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VILLAGE OF RIDGEWOOD
ZONING BOARD OF ADJUSTMENT
TUESDAY, JUNE 27, 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

A P P E A R A N C E S :

McDONNELL & WHITAKER, LLC
BY: BRUCE WHITAKER, ESQUIRE
245 E. Main Street
Ramsey, New Jersey 07446
Counsel for the Zoning Board

LOUIS D'ARMINIO, ESQUIRE
PRICE, MEESE, SHULMAN & D'ARMINIO, P.C.
50 Tice Boulevard, Suite 380
Woodcliff Lake, New Jersey 07677
201-391-3737
Counsel to the Applicant

DOUGLAS M. STANDRIFF, ESQUIRE
LAW OFFICES OF DOUGLAS M. STANDRIFF
25 East Spring Valley Avenue
Suite 330
Maywood, New Jersey 07607
Counsel for the Objector, AK Realty, LLC

ROBERT J. INGLIMA, JR., ESQUIRE
THE LAW OFFICES OF ROBERT J. INGLIMA, JR.
1 Deerhill Drive
Ho-Ho-Kus, New Jersey 07423
Counsel for the Objectors, Bergen Convenience
Flagship, Inc.

I N D E X

2	<u>W I T N E S S</u>	<u>SWORN</u>	<u>PAGE</u>
3	BRETT W. SKAPINETZ, PE, PP	10	
	Direct Examination by Mr. D'Arminio		10
4	Cross Examination by Mr. Standriff		33
	Board/Professional Questions		
5	Ms. Ruhl		14, 27
	Vice Chairman Bandelt		29
6	Public Question/Comment		
	Dave Ward		41
7	552 Route 17 North		
	Jane Shinozuka		45
8	825 Norgate Drive		
	Susan Ruane		51
9	705 Kingsbridge Lane		
	Madeline Canzani		56
10	506 Sterling Place		
	Charles Handy		59
11	695 Kings Bridge Lane		
	Jamesine Burke Clark		62
12	24 North Hillside Place		
	Matthew Rossi		70
13	28 Chestnut Street		
	Joe Boylan		75
14	360 Walthery Avenue		
	Paul Markosian		80
15	360 Gilbert Street		
	Rohan DeSilva		83
16	521 West Saddle River Road		
	Cynthia O'Keefe		102
17	542 West Saddle River Road		
	Frettra DeSilva		106
18	521 West Saddle River Road		
	Jacqueline Hone		109
19	30 Carriage Lane		
	Diane Haderthauer		111
20	470 Albin Court		
21	JOHN McDONOUGH, PP, AICP	116	
	Voir Dire Examination by Mr. D'Arminio		117
22	Direct Examination by Mr. D'Arminio		119
	Board/Professional Questions		
23	Mr. Whitaker		119

24

25

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
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I N D E X (Continuing)

E X H I B I T S

<u>NO.</u>	<u>DESCRIPTION</u>	<u>IDENT./EVID.</u>
A-20	Narrow-View Technology Exhibit	10
A-21	Video	16
A-22	PowerPoint	19
A-23	Objector Location Exhibit	22
A-24	Google Street View	125
A-25	Key Map	129

1 MR. WHITAKER: Let us reconvene, and
2 Jane, let's just retake attendance.

3 MS. WONDERGEM: Greg Brown?

4 CHAIRMAN BROWN: Here.

5 MS. WONDERGEM: Matthew Bandelt?

6 VICE CHAIRMAN BANDELT: Here.

7 MS. WONDERGEM: Gary Negrycz?

8 (No Response.)

9 MS. WONDERGEM: Diana Ruhl?

10 MS. RUHL: Here.

11 MS. WONDERGEM: John Papietro?

12 MR. PAPIETRO: Here.

13 MS. WONDERGEM: Michael Pickholtz?

14 (No Response.)

15 MS. WONDERGEM: Jason Curreri?

16 MR. CURRERI: Here.

17 MS. WONDERGEM: Harold Maxwell?

18 MR. MAXWELL: Here.

19 MS. WONDERGEM: Jamie Fox?

20 (No Response.)

21 CHAIRMAN BROWN: Thank you, Jane.

22 Next up we have Outfront Media LLC.

23 It's an application for preliminary and final major
24 site plan approval for the construction and operation
25 of a single pole, double faced, digital multi-message

1 advertising sign which is a prohibited use and will
2 result in a second principal use; expansion of an
3 existing non-conforming use and bulk variance relief
4 at 500 Route 17 South, Block 4703, Lot 10 in an OB-2
5 Zone. This is continued from April 11, 2023.

6 Good evening, Mr. D'Arminio, how are
7 you?

8 MR. D'ARMINIO: Good evening.

9 Mr. Chairman, Members of the Board.
10 This is, as was indicated, our application for a
11 digital sign on 500 Route 17 South.

12 Just, this is a brief recap. This is
13 our sixth hearing in the matter. We've had a
14 witness, Jon Antal who's the general manager of the
15 New Jersey plant, the company, the location and it's
16 particular suitability and described the site. He
17 introduced various simulations.

18 CHAIRMAN BROWN: Mr. D'Arminio, can you
19 just speak up a little bit.

20 MR. D'ARMINIO: Okay.

21 CHAIRMAN BROWN: Right in the mic so we
22 can hear.

23 MR. D'ARMINIO: Talked about the state
24 permit and also talked about the operation of the
25 sign.

1 We've also had our -- talked about also
2 the benefits in terms of PSAs and to the municipality
3 as well.

4 We've also had our professional
5 engineer, Tiago Duarte. He talked about the
6 surrounding area, did a detail of the sign specifics,
7 introduced how those simulations that we had put on
8 the record were prepared, described the technical
9 aspects of the lighting, the light controls and the
10 limitations on lighting and also discussed the lack
11 of any site plan concerns.

12 We then had a witness, Justin Taylor,
13 he was a professional engineer, he was a traffic
14 engineer. He discussed the nature of the way a
15 driver views a billboard. Spoke about the various
16 federal studies of which we were in compliance, and
17 also talked about the location and the general safety
18 relating to the location and the configuration of the
19 property and that there would be ample time to view
20 the sign.

21 Last -- last meeting, which was 4/11,
22 we had Brett Skapinetz, again, from Dynamic
23 Engineering. In response to concerns expressed by
24 our office neighbor to the north, we made changes in
25 our plan and proposed a Narrow-View Technology.

1 We've been working -- we had been working with the
2 owner of, I think it was, 545 at that site. He
3 kindly allowed us to take some photos and we put the
4 Narrow-View Technology to, hopefully, mitigate some
5 of the concerns that were raised.

6 So we have some photos of that. And we
7 had exhibits explaining the technology.

8 Today we brought Mr. Skapinetz back.
9 In response to the board's request that we've agreed
10 to provide the Narrow-View Technology for the south
11 side as well. And so we have exhibits explaining
12 that and the overall impact of that.

13 Also, members of the board and members
14 of the public actually wanted to know how the
15 Narrow-View changes would potentially impact certain
16 of the surrounding areas, so we have an exhibit with
17 regard to that.

18 And they also wanted an idea of how it
19 actually physically operated. There were no
20 locations that were operated by us in the surrounding
21 area, so we've taken a video we have for you so you
22 can see how it operates in the location that we do
23 control as well so you can see that operation. So we
24 have a video and we have a PowerPoint that will show
25 that as well.

1 Okay. After that, we have our planning
2 testimony that would be from Mr. McDonough. He has
3 exhibits that relate to the surrounding area, the
4 visual impact of the sign, the lack of visual impact
5 of the sign on the same and meeting the statutory
6 criteria.

7 I believe that that would be the
8 completion of our testimony, at least our direct
9 testimony.

10 I understand -- Mr. Standriff and I, we
11 spoke about another date due to some difficulties
12 with scheduling, and we were hoping to get that date.
13 I think -- from our perspective, I think
14 September 12th works, but we can talk about that at
15 the end. And I've spoken to Mr. Standriff. So we'd
16 hope to get through that part and the cross
17 examination of the witnesses, at least, and the
18 planning testimony.

19 So unless there's any questions, we can
20 start with Mr. Skapinetz again.

21 MR. WHITAKER: Mr. Skapinetz, you're
22 still under oath, so please proceed.

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

24 245 Main Street, Suite 110, Chester, New Jersey
25 07930, having been previously sworn, testifies as

1 follows:

2 MR. SKAPINETZ: Good evening. Again,
3 for the record, Brett Skapinetz with Dynamic
4 Engineering Consultants.

5 What I'd like to do is start off with
6 our first exhibit, which would be Exhibit A-20, I
7 believe, I think we're up to.

8 DIRECT EXAMINATION

9 BY MR. D'ARMINIO:

10 Q. I believe it is A-20 and that would be
11 -- this exhibit and we have copies of that too.

12 A. I do have 11-by-17.

13 Q. Can we give that out to the board and
14 then we'll put it up on the screen?

15 (Whereupon, Narrow-View Technology
16 Exhibit is received and marked as Exhibit A-20
17 for identification.)

18 THE WITNESS: And it would -- no,
19 that's not the one. It would be -- it should be the
20 next one.

21 Yes, that's correct.

22 So as lieu Lou's passing these out,
23 I'll give just a little more information.

24 CHAIRMAN BROWN: Jane, do you have that
25 handheld.

1 MS. WONDERGEM: Oh, yeah.

2 THE WITNESS: So for the record, this
3 exhibit is entitled "Narrow-View Technology Exhibit"
4 with a preparation date of 5-31-23 and a revision
5 date of 6/20/23.

6 So as Mr. D'Arminio alluded to in his
7 introduction and the time spent since the last
8 meeting and now, we took the comments from the board
9 about the -- looking at the introduction of this
10 narrow technology, not only on the face that is
11 facing towards southbound, southbound of the highway,
12 Route 17 (indicating), but also to look at the face
13 that would be facing the northbound traffic on 17.
14 So we've done that and that's what this exhibit
15 shows.

16 So I had given previous testimony as to
17 how the narrow technology works. This exhibit
18 provides a little bit more enhancement to that
19 testimony along with showing the technology being
20 used on the southern side.

21 So in this exhibit what you'll see is
22 some darker gray areas to the top and to the bottom
23 of the page, that would be the top is to the west and
24 the bottom is towards the east.

25 The darker shades, those are the areas

1 where any message on that board would not be seen as
2 a result of this Narrow-View Technology, which was
3 described at the last meeting.

4 There is -- then you will see on the
5 outer edge of those darker gray areas, you'll see a
6 lighter gray band. And what happens is as you move
7 along the side of that board, again, we stand at a
8 fixed point.

9 I described how, you know, in my hand
10 how you would have the louvers and you'd be able to
11 not see the LEDs, but if you're standing at one point
12 of the sign, there are other LEDs that you need to be
13 able to move across that might still be partially
14 visible as you -- as it goes to the transition from
15 visible to dark and that is -- that is that narrow
16 gray band. You can see it's much narrower than,
17 obviously, the dark parts which show that where the
18 sign would not be visible at all.

19 So that describes it and, obviously,
20 then the areas outside of it are the areas in which
21 the sign would be visible. So -- and those are the
22 -- that's the clearer areas where you see the
23 underlining aerial below.

24 Q. Mr. Skapinetz, just for the record, in
25 terms of the visibility, that is like if there was no

1 other obstructions, we're just talking about the
2 Narrow-View as if it was a desert out there, correct?

3 A. That's correct, yes, correct.

4 Q. So when we talk about visible -- the
5 sign face, the copy being visible and not visible,
6 within that context is what we're talking, there are
7 other obstruction, there's trees, there's other
8 buildings and other issues.

9 A. Right, correct.

10 Q. But I just want to make that clear.

11 A. No, correct.

12 And, obviously -- and topography and
13 all those other buildings and other structures all
14 fall into place to whether or not you actually will
15 be able to read that sign.

16 Q. Okay. So that's what this exhibit is
17 and we can compare it to -- you can compare it to the
18 Narrow-View Exhibit A-17 at your leisure and you can
19 see that it just, basically, takes up the other side.

20 A. Yeah. This just -- again, it just
21 narrows the view than what we had previously, in
22 which there was more of a -- closer to a 70-degree
23 view of the sign, this cuts it down dramatically as
24 you can see (indicating).

25 All of the parameters that had been

1 previously described with respect to lighting, the
2 intensity of the light -- the illumination of that
3 sign all holds as per previous testimony.

4 MS. RUHL: What's the percentage now?
5 What's the angle?

6 THE WITNESS: Excuse me.

7 MS. RUHL: What's the angle? You said
8 --

9 THE WITNESS: No, I'm talking about the
10 previous -- under the previous -- the previous sign
11 was about 70 degrees.

12 MS. RUHL: What is it now?

13 THE WITNESS: It's 25. It's a
14 25-degree view shed at this point.

15 MS. RUHL: 25 degrees, you said?

16 THE WITNESS: Yes.

17 MS. RUHL: Thank you.

18 BY MR. D'ARMINIO:

19 Q. Also, Mr. Skapinetz, I do note that you
20 show for the north facing sign or -- the south
21 facing, south facing sign for northbound traffic,
22 there's also the parabola that you didn't testify to
23 that.

24 A. No, that's why -- yeah, that's why I
25 noted both signs -- on either side you will see

1 outlined in yellow will be called parabola, which
2 indicates the point in which the maximum -- the
3 illumination of 0.3 over ambient is set out from the
4 face of the sign when the sign is all white in which
5 you will get that 0.3 over ambient, that's how the
6 sign is set and obviously monitored from that point
7 forward.

8 Q. Okay, good.

9 So that's -- that's A-20?

10 A. That's correct.

11 Q. And also the parabola gets narrow as
12 well?

13 A. That's correct.

14 Q. That's A-20.

15 Now, A-21 is a video, correct?

16 A. That is correct.

17 Q. And can we run that video?

18 MR. D'ARMINIO: Mr. Whitaker, we can
19 somehow mark the video. I'll figure out a way of
20 doing that.

21 How do you mark videos?

22 But we can put it on a disc or, I mean,
23 a drive self alone and mark it?

24 MR. WHITAKER: And mark it that way,
25 yes.

1 MR. D'ARMINIO: We'll mark that and
2 I'll verify it and we have a PowerPoint that also
3 helps to verify it.

4 MR. WHITAKER: Yes.

5 MR. D'ARMINIO: So that's what we'll
6 do.

7 MR. WHITAKER: That's what we'll do and
8 have it on the record and we'll have it with Jane,
9 yes.

10 (Whereupon, Video is marked as Exhibit
11 A-21 for identification.)

12 THE WITNESS: So to further describe
13 this and to give you that illustration, obviously
14 we're doing that in a 2D view on the plan, but this
15 actually shows this exact technology in action.

16 So this is in Oak Park, Michigan is
17 another Outfront sign (indicating), which has the
18 technology. It was flown with a DJI Mavic 2 Pro by
19 an operator named Patrick VandenBoom who has a
20 license to fly the drone around there. His license
21 number is 2212021.

22 And, basically, the video was taken by
23 the drone. And you can see it's starting off to the
24 left-hand side of the sign and then flying around at
25 about the center point of the sign, you know, which

1 is up higher, which will obviously have much greater
2 visibility than at different angles down below, so
3 you're getting the maximum impact of the view of the
4 sign, but what you will see here is on the side where
5 the sign shows that it's black (indicating).

6 So the technology is, in effect, right
7 now where louvers are blocking the LEDs and you
8 cannot see it.

9 So, but if we hit play, and get ready
10 to hit stop too when I get a chance -- okay, stop
11 right there.

12 Okay. So now you can see the start of
13 an image. This is where -- we're now in that little
14 gray band in the 2D plan that I just presented in
15 A-20.

16 So in that 2D, in that little band
17 where the sign just starts to become visible.

18 Now, if we continue to play, you will
19 start to see -- now stop. You will start to see on
20 the left where the image came into full view all of a
21 sudden once you got beyond that narrow band, so now
22 all the LEDs and as you -- as we start to progress
23 and go across to the right of the sign and get more
24 front on or perpendicular to the sign, obviously
25 that's where the full image starts to come out and

1 became visible.

2 So if we continue to play and go
3 through that point. Now you see the full image and
4 now we're starting to approach the gray band that
5 would be off on the right-hand side for this sign.
6 And stop.

7 You can start to see how the green is
8 starting to turn to a yellow on the left-hand side.
9 We're starting to approach where the full effect of
10 the LEDs is not happening and hit play again and it's
11 yellow across the whole band and then, boom, you can
12 start to see where the image goes away and goes right
13 to -- goes to black.

14 Q. That's not how the driver sees it?

15 A. No, no, it is not how the driver sees
16 it, correct.

17 The driver as he sees it as it's
18 intended, that's why we have the cone showing along
19 the highway that the driver will see the full image
20 of the sign.

