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VILLAGE OF RIDGEWOOD
ZONING BOARD OF ADJUSTMENT
TUESDAY, SEPTEMBER 12, 2023
COMMENCING AT 7:30 P.M.

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

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

- GREG BROWN, CHAIRMAN

- MATTHEW BANDELT, VICE CHAIRMAN

- GARY NEGRYCZ, CHAIRMAN PRO TEM (ABSENT)

- JASON CURRERI, MEMBER

- DIANA RUHL, MEMBER

- JONATHAN PAPIETRO, MEMBER

- MICHAEL PICKHOLZ, MEMBER (ABSENT)

- HAROLD MAXWELL, ALTERNATE #1 MEMBER

- JAMIE FOX, ALTERNATE #2 MEMBER (ABSENT)

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

JANE WONDERGEM, LAND USE SECRETARY
JOHN BARREE, P.P., VILLAGE PLANNER
CHRIS PIERSA, P.E., VILLAGE ENGINEER

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1 CHAIRMAN BROWN: Old business, we have
2 Outfront Media, LLC. It's 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
6 sign, which is a prohibited use and will result in a
7 second principal use, expansion of an existing
8 nonconforming use, and bulk variance relief at
9 500 Route 17 South, Block 47 -- excuse me, Block
10 4703, Lot 10, in the OB-2 Zone. This is continued
11 from June 27, 2023.

12 Good evening, Mr. D'Arminio. How are
13 you?

14 MR. D'ARMINIO: Good.

15 Good evening, Mr. Chairman, Members of
16 the Board.

17 This is, as I indicated, our
18 application for a 40-foot digital sign at
19 500 Route 17 South. Each sign faces 374, I believe
20 .7 square feet. The dimensions are
21 10-and-a-half-by-36.

22 This is our seventh meeting. And we've
23 loved every one of them. And we -- but I think there
24 may be some new people here. We also get new people.
25 I'll just quickly go over what's gone before.

1 We've had numerous witnesses. First
2 was John Antal. He's the general manager. He
3 testified as to the company, its location, its
4 particular suitability, the site plan and described
5 the proposed sign. He introduced various
6 simulations, talked about the state permits that we
7 had, and talked about the operation of the digital
8 sign, itself. He spoke about the benefits. We
9 talked about the public service announcements, the
10 emergency protocols and the various examples of
11 municipal uses of the sign.

12 We also noted that the board -- if any
13 board members or the public wanted to see a similar
14 sign, that there was one in Maywood, New Jersey, and
15 of a same -- similar height and same dimensions which
16 was digital that could be viewed.

17 We then had Tiago Duarte, who is our
18 engineer. He talked about the surrounding area and
19 gave specifics of the sign. He talked about the
20 simulations that were provided. He described the
21 technical aspects and the lighting aspects of the
22 sign and discussed the lack of site plan concerns.

23 Then we had Justin Taylor. We spent an
24 evening with Mr. Taylor. He's a traffic engineer.
25 He discussed the nature of the way a driver views a

1 billboard, spoke about the various federal studies.

2 CHAIRMAN BROWN: Mr. D'Arminio, could
3 you just talk a little closer to the mic so they can
4 hear you in the back?

5 Thank you.

6 MR. D'ARMINIO: The various studies --
7 oh, that's better -- including the Federal Highway
8 Administration and the National Safety Board, about
9 how the sign meets the standards -- meets all the
10 standards, the safety standards. And talked about
11 the location, itself, did an analysis of it from a
12 safety perspective, and provided general road
13 analyses as well as indicating that the sign could
14 operate in a safe and proper manner.

15 Then we had testimony from Brett
16 Skapinetz. In response to some of the concerns
17 expressed by the board and by the public, we proposed
18 to do a narrow-view technology which directs the
19 digital aspects of the sign to the roadway, also, in
20 response to concerns of our direct neighbor as well.

21 So we had several hearings with regard
22 to the narrow-view technology. One was just for the
23 south, the north sign -- the north sign of the
24 southbound, but the board requested us to take a look
25 at the other face, so we've done both of those. And

1 the appropriate exhibits were put forth for that as
2 well.

3 We also then started with
4 Mr. McDonough, our planner. And we just started the
5 planning testimony. So he would be the first one up.
6 We would anticipate that then we would potentially
7 have some rebuttal. We would like to reserve to --
8 you'll see in the context, we are speaking about
9 applying some additional -- the town just landscaped
10 the berm that has been at issue.

11 And we are willing to provide some
12 additional landscaping. So we would -- I would do
13 that as an condition of approval. If required, we'll
14 provide that additional plan. We'll work with the
15 town to do that. That's in response to some of the
16 board's concerns and the neighbors' concerns as to
17 screening some of the uses across the roadway from
18 us, especially the Schedler property.

19 So we would hope to finish our direct
20 case except for that. But we understand that
21 Mr. Standriff has a planner too, and then
22 cross-examination of Mr. McDonough by Mr. Standriff
23 and the -- and the neighbors. They would have the
24 ability to put on their case. So, hopefully, we at
25 least get through that tonight.

1 CHAIRMAN BROWN: Okay, sounds good.

2 Thank you, Mr. D'Arminio.

3 Mr. Standriff, do you just want to put
4 your appearance on the record, and if you have
5 anything to add before they bring up Mr. McDougal?
6 Mr. McDonnell?

7 You're not on.

8 MR. STANDRIFF: Douglas Standriff,
9 S-T-A-N-D-R-I-F-F, on behalf of my client, the
10 property to the north that's previously placed on the
11 record.

12 THE COURT REPORTER: I'm sorry,
13 Mr. Standriff, who is your client again?

14 MR. STANDRIFF: Say it again?

15 THE COURT REPORTER: What is your
16 client's name?

17 MR. STANDRIFF: 589, LLC.

18 CHAIRMAN BROWN: Thanks.

19 Okay, go for it.

20 MR. D'ARMINIO: Mr. McDonough has been
21 previously sworn and his credentials accepted. I
22 would just like to have him return for the rest of
23 his testimony.

24 CHAIRMAN BROWN: Good evening.

25 How are you?

1 MR. McDONOUGH: Hello, Mr. Chairman.
2 Hello, Board.

3 CHAIRMAN BROWN: No changes in your
4 credentials since you were last sworn in.

5 MR. McDONOUGH: No change. Still
6 current. Still in good standing.

7 CHAIRMAN BROWN: Great.

8 Thank you.

9 J O H N M c D O N O U G H, PP, ACIP

10 101 Gibraltar Drive, Parsippany, New Jersey,
11 having been previously duly sworn, continues to
12 testify as follows:

13 DIRECT EXAMINATION

14 BY MR. D'ARMINIO:

15 Q. Okay. Mr. McDonough, I think the last
16 time we talked we got -- again, you were sworn and
17 your credentials accepted. We also introduced an
18 initial planning exhibit and talked a little bit
19 about the sign and its operation.

20 But I think that we're at the point
21 where we were talking about the various zoning?

22 A. Sure.

23 Q. I think we talked about the district
24 and the -- and the various use reliefs. Why don't we
25 start there. That seems to be a good place to start,

1 even if we're a little bit redundant.

2 A. Sure.

3 By way of background, again we're in
4 the OB-2 Zone District, where the subject outdoor
5 advertising sign is not a permitted use.

6 The board is actually going to have to
7 deal with four D variances. They're all
8 interrelated, but they're all related to the use
9 aspect, that we're dealing with a use that's not --
10 it's not permitted in the zone.

11 We're also putting this use on a site
12 that has another use on it. So there's the interplay
13 of dual use here. That's another D-1.

14 And then the existing auto repair use
15 is nonconforming use, so we'll be dealing with a D-2
16 for the also ration of that use.

17 And then, finally --

18 Q. But there's no alteration of that use.
19 We're going to add -- that's adding another use,
20 right? We're not doing anything to that use?

21 A. Right.

22 We're alternating a site that's
23 associated with a nonconformity. So it's sort of a
24 hypertechnical D-2 variance, but a D-2 variance
25 nonetheless.

1 The fourth relief -- the fourth D is
2 for height D-6 relief to allow a sign, as you've
3 heard, 40 feet where 30 feet would be the maximum
4 allowed in the OB-2 Zone District.

5 And then we've got one lower level
6 C variance related to the setback from the Exxon
7 site: 12 feet is the minimum required, and 10 feet
8 is what the applicant is proposing.

9 Again, these all are sort of
10 interrelated in terms of optimizing the positioning
11 of this use on this site, minimizing impact on the
12 surrounding land uses, and achieving what we think is
13 a really good fit for this land use, which does serve
14 a public purpose, and also satisfying the criteria
15 for that relief as well.

16 Q. Okay. Mr. McDonough, there's also
17 raised that there were bulk relief relating to the
18 on-premise sign requirements. And how would you
19 approach the review of those for this application?

20 A. The bulk relief, to the extent that
21 they do apply, reminding the board that there are
22 some dimensional requirements related to your sign
23 regulations under Section 190-122 of the ordinance.
24 Those pertain to on-premise principal sign -- I'm
25 sorry -- accessory signs subsidiary to a principal

1 use, which this is not.

2 So I think the point that I closed out
3 with last time was that it's one or the other. You
4 need relief related to a principal use under
5 190-112.13, or the alternate 190-122.

6 We're going to deal with all them. We
7 think they're all justified under that Puleio case,
8 Puleio vs. North Brunswick, where the dimensional
9 relief, the lower level C relief, would be subsumed
10 within the higher order D relief. We'll bring that
11 back for the board as we go.

12 CHAIRMAN BROWN: Sorry, Mr. D'Arminio.
13 Could I just ask one quick question just for
14 clarification?

15 You initially mentioned two D-1
16 variances. Can you just tell me what the two are
17 again, so I'm clear.

18 MR. McDONOUGH: Sure.

19 Slow me down as often as needed.

20 CHAIRMAN BROWN: Thank you.

21 MR. McDONOUGH: The one D-1 is to allow
22 a use that's not permitted in the OB-2 Zone District,
23 which is an outdoor advertising sign or an
24 off-premises sign.

25 I know you all well know an on-premises

1 sign that advertises for the onsite business is
2 allowed in OB-2, but an off-premises sign that
3 advertises or conveys messages for other than the --
4 or above and beyond the on-premise principal use
5 would be that first D-1.

6 Then we have two uses on one property.
7 We have an existing auto repair facility. And then
8 we have a new second principal use, which would be
9 that off-premises sign. Your ordinance only allows
10 one use on the property, so we're not expressly
11 permitted. It's implied as prohibited. And,
12 therefore, we're looking at two D-1 variances there.

13 And if you need clarification on the
14 D-2 again, it relates to the site, not the -- not the
15 use per se. We're not altering the auto repair
16 facility.

17 And you've heard a lot of the testimony
18 that the location of the sign is not interfering with
19 the flow, the function or the operation of that
20 existing auto repair facility. So that's why I say
21 it's somewhat of a hypertechnical variance.

22 BY MR. D'ARMINIO:

23 Q. The last exhibit that we have marked, I
24 believe, was 25.

25 A. That's correct.

1 Q. Is that right?

2 And that was a map of various pictures
3 that were taken by you from various locations. I
4 think it might be helpful to lead with that.

5 So if there's a follow-up just follow
6 that exhibit. And this way we can submit some area
7 views so we know what area we're dealing with under
8 the town, just for the record. Okay?

9 A. I can certainly do that, Lou.

10 I know that the public's been waiting
11 for that. That would go more towards my negative
12 criteria. I really didn't go through the positive
13 criteria last time. I can come back. I can do
14 either order, how you would like me to do it?

15 Q. It's your presentation. So I'll let
16 you do it the way you'd like to do it.

17 A. Okay. Then A-25, I left the board last
18 time with an aerial map that showed 14 vantages where
19 we took photographs. I'm going to come back to that.
20 I have the 14 photographs here. I know they were
21 posted on the website. I saw them as well.

22 So perhaps to those who have already
23 looked at the website, it won't a surprise as to what
24 I'm about to show.

25 MS. RUHL: Can I just ask a question?

1 I'm sorry.

2 Just procedurally, are we talking about
3 one specific use variance? Are we -- how are you
4 going to present your -- his testimony, just so we
5 can follow?

6 MR. D'ARMINIO: The use variance has
7 two aspects because of the dual use. That's very
8 common with the building.

9 MS. RUHL: So are we going to talk
10 about the dual use first? I just -- to get organized
11 in my thought process, I want to know --

12 MR. D'ARMINIO: We're not going to talk
13 about that first.

14 The first thing we're going to do --

15 MS. RUHL: Okay. What are we talking
16 about first?

17 MR. D'ARMINIO: -- is the non -- the
18 use variance straight -- we call it the straight use
19 variance. It's not permitted in the zone.

20 MS. RUHL: Okay. So that's what we're
21 going to talk about first?

22 MR. D'ARMINIO: First.

23 And then the use -- the dual use is for
24 a billboard because it doesn't have really a major
25 footprint, then kind of melds into the use. When you

1 describe what the use is, you'll understand the
2 proofs with the dual use. So that's the two use
3 variances. And that would go first, in that order.

4 MS. RUHL: Okay. Just so I can follow
5 along and know where to think about.

6 Thank you.

7 MR. McDONOUGH: And just so the board
8 has a sense of where I'm going, I'm going to spend
9 most of my time on the D-1 related to the use not
10 permitted in the zone, sequentially.

11 Then I'll come back to the dual use.
12 I'm going to spend much less time on that. I'll come
13 back to the D-2. Less time on that. And a certain
14 extent to fold in that D-6 as we go through this
15 first part of the presentation.

16 So what I'd like to do for the board
17 is just first walk through the positive criteria that
18 would be associated with the subject land use, which
19 is an outdoor advertising sign or a billboard.

20 The statutory criteria for D-1 relief
21 are well established under the law in the class
22 Medici vs. PBR. That's a 1987 case. So we've got
23 four decades now of tests of that case. To satisfy
24 the positive criteria, an applicant must essentially
25 demonstrate that the use promotes the general welfare

1 because the site is particularly suitable for the
2 use. And then to satisfy the negative criteria, an
3 applicant must demonstrate that relief can be granted
4 without substantial detriment to the public and
5 without a substantial impairment to the zone plan.
6 And the Medici case requires a reconciliation or an
7 enhanced proof to reconcile the omission of the use
8 from the zone.

9 And so we'll lead off with how the use
10 promotes the general welfare and those fundamental
11 purposes of zoning that are right there in the
12 beginning of the land use law at *N.J.S.A. 40:55D-2*.
13 And there are about 18 or so purposes. It is not an
14 applicant's burden to show that all are passed. An
15 applicant only needs to show one. I actually see
16 multiple being advanced here. And no conflict with
17 any of the other purposes.

18 So we'll start off with how this use
19 does promote the general welfare. I think obviously
20 this is what we would call a message board. That
21 promotes the general welfare as a form of
22 communication. The use promotes businesses,
23 companies that we work for, that we work with, and
24 that we invest our nest eggs in. Businesses, we
25 know, are the life blood of our communities and rely

1 heavily on advertising to get the word out. The use
2 will promote brand awareness and let consumers know
3 that these businesses are out there.

4 The use is generally more obtainable
5 for smaller businesses. It's more cost-effective
6 than other media, based on a cost per 1,000
7 impressions. The use not only creates awareness of
8 products but also places, services, events and news.
9 The very nature of the use is that it's informative
10 and provides a mechanism for outreach.

11 Along with promoting business and
12 economic development, which our outdoor advertising
13 regulations on the state level, our state policies,
14 recognize the importance of this land use in that
15 regard, the use also does promote other categories
16 that are nonbusiness related. They are generally
17 institutional in nature. And our case law would
18 consider them inherently beneficial.

19 And I am not calling a billboard
20 inherently beneficial, but it does become an arm or
21 extension of a billboard in terms of getting the
22 message out. Educational uses, you'll see Rutgers or
23 other higher education advertising there. Healthcare
24 organization and religious organizations rely upon
25 this media to get messages out as well.

1 The use can promote, as you heard from
2 Mr. Antal's testimony through two hearings at the
3 very outset, public service announcements. We call
4 them PSAs. And I'll reference Exhibit AA in your
5 packet under the evidence as a benefit provided to
6 the village in terms of the protocols.

7 Digital technology also provides the
8 added benefit of realtime messaging, which is an arm
9 of law enforcement and emergency services, police and
10 the like. In times of crisis, the use can become
11 especially valuable as Outfront can work directly
12 with municipal and other government officials in that
13 regard. And we just went through a more recent
14 crisis with COVID-19 where we all have a fresh
15 recollection of the billboards providing those public
16 health messages, such as stay at home instructions,
17 protocols, mask wearing, testing, vaccine locations,
18 phased reopenings and the like.

19 And, as I said, our state regulations
20 recognize this land use as essential for economic
21 development. All you have to do is turn right to the
22 beginning of *N.J.A.C. 16:41C* and you'll see that
23 language right there.

24 Promotion of our state policies has
25 been found to be a special reason for use relief.

1 And I point the record to Anfuso vs. Seeley as the
2 case law in that regard. And New Jersey courts have
3 made clear that this use is a form of constitutional
4 free speech. I turn the record to the Bell vs.
5 Stafford case, and therefore a recognition that there
6 must be some place in Ridgewood that allows this land
7 use. I'm going to come back to that at the very end
8 when we look at your zone map and how there are
9 really very limited opportunities for this operator,
10 +this land use to serve its public purpose.

11 Reminding the board, there's other case
12 law out there. In court, E&J Equities recognized the
13 necessity of the use specifically related to digital.

14 And then the court in Lamar vs. Union,
15 which came on the heels of E&J Equities. I was the
16 planner on that case. Found no corroboration to
17 support the board's findings of increased
18 illumination by a multi-message sign, or detrimental
19 impact on the surrounding neighborhood.

20 Then, of course, on a higher level, on
21 a national level, a federal level, we have the Metro
22 Media vs. San Diego case.

23 All of the above come back to the Land
24 Use Law and fundamental purposes, especially
25 Purpose A, the promotion of the general welfare;

1 Purpose G, to provide for a variety of uses in
2 appropriate locations; Purpose I, the promotion of a
3 desirable visual environment; and Purpose M, the
4 efficient use of land.

5 Q. Now, there's also as part of that
6 standard, one of them is particular suitability. How
7 is this site particularly suited for the site -- for
8 this use?

9 A. Okay. So we'll take you back to A-25
10 again for the record. I think it clearly shows that
11 this site fronts on a highway.

12 So first and foremost, the site is
13 particularly suited for this use by virtue of its
14 context and its condition. Contextually, as I just
15 said, the site is on a commercial highway that's
16 lined with commercial uses on this side of the
17 highway, on the subject side. The neighboring
18 businesses include Ridgewood Press Printing, North
19 Jersey Countertops, Exxon gas station and convenience
20 store, Shell gas station, and 7-Eleven convenience
21 store, and offices.

22 And as noted, the shell upgrades with a
23 new 7-Eleven was, I'd say, recently approved here,
24 but we'll say within the last ten years. I lived
25 that case too.

1 There are no homes lining the opposite
2 side of Route 17 for a good half-mile to the north.
3 There are no homes lining Route 17 for 1,200 feet
4 from the site to Racetrack Road ramps.

5 To the south, there are no homes lining
6 Route 17 for 1,200 feet from the site to the Franklin
7 Turnpike ramps.

8 The homes on the east side of Route 17
9 -- and we'll get through this as we go through the
10 photographs -- are well buffered from the highway and
11 the site. That all goes towards site suitability.
12 It's going to go towards the negative criteria as
13 well.

14 As noted last time when I testified in
15 my orientation, Route 17 is a divided highway with a
16 Jersey barrier that runs down the middle. The side
17 of Route 17 opposite the site features a planted
18 raised berm that is over 1,000 feet in length. Since
19 the time I was last here, we see that there's been
20 landscaping added along the top as well. We'll come
21 back to that as we go forward with the testimony.
22 The berm does have foliage on top of that now.

23 Q. I would do it now. This was -- we have
24 some -- when you see our exhibits, we updated the
25 existing conditions with the recent plantings that

1 the town did on the berm, okay. So we have -- in
2 addition to those pictures, we have two more, which
3 are a match to the existing, I think, two of the
4 photo numbers. So when we talk about that in that
5 context -- I've spoken with Outfront and they're
6 willing to improve that buffer, indicating in
7 response to some of the concerns that the neighbors
8 had with regard to Schedler property and they're own
9 properties to, you know, make that -- improve that
10 buffer. So we'll talk about that more, then. Okay?

11 A. And the point is, the evergreens that
12 are out there now are not a hedge. These are large
13 conifers. They will have dense year-round foliage as
14 they grow up.

15 I think there's space to accommodate
16 what will ultimately be a mature height of 60 to
17 80 feet. These are not small trees that are being
18 planted. They are dense. It's not a hedge. It's
19 not a shrub.

20 Q. Yeah. The issue for us -- now, we'll
21 do whatever the board wants. But they are only at
22 4 feet now. And so our thinking was -- and we're
23 going to talk to the engineer about this -- is to
24 plant initially higher trees, maybe 10 feet, 12 feet,
25 something like that.

1 CHAIRMAN BROWN: Just try to talk a
2 little more into the mic so they can hear you in the
3 back. I appreciate it.

4 MR. McDONOUGH: Okay. So
5 condition-wise, the use is an easy --

6 AUDIENCE MEMBER: Repeat what he said.
7 I didn't hear.

8 CHAIRMAN BROWN: Mr. D'Arminio, can you
9 just repeat what you said around the hedge, the
10 plantings. They didn't hear you in the back.

11 MR. D'ARMINIO: We indicated that
12 Outfront is willing to provide further plantings
13 along that -- that buffer and that berm, to plant at
14 a higher level trees that would provide some height,
15 immediate height. Right now it's low shrubs.

16 But I believe -- you can indicate this,
17 Mr. McDonough -- that the trees are probably right
18 now about 4 feet high or so.

19 MR. McDONOUGH: Maybe 6.

20 MR. D'ARMINIO: Maybe 6.

21 So we would do -- we would increase
22 that height of those trees by adding additional trees
23 with infill. We're planning to do that.

24 MR. WHITAKER: You propose the height
25 of 10 feet, correct.

1 MR. D'ARMINIO: Yeah.

2 More towards 10 feet, and maybe more.

3 MR. McDONOUGH: And as to site
4 suitability, I'll move from context to the site
5 itself. Condition-wise, this use is an easy
6 retrofit. It requires minimal earthwork on the site,
7 no tree clearing on an established developed site.
8 And it fits in a pocket where it doesn't interfere
9 with any of the operations on the site that presently
10 exist.

11 Importantly, the NJ DOT itself, which
12 are the stewards of highway safety, those NJ DOT
13 regulation that I cited before are chock full of
14 safety considerations. I think I mentioned that last
15 time as well. And this has been determined to be
16 what is, quote, defined as a permitted location under
17 the Outdoor Advertising Regulation rules.

18 NJ DOT will only issue a permit if a
19 billboard is in a nonresidential area along the state
20 highway. This is a nonresidential area along a state
21 highway which meets the state's criteria.

22 The site is on a straight stretch of
23 road with clear lines of sight for ease of sign
24 readability. And the site has extensive highway
25 frontage. It is on the long access of a

1 triangular-shaped lot, which is conducive to
2 readability.

3 That goes towards the positive criteria
4 for the use.

5 Do you want me to launch into the
6 exhibits now?

7 BY MR. D'ARMINIO:

8 Q. Well, let's talk a little bit first,
9 just one thing. Also in terms of the suitability of
10 the site, does the site interfere, at its proposed
11 location, with any operation of the existing site?

