the Tire Wheel Performance Center.

15 Just briefly for those who might not
16 have been at our March 22nd meeting, just by way of
17 summary, this is -- this billboard is 40 feet to the
18 top, that's -- get an idea, a house is, like,
19 35 feet, so it's a little bit above what that would
20 be. Billboards are prohibited in the zone as was
21 indicated.

22 Mr. Antal was the only person who
23 testified at the last meeting. And he's the manager
24 for Outfront. He spoke about the company, the
25 location. We talked about the site plan. We talked

1 about the NJDOT permit for the use and the spacing
2 and various NJDOT requirements.

3 The sign face is -- although it could
4 be allowed by New Jersey Department of Transportation
5 to be 1,000 feet, is only 375 feet per face. We
6 explained how we took a bucket test to get the height
7 and how that was calculated. And we had marked
8 exhibits, simulations at both northbound and
9 southbound at 500 feet and 750 feet. We're going to
10 provide additional photos, because the board --
11 simulations, wanted that today with actual copy and
12 we have that today.

13 We also talked about LED technology,
14 specifically that with regard to lighting that the
15 light is just to 0.3 footcandles over ambient light
16 wherever the sign is and whatever the outside
17 conditions are and that there's static messages only
18 and it's an eight-second print turn.

19 We also talked about the benefits of
20 digital to the operator, to the advertiser and to the
21 public at large and to the municipality. And we
22 offered, for this gateway location to the Village and
23 the downtown 90 minutes on each face, which is three
24 hours a day, based on a 24 day, to the Village for
25 its use. And we showed some copies.

1 Today we have some cleanup from
2 Mr. Antal, some -- of course there's questions for
3 him and we have some engineering testimony and that
4 would conclude for today our -- we apologize, our
5 planner was called to another meeting, but we'll have
6 him available for the next meeting. Okay.

7 CHAIRMAN BROWN: Great. Thank you.

8 MR. D'ARMINIO: He's here.

9 MR. WHITAKER: Place your name on the
10 record.

11 MR. D'ARMINIO: We -- we didn't start
12 any testimony.

13 MR. STANDRIFF: Douglas Standriff, AK
14 Realty.

15 MR. WHITAKER: Please proceed.

16 MR. D'ARMINIO: So I'd like to re-call
17 Mr. Antal.

18 MR. WHITAKER: He's still under oath.
19 Please proceed.

20 J O N A N T A L,

21 185 US Highway 46, Fairfield, New Jersey 07004,
22 having been previously sworn, continues to
23 testify as follows:

24

25

1 DIRECT EXAMINATION

2 BY MR. D'ARMINIO:

3 Q. Mr. Antal, there was some additional
4 exhibits and questions that the board had, and we've
5 provided that. And I'd like you to talk about that,
6 but before that, there was first a question with
7 regard to Downtown Denville, what percentage of local
8 businesses take up ad space on the boards there?

9 We had testimony about that and can you
10 provide that estimate of the amount that's --

11 A. Yeah, the previous testimony we had
12 shown an example of a digital billboard in Downtown
13 Denville. And the question arose about the
14 percentage of local businesses that take up time on
15 the board and looking at our historical contracts in
16 that location, we can estimate that to be about
17 30 percent of the ad -- of the ad space on the
18 billboard is occupied by local downtown businesses in
19 Denville.

20 Q. Next there was a request that we put ad
21 copy on our simulations, which we have and I could
22 pass that out and that could be put up on the board.
23 This -- this first one is updated simulations
24 southbound on Route 17. That would be the right
25 route. Yeah.

1 Mr. Kusp (phonetic) will be -- he'll be
2 handling -- handing that out to the board. We
3 provided the board already with that, but these are
4 additional copies.

5 A. There should be another version, it's
6 the 750.

7 Q. It will be 750 first.

8 A. That will be the second version that
9 you have up already.

10 MR. D'ARMINIO: I think both those are
11 -- for the record, I'm going to mark that -- thank
12 you -- as 9-A and B.

13 I believe 9 is the next, Mr. Whitaker?

14 MR. WHITAKER: Yes.

15 MR. D'ARMINIO: The 750 sample ad is
16 9-A.

17 MR. WHITAKER: Actually, put the A
18 first, so it's A-9.

19 MR. D'ARMINIO: A-9, yes, A-9A, sorry.

20 (Whereupon, 750-Foot Sample Ad
21 simulation is marked as Exhibit A-9A for
22 identification.)

23 MR. D'ARMINIO: And the 500-foot is
24 going to be A-9B.

25 (Whereupon, 500-Foot Sample Ad

1 Simulation is marked as Exhibit A-9B for
2 identification.)

3 BY MR. D'ARMINIO:

4 Q. Mr. Antal, can you describe that
5 exhibit and what -- how that was prepared?

6 A. Yes.

7 This is the -- the same exhibit as
8 previously presented to the board for the traveling
9 distance of 750 feet from the billboard location
10 traveling southbound on Route 17.

11 However, we have replaced the face of
12 the billboard as requested with actual ad copy. This
13 is one of the ad copies that was shown as an example
14 of what could be used for the town -- for the Village
15 on the billboard.

16 So we have replaced the blank billboard
17 face with the advertisement itself.

18 MR. D'ARMINIO: I think that's the
19 southbound simulation set --

20 THE WITNESS: Yes.

21 MR. D'ARMINIO: I believe that was A-4,
22 Mr. Whitaker, previously.

23 BY MR. D'ARMINIO:

24 Q. Then the next --

25 A. The second one.

1 Q. The second one was the --

2 A. You already have it open on the other
3 tab, if you want to just click on the top of the
4 screen, on the left. There you go.

5 The second exhibit tonight, which is
6 marked A-9B is the same traveling distance. This is
7 southbound Route 17.

8 This is 500 feet from the billboard,
9 again, with the same ad copy that was seen on the
10 750-foot version displayed on the billboard at the
11 request of the board.

12 Q. And that also is a sample copy of what
13 was provided to --

14 A. Correct, that is the same sample --

15 Q. -- to the Village?

16 A. -- copy from the 750-foot version that
17 was provided during our previous testimony that the
18 Village could use.

19 Q. Okay.

20 The next was to take a look at this
21 from the northbound. That I believe was A-3
22 previously, the northbound simulation set.

23 And let's mark that as A-10A for the
24 750 and A-10B for the 500.

25 (Whereupon, Simulation 750-Foot

1 Northbound Set is marked as Exhibit A-10A for
2 identification.)

3 (Whereupon, Simulation 500-Foot
4 Northbound Set is marked as Exhibit A-10B for
5 identification.)

6 BY MR. D'ARMINIO

7 Q. Mr. Antal, similarly describe that.

8 A. Yes.

9 So the exhibit labeled A-10A is the
10 northbound traveling direction on Route 17. This is
11 from 750 feet from the billboard location. And,
12 again, we have inserted the ad copy that was one of
13 the examples we gave during our previous testimony on
14 the billboard, itself. This is the same picture used
15 during our previous testimony as well. Again, we've
16 just added the live copy to the face.

17 And the next one, which is labeled
18 A-10B, is the same ad copy used on A-10A. However,
19 this is, again, at 500 feet from the billboard
20 location traveling northbound on Route 17. Again,
21 the same photograph that was used in our previous
22 testimony at our previous hearing.

23 Q. Now, also Mr. Antal, the board
24 questioned as to what was the nearest similar sign,
25 digital sign and operational sign that they can

1 potentially go see and they also requested, perhaps,
2 night views of something similar and so I believe we
3 prepared that as well, some simulations with that as
4 well.

5 So the -- I think you have to hand that
6 out?

7 The first one is the daytime.

8 MR. D'ARMINIO: Shawn, do you have the
9 daytime one first, right?

10 BY MR. D'ARMINIO:

11 Q. That's Route 17, Maywood, southbound.
12 It consists of two sheets. One is at 750 feet
13 daytime, and the other one is 500 feet daytime. And
14 I'm going to mark that as A-11A and A-11B.

15 (Whereupon, Daytime Simulation,
16 Route 17, Maywood, 750 feet is marked as
17 Exhibit A-11A for identification.)

18 (Whereupon, Daytime Simulation,
19 Route 17, Maywood, 500 feet, is marked as
20 Exhibit A-11B for identification.)

21 BY MR. D'ARMINIO:

22 Q. Mr. Antal, perhaps using this exhibit
23 or your knowledge of the area of that location, of
24 course, can you just briefly describe the Maywood
25 sign and how it relates to the proposed Ridgewood

1 sign?

2 A. Yes.

3 So as, I believe, explained in our
4 previous testimony, the location in Maywood on
5 Route 17 at the intersection of Essex Street is the
6 closest billboard to the proposed location we have
7 before the board tonight. And it happens to be the
8 closest billboard we operate to the -- to the
9 location before you tonight. And it happens to be
10 the same size as what is proposed as well.

11 The -- each of the sign faces are the
12 10-foot-6-inch by 36 feet as we've discussed earlier.
13 And in relationship to how it resembles what we are
14 proposing in Ridgewood, the sign that you see in
15 these photographs is 35 feet overall height from
16 Route 17. Whereas, our proposal for our location is
17 39 feet. So it's only a difference of 4 feet in
18 height from the two locations.

19 So I believe that this location is a
20 good example of what you would see when the location
21 that is proposed is built from a height perspective
22 versus the road, and as well as the nighttime view
23 from the road grade as well.

24 Just to, kind of, further just talk a
25 little bit about the photographs, these were taken a

1 week ago on May 3rd. The daytime photo and the
2 nighttime photo were both taken by my in-house
3 photographer who was nice enough to go out and do
4 this in a professional manner so the board had a good
5 example to view.

6 Q. Now, there was also a nighttime photo
7 taken at the same date, correct, as you just said?

8 A. That is correct.

9 We -- we did both nighttime and daytime
10 photos from the same distances on the same day.

11 MR. D'ARMINIO: Why don't you give me
12 that?

13 I have an exhibit, it consists of two
14 pages: One is Route 17, Maywood, southbound, 750
15 feet, nighttime; and the other one is Route 17,
16 Maywood, southbound, 500 feet, nighttime.

17 I'm going to mark those as A-12A and
18 A-12B.

19 (Whereupon, Nighttime Simulation,
20 Route 17, Maywood, 750 feet is marked as
21 Exhibit A-12A for identification.)

22 (Whereupon, Nighttime Simulation,
23 Route 17, Maywood, 500 feet, is marked as
24 Exhibit A-12B for identification.)

25

1 BY MR. D'ARMINIO:

2 Q. Mr. Antal, would you similarly discuss
3 those?

4 A. Yes.

5 Again, these are -- the first one is
6 the Route 17 southbound in Maywood from 750 feet.
7 Again, taken from the same location as the daytime
8 photograph on the same day.

9 The -- we -- we did take photos of the
10 exact same copy just so that there could be a point
11 of reference between both the day and night for the
12 visibility of the screen, itself, along with its
13 proximity to the roadway, which is very similar to
14 that of the proposal we have before Ridgewood
15 tonight.

16 The second one is the 500-foot view.
17 Again, the same information as I previously stated,
18 just from 500 feet away from the sign in Maywood on
19 Route 17 near Essex Street.

20 Q. And we'll have some additional
21 testimony with regard to those exhibits by another
22 witness later on.

23 A. Yes.

24 MR. D'ARMINIO: I believe those were
25 the questions that you had and you wanted some

1 additional exhibits, and we've provided them.

2 So does the board have any questions
3 with regard to this or any other of Mr. Antal's
4 testimony?

5 CHAIRMAN BROWN: Thank you.

6 I'll go ahead and open it up to board
7 members for questions of Mr. Antal.

8 MS. RUHL: Can I ask Bruce a question
9 regarding content, right?

10 THE COURT REPORTER: I'm sorry,
11 Ms. Ruhl, I can't hear you.

12 MS. RUHL: Regarding content.

13 Can you hear me?

14 THE COURT REPORTER: Yes.

15 MS. RUHL: Is it appropriate to ask
16 about the research that they have conducted regarding
17 potential advertisers?

18 I was trying to understand...

19 MR. WHITAKER: The case law is very
20 clear that the content is not something for the board
21 to consider, whether it be a local advertiser or a
22 national advertiser, because of the constitutionality
23 of free speech.

24 The board can consider if there's any
25 public benefit to what's being proposed where it is

1 giving public messages for local events, which was
2 testified to.

3 MS. RUHL: Okay.

4 So that's --

5 MR. WHITAKER: That's what -- that's
6 what the content part is about.

7 MS. RUHL: Perfect.

8 That's what I wanted --

9 MR. WHITAKER: But I would caution the
10 board that you should not be rendering a decision on
11 who the advertiser would be.

12 MS. RUHL: Okay.

13 Thank you.

14 MR. PAPIETRO: Yes, I have a question,
15 young man, on the -- these nighttime fixtures or the
16 daytime fixtures, the -- what is the distance from
17 the roadway edge of this sign, it's base stand and
18 the edge of the sign? What are the distances from
19 the roadway in that picture?

20 THE WITNESS: So for our application in
21 Ridgewood we are --

22 MR. PAPIETRO: No, no, no, not for your
23 application.

24 MR. WHITAKER: He's going to compare
25 them.

1 THE WITNESS: No, no, I just want --

2 MR. PAPIETRO: Oh, oh, okay.

3 THE WITNESS: I was just going to
4 compare the two.

5 MR. PAPIETRO: I'm sorry. Go ahead.

6 THE WITNESS: That's okay. I apologize
7 for not going right to your answer.

8 MR. PAPIETRO: It's quite all right.

9 THE WITNESS: For our application here
10 tonight we are 30 feet from the roadway. The
11 application and what is built in Maywood is
12 approximately 20 feet from the roadway.

13 MR. PAPIETRO: This one in the picture?

14 THE WITNESS: Correct.

15 MR. PAPIETRO: Twenty -- twenty feet?

16 THE WITNESS: Twenty feet.

17 MR. PAPIETRO: Is that the sign,
18 itself, the edge of the sign or the -- or the stand?

19 THE WITNESS: The nose of the sign, the
20 part where the two pieces of the sign, kind of, come
21 together.

22 MR. PAPIETRO: Oh, so the physical
23 sign, closest point to the road is 20 feet?

24 THE WITNESS: Correct.

25 MR. PAPIETRO: Okay. Good.

1 And you said the one in Ridgewood is?

2 THE WITNESS: I believe our application
3 is for 30 feet.

4 MR. PAPIETRO: Thirty feet.

5 MR. D'ARMINIO: We moved it to 30 feet.

6 CHAIRMAN BROWN: Can I -- Jon, can I
7 interrupt just to ask a clarifying question?

8 MR. PAPIETRO: Okay. Thank you.

9 CHAIRMAN BROWN: When you say it's
10 20 feet, that is from the -- that is to the edge of
11 the roadway, which would be considered the on-ramp,
12 not a driving lane or is that a driving -- does that
13 on-ramp, go past the sign or no?

14 THE WITNESS: The on-ramp is -- I mean,
15 it's the driving lane --

16 CHAIRMAN BROWN: Right.

17 I guess --

18 THE WITNESS: -- but I understand -- I
19 understand what you're saying.

20 CHAIRMAN BROWN: -- clarifying in
21 Ridgewood is straight, right? Here there's the
22 highway and then there's an on-ramp.

23 So where does the on-ramp end in
24 comparison to the sign?

25 THE WITNESS: I -- I apologize. I

1 didn't have that written down, but I do believe that
2 that 20 feet is from the on-ramp that is coming on
3 from Essex Street.

4 CHAIRMAN BROWN: Right.

5 THE WITNESS: I think our engineer can
6 clarify this, but I believe the width of a travel
7 lane is 12 feet. I'm not 100 percent sure of that.