21 Q. The entire sign?

22 A. Correct, that's right.

23 Q. Okay. And the -- and A-20 is in terms
24 of, again, if there was a desert in the surrounding
25 area --

1 A. That's right.

2 Q. -- would be how any neighbors would see
3 just black or potentially see a transition, correct?

4 A. That's correct.

5 Q. Now, we also did a PowerPoint, I think,
6 as well.

7 A. No, just -- it's a PDF -- oh, no, we
8 have a PowerPoint, correct.

9 Q. A PowerPoint?

10 A. Yes.

11 Q. We just did the two pictures?

12 A. Yeah, there's a PowerPoint in there.
13 It's right there.

14 Q. That might be in my folder.

15 MR. WHITAKER: A-22.

16 THE WITNESS: The other one, the other
17 one, the other folder.

18 MR. D'ARMINIO: I think this -- we're
19 going to mark this as A-21.

20 THE WITNESS: A-22.

21 MR. WHITAKER: A-22.

22 MR. D'ARMINIO: Excuse me, A-22.

23 (Whereupon, PowerPoint is received and
24 marked as Exhibit A-22 for identification.)

25

1 BY MR. D'ARMINIO:

2 Q. And what is this?

3 A. So A-22, I sort of went through this in
4 stopping and starting the video, but, essentially,
5 this will be portion snapshots of the video at the
6 various points as I described.

7 So in looking at A-22 and we looked at
8 this first screen, this is obviously, again, we're in
9 the, would we would call, in the black in the point
10 where the LED is not visible and the louvers that are
11 in place to block the LEDs is in full effect and then
12 if we move to the next -- that's, again, where -- our
13 first stop, again, just shows where the -- you can
14 see now where the image starts to come into play, but
15 obviously if you look at this image, you'll see that
16 when I stopped it before, the -- I stopped it at a
17 point where all the image was blue.

18 Now you can see only half the image is
19 blue, because you're just starting to catch the
20 glimpse of the first LEDs that are being exposed
21 beyond the louvers.

22 So then the next image is then front
23 square on to the image, which is what the driver will
24 say and we go to the next image.

25 It's now going into the other side

1 similarly, obviously, where you have the left-hand
2 side it's now the black and the other part of the
3 image is gone and when you get to the full right-hand
4 side where you're now out of the ability to see the
5 image because of the technology.

6 Q. So, how many pages, just the number of
7 pages?

8 A. It's five pages.

9 Q. One, two, three, four, five pages?

10 A. Correct.

11 Q. And that's A-22.

12 Okay. Also, there was some questions
13 from the board in terms of, well, you know, how does
14 their homes or how does some of the surrounding homes
15 fit in with this -- with the technology and, again,
16 this is only if there was a desert, there was no
17 other obstructions whatsoever in terms of seeing the
18 face.

19 A. Correct.

20 Q. And did we do an exhibit with regard to
21 that?

22 A. We did an exhibit that just expanded
23 out and there were some questions as to how far
24 beyond where A-20, if we can go back to A-20, which
25 is on the board here, but -- I think that's it, yup.

1 So, A-20 was zoomed in a bit. I know
2 there was some -- we understood there was some
3 comments to see how much further out there might be
4 as an impact, whether it be via the technology to
5 block the image.

6 So the next exhibit...

7 Q. Is A-23, I believe, right?

8 A. Correct.

9 Q. Do you have extra copies of those or do
10 I?

11 A. Yes.

12 Q. I'm going to mark this A-23. That's
13 A-23, right, Brett?

14 A. Yup, correct.

15 Q. Just give me a second.

16 (Whereupon, Objector Location Exhibit
17 is received and marked as Exhibit A-23 for
18 identification.)

19 THE WITNESS: So, A-20 [sic] as Lou --
20 I'll wait until Lou's done passing that out.

21 BY MR. D'ARMINIO:

22 Q. Okay. What does this depict?

23 A. So, this is -- this Exhibit A-23 is
24 entitled -- it's entitled Objector Location Exhibit,
25 dated 6/20/23.

1 What it does is it was showing based on
2 some of the comments from the public as to where they
3 are living, their addresses in relation to the board
4 itself. We show right now five -- six different
5 locations, one on the west side, five on the east
6 side, which shows that except for two, they're all --
7 they're totally within the black, I'll say, of the --
8 where the technology is in full effect and blocking
9 the image.

10 The other -- the two that are outside
11 of that, one which is noted as Number 5 on the
12 exhibit, that's 552 Route 17 north.

13 The majority of the structure on that,
14 on that parcel is actually within the black. The
15 land area out to the west of it is -- majority of
16 that is what's in the red shaded -- the red is the
17 outline of the parcel, itself, but there are
18 obviously several trees, many trees, actually,
19 between that area and the sign, which is roughly
20 500-feet-plus from the sign itself.

21 The other --

22 Q. Just before we leave that, also there's
23 the portion that is in the red or in the clear, that
24 is a landscaping business?

25 A. My -- yeah, that's my understanding,

1 yes, correct.

2 Q. But the rest of it, any other portion
3 is in the -- in the zone?

4 A. Correct.

5 And then the other one was number one,
6 which was 30 Carriage Lane and that parcel is within,
7 I'll call it, the open area not, within the
8 technology area.

9 But, again, now almost twice the
10 distance away, over 800 feet away from the sign,
11 itself.

12 And, again, additional vegetation and
13 grade change is between that and the sign, itself,
14 and the new member of the technology here from the
15 previous descriptions of the technology.

16 And when we talk about the sign,
17 itself, and the impact of the sign, the impact is
18 really within that cone when it comes to the light
19 source providing or illuminating anything near the
20 sign, that's the yellow band or the yellow cone that
21 is shown on this exhibit where it's shown as the
22 0.3 over ambient when the sign is all white, which it
23 will never be.

24 That's the maximum amount of
25 illumination that that sign would ever have, but

1 obviously any image on there is going to be a
2 fraction of that white when it has different colors
3 and so forth mixed in.

4 Q. And, also, the darker gray areas line
5 up with the darker gray areas of A-20?

6 A. That is correct, yes, the darker areas
7 line up with the Exhibit A-20.

8 So, that exhibit we felt was necessary
9 to try and show the board and then I also have a
10 further expanded one of that.

11 Q. We don't need that.

12 But, also, the objector locator table,
13 we also -- you also measured the distances and how
14 did you do that?

15 A. Right.

16 We did that -- the distance from the
17 sign, we did that within utilizing GoogleEarth, which
18 is we found to be a fairly accurate means of
19 measuring a sign within a couple of feet.

20 We did our best to zoom into within the
21 structure. So you can see here for the ones -- the
22 two properties that are not fully within the black
23 and they are, again, numbers one and five. One is
24 817 feet away and five is 398 feet away from the
25 sign.

1 Q. Now, also, there was some issue with
2 regard to the accuracy of the aerials that we
3 provided.

4 Can you clarify that because that
5 record -- we said that we'd look into that?

6 A. Yeah.

7 This -- this map, this plan, which is
8 we're saying is A-23, the background photo on that
9 was from 4/29/23 using a photograph provided by
10 NearMap, which is a service we pay for, it provides
11 more routine, because Google does it every so often.

12 NearMap essentially does it once a
13 year.

14 So this was from 4/29/23 on NearMap.

15 You will note on the exhibit, if you
16 zoom in on the bottom, there's a date, it says
17 4/29/22, that is wrong. It should be 4/29/23.

18 Q. All right.

19 And that shows the clear area, there
20 was a certain how much the area was clear?

21 A. Yeah, correct, that's -- and that does
22 illustrate that.

23 Q. And that's as of this year?

24 A. That's as of just a few months ago.

25 Q. Let me see -- there was -- you want to

1 --

2 A. Yeah, no, I want to correct something
3 on the angle of the sign. I read -- my mind had the
4 wrong number.

5 It's 45 degrees for the angle of the
6 sign. It was 70. It's reduced by 25 degrees to 45,
7 so I spoke the wrong number.

8 MS. RUHL: Can it be reduced even more?

9 THE WITNESS: No, that's the -- based
10 on this now, that's the extent to which that can be
11 reduced.

12 MS. RUHL: Are there other technologies
13 that can reduce it more?

14 THE WITNESS: Not that I'm aware of.
15 This is -- and, again, this is the technology, the
16 newer technology that Outfront has basically come up
17 with to address the side view.

18 It was always just the louvers on the
19 top typically, but to have this on the side and,
20 again, while trying to maintain proper visibility for
21 the motoring public, which is the intent of the sign.

22 MS. RUHL: Okay.

23 I was just reading up on it earlier
24 that there's some that do narrow even more.

25 THE WITNESS: Excuse me.

1 MS. RUHL: I said there -- I was just
2 reading up and that's why I'm asking you that there
3 are some technologies that can go even narrower than
4 the 45.

5 I'm just curious if you were aware of
6 any.

7 THE WITNESS: To me, no, I mean, I'm
8 only aware of what Outfront is using here.

9 MS. RUHL: What is that -- what's the
10 name of the company that they're --

11 THE WITNESS: No, it's their own, I
12 think it's their own proprietary technology,
13 Narrow-View Technology.

14 MS. RUHL: Okay.

15 MR. D'ARMINIO: I think we had some
16 testimony from -- I believe we testified last time --

17 MS. RUHL: I'm sorry.

18 MR. D'ARMINIO: I believe we testified
19 last time it was OPTA-TECH.

20 MS. RUHL: OPTA-TECH.

21 MR. D'ARMINIO: Yeah.

22 MS. RUHL: Thank you.

23 MR. D'ARMINIO: Any other questions.

24 Oh, Mr. Standriff --

25 CHAIRMAN BROWN: Yeah, Mr. Standriff,

1 you should probably go first.

2 MR. STANDRIFF: Yeah, just for the
3 record, Douglas Standriff and I have at counsel table
4 Ms. Brigitte Bogart, planner.

5 CHAIRMAN BROWN: Do you want to ask --
6 do you have questions.

7 MR. D'ARMINIO: What about the board's
8 questions, the board's questions first.

9 CHAIRMAN BROWN: Mr. Whitaker, are we
10 going to go to --

11 MR. WHITAKER: Probably if we want to
12 have Mr. Standriff ask questions and then the board
13 members, otherwise the board members will be asking
14 questions twice, so let's do it that way.

15 MR. D'ARMINIO: Okay.

16 MR. WHITAKER: Before you start, before
17 you start, are there any direct questions now.

18 VICE CHAIRMAN BANDELT: I have two.

19 MR. WHITAKER: All right. Let's do
20 that first.

21 Go ahead.

22 VICE CHAIRMAN BANDELT: So first, I
23 just want to make sure I fully understand the
24 testimony.

25 So last time I had understood that that

1 -- like if we look at the two yellow lines that are
2 projecting out that form the angle, I understood that
3 that yellow line was the -- sort of the beginning of
4 the transition when you would go from what you show
5 here (indicating) as the clear color to gray is how I
6 initially -- the light gray, but am I correct in
7 understanding that those yellow lines that come
8 together and form an angle, that is the end of the
9 transition.

10 Is that correct?

11 THE WITNESS: Right, correct.

12 VICE CHAIRMAN BANDELT: Where it
13 becomes --

14 THE WITNESS: Yes, correct.

15 VICE CHAIRMAN BANDELT: The next
16 question I have is -- and I apologize, I don't have
17 the exhibit number.

18 THE WITNESS: Let me -- let me go back
19 to that.

20 So you're talking about the yellow
21 cone.

22 VICE CHAIRMAN BANDELT: Yes.

23 THE WITNESS: The yellow cone is -- let
24 me go back to -- yeah, the yellow cone, correct, is
25 the end, so where it would go, ultimately the

1 technology fully kicks in at that end, yes.

2 VICE CHAIRMAN BANDELT: Thank you.

3 The second question, and I apologize,
4 Mr. D'Arminio, I don't the exhibit number, but I can
5 read a description on it.

6 MR. D'ARMINIO: I have a list here.
7 Maybe I can do it.

8 VICE CHAIRMAN BANDELT: Sure.

9 It's labeled "Route 17 Maywood
10 Southbound, 750 feet daytime."

11 MR. D'ARMINIO: That is A-11AB.

12 VICE CHAIRMAN BANDELT: Okay.

13 So in this exhibit, if I understand
14 correctly, we're looking 750 feet away from one of
15 these signs -- now, granted this sign doesn't have
16 the louver technology, so I assume that if I were
17 standing anywhere within, like, the clear portion of
18 your cone and 750 feet away in a similar setting, you
19 know, with any blocking, that's what I would see.

20 Is that correct?

21 THE WITNESS: You could see the sign,
22 yes.

23 VICE CHAIRMAN BANDELT: Okay.

24 And are there any locations on the map
25 that you have there that are roughly 750 feet away,

1 750 -- you know, somewhere in that same --

2 THE WITNESS: I mean, I can point to
3 where 750 feet is.

4 VICE CHAIRMAN BANDELT: Yes, if you
5 could show me.

6 THE WITNESS: 750 feet is probably
7 about right where the pedestrian crossing is.

8 VICE CHAIRMAN BANDELT: Okay. So if we
9 made a cone kind of around that, that would -- that
10 would be kind of where we're looking for that
11 particular -- that's sort of what it would look like.

12 THE WITNESS: Right, correct.

13 VICE CHAIRMAN BANDELT: Thank you.

14 MR. D'ARMINIO: Can I just follow up on
15 that.

16 That's a straight angle from the
17 roadway, that's not exactly what it would look like
18 from, say --

19 THE WITNESS: No, no, no, no.

20 What I'm saying -- so if it were clear
21 and there was nothing else --

22 VICE CHAIRMAN BANDELT: Correct, is it
23 a similar -- I understand that there's other visual
24 variables.

25 THE WITNESS: Right, and you were the

1 same height and same angle, yes.

2 VICE CHAIRMAN BANDELT: Thank you.

3 MR. D'ARMINIO: But, again, neither of
4 those are taken from the roadway where this is?

5 THE WITNESS: That is -- this is
6 correct.

7 VICE CHAIRMAN BANDELT: That's it,
8 thank you.

9 That's all I have.

10 MR. WHITAKER: Any other questions by
11 board members.

12 (No Response.)

13 MR. WHITAKER: Mr. Standriff.

14 MR. STANDRIFF: Thank you,
15 Mr. Whitaker.

16 CROSS EXAMINATION

17 BY MR. STANDRIFF:

18 Q. Can you explain to me physically how a
19 louver is going to decrease the viewable angle to
20 such an extent?

21 Because if the louver is simply a
22 physical object on the front of the sign, how do you
23 ever get it -- is the louver two-sided? How do you
24 ever get it so that it's only viewable from a
25 25-degree angle?

1 A. It's the length -- it, essentially,
2 becomes the length of the louver extending out from
3 the face of the sign.

4 The louvers form, essentially, what
5 would be a box that without -- picture a -- I'm
6 trying my best to describe this for you.

7 Q. Is the louver, itself, increased in
8 length? Is that how you did it by increasing the
9 size of the louver out from the sign?

10 A. There is a length, there is a length to
11 the louver, yes.

12 So if -- if I am holding this piece of
13 paper with the folds and each side is a louver to
14 either end, okay, and the back end is the face of the
15 sign in which the LED is embedded, okay, it's the
16 extension of those louvers from the side that
17 basically blocks the angle or your ability to see it
18 from a certain angle.

19 From in this case, to the 45-degree
20 angle.

21 Q. Wait, you said 25.

22 A. No, no, no, I corrected myself to 45.

23 It's, essentially, a total of 45, so
24 it's, essentially, 22-and-a-half degrees to either
25 side of center. Okay.

1 So it's 45 degrees total and it's --
2 which means it's -- I was trying to describe that the
3 previous testimony without the technology was
4 70 degrees of visibility.

5 This is reducing it by 25, which gets
6 us to 45 degrees in total.

7 Q. The video, A-21, that you showed, do
8 you know what degree that sign was operating at?

9 So, for example, was it at 70 degrees
10 or something else?

11 A. Right.

12 I actually do not know the degrees at
13 what angle that sign -- but we can certainly provide
14 that.

15 Q. Okay.

16 So if you're saying that it's a
17 double-sided sign and it's viewable from one side at
18 70 degrees, I assume the other side is the same?

19 A. No, 70 degrees is no longer in play.

20 Q. I'm sorry, I misspoke.

21 Let me start the question again?

22 You're saying it's visible from
23 45 degrees?

24 A. So, I'm saying from center, if you were
25 standing straight on looking at it right in the

1 middle of the sign, looking at it center, starting
2 from that point and then you moved off to the
3 left-hand side, when you got to 22-and-a-half
4 degrees, half of 45, when you got 22-and-a-half
5 degrees to one side, it begins to cut off or it cuts
6 off.

7 When you come to 22-and-a-half degrees
8 on the other side, it cuts off as well.

9 Q. I understand. Let me borrow your
10 microphone.

11 So on this exhibit -- what do we have
12 A-23?

13 A. A-23.

14 Q. A-23. This arch is 70 degrees.

15 A. That arch is 45 degrees.

16 Q. 45, I'm sorry, I keep saying that.

17 45 degrees and the other side is
18 45 degrees.

19 So 45 plus 45 is 90. The entire arch
20 is 360, right?

21 So -- am I doing it correctly? So that
22 means the other dark arches, forget the little white
23 area, the other dark arches take up 250 degree?

24 A. 270.

25 Q. 270, got it.

1 So, if there are individual spots in
2 the gray or dark areas of A-23, 270 degrees worth of
3 the sign is just a black object, right?