12 A. It does not. It does not.

13 So the site is particularly suitable
14 for dual use for the exact reasons that I cited for
15 the other use. The site can accommodate dual use.
16 Neither use impedes or interferes with the other.
17 The billboard use is distinctive in that it is
18 physically inert and generates no traffic or
19 activity.

20 The planning intent behind singular use
21 controls is to avoid land use conflicts,
22 interference, and/or intensification of differing
23 uses, particularly with respect to traffic and
24 circulation.

25 And we know that this land use is not

1 going to introduce any traffic or circulation
2 problems or conflicts or over-intensification of the
3 use with the use that's presently there.

4 Q. Indeed, in your experience and the
5 testimony, there are very few businesses with digital
6 billboards, correct?

7 A. I believe Mr. Antal talked about four
8 times per year on average.

9 CHAIRMAN BROWN: Mr. D'Arminio, can you
10 just state that again? Some of us didn't exactly
11 hear around the four times a year. Sorry. It's a
12 little weird because the moment you turn sideways,
13 the mic, like, cuts out.

14 MR. D'ARMINIO: Sorry. I'll be --
15 sometimes it's better to have the mic.

16 CHAIRMAN BROWN: The lapels. I know.
17 It's been brought up.

18 MR. D'ARMINIO: What I had asked
19 Mr. McDonough was to speak about the number of visits
20 for a digital location which has remotely changed
21 topic. That's when he relied that the prior
22 testimony was maybe four times a year.

23 CHAIRMAN BROWN: Thank you.

24 BY MR. D'ARMINIO:

25 Q. Okay. Then wanted to move to the -- I

1 did it again. Now you want to move to the negative
2 criteria and some of the exhibits, the visual
3 exhibits, correct?

4 A. Yes.

5 And as a predicate to the visuals, I
6 would just remind the board that I have the benefit
7 here of, I'll say, a mountain of evidence below me in
8 terms of forming my conclusions here with respect to
9 the negative criteria, and a number of witnesses over
10 the course of six hearings who have given sworn
11 testimony under oath.

12 And just by way of reminder, you heard
13 Mr. D'Arminio talk about at the outset the testimony
14 that's on the record. You have John Antal provided
15 operational testimony, addressing site selection and
16 protocols. You had Diego Duarte providing the
17 engineering testimony, addressing the site issues and
18 the lighting. We had Justin Taylor providing traffic
19 testimony about the cone of vision and driver safety.

20 And then lastly, you had Brett
21 Skapinetz over the course of two hearings, including
22 the last hearing, where I testified with him as well
23 regarding that narrow-view technology and the
24 benefits of limited visibility that that provides.

25 MR. STANDRIFF: Excuse me.

1 Chairman, I object to the conclusion
2 that there's a mountain of evidence. I think that's
3 for the board to decide. And, I'm sorry, you said
4 that a few minutes ago. But that was the first I had
5 a chance to interrupt.

6 MR. WHITAKER: Mr. McDonough, you are
7 basing your conclusion based upon testimony that
8 you've heard previously before you started to
9 testify.

10 MR. McDONOUGH: Yes. And -- yes.

11 MR. WHITAKER: So the board will
12 acknowledge that's what you're basing it on. Whether
13 it's conclusive is a matter of opinion that the board
14 has to make. So on a limited basis, Mr. Standriff's
15 objection is sustained. But we understand that you
16 are testifying based upon the information that you
17 received via the testimony that occurred before you
18 started your testimony.

19 Please proceed.

20 MR. McDONOUGH: Thank you.

21 And if it helps, we'll strike the word
22 "mountain" and put in the word "body." I'm relying
23 on the evidence below me.

24 MR. WHITAKER: You're going on the
25 statements and the information that was supplied to

1 the board already.

2 MR. McDONOUGH: Correct.

3 MR. WHITAKER: Thank you.

4 MR. McDONOUGH: That's my predicate.

5 Which essentially found that the use is functionally
6 benign and creates no traffic, no population, no
7 water sewer demand. This is the OB-2 Zone District,
8 which does permit a wide variety of uses that could
9 general impacts in that regard: traffic, population,
10 water sewer demand.

11 BY MR. D'ARMINIO:

12 Q. Would you like to do the exhibit now,
13 Mr. McDonough?

14 A. Might as well.

15 Let's go through that.

16 MR. D'ARMINIO: Okay. I've got some
17 copies. This will be marked as -- I think it's 26
18 now.

19 MR. WHITAKER: A-26.

20 Do you have some available for the
21 members of the public?

22 MR. D'ARMINIO: Yes.

23 MR. WHITAKER: Leave them out there on
24 the table.

25 (Whereupon, Aerial Drone View of

1 Subject Site from Carriage Lane, Taken by
2 John McDonough Associates on May 5, 2022, xxx
3 is marked as Exhibit A-26 for
4 identification.)

5 BY MR. D'ARMINIO:

6 Q. Mr. McDonough, for the record, identify
7 A-26, how it was prepared and how it relates to A-25.

8 A. So A-26 correlates with the numbers on
9 A-25. Reminding the Board that on A-25, we gave 14
10 locations, or 14 circles with arrows, to show how we
11 were positioned with the camera pointing at the
12 general direction of where the sign would be. And
13 I'll simply walk the board one by one what we saw
14 from each vantage point.

15 Q. And in addition, we took some
16 additional photos of the recent improvements,
17 correct?

18 A. Yes.

19 I went out there yesterday in the
20 pouring rain and took photos of the new evergreens
21 that are out there.

22 Q. And those are added as Numbers 15 and
23 16, for the record. And you'll indicate where those
24 are taken from the -- on 25, correct?

25 A. Yes.

1 And just -- just for references --

2 MS. RUHL: Excuse me, sir. Again
3 you...

4 MR. D'ARMINIO: Sorry.

5 I'm just trying obviously,
6 Mr. McDonough, to indicate where the two photos that
7 are going to be part of the record that he added were
8 taken and relate back to Exhibit A 25.

9 MR. McDONOUGH: Mr. Chairman, I'm just
10 going to point forward. I'm not disrespecting the
11 public. I just want to stay on the microphone.
12 That's all.

13 So I know this is their homes and we're
14 going to walk through it, and we'll -- we'll keep our
15 focus up here for now so...

16 Okay. So the main thing I wanted to
17 start, just as a predicate here, these photos were
18 obviously taken by a drone.

19 For the record, it was a DJI Air 2S.
20 We have a licensed drone operator pilot on staff. I
21 didn't take these pictures, but I was present there
22 when they were taken.

23 We can get the board any specifications
24 they want with this drone. It's all online. But we
25 shoot our photos in standard 16-by-9 ratios, so these

1 are true scale. These are not wide angles or
2 distorted views or anything. We're trying to give a
3 fair and accurate representation contextually,
4 spatially and visibly what's out there.

5 The photos will speak for themselves as
6 we go through. The sign is going to be substantially
7 obscured from view by evergreens, by foliage, by
8 distance and by terrain.

9 And we'll start with first photograph
10 on A-26. And this is an aerial drone view of the
11 subject site from -- I have Carriage Lane here. And
12 I labeled House Number 30 or Unit Number 30 and Unit
13 Number 36. And the key point that I was trying to
14 make here is that --

15 Q. This is number 1.

16 A. This is number 1 in A-26. Based on
17 good planning, there is a nice row of evergreens
18 along the back of that particular development and
19 those units. They're healthy. They've grown up
20 nicely. And you can see here from this vantage point
21 that they will substantially block visibility of the
22 sign year-round. They're serving their purpose not
23 only to protect those units from the subject sign but
24 the highway, itself, which is the active land use,
25 which is a land use that moves, that is certainly

1 animated and has a certain quality of other sensory
2 aspects to it, including light and sound.

3 I just labeled 552 Route 17. I believe
4 Mr. Ward raised some questions. So we're going to
5 come around to that one next. But I'm just trying to
6 give everybody some orientation here. Then 516 West
7 Saddle River Road, which was Mr. Matthew Rossi. That
8 location is actually approximately 400 feet away and
9 will face the nose of the sign, just to give you some
10 orientation.

11 From this particular vantage point from
12 Number 30 and 36 Carriage Lane, we have some good
13 distance of separation, about 850 feet away. And I
14 always point to that cell tower there just as sort of
15 a landmark. And in terms of height, it's 135-feet
16 tall. You will see in these photographs the Exxon
17 sign, the on-premises sign, which is about 21 feet in
18 height.

19 So it gives a sense of how again from a
20 landmark standpoint the height of the proposed sign
21 will relate to other objects. But the point here is
22 that there's good buffering in effect from Units 30
23 and 36, which I think somewhere along in the
24 transcripts questions were raised.

25 CHAIRMAN BROWN: A quick question. Do

1 you know at what height the drone was when these were
2 taken.

3 MR. McDONOUGH: Generally he goes up
4 around about 100 feet here. I'm not implying that
5 this is anywhere where anybody will be looking from.
6 The reason we floated up that high is obviously to
7 get it up above the trees and also just to give some
8 spatial context as to what's happening, in a 3D
9 perspective.

10 Frame Number 2 is an aerial drone view
11 of the subject site from 552 Route 17. Again, this
12 was Mr. Ward's property, trying to show what would be
13 seen from there. We've labeled 552, the dwelling, in
14 the lower left-hand corner. Again, we have, through
15 good planning, mature evergreens blocking visibility
16 from the sign, even from those upper levels. We do
17 have a commercial use between the site and the
18 highway. And that proposed sign is approximately
19 475 feet away. And again, I just point to the cell
20 tower as a landmark. You can see the height of the
21 Exxon sign there and the canopy, the gas canopy,
22 which is of similar size. And I believe the -- I'll
23 call it the Kumon building at 545 is approximately
24 28-feet high, just as another vantage point.

25 BY MR. D'ARMINIO:

1 Q. This too was taken about 100 feet or
2 so?

3 A. Yes.

4 That's generally what he does. He
5 generally goes up about 100 feet.

6 Frame Number 3 is an aerial drone view
7 of the subject site from 516 West Saddle River Road,
8 Block 4704, Lot Number 14. And that was again
9 Mr. Rossi's property. It's showing the subject site,
10 Mr. Rossi's property, in the immediate foreground.
11 We've labeled that. You can see the pool in the
12 backyard, nice fencing around the perimeter of the
13 property, and also evergreens lining the fence as
14 well.

15 And, as I said, the proposed sign is on
16 the opposite side of the highway. It's approximately
17 400 feet away from this vantage point. And that's
18 where the tip of the triangle would be, or the nose
19 of the sign, not the -- not the panels or the faces.

20 Again, reminding the board that there
21 was some effort to move the sign back and respond to
22 comments that evolved during the course of the
23 hearing. And again, we labeled the cell tower there.

24 I've also here labeled 552 Route 17 in
25 the lower right-hand corner. That's Mr. Ward's

1 property, the pumpkin patch site, I'll refer to it
2 as.

3 And then Frame Number 4 on A-26 is a
4 ground view of 548 Route 17, Block 4704, Lot 15,
5 which is a residential use, but it is an abandoned
6 residential use. I think if you went out the door
7 here you would actually be stepping onto the highway.

8 But again, it does certainly appear to
9 be abandoned. And you start to get a glimpse from
10 this vantage point as well. To the right is where
11 the Schedler property would be. And you get a sense
12 of the berm system that's starting to come into play.
13 These were taken back in September of 2021, so the
14 berm was not as established as it is now.

15 But you get a sense of the foliage and
16 the earth embankment that's being put in place.
17 Again, we just put this here to show that there was a
18 residential use there, but it's a nonconforming use
19 in zone, I believe, and abandoned.

20 Frame Number 5 is a ground view of the
21 subject site -- I'm sorry -- of -- this is the
22 Schedler building. This is the back of the Schedler
23 building at 460 West Saddle River Road, Block 4604,
24 Lot Number 9.

25 And the only reason I took this shot

1 was to show, this is where I'm standing in Frame
2 Number 6, which is the reverse view; in other words,
3 what you would see from Schedler. On this particular
4 day, the site was under construction. It was clear.
5 I had -- 460 West Saddle Road. This is a reverse
6 view of the prior frame.

7 And, again, this is looking across the
8 highway at the proposed sign, just to the right of
9 where you can see the Exxon sign. Again, there are
10 now evergreens along the top of that bank, which in
11 time mitigate visual impact. And the site is more
12 finished now. It's not completely finished, but
13 certainly more finished than you see in this frame
14 here, which was under active construction.

15 Q. Now, you took a more recent picture to
16 that?

17 A. I think we'll get to that at the very
18 end.

19 Frame Number 7 just raised up the --
20 this is about 20 feet off the ground. And I think,
21 if I recall, we did this because there were some --
22 yeah, those two second story windows that you see in
23 Frame Number 5. So we just elevated the drone. We
24 couldn't go inside, so we just took a slightly higher
25 view. That's Frame number 7.

1 Frame Number 8, we've now made our way
2 over to the church property. This is flown at --
3 this is actually 114 feet. And this is really
4 intended to show context. There's a cemetery in
5 between the church, which is a historic site, and the
6 subject site, which is over 1,000 feet away. The
7 cell tower, again is 135 feet, is substantially
8 higher than what the proposed sign is going to be.
9 And you get a sense of the other development that
10 lines this side of Route 17, including that Dunkin'
11 Donuts, the Shell development that I worked on, and
12 then the other commercial buildings leading up to the
13 Exxon adjacent to the subject site, and then some
14 offices on the backside, on the Franklin Avenue side.

15 So Frame Number 9 takes us from
16 114 feet, the same general location, and now floats
17 us down to approximately 20 feet. And the point here
18 is the proposed sign and the cell tower get lost in
19 the horizons as we work our way down and not evident
20 from this vantage point. It's obscured by
21 vegetation, including evergreens. This was taken in
22 May 2022 before the leaves had fully popped, so you
23 get a sense of somewhat of what a winter view would
24 look like with the foliage not fully in bloom and
25 again the sign and the cell tower not evident from

1 this vantage point.

2 And then Frame Number 10 and Frame
3 Number 11 were just intended to show what we saw
4 behind us. This is basically -- what you would see
5 from 10 and 11 is what you would see in
6 Frame Number 9.

7 Frame Number 12, we now have come back
8 to the site with a reverse view looking back at the
9 Schedler building. We've got the highway, the
10 constant movement there, separation. This is where
11 we're talking about the berm coming into play,
12 vegetation across the top, and supplemental enhanced
13 vegetation as well, which will substantially obscure
14 the visibility of the sign from this vantage point.

15 And then we've spun a little bit more
16 to the right from the prior vantage point in Frame
17 Number 13, pulling back towards the church to show
18 that the church is not visible from this vantage
19 point, which sort of reinforces the prior view from
20 the church looking towards the sign where we couldn't
21 see the cell tower or the sign location.

22 Q. Then what was the height here; do you
23 recall?

24 A. This was 35 feet.

25 Yeah, I think this one was 35 feet.

1 And the prior frame was at 35 feet as well.

2 Q. Okay. Now we're at 14?

3 A. Fourteen, just -- I put this in here to
4 just try to tie it all together. We've given you
5 multiple addresses. And I thought from this vantage
6 point it helped show the relationship of the proposed
7 sign location on the site in that corner there, and
8 then the other properties that we just mentioned,
9 that Carriage Lane, the abandoned building at
10 548 Route 17, 552 Route 17 and 516 West Saddle River
11 Road.

12 So those were the 14 that we had
13 originally prepared. I don't know if I have the last
14 two. I do. Here we go.

15 So Frame Number 15, I actually took
16 this yesterday just to show that there were now
17 evergreens on the top of the berm. And this would
18 essentially be the same view as Frame Number 6, just
19 18 months later.

20 Q. Describe the size of the trees in
21 light --

22 A. Sure.

23 This is the berm that we talked about
24 along the east side of Route 17. You saw that in
25 some of the earlier photographs. And the evergreens

1 that are planted along the top are conifers. I would
2 say they're in the 4- to 6-foot high range. They
3 will certainly grow much taller over time.

4 Q. But again, Outfront is proposing to --
5 to improve the initial plantings with substantially
6 higher trees?

7 A. Yes. Supplement, yes.

8 CHAIRMAN BROWN: Just one quick
9 question.

10 MR. PAPIETRO: Mr. McDonough, these
11 pictures are all daytime. Do you have any evening,
12 nighttime, pictures where they actually will see
13 illumination of the sign?

14 MR. McDONOUGH: I did not take
15 nighttime photos, no.

16 MR. PAPIETRO: You did not.

17 MR. McDONOUGH: I did not.

18 MR. PAPIETRO: Okay, thank you.

19 MR. McDONOUGH: Then the final is after
20 I went over to the Schedler building and took the
21 photo towards the sign, I went back over to the site
22 and took a photo towards the Schedler building. And
23 I think this is similar to the frame that I took.

24 I'll give the board the exact number.
25 Sorry about that. Well, I know there's a frame in

1 the packet that points towards Schedler. Oh, here we
2 go.

3 At 12, Frame Number 12. That was taken
4 with a drone. This one was taken from the ground.
5 The point I was trying to make is that there are now
6 evergreens along the berm.

7 So those were -- those were the
8 photographs under A-26 to address concerns about
9 visual impact. And my planning conclusion is based
10 on distance, based on foliage, I'll say saturation in
11 the area. We're not looking at a visual desert.
12 This sign will be substantially obscured with, if
13 anything, a filtered view.

14 But again, I believe that certainly
15 will have minimal, if any, visual impact on the
16 adjacent properties.

17 Q. Why don't you now go into the negative
18 criteria in terms of the enhanced Medici proofs for
19 D-1 variances?

20 A. Sure. Okay.

21 So the enhanced Medici proof requires
22 requisition of the omission of the use from the zone.
23 We always say the reconciliation is addressed because
24 this board has much more evidence than the governing
25 body had in not allowing this land use in the zone.

1 That counts somewhat in the reconciliation. Since
2 the Medici decision four decades ago, this use
3 variance mechanism remains in the MLUL, enabling
4 zoning boards to evaluate use applications on a
5 site-specific basis. We're not looking at this
6 zone-wide. That's why the use mechanism is there.
7 And again, based on the predicate of testimony before
8 me, the board now has substantial and sufficient
9 site-specific information as to how this use is
10 appropriate on this site.

11 I guess I'll say there are
12 constitutional implications of a townwide ban on this
13 land use, especially in light of Bell vs. Stafford.
14 It's a land use that does belong somewhere.

15 And as I look in the ordinance and the
16 Master Plan, there's no articulated reason as to why
17 this land use is not permitted, but it's not -- it's
18 not expressly permitted. And there are references in
19 the Master Plan. I think we're going to come back to
20 that next.

21 Do you want to me the introduce the
22 permit run exhibit?

23 Q. Yeah. We're going to talk about the
24 permit right now. We have a -- why don't we identify
25 it.

1 What is it going to be? A-27, right?

2 A. 27.

3 Q. This exhibit relates to the number of
4 permits that are actually in the town. And you've
5 looked at each of these locations, correct?

6 A. I had -- I had a nice day today to walk
7 around your downtown, and I looked at these signs,
8 yes.

9 Q. Let me -- I have extra copies of this
10 too so. Then you can identify that for the record
11 and authenticate it.

12 A. Okay. So A-27 for the record is a list
13 of four sign locations that have been approved by
14 NJ DOT. It's taken from the DOT website.

15 MR. D'ARMINIO: That's ours.

16 MR. McDONOUGH: Oh, okay.

17 (Whereupon, State of New Jersey
18 Department of Transportation Office of
19 Outdoor Advertising Services Outdoor
20 Advertising Permits is marked as Exhibit A-27
21 for identification.)

22 BY MR. D'ARMINIO:

23 Q. This is the latest, correct?

24 A. That's correct, yes.

25 Okay. So the first sign, I guess the

1 point that we want to make here is that these signs
2 are all related to the downtown. They're all in --
3 but for the subject sign. And the first sign we're
4 going to skip the -- oh, no. We're going -- yeah,
5 we're going to skip Outfront Media.

6 Q. That's this sign, right?

7 A. That's the subject sign.

8 Q. That's the subject sign?

9 A. Yeah. Okay. I was thrown by the
10 address.

11 Q. 75257.

12 A. All right. So the next sign is at
13 211-219 East Ridgewood Avenue. It's on the east face
14 of the wall. And this may be locally familiar. It
15 says, "Gilsenan & Company Realtors and Appraisers,
16 Insurance Specialists."

17 Again, that's advertising for business
18 that's not within the building.

19 The next sign, that's actually at the
20 New Jersey Transit station that points to the
21 tracks. And I forget what it says.

22 And then the last one -- yes, okay.
23 This is over at Number 16 North Walnut Street. And
24 this advertises for Hillman Electric and Lighting. I
25 don't know if they're still in the building or not.

1 It looked like they're weren't. But it's not -- the
2 sign points to that use around -- being around the
3 corner, but it's not on the subject site.

4 Q. Those point to both a -- the last two
5 point to a parking lot and to within the Transit
6 station, correct?

7 A. Right.

8 These are in the downtown.

9 Q. So these are the only signs that have
10 permits in the town other than our sign will?

11 A. Yes.

12 Again, just to reinforce, one is the
13 New Jersey Transit sign showing to the train tracks.
14 And two are on-premise sign and do not show the same
15 type of messaging as this sign would. Outfront is
16 the only one on Route 17 and the only multi-message
17 permit in the town.

18 So in terms of moving ahead with the
19 negative criteria and this enhanced proof, the zone
20 plan recognized the Route 17 corridor is distinctive
21 from the rest of the community. This is the most
22 aggressive zoning district in the community. It is
23 distinct from the downtown. And as far as I could
24 tell, Ridgewood does not have an industrial zone,
25 which sometimes we see this land use located.

1 The Village did adopt a new 2022 Master
2 Plan. And there are references -- I'll say the
3 Master Plan is loaded with references to protect the
4 downtown and maintain the small town feel of the
5 community. Reminding the board, this is not the
6 downtown. And the 2022 Master Plan makes specific
7 references to this stretch of Route 17 and the quote
8 is limiting, unquote, not banning billboards to
9 protect against, quote, out-of-scale visual
10 intrusions, unquote.

11 For all the reasons on the record, this
12 is not a, quote, out-of-scale visual intrusion. And
13 to reiterate, the size and height of the sign
14 combined with the narrow-view technology limits the
15 visual impact.

16 The 2022 Master Plan references
17 ordinance recommendations that impose limitations,
18 again not outright bans, on the placement of the
19 billboards along the Route 17 corridor. So we can
20 surmise from a planning standpoint that a zoning
21 ordinance, if adopted, would support a billboard at
22 this location since this side of Route 17 is not
23 zoned -- I'm sorry -- this side of Route 17 is zoned
24 nonresidential and the other side is not. And
25 because the central location of this site along the

1 corridor effectively, I'll say, not south, the
2 potential for other billboards based on the 3,000
3 linear foot separation requirement -- I can't say for
4 certain that it would block out, but it was a pretty
5 good chance that it was, again bearing in mind, a
6 mile, which is approximately the length of Route 17
7 in your town, 5,280, 5,280 linear feet.

8 As you heard from Mr. Antal's
9 testimony, there are 3,000-foot separation
10 requirements -- 3,000 linear foot separation
11 requirements. And centering a sign in the middle of
12 a 5,280-linear-foot roadway creates a good
13 opportunity to block out other signs along the
14 corridor.

15 Again, I'm not 100 percent certain that
16 it would fully do so, but there's a good chance that
17 it would.

18 Q. In terms of the scale, in terms of the
19 uses to be compatible with the surrounding uses that
20 are actually there -- that are actually there for the
21 zone plan, what are some of those uses? Are they
22 highway commercial-type uses?