8 So if we're looking at just the travel
9 lane, you would add 12 feet from that number, if that
10 is, in fact --

11 CHAIRMAN BROWN: If that's, in fact,
12 how big it is?

13 THE WITNESS: -- the distance -- the
14 width of a -- of a traveling lane.

15 CHAIRMAN BROWN: Okay, thank you.

16 Sorry, Jonathan.

17 Go ahead.

18 MR. PAPIETRO: What is the height of
19 that sign, total height?

20 THE WITNESS: The height from Route 17
21 --

22 MR. PAPIETRO: From -- yeah, the
23 roadway, right.

24 THE WITNESS: From -- from the Route 17
25 roadway, which it's oriented to is, let's see, that

1 is 35 feet.

2 MR. PAPIETRO: Thirty-five feet?

3 THE WITNESS: It's 35.

4 MR. PAPIETRO: And the one that you're
5 proposing in Ridgewood is?

6 THE WITNESS: Thirty-nine.

7 MR. PAPIETRO: Thirty-nine?

8 THE WITNESS: Correct.

9 MR. PAPIETRO: Thank you.

10 THE WITNESS: Yes.

11 MR. PAPIETRO: To the top.

12 VICE CHAIRMAN BANDELT: Just a
13 follow-up question to that.

14 So the 35 feet -- can you explain what
15 -- so in the Ridgewood site, why the four extra --
16 what do you need the four extra feet for?

17 THE WITNESS: The -- the height that
18 we've selected is based on the individual lot, right.

19 So at the Maywood location, 35 feet
20 above Route 17 was an appropriate height.

21 We believe that 39 feet is the
22 appropriate height location in -- in Ridgewood that's
23 before you tonight.

24 VICE CHAIRMAN BANDELT: Okay.

25 Because in the -- in the Maywood -- so

1 I'm just going back and forth --

2 THE WITNESS: Yes.

3 VICE CHAIRMAN BANDELT: -- between the
4 two sites, just to understand how the sign fits in
5 the suitability of this site that you've chosen.

6 So in the Maywood one, I'm looking at
7 it and there's that two-story structure right next to
8 it. It looks like an office building of some sort.
9 Joe L -- I don't know.

10 THE WITNESS: Muscarelle.

11 VICE CHAIRMAN BANDELT: Yeah.

12 So -- so there it's, kind of, nestled,
13 you know, right next to a -- a large two-story
14 structure.

15 And if I look at the Ridgewood site,
16 like if I'm looking from the -- the southbound
17 direction at 500 feet, so that would be A-9B, I
18 guess, there's -- there's nothing -- can you go down
19 or I guess -- yeah, I guess that's it.

20 You know, this -- here it sort of -- it
21 sticks out a lot higher than any surrounding
22 structure. You know it's significantly higher than
23 the Exxon station, and some of the other structures
24 nearby.

25 So can you speak to why does it need to

1 be that high at this site?

2 THE WITNESS: I -- I would refer to the
3 northbound pictures, if we could change to the --
4 let's go to the -- that's the 750. You can see that
5 at the 750 foot, it just about clears the canopy at
6 the Exxon, and when you get to 500, if you would.

7 VICE CHAIRMAN BANDELT: Do you know
8 what the -- do you know what the height of the canopy
9 is at the Exxon station?

10 THE WITNESS: I do not off the top of
11 my head. If I had to guess, based on the height of
12 our application, I would estimate it to be, let's
13 see...

14 VICE CHAIRMAN BANDELT: That's okay.
15 If you don't know, it's okay.

16 THE WITNESS: Yeah, I apologize, my
17 math is not --

18 VICE CHAIRMAN BANDELT: It's okay.

19 THE WITNESS: -- I'm not good at math,
20 I apologize.

21 MR. D'ARMINIO: And you're referring to
22 10A, 10 excuse me, A-10?

23 THE WITNESS: Yes.

24 MR. D'ARMINIO: A-10?

25 THE WITNESS: Yes, that is referring to

1 A-10A, Exhibit A-10A.

2 MR. D'ARMINIO: Also A-10B.

3 VICE CHAIRMAN BANDELT: Because if --

4 THE WITNESS: And A-10B.

5 VICE CHAIRMAN BANDELT: -- I guess they
6 look -- so between A-9B and A-10B, they're very
7 different -- the simulations look very different
8 relative to the canopy.

9 So if I look at A-9B, it looks like
10 there's a lot of space between the canopy of the
11 Exxon station and your sign.

12 THE WITNESS: Yes.

13 VICE CHAIRMAN BANDELT: And if I look
14 at the other one, it doesn't look like there's much.

15 So it's hard to understand why it --
16 why it looks so different.

17 THE WITNESS: Yes, I totally
18 understand. I mean, even though you're 500 feet from
19 the sign, you are on the same side of the road as the
20 sign versus the cross, so there is added visibility
21 and distance needed, right? You're -- you have a
22 longer distance to view the sign, you know, obviously
23 the -- the canopy is -- is, kind of, a fixture of an
24 obstruction, so that height is needed to clear that.

25 MR. D'ARMINIO: And we could have our

1 engineer talk about how the roadway raises and goes
2 down. I mean, there's several reasons why that would
3 be. And I can have the engineer speak to that, too,
4 if that's a concern.

5 That is a concern of the board, so
6 we'll have that.

7 VICE CHAIRMAN BANDELT: Thank you.

8 MR. NEGRYCZ: When I read your
9 transcript from the last meeting, I sort of got the
10 impression that one of the reasons that height was
11 chosen was so there wouldn't be a visual conflict
12 between Exxon's presence visually and your sign.

13 I don't know whether their
14 representative will comment on that, but that is my
15 understanding. Just as it was my understanding that
16 you move the location of the sign so it wouldn't
17 conflict with the sign that gives the cost of the gas
18 and so on, which you can see in that photo.

19 So if those are the reasons, why don't
20 we just say it and move on.

21 MR. D'ARMINIO: I guess that would be
22 another -- that would be another benefit. I mean,
23 that's the -- that's the height that we showed our
24 neighbor to the south, and that's what satisfied
25 them. That is -- that is a benefit. It does

1 separate -- it does have some separation from this
2 sign and that's what we've agreed to.

3 MR. NEGRYCZ: So the difference is
4 4 feet, 35 to 39?

5 MR. D'ARMINIO: Yeah, from -- from the
6 roadway. The height of the sign from the ground is
7 40 -- is 40 feet, if that makes sense.

8 CHAIRMAN BROWN: Any board members have
9 any additional questions?

10 MR. CURRERI: I have a few.

11 CHAIRMAN BROWN: Go ahead.

12 MR. CURRERI: For the new exhibits for
13 the Maywood signs, have those photos been edited in
14 any way?

15 THE WITNESS: They have not.

16 MR. CURRERI: They have not? Okay.

17 Do we know -- so we know the height, so
18 the Z axis is 30 -- what 34 feet for Maywood?

19 Do we know what -- from this picture,
20 where the -- I guess the -- the X axis is?

21 THE WITNESS: Which -- which picture
22 are you referring to.

23 MR. CURRERI: For the Maywood.

24 So we got the Z for the 30 -- 34 feet.

25 We have the Y at the 750 feet, but what's the X for

1 -- for this?

2 THE WITNESS: I don't know what the
3 X axis is you're referring to.

4 MR. CURRERI: Yes, just to -- all
5 right. I'm just trying to understand the
6 visualization from, like, the point of references
7 that you took, because if we compare it to the
8 Ridgewood ones, the billboards in Maywood at 500 and
9 750 feet appear much larger and clearer than the
10 images that were provided today.

11 And I'm trying to understand why we can
12 read very clearly the knee pain sign in Maywood, but
13 at the same 700 and 500 feet, the pictures of the
14 billboards are actually much smaller.

15 And maybe relatedly, do you know if the
16 images of the simulation were done to scale?

17 THE WITNESS: They were done to scale.
18 As we previously testified, you can see the crane on
19 the visual and that is holding a panel that is
20 10 feet 6 inches to represent the edge of the sign.

21 So we use that to scale the rest of the
22 image of the proposed billboard.

23 MR. CURRERI: So do you know why for
24 the Ridgewood one different lanes were used for the
25 north and southbound?

1 MR. D'ARMINIO: I'm sorry, I didn't
2 hear that.

3 MR. CURRERI: So the photo references,
4 right, it appears that different lanes were used for
5 the Ridgewood ones?

6 THE WITNESS: Different lanes.

7 MR. CURRERI: Yes.

8 THE WITNESS: So during our simulation
9 in Ridgewood, there was somebody driving the car and
10 somebody photographing from the moving vehicle.

11 For the day and nighttime photos that
12 were done last Tuesday, it was individual standing on
13 the shoulder of the road with safely barricades
14 protecting them.

15 So it was a two-person job versus a
16 one-person job.

17 MR. CURRERI: All right. So just for
18 the record, the Maywood photos are taken from the
19 exact same spot at the two different time intervals,
20 but when we're comparing northbound and southbound
21 for Ridgewood, they're going to be on different axis
22 points because the photos were taken at different
23 positions?

24 THE WITNESS: Yes, if that is what the
25 axis point means, then, yes, I would agree with that.

1 MR. CURRERI: Thank you.

2 MR. PAPIETRO: One more question --

3 MR. D'ARMINIO: I mean just for the
4 record, we tried to do the best we could under the
5 circumstances to provide you with an example.

6 I guess you'll have to judge -- you're
7 going to have to judge that. But that's -- that's
8 the best we can do in terms of -- of a similar sign.

9 CHAIRMAN BROWN: Jonathan, did you have
10 --

11 MR. PAPIETRO: One more question about
12 that sign in Maywood compared to the Ridgewood one:
13 What is the length and width of that sign in Maywood
14 and its square footage?

15 THE WITNESS: It is the same square
16 footage as what is proposed here in Ridgewood.

17 MR. PAPIETRO: It's the same?

18 THE WITNESS: It is the same exact
19 size.

20 MR. PAPIETRO: And the one in Ridgewood
21 is?

22 THE WITNESS: Approximately
23 10-and-a-half feet --

24 MR. PAPIETRO: What's the length and
25 the width?

1 THE WITNESS: Ten-and-a-half feet by
2 36 feet, but there's -- we -- we've rounded it to
3 that for ease of reference. The exact --

4 MR. PAPIETRO: It's 10.5 by 36, you
5 said?

6 THE WITNESS: It's 10 feet 6 inches by
7 35 feet 8-and-one-quarter inch.

8 MR. PAPIETRO: Very good.

9 THE WITNESS: Commonly referred to as
10 10.6 by 36 or 10 feet 6 inches by 36 feet.

11 MR. PAPIETRO: Okay.

12 And the -- the Maywood sign is exactly
13 the same size as the proposed one for Ridgewood?

14 THE WITNESS: It is.

15 MR. PAPIETRO: Okay, thank you.

16 THE WITNESS: You're welcome.

17 CHAIRMAN BROWN: Thank you, Jonathan.

18 Any board members have any additional
19 questions?

20 (No response.)

21 CHAIRMAN BROWN: Okay. Seeing none,
22 opening it up to our professionals.

23 Ms. Bucci-Carter or Mr. Piersa, do you
24 have any questions? No?

25 MR. PIERSA: No.

1 CHAIRMAN BROWN: No? Okay.

2 So Mr. Standriff, do you want to --

3 MR. STANDRIFF: Thank you.

4 CHAIRMAN BROWN: Yup.

5 MR. STANDIFF: And just for the record,

6 I have not questioned the witness. So my questions

7 relate back to his testimony from the last hearing,

8 as well as this hearing --

9 CHAIRMAN BROWN: Okay.

10 MR. STANDIFF: -- and give me a moment

11 just to --

12 CHAIRMAN BROWN: Yes.

13 MR. STANDIFF: -- work something out

14 with Ms. Wondergem.

15 (Brief Pause.)

16 MR. STANDIFF: Board Members, I have

17 hard copies of the exhibits I'm going to use.

18 I just printed one set and so we'll go

19 through them pretty much in order, but this is a full

20 set of any exhibit I'll use and go that way.

21 CHAIRMAN BROWN: Yes, thank you.

22 MR. STANDIFF: Ladies and gentlemen, I

23 just -- I can't hand out everything. I just can't

24 physically do it while I ask the witness questions,

25 but there's ten extra copies here if anyone wants

1 one.

2 Ms. Wondergem, would you please pull up
3 Exhibit A-1 from the witness's previous testimony?

4 CROSS EXAMINATION

5 BY MR. STANDRIFF:

6 Q. Good evening, Mr. Antal.

7 A. Hello.

8 Q. During the last hearing your attorney
9 asked you why you chose this particular property to
10 put up the billboard. You indicated:

11 "We selected this location on Route 17
12 for its lot suitability, its nearness to
13 Route 17, the ease of access to both
14 constructing and maintaining the sign and the
15 area and property are in commercial in
16 nature.

17 "As you know, the property is currently
18 an auto repair-type set up. There is no -- we
19 can construct a sign with no interference with
20 the landlord's operation, as well as no
21 interference with the property's --

22 THE COURT REPORTER: Sir, slow down,
23 please.

24 MR. STANDIFF: Sorry.

25

1 BY MR. STANDRIFF:

2 Q. -- "the property's circulation or
3 access and the sign can be located and
4 constructed to meet all of New Jersey
5 Department of Transportation and building
6 code requirements, including those of safety."

7 So, sir, I refer you to Exhibit A-1.
8 As you're driving southbound on Route 17, Route 17
9 takes a slight bend to the left, correct?

10 A. Yes.

11 Q. And so that means the cars heading
12 towards the proposed sign area will see that sign for
13 a longer period of time, correct?

14 A. How so?

15 Q. As opposed to it being off to the side.
16 They'll be driving -- for a little while they'll be
17 driving straight at it.

18 In this part of 17, they'll be driving
19 straight at the sign, correct?

20 A. I don't believe they'll drive straight
21 at the sign. They'll be driving on Route 17. They
22 will see the sign in their cone of vision, yes.

23 Q. Okay. But it'll be directly in front
24 of them.

25 A. Is that a question?

1 MR. D'ARMINIO: If you can answer it.
2 I mean, if not, we have other engineers to answer it.

3 Do you feel comfortable answering it?
4 It's within the cone of vision, you said, right?

5 THE WITNESS: It's -- I mean, yeah,
6 you're driving on the road and you would -- you would
7 see a billboard eventually, yes.

8 BY MR. STANDRIFF:

9 Q. But you're trying to, in one sense,
10 maximize the time that the people on 17 see the
11 billboard, correct?

12 A. Yes.

13 Q. When you chose this site, if you
14 notice, the subject property is triangular, correct?

15 A. Yes, it is.

16 Q. Most properties, whether they're
17 residential or commercial, are normally rectangular.
18 Do you agree?

19 A. No.

20 Q. You don't agree?

21 A. I don't know.

22 Q. You don't know, okay.

23 Well, let's take a normal subdivision
24 of properties running along a street. Right?
25 Normally if it's 100-foot wide and 150-foot deep, the

1 next property over is 100-foot wide and 150-foot
2 deep.

3 But my point is that they're normally
4 parallel, the property lines are normally parallel,
5 correct?

6 A. I don't have a frame of reference for
7 that.

8 Q. Okay.

9 A. I will take you at your word.

10 Q. Okay.

11 Now, did the shape of this property
12 play any role in your determination to try to put
13 your billboard there?

14 A. Part of the site suitability does
15 involve where to place the billboard on the property
16 and from my experience, that would be the appropriate
17 place on this property.

18 So, yes, I would say that it did play a
19 part in determining where to put the billboard on the
20 property in this application.