4 A. That is correct.

5 Q. Okay.

6 And the individuals looking at this
7 black object, do they derive a benefit from that, the
8 individuals in the dark area in the 270 degrees, do
9 they derive a benefit from the sign?

10 MR. D'ARMINIO: I object to that
11 question.

12 That's not the standard for the review
13 of the case, if they have -- the adjacent property
14 owners are benefited by it?

15 MR. WHITAKER: Mr. D'Arminio, I cannot
16 hear you.

17 MR. D'ARMINIO: I said I object to the
18 question.

19 That's not the standard whether they
20 get a benefit from your -- from the sign or not in
21 terms of the neighbors. I guess he can answer it,
22 but...

23 MR. WHITAKER: I mean, it could be
24 answered, but what are you defining as a benefit,
25 Mr. Standriff or what are you suggesting.

1 MR. STANDRIFF: I'm using the work
2 "benefit" in the normal English language usage.

3 I think it's probative of the overall
4 issues here?

5 THE WITNESS: I'm -- in my position as
6 the engineer, I'm describing the technology.

7 I'm -- as far as benefit, that's not
8 part of my testimony.

9 MR. D'ARMINIO: I should have made --
10 that is beyond --

11 MR. WHITAKER: It's not within the
12 scope of your testimony, correct.

13 MR. D'ARMINIO: That is beyond the
14 scope of the testimony, correct.

15 BY MR. STANDRIFF:

16 Q. But you do agree with me that there's
17 270 degrees of view where people are simply looking
18 at an elevated black object?

19 MR. D'ARMINIO: Objection, that was not
20 the -- that was not the testimony. That was -- there
21 was no other -- that's a misrepresentation of the
22 testimony.

23 You can explain it?

24 THE WITNESS: No, my -- well, if the
25 sign can be seen within those areas at all, I mean,

1 there's various -- there's areas within that black
2 where that sign is never going to be seen because of
3 topography and other obstructions and so forth.

4 But the reality is, if you could see
5 the sign from within those black areas, you would see
6 just an unlit structure that resembles a billboard.

7 BY MR. STANDRIFF:

8 Q. An unlit, because it's going to be
9 black, right, an unlit black elevated structure,
10 right?

11 A. Yeah.

12 Q. And in A-23, if I'm standing just below
13 Route 17 on the other side in the dark area, that's
14 what I'm going to be looking at, right?

15 A. Correct.

16 Q. An unlit, dark, elevated object, right?

17 A. Correct.

18 Q. And the way you have reconfigured the
19 louvers, the view from my client's second-floor
20 window is going to be of an elevated black object,
21 correct?

22 MR. D'ARMINIO: You have to explain to
23 him where your client is and where the house is, I
24 guess.

25 MR. WHITAKER: Let's do the -- just

1 point to the location for the record.

2 BY MR. STANDRIFF:

3 Q. So when I say "my client," and again
4 looking at A-23, my client's office building is the
5 next building on 17.

6 You understand where --

7 A. Right, right.

8 Q. Okay.

9 So if my client's looking out the
10 second floor windows of his office building towards
11 the south --

12 A. Yes.

13 Q. -- he's going to see an elevated black
14 squarish type object, right?

15 A. An unlit billboard, yes.

16 MR. STANDRIFF: No further questions.

17 MR. WHITAKER: Board members.

18 CHAIRMAN BROWN: Board Members, do you
19 have any questions.

20 (No Response.)

21 MR. WHITAKER: Members of the public.

22 CHAIRMAN BROWN: Mr. Barree, do you
23 have any questions.

24 MR. BARREE: No.

25 CHAIRMAN BROWN: All right.

1 So I'm going to open it up for members
2 of public to ask any questions.

3 Remember this is the time for members
4 of the public to ask questions and questions only.
5 There will be a time for comments later.

6 Please come forward, can you please
7 state your name and spell your name and give us your
8 address for the record and direct your questions to
9 the witness, the engineer.

10 MR. WARD: Dave Ward, 552 Route 17
11 North.

12 THE COURT REPORTER: I'm sorry, speak
13 louder, I can't hear you.

14 CHAIRMAN BROWN: Could you just speak
15 louder so she can hear you.

16 MR. WARD: Louder.

17 It's not on?

18 FEMALE AUDIENCE MEMBER: Is the mic on?

19 MR. WHITAKER: It's on.

20 Is the green light on?

21 MR. WARD: There's a light on.

22 CHAIRMAN BROWN: We can hear you now.
23 Just speak more into it.

24 MR. WHITAKER: Speak into it.

25 MR. WARD: Dave Ward, 552 Route 17

1 North, Ridgewood.

2 MR. WHITAKER: So the questions to be
3 asked would be based upon the testimony provided by
4 the witness.

5 MR. WARD: Yes, it will be.

6 MR. WHITAKER: Please proceed.

7 MR. WARD: The property they have up
8 there in red, that's my property.

9 MR. D'ARMINIO: Just for the record,
10 that's Number 5.

11 Just so we know, there are two
12 properties that are in red.

13 MR. WHITAKER: Is it Number 5.

14 MR. D'ARMINIO: Is it Number 5.

15 MR. WARD: 552.

16 You asked them a while back do they
17 know what that is zoned for.

18 MR. D'ARMINIO: That would be the
19 planner, he's going to discuss that.

20 MR. WARD: The reason I'm asking that
21 is because eventually it's going to be developed and
22 there's going to be a bunch of low income housing or
23 something there.

24 MR. WHITAKER: That's testimony now.
25 We're just asking questions.

1 CHAIRMAN BROWN: That's testimony.

2 MR. WHITAKER: We're just asking
3 questions.

4 CHAIRMAN BROWN: Just questions.

5 MR. WARD: Well, are they going to be
6 affected by it.

7 MR. WHITAKER: No, that's not within
8 the realm of what this applicant testified to.

9 Your question was: Do you know what is
10 on Section 5? Correct.

11 MR. WARD: Correct.

12 MR. WHITAKER: And he gave an answer to
13 that.

14 THE WITNESS: We did, we said there was
15 a structure there, like a landscaping business.

16 MR. WHITAKER: Right.

17 MR. WARD: Because you're also saying
18 I'm not going to be affected by the light and my
19 house is right there, so I don't understand that.

20 MR. WHITAKER: Well, what is the
21 question.

22 MR. WARD: That's the question.

23 Am I being affected by the light?
24 They're saying I'm not.

25 MR. WHITAKER: So the question being

1 asked is, will his property be affected by the light
2 emanating from this billboard.

3 THE WITNESS: The answer there is no,
4 because, again -- again, the -- and I'll just give a
5 brief description, because this is something that
6 goes -- there's -- when we look up at the stars of
7 the sky, we see lights that are there, it's a -- you
8 see a light that's coming from millions and millions
9 of miles away, light years away. Okay?

10 But it's not illuminating us. I'm
11 saying that this billboard with the technology, when
12 we set up that yellow cone, that yellow cone is the
13 key in that plan, because beyond that yellow cone,
14 we're saying is there's no impact of the light.

15 So putting up an object there, you're
16 not getting illumination beyond -- beyond the 0.3 --
17 sorry, at the edge of that yellow is 0.3 beyond
18 ambient light. Okay? 0.3 footcandles is one-third
19 of the light of that a candle emits one foot away.

20 So one-third of that light, which is
21 very miniscule is coming off that billboard just
22 beyond at that yellow line.

23 So what I'm saying is now doubling that
24 distance, which is where this property is, you will
25 have no impact or no illumination of any part of that

1 property by that billboard.

2 So, therefore, I'm saying my answer is
3 no, the light from that billboard will not be
4 impacting that property.

5 MR. WARD: Okay.

6 MR. WHITAKER: That's his expert
7 opinion. You certainly can contradict that with your
8 own expert if you wish.

9 MR. WARD: Don't worry, I will.

10 CHAIRMAN BROWN: Again, if you can just
11 please state your name and give us your address for
12 the record and please spell your name.

13 MS. SHINOZUKA: Hi, I'm Jane Shinozuka,
14 S-H-I-N-O-Z-U-K-A, Jane Shinozuka 825 Norgate Drive.

15 So, I just have a few questions. The
16 first is, the cone that --

17 MR. D'ARMINIO: I'm sorry, can I just
18 have that address again? It's 825 --

19 MS. SHINOZUKA: Oh, 825 Norgate Drive.

20 MR. D'ARMINIO: Norgate Drive.

21 MS. SHINOZUKA: N-O-R-G-A-T-E.

22 MR. D'ARMINIO: Norgate.

23 MS. SHINOZUKA: So in this

24 illustration, the cone of light and coverage, I

25 realized just for one piece of paper, it doesn't --

1 it probably doesn't represent how far back it goes,
2 right?

3 So it's possible that if you took an
4 even, you know, higher view, that triangle part will
5 be expanded; is that right?

6 MR. WHITAKER: The question is, is
7 there --

8 MS. SHINOZUKA: You can only capture so
9 much on one page.

10 MR. WHITAKER: Is there an expansion of
11 that light or does this capture what would be seen
12 from the various properties.

13 THE WITNESS: Well, we're not capturing
14 what can be seen in this exhibit.

15 So let's clarify that. This is just
16 illustrating that the -- it's meant to show the areas
17 of black what's being cut off so completely from the
18 view of the sign and then shows here that the -- it's
19 really meant to represent the angle, okay, of the
20 45 degrees in which the sign, the image would be
21 visible.

22 However, that is not -- this image --
23 this exhibit, though, doesn't show where if you stood
24 at any one of those points where the area was not in
25 black, what exactly you would see. Okay?

1 It's not showing that per se.

2 What I am doing is here is saying,
3 okay, number one, we've shown the Narrow-View
4 Technology for both spaces, which cuts down the angle
5 dramatically from what was originally proposed.

6 So that was obviously the areas in
7 black that are removed. Now it comes down to really
8 the base testimony, which I just mentioned about that
9 cone and what -- where the light from that sign
10 impacts anything. You can see it's mainly within the
11 highway, okay, period.

12 As far as the illumination of that
13 sign, illuminating any object beyond the face of that
14 sign, it pretty much gets cut off at that yellow
15 band.

16 Now, beyond that, and to Mr. Bandelt,
17 you called out that other photo of the 750 feet away,
18 so with that example, if you were standing there at
19 night, I'm going to go back to my reference of seeing
20 a light off in a distance or yellow street light
21 that's 750 feet away, you're seeing the light, but
22 you're not -- you're not being impacted or being
23 illuminated by that light and that's, essentially,
24 what's going to happen.

25 Generally at any point outside of that

1 yellow cone, but obviously as we go hundreds and
2 hundreds of feet out beyond that, even to the extents
3 within this image, you're at a point including the
4 blockage of that light by the various trees and other
5 structures, you have multiple points within here
6 where you would not even see the image in its
7 entirety.

8 MS. SHINOZUKA: The dark cone that's
9 the point of this illustration, right, that indicates
10 to some level light coverage, that's what we're
11 talking --

12 THE WITNESS: No, that's not -- no, in
13 the black there's no light. You do not see -- what
14 you would see if you were standing there is
15 essentially at night you wouldn't see anything,
16 because it's not -- there's no light coming off of
17 that face, you're not -- the image is being blocked
18 and during the day you're not seeing the image as
19 well.

20 MS. SHINOZUKA: You wouldn't see it at
21 night.

22 THE WITNESS: No, what I'm saying is at
23 night you're not seeing the image, either at night or
24 during the day.

25 MS. SHINOZUKA: But are you seeing

1 light like at night.

2 THE WITNESS: Are you seeing -- no,
3 you're not -- in the -- with the black, you're seeing
4 that a black face within that -- within that black
5 area.

6 MS. SHINOZUKA: All right. Okay. I'm
7 confused, because if you're saying like the people
8 within the black area aren't going to see it, then
9 why wouldn't you black out the whole page?

10 Nobody is going to see it.

11 What's the point?

12 THE WITNESS: We can't black out the
13 entire page.

14 MS. SHINOZUKA: You know what I mean,
15 like that cone represents something that is -- like I
16 took to mean --

17 THE WITNESS: Are you saying because
18 you can see the trees underneath within the image.

19 MS. SHINOZUKA: No, no, no. All right,
20 let me go on. All right.

21 Thank you.

22 All right. And then I also wanted to
23 ask of the board, many years ago I was on the
24 planning board for a while and I remember when we
25 would look at things, I don't know the rules for

1 this, but if people are just doing business or trying
2 to do business come to you as a board, but they're
3 seeking relief and they need, you know, like a full
4 variance or whatever, I'm going to guess this is not
5 planning board -- like this is not a hardship
6 variance, this is not like --

7 MR. WHITAKER: The variance issue is
8 not what's being talked about, testified to by this
9 witness.

10 MS. SHINOZUKA: Okay. I'm just asking
11 you --

12 MR. WHITAKER: The planning testimony
13 would come from planners.

14 The board has a planner here and the
15 applicant says they have a planner.

16 I understand Mr. Standriff also will be
17 presenting planning testimony through his planner.

18 MS. SHINOZUKA: Right, but I'm asking
19 like to Ridgewood as a board.

20 MR. WHITAKER: Well, that's a question
21 to ask the board after the case is presented.

22 MS. SHINOZUKA: Oh, okay.

23 MR. WHITAKER: The questions now have
24 got to be directed to this witness on the testimony
25 that this witness provided.

1 MS. SHINOZUKA: Okay.

2 And then I guess my third and final
3 question was -- oh, that would have been to you too,
4 so I'll wait.

5 Thank you.

6 CHAIRMAN BROWN: Thank you.

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

10 MS. RUANE: Susan Ruane, the last name
11 is R-U-A-N-E. The address is 705 Kingsbridge Lane.

12 I have a few questions. One, since the
13 -- since this is not the first billboard that's being
14 erected by this company, I see the drawing here.

15 Is there 3D renderings of what would
16 happen especially after the light now has been
17 changed from 70 to 45, is there 3D renderings of what
18 would happen, because I just see a 2D. I don't know
19 how it will affect the night light for the people,
20 because if you look at New York City, you don't see
21 stars at night in New York City, because the light
22 illuminates the sky and takes out the stars. Can --
23 did you guys develop a 3D rendering of this?

24 THE WITNESS: The only 3D image that we
25 have is the one that we showed, which was essentially

1 the video --

2 MS. RUANE: Yeah, because it was from a
3 70-degree angle, correct?

4 THE WITNESS: Again, but that's the
5 only 3D image we have.

6 MS. RUANE: Is there now because you
7 changed the angle --

8 THE COURT REPORTER: I'm sorry, I can't
9 hear you.

10 MS. RUANE: Now that you changed the
11 angle, do you have another billboard that was erected
12 the same angle so we can see what it looks like.

13 THE WITNESS: The other image that I
14 brought up or video that I brought up gives you the
15 example of the technology.

16 MS. RUANE: Example, but that's from
17 the 70, correct?

18 THE WITNESS: Excuse me, can you repeat
19 the question.

20 MS. RUANE: That's from a different
21 angle, correct.

22 THE WITNESS: Regardless of the angle,
23 it shows how the technology works. That was the
24 intension of that exhibit.

25 With a 2D image, the 2D exhibit shows

1 here is how that is represented within this specific
2 area. We don't have the ability to erect the
3 billboard up on that property to be able to show that
4 full effect. We do it through the use of the images
5 that we provide --

6 MS. RUANE: Yeah, but you don't have
7 any other billboard --

8 THE WITNESS: Excuse me.

9 We do it through the images that we
10 provided and the exhibit here. It's the only way we
11 essentially can be able to show that.

12 Now, we have -- and earlier we did a 3D
13 --

14 MR. D'ARMINIO: We did simulations.

15 THE WITNESS: We did simulations.

16 There were earlier simulations that were provided to
17 show you during the day what that billboard looks in
18 earlier testimony that was provided, that's
19 essentially your 3D model or placed at the roadway
20 and showing what that sign would look like, but that
21 is essentially the extent to which we can provide you
22 the data in what was --

23 MS. RUANE: But then how does it affect
24 the night sky?

25 THE WITNESS: Excuse me.

1 MS. RUANE: How does it affect the
2 night sky?

3 THE COURT REPORTER: I'm sorry, I
4 couldn't hear you.

5 MS. RUANE: How does it affect the
6 night sky?

7 THE WITNESS: In addition to --

8 MS. RUANE: Can I finish? Because if
9 you look at New York City --

10 MR. WHITAKER: You have to ask a
11 question.

12 MS. RUANE: I am, I'm asking a
13 question.

14 MR. WHITAKER: He has to be given the
15 opportunity to answer the question.

16 MS. RUANE: I just wanted to make sure
17 he understands my question.

18 When you look at New York City, the
19 light -- you don't see stars at night.

20 Why will residents in that black area
21 won't be able to see the stars?

22 THE WITNESS: This will have no impact
23 with respect to their view of the stars at night.
24 This billboard with respect to the technology and the
25 louvers, there's also the base technology without the

1 side louvers, that would be essentially the sign that
2 was originally presented at the 70 -- with the
3 70-degree view. Those have louvers at the top and so
4 that's essentially the base model for the billboard.
5 They have the louvers at the top, which helps --
6 which prevents the sky glow effect that you have with
7 typical billboards where they have uplighting and it
8 shines upwards and then you have that glow and halo
9 around a billboard that you typically see when they
10 have just normal lights.