23 A. Yes.

24 This is a highway commercial use on a
25 commercial highway surrounded by highway commercial

1 uses.

2 Q. And you've looked at some of the
3 adjacent buildings and some of the adjacent uses in
4 addition to the cell tower, which is 130 feet. They
5 all are several stories at least high, correct?

6 A. Yes.

7 A billboard does not have the bulk of a
8 building that could have -- could be 30-feet high.
9 Yes, the applicant is asking for height relief, but
10 it certainly does not have the bulk of a -- of a
11 building per se.

12 Q. So in terms of that impact, buildings
13 actually would have more -- would actually have more
14 than a billboard, correct?

15 A. That is correct. The use is
16 functionally less intense than the many permitted
17 uses that the zone allows and visually less bulky
18 than many permitted structures that the zone allows.

19 As far as I can tell in your ordinance,
20 unless I'm wrong, there's no -- we see a lot of
21 accent lighting on buildings now. There's no zoning
22 prohibition against someone lighting up the side of a
23 building, an entire building, with accent or colorful
24 accent coloring, accent lighting.

25 So, again, I don't see that prohibition

1 in the ordinance in terms of lighting.

2 We just talked about visual impact.

3 Q. Now, there was also a planning report
4 that raised some other issues. Would you like to go
5 over that?

6 A. Sure.

7 The question posed to me was regarding
8 the board's planning consultant's report, which
9 actually goes back to 2021. That was
10 Ms. Bucci-Carter's report.

11 And the point there is that there was
12 -- in the memo there was reference to historic
13 properties, which also cross-references the Master
14 Plan that notes historic properties in the vicinity
15 of the site, including the Schedler property, which I
16 just mentioned, and the old Paramus Reformed Church,
17 which I also showed visual impact images as well.

18 So with respect to the historic
19 preservation, you have a historic presser ordinance.
20 As part of outside agency approval requirements, the
21 applicant is obligated to comply with N. J. Historic
22 Preservation Regulations, *N.J.A.C. 7:4*. And I'll
23 call it SHPO, or S-H-P-O, State Historic Preservation
24 Office authorization, if required.

25 The project will not have any direct or

1 indirect effects, as defined by the regulations, on
2 any historic structures based on all the evidence on
3 the record, including the substantial screening, the
4 context, separation and the remoteness from those
5 historic structures.

6 Most importantly, based on the
7 evidence, the project will have limited, if any,
8 visibility from any historic structures; and
9 therefore, minimal, if any, negative visual impacts
10 on any historic structures.

11 Again, the applicant is offering, based
12 on board and public comments, to bolster the Route 17
13 berm with bigger evergreens to enhance the buffering
14 for the Schedler property, not only from the subject
15 sign but from the influence of Route 17 and the uses
16 that are on the other side of the highway as well.

17 Q. Now, just to specifically clean up the
18 rest of the issues, could you please address the
19 statutory criteria for the grant of the D-1 dual use
20 relief?

21 A. Sure.

22 This goes toward Board Member Ruhl's
23 question about what sequence we're going to do it.
24 That took care of the first D-1. Very briefly on the
25 second D-1 for dual use, the positive criteria were

1 addressed above, based on the site suitability for
2 dual use. We talked about the no interference. The
3 negative criteria were addressed, based on the
4 functionally benign nature of the billboard use and
5 the fact that there would be no interference or
6 over-intensification of uses related to the subject
7 site. That goes towards the second D-1.

8 Q. And then there was the D-2 relief. I
9 think you already talked about this. That is more
10 technical in nature because of the existing auto body
11 use. But that's not being changed or expanded
12 actually in any way, correct?

13 A. Correct.

14 Perhaps more for the public than the
15 board, the applicant needs relief to expand a
16 nonconforming use. Although the use is not being
17 expanded per se, we could say the land area
18 associated with the that use is being reduced, which
19 becomes an expansion per se.

20 The land associated with the auto
21 repair use is being nominally reduced, but the land
22 is currently unused by the auto repair business, and
23 so it has no effect on operations. The applicant has
24 picked a good spot with respect to that land use
25 that's there.

1 Q. Now, the statutory criteria for the
2 grant of the D-6 height relief?

3 A. Sure.

4 And I'll fall back on the photo
5 simulations and the testimony on the record as to why
6 that 40 foot was necessary for this land use to
7 effectuate its purposes and all of those public
8 benefits that I spoke about with respect to the use.

9 The height is necessary to effectuate
10 the use. It needs a certain height to fulfill its
11 purpose. We found similar relief in the court case
12 New Brunswick Cellular. That was for a cell tower
13 but a similar basis in that a cell tower needs a
14 certain height to effectuate its purpose. That was a
15 different form of communication.

16 But again, for a billboard to
17 effectuate its purpose as a communication device, it
18 does need to be of a certain height.

19 There are obstacles on the road that
20 hamper visibility, so that -- not the least of which
21 are vehicles moving on the roadway, including trucks.
22 I could see a lot of truck traffic there on Route 17
23 during my numerous visits.

24 So, again, we rely upon the positives
25 in that this will effectuate the use.

1 In terms of the negatives, we turn to
2 the Grasso case, which focused on height relief and
3 the purposes of height control. Here we find that
4 none of the Grasso purposes of height control are
5 being violated. The added height will not block
6 scenic views or create negative shadow effects. The
7 added height will not create additional population
8 density or traffic generation. And the added height
9 does not create an imposing structure, again given
10 its context and everything that's happening around
11 it. There is a much taller cell tower next to the
12 site which was found to be suitable here.

13 Q. We still have one exhibit that we
14 didn't go over, but we can do that at the end.

15 A. I think we'll come back to that at the
16 very, very end.

17 Q. At the very end.

18 Now, there was a statutory criteria for
19 the C relief. The C relief that is not subsumed
20 within the Puleio vs. New Brunswick case is the
21 setback to the Exxon, the gas station, correct?

22 A. That's correct.

23 Q. That's one that indicates what that is.
24 I think, we're at 12, 10. We're at 10. 12 is
25 required. Whatever is the required.

1 A. It's essentially a 2-foot variance,
2 which in the context of the site and the application
3 as a whole is relatively minor in terms of light and
4 air impact.

5 And one of the reasons that happened
6 was to move the sign back to lessen the visual impact
7 on the properties on the other side of 17 and also in
8 response to what is an interactive process. We had
9 some feedback from our interested property on the
10 office side as well. And that was done in that
11 regard also. And the widening of the angle of the V
12 to minimize that visibility from the office site as
13 well. You heard about the narrow-view technology,
14 but also to orient that panel more or less at a right
15 angle to that office building.

16 The widening of the panels is what
17 triggers that additional relief. And the positioning
18 of the sign is what triggers that 2-foot relief from
19 the Exxon site. But no -- no interference with the
20 Exxon site whatsoever.

21 Q. In terms of the impact of the Exxon
22 site, it's to the rear, and there's -- it's just a
23 gas station, it's not going to impact whatsoever,
24 correct?

25 A. Right. We won't say it's just a gas

1 station.

2 Q. It's a gas station.

3 A. It's more towards the parking area.

4 And it's not interfering with the building onsite or
5 the canopy, the fueling area or the like.

6 Q. And it provides some separation there
7 as well?

8 A. It does.

9 Q. Now, you said that the C -- the C
10 relief is going to be twofold?

11 A. Yes.

12 Q. There's the balancing test, and then
13 there's the hardship test?

14 A. There's the balancing test where the
15 benefits of the application as a whole would
16 substantially outweigh the detriments. So we're
17 subsuming the C relief within the greater use relief.
18 It's all necessary to effectuate that -- that use.

19 Q. Now, in terms of coming to your
20 planning conclusion, I believe we have one more
21 exhibit. That is the town's zoning code?

22 A. No. All I want to do is on one of the
23 flash drives, Lou.

24 Q. Yeah. You would have it.

25 A. And if we want to hand this out.

1 Q. It's the zoning code. There it is.

2 A. Okay. And I'll give you a second to
3 catch up.

4 Q. This will be A-28.

5 Can you identify it, please?

6 A. A-28, for the record, is the existing
7 zoning as shown in your Master Plan. I can't
8 remember what page it is. But it's, I'll say, about
9 page 40. It's the existing zoning map.

10 Oh, page 20. Here you go.

11 (Whereupon, Existing Zoning Map,
12 Page 20 of Master Plan is marked as Exhibit
13 A-28 for identification.)

14 BY MR. D'ARMINIO:

15 Q. I think this goes back to particular
16 suitability and that as a reason for the grant of the
17 variance and the like as to where we're putting it?

18 A. It sort of brings you back full circle
19 to where I started at the first night when I spoke
20 about the form of your municipality, the form of your
21 community, where you're rooted on a nice central core
22 with your beautiful downtown. And then you can --
23 you clearly see that in the middle of this map here.
24 And then you see a lot of yellow, which are your
25 residential areas, which again is what defines your

1 town as well.

2 This land use cannot go in a
3 residential zone, or the applicant would not be able
4 to get a permit from NJ DOT. So you can see that
5 most of your community is blocked out. And an
6 applicant has limited opportunity. The logical
7 location is the upper right-hand corner along that
8 one-mile stretch along Route 517, and picking a
9 location in that pink-colored area, which is the OB-2
10 Zone District, I'll say equidistant for the most from
11 the municipal boundaries to the north and to the
12 south. And we think the applicant has done a good
13 job here from a site suitability standpoint in
14 sticking to the zones where on a state level it would
15 be allowed and where the impact would be minimal,
16 based on all of the other evidence that we've given
17 the board.

18 So it's just to give a board a little
19 context from a zone standpoint in terms of the
20 reconciliation towards the why here question.

21 Q. Any other comments, Mr. McDonough?

22 A. It's a land use that serves a purpose.
23 It does do a good thing. It does belong somewhere.
24 I think I started saying this last time, much like
25 housing generally follows the trains, this land use

1 follows the highways. This is where the highway is
2 in your community. I don't think you're going to see
3 a lot of these. This may be the only one. I don't
4 know for sure.

5 But all of that said, I think the
6 applicant has done a good job here of giving careful
7 consideration to the neighborhood, to the board's
8 comments, and minimizing the visual impact on the
9 surroundings.

10 So with that, I would offer based on
11 everything that's put on the record, the statutory
12 criteria for all of it was D relief that the
13 applicant is asking to move on and the interrelated C
14 relief are met and approval is warranted.

15 MR. D'ARMINIO: Thank you,
16 Mr. McDonough.

17 CHAIRMAN BROWN: Thank you very much.

18 Mr. Standriff, before you start, are
19 you doing okay, or do you need a break? You would
20 like five minutes?

21 Mr. Standriff, is it all right for us
22 to take a five-minute break for the stenographer just
23 to...

24 MR. STANDRIF: Yeah, let's take a
25 five-minute break.

1 CHAIRMAN BROWN: Five-minute break.
2 Let's take five minutes for the stenographer. Okay,
3 great. All right. We're going to take five minutes,
4 then we'll be back.

5 Thank you.

6 (Whereupon, a brief recess is held.)

7 CHAIRMAN BROWN: We're going to go
8 ahead and go back on the record. It's 9:16 p.m. on
9 September 12th, 2023.

10 Sorry. Jane, could you call roll call,
11 please?

12 MS. WONDERGEM: Greg Brown?

13 CHAIRMAN BROWN: Here.

14 MS. WONDERGEM: Matthew Bandelt?

15 VICE CHAIRMAN BANDELT: Here.

16 MS. WONDERGEM: Gary Negrycz?

17 (No Response.)

18 MS. WONDERGEM: Diana Ruhl?

19 MS. RUHL: Here.

20 MS. WONDERGEM: John Papietro?

21 MR. PAPIETRO: Here.

22 MS. WONDERGEM: Michael Pickholz?

23 (No Response.)

24 MS. WONDERGEM: Jason Curreri?

25 MR. CURRERI: Here.

1 MS. WONDERGEM: Harold Maxwell?

2 MR. MAXWELL: Here.

3 MS. WONDERGEM: Jamie Fox?

4 MR. FOX: Here.

5 CHAIRMAN BROWN: Thanks, Jane.

6 MR. D'ARMINIO: Mr. Brown, there were
7 just three points of clarification that I realized in
8 my notes that we didn't cover. It will just take
9 less than five minutes.

10 CHAIRMAN BROWN: Okay.

11 MR. D'ARMINIO: I'd just like to do
12 that and then I'll turn it over to Mr. Standriff.

13 CHAIRMAN BROWN: Okay, sounds great.
14 One second.

15 MR. STANDRIFF: Frankly, I didn't hear.

16 MR. D'ARMINIO: I'm saying there are
17 three just points of clarification.

18 CHAIRMAN BROWN: One second.

19 Could you just grab the hand-held and
20 let's see if you get less -- who has the hand-held.

21 MS. WONDERGEM: It's over on the
22 podium, I think.

23 CHAIRMAN BROWN: It's like you're just
24 very...

25 Do you want to take the hand-held and

1 just see if maybe it makes you a little easier to
2 hear? That would be great.

3 Mr. Standriff, he just said they have
4 like three points of clarification that they want to
5 do, and then we'll turn it over to you. You good.

6 MR. STANDRIFFF: But the board would
7 question before me?

8 CHAIRMAN BROWN: No. You're going to
9 ask questions.

10 MR. WHITAKER: The board will go when
11 we hear all the questions that have been asked.

12 MR. STANDRIFFF: Okay.

13 BY MR. D'ARMINIO:

14 Q. Mr. McDonough, just some -- that's
15 better, right? Just some points of clarification.

16 First, with regard to Route 17, what
17 are some aspects of Route 17 that are important to
18 point out in terms of its -- its relationship to this
19 area and to all the uses surrounding it?

20 A. I think I led off with this last time.
21 But just to bring it back full circle and to
22 underscore, Route 17 is a land use. It is the
23 dominant land use in the area. It is a multilane
24 highway. It's the highest order roadway in the
25 community. It never stops. It's a 24/7 land use

1 with trucks and sound.

2 And reminding the board, we have five
3 senses. To the extent there's a concern about visual
4 impact, it's one sense here.

5 Certainly, as I said, this is not going
6 to produce any sound. You hear the ambient sound of
7 the highway whenever you're in the general vicinity
8 there.

9 And of course smells, odors, there's no
10 odors. I walked around your downtown today. You
11 smell beautiful aromas everywhere. This does not
12 emit any smells or any --

13 Q. "This" you mean by the use?

14 A. By this billboard.

15 Q. The billboard.

16 A. The land use, yes. So I think we're
17 just underscoring the fact that the dominant land use
18 here is the -- is the highway.

19 Q. Okay. Also, the board had mentioned,
20 and Counsel as well, that there's an affordable
21 housing use that may -- that's been zoned for and may
22 come into existence. There's -- I think you did some
23 investigation with regard to that. I think you've
24 testified -- you began your testimony with regard to
25 that, you had some mention of it?

1 A. I did.

2 Q. Clarify it.

3 A. Just to remind the board -- I know it
4 came out during the testimony -- the subject site is
5 in the pink OB-2 zone. Across the way I think you
6 can see some shading, this tan color. There are
7 three lots that are in your affordable housing zone.
8 I believe it's AH-3. Here it is. Yep, the AH-3 Zone
9 District. Which I have my zone regulations here, but
10 I remember what it says. 40-foot high buildings are
11 what's permitted. Again, this is a 40-foot-high
12 sign. So to the extent that a 40-foot building ends
13 up over there, we'd certainly block any visual impact
14 from some of those surrounding properties that we
15 just talked about.

16 Also, there's a 50-foot front setback
17 associated with that which has to be buffered. So
18 the planning intent of having an affordable housing
19 district there is to protect surrounding properties
20 from that land use and to protect that land use from
21 surrounding properties, most notably Route 17, and
22 the uses that would go with it.

23 Q. And also we had some testimony relating
24 to the Master Plan. Can you just indicate with some
25 clarifications or some additional testimony there as

1 well?

2 A. Sure.

3 Maybe just because I didn't have it
4 handy, I had actually taken certain quotes from the
5 Master Plan. And I think I used the word
6 "limitations," not prohibitions. And just to
7 reinforce, this is reading from page 59 of the Master
8 Plan: "Ordinance recommendations should consider
9 limitations on the placement of billboards."

10 There's another, Section 215, which
11 says -- page 215 rather: "Ordinance recommendations
12 should consider limitations on the placement of
13 billboards." And it mentions that features -- using
14 features with evergreen plantings and appropriate
15 landscaping as a mitigative measure in that regard,
16 which is what the applicant is doing.

17 Q. I think on 42 there is a reference to
18 regulations, correct?

19 A. Yes.

20 "Developments that would be out of
21 scale" -- I'm reading from page 42 -- "with the
22 existing built environment along the developed
23 portions of the Route 17 corridor should be
24 restricted."

25 Now, that doesn't say limited. It says

1 limited elsewhere. But it certainly doesn't say
2 prohibited. "Among possible intrusions that should
3 be regulated" -- "should be regulated include
4 billboards." And inadequately screened, unsightly
5 land uses.

6 So those are -- those are direct Master
7 Plan references. I've spoken, I'll say, generalities
8 last time.

9 MR. D'ARMINIO: That's it.

10 CHAIRMAN BROWN: Okay, great.

11 Thank you, Mr. D'Arminio.

12 Mr. Standriff.

13 MR. STANDRIFF: Thank you.

14 CHAIRMAN BROWN: I turn it over to you.

15 MR. STANDRIFF: Thank you.

16 CROSS-EXAMINATION

17 BY MR. STANDRIFF:

18 Q. Mr. McDonough, in your travels in
19 taking the photographs, did you visit the site where
20 there's the existing tire and wheel auto center?

21 A. The subject site, yes.

22 Q. Yes.

23 Was that during business hours that you
24 visited it?

25 A. Yes.

1 Q. And the business is doing business?
2 The auto center is busy changing tires, selling
3 tires, et cetera?

4 A. It is an active land use, yes.

5 Q. Do you have any idea how long that
6 business has been at that location?

7 A. I don't.

8 Q. But, to your knowledge, it's a viable
9 operating business, right?

10 A. It is an operating business, yes.

11 Q. So the current landowner is able to
12 make use of his property; there's a business on and
13 it's generating revenue, right?

14 A. Again, it's an operating business. As
15 to viability and stability, instability, it's an
16 operating business.

17 Q. So the -- I think it might have been in
18 the Village planner's report. Do you recall how long
19 that site has been used for auto repair?

20 A. Offhand I don't.

21 But I'll let the report help me. I'm
22 not seeing it, Counselor. But if it's in here, it's
23 in here.

24 Q. Okay. But your understanding is it's
25 an -- and I don't know if I'm using the correct

1 terminology or not -- but it's a preexisting,
2 nonconforming use, correct?

3 A. Yes.

4 Q. Because auto repair is not allowed in
5 the OB-2 district?

6 A. That's correct.

7 Q. All right. And, as you stated, your
8 proposal would also be a non-permitted use?

9 A. That's correct.

10 Q. I believe you used the phrase that
11 there will now be two principal uses of the parcel?

12 A. That's correct, yes.

13 Q. Would you say that the proposed signage
14 in terms of its height and its size is going to be a
15 significant object on that parcel?

16 A. I'm not sure what you mean by
17 "significant object" on the parcel. It is what it
18 is. And I've given the reasons why I think it
19 integrates well with the rest of the site.

20 Q. Well, the sign itself is going to be
21 10-feet-tall-by-40-feet-wide, right? 30-feet wide?

22 A. Yes.

23 Q. What is it? I don't remember.

24 It's 10 feet?

25 MR. D'ARMINIO: It's

1 10-and-a-half-by-36.

2 Q. It's 10-feet-by-36?

3 A. Yes. I must have misheard you. But
4 that's -- that is correct 10.5 feet wide -- I'm sorry
5 10.5-feet-high and 35 8-and-a-quarter-inches-wide,
6 37.5 square feet.

7 Q. The bottom entrance of the sign will be
8 30-feet tall -- 30 feet from the ground, and the top
9 edge of the sign would be 40 feet from the ground?

10 A. That's correct.

11 Q. Do you have any idea how tall
12 approximately -- I'm not asking for an exact answer
13 -- but approximately how tall the existing auto
14 repair building is on that parcel?

15 A. It's a one-story building, so I'll say
16 approximately 20 feet.

17 AUDIENCE MEMBER: Excuse me.

18 MR. McDONOUGH: Twenty feet. It's a
19 garage with lifts.

20 CHAIRMAN BROWN: You don't -- we can't
21 -- you guys will have a moment later on where you
22 can ask questions, so if you could please not yell
23 out because they get confused so... Mr. Standriff,
24 back to you.

25 MR. STANDRIF: Thank you.

1 BY MR. STANDRIFF:

2 Q. Mr. McDonough, I'm going to hand you --
3 and I'll hand it to your counsel -- what I've printed
4 as the OB-2 regulations and maximum building height,
5 minimum front yard. And you'll see on the second
6 page Section 3 it says, "Minimum Side Yard."

7 MR. STANDRIFF: Mr. Whitaker, do I need
8 to mark that as an exhibit?

9 MR. WHITAKER: Make it O-1.

10 (Whereupon, OB-2 Regulations, Maximum
11 Building Height, Minimum Front Yard is marked
12 as Exhibit O-1 for identification.

13 MR. D'ARMINIO: Do you have a copy? Do
14 you have an extra for me, by any chance?

15 MR. STANDRIFF: I do not.

16 MR. McDONOUGH: I actually have a copy
17 of the OB-2 regulations, and I know exactly where
18 you're pointing to. You're looking at Subsection 3,
19 E3.

20 BY MR. STANDRIFF:

21 Q. Yes, correct.

22 A. I'm with you.

23 Q. Okay. So that subsection regulates how
24 far any structure can be from the property line in
25 terms of a side yard, correct?

1 A. It does, yes.

2 Q. So you have interpreted this as
3 allowing you to have a variance to build 12 feet from
4 the property line, correct?

5 A. Correct.

6 Q. But the regulation says 1 foot for
7 every 2 feet of height of the principal building, or
8 12 feet, whichever is greater.

9 If the principal building, which is the
10 auto repair center, is 20-feet high, even if it's
11 15-feet high, that would be a required setback of 30,
12 40 feet?

13 A. The first thing I'm doing is just
14 checking the engineering plans to see if the actual
15 height of building is listed. The existing building
16 is 15.6 feet, according to the engineering plans.

17 And if it's 1 foot for every 2 feet of
18 building height, that would be a setback requirement
19 of a little less than 8 feet. So we took the more
20 conservative approach of 12 feet. I think the
21 engineer did it right.

22 Q. And this proposed sign, if built, would
23 be the second highest object in view in that
24 immediate area? The first -- the highest object
25 being the cell tower. This sign would be the second

1 highest object, correct?

2 A. Well, there are other physical features
3 in the landscape, not the least of which would be
4 vegetation, utility structures and the like.

5 So, no, this is not going to stand out
6 taller than the physical environment that's around
7 it.

8 Q. Well, you're mentioning telephone
9 poles, right, wires?

10 A. Yes. They're there.

11 Q. The telephone poles aren't
12 10-feet-by-36-feet, right?

13 A. The question was about height. There
14 are utility poles lining Route 17 with -- I don't
15 know what those structures are on the top. They look
16 like garbage cans.

17 VICE CHAIRMAN BANDELT: Transformers.

18 MR. McDONOUGH: Transformers.

19 Thank you.

20 I'll have to ask my tower friend that
21 one.

22 BY MR. STANDRIFF:

23 Q. So in the photographs that you took
24 with the drone, I notice that you didn't take any
25 photographs directly behind the area where the

1 proposed sign would be in the cemetery. So if you go
2 immediately west from the proposed sign, you're in
3 the cemetery. Why didn't you take any drone pictures
4 from that view?