21 Q. The shape of the property was a factor
22 in determining that you would want to put a billboard
23 on the property?

24 A. No.

25 Q. No?

1 A. It was a factor where it went on the
2 property, where it has been placed on the property.

3 Q. So -- so -- so you did not consider --
4 when looking for a suitable property, you did not
5 consider that this particular property was triangular
6 in shape? That -- that was not a part of your
7 consideration?

8 A. No.

9 MR. STANDRIFF: Ma'am, if would you
10 pull up Objector's Exhibit 1? So for my exhibits
11 I've named them Object AK Exhibit 1-8.

12 (Whereupon, Eight Photographic Exhibits
13 are marked as Exhibit Object AK-1 - Object
14 AK-8 for identification.)

15 BY MR. STANDRIFF:

16 Q. Sir, your have that in front of you,
17 yes?

18 A. I have a copy of it, yes.

19 Q. Okay.

20 In considering a suitable property for
21 a billboard, did you consider the proximity of any
22 historic structures to this property?

23 A. No.

24 Q. Do you know if there are any historic
25 structures near this property?

1 A. I do not.

2 MR. D'ARMINIO: We have a planner that
3 will go through that testimony and the sighting
4 relating to that testimony, that question.

5 MR. STANDIFF: Okay.

6 BY MR. STANDRUFF:

7 Q. Now, to the rear of this property
8 across Franklin Turnpike there's a cemetery. Do you
9 see that here?

10 A. Yes.

11 Q. Okay. Now, are you familiar with the
12 church that's associated with that cemetery further
13 down Route 17?

14 A. I'm aware of it. I wouldn't say I'm
15 familiar with it, but --

16 Q. Okay.

17 A. -- I know where it's located, yes.

18 Q. So if that building were built in 1800,
19 would you consider that a historic property?

20 A. I don't have a frame of reference to
21 say yes or no to that.

22 Q. Okay.

23 Do you know if there are any historic
24 homes across Route 17?

25 A. I do not.

1 Q. So you didn't consider either of those
2 factors when choosing this particular property?

3 A. I did not.

4 Q. Did you consider the proximity of
5 residential homes and other properties?

6 A. Yes.

7 Q. Okay. Let's start -- again, let's go
8 back to, if I may, A-1, Applicant's A-1.

9 Off to the right of this exhibit,
10 there's a street named Albin Court.

11 Do you see that, sir?

12 A. Yes.

13 Q. And there's a home here at the end of
14 the cul-de-sac, do you know if the billboard, once
15 completed, will be visible from the rear of that
16 home?

17 MR. D'ARMINIO: Objection. We --

18 Objection. We do have someone who is
19 going to go through each of these other locations and
20 deal with this.

21 And, Mr. Antal, if you know, that's
22 fine. But if not, we do have someone who will
23 address all those issues with regard to the views and
24 visibility that was requested of the planner and we
25 have a planner who will do that.

1 THE WITNESS: So my answer would be: I
2 do not know.

3 BY MR. STANDRIFF:

4 Q. Okay.

5 As we continue clockwise on the same
6 exhibit, the exhibit indicates that across Route 17
7 is an R-125 zone.

8 Do you see that?

9 A. Yes.

10 Q. I assume you're familiar that the "R"
11 would mean residential, correct?

12 A. Yes.

13 Q. And on -- still to the right of the
14 exhibit, there's a Carriage Lane and there's some
15 townhouses at the end of Carriage Lane.

16 Do you -- did you determine whether or
17 not the sign would be visible from the rear of those
18 townhouses?

19 A. Again, I believe that will be addressed
20 by our planner.

21 Q. Okay.

22 But my question was, did you ever make
23 any inspection or determination as to whether or not
24 the sign would be visible to those from the rear of
25 those townhouses?

1 A. I did not.

2 Q. Okay.

3 And continuing down, there's an open
4 property here just below the indication for
5 N.J.S.H. Route 17.

6 Do you know if there's a residence on
7 that property?

8 A. I do not know.

9 Q. Continuing again in a clockwise manner,
10 there are homes off of West Saddle River Road. Did
11 you personally, or anyone under your employ, make a
12 determination as to whether or not the sign will be
13 visible from the homes off of West Saddle River Road?

14 A. I did not, but I believe our planner
15 will be addressing that in his testimony.

16 Q. Okay.

17 But you were -- you were involved in
18 choosing this site, correct?

19 A. Correct.

20 Q. Now, again, on A-1, there's an
21 indication as to where the sign is and there's a
22 little text box and there's also the 200-foot area
23 delineated.

24 Do you see that?

25 A. Yes.

1 Q. And -- so across Route 17 from the
2 sign, I'm going to point to it with my finger and,
3 again, I'm pointing just below the text box there and
4 the dashed line (inaudible).

5 Do you know if there's a residence
6 within that 200-foot area right where I'm pointing?

7 A. Yes, I believe there is a house there.

8 Q. Okay.

9 Will the sign be visible from that
10 house?

11 A. I would expect it to be, yes.

12 Q. And for the record, that would be
13 Block 4704, Lot 15.

14 You testified that this sign is going
15 to change every eight seconds.

16 Is that correct?

17 A. That is correct.

18 Q. And is that what the Maywood sign does?

19 A. Yes, it does.

20 Q. Okay.

21 So if we do some math -- and I'll bet
22 you know this by heart, so that's 7.5 ads every
23 minute, correct?

24 A. Yes, we -- we call it a 64-second ad
25 loop, but, yes.

1 Q. So every eight seconds, if we divide
2 60, we get 7.5?

3 A. Sure.

4 Q. So let's multiply that by 60 to get how
5 many ads in an hour, that would be 450, correct?

6 A. I'm not good with math. I will take
7 your word for it. Sounds about right.

8 Q. Okay.

9 Let's take a typical eight-hour day.
10 Let's say someone comes to the Exxon station to work
11 an eight-hour day. Let's say someone,
12 hypothetically, comes to my client's building to work
13 on eight-hour day.

14 Now, so we already determined that
15 there's 450 ads in an hour, so in an eight-hour day,
16 and I promise you I've checked the math, that's 3,600
17 ads for that hypothetical employee's eight-hour day,
18 right?

19 A. I will take your word for it on the
20 math, yes.

21 Q. So in a typical work week, we got
22 18,000 ads in that week; a month, 72,000; and then in
23 a year, 864,000 ads, right?

24 A. Sure, yeah.

25 Q. Now, some of them might be the same,

1 some of them might be different, but many, many of
2 them are going to be repeated, right?

3 A. I think that's a fair estimation.

4 Q. Okay.

5 And that means the individual's going
6 to see whatever ad you put up there 100 and 1,000
7 times?

8 If they're -- if they're --

9 MR. D'ARMINIO: Well, objection, this
10 assumes a fact that's really not in evidence.

11 Someone is going to look at this sign
12 constantly? If you're saying -- if the question is,
13 how many ad turns there are, then that's the answer.

14 If it's that somebody is going to be
15 looking at this 12 hours a day every day and, you
16 know, 24 hours a day, I mean that's not something
17 that would happen.

18 So I would object to that.

19 And that's not something that Mr. Antal
20 would know or even could surmise that that would
21 happen.

22 MR. STANDRIFF: I understand your
23 objection.

24 Again, this is a hypothetical employee
25 and we can have a hypothetical person sitting on the

1 back porch of their deck in a house that happens to
2 be in -- in view of the billboard.

3 BY MR. STANDRIFF:

4 Q. Now, the person -- if I'm in my car and
5 I'm listening to the radio and an ad comes on, I can
6 turn it off, right?

7 A. Yes.

8 Q. So my hypothetical employee at the
9 Exxon or my hypothetical employee at my client's
10 building can't turn it off, there's nothing they can
11 do, right?

12 A. They can look away.

13 Q. They can look away.

14 A. I mean, that's --

15 Q. Okay.

16 A. -- that's what you're saying, they
17 should be doing work, right?

18 So wouldn't they be doing work, not
19 staring at the sign?

20 Q. I must agree with you.

21 A. I'm asking you.

22 Q. I must agree with you, especially if
23 they've already seen the ad --

24 A. Let's hope.

25 Q. -- 100,000 times.

1 A. Let's hope.

2 Let's hope they're working.

3 MR. STANDRIFF: So, ma'am, can we turn
4 to Applicant's Exhibit A-3?

5 BY MR. STANDRIFF:

6 Q. Sir, you -- this is from last hearing's
7 testimony, but tonight you put up similar
8 representations.

9 What do you call this, a simulation or
10 a representation?

11 A. Yes, we refer to it as a simulation, I
12 believe.

13 MR. STANDRIFF: Okay.

14 And, ma'am, could you put up A-4,
15 please?

16 Thank you.

17 BY MR. STANDIFF:

18 Q. So I'm going to show you in a minute
19 another exhibit, but now if I'm correct, in order to
20 get this simulation, what you did is you took a
21 10-foot-6-inch long panel, that's what you referred
22 to it as, a panel. So it's a 10-foot-6 long object
23 and you put that up to the side of the road where you
24 originally thought the billboard was going to be, and
25 then you simulated based on that 10 foot 6 inches, we

1 know that the billboard is going to be approximately
2 3.5 times the height will be its width, correct?

3 A. Correct.

4 Q. So once we get the height right, we can
5 -- we can get the width of the billboard pretty
6 accurate, right?

7 A. Correct.

8 Q. Okay. So everything is based on this
9 panel in the photograph?

10 A. Yes.

11 Q. Okay.

12 So, sir, I'm going to show you
13 Exhibit 4, that's Objector's Exhibit 4.

14 MR. D'ARMINIO: Well, first, I have no
15 context for this. This isn't an expert witness in
16 simulations. We did testify we have a -- we have an
17 engineer who's going to verify this, but I have no
18 context of what this picture is of, who did it, when
19 it was done, you know, what the -- I mean, we're
20 giving a witness who's -- a hypothetical who is a --
21 is a fact witness. I mean, this seems to be
22 improper. I mean, I've let it go somewhat, but what
23 -- what is this and how does this relate? Is this a
24 zoom of one of our pictures? I mean we have -- I
25 have no context for this. I think that's unfair to

1 the --

2 MR. WHITAKER: Mr. Standriff, can you
3 quantify or qualify what this exhibit is and who took
4 it or what it comes from?

5 MR. STANDRIFF: Sure.

6 This is a zoom of A-4. A crop, it's a
7 crop of A-4 if you want to state it another way.

8 MR. D'ARMINIO: So the amount of the
9 zoom --

10 MR. WHITAKER: Well, this is the
11 witness's Exhibit 4 that has basically been enlarged
12 or zoomed in?

13 MR. STANDRIFF: That's correct.

14 MR. D'ARMINIO: Do we know what's the
15 extent of the zoom or who did it? How it was done?

16 MR. STANDRIFF: So this is a picture of
17 the applicant's exhibit, that's what it is.

18 MR. D'ARMINIO: I mean, none of these
19 exhibits -- I've allowed it. I mean, the strict
20 rules of evidence aren't applicable, I understand.

21 But I've allowed it, but I do feel
22 that, you know -- you know, what's the zoom? I mean,
23 I'll put my objections on the record that it really
24 doesn't have any real predicate, but I don't know,
25 Mr. Whitaker, I don't know where this is going.

1 I just -- I'm very -- I have a continued objection.
2 I don't know if he can testify to it.

3 Maybe this should be questions that are
4 asked the engineer who is going to verify these.

5 MR. STANDRIFF: Mr. Antal testified to
6 the simulation of the signs and used numerous
7 exhibits.

8 This is cross examination in regard to
9 that testimony.

10 MR. WHITAKER: I'm going to allow it.
11 It's basically working off of an exhibit you've
12 already entered into in evidence. And you certainly
13 have the right to have this evaluated with your
14 professional and come back to show that there is a
15 discrepancy and it doesn't accurately reflect the
16 zoom, if that could be done.

17 MR. D'ARMINIO: Then I would reserve
18 that right to do that.

19 MR. WHITAKER: Understood.

20 MR. D'ARMINIO: I'm sorry, last
21 question.

22 Do you have that last question?

23 THE WITNESS: Yes.

24 MR. D'ARMINIO: Okay.

25 THE WITNESS: So from -- from my view,

1 I -- I don't see a difference between them other than
2 the zoomed in feature of the objector Exhibit AKEX-4.

3 BY MR. STANDRIFF:

4 Q. So the objects in the photographs seem
5 to line up and seem to simply be a slightly larger
6 version of what is shown in A-4?

7 A. They appear to be. There is some
8 distortion, but I'm not sure -- I'm not sure it's
9 intentional or just a function of the zooming in. So
10 it appears -- it appears similar.

11 Q. Okay.

12 And, again, we've sort of gone over
13 this, but what you did to make your simulation was
14 you measured the 10-foot-6-inch panel and then placed
15 a simulated sign, which is -- matches up to the panel
16 and then you made it approximately 3.5 times the
17 width, right?

18 A. Yes.

19 MR. D'ARMINIO: By "you," you mean not
20 you --

21 THE WITNESS: The -- the professional
22 --

23 MR. D'ARMINIO: -- but the professional
24 who did this.

25 THE WITNESS: -- who did this, yes.

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BY MR. STANDRIFF:

Q. But you've -- you've been involved in -- in numerous such presentations and your office and people that work for you have done the same thing in other instances, correct?

A. Yes.

Q. Okay.

It's a simulation of where the sign is and what it's going to look like, correct?

A. Correct.

MR. STANDRIFF: All right. Ma'am, would bring up Exhibit 7, please?

Objector, sorry.

BY MR. STANDRIFF:

Q. Sir, can you take a look at Exhibit 7? And for the record, I supplied all of the exhibits to Mr. D'Arminio yesterday or today.

MR. D'ARMINIO: Yes, he did, this afternoon. Earlier today, yes.

THE WITNESS: Yes.

BY MR. STANDRIFF:

Q. Sir, is this, the building depicted in the photograph, the building that's on the subject property?

1 A. Yes.

2 Q. So that's -- it's got the address, 500,
3 and the Tire -- we know that the building on the
4 property is the Tire & Wheel Center, correct?

5 A. Yes.

6 Q. So I submit to you that this is a
7 photograph looking out the window of 545 Route 17
8 obviously looking onto the Tire & Wheel Center. Do
9 you have any reason to believe that's not true?

10 MR. D'ARMINIO: Again, in terms of --

11 MR. WHITAKER: We have to authenticate
12 this --

13 MR. D'ARMINIO: Yeah, I mean --

14 MR. WHITAKER: -- as to who took it and
15 when?

16 MR. STANDRIFF: It was taken by me
17 Friday.

18 MR. D'ARMINIO: But then am I cross
19 examining Mr. Standriff as to how it was taken and
20 what things were taken? I mean I...

21 MR. STANDRIFF: Well, if -- if the
22 photograph can be authenticated, the witness can
23 answer questions about it.

24 MR. WHITAKER: Correct.

25 MR. STANDRIFF: If he has some

1 disbelief as to what is shown in the photograph, he's
2 welcome to say that.

3 MR. D'ARMINIO: I guess Mr. Antal, if
4 -- you know, I object. I don't know that he could --
5 he could say this unless there's some -- some basis
6 for this. I mean, I have -- I guess I have counsel's
7 word for it that it was taken by him and it was taken
8 recently, I assume.

9 MR. WHITAKER: And, again, you can come
10 back and dispute that.

11 MR. D'ARMINIO: Well, then I have to
12 reserve my right to do that.

13 MR. WHITAKER: So you do reserve your
14 rights.

15 MR. D'ARMINIO: I really have to.

16 MR. WHITAKER: Understood. And it's
17 placed on the record that it's the photograph he took
18 depicting what's shown here, which is the subject
19 site and the building on the subject site.