11 With the digital billboard, that's
12 practically eliminated because of the louvers that
13 sit above the LEDs and prevent that light from
14 shooting upward causing that sky glow and halo
15 effect.

16 MS. RUANE: All right. Then my next
17 question is: You have a sample of something that
18 you've built that illustrates that to make sure that
19 I'm just taking your word for it, is there a
20 rendering of exactly --

21 THE WITNESS: So you're looking just
22 for an example of a billboard at night that shows how
23 it impacts the night sky.

24 MS. RUANE: Yes.

25 THE WITNESS: Okay. I don't -- we

1 don't --

2 MS. RUANE: Do you have anything of
3 that.

4 THE WITNESS: I don't have anything in
5 my possession at this point to show you or to
6 illustrate that.

7 MS. RUANE: Okay. So it's just your
8 word.

9 MR. WHITAKER: It's his testimony.

10 MR. D'ARMINIO: It's his expert
11 testimony and his experience.

12 CHAIRMAN BROWN: Thank you.

13 Good evening. Again, if you could
14 please state your name, spell your name and give us
15 your address.

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

18 I have a couple of questions. I
19 understand this is a limited scope, so I'm not --

20 MR. D'ARMINIO: I'm sorry, we're just
21 trying to find if the name is on the list.

22 I'm sorry, ma'am, to ask you again,
23 could you say your name again?

24 MS. CANZANI: I can't hear you.

25 MR. D'ARMINIO: Can you say your name

1 again? We're trying to --

2 MS. CANZANI: Madeline Canzani.

3 MR. D'ARMINIO: And your address.

4 MS. CANZANI: 506 Sterling Place.

5 MR. D'ARMINIO: 506 Sterling Place.

6 MS. CANZANI: I understand that this is
7 a limited scope, so I'm not sure that all my
8 questions will fall under it, but I have a few.

9 Can I just list them and then we can --

10 MR. WHITAKER: Ask a question and we'll
11 determine if it's within the scope and then we'll go
12 onto the next question.

13 MS. CANZANI: Have any variances
14 already been obtained?

15 MR. WHITAKER: No variances have been
16 obtained until the applicant completes their
17 testimony, presents all their witnesses, all their
18 exhibits.

19 The objectors present their
20 information, then the board renders a decision. It's
21 not done piecemeal.

22 MS. CANZANI: Have they done any
23 studies on the impact on wildlife or the drivers?

24 MR. D'ARMINIO: We've had testimony
25 with regard to traffic already and this is not --

1 MR. WHITAKER: That testimony was
2 provided to the board in Hearing No. 2, I believe.

3 MS. CANZANI: And is that -- is that
4 available online.

5 MR. WHITAKER: Yes.

6 MS. CANZANI: Okay.

7 MR. D'ARMINIO: Yes, all the
8 transcripts are available.

9 MR. WHITAKER: The transcripts of all
10 the hearings.

11 MS. CANZANI: I'm sorry.

12 MR. WHITAKER: There are transcripts of
13 all the hearings that you could read.

14 MS. CANZANI: I was looking at your
15 example, your drone footage. That does not look like
16 Ridgewood. That's a downtown city.

17 MR. WHITAKER: So what is your
18 question.

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

20 MS. CANZANI: Who benefits from this?

21 MR. D'ARMINIO: That's, again, not a
22 question for him.

23 MR. WHITAKER: It's not a question --
24 it's not part of his testimony.

25 MS. CANZANI: Okay.

1 Is there anything that is pertinent.

2 So you don't have any studies on how it
3 impacts the drivers that are coming up and down the
4 highway?

5 MR. D'ARMINIO: We have provided
6 studies, names of studies, multiple studies and
7 that's on the record and we provided copies actually
8 as well.

9 MS. CANZANI: Okay. I will look that
10 up.

11 How about on wildlife?

12 MR. D'ARMINIO: That question, I don't
13 believe has been answered -- asked.

14 MR. WHITAKER: I guess the answer is
15 no, he hasn't done a study.

16 THE WITNESS: We have not.

17 MR. D'ARMINIO: No, we haven't.

18 MS. CANZANI: Okay. Thank you.

19 CHAIRMAN BROWN: Good evening.

20 MR. HANDY: My name is Charles Handy,
21 H-A-N-D-Y. I live at 695 Kings Bridge Lane.

22 And I am adjacent to Queens Court and I
23 walk my dogs every evening there, as I know Sue does
24 and we're fully exposed over there.

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

1 MR. HANDY: Is that correct?

2 MR. D'ARMINIO: This is a time for
3 questions.

4 MR. HANDY: Is that correct?

5 In other words, there are Ridgewood
6 residents -- the question I have is very clear. Are
7 there Ridgewood residents that will be 100 percent
8 affected by the sign?

9 MR. D'ARMINIO: He's --

10 MR. WHITAKER: It's not --

11 Mr. D'Arminio, it's not for you to
12 answer.

13 THE WITNESS: No, I can't answer that
14 question, because I can't -- someone would need to
15 define 100 percent to start amongst a few other
16 things, I think --

17 MR. HANDY: So you presented all these
18 -- all these presentations --

19 MR. D'ARMINIO: Can I just speak,
20 please.

21 MR. HANDY: -- to us and you can't tell
22 us if one resident is going to be affected by it.

23 Is some resident going to get up in the
24 evening, any one resident of Ridgewood?

25 Forget all of these graphs.

1 If one resident is going to be affected
2 by this light, I'd like to know.

3 MR. D'ARMINIO: Well --

4 MR. HANDY: If that's something you
5 can't answer, I'm very sorry.

6 MR. D'ARMINIO: No, you can answer
7 that, actually.

8 THE WITNESS: I can.

9 I did previously.

10 MR. WHITAKER: That's a question he can
11 answer.

12 THE WITNESS: Right.

13 As far as affected by the light or
14 impacted by the light, okay, then the answer would be
15 no, because outside of that cone, okay, the image and
16 the light it projects essentially does not go past
17 and illuminate anything beyond that yellow cone,
18 which if we look at the images, the images right up
19 on the board right now, there is no residence within
20 that yellow -- those yellow cones.

21 MR. HANDY: I'd be very pleased to see
22 that and I highly doubt in my own opinion --

23 MR. WHITAKER: That's not a question.
24 We have to keep the record preserved.

25 MR. HANDY: Thank you so much.

1 MR. D'ARMINIO: That's not a question.

2 MS. CLARK: Good evening. Jamesine
3 Burke Clark, 24 North Hillside Place, Ridgewood, an
4 almost 40-year resident of the Village.

5 Sir, are you familiar with the
6 electronic billboard on Route 287 going north just
7 north of 208 -- actually it's south of 208 before
8 it's -- you're going north on 287 as you're
9 approaching 208 there's a big electronic billboard
10 that I had not seen before, but is it a similar
11 billboard?

12 MR. WHITAKER: So the question is: Are
13 you aware of that billboard?

14 THE WITNESS: Let me -- I'll answer it
15 politely and say that I know of billboards along 287,
16 but I don't know of the specific one she's asking me
17 about.

18 MS. CLARK: Okay. There are only two
19 of them between Route 80 and Route 208.

20 THE WITNESS: Okay.

21 MS. CLARK: There's one in particular
22 that I came upon once not realizing it was ever there
23 and I was shocked.

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

1 MS. CLARK: Well, the question was: Is
2 it -- do you know the billboard in which I speak?

3 Is that a similar technology and is
4 that what yours will look like?

5 MR. D'ARMINIO: There's issues of size.
6 Do you know the size of that billboard and the height
7 of that billboard?

8 MS. CLARK: It seems to be the same
9 size as the one you're proposing.

10 MR. D'ARMINIO: Well, that's not -- the
11 one --

12 MS. CLARK: It's not true? Then maybe
13 you know the billboard.

14 MR. D'ARMINIO: I don't believe that's
15 true, but if he doesn't know --

16 MR. WHITAKER: The question -- let's
17 stop, let's preserve the record.

18 The question is, Mr. Skapinetz, are you
19 familiar with the particular billboard in that
20 location?

21 THE WITNESS: I know of them. I don't
22 know of their specific technology.

23 MR. WHITAKER: Do you know the size of
24 those billboards compared to the billboard that's
25 being proposed here?

1 THE WITNESS: In my opinion in knowing
2 those signs, they're larger than the one we're
3 proposing here. The exact size, I'm not aware, but
4 the ones that are along 287 are, I think, the biggest
5 ones that are typically proposed, which are typically
6 a 20-by-50.

7 MR. WHITAKER: Do you know if the
8 technology used on that billboard is the same as the
9 technology being proposed here?

10 THE WITNESS: I can -- I can't say
11 exactly, but I'm going to go and just say from my
12 general understanding of those billboards and I've
13 driven by those as well, in fact, I drove by them on
14 my way here, so I know of those billboards as well.
15 They, more than likely, do not have this same
16 technology because I can say that when you drive by
17 them, you can almost read them at practically a
18 90-degree angle from their face.

19 You can see the image. The image does
20 not go away for almost the entirety of travel path
21 from looking at it dead on to almost at its side and
22 looking.

23 So, the chances are probably very, very
24 slim that they have this technology.

25 MR. WHITAKER: Next question.

1 MS. CLARK: Since I'm a layperson in
2 this field, obviously, and you were kind enough to
3 bring footage of a drone in Michigan, since those
4 billboards are in our backyard, is it possible for
5 you to go and drone those billboards and check out
6 that technology, because that's an equal technology
7 that we as lay people can relate to and you can come
8 back here with some intelligent response, suggestion
9 that lady, you're wrong, it's not half the size, it's
10 twice as high, that would give me comfort to know
11 that you looked at what was in my neighborhood and
12 were able to draw a picture for me for us to have a
13 real way to judge the efficacy of these signs.

14 MR. D'ARMINIO: We do have -- we have
15 planning testimony with regard to the various
16 locations that are nearby, the locations and we'll go
17 through that and we have some other drone footage
18 done by Mr. McDonough.

19 You know, in terms of the purpose, and
20 I think maybe we didn't make that clear, in the terms
21 of the purposes of the Oak Park one is just to show
22 how it changes. It's not -- the size of the sign,
23 the height of the sign is just totally different than
24 here. We just want to show how it changes.

25 MS. CLARK: I appreciate that

1 difference.

2 MR. D'ARMINIO: That should be really
3 appreciated, but, perhaps, Mr. McDonough amy be
4 better to deal with it.

5 MR. WHITAKER: So he has another
6 witness that's going to go into the subject matter
7 that you have raised.

8 So I would withhold those type of
9 questions until he testifies and then ask that
10 question.

11 MS. CLARK: Okay.

12 This billboard, I'm assuming, is for
13 advertising; is that correct?

14 MR. WHITAKER: Well, that testimony has
15 already gone on. That's not his testimony, but the
16 answer to it and the board knows it already, it was
17 testified to in the initial hearing and the answer
18 would be yes.

19 MS. CLARK: Okay.

20 So with regard to the statement that
21 was made that this would be for public service
22 announcements for the residents of Ridgewood --

23 MR. D'ARMINIO: That's not this
24 witness. He didn't testify as to that. We had other
25 --

1 MR. WHITAKER: This witness didn't
2 testify --

3 MR. D'ARMINIO: -- testimony with regard
4 to that.

5 MR. WHITAKER: I think what would be
6 wise is for you to look at the -- read those
7 transcripts of the testimony in which they describe
8 what would be on the billboard.

9 MS. CLARK: Did I not hear tonight from
10 the words from his mouth to say something about the
11 public service announcements that would service --

12 MR. D'ARMINIO: Yes, that --

13 MS. CLARK: -- the people of Ridgewood.

14 MR. WHITAKER: That wasn't the witness
15 testifying. That was Mr. D'Arminio giving a
16 summation of what was said in the past, because it
17 took place on that.

18 MS. CLARK: Thank you.

19 MR. D'ARMINIO: That was the prior
20 testimony, but Mr. McDonough will speak to some of
21 those issues and you can certainly ask Mr. McDonough.

22 MS. CLARK: Thank you.

23 Do the lights hum or are they silent.

24 MR. D'ARMINIO: That wasn't -- the
25 testimony wasn't --

1 MS. CLARK: That's a technical
2 question.

3 MR. WHITAKER: It's not within this
4 witness's expertise.

5 He didn't testify to it.

6 MS. CLARK: Can we find out if the
7 lights hum.

8 MR. WHITAKER: Can I finish, please?

9 MS. CLARK: Yes, sorry, excuse me.

10 MR. WHITAKER: We had testimony to that
11 effect from the engineer to describe that technology.
12 It was not Mr. Skapinetz.

13 MS. CLARK: My last question is with
14 regard to the impact on our historical cemetery,
15 Valleau Cemetery. Many of us residents have loved
16 ones in that cemetery. We visit that cemetery for
17 the bucolic nature of the cemetery.

18 And I'm just wondering if you can
19 guarantee that there will be no impact, light or
20 otherwise of viewing that billboard while we're there
21 paying respects to our loved ones to see a
22 missile-like tower that's black hovering over the
23 scene.

24 MR. D'ARMINIO: Well, objection as to
25 the characteristics.

1 That's an argument and certainly if she
2 wants to make that opinion when she makes an
3 affirmative statement, but that's actually very
4 argumentative, but to the extent that you can answer
5 it --

6 MS. CLARK: I'm asking if it will be
7 seen in any way or impact in any way the historical
8 cemetery.

9 MR. WHITAKER: The question is: If
10 you're in the cemetery, will the sign -- will the
11 billboard be seen? That's a question.

12 THE WITNESS: I -- without going to the
13 cemetery itself, it is within the visible cone, but
14 given the other parameters, the buildings in between,
15 topography, I can't answer that question
16 definitively.

17 MR. D'ARMINIO: And we have
18 Mr. McDonough who's done the entire area, so maybe we
19 can wait for him.

20 MR. WHITAKER: So some of the questions
21 you've asked this evening may be asked again with the
22 next witness.

23 MS. CLARK: Thank you. Thank you.

24 My one question in light of what you
25 just said, I know there are neighboring buildings,

1 but when you're in the cemetery, you don't see them.

2 MR. WHITAKER: You need a question.

3 MS. CLARK: The question is coming.

4 The question is coming.

5 Does the billboard exceed the height of
6 the surrounding buildings?

7 THE WITNESS: The billboard exceeds the
8 height of the buildings that are in proximity of it,
9 yes.

10 MS. CLARK: Would you know by how much
11 it exceeds the buildings.

12 THE WITNESS: I do not.

13 MS. CLARK: Can we get that number,
14 please?

15 MR. D'ARMINIO: Mr. McDonough would
16 have that number.

17 MS. CLARK: Thank you so much.

18 CHAIRMAN BROWN: Thank you.

19 Again, if you could please state your
20 name, spell your name and give us your address.

21 MR. ROSSI: Matthew Rossi, R-O-S-S-I,
22 28 Chestnut Street.

23 So, with this illuminated cone that you
24 have, does your billboard lose any target audience on
25 Route 17 with this newer Narrow-View?

1 THE WITNESS: No.

2 MR. ROSSI: So, I'm trying to
3 understand why this was just brought now after
4 concerns of residents.

5 So I imagine there must be -- is there
6 any downside to Outfront Media for this technology.

7 MR. D'ARMINIO: You would have to ask
8 someone from Outfront.

9 That's not this witness.

10 MR. ROSSI: This isn't the witness on
11 --

12 MR. D'ARMINIO: No, this -- he's an
13 engineer. He doesn't represent Outfront. We've had
14 people --

15 MR. ROSSI: An engineer --

16 MR. D'ARMINIO: We've had people from
17 Outfront testify already.

18 MR. ROSSI: I'm saying in the
19 engineer's opinion is there any --

20 MR. WHITAKER: The business plan of
21 Outfront would not be something within his expertise.

22 MR. ROSSI: No, I'm saying from a
23 technical, like maybe from an expense, is it more
24 expensive for this Narrow-View Technology.

25 THE WITNESS: I don't know the costs

1 per billboard. I can't answer that question.

2 MR. ROSSI: Okay. I'm just trying to
3 figure out why it was just brought now and not
4 originally when the whole audience looks visible.

5 MR. WHITAKER: I'll give a little
6 response. This is the sixth meeting of this
7 application.

8 During the course of any land use
9 application there's questions asked by board members,
10 questions asked by board professionals, questions
11 asked by members of the public.

12 On the basis of that, an applicant can
13 look at the plan and say, I think I need to revise it
14 based upon questions asked and this wasn't the
15 initial plan that was brought in, but we are --
16 experience this all the time that what was first
17 presented is not what's the final presentation.

18 So that's the purpose behind a public
19 hearing is to see -- and that's not saying that
20 anything will be approved, but it's always an
21 applicant, no matter what it is under the state law,
22 certainly has the ability to revise plans as they get
23 comments being made where there's questions that come
24 up that they can address. That's the purpose behind
25 a public hearing.