5 A. From within the cemetery?

6 Q. Yes.

7 A. The cemetery is heavily landscaped, as
8 evidenced by Frame Number 13. Looking towards the
9 church property, you can see the rooftops of the
10 buildings, and you see limited portions of the
11 cemetery, but for the most part you see trees.

12 MR. STANDRIFF: Ms. Wondergem, would
13 you be able to pull up the applicant's Exhibit A-1?

14 BY MR. STANDRIFF:

15 Q. Mr. McDonough, can I direct your
16 attention to Exhibit A-1?

17 A. Yes.

18 Q. Obviously the cemetery is the area to
19 the west of the parcel at issue. Now, you use the
20 word, I think -- I don't know if you said "heavily."
21 But it appears to me that that is sparsely dotted
22 with trees and shrubs.

23 And I assume the reason would be
24 because mostly there are graves there. Do you
25 disagree with that description?

1 A. I would.

2 Because this is a top-down view which
3 creates a different perception than what you see from
4 the ground where we have again a 3D perspective and
5 we have good massing, which comes out crystal-clear
6 in Frame Number 3 -- 13 -- I'm sorry -- of A-26.

7 Q. Well, there's an area which is going to
8 be directly behind where the proposed billboard is in
9 the cemetery. And it looks like there may be 10 or
10 12 trees or shrubs there but -- and I'll do it myself
11 if you want me to.

12 But I'm going to submit to you that the
13 billboard, including the Exxon sign, are visible from
14 that area of the cemetery that I'm discussing.

15 Did you take any drone pictures from back?

16 A. I'm also relying upon Mr. Skapinetz's
17 testimony and the exhibit -- I'm going to get the
18 number -- that showed the -- essentially the blackout
19 or blackout visibility from certain vantage points.
20 I'll get that -- I'll get that here in a second for
21 reference. It was one of the exhibits that were
22 presented at the last hearing. Perfect. Okay.

23 I'll refer the record to A-20, or A-23.
24 Either/or shows how a substantial portion of the
25 cemetery is in that -- I'll call it the blackout

1 zone. And the portion that is outside of the
2 blackout zone is substantially separated or far away
3 from the billboard location.

4 Q. I wasn't referring to the ad on the
5 billboard. I'm simply referring to the -- the
6 structure.

7 A. Again, based on what I'm seeing from my
8 analysis here looking from the billboard out, there
9 would be limited visibility of -- of the -- of the
10 structure itself. And even if it were, I'm not sure
11 how seeing the back of a billboard from a cemetery
12 would have a substantially negative visual impact.

13 Q. Well, have you stood to the rear of one
14 of these double-faced signs?

15 A. Yes.

16 Q. What do you see?

17 A. You see a utility structure similar to
18 other utility structures in the area.

19 Q. And the one in Maywood that they said
20 is similar and is simply black, it's painted -- the
21 pole is black. The structures holding the billboard
22 are black. And the inside -- I guess you would call
23 it the rear of the screen, the rear of the screen is
24 black, right?

25 A. Yes.

1 Q. So it's a big black structure 40 feet
2 in the air?

3 A. Yes. It is a -- I don't know if I
4 would qualify it as a big black structure, but it is
5 a structure.

6 Q. So the benefits that you spoke of
7 notifications, messages, that type of thing that are
8 one of the positives of this proposal, could that be
9 done in a smaller scale?

10 So your sign is
11 10-feet-high-by-36-feet-wide. Could it be done on a
12 smaller scale and still convey messages?

13 A. No. That would hamper its -- again its
14 purpose, its readability, its legibility. It would
15 be too small for the -- for the eye to perceive, and
16 create potentially negative impacts to drivers.

17 Q. So if someone were to determine that
18 this big black structure when viewed from the rear
19 40 feet in the air where you cannot see an ad is a
20 detriment, you would say that, well, it has to be
21 that big, it has to be that big in order for us to
22 have the ads be meaningful; we can't do it on a
23 smaller scale?

24 A. Yes. It's a balancing.

25 And the question is to the extent

1 there's any perception that a structure creates a
2 negative visual impact from the rear, we have to look
3 at the other mitigative measures, including the
4 softening of landscaping distance and other objects
5 in the landscape. It's not a -- it's not a visual
6 desert back there.

7 MR. STANDRIFF: No further questions.

8 CHAIRMAN BROWN: Okay, thank you.

9 Mr. D'Arminio, do you have any
10 clarifying questions or statements you want to make?

11 MR. D'ARMINIO: No. I mean -- no.

12 CHAIRMAN BROWN: Okay, great.

13 At this time I'm going to open it up
14 for questions from the public. You can come forward.
15 Remember, it's a time for questions only. Please
16 state your name. Also spell your name and give us
17 your address for the record. You'll direct your
18 questions towards the witness.

19 Some clarifying points. Remember that
20 there's only questions, and it's questions based on
21 the testimony tonight. And if we go off script from
22 that, I'll just point out again that this is a
23 question just for questions only.

24 And also, we shouldn't be -- if
25 everyone can pay close attention so we don't repeat

1 questions. Let's have individual new questions each
2 time. All right?

3 You can go ahead. Please state your
4 name, spell your name and give us your address for
5 the record.

6 MS. RUANE: Is the mic on?

7 CHAIRMAN BROWN: Use the hand-held mic,
8 please.

9 MS. RUANE: Hello. My name is Susan
10 Ruane. R-U-A-N-E is the last name. S-U-S-A-N is the
11 first.

12 Do I need to give the address?

13 MR. WHITAKER: Your address, please.

14 CHAIRMAN BROWN: Your address, please.

15 MS. RUANE: All right. 705 Kingsbridge
16 Lane, Ridgewood, New Jersey.

17 This was in regard to the last meeting.
18 When we attended, I believe the sign -- the variance
19 for the sign said it was supposed to be 30 feet, and
20 that the sign now is 40. And that there was going to
21 be asked for relief for the Zoning Board to grant the
22 bigger sign, even though that's not what was allowed
23 with the variance.

24 Is that correct?

25 MR. McDONOUGH: That is correct. The

1 ordinance allows -- we're in the OB-2 zone. Can the
2 microphone pick me up if I turn?

3 CHAIRMAN BROWN: If you talk a little
4 louder. You project well so we can hear.

5 MR. McDONOUGH: So this is your OB-2
6 Zone District which allows buildings to be 30 feet.
7 And the applicant is asking the board to allow for
8 40 feet for the sign. The bottom of the sign will be
9 30 feet, but the top of the sign would be at 40 feet.

10 MS. RUANE: All right. So it's still
11 bigger than what it -- it's what the -- so the
12 committee has to agree to that, correct, to allow for
13 something that's outside the variance.

14 MR. McDONOUGH: That's correct. That's
15 what the board will vote on, the sign.

16 MS. RUANE: Okay. And then the next
17 question is regarding -- just so I understand, when
18 you say the usage of the sign will be for government
19 notices, is this a private company that's building
20 the billboard, or is it a government company? And
21 how are government notices on public billboards?
22 Because I really haven't seen that. I've only seen
23 government notices on government billboards.

24 MR. McDONOUGH: So there's a couple of
25 parts to that. A billboard is a form of speech.

1 It's a form of communication. And it serves
2 businesses. We all see the advertisements.

3 I also talked about nonbusiness uses:
4 churches, hospitals, things like that.

5 When we talk about government, I think
6 we talked about preemption. And that goes to our
7 operator's testimony. Maybe you weren't here for
8 that. Emergency notifications, the nice thing about
9 this land use and this technology, the land use keeps
10 getting better. It keeps evolving. So we do have
11 the ability to preempt our messages in terms of
12 alert.

13 MS. RUANE: I know.

14 But, again, I haven't seen any alerts
15 on any private-owned billboards. I see
16 government-owned billboards putting those alerts out,
17 like an Amber alert or an accident.

18 So is this now going to have a dual
19 function of a private as well as a public, or a
20 government? I just -- I'm just trying to --

21 MR. McDONOUGH: I know exactly what
22 you're saying. You see it on the state highways.

23 In the last couple days I've been
24 seeing messages about a phone number for terrorism,
25 that the phone number is way too long to even

1 remember what it is. But that said --

2 MS. RUANE: No. I'm just asking for
3 clarification to what --

4 MR. McDONOUGH: This would be a
5 fugitive alert, an Amber alert. We do see them on
6 privately owned billboards.

7 MS. RUANE: So will this be used as
8 that, is the question? Will this be used as this.

9 MR. McDONOUGH: Will this be used for
10 that purpose?

11 MS. RUANE: Yes.

12 MR. McDONOUGH: Yes. There will be
13 preemptions, as the testimony on the record reflects.

14 MS. RUANE: Okay. And then this is
15 just something because I've traveled to Connecticut.
16 You're saying notifications and stuff. Along
17 Hartford, Connecticut, is billboards, and they only
18 advertise weed dispensary stores. Will there be --
19 sort of who gets to advertise on this? I don't know
20 if this is directed to the committee or to you.

21 But I don't necessarily want to see a
22 weed dispensary being advertised on the billboards,
23 because that's what happens in Hartford, Connecticut.

24 MR. McDONOUGH: There are regulations
25 or controls on content, as testified by our operator.

1 I don't know about that specific land use.

2 MS. RUANE: Well, that's a company.
3 And it's legal in New Jersey so... All right, that's
4 pretty much it.

5 Thank you.

6 CHAIRMAN BROWN: Thank you.

7 Again, if you could please state your
8 name, spell your name and give us your address for
9 the record.

10 MS. O'KEEFE: Cynthia O'Keefe,
11 C-Y-N-T-H-I-A, O, apostrophe, K-E-E-F-E, 542 West
12 Saddle River Road.

13 I'd like to direct the question to
14 Mr. McDonough about 548 Route 17 north. Your picture
15 here is from September 27th, 2021.

16 And it says, "Appears abandoned."
17 However, there's a woman by the name of Linda
18 Marticek who's lived there for 77 years. And her
19 house would pretty much be directly across the street
20 from your billboard. So can you tell me how many
21 feet that will be.

22 MR. McDONOUGH: Well, I think the main
23 thing -- I'll get you the answer.

24 But if you look at Frame Number 4, it
25 shows that that house is literally swallowed up by

1 vegetation. It's completely surrounded by
2 vegetation.

3 MS. O'KEEFE: She's right on the
4 highway, actually. You can see the house from the
5 highway.

6 MR. McDONOUGH: You can see -- in Frame
7 Number 4, you can partially see the house from the
8 highway and barely see windows.

9 MS. O'KEEFE: Well, she can see out
10 regardless of whether you can see in.

11 So my question is, how many feet it is
12 from the proposed billboard? And if we look at the
13 drone that you have up on the screen, is she going to
14 be subjected to bright lights coming into her house?

15 So those are the two questions I have
16 regarding her property.

17 MR. McDONOUGH: I will get you an
18 answer before this line is done, before I leave.

19 MS. O'KEEFE: Okay. My next question
20 relates to the Schedler property. I'm not sure if
21 you're aware that there's a vote before the Village
22 Council -- it will happen tomorrow evening -- where
23 they will vote to potentially level almost all of the
24 trees over 60 percent, 186 to be exact, if not more,
25 on that Schedler property.

1 This does have to be approved by SHPO,
2 which is the State Historic Preservation Office.

3 So just because Ridgewood votes on it
4 doesn't mean they have the final say. But there will
5 be basically no trees except for whatever trees that
6 Ridgewood decides to put on that property.

7 So, you know, you talked about putting
8 trees on the berm. But literally all the large
9 mature trees that have been on that property -- some
10 of them are the oldest trees in Bergen County -- will
11 be removed.

12 So has any consideration been given to
13 the neighbors on West Saddle River Road who would
14 then potentially see the light coming from the
15 billboard?

16 MR. McDONOUGH: Even if those trees are
17 gone -- and I have not seen any plan about
18 clear-cutting all of those trees -- we are
19 substantially set back from the homes on -- on that
20 street on Upper Saddle River Road.

21 And I can get that dimension for you as
22 well as to how far those homes are away.

23 MS. O'KEEFE: That would be great.

24 And then finally, my third question
25 relates to, has any consideration been given to the

1 people that commute on the Route 17 side of the Park
2 & Ride? Because they do walk to neighboring
3 properties. So there's a little dirt path. I've
4 taken it myself to go over to have a dental
5 appointment at Kurpis. So it's very narrow. It's
6 very dangerous. There are people each and every
7 night that walk to and from the bus stop on those
8 little paths. And then they have people either pick
9 them up or -- I don't know -- maybe they're walking
10 to their homes through the back, back way of those
11 parking lots.

12 So having the billboard where it is
13 creates an additional danger for those people. And
14 has any consideration been taken? Have you noticed
15 that people are walking to and from? I'd just like
16 your feedback on that.

17 MR. D'ARMINIO: Just first we had a
18 traffic expert testify as to the safety aspects of
19 it. I don't know if this is the correct witness to
20 ask that question of.

21 But if you could -- wish to answer it,
22 Mr. McDonough, if you can.

23 MS. O'KEEFE: I'm sorry, I couldn't
24 hear you.

25 MR. McDONOUGH: As a planner, I'm not

1 aware of any empirical evidence, study or otherwise,
2 that would have a correlation of this land use with
3 pedestrian safety.

4 MS. O'KEEFE: Okay. So you don't see
5 any additional, like, dangerous situation for people
6 who are walking and then drivers who may be
7 distracted by looking at the sign?

8 MR. McDONOUGH: No.

9 MS. O'KEEFE: Okay. So you'll, I
10 guess, follow up on those questions?

11 MR. McDONOUGH: We'll get you those,
12 yeah. I'll ask Dr. Google when I have a break.

13 MS. O'KEEFE: Thank you.

14 CHAIRMAN BROWN: Thank you.

15 Again, if you could please state your
16 name, spell your name and give us your address for
17 the record.

18 MS. CANZANI: Madeline Canzani,
19 C-A-N-Z-A-N-I.

20 What?

21 AUDIENCE MEMBER: Speak into the
22 microphone.

23 MS. CANZANI: Madeline Canzani,
24 C-A-N-Z-A-N-I, 506 Sterling Place.

25 I have one question. In your research

1 on other billboards from your company or other
2 companies, what percentage of those PSAs actually
3 occur? I mean, once you build this and you're done
4 and you walk away, do we have any control over what
5 goes on there? I mean, realistically how many PSAs
6 might occur?

7 MR. McDONOUGH: I don't -- I don't know
8 the answer to that question. That may have been an
9 operational question. But I don't know the answer.

10 MR. D'ARMINIO: We actually did have
11 some testimony as to general percentages when
12 Mr. Antal testified. But I can try to get that
13 information.

14 CHAIRMAN BROWN: There was a previous
15 witness that testified around answers to the
16 questions, the question that just posed.

17 Mr. D'Arminio said that he could get
18 you the answer, but this witness does not have that
19 answer for you. So he can provide that tonight, or
20 maybe not tonight but he'll get you the answer.

21 MS. CANZANI: I have a structural
22 question, and I'm wondering where do I pose it.
23 Because it obviously doesn't come up.

24 CHAIRMAN BROWN: It's not for -- what's
25 the structural question? It wouldn't be for the

1 planner.

2 MS. CANZANI: I'm asking you where do I
3 pose that question.

4 MR. WHITAKER: This is their last
5 witness. There was testimony at the first hearing --
6 this is the seventh hearing.

7 At the first hearing, there was
8 testimony about operational aspects, including the
9 PSAs quite some time ago.

10 But the sum and substance of it was
11 that the operator said that there would be PSA
12 availability for the Village and for the government
13 to put their messages on there. We'll get --

14 MS. CANZANI: My second question was
15 not about that.

16 MR. WHITAKER: Well, I didn't finish.
17 We will get the answer for you. Structural aspects
18 does not come from this witness. You have to ask
19 questions about the testimony he gave.

20 But we did have an engineer that talked
21 about the structural aspects of the proposed
22 billboard at a prior meeting.

23 MS. CANZANI: So where will I find that
24 information?

25 MR. WHITAKER: That was the time you

1 should have asked those questions.

2 MS. CANZANI: That was two years ago.

3 MR. D'ARMINIO: Mr. Whitaker, I do
4 recall, we did have an exhibit as to the dedication
5 of the billboard to PSAs. I think it was one flip
6 after every cycle, so coming out to a guaranteed 90
7 minutes on each sign. So we have had that testimony.

8 MR. WHITAKER: It is part of the
9 record. I just don't have it in front of me tonight.

10 MS. CANZANI: I just was wondering
11 where I -- I'm sorry. I was just wondering where I
12 could find it.

13 MR. D'ARMINIO: I think it was
14 Exhibit 9. I'll try and get it.

15 MS. CANZANI: Okay, thank you.

16 CHAIRMAN BROWN: Thank you. Again, if
17 you can please state your name, also spell your name
18 and give us your address for the record.

19 MS. HONE: Jacqueline Hone, 30 Carriage
20 Lane. Hone is H-O-N-E.

21 I'm referring to this document here. I
22 don't know what it was called. It was the packet
23 with all the pictures.

24 MR. McDONOUGH: This was A-26, for the
25 record. It's the 14 or 16 slide.

1 MS. HONE: Yes.

2 MR. McDONOUGH: Okay, A-26.

3 MS. HONE: So on Page Number 1, it
4 shows Number 30. I'm number 30, 30 Carriage Lane.

5 And as I said before the hearing began
6 -- I don't know if you were here -- but most of the
7 trees that are seen on this image -- because this
8 image says it's dated.

9 May 5th, 2022. A lot of those trees no
10 longer exist.

11 Do you have any more recent pictures
12 depicting what's actually there today?

13 MR. McDONOUGH: I would have to check.
14 I don't believe so.

15 MS. HONE: Okay. Because the landscape
16 -- I live there so I can --

17 MR. WHITAKER: Well, we have to have it
18 in the form of a question.

19 So the approach would be -- because
20 you'll be able to present your case later on -- you
21 could bring a photograph if you wanted to as to what
22 exists there now. That would be your proffer later
23 on.

24 MS. HONE: Okay. Or, sir, would you be
25 able to provide a more recent -- I don't have a drone

1 like this.

2 MR. WHITAKER: He's not required to.
3 But if you're saying the trees that are not there
4 now, take a picture from the ground.

5 MS. HONE: Okay. Were any pictures
6 taken or considered of the same aerial view or drone
7 in the dark or winter after the leaves have fallen?

8 MR. McDONOUGH: Again, at night, the
9 highway is lit up with cars and headlights, so
10 there's ambient light in the area already at night.

11 AUDIENCE MEMBER: Can you speak into
12 the microphone?

13 MR. McDONOUGH: I'm sorry. There's
14 ambient light on the highway already. I took my
15 photos during the daytime when the surrounding land
16 use context is clearer.

17 MS. HONE: So my question is, do you
18 have any images showing the evening that you can
19 provide, and also a different season, perhaps winter
20 or after the leaves of all these trees are gone?

21 MR. McDONOUGH: I do not.

22 MS. HONE: So if you don't have them,
23 would you be able to say that there will be a clear
24 view to the sign.

25 MR. McDONOUGH: What I'll say is that

1 the visual impact of the sign from your location,
2 Number 30, as shown in this photograph, is mitigated
3 by objects.

4 To the extent that leaves drop in the
5 winter, trees don't -- so there are structures in
6 between. There are manmade structures in between,
7 not the least of which is the highway. And the
8 horizontal separation between Number 30 and the
9 proposed sign is 850 feet, approximately.

10 MS. HONE: Thank you.

11 MR. McDONOUGH: Almost three football
12 fields. Almost three football fields away.

13 MS. HONE: Okay. I'm not just
14 referring to my unit. I'm referring to this Picture
15 Number 1. Will any of the properties shown here,
16 516, 548, 552 -- I understand there will be bark
17 still standing, tree stumps in the winter or after
18 leaf falls, but will they be impacted by the sign
19 once -- that's about six months out the year?

20 MR. McDONOUGH: 516 and 552, as shown
21 in these photographs, are well-armored,
22 well-fortified by evergreens.

23 Again, your property was certainly
24 planned in that way with evergreens. Even if those
25 evergreens are gone, there's distance that helps in

1 your regard. Those other properties are closer, but
2 they, as far as I know, still have evergreens framing
3 their entire property.

4 MS. HONE: So I do see some evergreens.
5 Do you -- do you have a report of how many evergreens
6 or what the species of each trees are that would
7 perhaps maintain throughout the year or not?

8 MR. McDONOUGH: Well, the forest is
9 mixed in the area. It's your typical north Jersey
10 forest with a mix of deciduous trees, maples, oaks
11 and the like.

12 But there are also interspersed
13 evergreens, including spruce trees, which we see just
14 to the right of the home in 516 West Saddle River
15 Road.

16 And then, of course, those evergreens
17 that are wrapping around the properties, those are
18 either cypress or Douglas firs. But they're your
19 typical conifer evergreens that grow very tall.

20 MS. HONE: So I see that -- so from
21 516 West Saddle River, 552, I do see that L shape to
22 the left of -- it looks like evergreens with the
23 trees then directly into Route 17. Where are you
24 saying that that's evergreens?

25 MR. McDONOUGH: So if you look at what

1 I've labeled 516 in yellow, then you -- then you see
2 the house, then if you take your eye to the right of
3 the house, there's a dark green area. Those are the
4 taller trees, which also show up in Frame Number 2.
5 They're much more evident in Frame Number 2, to the
6 right of the blue truck.

7 MS. HONE: To the right of the blue
8 truck.

9 MR. McDONOUGH: They're about 40 feet,
10 50 feet, maybe 60-feet tall. And they are between
11 the blue truck and the highway.

12 MS. HONE: Okay. You stated that along
13 Route 17 -- and correct me if I'm wrong, please --
14 there are no residential properties. Could you just
15 repeat that again?

16 MR. McDONOUGH: I said there are no
17 residential properties that front on or that line, I
18 think is the word I used, along Route 517. I don't
19 know of a residential driveway that comes in off of
20 517. I think 516 and the two or three other homes
21 that are off of the private road come off of West
22 Saddle River Road. And again, if 552 Route 17 has
23 its only access from Route 17 -- I'd have to check
24 that -- but it goes through a commercialized area
25 where all those trucks are.

1 MS. HONE: And what about 548 Route 17?

2 MR. McDONOUGH: That's the one we just
3 spoke about, which I thought was abandoned. And is,
4 I'll say, swallowed by vegetation.

5 MS. HONE: How was it determined that
6 that property was abandoned?

7 MR. McDONOUGH: It didn't look to me
8 like it was habitable. Again, I didn't go knocking
9 on the or anything like that.

10 MS. HONE: So just --

11 MR. McDONOUGH: It was by eye.

12 MS. HONE: By eye, okay. And this
13 picture was taken September 27, 2021. I'm referring
14 now to Page Number 4 where it's showing 548 Route 17.

15 MR. McDONOUGH: Yes, I see it.

16 MS. HONE: So that would be about right
17 about now, right?

18 MR. McDONOUGH: Yes.

19 MS. HONE: This time of year. So the
20 trees are in full blossom.

21 Do you have any pictures of
22 548 Route 17 in the winter, or when the trees --
23 those I don't believe are evergreen when there are no
24 leaves on those trees.

25 MR. McDONOUGH: I'd have to double

1 check to be sure. But I don't believe I have
2 photographs at that particular site in the winter.