20 So using that as a basis,
21 Mr. Standriff, what are your questions?

22 BY MR. STANDRIF:

23 Q. You've never had a chance to view the
24 Tire & Wheel Center from this vantage point, have
25 you?

1 A. I have not.

2 MR. STANDRIFF: Okay.

3 Ms. Wondergem, would you bring up
4 applicant -- Objector's Exhibit 2, please.

5 MS. WONDERGEM: Which one?

6 MR. STANDRIFF: Two.

7 BY MR. STANDRIFF:

8 Q. Mr. Antal, I submit to you that I took
9 this also on Friday.

10 Have you ever stood across Route 17
11 from the subject property and looked towards it?

12 A. No, I have not.

13 Q. Okay. Do you have any reason to
14 disbelieve that this is a photograph of the subject
15 taken from the other side of Route 17?

16 A. I do not.

17 Q. You recognize what's in the photograph,
18 the two buildings, correct?

19 A. I do recognize them, yes.

20 Q. And the -- I don't know what kind of
21 antenna that is, cell tower, whatever it is, but it's
22 a -- that's right behind the subject property, right?

23 A. I believe it is on the property behind
24 the property we're talking about tonight, yes.

25 Q. I understand.

1 So you see how my client's building,
2 which says 545 on it, is slightly higher than the
3 roof of the Tire & Wheel Center; is that correct?

4 A. I do see that, yes.

5 Q. So the Tire & Wheel Center is a
6 one-story building whereas my client's building has
7 parking underneath and then the offices above, which
8 if you're comfortable, I call that a two-story
9 building, are you okay with that?

10 A. I'm okay with that.

11 MR. STANDRIFF: Ma'am, would you bring
12 up Objector Exhibit 5?

13 BY MR. STANDRIFF:

14 Q. Mr. Antal, do you recognize the Tire &
15 Wheel Center outside the windows of that building?

16 A. Yes.

17 Q. Okay.

18 Will the proposed sign be visible from
19 the window shown in Exhibit 5?

20 MR. D'ARMINIO: I mean, in terms of
21 that, I mean, if you feel you -- if you could answer
22 it, if it can be, I mean, you would have to know what
23 the height of the -- I mean, he would have to know
24 what the height of the window is, the -- he knows the
25 haggle of the sign. I mean, he just -- I -- I don't

1 know. I mean, how -- how can -- can you answer that
2 without any further information at this point?

3 MR. STANDRIFF: I can clarify the
4 question.

5 I'm not asking for a detailed
6 schematic. I'm simply asking if one were standing at
7 the window, would the proposed sign be visible?

8 MR. D'ARMINIO: Well, the question was
9 from this window with this picture was --

10 MR STANDRIFF: That's correct.

11 MR. D'ARMINIO: -- the question.

12 Okay. If you can tell me --

13 THE WITNESS: I believe you would see
14 the pole of the sign. I -- I can't say that you
15 would see the actual display face, but I believe you
16 would see the pole of the sign. Yes, you would see
17 the pole of the sign.

18 BY MR. STANDRIFF:

19 Q. And am I correct that the reason you
20 say you would only see the pole is because these
21 window shades are here (inaudible)?

22 A. No, I only say the pole because I'm not
23 certain at what height this picture is taken, and I
24 don't have -- I don't have all the information.

25 I know you would be able to see the

1 pole just based on where the pole location is going
2 to be, but I'm unsure from this picture if you would
3 see the face of the structure.

4 Q. So if you go back -- I believe I can
5 help you out. If you go back to Objector Exhibit 2,
6 do you see how the 545 building has a row of windows
7 in the second floor? They extend along the entire
8 building.

9 A. Yes.

10 Q. Okay. I submit to you that this
11 photograph was taken and you asked about the height
12 so the windows in Objector Exhibit A-2 are -- would
13 be the height.

14 I don't know how tall it is, but if you
15 look at the picture, you can tell how tall the
16 windows are in relation to the Tire & Wheel Center,
17 and in relation to the simulations that you've done
18 in A-3 and A-4?

19 MR. D'ARMINIO: I object to this line
20 of questioning. He's not an engineer. There's no
21 line-of-sight analysis that's been done.

22 He's indicated that to the best of his
23 ability, he's answered the question that you would
24 see the -- at least the pole you would see, because
25 that would go to the ground, but in terms of the

1 height above ground level and how that relates to the
2 view out that window, he hasn't -- obviously he
3 hasn't been at that window and that line-of-sight
4 analysis hasn't really been done.

5 I mean, he's not an engineer to do
6 that. I think it's beyond his kin to answer that.

7 MR. STANDRIFF: Mr. Whitaker, I'd like
8 some latitude to continue on this line of
9 questioning, please?

10 MR. WHITAKER: If you can answer it
11 based upon what you see in this photograph and what
12 you have in the simulation.

13 It's basically looking at the
14 proportions that exist as far as height's are
15 concerned.

16 You testified as to the height of what
17 you're proposing to build there. You're familiar
18 with a one-story building, you're familiar with a
19 two-story building. And I think the question is fair
20 to ask based upon the simulation you've made, where
21 would that simulated billboard be in relationship to
22 the windows on the second floor of the building
23 that's abutting the property in question.

24 MR. D'ARMINIO: All right. I just --
25 my continued objection, if you can answer that. If

1 you can answer it.

2 THE WITNESS: I -- I don't -- I don't
3 know how to give an answer on that.

4 MR. D'ARMINIO: If you don't know,
5 that's an answer.

6 MR. STANDRIFF: Ma'am, would you go
7 back and pull up Objector Exhibit 5, please?

8 BY MR. STANDRIFF:

9 Q. Mr. Antal?

10 A. Yes.

11 Q. Do you see the lights in Exhibit 5?

12 A. Yes.

13 MR. STANDRIFF: Ma'am, would you pull
14 up Exhibit 7, please, Objector Exhibit 7?

15 BY MR. STANDRIFF:

16 Q. You see the funny looking clouds in
17 Objector Exhibit 7?

18 A. Yes.

19 Q. The square clouds?

20 MR. D'ARMINIO: I'm sorry, I just
21 didn't hear what you said?

22 MR. STANDRIFF: Square clouds.

23 MR. D'ARMINIO: Square clouds?

24 MR. STANDRIFF: Yeah.

25 BY MR. STANDRIFF:

1 Q. Sir, do you see the clouds up on top?

2 MR. D'ARMINIO: Oh, okay, I see that
3 now.

4 BY MR. STANDRIFF:

5 Q. Do you see that those are actually a
6 reflection of the interior lights --

7 MR. D'ARMINIO: Oh, okay. I see.

8 THE WITNESS: Yes, I do.

9 BY MR. STANDIFF:

10 Q. -- from the window?

11 Okay. So in Exhibit 7, you're looking
12 out over the Tire & Wheel Center.

13 Now, you would agree with me that this
14 proposed sign will absolutely -- if it were present,
15 would absolutely be visible in Exhibit 7, correct?

16 A. You would be able to see, I believe,
17 some of the sign. I don't know if you would be able
18 to see all of the sign.

19 Again, it's difficult for me to tell.

20 Q. Okay.

21 A. The angle, like this is taken in
22 portrait, not landscape.

23 I'm not -- I'm not 100 percent certain
24 of that. But, yes, I do believe you would see the
25 pole and at least part of the sign, yes.

1 Q. Would you have any estimate and, again,
2 it could be approximate, I don't need an exact
3 answer. So when the photographer in photograph
4 Exhibit 7, is standing behind the window at the
5 building at 545 --

6 A. Uh-huh.

7 Q. -- approximately how far away from them
8 will the sign be? You can take the nearest portion,
9 whatever you want, do you have any approximation of
10 that?

11 MR. D'ARMINIO: That is on our site
12 plan. I can have the engineer actually say exactly
13 what it is.

14 I mean, I don't -- I would not want you
15 to guess.

16 THE WITNESS: Okay.

17 MR. D'ARMINIO: If you can estimate or
18 look at another document to do it, but I'm not sure
19 that it would be better asked to another witness. If
20 you can answer it, answer it, but I wouldn't want you
21 to guess.

22 MR. STANDRIFF: Let me try and pull up
23 another exhibit to assist you.

24 Ma'am, can you pull up Objector
25 Exhibit 3.

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BY MR. STANDRIFF:

Q. Mr. Antal, so now this is a representation of both my client's building here to the right, correct?

A. Is this from our site plan?

Q. Yes, sir.

A. Is this from A-1?

Q. Yes, sir.

A. That's not A-1, right?

MR. D'ARMINIO: The site plan was --

MR. STANDIFF: I think the site plan was --

MR. D'ARMINIO: I have A-2.

MR. STANDIFF: -- it might's own -- it have been its own exhibit.

THE WITNESS: A-2.

MR. D'ARMINIO: I think it was A-2, yeah.

Actually, Mr. Standriff, this isn't from A -- this isn't from A-2.

This has a 10-foot setback, it has a 10-foot setback and A-2, remember we changed that to a 30-foot setback.

MR. STANDRIFF: Right, yeah, so I have

1 -- this was taken from the first exhibit and you
2 changed the location of the sign, so we'd have to
3 move the sign back a bit.

4 MR. D'ARMINIO: Mr. Standriff, this
5 wasn't an exhibit. I think this is -- I understand
6 what happened.

7 This is what we filed first, probably
8 you got that first.

9 MR. STANDRUFF: Okay.

10 MR. D'ARMINIO: Okay.

11 And then we filed a revision after we
12 had talked to the neighbor.

13 So I'm just saying that the sign is set
14 back further.

15 BY MR. STANDRUFF:

16 Q. I will agree that since this document
17 was created, the sign was moved back from 10 feet to,
18 I believe, 30, correct?

19 A. Yes.

20 Q. And the reason I showed this exhibit is
21 really not for the exact location of the sign.

22 Mr. Antal, you're familiar with the
23 fact that my client's building faces the Tire & Wheel
24 Center, correct?

25 A. Yes.

1 Q. And do you know or not, this indication
2 here says, "Tax Lot 9, AK Realty, LLC," which is my
3 client. It says, "one-story building."

4 To your -- to your knowledge, is that
5 my client's building depicted on that document?

6 A. Yes.

7 Q. Okay.

8 Using any of the numbers, perhaps, the
9 47.6 or 47-foot-6-inch dimension from -- to the rear
10 of the Tire & Wheel Center to the property line, do
11 you have any estimate of how far away the sign will
12 be from my client's window when it's completed?

13 A. From what point of the sign?

14 Q. I would say the closest point of the
15 sign, which I think would be the rear of the sign
16 farthest away from Route 17.

17 MR. D'ARMINIO: Mr. Whitaker, I can
18 have my engineer measure that, if that's --

19 MR. STANDIFF: That's fine.

20 MR. D'ARMINIO: -- if that's to be
21 desired from the record. It's just kind of unfair to
22 have him --

23 MR. STANDRIFF: That's fine.

24 MR. WHITAKER: In you picking this
25 site, the real question is: Did you do this analysis

1 or do any measurements?

2 THE WITNESS: We did not do a
3 measurement from the building that the objector is
4 referring to, we did not when picking the site.

5 MR. WHITAKER: And on this is a -- this
6 has been created to blow up the site plan for this
7 particular area, correct? This is an enlargement,
8 Mr. Standriff?

9 MR. STANDRIFFF: Yes, sir.

10 MR. WHITAKER: Okay.

11 On your exhibit, you're showing this as
12 a one-story building. You see the exhibit, it says a
13 one-story --

14 MR. STANDRIFFF: Yes.

15 MR. WHITAKER: Did you put that --

16 MR. STANDRIFFF: No, no. This is merely
17 -- this is merely --

18 MR. WHITAKER: Not to Mr. Standriff,
19 I'm asking the witness.

20 MR. STANDRIFFF: Oh, okay, sorry.

21 I'm in the line of sight, I apologize.

22 THE WITNESS: Could you repeat the
23 question.

24 I apologize.

25 MR. WHITAKER: You've created this

1 exhibit and you're labeling this building as a
2 one-story building on your exhibit.

3 THE WITNESS: My engineer created this
4 exhibit, that would be a question for --

5 MR. WHITAKER: So you're not familiar
6 whether this is one store or two stories?

7 MR. D'ARMINIO: Well, we know it has
8 parking underneath it, that's not an issue. It has
9 one -- one story --

10 THE WITNESS: Yeah, I -- I know what it
11 looks like in -- in real life where there's the
12 parking underneath and then a single story of
13 business above the parking.

14 MR. WHITAKER: But you didn't analyze
15 any of the height of that building when you selected
16 this site?

17 THE WITNESS: I did not when we
18 selected the site, no.

19 MR. WHITAKER: Thank you.

20 MR. D'ARMINIO: And I think this is
21 probably from the tax information.

22 THE WITNESS: The only thing we did do
23 regarding that property during the site selection was
24 insure that it was commercial in nature.

25 So didn't -- didn't get the -- you

1 know, the height of the building or anything like
2 that. We just knew that the adjacent property was
3 commercial in nature.

4 MR. WHITAKER: But you weren't aware of
5 the historic --

6 THE WITNESS: Say that again, sir. I'm
7 sorry, I couldn't hear you.

8 MR. WHITAKER: You testified earlier
9 you were not aware of the historic nature of any of
10 the properties in the area?

11 THE WITNESS: I was not, no.

12 MR. D'ARMINIO: And we do have a
13 witness who's going to deal with those issues as
14 raised by your planner.

15 MR. WHITAKER: Mr. Standriff, please
16 proceed.

17 MR. STANDRIFF: Ma'am, would pull up
18 Objector Exhibit 8, please?

19 MR. D'ARMINIO: You know, I object to
20 this exhibit.

21 This is -- it has no predicate. It has
22 no basis.

23 MR. WHITAKER: We've only pulled it up.
24 We haven't done anything else with it. Mr. Standriff
25 has to tell us what it is and how it was created.

1 MR. D'ARMINIO: Okay.

2 MR. WHITAKER: I mean, our alternative
3 is Mr. Standriff brings in a witness if somebody
4 other than he did this, and then we call him back
5 later to go through this, but we have him here now,
6 so let's try to --

7 MR. D'ARMINIO: Find out what it is. I
8 agree --

9 MR. WHITAKER: Okay.

10 MR. D'ARMINIO: Let's find out what it
11 is and how --

12 MR. WHITAKER: Okay.

13 MR. D'ARMINIO: -- how it was done.

14 MR. STANDRIFF: I will submit to you it
15 was created by my associate and it's created from the
16 previous exhibit, which is the photograph, Exhibit 7.

17 MR. D'ARMINIO: I just object.

18 It has no -- it has no basis. It
19 really shouldn't even be shown at this point until
20 there's some -- other than an associate in an office
21 doing a Photoshop.

22 MR. WHITAKER: Mr. Standriff, we don't
23 even know how it got created and how that painted
24 box, not only what it may represent, but how it was
25 created on there to be accurate.

1 MR. STANDRIFF: It was created using a
2 program called "Paint," which is a program where you
3 can add shapes to photographs.

4 MR. WHITAKER: But --

5 MR. STANDIFF: But, again, as you said,
6 Mr. Whitaker, I haven't even asked him a question
7 yet.

8 MR. WHITAKER: But if you're going to
9 ask him a question about this exhibit --

10 MR. STANDRIFF: Right.

11 I'll ask him the question that I want
12 to ask him. If he can't answer it, he can't answer
13 it.

14 MR. WHITAKER: Go ahead.

15 BY MR. STANDRIFF:

16 Q. Does Exhibit 8, is it a -- not exact to
17 scale, but is it a fair representation of what the
18 billboard is going to look like from 545 Route 17
19 north?