1 MR. ROSSI: No, I understand. I'm just
2 as a simple guy I see no lost audience and they
3 shifted their plans. I'm thinking, okay, well, why
4 not do that from the get-go if there's no lost
5 audience.

6 MR. WHITAKER: Because there was
7 questions asked at meetings in the past about that
8 whole scope and that whole triangle.

9 MR. ROSSI: Okay. So you mentioned a
10 couple of times that all the houses -- there would be
11 no impact from the light and I understand lumens and
12 light and it's not anymore visible than the stars
13 from light years away, but I think we're all
14 characterizing here a changing visible light as an
15 impact.

16 So based on that definition of impact,
17 a changing visible light, would these several dozen
18 homes have an impact.

19 MR. D'ARMINIO: Well, objection to the
20 characteristic of "several dozen homes," but if you
21 could --

22 MR. ROSSI: You can --

23 MR. D'ARMINIO: But as to -- if you can
24 answer the question, otherwise --

25 MR. ROSSI: Any number of them.

1 Based on that definition of impact, a
2 changing visible light, would any of these homes have
3 impact based on that definition.

4 THE WITNESS: I can't -- I can't answer
5 without going to every home and being able to --

6 MR. ROSSI: Any home.

7 THE WITNESS: I can't answer without
8 going to every home and understanding what the view
9 would be from that location, how --

10 MR. ROSSI: So it's not your purpose to
11 understand if homes will be impacted.

12 THE WITNESS: My purpose -- no, my --

13 MR. ROSSI: Okay.

14 THE WITNESS: Any purpose is -- it was
15 to describe to you the technology and what the sign
16 itself, how it's constructed, how it's set up on the
17 plan and what the technology in this case that's
18 being introduced, what it does to the image.

19 MR. ROSSI: Thank you.

20 I understand very much that your
21 purpose is not to understand the Ridgewood residents'
22 impact.

23 Thank you.

24 Thank you so much.

25 CHAIRMAN BROWN: Thank you.

1 Again, if you could state your name,
2 please spell your name and give us your address for
3 the record.

4 MR. BOYLAN: Joe Boylan, B-O-Y-L-A-N,
5 360 Walthery Avenue.

6 Question for the engineer.

7 MR. D'ARMINIO: Can you just spell that
8 address, please?

9 MR. BOYLAN: The address is
10 360 Walthery, W-A-L-T-H-E-R-Y, Avenue.

11 MR. D'ARMINIO: Thank you.

12 MR. BOYLAN: Question for the engineer.
13 Have you ever given -- I appreciate your time and
14 your expert opinion in this engineering area.

15 Have you ever given testimony such as
16 you gave tonight at our occasions for a digital sign?

17 THE WITNESS: I have, yes.

18 MR. BOYLAN: And how many times in the
19 last 12 months have you given testimony in this type
20 of setting?

21 THE WITNESS: In the last 12 months
22 maybe once or twice, but cases vary over time and
23 it's been -- I've been testifying to this technology
24 for several years now.

25 MR. BOYLAN: So you've given testimony

1 in this type of setting for a digital sign two times
2 in the last 12 months.

3 THE WITNESS: Probably give or take,
4 yes.

5 MR. BOYLAN: And second question, does
6 the light that emits, does it give off
7 electromagnetic radiation?

8 THE WITNESS: I can't answer that
9 specific question.

10 MR. BOYLAN: Okay.

11 That's fine, that's fine.

12 And last question, I understand your
13 giving us your professional opinion and that's been
14 made clear to us and, again, we appreciate that, but
15 when you give a statement regarding the darkened
16 areas and whether they can actually see the light or
17 whether it has an impact on a certain house and you
18 make that opinion, what is it based on?

19 Is it based on your general opinion and
20 -- well, it is your opinion, I'm sorry, but is your
21 opinion based on data from the manufacturer of the
22 sign or is it based on independent scientist who
23 study light?

24 THE WITNESS: No, what it's based on is
25 information from the manufacturer, you hit -- you

1 nailed it there.

2 We consulted with Outfront who talked
3 to the manufacturer and gave us the data that could
4 be transferred into our plans. So they gave us the
5 information that would allow us to create the exhibit
6 that's up on the screen right now that tells us where
7 the image would be seen or would not be seen from and
8 where it would be blacked out.

9 So that is actual data, that's not my
10 opinion. This is factual data from the manufacturer
11 transferred onto an exhibit on a plan sheet that I
12 created by using survey and aerial data.

13 So, that's an accurate depiction as to
14 where the image would be seen or not be seen.
15 Assuming, again, this isn't a 2D view. This doesn't
16 take into account, though, all the other obstacles
17 and things that are around it so an individual
18 household that's, you know, a thousand feet away is
19 going to have a different perspective than someone
20 200 feet away. That's not what this exhibit is
21 intended to illustrate. It's simply to illustrate
22 that we went from an original application that had a
23 much wider view of the sign and what we've done is
24 we've done -- prepared revisions, consulted with
25 Outfront to create a new exhibit that says, here, the

1 bands are now much tighter and now the impact to the
2 surrounding areas is much less than what we
3 originally proposed.

4 MR. BOYLAN: Thank you for your answer.

5 So just to summarize, your opinion is
6 based on 100 percent of the data --

7 MR. D'ARMINIO: I object to this.

8 MR. WHITAKER: I heard a question
9 coming, Mr. D'Arminio.

10 MR. D'ARMINIO: Is a question coming.

11 MR. WHITAKER: I just heard him. You
12 interrupted him. I think the question is: Your
13 opinion is based upon data and information that was
14 provided to you by the manufacturer to formulate an
15 opinion and to formulate the exhibits.

16 How did I do with the question?

17 Correct.

18 MR. BOYLAN: What was -- I'm sorry, I
19 didn't hear it all. What percentage of the data from
20 the manufacturer was used to formulate his opinion.

21 MR. D'ARMINIO: But that's not --

22 MR. WHITAKER: I don't think a person
23 looks at percentage. I think a person looks at the
24 information provided. Tell us how you formulated
25 your opinion with the manufacturer very briefly.

1 THE WITNESS: Again, it's -- I'm not
2 formulating an opinion here.

3 I want to talk to that. It's not my
4 opinion, it's facts that I'm presenting based on data
5 given to me by the manufacturer.

6 So hard data that they provided from
7 the manufacturer that says the view shed from this
8 sign will be 45 degrees in total. So 22-and-a-half
9 degrees from center, that's what you get, that's what
10 you see on the screen and they had said, okay,
11 Mr. Skapinetz, take that data and drop it into your
12 plan with the sign faces oriented as you have them,
13 because, remember, the sign faces are at an angle as
14 well. So I get to take that data, implement it and
15 show it in relation to how we have the signs set up
16 for this specific site, because the angle and
17 orientation of a billboard on every property is
18 different.

19 In this case it's unique. I put that
20 data to that sign in a 2D view utilizing the survey
21 data, survey data of the property and the aerial
22 photo that you see here and pulled them altogether to
23 make this exhibit and plan that we're presenting this
24 evening.

25 MR. BOYLAN: I appreciate that, but

1 again, we were told several times tonight that you
2 gave testimony this is your opinion based on data.
3 So it is your opinion.

4 MR. D'ARMINIO: He's asked and answered
5 -- he answered the question.

6 MR. WHITAKER: Mr. Skapinetz, is it
7 your opinion that based on the data you've received
8 from the manufacturer and the plan that you prepared
9 based upon the data you received from the
10 manufacturer that the end result is as shown on this
11 plan that you've testified to?

12 THE WITNESS: Yes.

13 MR. BOYLAN: Thank you.

14 And the last question, did you use any
15 other data from any other company, from any
16 independent scientific sources, from any publications
17 that we can easily find on -- in medical literature
18 -- not medical literature, in engineering literature.

19 THE WITNESS: No.

20 MR. BOYLAN: Thank you.

21 CHAIRMAN BROWN: Thank you.

22 Again, if you can just, please, state
23 your name and spell your name and give us your
24 address for the record.

25 MR. MARKOSIAN: Paul Markosian,

1 360 Gilbert Street, Ridgewood, New Jersey.

2 THE COURT REPORTER: I'm sorry, sir,
3 can you repeat that?

4 I can't hear you.

5 MR. MARKOSIAN: Which part?

6 THE COURT REPORTER: The whole thing.

7 MR. MARKOSIAN: Paul Markosian,
8 360 Gilbert Street, Ridgewood, New Jersey.

9 THE COURT REPORTER: Please spell your
10 last name?

11 MR. MARKOSIAN: M-A-R-K-O-S-I-A-N.

12 THE COURT REPORTER: Thank you.

13 MR. MARKOSIAN: Thank you.

14 I appreciate your testimony, but it's
15 very -- on laymen's terms, it's -- and also your
16 presentation is not very --

17 MR. WHITAKER: We need a question. We
18 need a question.

19 MR. D'ARMINIO: Objection to the -- to
20 the characterization of the quality of the testimony.

21 MR. WHITAKER: We need a question.
22 You're not characterizing.

23 You can do a summation when the whole
24 hearing is over with and you give us your opinion
25 then.

1 This is time for questions.

2 MR. MARKOSIAN: Do you have anything
3 comparable to what you're proposing as far as the
4 scale and the technology that's nearby that we can
5 actually get a visual off?

6 MR. D'ARMINIO: That has been testified
7 to and there are exhibits that are on the record with
8 regard to a similar size sign at a similar height
9 with -- that's digital.

10 MR. MARKOSIAN: Do you have anything
11 local -- locally that we can take a look at that you
12 can refer us to?

13 MR. D'ARMINIO: Again, this was asked
14 and answered and it was the Maywood sign.

15 It's exhibit -- Mr. -- I'm answering
16 this because you're asking the question.

17 Could we just move that along? Is that
18 okay, Mr. --

19 MR. WHITAKER: This is information
20 that's been previously provided.

21 MR. D'ARMINIO: It's been previously
22 provided.

23 MR. WHITAKER: At a previous hearing
24 and, again, I would recommend for people coming up
25 asking these type of questions, the transcripts are

1 there to read and you can get a lot of information
2 that way.

3 MR. MARKOSIAN: Okay. Very good.

4 Well, thank you very much.

5 THE WITNESS: Thank you.

6 CHAIRMAN BROWN: Thank you.

7 Again, if you can just, please, state
8 your name and also spell your name and give us your
9 address for the record?

10 Thank you.

11 MR. DeSILVA: Okay.

12 So I'm Rohan DeSilva.

13 I'm Objector No. 4. Do you have that
14 sheet of paper? Do you have the spelling? Do you
15 have the address?

16 You have everything right there.

17 CHAIRMAN BROWN: We just need it for
18 the record, because you came up. I know, we have it,
19 but you just need to put it on the record again,
20 because, you know, that's just the way we do things.

21 MR. WHITAKER: The record requires the
22 name and address so it can be placed on the record
23 and can become part of a transcript.

24 MR. DeSILVA: Okay.

25 Well, I was just trying to do that and

1 help her so that she doesn't have to ask me for
2 spelling in the future.

3 It's right there in the documents in
4 front of her.

5 MR. WHITAKER: We have to read it into
6 the record so it can become part of a transcript.

7 MR. DeSILVA: Okay.

8 Rohan DeSilva, 521 West Saddle River
9 Road, Ridgewood, New Jersey.

10 Anything else?

11 MALE AUDIENCE MEMBER: I think she got
12 it.

13 MR. DeSILVA: All right.

14 So at the beginning of your testimony
15 you mentioned that there were a lot of trees blocking
16 the views.

17 Can you show me on that board which
18 specific trees are blocking the view?

19 THE WITNESS: You're going to have to
20 clarify that question further.

21 Blocking the view --

22 MR. DeSILVA: You said that the trees
23 blocking the view from people, from residents.

24 THE WITNESS: There are numerous trees
25 in this exhibit.

1 I'm not going to --

2 MR. DeSILVA: Can you show me the area
3 where the trees --

4 THE WITNESS: Sir, on the exhibit, if
5 you look, there are -- there's an aerial.

6 The aerial photo shows numerous trees.
7 I'm going to go outside the black to start.

8 All this image is shown in the black as
9 well (indicating) and so all of these areas are
10 trees, okay?

11 There's deciduous and evergreen, it's a
12 mix.

13 There you go.

14 MR. D'ARMINIO: And for the record, we
15 have Mr. -- the explanation with regard to the trees
16 was simply to the fact that the distinction between
17 having a tree or other objects versus a desert,
18 because that's what we were basically showing as if
19 there was nothing there, but we have another witness
20 who's going through each of the locations on that map
21 who will discuss in more specificity those issues.

22 MR. DeSILVA: Are there many deserts in
23 New Jersey.

24 MR. D'ARMINIO: That's a ridiculous
25 question. He was using an example and I stand by

1 what I say, I'm not answering that question and
2 that's not anything having to do with this witness.
3 I indicated, it was indicated previously what the
4 purpose of the exhibit was.

5 So my objection is that that's outside
6 the purpose of the exhibit and the purpose of this --
7 of that --

8 MR. WHITAKER: The question is
9 irrelevant.

10 Move on.

11 MR. DeSILVA: The attorney suggested --

12 MR. WHITAKER: The question is
13 irrelevant.

14 MR. DeSILVA: No, no, he said it was to
15 show that it wasn't a desert.

16 MR. D'ARMINIO: I said that it was --
17 it was -- to look at this does not say what could be
18 -- what could be seen or not seen as opposed to the
19 visibility of the face of the sign. It doesn't take
20 into account -- the point is that it doesn't take
21 into account the other objects in the area and that
22 was a clarification, because there seemed to be some
23 mix up to that, that's what I'm saying.

24 As to the impact of the surrounding
25 properties, I have another witness whose testimony is

1 is with regard to that.

2 So, I would hope that you would wait
3 for that.

4 MR. DeSILVA: So, engineer, I can't
5 remember your name, do you -- thank you.

6 Again, as he said, it's immaterial.

7 How -- do you know that there are trees
8 being removed by the Village of Ridgewood?

9 MR. D'ARMINIO: Objection.

10 Ask Mr. McDonough that.

11 MR. DeSILVA: Why? I'm asking a
12 question. I've got to be able to ask it.

13 MR. D'ARMINIO: He testified to the --
14 to the technology, not to the trees, not to what's
15 there and that.

16 And we gave an -- and the example that
17 was given was simply as if it was a barren area,
18 that's what that really shows what physically may be
19 seen and what can be seen as to the image and we
20 testified as to the lighting.

21 That's what he testified to.

22 MR. WHITAKER: I will say objection
23 overruled.

24 Mr. Skapinetz testified that there were
25 trees there. The question being asked right now, is

1 he aware of any trees being removed by Ridgewood?

2 It's a simple yes-or-no answer.

3 Are you aware of that?

4 THE WITNESS: I'm not aware.

5 MR. WHITAKER: Next question?

6 MR. DeSILVA: So they are.

7 Okay. These pictures are -- the video,
8 they were in an urban area and we're in a suburban
9 residential area with a state road going through it.

10 MR. D'ARMINIO: That's -- that's not a
11 question.

12 MR. WHITAKER: You know what --

13 MR. DeSILVA: The attorney's got to let
14 me finish.

15 MR. D'ARMINIO: But it's not a
16 question.

17 It's not --

18 MR. DeSILVA: Well, if you'd let me
19 finish, I'll get to the question.

20 MR. D'ARMINIO: You'll have your time
21 to make points.

22 MR. DeSILVA: If you'll let me finish,
23 you'll get to the question.

24 MR. WHITAKER: I'm going to speak.

25 I'm going to let him ask his question

1 or make his statement and if I find it's more of a
2 statement than a question, then I will stop.

3 Mr. D'Arminio, with all due respect,
4 don't stop him in the middle of it, because I haven't
5 evaluated it yet.

6 Your objection is premature.

7 MR. D'ARMINIO: Fair enough.

8 MR. DeSILVA: So, again, did you get
9 what I said before.

10 MR. WHITAKER: You got to start over.

11 MR. DeSILVA: How do you define impact
12 as compared with that in Michigan and this
13 application here?

14 We're talking about technically impact.
15 How do you define "impact"?

16 THE WITNESS: I'm not sure how to
17 answer that question.

18 I think maybe to rephrase it, I think
19 what you're saying is, is how is the technology shown
20 in Michigan differ or --

21 MR. DeSILVA: No, I'll get to that
22 later.

23 Let's just go to how do you define
24 "impact"?

25 You said, only the areas in the yellow

1 are impacted, right?

2 MR. WHITAKER: So, that's a question,
3 Mr. Skapinetz.

4 You said only the areas in the yellow
5 are impacted?

6 THE WITNESS: Right.

7 MR. WHITAKER: In what manner are they
8 impacted?

9 That's the question that should be
10 asked.

11 THE WITNESS: So the areas outside of
12 the black are areas which would be able to
13 potentially be able to view the image on the screen.

14 MR. WHITAKER: And the areas inside the
15 yellow.

16 THE WITNESS: The areas -- I'm sorry,
17 that's what I meant, the areas outside the black are
18 areas within the clearer image of the aerial are
19 those where the image of the sign could potentially
20 be viewed.