3 And, bear in mind, the trees stay. The
4 trees stay in winter even after they drop the leaves.
5 There is mass there, branches and trunks and the
6 like. I'd have to look, but I think there is a light
7 right adjacent to that house, a highway light.

8 MS. HONE: Would that -- how does that
9 impact?

10 MR. McDONOUGH: There's ambient light
11 that has influence on this property right there.

12 MS. HONE: So if ambient light is
13 preexisting, then it doesn't --

14 MR. McDONOUGH: It's something this
15 land use lives with.

16 To the extent that there's a concern
17 that the billboard would somehow have impact in terms
18 of light or brightness, it is a lit highway that has
19 constant motion with cars literally just a few feet
20 from that home humming along all night long.

21 So there are influences of sound, of
22 light, of activity immediately adjacent to that home.

23 So I think that ambient impacts and
24 influences have to be considered with respect to the
25 impact of this sign.

1 MS. HONE: Thank you.

2 So how does the billboard lighting
3 impact compared to that one light there in front of
4 548 Route 17.

5 MR. McDONOUGH: Well, Mr. Duarte
6 prepared a --

7 MR. D'ARMINIO: Yes. We did -- we did
8 have parabolas. And we did testify as to this and as
9 to the extent of the parabolas. There's a sketch
10 actually amended that with the narrow-view technology
11 as well.

12 So if you know, John. But we've had
13 testimony as to the extent of any light impacts
14 previously. And the record will speak for itself.
15 But the parabola indicates there is none.

16 MR. McDONOUGH: I will reinforce that
17 in the affirmative, yes. The parabola shows that
18 there will be no -- the ring of ambient light will
19 not have an adverse influence on this property, on
20 548.

21 MS. HONE: Okay. But my question is,
22 what is the billboard, its lighting, the reach of
23 that light, can you tell me what the difference is
24 between that and the light seen there that is
25 preexisting? Is it 10 percent more, 20 percent more?

1 MR. WHITAKER: That's not part of his
2 direct testimony, and it's outside of his expertise.
3 That was testified to prior as far as what the
4 ambient light would be from the billboard by their
5 prior witness.

6 MS. HONE: Okay. So you said, in your
7 opinion, the property wouldn't be further impacted
8 because it's already being impacted; is that what
9 you're saying?

10 MR. McDONOUGH: Right.

11 There are influences on this property
12 that lessen the impact of this sign on that property.

13 MS. HONE: Page Number 6 is the site,
14 the subject site, 460 West Saddle River Road.

15 Again, this picture is taken May 5th,
16 2022. And there's a lot that has changed, which has
17 been said previously. And there's a proposal to help
18 with the berm with the height of the trees. Could
19 you please explain that a little bit more?

20 MR. McDONOUGH: Sure.

21 Frame number 13 and -- I'm sorry --
22 Frame number 15 and Frame Number 16 are photos I took
23 just yesterday. There you go. And I'm not sure if
24 you can see them. And if you know the area, there
25 are little triangles on top of the berm that were not

1 there when I took the photo back in 2021. Those are
2 the evergreens that I said would grow to 60- to
3 80-feet tall in a typical environment. They're now
4 4- to 6-feet tall. But those plantings have been put
5 there. And the proposal on the table is to
6 supplement that with larger evergreens.

7 MR. D'ARMINIO: The client has
8 authorized me to say 10 to 15 feet in height. So it
9 gets planted at a higher -- immediately planted at a
10 higher level.

11 MS. HONE: So the trees that will --
12 the trees that would be given, is that correct, by
13 the applicant are going in at 10-feet high?

14 MR. D'ARMINIO: Would be going in at
15 10- to 15-feet high, based upon -- based upon our
16 discussions with the engineer and --

17 MR. WHITAKER: So their stipulation is
18 that they would be planting 10- to 15-foot trees in
19 place of what's there now, or to supplement what's
20 there now.

21 MR. D'ARMINIO: In terms of
22 supplementing or replacing, I just don't know what
23 the -- I don't know. We've got to figure with our
24 engineer where it would go. We would relocate the
25 trees. If we would take a tree out and put another

1 one in, we would just relocate it.

2 MS. HONE: And how high -- would it
3 permanently be 10 feet, that it's, or would it grow
4 beyond that?

5 MR. McDONOUGH: These trees -- these
6 are -- I call them conifers which you see in Frame
7 Number 2. Those are your spruce trees that grow to
8 40- to 60-feet tall. That's where we would look to
9 these ultimately to get to.

10 MS. HONE: Do you know the height of
11 the berm?

12 MR. McDONOUGH: Approximately 6 feet, 4
13 to 6 feet.

14 MS. HONE: So the trees, berm and trees
15 in maturity, it would be about 46-feet high?

16 MR. McDONOUGH: Forty to 60 feet, yes.

17 MS. HONE: And the billboard is how
18 high.

19 MR. McDONOUGH: Forty.

20 MS. HONE: So we'll get about 6 feet
21 above that?

22 MR. McDONOUGH: Sixty, six-zero.

23 MS. HONE: Six-zero. And there's --
24 has there been -- I'm sorry, I don't know the
25 gentleman's name sitting to your right -- mentioned

1 something they'd have to check with the Village
2 engineer or -- about what's there now. So would that
3 be removed? Would that be added?

4 MR. D'ARMINIO: Again, we would have to
5 work with the borough engineer to come up with a
6 plan. We would run it by him. If -- and it would be
7 basically our proposal. We would probably want input
8 from the borough engineer, if we can get it.

9 MR. WHITAKER: So my suggestion would
10 be, if it's a stipulation, before the board would
11 even consider the stipulation, there would have to be
12 input from the Village engineer and their engineer,
13 and a diagram or plan showing what's being proposed.
14 And since this meeting is not going to be concluded
15 tonight and finalized, it's something that can be
16 presented at a future meeting.

17 MS. HONE: Thank you.

18 And in addition to -- I somewhat think
19 maybe the answer to this, but has there been
20 discussions, is there a commitment or none at all
21 from the Village of Ridgewood, the applicant, the
22 Village of Ridgewood to reconstruct or add on to this
23 existing berm? Are there any discussions that have
24 taken place?

25 MR. D'ARMINIO: None that I know of.

1 MS. HONE: Would a -- would a
2 commitment be necessary before -- or I know, like, in
3 a plan, right?

4 MR. WHITAKER: I've stated that they've
5 made a stipulation. I gather that they have not
6 talked to the Village about it yet.

7 But before our next meeting, I'm
8 assuming that the applicant can contact the Village
9 and see if it's something that's viable. So I think
10 that's what we should do and move on to the next
11 question.

12 MS. HONE: And what is the reason for
13 the applicant wanting to help cover and construct
14 that berm?

15 MR. D'ARMINIO: It's in response to the
16 concerns of the -- of the applicant -- excuse me --
17 of the neighbors, that they wanted to -- to provide
18 additional screening.

19 In light of what we heard today from
20 you, some of the existing screening may be removed,
21 so this would be a helpful benefit. It's just --
22 it's related to mitigating any visual impact that
23 would be not -- no part of that property is going to
24 see the actual -- the narrow-view technology. But we
25 would even go so far as to try to block out any

1 visual view of the sign.

2 MS. HONE: Could you please point out
3 in relation to that? I'm looking at this. It was
4 the first thing put up on the screen.

5 Could you please explain to me on
6 there? The berm would be screening what part of the
7 community.

8 MR. McDONOUGH: So the berm would be --
9 can you just repeat the question again? I'm sorry.

10 MS. HONE: Sure.

11 The berm, so to make it higher and add
12 more, is the screening to help the community? What
13 streets, what part of the community? So is it where
14 we're seeing here, is at Kingsbridge? Terhune? Who
15 would it be screening?

16 MR. McDONOUGH: Well, there's multiple
17 public that would benefit from that. Number one,
18 this berm lines Route 17 along the Schedler property.
19 That protects -- that berm will -- and the
20 supplemental landscaping will, as you just heard,
21 will be a mitigative measure of the impact of the
22 sign.

23 But it also will serve the public
24 benefit of mitigating the influence or the impact of
25 the highway on the Schedler building with enhanced

1 screening and separation.

2 Once I work my way to Upper Saddle Rive
3 Road --

4 MS. HONE: That's West Saddle River.

5 MR. McDONOUGH: I'm sorry. I keep
6 saying that.

7 MS. HONE: That's okay. I know.

8 MR. McDONOUGH: West Saddle River.
9 Once I drive down Kenwood or -- am I saying it right
10 -- Terhune.

11 MS. HONE: Terhune.

12 MR. McDONOUGH: Terhune, the grade
13 starts to drop off.

14 So as I start to work my way down those
15 streets, the terrain becomes another protective
16 measure against seeing this sign.

17 So I was particularly looking along
18 West Saddle River Road where we have good distance.
19 And somebody wants to know what that distance is from
20 those homes. While I have it, the distance to 548 --
21 is that the one that the elderly woman lives in? Is
22 showing here on Google 270 feet. That answers that
23 question.

24 And then the distance to the homes on
25 West Saddle River Road are approximately 710 feet

1 away at the closest point, 710, so more than two
2 football fields away.

3 MS. HONE: So the additional
4 construction of the berm would be the shield people
5 on West Saddle River?

6 MR. McDONOUGH: I think they would be
7 beneficiaries of the enhanced screening, as well the
8 Schedler property.

9 MS. HONE: Anyone north of the Schedler
10 project?

11 MR. McDONOUGH: Yes.

12 MS. HONE: Who? How would the berm
13 screen that?

14 MR. McDONOUGH: It's the one with the
15 pool in the back. I just want to get the right
16 number. 552 Route 17. I'm sorry. 516 West Saddle
17 River Road shown in Frame Number 3 on A-26.

18 MS. HONE: No, that's not.

19 MR. McDONOUGH: Frame Number 3 on A-26.
20 That's this packet of photos. And you can see there
21 516 shows the pool, which is wrapped by evergreens.
22 And the berm actually starts to come into view on the
23 left-hand side of that photograph. You can see it
24 along 517.

25 MS. HONE: Right. So...

1 MR. McDONOUGH: And it extends all the
2 way out to 548.

3 MS. HONE: The berm ends at the
4 property line of 548?

5 So will -- will -- the same courtesy
6 that's being extended to the community south of 548,
7 would the applicant also be willing to extend a
8 courtesy like that to the residents from 548 north?

9 MR. McDONOUGH: Well, the problem is
10 there's an exceptionally wide driveway for the
11 contractor yard, so there's no -- there's no way to
12 do that without impacting the access to the
13 contractor yard.

14 And that also shows in Frame Number 3.
15 It's all driveway.

16 MS. HONE: And the block -- Lot 5704,
17 so it's Number 2 on the big map, planning exhibits,
18 or even one all the way to Racetrack Road, could
19 there be something done there to help shield? Would
20 the applicant be willing to consider something like
21 that?

22 MR. McDONOUGH: I think we have the
23 same problem there with the wide access for that,
24 which I keep calling that the pumpkin patch property.
25 We just have a wide access there. Then you hit the

1 pedestrian bridge. There's limited, if any,
2 opportunity for enhanced berming or the screening
3 along the frontage of that property.

4 MR. D'ARMINIO: Nevertheless, we'll
5 take a look at that. We will look at it.

6 MS. HONE: Thank you.

7 So the berm -- the proposed to help the
8 berm is a state historic and national registry
9 property. So I know that in order for them to
10 construct the berm that's there now, it had to go
11 through a series of authorizations, because nothing
12 can be done to this land or property because it's
13 protected under state -- both state and national
14 registry. So another factor in when seeking that
15 approval or going through planning is the fact that
16 you would also have to, I believe, get state and
17 national approvals to redo this or add to it because
18 there's a lot of protection to it.

19 MR. McDONOUGH: I'm sure any condition
20 of approval --

21 MR. WHITAKER: What is the question?

22 MS. HONE: If the applicant has
23 considered that, and would these -- I know one of it
24 is the next time they'll come back with --

25 MR. WHITAKER: The Municipal Land Use

1 Law has a provision in it that if there are other
2 governmental agencies that require an approval for an
3 improvement to be made, a board can consider and has
4 to make a decision and can make it conditioned upon
5 other governmental approvals being received.

6 But a board cannot deny an application
7 or not make a decision and await those other
8 approvals. The board can condition any approval upon
9 those approvals occurring.

10 MS. HONE: Thank you.

11 There was also -- you had mentioned
12 visiting this area of Ridgewood versus being in the
13 downtown and how this area of Ridgewood, some of the
14 words you used, dominant land use, overused. There
15 was strong smells. And the frequency of traffic, it
16 just never stops. And I was just wondering if you
17 could please repeat that. And by smells, what do you
18 mean; what did you mean by that.

19 MR. McDONOUGH: What I meant was there
20 are two distinct commercial zones. You have your
21 downtown, which is certainly pedestrian oriented.
22 And then you have your highway commercial district,
23 which is much more auto-centric in nature. Two very
24 distinct commercial zones in your community. And the
25 point I was trying to make, if it didn't come out in

1 a positive way, is you have beautiful aromas in the
2 downtown. And I was trying to make a point that
3 there are more one senses that we have. To the
4 extent that this land use has any impact on the
5 senses, it would be just one, not all five. And
6 that's the visual.

7 This land use does not emit any odors,
8 or fumes or the like. It does -- it does not have
9 those qualities. And I'm not implying those things
10 are bad in a downtown. I used that analogy. That's
11 all. It's an insert land use functionally or in
12 terms of activity.

13 MS. HONE: Thank you.

14 I didn't take it as a negative way. I
15 was just wondering, you know, by smells, were you
16 referring to the -- the -- and I'm just asking you
17 because you said frequency of the traffic. So did
18 that have to do related to the traffic, rubber, tires
19 and gas.

20 MR. McDONOUGH: No, I was not implying
21 that the area -- if that's the way it came across --
22 that the area has negative --

23 MS. HONE: No, not negative. I said I
24 didn't take it negative. I was just wondering if you
25 could just explain that point because...

1 MR. McDONOUGH: No.

2 My only point was that there would not
3 be an adverse impact from an aroma standpoint.

4 AUDIENCE MEMBER: Sorry. Could you
5 repeat that, please?

6 MR. McDONOUGH: There would not be an
7 negative impact from a smell or odor standpoint.

8 MS. HONE: I'm looking at Number 12.
9 And you had mentioned at the time some -- you know, I
10 see the Schedler historic property to the left. And
11 I know that across from that is the Paramus Reformed
12 Church and a few other historic properties as well.
13 So there is an historic vista. And the images are
14 taken on May 5th.

15 Are there anything -- are there any
16 other pictures that you could provide or have showing
17 the historic vista to the church and the properties
18 surrounding it that's also historic at a different
19 time of year without the leaves? And how would that
20 be impacted?

21 MR. McDONOUGH: I don't know that I
22 have those photographs. I would have to check.
23 We're in a season now, we're at the same time when I
24 took these back in 2021.

25 But, as I said, those objects don't go

1 away in the winter. They're there. The foliage
2 drops but the objects don't.

3 MS. HONE: Would it be something that
4 you would be able to obtain and provide maybe through
5 a Google aerial? I mean, these pictures are great
6 but, unfortunately, we don't have drones, and to just
7 get a clear understanding of how our vista will be.

8 MR. McDONOUGH: What do I say? It's
9 something we can look into?

10 MR. D'ARMINIO: I mean, we're pretty
11 much done with our presentation. I'll speak to the
12 client. We'll take it under advisement.

13 But the pictures do show evergreens.
14 And we have pictures in this from the church and from
15 -- from both angles going up and down Route 17 that
16 show evergreen trees. So I'm not sure it's going to
17 make much of a difference. But we'll take it --
18 we'll take a look at it for the next meeting.

19 MS. HONE: Thank you.

20 Only because the images that I see here
21 and what I've seen in the past, I haven't seen
22 specifically -- here they're on page 14. There are
23 no evergreens from the sign.

24 MR. WHITAKER: So that's not a
25 question.

1 MS. HONE: Yes. I would like from that
2 angle from the sign to the historic sites on the 17
3 south side. Is that -- are those images that you
4 would be able to provide, even with evergreens? I
5 just haven't seen them.

6 MR. McDONOUGH: Page 9, Slide Number 9
7 shows evergreens on the cemetery blocking the view of
8 the cell tower and the proposed sign location.

9 MS. HONE: Yes. If you could just --
10 like, do you have a picture extending beyond that to
11 the Paramus Reformed Church?

12 MR. WHITAKER: Well, the question has
13 been asked and answered that he's not sure what
14 pictures he has. It would be up to the applicant if
15 the applicant wants to provide additional information
16 at a later date. It's the applicant's proffer to do
17 or not to do it. Let's move on with the next
18 question.

19 MS. HONE: The DEP, EPA -- or I'm not
20 sure which one of the two -- you had said there were
21 regulations in mitigating as far as distance from
22 homes, et cetera. And I was wondering if -- do you
23 know of any DEP or EPA, do they -- are there
24 regulations pertaining to billboards or mitigating
25 mandates for state threatened and endangered species?

1 MR. D'ARMINIO: That's a legal
2 question.

3 MR. WHITAKER: It's a legal question.
4 It's not part of his direct testimony.

5 MS. HONE: Okay. Are you aware that
6 the entire area around this billboard is an area that
7 contains state threatened and endangered species?

8 MR. D'ARMINIO: I don't know that to be
9 a fact, and I wouldn't speculate. But we haven't had
10 any issues with that with our billboards, so I'd be
11 surprised if that comes to play at all with regard to
12 a billboard.

13 MS. HONE: Does your --

14 MR. WHITAKER: If you want to represent
15 that as part of your case, you can bring a witness in
16 for that purpose.

17 MS. HONE: Okay, thank you.

18 Is that something that the applicant
19 ever has to do, to check with New Jersey DEP EPA
20 registration on wildlife?

21 MR. WHITAKER: Mr. D'Arminio.

22 MR. D'ARMINIO: I've been doing it for
23 40 years and I haven't so far.

24 So in terms of an application to get an
25 approval, it's never come up. It's very interesting.

1 I learn new things every day. I appreciate your
2 comments. But I just haven't.

3 AUDIENCE MEMBER: I didn't hear much of
4 what said.

5 MR. D'ARMINIO: I said in my -- you're
6 asking me my experience, in my legal experience.
7 I've been doing billboards for over 42 years, 43
8 years now. And, in my experience, it hasn't come up.
9 I believe this is the first time it's come up. So
10 but thank you.

11 Like I said, I learn new things every
12 day. If you're asking my experience, my legal
13 experience, it's only NJ DOT. It's only NJ DOT.

14 MS. HONE: I'm sorry. I only have two
15 more questions.

16 As far as the government signs, are
17 those purchased or --

18 MR. D'ARMINIO: We've had testimony on
19 this. There's a protocol. I think it's nine that
20 goes through it. These are -- these are our signs.
21 And we are providing flips to the municipality as
22 well as to emergency services. And how those work
23 were already on the record. There's testimony and
24 there's an exhibit.

25 MR. WHITAKER: There was testimony in

1 the first meeting.

2 MS. HONE: In which meeting? I'm
3 sorry, I didn't hear you.

4 MR. WHITAKER: That was the testimony
5 in the first meeting by another witness.

6 MS. HONE: First meeting. Okay, thank
7 you. I'll look that back up.

8 Are there any regulations to billboards
9 in proximity to schools or education centers?

10 MR. D'ARMINIO: That was not testified
11 to or related to this planning testimony. And I
12 don't want to be the person who's testifying here.

13 MR. WHITAKER: The questions have to be
14 asked pertaining to the direct testimony given by a
15 witness. That's the rule for all witnesses in all
16 hearings.

17 MS. HONE: Okay. Building -- so if we
18 look at Number 3 on that slide, I believe it's
19 545 17 South, there's a Kumon school there.

20 MR. McDONOUGH: Did you say Frame
21 Number 3?

22 MS. HONE: Yes. It's...

23 MR. McDONOUGH: Yeah, I see. Okay, I
24 see the 545. Yep.

25 MS. HONE: And I'm not sure because I'd

1 have to -- but I see the Kumon school sign.

2 MR. WHITAKER: So what is the question.

3 MS. HONE: So my question would be, are
4 there any regulations or billboard -- on a billboard
5 being so close to a school or an education center?

6 MR. WHITAKER: He's a planner. He's
7 not a lawyer. That's a legal question. That would
8 have to be asked later.

9 MS. HONE: Later.

10 MR. WHITAKER: If you find that there
11 is such information, you can present it as part of
12 your case.

13 MS. HONE: Okay. Thank you.

14 That's it.

15 CHAIRMAN BROWN: Thank you.

16 Again, if you could please state your
17 name and also spell your name and give us your
18 address for the record.

19 Thank you.

20 Sorry. One second. Could you just
21 repeat it again?

22 MS. INFANTINO: Patricia Infantino,
23 I-N-F-A-N-T-I-N-O, 6 Betty Court.

24 So some of my concerns are about the
25 impact that you were talking about. The impact you

1 keep on talking about is, you know, the light. You
2 don't even mention -- I don't know.

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

4 MS. INFANTINO: Yes.

5 The question is, will you do some kind
6 of study, or will there be some kind of study of the
7 impact of having the billboard -- I know it's going
8 to face both directions -- of 8 seconds that will
9 change the ad?

10 But people coming up 17 north, it's a
11 very hard turn onto West Saddle River Road. I'm
12 concerned that they may be looking up at the
13 billboard and it may cause some kind of --

14 MR. D'ARMINIO: We've had testimony for
15 a day, a day-and-a-half, from a traffic engineer. He
16 cited studies that were done by the federal
17 government as to how one views a billboard, the dwell
18 times, the glance times. He indicated that this
19 location would have no problems with meeting the
20 federal studies requirements.

21 MR. WHITAKER: There are governmental
22 regulations pertaining to that. You have to get a
23 permit. That testimony was given at a prior meeting.
24 And they have a permit for this. They did that
25 first.

1 MS. INFANTINO: Okay. Will you provide
2 us -- you have all these pictures -- but with a
3 picture like Jackie was talking about of how the
4 billboard will affect the view of drivers coming
5 17 South, will they be able to see the Old Paramus
6 Church?

7 MR. D'ARMINIO: We do have pictures.
8 We have simulations of that, both going south and
9 north, both with copy and transparent. They're
10 already -- they're already on the record.

11 MS. INFANTINO: Okay.

12 MR. WHITAKER: They were all presented
13 at a previous meeting.

14 MS. INFANTINO: Pardon me?

15 MR. WHITAKER: They were all presented
16 at a previous meeting.

17 MS. INFANTINO: Yeah, I was here and I
18 didn't see it, but I don't recall seeing it.

19 One of my concerns is also of course
20 the light. And we were talking about the trees and
21 that helping with that impact. Now, the trees on the
22 berm, a third of them, I think, died. I don't know
23 if there's an irrigation system. All right. And
24 then I believe -- I presume if you're putting more
25 trees to make sure there's an irrigation system to

1 keep them alive, the trees that are on the berm. I'm
2 just asking because there's been trouble with those
3 trees. I don't know if you're aware of that. In
4 other words, a third of them, I think, have died. I
5 walk past. I see it.

6 MR. D'ARMINIO: I mean, we will talk to
7 the engineer and we'll deal with that in the plan.
8 We'll --

9 MS. INFANTINO: More than an engineer.
10 Somebody who deals with trees, yeah. So the trees --
11 it seems to me today, my understanding is that you
12 think the trees are the things that will make the
13 residents comfortable with the tremendous amount of
14 light that's going to be coming out of this
15 billboard.