20 MR. D'ARMINIO: Objection, how is he
21 going to know that, really? That's just -- how is he
22 going to know that?

23 It's a paint -- it's something that you
24 can get off the internet. I -- I don't know. I
25 mean, if I have some time, I can have my engineer

1 look at it, I can do some things with it, but -- but
2 to ask him that question is just patently unfair.

3 MR. STANDRIFF: Mr. Whitaker, this
4 witness put into evidence numerous simulations. And
5 we've already gone over how that was done, put the
6 panel up, make the sign 3.5 times the width.

7 My question is: Can he tell the board
8 whether or not this is a fair representation of what
9 the billboard is going to look like from the view
10 that we've already gone over and explained.

11 MR. WHITAKER: And it's up to him to
12 answer that, Mr. D'Arminio as to whether he can or
13 no.

14 He didn't ask is it, he's asking
15 whether he can.

16 He may say he doesn't know or he can't.
17 I don't know.

18 Let him answer that question.

19 MR. D'ARMINIO: All right. My
20 continued objection.

21 THE WITNESS: Can you repeat the
22 question, please.

23 BY MR. STANDRIFF:

24 Q. Given the testimony that you've gone
25 over in regard to the simulations you admitted into

1 evidence and the testimony that we've gone over as to
2 where the panel is, 10 foot 6, approximately 3.5
3 times the width, can you tell the board whether or
4 not this simulation is a fair representation of what
5 the sign will look like out the window of
6 545 Route 17 north?

7 A. I cannot tell the board that.

8 MR. STANDRIFF: No further questions.

9 MR. WHITAKER: Any follow-up questions
10 by board members on the basis of the answers that
11 were just given by the witness before we go to other
12 members of the public?

13 MR. NEGRYCZ: I have one question. How
14 far --

15 CHAIRMAN BROWN: Gary, could you just
16 talk closer into your mic please?

17 MR. NEGRYCZ: How far is the left edge
18 of that colored box from Route 17 property
19 right-of-way?

20 THE WITNESS: You would have to ask the
21 person who created it.

22 MR. D'ARMINIO: Yeah, I couldn't -- the
23 one thing is, is that the -- I have an engineer that
24 can tell you, but the site plan says it's 30 feet on
25 our site plan. It doesn't mean that that's 30 feet

1 is the issue, you know.

2 MR. NEGRYCZ: Well, that's what I'm
3 trying -- I can't do anything with this without
4 knowing that.

5 THE WITNESS: That's a question for the
6 objector's attorney.

7 MR. D'ARMINIO: Yes, the site plan says
8 that it's 30 feet, whether that's 30 feet or 10 feet
9 or 2 feet, and the angle it was taken and whether
10 that's how it's going to look out the window? I
11 mean, there's -- there's no scientific basis for that
12 is what I'm saying. There's no calculations.
13 There's no calculations as to the -- you know, where
14 the window is in relationship to the ground, in
15 relationship to the haggles of the -- of the sign.
16 It's just -- and that's why I believe Mr. Antal
17 fairly said how can he answer the question.

18 MR. WHITAKER: So my suggestion would
19 be, in the age of simulations, that when your
20 engineer testifies, he could take this photograph
21 that's here, forget about the pink box for the
22 moment, and let him look at this and measure out what
23 30 feet would be and simulate that from your property
24 line and show it.

25 MR. D'ARMINIO: It may be something he

1 can do. I'm not sure he can do that on the fly --

2 MR. WHITAKER: See if it's different
3 than the --

4 MR. D'ARMINIO: But --

5 MR. WHITAKER: -- pink box.

6 MR. D'ARMINIO: I'm not sure -- I'm
7 sorry, Mr. Whitaker, I interrupted you please go
8 ahead.

9 MR. WHITAKER: I said and he can show
10 if it's different than what's being depicted here,
11 reserve for it, that's all I'm saying.

12 MR. D'ARMINIO: We'll reserve, yeah,
13 we'll reserve that issue.

14 CHAIRMAN BROWN: So then can I ask a
15 quick question?

16 At the same time that your engineer is
17 going to do that, are they going to be able to give
18 us the basis as to how these were figured out?

19 MR. D'ARMINIO: Yeah, that's part of
20 his testimony tonight.

21 CHAIRMAN BROWN: The engineer will tell
22 us why that this is a correct simulation based on his
23 testimony?

24 MR. D'ARMINIO: Yeah.

25 He was there during the bucket test.

1 He made the measurements, verified all the
2 measurements, that was what I was going to go through
3 with him.

4 CHAIRMAN BROWN: Okay. Wonderful. All
5 right. Thank you. Okay. So --

6 MR. WHITAKER: I have one other
7 question, just based on your testimony that you gave,
8 nothing to do with the simulations.

9 You've stated that -- when the question
10 was asked that you selected this site because it was
11 suited for it, and when it was asked as to the effect
12 it would have on other properties and you said the
13 planner would answer that, correct?

14 THE WITNESS: Yes.

15 MR. WHITAKER: My question to you is:
16 Did you engage the planner to do an analysis of this
17 site and a comparison of the properties around it
18 before you selected the site or after you selected
19 the site?

20 THE WITNESS: I believe it was after.

21 MR. WHITAKER: So you engaged the
22 property owner with some type of a proposal before
23 you did an analysis with your planner?

24 THE WITNESS: Yes.

25 MR. WHITAKER: Thank you.

1 CHAIRMAN BROWN: Thank you,
2 Mr. WHITAKER.

3 Okay. At this time we're going to open
4 it up for questions from the public.

5 Just as a heads up, the questions are
6 just that, they're allowing the public to ask
7 questions of the applicant's witness.

8 It's time for questions only and no
9 comments. There will be a time later for the public
10 to make comments.

11 When you please come up, please state
12 your name, also spell your name and address for the
13 record and you'll direct your questions to the
14 applicant's witness.

15 MR. WHITAKER: And the questions that
16 are being asked have to be in relation to the
17 testimony this witness gave.

18 So if you have questions that are not
19 something that this witness directly testified to,
20 you have to hold those questions until another
21 witness comes and then you would ask those questions.

22 By virtue -- by way of example, true
23 engineering questions will be questions for the
24 applicant's engineer and not this gentleman.

25 Let's proceed.

1 Anyone has questions? You have to give
2 your name and address for the record and speak in the
3 microphone.

4 Caution all the public, this is a
5 hearing, it's a public meeting. And so everything
6 that's asked and answered is being recorded so that
7 we have a record of it.

8 Please proceed.

9 MS. LIMA: Good evening. Denise Lima,
10 319 East Glen Avenue.

11 MR. WHITAKER: Spell your last name,
12 please?

13 MS. LIMA: Lima, L-I-M-A.

14 MR. WHITAKER: Thank you.

15 MS. LIMA: I live one mile --

16 MR. D'ARMINIO: I'm sorry, I didn't get
17 that address, ma'am. Could you just say your address
18 again? I just didn't hear it.

19 Just say your address again?

20 MR. WHITAKER: Your address.

21 MS. LIMA: It's 319 East Glen Ave.

22 MR. D'ARMINIO: Okay., 319 East Glen,
23 okay.

24 Thank you.

25 MS. LIMA: I live one mile west of the

1 area.

2 My question would be: Is there a
3 close-up view of the exhibits, because I only see 500
4 and 750 distances, of the Maywood site or the
5 Ridgewood site.

6 THE WITNESS: Is there a close-up view?
7 I mean, we've only presented the 500-foot and
8 750-foot distances from Route 17.

9 MS. LIMA: Okay.

10 And will the planner be submitting
11 something closer so people can see what it looks like
12 up close and personal?

13 Because from a distance it looks great
14 because it's like this small.

15 MR. D'ARMINIO: Well, we've done it at
16 500 and 750. I don't know if we've done it even
17 closer.

18 MR. WHITAKER: Just say yes or no?

19 MR. D'ARMINIO: I guess it's no, right
20 now no.

21 MR. WHITAKER: You're not having
22 another exhibit, okay.

23 MS. LIMA: Okay.

24 MR. D'ARMINIO: Right now, no, but I'll
25 ask.

1 MS. LIMA: And I think this was part of
2 the testimony at the last session, but just to
3 verify, will Ridgewood have any opportunity to edit
4 the messaging on the boards?

5 MR. D'ARMINIO: Good question.
6 How does that work if there's an
7 objection or a problem?

8 THE WITNESS: Well, we abide by all the
9 state standards when it comes to advertising content,
10 vulgarity, obscenity, all of those things. So we're
11 governed by the state in that regard.

12 MS. LIMA: So if there's something that
13 the children across the highway at the Schedler new
14 property or the children in the picture that was just
15 shown, feel that there's something offensive, will
16 Ridgewood have the ability to call somebody to edit
17 that?

18 THE WITNESS: Ridgewood would have the
19 ability to reach out to us to -- to ask us to do
20 that, yes.

21 MS. LIMA: But you have no authority -
22 you can say no? We have no authority over that?

23 THE WITNESS: We could say no, yes.

24 MS. LIMA: Okay.

25 My last question, I'm hoping this is in

1 context to the questions. I'm trying to stay in line
2 with your request.

3 In preparation for this application,
4 was there any research done on the -- with the New
5 Jersey Department of Transportation and the amount of
6 accidents that happened between mile marker 19 and 16
7 going southbound on Route 17.

8 MR. D'ARMINIO: I'm sorry, I'm trying
9 to keep up with you.

10 What mile markers were those again?

11 MS. LIMA: Between 19 and 16 --

12 MR. D'ARMINIO: Between 19 and 16 --

13 MS. LIMA: -- southbound on Route 17.

14 THE WITNESS: That was not part of the
15 consideration in the site selection at this location.

16 MS. LIMA: Thank you.

17 And is there any statistics on the risk
18 of billboards creating distractions and increasing
19 the amount of accidents.

20 MR. D'ARMINIO: There have been
21 numerous studies and -- with regard to that and if
22 you -- we have a witness that you can ask that
23 question.

24 MS. LIMA: If you look that up, there's
25 300 accidents that have occurred between Waldwick and

1 the Franklin Turnpike.

2 MR. WHITAKER: That would be testimony,
3 so --

4 MS. LIMA: Okay. I'm sorry.

5 MR. WHITAKER: You'll have the right
6 after the presentation is made by the applicant to
7 bring your own witnesses or own information -

8 MS. LIMA: Okay.

9 MR. WHITAKER: -- and testify under oath
10 for that.

11 MS. LIMA: Oh, that's great.

12 That's all I have. Thank you.

13 CHAIRMAN BROWN: Thank you.

14 MR. D'ARMINIO: Are we going to refer
15 to this exhibit anymore? I think it should probably
16 come down.

17 MAYOR KNUDSEN: Good evening.

18 MR. D'ARMINIO: Pink is a nice color,
19 though.

20 MAYOR KNUDSEN: Susan Knudsen,
21 120 Circle Avenue, Ridgewood, New Jersey.

22 I just have a couple of questions. At
23 what point traveling towards the billboard, for
24 someone with perfect vision, would they be able to
25 clearly read the billboard?

1 MR. D'ARMINIO: We have a witness that
2 can testify to that.

3 THE WITNESS: Yeah, that's -- we have
4 somebody who will testify to that, you can ask that
5 question.

6 MAYOR KNUDSEN: So when you did your
7 distance study, the 750 feet and the 500 feet, what
8 precisely was that based on? How did you come up
9 with those two distances?

10 THE WITNESS: Those are typical
11 distances in our business where we want to be able to
12 identify that -- from the 750 feet, we want to be
13 able to identify that the billboard exists, not
14 necessarily read it or comprehend it, but to visually
15 understand that something is coming and from 500 feet
16 you want to be able to be able to glance and
17 comprehend the actual message being displayed.

18 So those are the reasons why we used
19 those two distances for our simulations.

20 MAYOR KNUDSEN: So at 500 feet then
21 presumably someone with perfect vision would be able
22 to begin processing the message?

23 THE WITNESS: I believe that's a fair
24 assumption.

25 MAYOR KNUDSEN: So then from a distance

1 of 500 feet, any home within the 500-foot distance
2 then presumably would be in the same situation that
3 they would also then be able to process the sign from
4 that distance?

5 THE WITNESS: I think that question
6 relates more to light and the actual image that's
7 being displayed. So if the house was located 500
8 feet on the roadway from the sign, I could say that,
9 yes, they would be able to see the message.

10 But, obviously, different angles would
11 affect the visibility of the message.

12 MAYOR KNUDSEN: Of course.

13 THE WITNESS: So I'm not 100 percent
14 sure I can answer that question.

15 MAYOR KNUDSEN: And then the visibility
16 at night, obviously, because of the dark sky and the
17 lighting, the visibility would be more significant,
18 would we say, at the 500 feet?

19 THE WITNESS: No, the testimony I gave
20 is that the sign remains at 0.3 footcandles above
21 ambient.

22 MAYOR KNUDSEN: Okay.

23 THE WITNESS: So it's brightest when
24 there is direct sunlight on it.

25 MAYOR KNUDSEN: Okay.

1 THE WITNESS: It is darkest when there
2 is no ambient light immediately around the sign.

3 MAYOR KNUDSEN: Okay. I do actually
4 remember you saying that. Sorry about that.

5 There was a statement earlier that the
6 Village of Ridgewood would be advertising on the
7 billboard. I don't recall who made that statement.

8 THE WITNESS: Is that a question.

9 MAYOR KNUDSEN: Did you make that
10 statement --

11 MR. D'ARMINIO: Yes, that was --

12 THE WITNESS: Yes.

13 MR. D'ARMINIO: It was offered to the
14 Village of Ridgewood if they wish, yes.

15 MAYOR KNUDSEN: Okay.

16 But, presently, there's no agreement
17 and you've not met with anyone from the Village.

18 THE WITNESS: No.

19 MAYOR KNUDSEN: I'm sorry?

20 THE WITNESS: No, we have not.

21 MAYOR KNUDSEN: Okay. I'm good for
22 now.

23 Thank you.

24 CHAIRMAN BROWN: Thank you.

25 MS. HONE: Jacqueline Hone, 30 Carriage

1 Lane. H-O-N-E is my last name.

2 So in -- as far as distance, there was
3 something mentioned about are there any measurements
4 from or analyzed the distance or height from the sign
5 to the residential properties, historical site, the
6 businesses and I didn't hear any mention of --

7 MR. WHITAKER: One question at a time.

8 MR. D'ARMINIO: In terms of the
9 historical sites, that analysis has been done and
10 that will be our planner has photos and distances and
11 those calculations.

12 MR. WHITAKER: That will be a question
13 for the planner, when the applicant brings the
14 planner.

15 MR. D'ARMINIO: And the residences as
16 well or the residences that we've identified.

17 MS. HONE: So I'm a resident of
18 30 Carriage Lane, the condominiums directly across
19 from the proposed area and I stood at my window and
20 took a picture directly and can see the Exxon gas
21 station, clear visibility with --

22 MR. WHITAKER: Do you have the
23 photograph with you?

24 MS. HONE: I do have it on my phone.

25 MR. WHITAKER: I'm sorry?

1 MS. HONE: I do have it on my phone.

2 MR. WHITAKER: Why don't you --

3 MR. D'ARMINIO: If this is a statement
4 then --

5 MR. WHITAKER: You can't testify now.

6 MS. HONE: No, it's a -- it's a
7 question.

8 MR. WHITAKER: If we're going to have
9 an exhibit --

10 MS. HONE: Okay.

11 MR. WHITAKER: -- short of you --

12 MS. HONE: So in this exhibit, the
13 exhibits presented, everything is very green and
14 plush, and I'm wondering if there are any photographs
15 at a time period like now or in the winter when there
16 are no leaves on these trees because the lighting and
17 visibility becomes even more intensified.