21 MR. DeSILVA: Could you explain that to
22 me?

23 I didn't hear you.

24 THE WITNESS: Here, I'll stand up.
25 I'll clarify.

1 MR. DeSILVA: I'm sorry, I'm partially
2 deaf.

3 THE WITNESS: No, that's okay, I'll
4 clarify.

5 Can you see the image on the screen?

6 MR. DeSILVA: May I come there.

7 THE WITNESS: Yes, absolutely,
8 absolutely.

9 Okay. So the area -- so what I'm
10 saying is, is that the area outside of the black, so
11 these area here, this is what is the 45-degree cone
12 on both sides, that's the area in which -- the only
13 areas in which the image on the sign could
14 potentially be viewed.

15 MR. DeSILVA: Okay. So Number 5 could
16 view the sign and it's image.

17 THE WITNESS: No, I'm saying the word
18 "potentially," because there are other factors --

19 MR. DeSILVA: What are the other
20 factors.

21 THE WITNESS: Trees, elevations, other
22 structures. There is -- there is numerous other
23 factors that come into play.

24 MR. DeSILVA: And what is the elevation
25 of the sign.

1 THE WITNESS: You're talking about just
2 the height, the height of the sign.

3 MR. DeSILVA: No, from bottom to the
4 top.

5 THE WITNESS: I just want to double
6 check my notes here, 40 feet.

7 MR. DeSILVA: Forty feet from the
8 bottom of the sign or the top.

9 THE WITNESS: Yes, the overall sign
10 height is 40 feet.

11 MR. DeSILVA: Okay. And -- okay. You
12 mentioned the name of the drone operator and the
13 license number.

14 THE WITNESS: I did, I did.

15 MR. DeSILVA: You did.

16 Who issued that license?

17 THE WITNESS: I can't answer that
18 question.

19 MR. DeSILVA: Okay. There's no
20 authority that licenses --

21 THE WITNESS: I can only give you a
22 reference at the state. It was in a different state.

23 If you're in the State of New Jersey,
24 for example, you need to pass an exam and be able to
25 -- in order to be able to fly a drone. More than

1 likely it was something similar in that State of
2 Michigan.

3 MR. DeSILVA: Okay. So somebody didn't
4 just go up with a drone --

5 THE WITNESS: There's many, many other
6 rules outside the purview of this entire application
7 that require you to fly a drone at that height in
8 various areas on the United States, yes.

9 MR. DeSILVA: Okay.

10 There are many objectives that are
11 listed here -- that are not listed here. You have
12 six people on this objector location table. There
13 are many more, because only two of the --

14 MR. WHITAKER: So what is the question.

15 MR. DeSILVA: Yeah.

16 So do you know that there's a
17 500-signature opposition.

18 MR. D'ARMINIO: Objection.

19 MR. WHITAKER: Irrelevant, it's
20 irrelevant.

21 MR. D'ARMINIO: Objection, that's
22 irrelevant, you can't use petitions that way.

23 MR. DeSILVA: Okay.

24 Is the louver fixed or movable?

25 THE WITNESS: Can you repeat that?

1 MR. DeSILVA: Is the louver fixed or
2 movable?

3 THE WITNESS: The louvers are fixed.

4 MR. DeSILVA: How long are they?

5 THE WITNESS: I do not have that exact
6 number.

7 MR. DeSILVA: Okay.

8 How do we get that exact number?

9 How do we get all of these stats that
10 the manufacturer or whoever is constructing this gave
11 you to -- and you extrapolated to present here? How
12 do we get that information?

13 MR. D'ARMINIO: How did you get that
14 information?

15 MR. DeSILVA: No, how do we get it?
16 It's great that y'all have it.

17 Can we not have it?

18 MR. WHITAKER: Mr. Skapinetz, to cut
19 this to the chase so to speak, do you have
20 information that for the next meeting you can put on
21 a sheet of paper to say this is the width of the
22 length of a louver?

23 THE WITNESS: I could.

24 MR. WHITAKER: Thank you.

25 Move on.

1 MR. DeSILVA: Thank you.

2 So the unlit eyesore with flickering
3 amounts of light, I presume that there will be some
4 flickering that is visible even in the black areas,
5 not the image, but flickering, yes or no?

6 MR. D'ARMINIO: Well, objection as to
7 the vagueness of flickering. If you want to if you
8 understand that question.

9 MR. DeSILVA: So, the louvers point the
10 view in a particular direction, but if you look at a
11 TV or if you look at somebody's -- if you look --
12 thank you.

13 If you look through windows, even
14 shaded windows, you see flickering of TVs.

15 So my question is: Even with the
16 louvers, will you not see some flickering?

17 THE WITNESS: The billboard doesn't
18 flicker.

19 MR. DeSILVA: I'm sorry, a little
20 louder, please.

21 THE WITNESS: The billboard does not
22 flicker.

23 It's a static image, it is a single
24 static image and it changes --

25 MR. DeSILVA: But then the static image

1 changes, right?

2 THE WITNESS: It instantly changes to
3 another image, yes.

4 MR. DeSILVA: Every six seconds.

5 THE WITNESS: Every eight.

6 MR. DeSILVA: Eight seconds, okay.

7 So there will be flickering every eight
8 seconds.

9 MR. D'ARMINIO: Objection as to the
10 characterization of flickering.

11 MR. WHITAKER: Well, we can't define
12 the word "flicker."

13 There will be a change in the image
14 every eight seconds.

15 THE WITNESS: Correct.

16 MR. DeSILVA: So there will be a change
17 in brightness or I think the best word is flickering,
18 but okay.

19 So there won't be a change every eight
20 seconds in terms of light being transmitted or
21 emitted.

22 THE WITNESS: There -- when you're
23 looking at the image, the brightness of the image on
24 that face will change in -- will change depending on
25 the various colors within the image being projected.

1 MR. DeSILVA: Okay.

2 THE WITNESS: Or being shown.

3 MR. DeSILVA: All right.

4 So at some point, and I think in
5 response to, perhaps, Mr. Ward, or some -- I'm not
6 sure, you said, you mentioned light years away in
7 terms of light.

8 THE WITNESS: Yes, I did.

9 MR. DeSILVA: Okay.

10 Do you have -- I'm sorry -- I have good
11 friends at NASA, so do you -- did Rutgers educate you
12 in astrophysics as part of your curriculum?

13 MR. D'ARMINIO: That's --

14 MR. DeSILVA: Because your -- that's
15 your expertise --

16 MR. D'ARMINIO: That's an argumentative
17 argument -- it's argumentative.

18 It's a question and it shouldn't be
19 answered.

20 MR. WHITAKER: The witness talked in
21 terms of a phrase, phraseology, this is common usage.
22 He wasn't talking about light years in any particular
23 science.

24 THE WITNESS: I wasn't.

25 MR. DeSILVA: So he's not an expert in

1 --

2 MR. WHITAKER: I think it's
3 acknowledged that the term "light years" is a phrase
4 that's used in everyday parlance.

5 MR. DeSILVA: Oh, I'm in the wrong
6 circles.

7 Okay. So, the red property, Number 5
8 on the map, is not impacted based on the trees, you
9 said trees, but the Number 1 property, it's the same
10 case? You won't even in the 45-degree area?

11 THE WITNESS: I don't understand the
12 question.

13 MR. WHITAKER: What was the question.

14 MR. DeSILVA: The question is: Will
15 there be impact -- not impact, let's not use the word
16 "impact."

17 Will they be able to -- will there be
18 visibility to people in that area?

19 MR. WHITAKER: Which area?

20 MR. DeSILVA: In the red area, Number 5
21 and Number 1.

22 THE WITNESS: I can't --

23 MR. DeSILVA: Will they have
24 visibility.

25 THE WITNESS: Of the sign? It's

1 possible.

2 MR. DeSILVA: Possible, okay.

3 MR. D'ARMINIO: Again, we have a
4 witness who will go through that more specifically.
5 This witness indicated the angles relating to the
6 potential visibility of the sign, but not whether
7 it's visible or not, of the face, the sign face.

8 MR. DeSILVA: How many different
9 electronic billboard technologies are there.

10 MR. WHITAKER: If you know.

11 THE WITNESS: I do not know.

12 MR. DeSILVA: You are an expert in
13 this, correct?

14 In this --

15 MR. D'ARMINIO: The witness --

16 MR. DeSILVA: -- billboard technologies,
17 yes.

18 MR. D'ARMINIO: He's testifying as to
19 lighting and as an engineer.

20 MR. WHITAKER: He qualified as a civil
21 engineer having an ability to provide the information
22 from a civil engineer standpoint that he's testified
23 to this evening.

24 The board rendered its decision on the
25 qualifications last meeting.

1 You had an opportunity at that point to
2 question his qualifications.

3 MR. DeSILVA: Okay.

4 Who is the manufacturer of this sign?

5 MR. D'ARMINIO: Asked and answered.

6 MR. DeSILVA: I didn't hear that
7 answer.

8 MR. WHITAKER: Well, we're not going to
9 -- we're not going to filibuster this.

10 MR. DeSILVA: I don't want to
11 filibuster.

12 MR. WHITAKER: When a question is asked
13 and information is provided, it's not asked a second
14 time.

15 You can find that information in the
16 transcripts.

17 MR. DeSILVA: This has been answered,
18 the technology.

19 MR. WHITAKER: It was testified to.

20 MR. DeSILVA: Okay. I didn't see that,
21 but okay.

22 My last question actually is to you,
23 but it's to everybody here.

24 Why is the applicant not here? I know
25 it's not in the purview of this -- of you expertise.

1 MR. WHITAKER: Irrelevant question,
2 irrelevant question.

3 MR. DeSILVA: You know, we're all here.
4 We have to give up our summer holidays to be here.

5 MR. D'ARMINIO: What was the question?

6 MR. DeSILVA: Why is the applicant not
7 here all the time?

8 MR. WHITAKER: The question is
9 irrelevant.

10 MR. D'ARMINIO: One, it's irrelevant.
11 Yes, the applicant is here.

12 MR. WHITAKER: The applicant doesn't
13 have to tell you who's going to be in attendance. He
14 brought a witness this evening for a hearing and
15 that's what's required.

16 MR. D'ARMINIO: And the applicant is
17 represented.

18 MR. DeSILVA: I'm sorry, I can't hear
19 you.

20 MR. D'ARMINIO: And the applicant is
21 represented, but there's no testimony for the
22 specific witness that was here before, but the
23 applicant is represented and it's an irrelevant
24 question anyway.

25 MR. DeSILVA: Okay, that's it.

1 Thank you.

2 CHAIRMAN BROWN: Thank you.

3 Good evening, if you can, please, state
4 your name, also spell your name and give us your
5 address for the record.

6 MS. O'KEEFE: My name is Cynthia
7 O'Keefe, 542 West Saddle River Road.

8 And spell my name.

9 CHAIRMAN BROWN: Yeah, just --

10 MS. O'KEEFE: O ' K-E-E-F-E, first name
11 Cynthia, C-Y-N-T-H-I-A.

12 CHAIRMAN BROWN: Thank you.

13 MS. O'KEEFE: Thank you.

14 So I live pretty much directly across
15 and I apologize for being late, I was at another
16 meeting.

17 So I'm looking at this map and I don't
18 see my neighbor Linda Marticek who lives directly
19 across the street from where this billboard will be.

20 So her name should be here and her
21 property is on this map right here.

22 So can I ask why that -- her name is
23 omitted as she would be directly across the street
24 from the billboard.

25 MR. WHITAKER: So there was testimony

1 earlier that the applicant had heard of certain
2 objectors that put their name on the record and they
3 put those people that objected, they selectively took
4 some of those names and put it on the document.

5 MS. O'KEEFE: Okay.

6 Why selectively?

7 MR. D'ARMINIO: But we tried actually
8 to get those who were on the record at that time that
9 we did the exhibit.

10 Since then, if other people have
11 testified, how are we supposed to know?

12 MR. WHITAKER: That's the --

13 MS. O'KEEFE: But she's 75 years old
14 and has not been -- she doesn't drive.

15 She has never attended this meeting.
16 Nobody ever canvassed the neighborhood.

17 MR. WHITAKER: It's not the obligation
18 of the zoning board to canvas the neighborhood.

19 The Municipal Land Use Law, which is
20 the state law is very clear. If a person has an
21 interest in a hearing, either they or their legal
22 representative comes to a meeting and asks questions,
23 provides testimony and that's not a Ridgewood law,
24 that's the state law.

25 MS. O'KEEFE: Oh, I just think it would

1 be courteous.

2 It might not be a Ridgewood law, but
3 there's something called neighborly and courtesy and
4 I would think that we would extent that to our
5 neighbors.

6 So I would make sure that I guess her
7 name should be put on the list, because I can
8 guarantee you she would not be in favor of this. So
9 does she need to write to somebody or --

10 MR. WHITAKER: I will tell you and I
11 said this before --

12 MS. O'KEEFE: Okay, but I didn't hear
13 it, so I'm asking you.

14 MR. WHITAKER: The law is very clear.

15 MS. O'KEEFE: Okay.

16 MR. WHITAKER: You can't cross examine
17 a letter. You can't cross examine a petition.

18 So if someone is raising an objection
19 and wants to note it and make their opinion known to
20 a board, either that person or their legal
21 representative has to come in the form of an
22 attorney.

23 MS. O'KEEFE: Understood, okay.

24 MR. WHITAKER: That's the law and the
25 reason we record this meeting is because a decision

1 will be rendered by this board and anyone has a right
2 to appeal that decision and a judge in superior court
3 that would review this hearing doesn't take new
4 testimony.

5 The judge reviews the testimony by
6 reading the transcripts. So it's very important that
7 if it sounds like we stop you to have your name
8 spelled and stop to make sure that you're being
9 heard, because the transcripts have to be preserved
10 and be done properly and that's the concept.

11 MS. O'KEEFE: Understood 100 percent.
12 Yeah, I understand that.

13 I just didn't like the word
14 "selective." That concerns me essentially with
15 something of this magnitude where people are living
16 directly across the street.

17 MR. WHITAKER: We need a question. We
18 cannot have opinions expressed now.

19 MS. O'KEEFE: Okay.

20 Well, my question was: Why isn't she
21 on the list, but now I understand why she's not on
22 the list?

23 So I guess my other follow-up question
24 to that would be when the agenda is posted, that
25 doesn't sometimes allow us that much time to turn

1 around and submit information that we're objecting.

2 MR. WHITAKER: At every meeting the
3 announcement is made as to when the next hearing will
4 occur.

5 So, they're all -- and if the person is
6 in attendance at that meeting, they will know when
7 the next hearing is occurring.

8 MS. O'KEEFE: Okay.

9 MR. WHITAKER: In fact --

10 MS. O'KEEFE: Okay. I mean, the only
11 reason I ask is the last time we --

12 MR. WHITAKER: The next hearing will be
13 announced tonight.

14 MS. O'KEEFE: Okay. The last time we
15 talked about the billboard was quite a while ago.

16 So it's June 27th, so that's why, you
17 know, maybe this neighbor didn't -- wasn't aware that
18 it was an agenda item, so thank you very much.

19 CHAIRMAN BROWN: Thank you.

20 Hello, good evening. If you can,
21 please, state your name and also spell your name and
22 give us your address for the record.

23 MS. DeSILVA: Frettra DeSilva,
24 F-R-E-T-T-R-A D-E space S-I-L-V-A.

25 I live at 521 West Saddle River Road.

1 CHAIRMAN BROWN: Thank you.

2 MS. DeSILVA: I'm listed on the map
3 here and I apologize, we were at another town
4 meeting.

5 So the visibility, is it impacted by
6 the trees here or is it not.

7 MR. D'ARMINIO: Again, I think he's
8 asked and answered that.

9 MR. WHITAKER: The question was asked
10 and answered already.

11 It's a repetitive question.

12 MS. DeSILVA: Okay. So I'll listen to
13 the recording, I guess.

14 Are these recorded?

15 CHAIRMAN BROWN: Yes, they're recorded
16 and there's also a transcript.

17 MR. WHITAKER: The recording and there
18 will also be a written transcript.

19 MS. DeSILVA: Okay. And was there any
20 consideration if it is not or was that angle changed
21 if it is not without the trees, because there will no
22 longer be trees there shortly.

23 MR. D'ARMINIO: I think that was asked
24 and answered and he said that he had no knowledge.

25 MR. WHITAKER: He had no knowledge of

1 any tree removal.

2 MS. DeSILVA: Okay.

3 I think there is plans for the town.

4 And last question for you all, what is the criteria
5 that this zoning board uses to make its determination
6 as to the approval of this plan.

7 MR. WHITAKER: That's not a question
8 for this witness.

9 MS. DeSILVA: Okay. Is that written
10 somewhere so that we can read it.

11 MR. WHITAKER: N.J.S.A.40:55D-70, the
12 Municipal Land Use Law.

13 MS. DeSILVA: Okay.

14 So we can get that from the recording.

15 MR. WHITAKER: Also found with the
16 applications that are made to the board, there is a
17 reference to it there to the zoning application in
18 Ridgewood.

19 MS. DeSILVA: Okay. So we can look at
20 their application.

21 MR. WHITAKER: Correct.

22 MS. DeSILVA: Okay.

23 Thank you.

24 MR. WHITAKER: You're welcome.

25 CHAIRMAN BROWN: Thank you.

1 Good evening, again, if you can,
2 please, just state your name, spell your name and
3 give us your address for the record.