16 MR. D'ARMINIO: Well, I object to that
17 characterization. That's not anywhere in the
18 testimony. And that testimony is just the opposite.
19 And the exhibits that we have show just the opposite
20 in terms of the extension of any impact of the
21 ambient light from the -- from the sign.

22 MS. INFANTINO: Well, as you can see on
23 page 6, there were lots of trees and now they're all
24 knocked down. At least a third of what were over
25 there are gone.

1 So I think the light from the
2 billboard, that's my concern.

3 MR. WHITAKER: We need a question.

4 MS. INFANTINO: How far will the light
5 from the billboard shine? What is the distance?

6 MR. D'ARMINIO: There's been -- the
7 architect testified to that. We had other people
8 testify to it. We're just trying to get, you know,
9 some closure on Mr. McDonough's testimony. I'm not
10 trying to be argumentative.

11 But we've testified as to lighting.
12 Mr. Duarte testified as to lighting. And
13 Mr. Skapinetz testified as to lighting. And we've
14 had exhibits with regard to lighting, and the extent
15 of the light, and the narrow-view technology that
16 cuts off all of the light. We've had testimony on
17 that for two-and-a-half days now.

18 MS. INFANTINO: Okay, you've already
19 testified about that.

20 Have you testified how you chose
21 Ridgewood among all the different communities up and
22 down Route 17.

23 CHAIRMAN BROWN: Sorry. It's not a
24 question for this witness.

25 MS. INFANTINO: That's not a question?

1 CHAIRMAN BROWN: You have to keep it
2 the testimony that this witness talked about. So if
3 you have questions related to his professional
4 opinion as a planner, let's move on to those.

5 MS. INFANTINO: Well, it's hard to
6 imagine with these pictures that are taken during the
7 day -- and some of them are taken, you know, over a
8 year ago -- to imagine what it will be like to see
9 the billboard.

10 MR. WHITAKER: We need a question.

11 MS. INFANTINO: Am I correct, every
12 eight seconds will change the picture on the
13 billboard?

14 CHAIRMAN BROWN: Again, that's not for
15 this witness. There's been other witnesses that have
16 testified to that. I understand it's a frustrating
17 process. I certainly do. But, you know, as
18 Mr. Whitaker has pointed out many times, this is the
19 way the process works. And we have to have questions
20 that are specific to this witness's testimony. There
21 will be time at the end of this where you can comment
22 and you can -- you can present your own, you know,
23 case if you'd like to. But right now we really need
24 to keep it to this witness.

25 MS. INFANTINO: All right. Well, yeah,

1 as I was saying, tonight my big question came was
2 about how we can get enough trees to really prevent
3 the light from shining on all of the residents who
4 live off West Saddle River Road.

5 CHAIRMAN BROWN: The applicant has
6 stipulated that they will work with the Village and
7 come up with a plan that they would come back to us
8 with. So at that point in time, it would be
9 completely appropriate to ask them questions based on
10 that plan.

11 But I think we should stop the
12 speculation as to what might be or not be. If they
13 come back with a plan that you don't like, you're
14 more than happy to question it and why they did it.
15 But let's keep our questions to just the testimony of
16 this witness tonight.

17 MS. INFANTINO: Okay. I'm not going to
18 ask anything further about the billboard impact
19 tonight because I think the pictures were shown. But
20 I do feel that even though you said the residents, it
21 wasn't residential, and the billboard would not
22 impact on the residents, but I'm saying we live in
23 the northeast corridor. I know you kept on
24 mentioning the corridor. But that's the part of
25 Ridgewood I live in.

1 CHAIRMAN BROWN: Okay. Thank you.

2 MS. INFANTINO: Thank you.

3 CHAIRMAN BROWN: Again, if you -- thank
4 you.

5 Again, would you please state your
6 name, spell your name and give us your address for
7 the record.

8 MR. MORTIMER: Sure.

9 I'm Frank Mortimer, M-O-R-T-I-M-E-R.
10 My address is 426 Van Buren Street.

11 And just for the record, that is
12 nowhere near this neighborhood. So I'm here because
13 of the negative impact this will have on our village,
14 not on a specific house or neighborhood.

15 So I want to ask you to help me
16 understand. You've been saying that the billboard
17 will not have any negative impact, but yet you're
18 willing to spend, I would estimate, tens of thousands
19 of dollars to put up trees. Why would you spend
20 money on trees if it's not going to have an impact on
21 that neighborhood.

22 MR. McDONOUGH: Well, every development
23 has some impact. And when we have an opportunity to
24 create or mitigate that impact, we do it. That's
25 good planning. And so that's why we're doing it.

1 MR. MORTIMER: So by saying mitigate --
2 and earlier you used another phrase that said to
3 lessen the impact, I believe. I'm paraphrasing. And
4 so both of those mean that there will be some level
5 of impact on people around that sign, correct?

6 MR. D'ARMINIO: Let me speak to this.
7 The issue is substantial negative impact. That's the
8 standard.

9 AUDIENCE MEMBER: I didn't understand a
10 word he said. I need to understand what he's saying.

11 MR. D'ARMINIO: Because I --

12 AUDIENCE MEMBER: I need to understand
13 what he's saying.

14 MR. D'ARMINIO: That's fine.

15 It's a legal --

16 CHAIRMAN BROWN: Just back up a little
17 bit. Talk a little slower so they can hear.

18 Thank you.

19 MR. D'ARMINIO: That's a legal
20 standard. We don't think there would be any impact,
21 much less a substantial negative. But if the board
22 -- I'm doing this for 40 years. If the neighbors are
23 concerned, we act to try to meet that concern. It
24 doesn't mean that the concerns -- we recognize the
25 concerns are even valid. It's the decent thing to

1 do. And that's why you do it. And that's why the
2 client does it.

3 MR. MORTIMER: By that logic then, if
4 somebody on the other end of town were to cross the
5 train tracks in the other direction we're hearing
6 sure, we'll give you some trees too.

7 MR. D'ARMINIO: No. Because it
8 wouldn't impact -- it wouldn't have any kind of --
9 you're not even near the site. That would totally --
10 that would be totally unreasonable.

11 MR. MORTIMER: Well, it's either one of
12 two things. Either one, you're the best part of
13 business in the world --

14 MR. WHITAKER: Questions.

15 MR. D'ARMINIO: Stop. We've made an
16 offer.

17 That's it.

18 MR. MORTIMER: Yes or no? You made the
19 offer because there is some negative impact.

20 CHAIRMAN BROWN: Wait. Everyone stop
21 talking. I asked nicely, right? I understand
22 everyone gets heated. But we have to have some level
23 of decorum and everyone needs to speak, okay?

24 Again, Mr. D'Arminio is trying to
25 answer your question. We have to direct our

1 questions to the witness.

2 MR. MORTIMER: Right.

3 My question to him is specific, that
4 they were saying earlier that there will be no impact
5 and now they're saying it's to mitigate impact, so
6 clearly there is an impact; yes or no.

7 MR. McDONOUGH: The Village code is
8 loaded with references to landscaping and buffering
9 to mitigate negative impacts or potentially any
10 negative impacts of any land use against any other
11 land use. The applicant is following the rules here.
12 The applicant is taking advantage of that planning
13 tool to make this land use integrate better with the
14 neighborhood.

15 Will it have impact? Any change has
16 impact, any change. No doubt about it. It's whether
17 it rises to that level of substantial where the
18 negative influence or negative impact would be
19 greater than the positives.

20 MR. MORTIMER: Okay. So you're
21 admitting.

22 Thank you.

23 So my next question is, you talked
24 about that there's ambient light on Route 17. That
25 would be the cars, right.

1 MR. McDONOUGH: Yes.

2 MR. MORTIMER: Okay. So how many cars
3 have you seen at 40 feet?

4 MR. McDONOUGH: I don't see cars at
5 40 feet.

6 MR. MORTIMER: Okay. So clearly
7 there's ambient light from the sign that will be
8 different than what's on Route 17 now.

9 MR. D'ARMINIO: This is not the witness
10 to talk to about the ambient light and the --

11 MR. MORTIMER: I'm just asking if it's
12 different, because he tried to downplay a question
13 earlier by saying there was ambient light there
14 already. So I just want to differentiate the
15 different types of ambient light.

16 MR. D'ARMINIO: Is that within what you
17 can testify to?

18 MR. McDONOUGH: Again, I'm not the --
19 not the illumination expert. The lighting expert has
20 testified based on the parabolas that the -- the
21 ring, the ambient ring will not extent over to the
22 residential side.

23 MR. MORTIMER: I'm not talking about
24 that. I'm talking about, you said earlier, you said
25 there's already ambient light there. So my question

1 is now based on what you said earlier, is the ambient
2 light that's 40-feet high different than ambient
3 light from a car; yes or no?

4 MR. McDONOUGH: It's pure math. It
5 will be higher up than a car.

6 MR. MORTIMER: So yes. All right. So
7 my next question --

8 MR. McDONOUGH: It's a factual answer.
9 That's not -- it still doesn't -- to me meet -- it's
10 an adverse impact.

11 MR. MORTIMER: So my next question.
12 You testified that if there's a historical impact
13 that's negative, then that's an issue.

14 MR. D'ARMINIO: He did not -- that was
15 not his testimony.

16 MR. MORTIMER: Referring to historic
17 impact that can be -- I'm using the wrong words --
18 negative impact.

19 MR. McDONOUGH: I'm not following your
20 question.

21 MR. MORTIMER: That when you went
22 through and said that there's positive things about
23 having a billboard and there's negative things, one
24 of the things that has to be taken into consideration
25 under the negative was the historic impact.

1 MR. D'ARMINIO: Objection.
2 Mischaracterization of his testimony. He talked
3 about the positive criteria and the negative
4 criteria.

5 MR. MORTIMER: Yes. That's what --
6 here's my question.

7 MR. WHITAKER: He's referring to a
8 statute, *N.J.S.A. 40:55-D, 70D*. And there's a
9 negative and positive aspect within the New Jersey
10 statute. That's what he was talking about.

11 MR. MORTIMER: Correct. That's right.
12 I apologize. I didn't use the right words for that.
13 And in that he talked about the historical impact
14 within the statute, that what impact it would have on
15 the historical stuff. That was part of what he had
16 said, right, as the negative criteria?

17 So my question, where I'm going with
18 all this, is that, are you familiar with New Bridge
19 Landing.

20 MR. McDONOUGH: I don't know exactly.

21 MR. MORTIMER: That's where it was a
22 key point in the Revolutionary War where we were
23 retreating from the Colonial Army.

24 MR. WHITAKER: So are you familiar with
25 it.

1 MR. D'ARMINIO: I'm sorry.

2 MR. McDONOUGH: I'm not -- I would love
3 to read about it, but I'm not.

4 MR. MORTIMER: Here's where I'm going.
5 This is a question, Mr. Whitaker. So that is a
6 historic site related to the Revolutionary War. And
7 when they redid that, they pushed back all other
8 development so it was more clearly on its own. So
9 now we have two historic sites here. So wouldn't you
10 say that adding an electric sign close to a historic
11 site would impact it?

12 MR. McDONOUGH: Not if you can mitigate
13 it with landscaping that protects that asset from the
14 highway which is right there. There's a highway next
15 to that historic Revolutionary War site. It's a
16 highway there.

17 MR. MORTIMER: That is the focal point,
18 which wouldn't you say at night an illuminated sign
19 will draw more attention?

20 MR. McDONOUGH: It's going to be
21 blocked by the vegetation.

22 MR. MORTIMER: I'm talking about on
23 Route 17, that it's still a visual impact if I'm
24 driving by and I see a visual sign that's lit up
25 versus a church.

1 MR. McDONOUGH: I'm not aware of
2 Route 17 having any historic significance.

3 MR. MORTIMER: I'm talking about the
4 Old Paramus Church.

5 MR. McDONOUGH: You're talking about
6 the line of sight from Route 17 to the church?

7 MR. MORTIMER: I'm saying --

8 MR. McDONOUGH: Yes.

9 This sign is on the outside of a curve.
10 The line of sight is straight. It's not going to
11 block the view of the church.

12 MR. MORTIMER: It will still be --

13 MR. McDONOUGH: The line of sight is on
14 the inside of the arc. We're on the outside.

15 MR. MORTIMER: It's within 1,000 yards,
16 though, you said, correct?

17 MR. McDONOUGH: What's that?

18 MR. MORTIMER: It's within 1,000 yards,
19 correct, of the church, I believe you testified.

20 MR. McDONOUGH: Yes.

21 MR. MORTIMER: Okay. And then so cars
22 traveling 55 miles an hour, it's only a few seconds
23 in the line of sight from the sign to the church?

24 MR. McDONOUGH: This sign will not
25 block the view of the church from Route 17.

1 MR. MORTIMER: I'm not saying it will
2 block the church. I'm saying that is impacted in the
3 --

4 MR. McDONOUGH: It will not have a
5 substantially adverse impact on the viewshed from
6 Route 17, in my opinion --

7 MR. MORTIMER: In your opinion? All
8 right.

9 MR. McDONOUGH: -- based on the geometry
10 of the road.

11 MR. MORTIMER: Thank you.

12 I'm going to give someone else a chance
13 to talk.

14 CHAIRMAN BROWN: Thank you.

15 Good evening, again, if you could
16 please state your name, spell your name and give us
17 your address.

18 MS. TARZIAN: Good evening, Linda
19 Tarzian, T-A-R-Z-I-A-N, 576 Highland Avenue.

20 And I, too, live on the exact opposite
21 end of town, nowhere near this proposed site.

22 So I have a couple questions.

23 Thank you.

24 What will be the budget, your client,
25 Outfront Media, has indicated they will allocate to

1 enhancing the berm and installing 10- to 15-foot
2 trees. How long will it take for those trees to grow
3 40- to 60-feet high?

4 MR. McDONOUGH: Again, I think --

5 MS. TARZIAN: I know from the berm
6 that we put in our yard, our shrubs have died unless
7 there's proper irrigation.

8 So where is the budget and who will be
9 taking care?

10 CHAIRMAN BROWN: Again, they are going
11 to submit a plan. So I don't want to speculate about
12 anything. I don't want you to speculate. Let them
13 go do their plan, work with the Village, and then
14 they can present it. And if you have questions about
15 it, let's ask questions then --

16 MS. TARZIAN: Okay.

17 CHAIRMAN BROWN: -- when we have
18 something.

19 MS. TARZIAN: Besides light in digital
20 ads, what else is emitted from the digital billboard?
21 We know from high voltage wires --

22 MR. D'ARMINIO: It's not for this
23 witness. Objection.

24 It's not for the witness.

25 CHAIRMAN BROWN: There was a previous

1 witness that testified to structural things like
2 that.

3 Again, this witness is the plan -- is a
4 planner, so he testify to what is in his purview as
5 being a Professional Planner.

6 MS. TARZIAN: Okay.

7 CHAIRMAN BROWN: They don't have an
8 answer for that one, so if you have another question.

9 MS. TARZIAN: Okay. All right.

10 Q and A after? I mean, comments after.

11 CHAIRMAN BROWN: No. Comments will be
12 at the end of everything.

13 MS. TARZIAN: Okay.

14 CHAIRMAN BROWN: So it will be -- it
15 will not be tonight.

16 MS. TARZIAN: Thank you.

17 CHAIRMAN BROWN: It will be a different
18 evening.

19 Thank you.

20 Again, if you could please state your
21 name, also spell your name and give us your address
22 for the record.

23 MR. DeSILVA: My name is Rohan DeSilva
24 (inaudible).

25 CHAIRMAN BROWN: A little slower.

1 She's transcribing.

2 MR. DeSILVA: Yes, I'd like you, again,
3 attorney and everyone else to understand how
4 frustrating it is to sit here --

5 CHAIRMAN BROWN: We need your name and
6 address, please.

7 MR. DeSILVA: No, no. I'll give it
8 when I'm ready to give it. I'll give it to you.

9 But I've already given it to you.

10 MR. WHITAKER: Sir, until you give your
11 name on the record this evening, you will not be able
12 to ask any questions.

13 Those are the rules.

14 MR. DeSILVA: I've given the name.
15 I've given the name.

16 I can't help it with that, her fingers
17 don't type fast enough.

18 MR. WHITAKER: Mr. Chairman, let's move
19 to the next witness.

20 MR. DeSILVA: No, that's wrong. That's
21 wrong. I gave my name.

22 Did I not give my name?

23 CHAIRMAN BROWN: Okay, stop.

24 MR. DeSILVA: Did I give my name?

25 CHAIRMAN BROWN: Just, you did not, we

1 can -- just please give your name so that the
2 stenographer can record it correctly, and your
3 address.

4 And then let's ask your questions.

5 Okay?

6 MR. DeSILVA: My name is Rohan DeSilva,
7 Ridgewood, New Jersey.

8 What else would you like?

9 CHAIRMAN BROWN: That's all we need.
10 Go ahead and ask your questions.

11 Thank you.

12 MR. DeSILVA: I've had to sit here and
13 listen to the attorney mumble all night. I just want
14 you to understand -- no. I have did what you asked.
15 I'm allowed to speak now. I'm asking my question.
16 But before I ask my questions, I want them to
17 understand how frustrating it is for somebody with a
18 hearing disability to sit here for hours -- and I do
19 mean hours -- while we hear somebody mumble through
20 42 years of experience, almost 43. Perhaps we could
21 be a little more eloquent in our -- in our speech.

22 MR. D'ARMINIO: I will do my best.

23 MR. DeSILVA: My question to
24 Mr. McDonough is this. I'm not asking for the
25 attorney to testify. That is not his job here. I'm

1 asking Mr. McDonough. One, sir, you are an expert,
2 correct.

3 MR. McDONOUGH: Correct.

4 MR. DeSILVA: The last person who asked
5 -- asked a question -- somebody asked you a question,
6 and you said it was in your opinion. Was that in
7 your expert opinion?

8 MR. McDONOUGH: Yes.

9 MR. DeSILVA: Because we all can have
10 an opinion.

11 MR. McDONOUGH: Yes, that was my expert
12 opinion.

13 MR. DeSILVA: Expert opinion. Thank
14 you.

15 You are licensed in the State of New
16 Jersey?

17 MR. McDONOUGH: Yes. Current, in good
18 standing.

19 MR. DeSILVA: Okay. Do you have a
20 license number?

21 MR. McDONOUGH: 5138, five one three
22 eight.

23 MR. DeSILVA: Thank you.

24 Who was the licensed drone operator?

25 MR. McDONOUGH: Matthew McDonough.

1 MR. DeSILVA: Sorry.

2 MR. McDONOUGH: Matthew, M-A-T-T-H-E-W,
3 McDonough.

4 MR. DeSILVA: Okay. A relation?

5 MR. McDONOUGH: Yes.

6 MR. DeSILVA: Okay. So are they on
7 staff, or are they a subcontractor?

8 MR. McDONOUGH: Staff.

9 MR. DeSILVA: License number of the
10 drone operator.

11 MR. McDONOUGH: I don't have it handy.
12 He is licensed. I know we have it. I'll get it for
13 you.

14 MR. DeSILVA: Okay. What licensing
15 authority?

16 MR. McDONOUGH: I'll get that for you.
17 It's through -- I don't -- I won't speculate. But
18 he is a licensed drone operator in the state of New
19 Jersey. He has a license.

20 MR. DeSILVA: Okay. Do you know that
21 the only ingress and egress for 552 State Route 17
22 North is from that driveway onto 17 north? I'll give
23 you the number here.

24 MR. McDONOUGH: And I know where you're
25 going. If that home has access on -- on 17, it is

1 through a contractor yard. It is through a --

2 MR. DeSILVA: Through a what?

3 MR. McDONOUGH: Through a contractor
4 yard. It is not through -- it is not a direct
5 access. It does not -- in my line -- words -- I said
6 line Route 17. That home is not on -- directly on
7 Route 17. There is a nonresidential use between it
8 and the highway.

9 MR. DeSILVA: Okay. It is that
10 person's business.

11 AUDIENCE MEMBER: It's zoned for
12 affordable housing.

13 MR. DeSILVA: Oh, it's zoned for
14 affordable housing? Okay. All right.

15 You mentioned a few times that you took
16 these pictures or had these pictures taken back in
17 2021, correct?

18 MR. McDONOUGH: Some were taken in 2021
19 when we first started the application, and then we
20 supplemented in 2022.

21 MR. DeSILVA: Okay. I don't see any --
22 oh, okay, I see one or two pictures in 2021, okay.
23 How do you prove that you took them on those days?

24 MR. D'ARMINIO: Because he testified
25 under oath.

1 MR. DeSILVA: No, no. I'm asking him,
2 not you.

3 MR. McDONOUGH: Yes.

4 And if this is --

5 MR. DeSILVA: I'm asking the witness.

6 CHAIRMAN BROWN: He's answering.

7 MR. DeSILVA: Why is the attorney
8 interrupting?

9 CHAIRMAN BROWN: Let him answer.

10 MR. McDONOUGH: The actual photographs
11 have dates associated with them. We didn't doctor
12 them or --

13 MR. DeSILVA: No, no, I'm not
14 suggesting that. I'm asking you how you knew that
15 those pictures were taken on that date?

16 MR. McDONOUGH: Well, number one, I was
17 there. I directed where the --

18 MR. DeSILVA: And you documented it
19 somehow.

20 MR. McDONOUGH: Well, if the board
21 wants, I can give them the actual photos and you can
22 snap on the properties and it will tell you the date.

23 MR. DeSILVA: Oh, fantastic.

24 May I have that?

25 MR. WHITAKER: It will come to the

1 board. He has testified under oath that he was
2 there.

3 MR. DeSILVA: Okay.

4 Can the board request that, and can I
5 get them from the board?

6 CHAIRMAN BROWN: The board is taking
7 his --

8 MR. WHITAKER: We're taking his
9 testimony.

10 CHAIRMAN BROWN: We're taking his word
11 as testifying under oath. So the board is not going
12 to request any more photos.

13 MR. WHITAKER: Sir, you have the right
14 to question when you present your case that he was
15 lying.

16 You can certainly do that.

17 MR. DeSILVA: I'm not intimating that
18 he's lying. I want to see the pictures and the
19 properties that go with saying this date. That's
20 all. It's not a big deal. I just want to verify
21 those dates and those times.

22 That's it.

23 MR. WHITAKER: So he's testified to the
24 fact that he was there, and he's put the date on the
25 photographs, as I understand it.

1 Is that correct?

2 MR. McDONOUGH: I've indicated with a
3 label the date of the photographs.

4 And, again, if you click on the actual
5 digital photographs, it will tell you the date and
6 time.

7 MR. DeSILVA: I understand how digital
8 photographs work. I'm just asking -- so the board is
9 intervening here because they're not asking for it.
10 They're taking your word for it. I just wanted to
11 have that for my own thought processes to go through.
12 But I don't know how I can get them from you because
13 the board is not requiring it. But I would like to
14 have them. It's very simple.

15 Okay, that's it.

16 Thank you.

17 CHAIRMAN BROWN: Thank you.

18 Good evening, if you could please state
19 your name, also spell your name and give us your
20 address?

21 MS. MILIAN: My name is Kristina,
22 K-R-I-S-T-I-N-A. My last name is Milian,
23 M-I-L-I-A-N. My address is 530 West Saddle River
24 Road.

25 Tonight the Schedler building was

1 mentioned. And I know that public testimony has told
2 you that the Zabriskie Schedler house and the seven
3 acres of land are listed on the New Jersey and
4 national registers of historic places.

5 So I just wanted to kindly ask you if
6 moving forward you could please respect the history
7 of the house and refer to it as the historic
8 Zabriskie Schedler house and not the Schedler
9 building.