18 MR. D'ARMINIO: We'll have -- whatever
19 photos we'll have, we'll have them and I believe
20 there are some that were taken at a different time of
21 the year, but I'm not sure actually at this point,
22 but we'll see, we're going to have testimony on that
23 and we'll take a look at that.

24 MR. WHITAKER: Reserve that question
25 then.

1 MS. HONE: Okay.

2 Also in these pictures there's from a
3 500 feet northbound, 700 feet northbound and
4 southbound, there doesn't seem to be any view of the
5 overpass that is used for the park and ride and I was
6 wondering if there was any, again, measurement from
7 that area, the park and ride.

8 MR. D'ARMINIO: I believe that A-9A
9 shows the park and ride.

10 Did you see that?

11 MS. HONE: I didn't see that, no, I'm
12 sorry.

13 Do we have the distance of what that
14 park and ride is to the sign?

15 MR. D'ARMINIO: No, but we could figure
16 -- we could get that for you.

17 MS. HONE: Great.

18 And someone else had mentioned
19 potential accidents and things of that sort.

20 So I was just wondering from a
21 visibility standpoint, that area has a lot of foot
22 traffic, pedestrians, which will also just increase
23 now that we've mentioned that there is a park that is
24 planned for the property across the street on the
25 historical side of Schedler.

1 So is there --

2 MR. D'ARMINIO: Is there a question?

3 MR. WHITAKER: What's the question?

4 MR. D'ARMINIO: Is there a question
5 here?

6 MS. HONE: So are there any traffic
7 studies of flow and speed in regards to when there's
8 a sign there, does the traffic slow down?

9 MR. D'ARMINIO: That's not for this
10 witness, but we can have someone answer that
11 question.

12 MS. HONE: Okay, thank you.

13 In regards to the properties around, I
14 know we've said the homes, the historical were
15 considered. The Department of Transportation, I
16 believe, was also informed and/or contacted.

17 Was the New Jersey Division of
18 Environmental Protection also notified? Because on
19 the properties, the historical properties, there are
20 also endangered species that are protected and I was
21 wondering if that would affect them at all, the light
22 pollution.

23 MR. D'ARMINIO: Objection to the
24 characterization of light pollution.

25 MR. WHITAKER: Well the question is:

1 Were they notified or was there any contact with
2 them?

3 That's the question.

4 MS. HONE: Correct.

5 MR. D'ARMINIO: I would have to ask my
6 engineer.

7 I mean, our office didn't.

8 MR. WHITAKER: Okay. So be prepared
9 for that answer at a future date.

10 MS. HONE: And there was the ambient
11 lighting, can you just describe that a little bit
12 more? You said it -- during the day it is at its
13 peak and then at night -- if you could just elaborate
14 a little bit more on that and I'm only associating it
15 to, for example, my cell phone.

16 So if I'm outside during the day, the
17 phone automatically gets brighter so that I can just
18 see that visually with all the sun around me. And
19 then at nighttime, if I were in a dark room, the
20 phone looks extremely bright to my eye in that
21 setting.

22 So could you just explain to me a
23 little bit more about the ambient lighting?

24 THE WITNESS: Sure.

25 So the -- the lighting control within

1 the billboard, itself, maintains 0.3 footcandles
2 above the ambient.

3 So it is a dynamic moving type of
4 number, right? When the ambient light is at its
5 brightest, the board will, again, maintain the 0.3
6 footcandles above that number and when the
7 surroundings are dark, it will reduce again, but
8 still maintain that 0.3. So I think in theory it is
9 similar in nature to a cell phone.

10 However, every cell phone is different
11 and when the surroundings are dark, the billboard
12 will remain at that 0.3 above whatever that darkness
13 level is.

14 MS. HONE: Okay.

15 So for me who doesn't really understand
16 this, I would -- it would be just as visible, it's
17 not that it becomes less visible at night or just
18 adapts to the environment, so it just -- I can still
19 see it in the same way.

20 THE WITNESS: It adapts to the
21 environment so that the message remains clear and
22 visible.

23 I think the photos that we provided of
24 the nighttime in the billboard in Maywood is the best
25 example of that where you can compare the day and

1 night to see the difference between those two
2 visibility levels.

3 MS. HONE: So it's not that it becomes
4 less visible or more dim --

5 THE WITNESS: Right.

6 MS. HONE: -- it just adapts to its
7 environment so that it can stay just as visible.

8 THE WITNESS: It adapts to its
9 environment, yes.

10 MS. HONE: Okay.

11 So the sign, again, I'm sorry, I know
12 this question keeps going over and over again and I'm
13 just rounding up, it's approximately 40 feet, is it a
14 little shy of that?

15 MR. D'ARMINIO: In terms of the height,
16 you said?

17 MS. HONE: Correct.

18 MR. D'ARMINIO: Okay.

19 THE WITNESS: Well, there's a
20 difference between the height from the ground where
21 the pole is located versus the height from the
22 roadway, itself. There's about a 1-foot elevation
23 difference between the ground level where the sign
24 would be built and the roadway of Route 17.

25 From the base of the sign to the top of

1 the sign, it will measure approximately 40 feet, but
2 from the height of Route 17, it's 39.

3 MS. HONE: Okay.

4 So it's fair to say that it's a 40-foot
5 sign from the base to the top.

6 THE WITNESS: Correct, the sign
7 structure is 40-feet tall.

8 MS. HONE: And -- okay. I'm not very
9 good with measurements, but would that be --

10 THE WITNESS: Me either.

11 MS. HONE: -- like the height of this
12 room or --

13 THE WITNESS: Yeah, I don't -- I don't
14 know. I don't know how high this room is.

15 MS. HONE: Okay.

16 Is there something you can compare it?
17 Like 40 feet would be -- I know there's -- these are
18 all simulations of what it could be, so the one-story
19 -- what is, for example, the Exxon, just that -- or
20 even the wheel thing, the top of that ceiling or
21 building to the top of the sign.

22 MR. D'ARMINIO: These would be
23 questions for our engineer, he may know.

24 MR. WHITAKER: The engineer will be
25 able to give heights now --

1 MS. HONE: Okay.

2 MR. D'ARMINIO: We'll have someone
3 answer that question.

4 MR. WHITAKER: -- and compare it to the
5 height of buildings and signs when the engineer
6 testifies.

7 MS. HONE: Okay.

8 MR. D'ARMINIO: The engineer would have
9 experience with canopies and maybe he would know.

10 MS. HONE: Okay.

11 There were -- thank you.

12 There was mention of, I believe it was,
13 85 other digital signs during the last testimony and
14 I was just wondering were any of these -- and there
15 was something asked also about there weren't any
16 signs from -- is it Ramsey or Mahwah, you said.

17 THE WITNESS: I -- I don't recall
18 saying that. I think there was -- excuse me -- a
19 comment made about a digital sign being north of this
20 location. I believe my comment was that is not mine,
21 that is another operator's sign.

22 And then we -- I brought up our sign in
23 Maywood being the closest location I have on Route 17
24 to this proposed location.

25 MS. HONE: Is that --

1 MR. D'ARMINIO: A digital sign.

2 THE WITNESS: Digital sign, I
3 apologize.

4 MS. HONE: Digital, right. Digital
5 signs.

6 Have there been other applications put
7 in in between those for different towns or it's just
8 Maywood, Ridgewood and --

9 THE WITNESS: During my tenure, I do
10 not recall another application between Ridgewood and
11 Maywood.

12 MR. D'ARMINIO: That was an Outfront or
13 its predecessor?

14 THE WITNESS: Right, Outfront or its
15 predecessor companies.

16 MS. HONE: Gotcha.

17 And there was also a question about how
18 close these signs could be from one another, if there
19 was to be one today and then another sign be put up.
20 You had mentioned something about there's -- there's
21 requirements or something like that about the
22 distance that could happen between that one and the
23 next sign.

24 THE WITNESS: Correct.

25 MS. HONE: Could you just elaborate on

1 that a little more?

2 THE WITNESS: The Department of
3 Transportation Outdoor Advertising Division requires
4 3,000 linear feet between digital billboard
5 locations.

6 MS. HONE: So there could be a linear
7 -- there could be a billboard every 3,000 feet? How
8 does that work?

9 THE WITNESS: A digital billboard every
10 3,000 feet if -- yes, if all the zoning was correct,
11 yes.

12 MR. D'ARMINIO: And that's north and
13 south?

14 THE WITNESS: North and south of the
15 location.

16 So linear 3,000 feet in each direction.

17 MS. HONE: In each direction.

18 So if this one goes up, then there can
19 be another one on the -- there could be another one
20 3,000 feet down the road, up the road on either side
21 or just --

22 THE WITNESS: Linear feet is the same
23 side of the road.

24 MS. HONE: Linear is same side.

25 THE WITNESS: But, again, I'm unaware

1 of the zoning or other issues that may be present
2 3,000 feet in either direction from this location.

3 MS. HONE: Okay. There -- it was
4 mentioned about the public benefit of the municipal
5 messages on this sign and I know someone previously
6 mentioned -- was there a -- we got this package last
7 time we were here about the emergency messages.

8 THE WITNESS: Yes.

9 MS. HONE: And then we also received
10 another one that showed actual Ridgewood Daffodil, I
11 think it's like a football, things of that -- sports
12 teams.

13 Was there a poll or research the need
14 or use for that?

15 THE WITNESS: No.

16 MS. HONE: And could you -- as far as
17 public benefit for Ridgewood residents, municipal
18 messages, et cetera, are there numbers showing how
19 many Ridgewood residents that would benefit from
20 these messages actually travel on Route 17 in that
21 direction coming to and from?

22 THE WITNESS: No.

23 MS. HONE: Do you know numbers as far
24 as who would be traveling up and down?

25 THE WITNESS: I do not.

1 MS. HONE: Is it statewide?

2 No?

3 THE WITNESS: I do not.

4 MS. HONE: And as far as added benefit
5 for public, the sports groups, the municipality, you
6 had mentioned something about if somebody -- like
7 amber alerts and things of that sort.

8 How is -- is there -- how are those
9 agreements made? Like is there a dollar amount, is
10 that free?

11 THE WITNESS: So during our previous
12 hearing we provided the Protocol A and B.

13 Protocol A detailed the process for the
14 municipality use for emergency messaging.

15 And Protocol B detailed the use of the
16 town for the public service municipal announcement
17 messaging.

18 MS. HONE: Is there a cost associated
19 with that?

20 THE WITNESS: There is not.

21 MS. HONE: So it's a gift?

22 THE WITNESS: I wouldn't consider it a
23 gift. I would consider it a public service.

24 MS. HONE: So there's -- so an ad -- is
25 there a certain number or there's no limit if it's --

1 if it's in --

2 THE WITNESS: I don't understand the
3 question.

4 MS. HONE: So these signs here, so if
5 we have six events, I mean, Spring in Ridgewood and
6 the Daffodil Festival, Earth Day, Cheer on Ridgewood,
7 is there a number -- I understand these were, like,
8 municipal messages and then there's emergency
9 messages, right?

10 THE WITNESS: Yes.

11 MS. HONE: So in this case, for
12 example, are you given 10 or -- and then --

13 THE WITNESS: I think I understand what
14 you're saying, yes.

15 MS. HONE: Thank you.

16 THE WITNESS: No, there is no
17 limitation on the number of messages the town could
18 display.

19 MS. HONE: So is -- is that established
20 every year in an agreement or just as needed, like
21 how are the --

22 THE WITNESS: The protocols -- and
23 please correct me if I'm wrong, the protocols would
24 be adopted as part of the resolution for the project
25 and we would execute those with the town as they need

1 it.

2 It would not change if -- if we agreed
3 to it in this resolution, for the life that that
4 approval exists, we must abide by those protocols
5 based on the resolution that has been made for the
6 application.

7 MR. D'ARMINIO: I mean, there is some
8 reasonableness. I mean, if you wanted a different
9 copy created every day, that might be unreasonable,
10 but I believe that's never -- it's always worked out.

11 THE WITNESS: We have not run into an
12 unreasonable situation with any of our municipal
13 partners.

14 MS. HONE: And so an average ad like
15 this, I could imagine, is very costly.

16 So from a public perspective, I'm --
17 I'd like to know what that gift would represent
18 monetarily.

19 THE WITNESS: So -- so --

20 MR. D'ARMINIO: First, he said it
21 wasn't a gift, it was a public service.

22 And in terms of the monetary values, I
23 thought that was something that was not really -- you
24 know, relevant, I mean, it's a public service that we
25 do. We do it for many towns.

1 MR. WHITAKER: It's a public service
2 being provided. It does not have any relevance here.

3 MS. HONE: Okay.

4 So as long as it's the municipality,
5 then there's no dollar figure. It's just some -- a
6 service that's being provided from the outlet outdoor
7 in exchange for this billboard.

8 MR. D'ARMINIO: No, it's not in
9 exchange for anything. It's a service that we
10 provide.

11 If you don't want it, it's not a quid
12 pro quo. It's just, you know, what we do, what the
13 industry does. It's not -- it's not a quid pro quo.
14 We'll do it, because we do it for everybody, pretty
15 much, right?

16 THE WITNESS: Yeah.

17 MS. HONE: So it's just an understood
18 benefit between two parties?

19 THE WITNESS: It's part of being a good
20 community partner.

21 MR. D'ARMINIO: And I think there was
22 one thing, the amber alerts and those, those don't
23 cost money as well, right?

24 THE WITNESS: No, amber alerts are,
25 again, a public service that we provide.

1 MR. WHITAKER: They're not governed by
2 the municipality.

3 MS. HONE: Correct.

4 MR. D'ARMINIO: Yes.

5 THE WITNESS: Correct.

6 MS. HONE: So what type of emergency
7 messaging would be from a municipality? What has it
8 been so far with other municipalities?

9 THE WITNESS: Evacuation zones,
10 potential road flood warnings, things of a really
11 critical nature for the people who are traveling that
12 roadway and/or, you know, from the town, things for
13 people to know.

14 MS. HONE: So evacuation from
15 Ridgewood, the sign is behind the mass residents of
16 Ridgewood.

17 So how would they be able to see that?

18 THE WITNESS: I don't know.

19 Again, this is something we work on the
20 -- with the OEM from the towns on a case-by-case
21 basis --

22 MS. HONE: And --

23 THE WITNESS: -- to see where there's a
24 need and, obviously, we offer the service to them if
25 there's a need for it.

1 MS. HONES: Have you -- in your
2 experience with other municipalities, have you seen a
3 decline in that need because of the alerts that
4 people now use on their cell phones?

5 THE WITNESS: We have not.

6 MS. HONES: So how many municipalities
7 are currently utilizing that service?

8 THE WITNESS: We have approximately 20
9 municipalities currently involved with the program.

10 However, how much they've used them, I
11 -- I don't have that number off the top of my head,
12 but it is, you know, something that we could look
13 into.

14 MS. HONE: Okay. I had -- you had
15 asked if I had a picture of the lighting and then I'm
16 sorry, I -- I didn't -- that's for someone else, is
17 that what you said before, to produce that picture
18 from my window to --

19 MR. WHITAKER: I think you can do it
20 when you testify later on after this presentation,
21 but you're going to need to have a printed picture,
22 not on your cell phone.

23 You're going to have to have it
24 printed.

25 MS. HONE: Okay, sure.

1 MR. WHITAKER: Have to have sufficient
2 exhibits for board members, we well as members of the
3 public, as well as the applicant.

4 MS. HONE: Okay. The -- there are 85
5 digital signs. Is that -- I'm assuming just through
6 Outdoor?

7 THE WITNESS: So under my jurisdiction,
8 the territory that I manage, we currently have 85
9 digital billboards in operation.