4 MS. HONE: Spell my name.

5 CHAIRMAN BROWN: Yes, please.

6 MS. HONE: Jacqueline Hone,
7 J-A-C-Q-U-E-L-I-N-E, last name is Hone, H-O-N-E. I
8 am listed as Objector No. 1, 30 Carriage Lane.

9 I apologize if I'm repetitive. I, too,
10 was at another village meeting.

11 So I have a -- is it possible to
12 explain this diagram, the gray shaded areas?

13 MR. D'ARMINIO: We've explained that
14 already.

15 MR. WHITAKER: This was all asked and
16 answered earlier this evening.

17 MS. HONE: Okay.

18 MR. WHITAKER: Cannot be repetitive.

19 MS. HONE: Okay. Directly across the
20 -- where the sign is going to be, are -- is -- are
21 they aware of the historic elements in and around
22 this sign.

23 MR. D'ARMINIO: That's not for this
24 witness. We have a witness who's testifying to that,
25 that's Mr. McDonough.

1 MR. WHITAKER: You were not here, but
2 the applicant's attorney, Mr. D'Arminio has stated
3 that they will be presenting planning testimony with
4 a licensed planner at a future meeting.

5 MS. HONE: At a future meeting.

6 So is this just specific to --

7 MR. WHITAKER: Well, it was going to be
8 tonight, but it looks like it will be at a future
9 meeting.

10 MS. HONE: It was supposed to be
11 tonight?

12 I'm sorry.

13 MR. D'ARMINIO: Well, I have my
14 witness.

15 MR. WHITAKER: His witness is here this
16 evening, but he can't go on to the next witness until
17 all the questions are asked of this witness.

18 MS. HONE: And the next witness will
19 address the planning and the --

20 MR. WHITAKER: The next witness, I
21 understand, is the planner, that's what Mr. D'Arminio
22 said earlier this evening when he gave his
23 presentation.

24 MS. HONE: Mr. D'Arminio, I'm sorry, I
25 apologize, I wasn't here earlier.

1 MR. WHITAKER: Raise your hand,
2 Mr. D'Arminio.

3 MS. HONE: Your next witness, so we can
4 just wrap this up and hopefully go onto your next
5 witness, could you tell us exactly what that witness
6 is going to be speaking about.

7 MR. WHITAKER: He did it earlier this
8 evening. Let's wait. If we could move on, we can
9 hear it this evening.

10 MR. D'ARMINIO: I had said that we will
11 talk to all the issues that you're talking about.

12 MS. HONE: Thank you.

13 Then I'll wait to the next witness.

14 CHAIRMAN BROWN: Thank you.

15 MR. WHITAKER: You need a break.

16 CHAIRMAN BROWN: Yeah, that's what I
17 was going to say.

18 MR. WHITAKER: The stenographer needs a
19 break, Mr. Chairman.

20 CHAIRMAN BROWN: We have one more
21 question. If you can just state your name, spell
22 your name and give us your --

23 MS. HADERTHAUER: Yes, Diane
24 Haderthauer, H-A-D-E-R-T-H-A-U-E-R. I am Number 6 on
25 this map.

1 I just want to know, and I believe this
2 is a question for the witness.

3 CHAIRMAN BROWN: Please give us your
4 address.

5 MS. HADERTHAUER: Oh, 470 Albin Court.

6 CHAIRMAN BROWN: Thank you.

7 MS. HADERTHAUER: The difference
8 between the light in the day and the night, I imagine
9 that it's going to be appear a lot brighter at night.
10 All the photographs that we've seen are in the
11 daytime.

12 So, when that -- when it's night, is
13 there a difference in the 45-degree arch that we're
14 looking at as to how bright this light is going to
15 appear.

16 THE WITNESS: You have two questions
17 there.

18 Number one is the angle, no, that
19 doesn't change. So, the angle doesn't change day or
20 night.

21 With respect to daytime or nighttime,
22 to be -- reality is the sign is actually brighter in
23 the daytime. It's illuminated. It is turned up so
24 the image, because it's competing against sunlight,
25 if you were to measure the brightness of the sign

1 during the day, it's actually a lot brighter, because
2 that yellow line, again, we keep talking about a
3 cone, if you look on the image just out beyond the
4 sign, there is this -- there is the yellow line that
5 is 0.3 over ambient light, so that's still -- we have
6 ambient light levels, the lights here are shining
7 lights on us and so 0.3 over this light is
8 technically what that light would be illuminated as.

9 So in a bright sunny, no clouds in the
10 sky when the sun is shining, it's very bright
11 outside, correct?

12 So, the sign has to be boosted up in
13 order to compete with that sunlight so you can see
14 the image. So 0.3 over the ambient light at that
15 yellow line and at nighttime it's not competing with
16 the sun. It's competing with only a few lights of
17 the businesses maybe that are surrounding it and the
18 lights that are along the highway near the sign. So
19 the light levels go down dramatically, so the
20 intensity of the light from that sign actually goes
21 down dramatically.

22 So, again, at that yellow cone it's 0.3
23 over the ambient light.

24 MS. HADERTHAUER: So how does that
25 light change? Does it -- is it self adjusting?

1 Because if there's --

2 THE WITNESS: Yes.

3 MS. HADERTHAUER: -- clouds and it's
4 darkened like it was today.

5 THE WITNESS: Right, that's a very good
6 question. Yes, it does adjust. There is a -- it
7 auto adjusts.

8 There's a sensor that sits out in front
9 of the board and will adjust that light based on the
10 ambient light.

11 MR. D'ARMINIO: I didn't want to cut
12 anybody off, but there's been testimony many, many
13 times ago.

14 MR. WHITAKER: But let him testify.
15 It's easier to do that than state that it has been
16 testified to, but we understand that.

17 So he's just confirmed to you.

18 MS. HADERTHAUER: Okay.

19 MR. WHITAKER: That the light adjusts.

20 MS. HADERTHAUER: All right.

21 Thank you.

22 CHAIRMAN BROWN: Thank you.

23 Mr. D'Arminio, I'm going to take five,
24 our court reporter needs to rest.

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

1 CHAIRMAN BROWN: So we're going to take
2 five.

3 All right. Thank you.

4 (Whereupon, a brief recess is taken.)

5 CHAIRMAN BROWN: Good evening,
6 everyone.

7 We are going to go ahead and go back on
8 the record.

9 Mr. D'Arminio, call your next --

10 MR. D'ARMINIO: Yes.

11 I'm going to release Mr. --

12 MR. WHITAKER: Jane, just take a roll
13 call again.

14 MS. WONDERGEM: Greg Brown?

15 CHAIRMAN BROWN: Here.

16 MS. WONDERGEM: Matthew Bandelt?

17 VICE CHAIRMAN BANDELT: Here.

18 MS. WONDERGEM: Gary Negrycz?

19 (No Response.)

20 MS. WONDERGEM: Diana Ruhl?

21 MS. RUHL: Here.

22 MS. WONDERGEM: Jon Papietro?

23 MR. PAPIETRO: Here.

24 MS. WONDERGEM: Michael Pickholtz?

25 (No Response.)

1 MS. WONDERGEM: Jason Curreri?

2 MR. CURRERI: Here.

3 MS. WONDERGEM: Harold Maxwell?

4 MR. MAXWELL: Here.

5 MS WONDERGEM: Jamie Fox?

6 (No Response.)

7 CHAIRMAN BROWN: Thanks, Jane.

8 MR. D'ARMINIO: Mr. Chairman,

9 Mr. Skapinetz is done.

10 He's got a long ride. He can go home,
11 right, at this point?

12 There's no other questions, unless
13 there's other questions of him?

14 MR. WHITAKER: We closed the questions
15 for Mr. Skapinetz.

16 Your next witness now.

17 MR. D'ARMINIO: Go, yeah, you got a
18 ride.

19 Mr. McDonough?

20 MR. WHITAKER: Mr. McDonough, if you
21 would raise your right hand.

22 Do you swear or affirm that the
23 testimony you're about to give will be the truth and
24 nothing but the truth?

25 MR. McDONOUGH: Yes, I do.

1 J O H N M c D O N O U G H, PP, ACIP
2 101 Gibraltar Drive, Parsippany, New Jersey,
3 having been duly sworn, testifies as follows:

4 MR. WHITAKER: For the record, please
5 state your full name, spell your last with your
6 business address.

7 MR. McDONOUGH: Sure.

8 Hi there, everyone.

9 My name is John McDonough, that's
10 spelled M-c capital D-O-N-O-U-G-H. Business address
11 is 101 Gibraltar Drive over in Parsippany, New
12 Jersey.

13 MR. WHITAKER: Thank you.

14 Counsel?

15 VOIR DIRE EXAMINATION

16 BY MR. D'ARMINIO:

17 Q. Yes, Mr. McDonough, would you please
18 state your qualifications for the record?

19 A. Sure.

20 They're the same as they were last
21 month when I was here.

22 I'm a licensed professional planner
23 here in the State of New Jersey. That license is
24 current and in good standing.

25 And I have the good fortune of getting

1 to testify throughout the State of New Jersey, so I
2 get to see the full cross-section. And I've been in
3 here in your town many times before and accepted as a
4 witness.

5 Also, accepted as a witness on the
6 national level. I'm certified under AICP, which is a
7 national certification. That is also current and in
8 good standing.

9 And I testified in both courts and
10 before land use zoning and planning boards in that
11 capacity.

12 I would also offer that I am a licensed
13 landscape architect here in the State of New Jersey.
14 Did not do any landscape design here, but I do rely
15 upon my knowledge of landscape architectural design
16 and plants as part of my planning conclusions.

17 Q. And you have a professional planning
18 license and it's up-to-date, correct?

19 A. It is current and it is in good
20 standing, yes.

21 It has never been challenged.

22 MR. D'ARMINIO: I would like to have
23 Mr. McDonough accepted as an expert witness in
24 planning for this hearing.

25 MR. WHITAKER: At this time are there

1 any questions of Mr. McDonough as to his
2 qualifications from board members.

3 (No Response.)

4 MR. WHITAKER: I have one.

5 Mr. McDonough, as part of being a
6 licensed planner in the State of New Jersey, you have
7 a familiarity with Municipal Land Use Law?

8 THE WITNESS: Yes, I do.

9 MR. WHITAKER: Thank you.

10 Are there any questions by members of
11 the public as it pertains to his qualifications as a
12 licensed planner in the State of New Jersey?

13 (No Response.)

14 MR. WHITAKER: There being none,
15 Mr. McDonough will be able to testify as an expert
16 witness and on that basis be able to render an
17 opinion in land use and planning as part of his
18 presentation.

19 Please proceed.

20 DIRECT EXAMINATION

21 BY MR. D'ARMINIO:

22 Q. Okay.

23 Mr. McDonough, what did you do in
24 preparation for your testimony this evening? What --
25 what process did you take?

1 A. Sure.

2 We conducted a standard planning
3 analysis in connection with this application and what
4 we planners do is essentially a four-part analysis.
5 It's a pretty straightforward sequential process.

6 Number one, we look at existing
7 conditions. We look at the lay of the land as it
8 exists now. We went out to the subject property. I
9 personally have been out to the subject site over the
10 course of four seasons.

11 That's not something we typically get
12 to do on the planning end. These cases tend to come
13 at us relatively quickly.

14 Here, given the length of the
15 application, we actually have gotten to see the site,
16 I'll say, with the leaves on, with the leaves off,
17 with snow and the various changes of weather.

18 So that's Step Number 1. We look at
19 existing conditions.

20 We don't only isolate on the site
21 itself. We isolate or focus on the surrounding area
22 as well. So we look at the context.

23 Second part we look at what you've
24 heard a lot of testimony about, are the proposed
25 conditions. We look at the plans, we review the

1 testimony, the transcripts, the exhibits, all of
2 which have been entered as part of the record. And I
3 think the board has a good, thorough and solid record
4 of what the applicant is proposing here.

5 I think it's pretty clear as to what
6 the applicant is proposing in the form of a message
7 board or a billboard if you will.

8 Number 3 goes towards one of the
9 concerns of the members of the public. We looked at
10 the zoning that has been established for this site,
11 and we'll get into the details of that, and the
12 applicant is here before the board asking for relief
13 from some of those zoning criteria that are presently
14 in place here in the Village of Ridgewood.

15 And then, finally, the last part of the
16 test, again, going back to the question of a member
17 of the public, is we look to the criteria that would
18 apply in the Municipal Land Use Law. We have
19 criteria on the positive side and on the negative
20 side. We consider that as well.

21 I think the members of the public had
22 good questions. Who's the beneficiary of this land
23 use? What are the public benefits?

24 We're going to get into that. It is a
25 use that does serve an important public purpose.

1 Again, we'll come back to that and of
2 course we always consider the impacts as well, the
3 public impacts.

4 Any land use does have an impact. To
5 sit here and say that there is not going to be any
6 impact would be a falsehood, just like to say it
7 doesn't have any benefit would be a falsehood. It's
8 a balancing. Good planning is a balancing. It's a
9 land use that belongs somewhere. And we look to
10 mitigate impacts on the neighboring properties and
11 we're going to go through all of that as we go
12 through the testimony, but those -- those are the
13 four parts of our analysis.

14 Q. Okay.

15 And you also are familiar with the New
16 Jersey Department of Transportation regulations and
17 the permitting process as well, correct?

18 A. Yes, N.J.A.C. 16:41C are regulations
19 that regulate outdoor advertising signs, both the
20 digital messaging that the applicant is proposing
21 here and the static messaging.

22 They are chockfull of safety
23 regulations and considerations before DOT would issue
24 a permit, which has been issued here.

25 Q. Okay.

1 You -- please state -- I want you to
2 state your findings of fact with respect to the site
3 and the proposal.

4 I know you have several exhibits. How
5 would you want to present them, have them marked?

6 A. There's going -- we're going to start
7 with a Google Street Map of the subject property and
8 showing how it falls within the context of the site
9 -- I mean, the context of the community, the
10 municipal boundary.

11 Q. These are the handouts.

12 A. We'll do that second.

13 Q. Okay. So let's -- you have copies of
14 this, I believe?

15 A. Yes.

16 For the board's benefit, for the
17 public's benefit what we're going to do is start with
18 --

19 MS. WONDERGEM: Is the light on?

20 First of all, is the light on, on that
21 microphone?

22 THE WITNESS: The light is not on,
23 because it's off.

24 Now the light is on.

25 Can everybody hear me okay?

1 Can you hear me okay?

2 MALE AUDIENCE MEMBER: Yes.

3 Thank you.

4 THE WITNESS: It's this one, and I'm
5 not going to get into it yet.

6 I'll just -- just as we're setting up
7 here, we're going to start with a very broad view and
8 then we're just going to eventually hone into some
9 more site specific information.

10 So we're going to show where the board
11 is proposed in the context of your community, we'll
12 zoom in a little closer and then we'll start to look
13 at some of the surrounding properties as we are were
14 able to fly a drone around as well and look at some
15 of the landscaping that's associated with those
16 properties and I'll say the remoteness of those
17 properties from the proposed board.

18 BY MR. D'ARMINIO:

19 Q. Let's mark the first exhibit and do you
20 have copy of this?

21 A. Yes.

22 Did you hand them out.

23 Q. No, you didn't give them to me.

24 MR. D'ARMINIO: We'll do A-24?

25 MR. WHITAKER: Yes.

1 (Whereupon, Google Street View is
2 received and marked as Exhibit A-24 for
3 identification.)

4 BY MR. D'ARMINIO:

5 Q. First, describe what that is as I give
6 them out.

7 A. Okay.

8 So A-24, I put this together. It looks
9 like what you see on the screen here (indicating).

10 It's going to be a -- it's your basic
11 Google Street View. It shows in a little dashed pink
12 or red line the outbound of your community.

13 So your entire community is shown on
14 here.

15 It may be somewhat difficult for the
16 public to see, but on the close-up you can see it.

17 It basically takes up the screen, but
18 your town, in terms of the shape, is defined by a
19 core somewhat regular shape, rectangular core and
20 then I'll say you have about four appendages that
21 come out.

22 Downtown is generally in the geographic
23 center. This is remote from the geographic center or
24 from the downtown.

25 What's interesting about where the

1 applicant is proposing the sign is on one of the
2 appendages to the east, in this particular exhibit
3 we'll say north is straight up.

4 But if you look at what's happening
5 over on the eastern portion of your community where
6 this little appendage comes out, that's where
7 Route 17 is, that's the highest order roadway in the
8 community. It is a state highway under state
9 jurisdiction. It is a multi-lane highway. It is a
10 highway with a Jersey barrier that runs down the
11 middle.

12 This is a land use that follows the
13 highways. Much like our housing follows under our
14 policies follows the trains, this land use follows
15 the highways, the highest order of roadways and this
16 logically being located at this portion of your
17 community because that's where the highway is.

18 Interestingly, Route 17, I'll say, nips
19 your community by about a mile or so. It runs for
20 about a mile's length. We know 5,280 linear feet is
21 what equates to a mile. This particular sign is
22 being located generally in the center of that mile
23 length and we know from the way the regulations work
24 in terms of the separation requirements, 3,000 feet
25 is the minimum spacing requirement for a digital

1 board or a multi-message board.