10 Is that okay?

11 MR. McDONOUGH: Call it the Schedler
12 house, not the Schedler building?

13 MS. MILIAN: Yes.

14 MR. McDONOUGH: Absolutely.

15 Thank you for that clarification.

16 MS. MILIAN: Thank you.

17 I believe the comment about the berm
18 stated something about potential landscaping to it.
19 And I just was curious, like, what does that mean in
20 practice? Like, soil and trees, is that right?

21 CHAIRMAN BROWN: Again, we're going to
22 have them provide a plan that's going to have all of
23 that information on it. So let's wait until they've
24 worked with the Village and provided the plan, then
25 you can ask any questions that you have on that.

1 MS. MILIAN: Okay, cool.

2 The only reason -- the reason that that
3 question was being asked tonight is that the NJ DEP
4 and the New Jersey Department of Health are aware
5 that the historic Schedler property has potential
6 soil and dumping violations and soil contamination
7 issues right now.

8 So when you talk about bringing in soil
9 or trees, it's just, like, a sore point for
10 residents, just for your background.

11 And then you mentioned that the trees
12 there are currently are 6-feet tall and the different
13 species of trees.

14 Are you a registered arborist?

15 MR. McDONOUGH: I'm a licensed
16 landscape architect.

17 MS. MILIAN: Are you an arborist?

18 MR. McDONOUGH: I'm a -- no, I am not.
19 As a landscape architect, we are trained in
20 identifying plant species.

21 MS. MILIAN: Okay. If we could go just
22 quickly to page 15, dated September 11, 2023?

23 I noticed all of this flooding and all
24 this water on the historic Schedler site. So beyond
25 showing flooding on the property, like, what is this

1 picture trying to convey to residents?

2 MR. McDONOUGH: So I took that picture
3 yesterday in the middle of the downpour. I had a
4 suit on. I got absolutely soaked.

5 That's temporary ponding there. This
6 is an active construction site. It's not finished.
7 And I went out there tonight, and most, if not all,
8 of those puddles were gone.

9 MS. MILIAN: And so I guess I would
10 just request that in your plan, hopefully there would
11 be trees that would absorb a lot of water. Because I
12 also want to say that in July 2023, the Village
13 engineer confirmed in an e-mail with the NJ DEP on
14 copy that he's going to file a wetlands LOI of
15 concerns from the residents that the historic
16 Schedler property has wetlands on it.

17 Turning to the billboard content, you
18 had mentioned that the benefits of this billboard
19 could range from educational to religious. So I'm
20 just kind of curious on the concept policy of the
21 billboard since you mentioned benefits.

22 What are the policies, you know.

23 CHAIRMAN BROWN: It's not for this
24 witness. There's been a previous witness that
25 testified to that.

1 MS. MILIAN: But he mentioned the
2 content as a positive. So I just was curious.

3 CHAIRMAN BROWN: He can testify to
4 that, if you want.

5 You can respond to that.

6 MS. MILIAN: I mean, you specifically
7 said religious content. So, like, would the Church
8 of Satan be able to advertise on this billboard?

9 MR. McDONOUGH: No. I thought
10 Mr. Antal said words of hate are not -- not put on --
11 not part of the allowable content.

12 MS. MILIAN: I mean, I also think
13 that's, like, a gray line, though.

14 MR. D'ARMINIO: Just so we did --
15 Mr. Antal testified, as I recall, with regard to the
16 content.

17 But you said that there are
18 institutions? I think you said institutions.

19 MR. McDONOUGH: I said institutional
20 uses use this communication tool to get the word out,
21 for sure.

22 MS. MILIAN: And one of the examples
23 you, I thought I heard, was, like, a public health
24 message as a great example of a use of a billboard.

25 Is that correct?

1 MR. McDONOUGH: Yes.

2 MS. MILIAN: Well, I think we've all
3 seen, like, public health messages that can go awry.
4 Like, with COVID-19, that misinformation was
5 spreading around.

6 And so how would this billboard prevent
7 that?

8 MR. D'ARMINIO: You know, these are
9 going to First Amendment issues. I think it's beyond
10 the scope.

11 He's saying that it has a benefit that
12 it communicates. This is going well beyond what was
13 the substance and intent of Mr. McDonough's
14 testimony.

15 MS. MILIAN: Okay. The only other
16 thing I wanted to say is, because you brought it up
17 in the opening about the educational benefit of the
18 billboard, is that Benjamin Franklin Middle School is
19 on the other side of that cemetery. And so when we
20 think about the content on that billboard, let's just
21 remember that it's also going to be impacting our
22 children.

23 That's all I have for tonight. Thank
24 you for your time.

25 CHAIRMAN BROWN: Thank you.

1 Good evening, again, if you could just
2 please state your name and spell your name and give
3 us your address for the record.

4 MS. LIMA: Good evening.

5 It's Denise Lima, L-I-M-A, 319 East
6 Glen Avenue.

7 I guess we're not going to talk about
8 the berm.

9 But can you just confirm that there
10 have been -- have there been conversations about the
11 berm yet with the engineers, or not?

12 Just yes or no.

13 MR. D'ARMINIO: As far as -- no.

14 MS. LIMA: Just a yes or no. Has
15 anybody contacted?

16 MR. D'ARMINIO: As far as I know,
17 Alfred has not spoken to anybody there from the --
18 from the engineers.

19 AUDIENCE MEMBER: We can't hear you.

20 MR. D'ARMINIO: The answer is no. We
21 haven't spoken to any engineer. This is just our
22 proposal today.

23 MS. LIMA: Thank you.

24 I think you were trying to clarify
25 today that this is a little bit of a change in the

1 size in that it's 30 feet from the ground and then
2 another 40.

3 MR. McDONOUGH: No, no, no. It's a --
4 it is 10-feet high by -- and I don't have the exact
5 dimensions in front of me, but I think 30-feet wide.

6 MS. LIMA: But how far is it from the
7 ground? You said it was 30.

8 MR. McDONOUGH: A clearance of 30 feet.

9 MS. LIMA: Right, 30 feet and then 10,
10 so it's 40 total.

11 MR. McDONOUGH: Forty from the top.

12 MS. LIMA: From the top to the bottom.

13 So any of the plantings in all of your
14 pictures that are greater than that, you're saying
15 will distract from the illumination.

16 MR. McDONOUGH: I'm going to make sure
17 I talk to the microphone.

18 So the sign is being placed on the site
19 that is submerged from 17 by about 5 feet or so.
20 There's a grade down.

21 So that takes -- I'm using rough
22 numbers here -- about 5 feet off. And then you have
23 a berm that rises up on the other side about 5 to
24 6 feet. Then you have plantings on top of that that
25 are 6 feet. And we're hearing testimony that -- a

1 stipulation that 10 feet, maybe even 15 feet goes on
2 top of that.

3 So it all starts to add up in terms of
4 mitigating the impact. And that screening is going
5 to grow. It will grow.

6 MS. LIMA: Great.

7 Yeah, that's right. That's right.

8 So anything like 548 Route 17 on
9 page 4, the trees there are, in your estimate,
10 already past 40 feet that's protecting that house.

11 MR. McDONOUGH: Those were the tall
12 ones, right?

13 MS. LIMA: Yeah, yeah.

14 MR. McDONOUGH: Yes.

15 MS. LIMA: Okay. And so the burden is
16 on the residents, not only this resident but future
17 residents, on them to always maintain these trees
18 because of your billboard? The burden is -- you're
19 asking for a variance, but the burden is on these
20 residents to maintain -- or the Village -- to
21 maintain the level of the berm or these homes -- the
22 large trees on 548, the burden is on the residents of
23 the Village moving forward.

24 CHAIRMAN BROWN: Depending on the --

25 MS. LIMA: That's what these pictures

1 are showing, right? Because you're testifying that
2 these trees are going to protect from the
3 illumination of the billboard.

4 That's what you said tonight.

5 MR. D'ARMINIO: We're testifying that
6 in response to the concerns of the -- of the
7 neighbors, we put this in as a benefit to the town.
8 It's a good thing.

9 MS. LIMA: I'm not talking about the
10 berm. I'm talking about the houses around it where
11 you testified that these trees --

12 MR. D'ARMINIO: In terms of the -- I'm
13 answering your question.

14 MS. LIMA: So the illumination of the
15 billboard won't go on. Well, that's true. That's
16 true.

17 So I'm just going by the testimony
18 tonight. So these people need to continue to keep
19 their trees to protect them from illumination, not
20 only this resident but future residents that move
21 into those properties, or whatever we do with
22 Schedler, right? They're asking for a variance.
23 These residents and future residents of the Village
24 have to maintain to prevent and mitigate the risk of
25 illumination. I think that's what you were

1 purpose of these pictures. Then what's the objective
2 of these pictures if you're not trying to demonstrate
3 impacts.

4 MR. D'ARMINIO: That's four other
5 witnesses. There's four other witnesses. We've had
6 narrow-view technology exhibits. We've had lighting
7 exhibits. It's not just -- and Mr. McDonough is
8 building on those -- that testimony. It's not just
9 what Mr. McDonough has said or done. It's not just
10 these pictures.

11 MS. LIMA: Then please clarify on page
12 -- sorry, I'm blind -- on page 6, what is the purpose
13 of telling us that the proposed sign is 760 feet away
14 from the sign, this property?

15 Why are you telling us that? Is it
16 because of the illumination, not the illumination?
17 What? I mean, we could measure between that.

18 So what is your expert observations or
19 point of view of telling us this?

20 That's all.

21 MR. McDONOUGH: Distance mitigates
22 visual impact. I say this a lot. The Empire State
23 Building becomes the size of your thumb from a
24 certain distance.

25 MS. LIMA: I totally agree.

1 So how would we know, or we have to go
2 back to prior testimonies -- because I guess you
3 can't tell us this -- of at what point is that sign
4 going to look like a thumbprint from Schedler if it's
5 700 feet away? Is it 500 feet, 200 feet, 400 feet?
6 And if you don't know that, is that because -- I
7 don't know how you plan and bring pictures if you
8 don't know what that thumbprint is. And I get it.
9 That's what we're all just trying to understand.
10 Because I thought you were testifying today.

11 CHAIRMAN BROWN: Mr. Whitaker.
12 Mr. Whitaker, we are definitely over our time. I
13 kind of want to --

14 MS. LIMA: That's my last question, if
15 somebody just wants to answer.

16 CHAIRMAN BROWN: I sort of -- at this
17 point I would like to, if the board is all right with
18 it, I would like to just extend so we can get through
19 the residents.

20 But we're going to take a five-minute
21 break because our stenographer needs a five-minute
22 break.

23 MS. LIMA: Before the five-minute
24 break, can somebody just finish up and answer.

25 CHAIRMAN BROWN: If you just have -- if

1 you finish up.

2 MS. LIMA: This is the last thing.

3 CHAIRMAN BROWN: Great.

4 MS. LIMA: So I'm just trying to
5 understand, at what point on page 6 when it's
6 700 feet, at what point does it become -- does that
7 sign become a thumbprint, like you're saying for the
8 Empire State Building.

9 MR. McDONOUGH: All I'm saying, to give
10 the board -- there's no hard and fast rule where a
11 certain distance has no visual impact. This is more
12 than two football fields away. That certainly
13 reduces the visual impact.

14 To use the analogy of the thumb, I
15 don't know where a sign turns into a thumb. I don't
16 know.

17 MS. LIMA: Was that already testified?
18 Like, somebody testified to that? Because somebody
19 must know what the illumination at the point --

20 CHAIRMAN BROWN: There are some
21 previous exhibits where they look up 17. And they do
22 it from different distances. And they show you the
23 impact of the billboard at different distances of 17.
24 So those are online.

25 MS. LIMA: That would be great.

1 CHAIRMAN BROWN: They are not -- they
2 don't go to a thumb.

3 MS. LIMA: No, no, no, of course not.
4 I know we're all exaggerating. But the context is.
5 I appreciate it, right?

6 But that visual would be great for the
7 residents, right?

8 So using that --

9 CHAIRMAN BROWN: There are exhibits.

10 MS. LIMA: -- same methodology, how
11 does that work with the -- with the homes?

12 That's all.

13 CHAIRMAN BROWN: Okay, understood.

14 Thank you.

15 We're going to take five.

16 Thank you, everyone.

17 (Whereupon, a brief recess is held.)

18 CHAIRMAN BROWN: Go back on the record.

19 Jane, can I have roll call again, please.

20 MS. WONDERGEM: Greg Brown?

21 CHAIRMAN BROWN: Here.

22 MS. WONDERGEM: Matthew Bandelt?

23 VICE CHAIRMAN BANDELTT: Here.

24 MS. WONDERGEM: Gary Negrycz?

25 (No Response.)

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MS. WONDERGEM: Diana Ruhl?

MS. RUHL: Here.

MS. WONDERGEM: John Papietro?

MR. PAPIETRO: Here.

MS. WONDERGEM: Michael Pickholz?

(No Response.)

MS. WONDERGEM: Jason Curreri?

MR. CURRERI: Here.

MS. WONDERGEM: Harold Maxwell?

MR. MAXWELL: Here.

MS. WONDERGEM: Jamie Fox?

MR. FOX: Here.

CHAIRMAN BROWN: Thank you.

Mr. D'Arminio, are you good?

MR. D'ARMINIO: Oh, I'm sorry.

CHAIRMAN BROWN: Okay, great.

Come on up.

Please state your name. Also spell
your name and give us your address.

MR. ROTH AUG: I am Walter Rothaug,
558 Hillcrest Road, Ridgewood, New Jersey.

And I am not from the immediate area,
so I'm not directly impacted by this.

I'm not within 500 feet or 200 feet
that I received an official notice.

1 I would like to direct a couple of
2 questions to the expert witness.

3 Are you able -- you are a licensed
4 Professional Engineer in the State of New Jersey?

5 MR. McDONOUGH: Licensed Professional
6 Planner, not an engineer.

7 MR. ROTH AUG: Planner? Okay.

8 And you have a license in the State of
9 New Jersey?

10 MR. McDONOUGH: I do.

11 MR. ROTH AUG: Okay. Because I'm
12 hearing a lot of testimony from you regarding issues
13 of trees and even smell of Route 17 compared to the
14 smell of downtown Ridgewood. You have no credentials
15 as an arborist.

16 Is that correct?

17 MR. McDONOUGH: No.

18 I am a licensed landscape architect as
19 well.

20 Specifically --

21 MR. ROTH AUG: You're a landscape
22 architect? You're licensed in that?

23 Where is the license for that?

24 MR. McDONOUGH: New Jersey.

25 MR. ROTH AUG: New Jersey.

1 Are you licensed in any other states?

2 MR. McDONOUGH: As a landscape
3 architect or as a planner?

4 MR. ROTH AUG: Both.

5 MR. McDONOUGH: My planning, I'm
6 nationally certified, AICP, as a certified planner.

7 MR. ROTH AUG: So you get every state on
8 that.

9 And the other one is?

10 MR. McDONOUGH: Landscape architect is
11 only New Jersey.

12 MR. ROTH AUG: One of the things is that
13 you were giving an awful lot of testimony on trees
14 and things like that. I would like to bring up the
15 question, have you considered the situation regarding
16 birds and the sign.

17 MR. McDONOUGH: I'm not aware of any
18 study that would corroborate that a sign has a
19 negative impact on birds.

20 MR. ROTH AUG: Have you done any studies
21 yourself? You're doing a whole lot of stuff on
22 trees.

23 MR. McDONOUGH: I have not.

24 MR. ROTH AUG: You have not. And smells
25 and things like that.

1 I wish that somebody would -- if you
2 would bring in an expert sometime on this and talk
3 about the impact of this on birds and perhaps insects
4 too, of the sign that you're bringing up. This is
5 for another possible witness, as long as you're not
6 qualifying it.

7 I am also -- you seemed to give
8 testimony before in response to a previous question
9 regarding which I detected was a lack of historical
10 knowledge about what went on in this area.

11 MR. D'ARMINIO: Why is my client being
12 attacked?

13 This is not a --

14 MR. WHITAKER: What's the question?

15 MR. ROTH AUG: I'm talking about a
16 direct response that he made before to other
17 questions which seemed to indicate --

18 MR. D'ARMINIO: I object.

19 MR. ROTH AUG: You seem to indicate a
20 lot of knowledge about the historical -- this area.

21 MR. D'ARMINIO: Objection to this line
22 of questioning.

23 CHAIRMAN BROWN: Everybody stop for a
24 second. Everybody stop. Okay?

25 Remember, we have a stenographer. The

1 likelihood is she has heard nothing of what anyone
2 said for the last five minutes.

3 MR. ROTH AUG: I'm afraid I can't hear.

4 CHAIRMAN BROWN: Yeah.

5 We need to not talk over each other.
6 He's testifying as a planner, right? That doesn't
7 involve any sort of historical knowledge when it
8 comes to the historic designations of Schedler or
9 anything else.

10 So if he -- if you have a question for
11 him when it comes to planning, let's go in that
12 route.

13 If it's historical knowledge, he -- I
14 will answer for him. He does not -- his answer is
15 no, he does not know.

16 MR. ROTH AUG: All right. He doesn't
17 know.

18 But he gave a response on that before,
19 which seemed to me to indicate --

20 MR. WHITAKER: What is your question?

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

22 (Simultaneous Speaking.)

23 MR. ROTH AUG: But anyway, the question
24 I really wanted to bring up was the lack of studies
25 regarding -- he gave testimony --

1 MR. WHITAKER: What is the question?

2 MR. ROTH AUG: -- about trees and things
3 like that.

4 He didn't give any testimony regarding
5 the effect on birds and things like that so --

6 (Simultaneous Speaking.)

7 CHAIRMAN BROWN: All right. They can
8 take that under advisement. If they would like to
9 provide that study, that's up to the applicant to
10 provide or not provide so --

11 MR. ROTH AUG: Okay.

12 CHAIRMAN BROWN: -- thank you.

13 MR. ROTH AUG: Thank you very much.

14 CHAIRMAN BROWN: Likewise, thank you.

15 Good evening. Again, if you could
16 please state your name, spell your name and give us
17 your address for the record.

18 MR. ROSSI: Matthew Rossi, R-O-S-S-I,
19 28-30 Chestnut Street, Ridgewood.

20 I only have a few tree questions.

21 So if you could turn to page 4 that
22 references 548 Route 17.

23 You mentioned as a licensed landscape
24 architect you're often able to identify trees.

25 I was wondering if you are able, in

1 this photograph, to identify any trees that may be
2 deemed invasive and that would be suggested to be
3 removed?

4 MR. McDONOUGH: I don't see --

5 MR. ROSSI: I also know you spent some
6 time around the property --

7 MR. WHITAKER: One question at a time.

8 MR. ROSSI: Sorry.

9 MR. McDONOUGH: I don't see any
10 invasive trees.

11 MR. ROSSI: Okay.

12 Because there are several trees
13 surrounding this property that are designated
14 invasive trees.

15 MR. WHITAKER: That's testimony.

16 We just have to ask questions.

17 MR. ROSSI: Okay.

18 If there were invasive trees, as a
19 landscape architect, would you recommend they be
20 removed.

21 MR. McDONOUGH: I have no control over
22 that property.

23 MR. ROSSI: As a landscape architect,
24 would you describe this as a meaningful way to keep
25 trees in front of a property.

1 MR. D'ARMINIO: How does that -- I
2 don't know --

3 MR. ROSSI: That question is for
4 Mr. McDonough.

5 MR. D'ARMINIO: Just a second.

6 I'm just trying to get focused on the
7 billboard.

8 If there's issues with regard to your
9 property in terms of there's invasive trees or not,
10 it really doesn't have anything to do with our
11 application.

12 MR. ROSSI: But it does --

13 MR. D'ARMINIO: Focus on the
14 application.

15 MR. ROSSI: It does in the sense that
16 we mentioned those trees were blocking the property,
17 but at the same time the property looked abandoned.

18 And I'm just wondering, well, if it's
19 abandoned and the trees should be cut down, but
20 they're also blocking the visual impact of the
21 billboard, which one of those topics really takes
22 precedence.

23 MR. McDONOUGH: It is clearly an
24 overgrown piece of property.

25 But, again, I, nor the applicant, has

1 any control over the vegetation on the property.

2 MR. ROSSI: So --

3 MR. McDONOUGH: It's there.

4 MR. ROSSI: Okay.

5 MR. McDONOUGH: It's there and it's a
6 building that is feet away from a highway with cars
7 whizzing by.

8 There are -- there are other adverse
9 influences on this property besides this sign.

10 MR. ROSSI: I have to tell my kids,
11 like, one bad doesn't make another bad okay.

12 MR. McDONOUGH: That's what I'm saying.
13 This sign will not have a negative impact on this
14 property because the negative impacts are already
15 there.

16 MR. ROSSI: Well, I would disagree with
17 that.

18 Okay, I have some other topics I'd like
19 to hit.

20 You had mentioned with the other
21 attorney that billboards can't be any smaller or else
22 they can't meaningfully convey a message.

23 Do you recall that discussion?

24 MR. McDONOUGH: Yes. This is on the
25 small end of the spectrum for a highway sign.

1 MR. ROSSI: So would you have any
2 knowledge of other Outfront Media signs that are
3 smaller?

4 Does Outfront Media run any signs
5 smaller than this sign?

6 MR. McDONOUGH: Not that I'm aware of
7 on a highway -- on a highway of this scale.

8 MR. ROSSI: On a busy highway in Essex
9 County Sign 1250 is visible.

10 Do you have the dimensions of Outfront
11 Media Sign 1250?

12 MR. McDONOUGH: I don't.

13 MR. ROSSI: Okay. It seems to be quite
14 a bit smaller. That's why I was asking. Which
15 contradicts exactly what you were saying.

16 The next thing I wanted to get into
17 was, you had mentioned reference to the Master Plan.

18 And a bunch of the language you used in
19 that this billboard, I believe you said, is not out
20 of scale -- an out-of-scale visual intrusion, were
21 the words you used.

22 I'm wondering if you could define that
23 out-of-scale visual intrusion, you know, objectively
24 with metrics. Or is that just an opinion?

25 MR. McDONOUGH: That is a -- that is

1 not a measurable phrase in the ordinance. Planning
2 gives -- gives consideration to context. And there
3 are gas canopies in the area. There are office
4 buildings. There are ribbon windows which exude
5 light. There are other ambient impacts in the area
6 that affect the character of the area where this
7 would not constitute a visual intrusion, in my expert
8 opinion.

9 MR. ROSSI: Okay. So I'm trying to
10 just wrap my head around that.

11 So it's not out-of-scale visual
12 intrusion. Can you reference any signage with at
13 least half the square footage proposed by your sign?

14 MR. McDONOUGH: Can I reference any
15 sign?

16 MR. ROSSI: Any signage on the Route 17
17 corridor in Ridgewood that's at least half the square
18 footage of your proposed sign.

19 MR. McDONOUGH: There's no comparison,
20 because this is a different land use. The size of
21 this sign is on par, if not smaller, than other
22 billboards on the corridor.

23 MR. ROSSI: Within Ridgewood?

24 MR. McDONOUGH: There are no other
25 billboards within Ridgewood.

1 MR. ROSSI: Yes.

2 I'm just trying to understand. There
3 are no billboards -- you can't reference anything
4 half as big, but you think it's not out of scale;
5 that's what you're describing as a subjective
6 statement, not anything --

7 MR. WHITAKER: A question.

8 MR. ROSSI: No. I'm just trying to
9 summarize if that's accurate.

10 MR. D'ARMINIO: You're not supposed to
11 summarize.

12 MR. WHITAKER: You need to ask
13 questions.

14 MR. ROSSI: I'm trying to understand
15 his questions because they're related. So -- okay,
16 those are my questions.

17 Thank you so much.

18 CHAIRMAN BROWN: Thank you.

19 Good evening, if you could please state
20 your name, spell your name and give us your address
21 for the record?

22 MS. SCHMIDT: Good evening. Kathryn
23 Schmidt.

24 That's K-A-T-H-R-Y-N, S-C-H-M-I-D-T.
25 123 South Irving. So also not near the impacted

1 area.