10 MS. HONE: And what is your
11 jurisdiction?

12 THE WITNESS: From Ocean County up
13 north to Sussex County, 13 counties within the Metro
14 area.

15 MS. HONE: So from Ocean County to
16 Sussex County?

17 THE WITNESS: Correct.

18 MS. HONE: There's 85 digital?

19 THE WITNESS: Correct.

20 MS. HONE: How many in Bergen County?

21 THE WITNESS: I'm sorry, say that
22 again.

23 MS. HONE: How many of those are in
24 Bergen County?

25 THE WITNESS: I will confirm that

1 number, I believe it is ten.

2 MS. HONE: Would it be possible to have
3 a list of the ten and their locations?

4 MR. D'ARMINIO: Again, I'm not sure for
5 what purpose, but I don't think --

6 MR. WHITAKER: I don't know what the
7 relevancy would be.

8 MS. HONE: I would like to see them and
9 go visit and see what it looks like and proximity.

10 We were given an example of Maywood,
11 which is one of the ten. So if I could just, kind
12 of, compare other ones and locations to that.

13 THE WITNESS: Yeah, I'm fine with that.

14 MR. WHITAKER: Just supply the
15 addresses, that's all.

16 MS. HONE: Yeah.

17 MR. D'ARMINIO: I have your address,
18 you just gave it, so...

19 MS. HONE: Sure.

20 And --

21 MR. D'ARMINIO: It's 30 Carriage Lane.

22 MS. HONE: Yes, 30 Carriage Lane.

23 Thank you.

24 And then I did have a question about
25 Maywood, one second.

1 In the example of the Maywood
2 billboard, are there any residential properties in
3 close proximity to that?

4 MR. D'ARMINIO: I think you need to
5 define close proximity. There are --

6 MS. HONE: Within two --

7 MR. D'ARMINIO: I think you need to
8 define close proximity, I mean --

9 MS. HONE: Within 200 feet.

10 THE WITNESS: Not that I'm aware of.

11 MS. HONE: Was that research done?

12 THE WITNESS: At the time of that
13 application, I would assume so, yes.

14 MS. HONE: How about 500 feet?

15 THE WITNESS: I don't know.

16 MR. D'ARMINIO: I handled that
17 application. At the time of the application we had
18 photos from various areas. We did the same thing,
19 but I honestly don't recall.

20 THE WITNESS: Yeah, I don't recall.

21 MR. WHITAKER: You can supplement the
22 answer at a later meeting.

23 Supplement that answer at a later
24 meeting. He says he doesn't know.

25 MS. HONE: How about the 800 or 750

1 mark?

2 THE WITNESS: I don't know.

3 MS. HONE: And that location in the
4 photographs around it, is that mainly commercial?

5 THE WITNESS: Yes, as seen in the
6 photographs we provided for the Maywood billboard
7 location, I believe those locations are zoned
8 commercial, yes.

9 MS. HONE: Is there any industrial
10 zones around there?

11 THE WITNESS: I am unaware.

12 MS. HONE: And the photos were taken at
13 night in Maywood, you said two weeks ago?

14 THE WITNESS: They were taken on May
15 3rd, one week ago.

16 MS. HONE: May 3rd.

17 Would you happen to remember the
18 weather, because the pictures seemed --

19 THE WITNESS: Overcast.

20 MS. HONE: Overcast, correct.

21 So would that affect the brightness?

22 It was a very rainy week.

23 THE WITNESS: If the ambient light
24 conditions it remains at 0.3 footcandles above it.

25 So it's going to adjust to whatever that ambient

1 brightness was.

2 MS. HONE: And could you just explain a
3 little bit more, please, about the -- I didn't
4 understand very well the 20 feet in Maywood was
5 20 feet from the on-ramp in that picture?

6 THE WITNESS: 20 feet from the active
7 pavement, which in the case of Maywood is an on-ramp
8 coming from Essex Street.

9 So from the travel --

10 MR. D'ARMINIO: You're talking about
11 the setback?

12 THE WITNESS: The setback, correct.

13 So the nose of the sign, distance from
14 the nose of the sign to the lane that is merging onto
15 17 is 20 feet and the distance to the travel lane for
16 17, I believe, if the lane width is 12 feet, which
17 I'm not 100 percent sure it is, would then be 32 feet
18 distance from the nose of the sign to the travel lane
19 southbound on Route 17.

20 MR. D'ARMINIO: Just to clarify and we
21 can go back and look.

22 In terms of the 20 feet is from the
23 right of way, okay, of the -- that's owned by the
24 town -- excuse me -- owned by New Jersey Department
25 of Transportation, like the 30 feet here is from the

1 right-of-way of Route 17. Both are measured from the
2 right-of-way at Route 17. As to what that lane is at
3 that point, whether it's a merging lane or not, we'll
4 take a look --

5 MR. WHITAKER: Understood.

6 MR. D'ARMINIO: -- but nevertheless,
7 the distance is from the right-of-way, wherever that
8 is, and that's always how billboards are measured
9 along a highway in terms of setback.

10 MS. HONE: So the 20 feet from the
11 on-ramp, is that -- in all fairness comparing that to
12 Ridgewood, is that the same or would it be less or
13 more?

14 THE WITNESS: Our application in
15 Ridgewood is for 30 feet setback from the
16 right-of-way.

17 MS. HONE: So less or more from the --

18 THE WITNESS: Thirty feet is more than
19 20 feet.

20 MS. HONE: So we have -- so the sign
21 would be further away --

22 THE WITNESS: Further setback in
23 Ridgewood than it is in Maywood.

24 MS. HONE: From the road.

25 Is that --

1 THE WITNESS: From the right-of-way.

2 MS. HONE: And you might have already
3 said that. Is that why it has to be higher for more
4 visibility?

5 THE WITNESS: No.

6 MS. HONE: No.

7 Did you explain why it had to be a
8 little higher?

9 THE WITNESS: I did.

10 MS. HONE: I'm sorry, can you repeat
11 that?

12 THE WITNESS: Sure.

13 So as you're approaching from the south
14 to the north, so driving northbound, there is a
15 canopy at the Exxon station and the sign needs to
16 clear the height of that for it to effectuate the use
17 of being visible, as well as taking into account
18 passing trucks, which if I'm remembering correctly,
19 semi-trailers measure approximately 14 feet from the
20 ground. So we want to maintain a level of visibility
21 for the sign.

22 MS. HONE: Okay. Lastly, we were given
23 this.

24 THE WITNESS: Yes.

25 MS. HONE: Which is a millions of color

1 combinations, could you please explain that
2 technology a little more?

3 THE WITNESS: So the photograph that
4 you raised was --

5 MR. D'ARMINIO: I can get you that
6 number.

7 THE WITNESS: Do you have the number.

8 MR. D'ARMINIO: Yeah. The panel
9 photographs were A-6.

10 THE WITNESS: So that was Exhibit A-6.
11 It's a photograph of the LED module example that we
12 provided. These panels are assembled together to
13 create one digital screen. They are controlled by
14 computer remotely and when we display an image, they
15 are displayed through these panels.

16 The one thing that we made sure to
17 point out is we passed around the panel and you can
18 see in the photo is that there are louvers below and
19 above each of the diodes, so each of those sets of
20 three, three color nodules that direct the light
21 toward the roadway so that creates a more focused
22 image where there's not, you know, as much of -- I
23 don't know what else to say, other than they just
24 create a focused image.

25 MS. HONE: Okay.

1 You said they're bulbs?

2 THE WITNESS: They're LED diodes.

3 MS. HONE: And how many would be in
4 this sign?

5 MR. D'ARMINIO: Do you even know, Jon?

6 THE WITNESS: I may have that.

7 Hold on one second for me.

8 I don't have the number of the bulbs.
9 I don't have the number of bulbs.

10 MR. WHITAKER: I don't know that the
11 question is relevant.

12 MR. D'ARMINIO: Yeah.

13 MR. WHITAKER: What the board would
14 consider from a land use planning aspect is the
15 illumination of it and that is what we deal with in
16 all land use and site plan applications. And that's
17 the lumens and the lighting plan that a board looks
18 at.

19 So that's what counts. It's not the
20 number of bulbs.

21 MS. HONE: Right.

22 So my question -- the reason why I ask
23 how many -- how many bulbs would actually be -- how
24 many, because then how many would be facing the
25 roadway and then in regards to that, what would be

1 the light pollution going into the air --

2 MR. D'ARMINIO: Objection to the --

3 MS. HONE: -- into the area.

4 MR. WHITAKER: You can't characterize
5 it as light pollution.

6 MR. D'ARMINIO: -- light pollution.

7 MS. HONE: So for me, for example, that
8 I live directly across from it, I know that I can --
9 the lighting at the --

10 MR. WHITAKER: You're testifying now.
11 You have to ask questions.

12 MS. HONE: Well, I'm just giving an
13 example.

14 So the reason why I'd like to know the
15 number of -- of bulbs, and I might be saying it
16 incorrectly, that would be facing towards the roadway
17 because it would be facing also towards the residents
18 and I would just like to know --

19 MR. WHITAKER: Well, I'll say it again.
20 I'll say it again.

21 It's not the number of bulbs that
22 counts. It's the amount of light that any type of
23 facility or any type of improvement gives off and
24 that's --

25 MS. HONE: So maybe --

1 MR. WHITAKER: -- that type of
2 testimony, that type of testimony is going to be
3 provided, as I understand, by their engineer, not by
4 this witness.

5 MR. D'ARMINIO: Yeah, the next witness
6 will provide that.

7 MS. HONE: Okay. So maybe I used the
8 wrong word "pollution," but emitting is what I --

9 MR. D'ARMINIO: We'll have that
10 testimony.

11 MS. HONE: -- was trying to say. Okay.

12 MR. D'ARMINIO: We'll have that
13 testimony.

14 MS. HONE: That's it for now.

15 Thank you.

16 And just to clarify, so that
17 information would be sent to me or would it be put up
18 on the website?

19 MR. WHITAKER: Any information that is
20 coming in, that the board is going to consider, comes
21 here.

22 It's public information and any members
23 of the public can see.

24 If it's something that the applicant
25 wants to testify to, then it becomes an exhibit like

1 the ones you've seen tonight.

2 MS. HONE: Okay.

3 So the information that you were going
4 to provide and said my address, you would give to the
5 board and it would go up to the website.

6 MR. D'ARMINIO: Is that what the board
7 wants?

8 MR. WHITAKER: Anything that they're
9 proffering. We're not having sidebar agreements.
10 Mr. D'Arminio knows that. He's not going to do that.

11 If as a courtesy he wants to send you
12 one also, that's up to him.

13 But anything he's proffering to the
14 board, comes to the board.

15 MR. D'ARMINIO: We had not intended to
16 put that to the board, that was just we were going to
17 send --

18 MR. WHITAKER: Well, I think,
19 Mr. D'Arminio, it would be better to bring it to the
20 board, because you're going to send it to the one
21 person, she's going to want to introduce it and we
22 haven't yet seen it.

23 MR. D'ARMINIO: Right.

24 MR. WHITAKER: You know what I'm
25 saying.

1 MR. D'ARMINIO: I will do that.

2 MR. WHITAKER: I'm trying to make this
3 more concise.

4 MR. D'ARMINIO: I will do that, but I
5 will send you a copy too.

6 MS. HONE: Thank you so much.

7 CHAIRMAN BROWN: Thank you.

8 Come on forward. Remember, please
9 state your name and your address.

10 MR. INFANTINO: Salvo Infantino, at
11 6 Betty Court.

12 THE COURT REPORTER: I'm sorry, can you
13 say that again please?

14 MR. INFANTINO: Salvo, S-A-L-V-O,
15 Infantino, I-N-F-A-N-T-I-N-O.

16 THE COURT REPORTER: Your address,
17 please?

18 MR. INFANTINO: Six Betty Court,
19 Ridgewood.

20 MR. D'ARMINIO: I'm sorry,
21 Mr. Infantino, was it Betty Court? I just can't
22 hear, I'm sorry.

23 MR. INFANTINO: Betty Court.

24 MR. D'ARMINIO: B-E-T-T-Y.

25 MR. INFANTINO: Right.

1 So my question is: What makes you
2 think that your simulation is closer to the reality
3 than the objector's simulation?

4 MR. D'ARMINIO: Objection as to this
5 witness. We'll have an engineer talk about our
6 simulations.

7 MR. WHITAKER: I think you should hold
8 that question until the engineer talks about how the
9 simulations were created and verify that they're
10 accurate or not.

11 MR. INFANTINO: Okay, thank you.

12 CHAIRMAN BROWN: Thank you.

13 MS. INFANTINO: I don't think you
14 answered this yet.

15 Patricia Infantino from 6 Betty Court.

16 You didn't do a traffic study or --

17 FEMALE AUDIENCE MEMBER: Use the
18 microphone.

19 MS. INFANTINO: Pardon?

20 CHAIRMAN BROWN: Can you just speak
21 into the microphone.

22 MS. INFANTINO: Oh, hello. Okay. All
23 right.

24 CHAIRMAN BROWN: Thank you.

25 MS. INFANTINO: All right.

1 MR. D'ARMINIO: I'm sorry, your last
2 name is the same, right?

3 MS. INFANTINO: Okay. My question --

4 CHAIRMAN BROWN: Wait, one second.

5 MR. D'ARMINIO: I didn't hear the last
6 name.

7 CHAIRMAN BROWN: Can you just state
8 your name again for the record.

9 MS. INFANTINO: Patricia Infantino.

10 CHAIRMAN BROWN: Thank you.

11 MR. D'ARMINIO: There you go.

12 MS. INFANTINO: There you go.

13 Six Betty Court.

14 I am asking you about if you're aware
15 -- well, I'm sure you're aware about the traffic on
16 17 north, the exit sit to West Saddle Road is
17 extremely -- is very sharp and if you are distracted,
18 I have no idea about the billboard --

19 MR. D'ARMINIO: I think this is more --
20 just a second.

21 MS. INFANTINO: -- it's a distraction
22 because it's a U-shape billboard.

23 MR. D'ARMINIO: Just a second.

24 I think there's a question, is he a
25 aware -- if we're aware of the traffic and the

1 number, I don't know if this witness is aware of
2 that, but he can answer that question, but if there's
3 going to be testimony --

4 MS. INFANTINO: Well, you were talking
5 about getting off 17 south, but not talking about
6 getting off 17 north.

7 MR. WHITAKER: That has to be in the
8 form of a question.

9 MS. INFANTINO: Okay.

10 So had you explored how the billboard
11 would affect the traffic, especially in the bend of
12 the road as 17 north bends to the right at the -- at
13 the exit to West Saddle River Road.

14 MR. D'ARMINIO: Well, we could have a
15 witness do that if that is a concern.

16 MR. WHITAKER: This witness, his
17 answer, I believe, is he did not do a traffic
18 analysis.

19 MR. D'ARMINIO: He doesn't do the
20 traffic --

21 MS. INFANTINO: A traffic analysis and
22 I know --

23 MR. WHITAKER: He doesn't do traffic --

24 MS. INFANTINO: -- and I know -- and I
25 know --

1 MR. WHITAKER: -- and he did not testify
2 to that.

3 MS. INFANTINO: Okay. I thought that
4 that was --

5 MR. WHITAKER: The answer is no.

6 MS. INFANTINO: Okay. I'm sorry, that
7 was one of my grave concerns and my other one was one
8 that's been brought up already.