2 I just have one question. When you
3 testified earlier, you mentioned -- this is
4 clarifying before I ask my other question -- you
5 mentioned the signage on the Gilsenan and Hillman
6 buildings. Was that to say that there's already
7 precedent for outdoor signage? I need a
8 clarification around why you mentioned those two.

9 MR. McDONOUGH: I think it was to --
10 the point was to reference that there are other
11 billboards in the community. Not to establish
12 precedent, but there are none on 17. Those are of,
13 I'll say, a different ilk.

14 MS. SCHMIDT: Understood.

15 Those signs are painted signs on the
16 size of brick buildings, which are very indigenous to
17 Ridgewood. Are you suggesting that a billboard on 17
18 is comparable to the painted signs that might be
19 decades old now and probably considered urban art at
20 this point, the comparable signs on Hillman's and
21 Gilsenan's; is that the comparison that's being made?

22 MR. McDONOUGH: The billboards that are
23 in the downtown are compatible with the context. The
24 billboard that's proposed on 17 is compatible with
25 the highway context there.

1 The difference --

2 MS. SCHMIDT: But they're very
3 different? They're very different structures.

4 MR. McDONOUGH: Very different in
5 character. What's appropriate there is not
6 appropriate here and vice-versa.

7 MS. SCHMIDT: Okay, thank you.

8 CHAIRMAN BROWN: Thank you.

9 Good evening, if you could please state
10 your name, spell your name and give us your address
11 for the record?

12 MS. DeSILVA: Yes.

13 Frettra, F-R-E-T-T-A, DeSilva, D-E,
14 space, S-I-L-V-A, 521 West Saddle River Road.

15 I have a couple questions. Just kind
16 of going back to what was asked before about content.
17 And I'm not sure of the words, so you can correct me.
18 I think we were saying, or you were saying at some
19 point that there could be -- some of the positives
20 could be the public health information being shared
21 and education, correct?

22 MR. McDONOUGH: Correct.

23 MS. DeSILVA: And could this include --
24 and that this could include any corporate entity,
25 right, or corporate?

1 MR. McDONOUGH: Business, yes.

2 MS. DeSILVA: Business entity.

3 So this could also include any legal
4 cannabis distributor as well?

5 MR. McDONOUGH: There was a question
6 about cannabis.

7 Honestly, I don't know the answer. But
8 that's a legal retail use in New Jersey.

9 MS. DeSILVA: Okay.

10 So that could be advertised right
11 across the Kumon center and around the middle school?
12 In theory it could?

13 MR. McDONOUGH: Again, I don't see why
14 not.

15 MS. DeSILVA: Okay.

16 And then when we were talking about the
17 mitigants, and we were talking -- potential
18 mitigants. And we were talking about the berm on
19 Route 17.

20 I just want to confirm, you're not
21 familiar with the requirements for approvals to do
22 work on that property by SHPO and other regulators,
23 but that's something that would have to be
24 investigated during you all's review of this.

25 MR. McDONOUGH: It's an interesting

1 question. I'm not aware or I don't know if SHPO
2 approvals were obtained to create the berm that's
3 there now and the landscaping that's there now.

4 To the extent that supplemental
5 plantings are going to be put there, as the board's
6 counsel said, this application is going to be subject
7 to outside agency approvals.

8 So if they're required for planting on
9 a berm in a historic area under SHPO control, yes,
10 this applicant would be bound by that.

11 MS. DeSILVA: I know that you're a
12 professional landscape architect. So would you
13 imagine or would you -- in your professional opinion,
14 would you think with the size trees that were talked
15 about as mitigants, we would have to widen that berm?
16 Because it's not -- I don't know if it could house
17 this type -- I mean, I guess those would be some of
18 the considerations, widening the berm in addition to
19 trees?

20 MR. McDONOUGH: I think -- I think the
21 berm is okay to take the root ball of the larger
22 trees. I think it would be okay.

23 MS. DeSILVA: And would maintenance of
24 that be included in those considerations or
25 proposals?

1 MR. McDONOUGH: I'm not sure what you
2 mean by "maintenance."

3 MS. DeSILVA: Maintaining those trees.
4 Or would the town -- the town would have to take care
5 of that?

6 MR. WHITAKER: I think it would be
7 best, rather than hypothesize, that we have the
8 applicant submit a proposal to the Village, see if
9 the Village even accepts it, and delineate in that
10 proposal the responsibilities of both parties.

11 Otherwise, I believe we can stay here
12 all night. It's a hypothetical.

13 MS. DeSILVA: One more question about
14 this. I don't know if it's a hypothetical. Only
15 because we raised about the potential trees. I know
16 that the sign potentially could go up immediately,
17 but trees take years of growth. You know, as a
18 landscape architect, how would -- the mitigation
19 would be in the future, I would imagine. That's what
20 we're talking about.

21 MR. McDONOUGH: Well, we do plan for
22 long-term. And those trees will put on a year -- a
23 foot, maybe 2 foot depending per year. So that
24 buffer will get better over time.

25 MS. DeSILVA: But during that initial

1 period, there would be limited mitigation
2 potentially?

3 MR. McDONOUGH: Well, I walked through
4 the analogy, we're 5 feet down. We've got a 5-foot
5 berm. We've got 15-foot plants, 10-foot plants on
6 there, whatever the number is.

7 So there's a substantial buffer being
8 proposed right at the -- right at the get-go.

9 MS. DeSILVA: Just I want to ask about
10 -- one thing you talked about -- and this is just
11 thinking about the berm and the mitigation.

12 At one point you were talking about
13 visual impact and a bulky visual impact versus one
14 that's, I guess, less bulky. This is an opinion
15 question. If I had a -- we did on the road a big
16 purple house --

17 MR. McDONOUGH: Understood.

18 MS. DeSILVA: -- versus a very tall
19 green tower. The visual -- the bulkiness from an
20 opinion perspective had less impact -- you know, the
21 -- you know, bulky didn't matter so much.

22 Do you think it's reasonable to -- to
23 -- I guess that's one element. But there are various
24 elements.

25 In this, we can't always look at just

1 the height, but we have to look at the illumination
2 as well, which is not consistent with, say, buildings
3 in that area.

4 MR. McDONOUGH: Well, as a planner, I
5 have to consider what the zone plan contemplates or
6 says is okay. The zone plan says a building can go
7 there. And I don't know of any prohibition that
8 prohibits the splash of light or accent light on
9 buildings. I drive around. I see buildings changing
10 color all the time now with the way technology is.

11 So I don't know of any prohibition in
12 the ordinance that would prohibit that from
13 happening.

14 MS. DeSILVA: In the -- actually, that
15 gets to one of the points. You talked about the
16 Master Plan, there was references to that small town
17 feeling.

18 MR. McDONOUGH: I don't remember saying
19 that.

20 MS. DeSILVA: A small town feel in the
21 Master Plan, I think you quoted. Maintenance of a
22 small town feel.

23 MR. McDONOUGH: I honestly don't
24 remember saying that at all.

25 MS. DeSILVA: Okay. I wrote it -- I

1 wrote it down on my phone. I think you said that.
2 And my question was going to be, did that relate only
3 to the downtown area, or was that -- did that relate
4 to maintenance of that small town feel for the town
5 -- the Village of Ridgewood?

6 MR. McDONOUGH: Well, I honestly -- I
7 don't remember saying anything about small town feel.
8 I read language specific from the ordinance regarding
9 limitations that would have a negative visual impact,
10 but not prohibitions against this land use.

11 But I don't remember saying anything
12 about a small town feel.

13 MS. DeSILVA: Okay. And also, I had a
14 note about a statement about the lifeblood of the
15 community being the businesses, so this being one of
16 the positives, the signage.

17 MR. McDONOUGH: Can you repeat the
18 question?

19 MS. DeSILVA: How the signage may be a
20 positive because the lifeblood of the community are
21 the businesses.

22 MR. McDONOUGH: Yes.

23 Advertising benefits business. And
24 that's one of the things that this land use does is
25 provide a board for advertising.

1 MS. DeSILVA: Okay. Because my
2 question is, how does -- in planning, how do we
3 balance that with the desires of the people, who I
4 think are the true lifeblood of the community?

5 MR. McDONOUGH: Well, I talked about
6 this land use people being the beneficiaries of this
7 land use. Those companies that go up there are -- I
8 said at the beginning, the companies that we work
9 for, invest in, work with, so it benefits all people.

10 MS. DeSILVA: Okay.

11 Now -- well, it doesn't matter. 548
12 and 552 on those pictures -- I wrote down the numbers
13 -- are zoned for affordable housing.

14 So, potentially, they -- in the future
15 those could be houses. There would be nothing
16 blocking those houses, true.

17 MR. McDONOUGH: There would.

18 And there's language in your affordable
19 housing ordinance and I think in your Fair Share Plan
20 as well. Certainly throughout the code in Ridgewood,
21 it talks about providing for adequate buffering to
22 separate incompatible land uses.

23 So to the extent that affordable
24 housing has been planned here, or contemplated here,
25 there would have to be buffering around the

1 affordable housing to protect -- I think I said this
2 before -- adjacent land uses from the affordable
3 housing development, which will be bulky. That's
4 40 -- 40-foot-high buildings would be allowed there.
5 Multifamily, I think I looked at -- well, whatever
6 the density is over there. These could be
7 significant buildings over there.

8 MS. DeSILVA: That's going to be right
9 on the highway, right?

10 MR. McDONOUGH: And then at a 50-foot
11 setback, they would have to be buffered.

12 So there would be buffering to protect
13 those residents as well from the highway.

14 MS. DeSILVA: Okay. But from the
15 visual impact of the signage, there would have to be
16 a wall between -- are we saying...

17 MR. McDONOUGH: People living in that
18 -- in those future apartments, let's say, would have
19 the influence of the highway that I've talked about.
20 The sound is there. The sound is not going away
21 unless you put a sound wall up.

22 But it is a requirement in the
23 Ridgewood code to provide for buffering along the
24 frontage of a property. And that would be a
25 mitigative measure that the board would consider.

1 MS. DeSILVA: That's actually quite an
2 interesting point. I would imagine as a planner
3 you'd think about necessary utilities versus desired
4 elements of a community. Would you -- do you think
5 it's reasonable to compare really the highway, which
6 is a necessary utility nowadays -- we have to drive
7 in New Jersey -- to a billboard?

8 MR. D'ARMINIO: I think this is
9 argumentative. This is something for a statement.
10 It's not a question out there. I think it's just an
11 argumentative statement. And if she wants to make --
12 if that wants to be made at the time when they want
13 to make the -- the witness -- the neighbor wants to
14 make her case, that's fine.

15 But that's just being argumentative.

16 MS. DeSILVA: Actually, I mean, we've
17 talked all night about comparing this to the highway
18 and the smells and the sounds.

19 My question is, since we're talking
20 about that, you know, that those are smells and
21 sounds that we take on because we have to use cars.
22 But do we have to have the visual impact of a sign?
23 Because I don't know how to impact the -- positively
24 impact me.

25 MR. D'ARMINIO: Again, that's an

1 argument, not a statement.

2 MR. WHITAKER: It's not a question.
3 It's something you can do as part of the presentation
4 of your case.

5 MS. DeSILVA: Okay. I was asking him
6 as a planner but...

7 MR. WHITAKER: He's testified
8 extensively as to what he believes the visual impact
9 is how it's mitigated. That's been the gist of -- a
10 part of his testimony this evening.

11 MS. DeSILVA: Okay. And then I think
12 that's -- I think that's it. I'm not sure. I think
13 that's it.

14 Thank you so much.

15 MR. McDONOUGH: You're welcome.

16 CHAIRMAN BROWN: Thank you.

17 Good evening, if you could please state
18 your name, spell your name and give us your address.

19 Thank you.

20 MS. BERLAMINO: Arlene Berlamino.

21 A-R-L-E-N-E. Berlamino, B-E-R-L-A-M-I-N-O. 76
22 Fardale Avenue, Mahwah, New Jersey. I know I'm very
23 far away from this. But I'd like to reference Page
24 Number 9 of the photos.

25 MR. D'ARMINIO: Mr. Whitaker, this

1 witness has no -- is not an interested party in any
2 way.

3 MR. WHITAKER: I'm sorry.

4 MR. D'ARMINIO: This witness is not an
5 interested party in any way. I mean, she's on
6 Fardale in Mahwah. She lives in Mahwah.

7 MR. WHITAKER: Well, a person has the
8 right to raise an objection even if they're not
9 within 200 feet, even if they're not a resident.

10 MR. D'ARMINIO: At least they have some
11 connection.

12 MS. BERLAMINO: I'm on the board of the
13 cemetery. I'm the historian for Old Paramus Reformed
14 Church. I'm the Vice President of Old Paramus
15 Reformed Church. I'm the head elder.

16 MR. D'ARMINIO: That has a connection.

17 MS. BERLAMINO: Is that enough?

18 MR. D'ARMINIO: Yes.

19 You've got to lead with that. That's
20 your qualification.

21 MS. BERLAMINO: I didn't really have to
22 lead with that because I had a right to address you.

23 MR. WHITAKER: You do.

24 Please proceed.

25 MS. BERLAMINO: Thank you.

1 Picture Number 9, what are we trying to
2 depict in this picture, actually? Like, what was the
3 purpose of putting this picture in the packet.

4 MR. McDONOUGH: To show the minimal
5 impact visually on the church from the billboard.

6 MS. BERLAMINO: And why would you take
7 it at a vantage point of possibly the furthest
8 distance from the cemetery as opposed to directly
9 across the street from Franklin Turnpike where we
10 have full view of the triangular back of this
11 proposed structure?

12 MR. McDONOUGH: We were in the parking
13 lot in the -- we were focused on -- we were focused
14 on the -- I think that's the school immediately
15 adjacent with two stories.

16 So that was our focus.

17 MS. BERLAMINO: I'm not seeing a school
18 in this photo.

19 MR. McDONOUGH: Frame Number 11.

20 MS. BERLAMINO: That is our educational
21 building.

22 But our parking lot for the cemetery is
23 actually on Franklin Turnpike right next to our
24 superintendent's house, who lives on the property,
25 approximately 500 feet from where this cell tower may

1 be.

2 MR. McDONOUGH: Did you say your
3 parking lot is right next to the highway?

4 MS. BERLAMINO: It's right next to
5 Franklin Turnpike, this parking lot for the cemetery.

6 MR. McDONOUGH: So you have the
7 influence of the highway right there. Did you say
8 Franklin Turnpike or the highway?

9 MS. BERLAMINO: Franklin Turnpike.
10 We are between this -- all these
11 commercial properties are between us and Route 17.

12 MR. McDONOUGH: Am I not showing the
13 parking lot in Frame Number 10?

14 MS. BERLAMINO: Not the parking lot of
15 the cemetery. You are showing the parking lot of the
16 graveyard and the church. That is a graveyard.
17 That's not a cemetery. I know it's semantics to
18 some, but not to a historian.

19 And if you stand at the point of our
20 church when you're actually in front of our church
21 building and you look north, we can fully see the
22 cell tower from ground to top.

23 So is it not reasonable to assume that
24 we would fully see the billboard in our historic
25 district?

1 MR. McDONOUGH: The billboard is going
2 to be one-third -- not even one-third the height of
3 that cell tower.

4 MS. BERLAMINO: We can see the cell
5 tower from ground -- from ground to top. The same
6 from vantage points in our cemetery. We can see the
7 entire cell tower from the ground up if you're at
8 certain points of our cemetery. And what we are
9 seeing, we are not seeing -- what we would be seeing
10 from the cemetery is not the pretty pictures you're
11 going to be imposing on the billboard. We will see a
12 massive metal structure.

13 MR. WHITAKER: We need a question.

14 MR. D'ARMINIO: We need a question.

15 MS. BERLAMINO: So I'm -- can you -- my
16 question is, can you superimpose, like you did with
17 the original pictures way back when we first started
18 this, where they superimposed an image of what this
19 billboard would look like, can you superimpose of
20 what the back of this billboard would look like from
21 the vantage point of the cemetery and the historic
22 district?

23 MR. McDONOUGH: Again, by distance, by
24 objects, by orientation and angles, I think there's
25 enough evidence in the record already to show that

1 the impact will not be substantial.

2 MS. BERLAMINO: But there's no
3 picture --

4 MR. WHITAKER: That's his answer. You
5 may not like it, but that's his answer.

6 MS. BERLAMINO: Okay.

7 Is it possible then to provide a
8 picture from the 250 feet away that we are from the
9 cell -- from the cell tower?

10 MR. McDONOUGH: I'm sure the applicant
11 would take it under advisement. But I've given you
12 my opinion with respect to the photos that have been
13 entered.

14 MS. BERLAMINO: And you also said that
15 you didn't believe -- I believe you said that you
16 didn't think there would be any negative impact on
17 the cemetery?

18 MR. McDONOUGH: In accordance with the
19 statutory criteria, which is a substantial impact.
20 There are influences all over that -- you referred to
21 it as a graveyard. I'm seeing it called out and
22 labeled on the maps as a cemetery.

23 But, again, there are influences on
24 that area there that I think are ambient in nature.

25 So this won't have a substantial

1 negative impact adding this to what else is going on
2 around there.

3 MS. BERLAMINO: From a visual
4 standpoint, if someone is turned away from purchasing
5 property in the cemetery because of a visual impact,
6 would that be a negative impact on the cemetery?

7 MR. McDONOUGH: I don't know. That's a
8 fact specific question.

9 MR. D'ARMINIO: Objection. That's a --
10 that's a hypothetical.

11 That has no foundation so --

12 MS. BERLAMINO: We've had people
13 viewing property.

14 MR. WHITAKER: Again, you have to ask a
15 question. You can't testify.

16 MS. BERLAMINO: But my question is,
17 would that be -- if someone decided not to purchase
18 in the cemetery because of the visual impact, would
19 that be a negative effect?

20 MR. WHITAKER: You can ask hypothetical
21 questions all night, but they have no basis for them.

22 MS. BERLAMINO: But if we've already
23 had people not buy because of the cell tower.

24 MR. WHITAKER: We don't have a basis
25 for that.

1 It has to be a relevant question.

2 MS. BERLAMINO: I would ask that you
3 could provide a picture more closely in line to what
4 is actually seen from the cemetery, not from the
5 opposite side of the cemetery.

6 MR. D'ARMINIO: We'll take that under
7 advisement.

8 MS. BERLAMINO: Thank you.

9 CHAIRMAN BROWN: Thank you.

10 Good evening, please state your name,
11 spell your name.

12 MS. HADERTHAUER: Diane Haderthauer,
13 470 Aldin Court, Ridgewood.

14 Actually, I might be repeating some
15 things that were just asked. I've asked a couple of
16 times. And none of your pictures -- none of your
17 drone pictures shows anything between November and
18 April.

19 And I know -- I know you stated that,
20 well, the trees are still there even though the
21 leaves aren't in the trees. And my property abuts a
22 parking lot.

23 MR. WHITAKER: What is the -- we need
24 to hear a question.

25 MS. HADERTHAUER: The question is, I'd

1 like to have -- to see a picture, drone pictures, in
2 a season that doesn't have -- show all the trees.
3 Because the trees are not there six months out of the
4 year. The trees are there, but the leaves are not
5 there.

6 MR. WHITAKER: There is a question.

7 MS. HADERTHAUER: There is a question
8 here.

9 MR. WHITAKER: And they can answer.
10 Let him answer.

11 MS. HADERTHAUER: If you provide the
12 pictures. You're going to provide them at nighttime?
13 I think you mentioned that to someone else.

14 CHAIRMAN BROWN: I think they said that
15 they would take that under advisement.

16 MS. HADERTHAUER: That you were going
17 to provide pictures in the evening and also during
18 the time. And we're not talking about a month.
19 We're talking about November to April. That's six
20 months out of the year that there's not going to
21 be --

22 MR. WHITAKER: Is there a question?

23 MR. D'ARMINIO: Those are statements.
24 A question.

25 We'll take that under advisement.

1 We'll take all that under advisement.

2 MS. HADERTHAUER: The question is, can
3 we get drone pictures of a different time of the
4 year? I also -- I live --

5 MR. WHITAKER: He said he'll take that
6 under advisement. What is the next question?

7 MS. HADERTHAUER: The other question
8 is, I do not live on the side where the berm is. I
9 live behind it. I'd like to know if we can get a
10 picture of what it's going to -- of what that metal
11 piece is going to look like, that third part of the
12 triangle. We know what one side is going to look
13 like, and the other side, but the back. No one has
14 shown us any pictures of the rear of this -- of this
15 structure. I would appreciate if we could see that.

16 MR. D'ARMINIO: We'll take a look at
17 that.

18 MS. HADERTHAUER: It's pretty ugly.
19 Thank you. I don't know how to shut
20 this off.

21 CHAIRMAN BROWN: You can leave it
22 there.

23 Okay. So back to you, Mr. D'Arminio.
24 Obviously it's late in the evening. The board hasn't
25 gotten a chance to ask any questions.

1 So at this point in time, a new date
2 would be November 28th. And we would certainly ask
3 that Mr. Donohue [sic] come back.

4 MR. D'ARMINIO: McDonough.

5 CHAIRMAN BROWN: McDonough. Sorry.

6 MR. McDONOUGH: It's happens all the
7 time. It's okay.

8 CHAIRMAN BROWN: I'm sorry. I
9 apologize.

10 So that the board can ask questions.

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

12 CHAIRMAN BROWN: Okay. So we're going
13 to be carried to November 28th, 2023, 7:30 p.m. No
14 further notice required.

15 Thank you, everyone. Have a good
16 evening.

17 Mr. Whitaker, we were going to talk
18 about some ordinances, but I have 0.0 energy to do
19 that.

20 I apologize.

21 MR. WHITAKER: Your prerogative.

22 CHAIRMAN BROWN: So I'm not going to
23 talk about it. Jane, could you please add that to
24 our next meeting. We can talk about updates to
25 ordinances.

1 And then do we have any other business?
2 Do we have any minutes to approve,
3 Jane?

4 No minutes.

5 I would entertain a motion to adjourn.

6 VICE CHAIRMAN BANDELT: Motion.

7 CHAIRMAN BROWN: All in favor?

8 (Whereupon, all present members respond
9 in the affirmative.)

10 CHAIRMAN BROWN: Thank you, everyone.

11 (Whereupon, this matter will be
12 continuing at a future date. Time noted:
13 11:58 p.m.)

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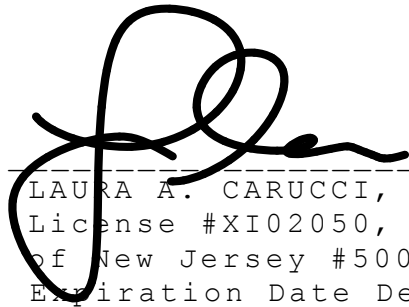
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I, LAURA A. CARUCCI, C.C.R., R.P.R., a Notary Public of the State of New Jersey, Notary ID. #50094914, Certified Court Reporter of the State of New Jersey, and a Registered Professional Reporter, hereby certify that the foregoing is a verbatim record 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.
License #XI02050, and Notary Public
of New Jersey #50094914, Notary
Expiration Date December 3, 2023

Dated: October 5, 2023