9 Thank you.

10 CHAIRMAN BROWN: Thank you.

11 Do any other members of the public have
12 any questions of the applicant's witness.

13 MALE AUDIENCE MEMBER: Is this the time
14 to come for public comment?

15 CHAIRMAN BROWN: No, not for comments,
16 just questions of the applicant's witness right now.

17 Please state your name and address.

18 MR. ROSSI: Matthew Rossi, R-O-S-S-I,
19 516 West Saddle River Road.

20 I have a couple of questions about --
21 comments about public service.

22 Well, first of all, an initial question
23 is: How long have you been in this current role?

24 THE WITNESS: I've been the general
25 manager of the New Jersey operation since 2012.

1 MR. ROSSI: Since 2012, so 10 years?

2 THE WITNESS: Yes.

3 MR. ROSSI: So I want to know if you're
4 familiar with any studies about depreciation of
5 residential areas around the billboards?

6 THE WITNESS: I am not.

7 MR. ROSSI: So in 10 years that's never
8 come up in public service?

9 THE WITNESS: It has not.

10 MR. ROSSI: It has not.

11 Would you like me to send you a couple?

12 I also was wondering, you spoke about
13 public service and donating time to the town.

14 I'm wondering were there any other ways
15 where you served the public?

16 Be it like -- like as a company, is it
17 just the donating of time or are there any other
18 facets of public service?

19 MR. D'ARMINIO: I don't know if that's
20 a land use question, actually. I mean, the company
21 is a big company --

22 MR. WHITAKER: They have offered and
23 testified as to what they --

24 MR. D'ARMINIO: -- it donates a lot of
25 money, but...

1 MR. ROSSI: I'm sorry?

2 I'm asking what they -- you said they
3 were public --

4 MR. D'ARMINIO: What I'm saying is that
5 the company is a large company, it does donate, have
6 other donations and time and effort, but with regard
7 to this application, that's what we're doing here.

8 MR. WHITAKER: What they've testified
9 to is that what they're doing for the public, what
10 they constitute to believe a public benefit is the
11 two types of programs that they offer, the emergency
12 program and I'll call it a community program.

13 MR. ROSSI: I'm just trying to weigh,
14 you know, as a question like what they're saying they
15 donate and if they've ever thought about other
16 impacts to the community.

17 So I'm just trying to balance those two
18 in my head.

19 The other item I had, sounded like a
20 lot of studies from the highway. I was wondering is
21 there any studies of how many residents may have a
22 direct line of sight?

23 MR. D'ARMINIO: As I've indicated we
24 have --

25 MR. WHITAKER: Hey said that earlier,

1 they're going to have their planner testify.

2 MR. ROSSI: I'm sorry, I missed that.

3 MR. D'ARMINIO: Our planner will
4 testify to that.

5 MR. ROSSI: So he'll have numbers of...

6 MR. D'ARMINIO: And he'll have photos
7 and distances.

8 MR. ROSSI: Great. Okay.

9 Those are my questions.

10 Thank you.

11 CHAIRMAN BROWN: Thank you.

12 Any other members of the public have
13 any questions for the applicant's witness?

14 (No response.)

15 CHAIRMAN BROWN: Okay. Seeing none.

16 MR. D'ARMINIO: I just have one
17 question just to clarify something, because I don't
18 think it's clear on the record.

19 May I on redirect on --

20 MR. WHITAKER: Yes.

21 MR. D'ARMINIO: -- what was just said.

22 MR. WHITAKER: Go ahead.

23 REDIRECT EXAMINATION

24 BY MR. D'ARMINIO:

25 Q. Mr. Antal, you talked about the

1 distances, the 3,000 feet in either direction. You
2 also talked about zoning. I think the context you
3 said about zoning is that billboard --

4 FEMALE AUDIENCE MEMBER: Can you speak
5 into the microphone?

6 MR. D'ARMINIO: Yes.

7 BY MR. D'ARMINIO:

8 Q. The context that you said about zoning
9 is that billboards could only be located in
10 industrial and commercial areas.

11 Is that what you meant?

12 A. That is correct.

13 Q. So you couldn't have, if there was a
14 zoned area that was residential, you couldn't have a
15 billboard there, correct?

16 A. No, you could not obtain a state permit
17 for a billboard in the residential area.

18 Q. I just wanted to clarify when you
19 talked about zoning, that wasn't clear I thought,
20 that's it.

21 CHAIRMAN BROWN: Okay.

22 MR. D'ARMINIO: Can we have a minute?

23 CHAIRMAN BROWN: Yeah.

24 MR. D'ARMINIO: Five minutes?

25 VICE CHAIRMAN BANDELT: Can I ask a

1 follow-up question on that?

2 So that means if the billboard was on
3 the other side of the highway, you couldn't do it.

4 THE WITNESS: Yes, correct.

5 VICE CHAIRMAN BANDELT: Okay. So even
6 though it would affect the same -- realistically the
7 200-foot distance and the 500-foot distance don't
8 change by much if it's on the northbound or
9 southbound side of the highway, would you agree with
10 that?

11 MR. D'ARMINIO: Well, yes.

12 THE WITNESS: Repeat that, I'm sorry.

13 VICE CHAIRMAN BANDELT: So the location
14 of the billboard, if it's on the other side of the
15 highway, it doesn't really affect properties that
16 much differently if it's on the north or southbound
17 side, right? Like the people --

18 THE WITNESS: It wouldn't be allowed on
19 that side of the highway, though, because it is not
20 zoned appropriately.

21 VICE CHAIRMAN BANDELT: I understand,
22 but in terms of the effect that it has on the person
23 who owns the property, right, if I live on the north
24 or southbound side, I'm still seeing the billboard,
25 right?

1 THE WITNESS: I think it's more
2 planning testimony than anything --

3 MR. D'ARMINIO: Yes, I mean we'll have
4 a planner talk about that, but in terms of where you
5 would see it from there, it would be totally
6 different. It would be a different angle. It would
7 be so different.

8 We'll have a planner, if you want us to
9 ask that, but that's based on the Highway
10 Beautification Act that was passed in 1964 that --
11 and that the state has adopted, has to adopt the new
12 regulations. You can only have billboards in areas
13 that are zoned or unzoned commercial or industrial,
14 that's the only point.

15 When he was talking about zoning,
16 that's what he's saying, because so the town is
17 otherwise limited in terms of where you put
18 billboards. We couldn't put billboards in the
19 residential zones across the way.

20 That's all.

21 MR. WHITAKER: I think in answer to
22 your question --

23 VICE CHAIRMAN BANDELT: So what's on
24 the other side of -- on the Maywood property, the
25 other -- what is on the other side of the highway?

1 MR. D'ARMINIO: That's also commercial.

2 VICE CHAIRMAN BANDELT: That's also
3 commercial. So --

4 MR. D'ARMINIO: I mean, I'm testifying
5 now, but just to save time --

6 VICE CHAIRMAN BANDELT: Sure.

7 MR. D'ARMINIO: -- it's Route 17.

8 VICE CHAIRMAN BANDELT: Okay, thank
9 you.

10 MR. D'ARMINIO: I think the Hackensack
11 Meridian health club or something is --

12 VICE CHAIRMAN BANDELT: Thank you.

13 MR. D'ARMINIO: -- in that location.

14 CHAIRMAN BROWN: Okay.

15 MR. WHITAKER: What I was saying is I
16 think the question is if the applicant wanted to make
17 a variance request for a billboard in a residential
18 zone, irregardless of what a board in some town might
19 permit, they could not get state approval, so they'd
20 never be in front of the board in the first place.

21 MR. D'ARMINIO: Yeah, we would never
22 make that application.

23 MR. LEBOW: I'm sorry, I don't mean to
24 prolong this anymore, because I know you want to take
25 a quick break.

1 In relation to his question, follow it
2 up, is there any rule on how far a residential zone
3 has to be from a commercial zone to put up a --

4 MR. D'ARMINIO: A New Jersey Department
5 of Transportation rule?

6 MR. LEBOW: Yeah.

7 MR. D'ARMINIO: No, it can't -- no,
8 that would be -- towns have that rule sometimes, but
9 NJDOT doesn't have that. Right, Jon, it has to be --

10 THE WITNESS: Not that I'm aware of,
11 no.

12 MR. D'ARMINIO: Yeah.

13 THE WITNESS: That's not part of the
14 DOT regulations.

15 MR. D'ARMINIO: That's not part of the
16 DOT --

17 MR. LEBOW: This might be a question
18 for the planner, but do you know how far the
19 residential zone is from the commercial zone at the
20 location?

21 MR. D'ARMINIO: We have the distances.

22 MR. LEBOW: That would be a planner
23 question?

24 MR. D'ARMINIO: We'll have the planner
25 testify as to the individual homes, as to the

1 historic locations.

2 We have photos from all of those. And
3 so we'll have substantial testimony on that.

4 MR. LEBOW: Okay.

5 MR. D'ARMINIO: I know that's a concern
6 of the board.

7 CHAIRMAN BROWN: We're going to go
8 ahead and take a five-minute break.

9 Just before we do that, I want to be
10 clear since we have a bunch of people that are here
11 tonight.

12 The applicant is going to continue with
13 another witness. And then we'll open it back up for
14 questions from the attorneys and then questions again
15 from the public. So for tonight there's not going to
16 be a period where the public is going to be able to
17 testify and making comments. So I just wanted to
18 state that right now.

19 FEMALE AUDIENCE MEMBER: What's the
20 other --

21 CHAIRMAN BROWN: Who's your next
22 witness?

23 MR. D'ARMINIO: Well, our next witness
24 would be Tiago Duarte, who's the engineer.

25 CHAIRMAN BROWN: The engineer will be

1 their next witness.

2 FEMALE AUDIENCE MEMBER: All the
3 questions we've been asking, the engineer is going to
4 answer those?

5 CHAIRMAN BROWN: Well, the engineer is
6 going to testify based on their attorney's questions.

7 The board will then ask questions.
8 Then the board's professionals will ask questions.
9 Then the objector's attorney will ask questions. And
10 it will be the same process.

11 So I don't know if they'll answer any
12 of the questions that you've asked.

13 FEMALE AUDIENCE MEMBER: Well, when we
14 will have a chance to do public comment?

15 MR. WHITAKER: I stated earlier in the
16 meeting, the guidelines in any municipality is that
17 the applicant has to present their full case.

18 When their case is concluded, then any
19 members of the public can bring in sworn testimony.
20 They can bring their own witnesses. They can bring
21 their own professionals to rebut what an applicant's
22 application proposes.

23 FEMALE AUDIENCE MEMBER: But chances
24 are it will be 11:00, that's why --

25 MR. WHITAKER: It will never be

1 tonight.

2 CHAIRMAN BROWN: It won't be tonight,
3 no.

4 FEMALE AUDIENCE MEMBER: It wont be
5 tonight?

6 CHAIRMAN BROWN: No, just so --

7 MR. WHITAKER: So you are aware --

8 CHAIRMAN BROWN: Approximately how many
9 witnesses do you have total?

10 MR. D'ARMINIO: I think we would just
11 -- if we continue now, we would just be able to get
12 through Mr. Duarte --

13 CHAIRMAN BROWN: But how many will you
14 have after that?

15 MR. D'ARMINIO: I think we probably two
16 more, perhaps.

17 CHAIRMAN BROWN: So they're going to
18 have three -- at least three more witnesses'
19 testimony before we move onto anything like that,
20 so...

21 FEMALE AUDIENCE MEMBER: And what time
22 is this meeting cut off?

23 CHAIRMAN BROWN: This meeting --

24 FEMALE AUDIENCE MEMBER: Eleven?

25 CHAIRMAN BROWN: Eleven, yes.

1 FEMALE AUDIENCE MEMBER: I'm sorry.

2 It's my first time coming here.

3 CHAIRMAN BROWN: Sure, no worries.

4 FEMALE AUDIENCE MEMBER: My question is
5 more for you guys, can we --

6 CHAIRMAN BROWN: You would have to ask
7 that at the end.

8 FEMALE AUDIENCE MEMBER: That's at the
9 end.

10 CHAIRMAN BROWN: Yeah.

11 MR. WHITAKER: For many of you in the
12 audience, this may be your first time at a meeting
13 like this. These are conducted the same way in all
14 municipalities as far as procedure is concerned.
15 It's all governed under the Open Public Meetings Act
16 by the State of New Jersey and so that's the routine
17 and the procedure, I should say, that is used.

18 This board has experienced other
19 applications where we have had 15 to 16 hearings
20 throughout the course of a couple of years.

21 I'm not suggesting that's going to
22 happen here, but it's not something that takes place
23 in one or two meetings when there's this much public
24 interest, but more importantly when the applicant has
25 that many witnesses.

1 CHAIRMAN BROWN: Okay. So any other
2 questions from the public?

3 (No response.)

4 CHAIRMAN BROWN: No, okay.

5 So we're going to adjourn and take a
6 five-minute break.

7 Thank you.

8 (Whereupon, a brief recess is taken.)

9 CHAIRMAN BROWN: Hey, everyone, if you
10 could please take your seats, we're going to go back
11 on the record.

12 Thank you.

13 Okay. It is now 10:10 on Tuesday, the
14 12th [sic] and we're going to go back on the record.

15 After speaking to Mr. D'Arminio, it
16 seems as though --

17 MR. D'ARMINIO: D'Arminio.

18 CHAIRMAN BROWN: I'm sorry, say that
19 again.

20 MR. D'ARMINIO: D'Arminio.

21 CHAIRMAN BROWN: D'Arminio, thank you,
22 thank you.

23 We're going to go -- you're going to --
24 we're not going to do another witness. We're going
25 to carry it at this time.

1 MR. D'ARMINIO: Yes, I think to start
2 another witness at this point would really not be
3 fruitful and we'd start with the new witness next
4 time.

5 CHAIRMAN BROWN: Okay. All right.
6 Jane, do we have a new date? The 28th of June?

7 How about June 28th?

8 MR. WHITAKER: Is your engineer
9 available, Mr. D'Arminio?

10 MR. D'ARMINIO: I'm going to ask him
11 right now.

12 MR. WHITAKER: Just make sure.

13 CHAIRMAN BROWN: Okay, thank you.

14 MR. D'ARMINIO: We'll take that date.

15 CHAIRMAN BROWN: Just talk into the
16 mic.

17 MR. D'ARMINIO: Oh, sorry, yes,
18 Mr. Chairman.

19 CHAIRMAN BROWN: The 28th.

20 Can I just quickly poll the board just
21 to make sure that we're going to have enough people
22 here on the 28th?

23 Does everyone at this point in time
24 know that they would be able to attend? Yes, yes.

25 MR. LEBOW: Wait, what --

1 CHAIRMAN BROWN: June, June the 28th.

2 MR. LEBOW: I will not be here.

3 MR. MAXWELL: I'll be here.

4 CHAIRMAN BROWN: One, two, three, four,
5 five, six, seven.

6 So you still have -- you have your
7 seven.

8 MR. WHITAKER: And you're going to
9 provide transcripts?

10 MR. D'ARMINIO: Yeah, I'm going to
11 supply transcripts, I always do that and as soon as I
12 get them, I'll send it over to the board and if some
13 member is not here -- I mean, I anticipate the way
14 this is going, it may go another meeting anyway, so I
15 would appreciate that.

16 Thank you.

17 CHAIRMAN BROWN: Mr. Standriff,
18 Mr. Inglima, the 28th?

19 MR. STANDRIF: Yes.

20 MR. INGLIMA: Yes.

21 CHAIRMAN BROWN: Yes, yes, okay.

22 All right. So we're going to carry
23 this until June the 28th at 7:30 p.m. and no further
24 notice is required.

25 MR. D'ARMINIO: Thank you.

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CHAIRMAN BROWN: Thank you.

(Whereupon, the matter is continuing to
a future date. Time noted: 10:12 p.m.)

C E R T I F I C A T E

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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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of New Jersey #50094914, Notary
Expiration Date December 3, 2023

Dated: May 27, 2022