2 So, if you're looking at locating a
3 sign in the middle of that Route 17 corridor, you're
4 generally knocking out the potential for other signs.
5 I'm not saying that this is going to wholesale
6 foreclose that from happening, but there's a pretty
7 good potential that that's going to happen.

8 Our state regulations say that or will
9 issue permits for signs that are on non-residential
10 areas.

11 Again, if north is up, the west of
12 Route 17 would be -- what is now zoned
13 non-residential and what's on the east side is zoned
14 residential. I think that's where many of the
15 neighbors are from here. The billboard can't go on
16 the residential side. It can only go on the
17 non-residential side.

18 So in terms of site selection, we look
19 for a main highway. You've got a multi-lane highway
20 here. We look for a non-residential area and
21 essentially we look for a sign that is located
22 approximate to the highway, which is where our
23 applicant found a site that fits all of those
24 criteria.

25 So, again, starting with the very broad

1 focus here, the sign is being located, I'll say, on
2 the outskirts of the town in terms of the way your
3 town is geographically shaped, a portion of the town
4 that carries a very high volume of traffic and an
5 opportunity to extend the downtown to Route 17 by
6 sending messages out there that we're here and there
7 are a number of opportunities off of 17 to get into
8 the downtown as well.

9 So it doesn't necessarily have to be a
10 turn here type of message, but it plants a seed that
11 there might be a nice restaurant to go here on a
12 weekend, you know, if you're doing your commute or an
13 event or something along those lines.

14 So, again, it becomes an aide or an
15 extension for the downtown and that's clearly a
16 public benefit that would be associated with this.
17 So, that's going to start with the overall view.

18 Somebody had asked a question who
19 benefits from a message board, from a billboard. The
20 answer is: People benefit. People are the
21 recipients of those messages. People send those
22 messages. These signs, if you see them throughout
23 the state, pretty much fill up because people want to
24 communicate with other people and this is a mechanism
25 to do that. We're going to weigh it against the

1 impacts for sure and I think that's where we're going
2 to go with the next set of exhibits.

3 Q. Do you want to do the key map next?

4 A. We'll do the key map next, yes.

5 THE WITNESS: I think if you just click
6 down.

7 BY MR. D'ARMINIO:

8 Q. We'll mark this. This is a key map?

9 A. Yes.

10 Q. This is entitled, for the record, a
11 "Key Map."

12 It's an aerial and it has various
13 numbers on it. I'm going to mark it in the upper
14 right-hand corner as A-25?

15 (Whereupon, Key Map is received and
16 marked as Exhibit A-25 for identification.)

17 BY MR. D'ARMINIO:

18 Q. I've got some copies to give out as
19 well.

20 A. So as A-25 is being handed out, you'll
21 see now we zoomed in a little bit closer to the
22 subject site and I'll call it the immediate
23 neighborhood. You get a sense of the openness of the
24 land as we start to work our way away from Route 17.

25 The sign I've shaped it like a V. It's

1 not true to scale. It's just to locate the sign with
2 a V, just like the prior exhibit as well.

3 We've outlined the subject property in
4 blue. We've shaded it just to show you and we're
5 going to get into the details about what constitutes
6 the site and then there's about 18 -- 14 or so
7 circles on here with arrows that shows where we stood
8 with the camera and what we saw when we took those
9 views and we're going to come back -- Lou, I think we
10 come back to this at the end, because we want to go
11 -- I think go through each one of what you see from
12 those homes after we go through all the other aspects
13 of our presentation, but we're going to land here at
14 the end, we're going to come back to this in
15 consideration of the impacts that weigh against all
16 those benefits, which I'm now going to launch into.

17 Q. One of the things is you -- we're also
18 going to go through the surrounding uses and the
19 like, correct?

20 A. Exactly, yes.

21 So --

22 Q. Do you want to use that exhibit or the
23 next exhibit?

24 A. You can let that dwell up there, that's
25 fine. We'll let that dwell up there.

1 So I'm just going to walk you through
2 some of the findings of facts with respect to the
3 site itself and the proposal.

4 I know you've heard a lot of testimony.
5 I'm just going to try to boil it down here as to what
6 I think is salient from a planning standpoint.

7 Number one, the subject site consists
8 of a single tax lot, it's what's outlined in blue
9 there. It has somewhat of an irregular triangular
10 shape. It's identified as Block 4703, Lot No. 10.
11 It is developed as an auto repair facility with a
12 three-bay garage and paved areas.

13 That's what our immediate neighbor, the
14 office building next door looks down upon presently.

15 The site has an irregular shape, as I
16 just said. It creates limitations on some of the
17 development potential.

18 The site comprises approximately a half
19 acre. I have 22,278 square feet with 191.58 linear
20 feet of frontage on Route 17.

21 That's a good amount of frontage along
22 Route 517 [sic] and if I knew my geometry, that's the
23 longest access of the triangle.

24 Route 17, as I just said, is a
25 multi-lane state highway. We've got six lanes.

1 We've got a posted speed limit of 55 miles an hour.
2 This is not a local road. This is not one of your
3 25-mile-per-hour roads, 35-mile-per-hour roads in the
4 community. It's a 55-mile-an-hour highway.

5 It is the only highway that passes
6 through the village at all and as I said by the fact
7 that it does provide some access to the downtown is a
8 gateway to the community.

9 Route 17 is the highest order roadway
10 in the community and as I said, it's length is only
11 one mile. The -- we went back and forth on the
12 commercial side versus the residential side.

13 Route 17 is a land use. It is a
14 dominant land use in the area based on its sheer
15 size, it's physical mass, the coverage and the
16 activity.

17 Bear in mind, the applicant is
18 proposing a sign that stands still. There was a
19 question about the impact on a neighbor there of an
20 object that will be static. Route 17 moves. That's
21 a land use that is constantly in motion all day long.
22 It has a sound associated with it as well. It's
23 going to be a static sign.

24 It is not, what I'll call, the two man
25 that does the dance or the rotating sign. It is a

1 static object that is not going to be animated and
2 based on the vision reduction that Brett showed you
3 earlier, it's going to be a black object like any
4 black object could be on this site and we'll get to
5 that momentarily as well as we go through the zoning.

6 And so other land uses in the area,
7 we've got an office building. We've got the Exxon
8 gas station. We've got town land. We've got the
9 cemetery. Somebody pointed out the cemetery. And
10 the proposal here is to construct a new billboard
11 sign in an open area on the site next to the repair
12 garage.

13 So it's not going to interfere with any
14 of the parking spaces, any of the site circulation,
15 any of the refuse management or any of the other
16 operational aspects of the business that's there now.

17 Going back to the configuration, it's
18 going to have a monopole base in this V
19 configuration. We've got the double-face display
20 panels. Each panel is going to measure
21 10-and-a-half-feet-wide-by-35-feet-8-and-a-quarter-
22 inches-high at 375 feet and at a height of 40 feet on
23 the top.

24 If you want to get a good look of a
25 similar sign that's come out in the testimony,

1 there's one not too far away over in Maywood.

2 This sign is going to be even better
3 than what you see in Maywood, because it's newer,
4 more innovative technology in terms of the cone of
5 vision reduction and, of course, I call them wings,
6 Brett called them louvers, those wings that come out
7 at the side and help to obscure the view of the sign
8 beyond that narrow cone of vision, which is a land
9 use that's targeted at the motoring public, that's
10 the recipient audience.

11 The display messages will utilize LED
12 technology. This is multi-message capability in
13 accordance with what our state regulations say is
14 perfectly safe and appropriate as the stewards of
15 highway safety. The DOT has said that these signs
16 can change instantaneously at eight-second intervals,
17 which is exactly what our applicant is respecting
18 here and, again, reminding the board we do have a
19 state permit.

20 The displays will be still. So unless
21 you're staring at the sign, you don't see the flip or
22 you catch it during a flip, it's a still image. It
23 doesn't move. It doesn't roll. It doesn't scroll.
24 It's not a PowerPoint presentation where the images
25 may fade or slide. It is a still image.

1 The displays will use, again, that
2 Narrow-View Technology to mitigate visibility from
3 the sides and the applicant has provided the board
4 and the public with many, many visuals as to what the
5 signs will look like.

6 Other than the sign erection, there's
7 no changes proposed to the site whatsoever. So what
8 you've seen is what you'll get but for that sign.

9 Q. Why don't you, please, state your
10 findings with respect to the zoning and the relief
11 requested.

12 A. Okay.

13 So, while we as planners can't turn a
14 blind eye to what is or what is there now and, again,
15 we're looking at a neighborhood, no doubt about it,
16 that is adjacent to an active state highway and I'll
17 call it a commercial highway that is lined by highway
18 commercial uses including gas stations and other
19 auto-centric uses that are right there that do have
20 movement back and forth.

21 So don't only not turn a blind eye to
22 the established neighborhood pattern, but we also
23 look at the vision for the area and what could be.

24 This is in what's known as your OB-2,
25 Office Building District, which is a zone that's

1 aimed at commerce and aimed at economic development
2 along the highway. This is not a residential zone.
3 This is a non-residential zone that invites
4 businesses that will, again, draw economic
5 development. It's exactly what this land use does.
6 It's an arm of economic development.

7 The zone permits a wide variety of
8 commercial-oriented uses. Now, things that can go
9 there, we have an -- we have an office building right
10 next door that we're trying to maintain some
11 sensitivity to. The zone plan says another office
12 building could go right there with a ribbon of
13 windows looking right back at those ribbon of windows
14 completely blocking what is a pretty nice view of the
15 open land, the historic site across the street.

16 I have been in that building next door
17 and, again, to the extent that you see the sign, it
18 is off to the side, the view shed is maintained. A
19 conforming building could conform and block any view
20 across from that. Activity could happen in that
21 building.

22 So to the extent the concern is
23 activity associated with this land use or the images
24 that it can convey, you could have people walking
25 back and forth in that office all day long. You

1 could also fill that office with a veterinary
2 hospital, puppies, cats, animals right -- right there
3 outside those windows could also go there.

4 So there's an element of animation and
5 distraction, if you will, that may influence or
6 impact and the zone plan says that's okay, a building
7 could go 30 feet off the property line and completely
8 block that adjacent building.

9 Likewise, the residential neighborhood
10 could live with that land use as well and if you're
11 looking across the highway, you can see ribbons of
12 windows as people are working in their offices and
13 the like.

14 Permitted principal uses also include
15 public uses, schools could go there and institutional
16 use. You have permitted conditional uses that would
17 include a public utility building and structures.

18 So you could get a public utility right
19 there and cell towers and we know there's a cell
20 tower right there as well that does have influence on
21 the visual impact in the area.

22 Permitted accessory uses include
23 parking lots, include loading areas, refuse areas and
24 signs. You can have on-premises signs there as well.

25 So those are all the things that the

1 zone plan talks about. The applicant is asking for
2 relief because this particular land use is not
3 allowed in the OB-2 zone district and so the list of
4 relief for the board, you've got a D-1 use relief to
5 allow an off-premises sign, which is not permitted in
6 any zone in your community.

7 That's what this establishment does.
8 That's what this business does is create these
9 structures for people who want to put messages on the
10 signs.

11 So they can't do that anywhere here in
12 your community and we think we have found the optimum
13 location being located along a highway.

14 Again, it's a use that has a right to
15 be somewhere.

16 We have D-1 use relief as well. I'm
17 calling it D-1 dual use relief, because we already
18 have a principal use on the property in the form of
19 the auto repair facility and so the off-premises
20 sign, which is not accessory to that auto repair
21 facility would be a second principal use. So we have
22 two D-1 use variances that we'll talk about.

23 We also have a third D variance, which
24 is a D-2 variance that pertains to a preexisting
25 nonconforming use, which is the repair facility.

1 Repair facility is not permitted, again, auto repair
2 in an office zone.

3 Then we do have a fourth D variance
4 related to the height to the extent that the maximum
5 allowable height for a principal structure in your
6 zone would be 30 feet and as you've heard for the
7 sign to serve its purpose, we're looking for 40 feet
8 here.

9 Bearing in mind, the sign has a linear
10 base and the panels on top, comparing that to what
11 could be a low structure, but a much bulkier
12 structure and that's what the zone plan says is okay.

13 MR. STANDRIFF: Excuse me, sorry to
14 interrupt.

15 I thought there was a change in the
16 proposal. Is it still 40 feet or was that changed to
17 35.

18 MR. D'ARMINIO: We did change it to 35.

19 Yeah, the plan is 40.

20 No, we did -- we moved it back.

21 Oh, I know what you're saying. We
22 moved the sign back to eliminate a variance. We did
23 move it back to 30.

24 We moved the sign setback to 30. That
25 was --

1 THE WITNESS: Counselor, if it helps,
2 there was a setback variance that's been eliminated.
3 There was a front yard setback variance which is off
4 the table.

5 MR. D'ARMINIO: Right.

6 And that was moved back from, I think,
7 originally 10 feet to 30 feet. I think that's where
8 the 30 --

9 THE WITNESS: And then there's sort of
10 this, I'll call it, juxtaposition. You have in your
11 ordinance Section 190-122, which controls the size,
12 the height, the location of signs, but that pertains
13 to accessory on-premises signs.

14 So I think we know from a land use
15 perspective, a land use can't be both a principal use
16 and an accessory use. So if we're looking at all
17 these D variances related to the principal use, in my
18 view, Section 190-122 doesn't apply. You can
19 certainly look at it for comparative purposes, but I
20 don't think the applicant can need relief from
21 accessory use standards when we're dealing with a
22 principal use and we're asking for relief related to
23 the principal use. It's one or the other.

24 If we need relief from 190-122, then I
25 can't see how the applicant needs relief from the D-1

1 relief, because then it's an accessory sign.

2 So anyhow, going to go through all of
3 the proofs, but I just throw that out there at the
4 outset that there's sort of this friction or tension
5 between whether relief from 190-122 is really needed.

6 Should I launch into the D-1?

7 MR. D'ARMINIO: Yes, why don't -- why
8 don't we talk first -- let's just wait a second.

9 (Whereupon, a brief recess is taken.)

10 MR. D'ARMINIO: I'm just trying to
11 figure out if this is a place to stop. I'm not
12 trying to coach him. I'm just trying to --

13 THE WITNESS: I'm on a roll and he's
14 feeling it.

15 MR. D'ARMINIO: I'm taking time away
16 from it.

17 As much as Mr. McDonough was on a roll,
18 there's really a lot more testimony and this might be
19 a good place to stop, because we talked about -- he
20 set the stage and now we're going into the proofs,
21 because we'll never -- we'll never get finished in 15
22 minutes.

23 CHAIRMAN BROWN: No, not in 15 minutes.
24 Mr. Whitaker, right?

25 MR. D'ARMINIO: Is that okay,

1 Mr. Chairman?

2 CHAIRMAN BROWN: Yeah, that's fine.

3 MR. D'ARMINIO: We can continue.

4 CHAIRMAN BROWN: No, no, no. It's a
5 good place to stop.

6 Thank you.

7 So we need a new date. Did you guys
8 talk about September 12th?

9 MR. D'ARMINIO: Actually, I spoke to
10 Mr. Standriff. The 12th was okay and I think that's
11 okay with us.

12 CHAIRMAN BROWN: Is that okay with us?

13 MR. D'ARMINIO: I think we asked.

14 CHAIRMAN BROWN: September 12th is
15 okay? Okay.

16 Okay, great.

17 So we're going to carry this until
18 September 12, 2023 at 7:30 p.m. and --

19 MR. D'ARMINIO: 7:30, sir.

20 CHAIRMAN BROWN: It's 7:30, we're
21 starting at 7:30.

22 No further notice.

23 All right.

24 MR. D'ARMINIO: Thank you.

25 CHAIRMAN BROWN: Thank you.

1 MR. WHITAKER: And just so the record
2 reflects, Jane, that's the only matter on now.

3 MS. WONDERGEM: Yes.

4 MR. WHITAKER: So it's anticipated for
5 members of the public, it's anticipated that it will
6 start right after 7:30. It will be the first one on
7 the agenda under old business.

8 MR. DeSILVA: Are they going to put
9 other --

10 MR. WHITAKER: I'm sorry, what's the
11 question?

12 MR. DeSILVA: Will they put other, like
13 people who will be before? Will they put others on
14 the agenda.

15 MR. WHITAKER: No, I just stated that
16 the only thing anticipated on the agenda will be
17 this.

18 So it's going to start at the beginning
19 of the meeting.

20 MR. DeSILVA: Fantastic.

21 Thank you.

22 (Whereupon, the matter is continuing at
23 a future date. Time noted: 10:46 p.m.)

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I, LAURA A. CARUCCI, C.C.R., R.P.R., a Notary Public of the State of New Jersey, Notary ID.#50094914, Certified Court Reporter of the State of New Jersey, and a Registered Professional Reporter, hereby certify that the foregoing is a verbatim record of the testimony provided under oath before any court, referee, board, commission or other body created by statute of the State of New Jersey.

I am not related to the parties involved in this action; I have no financial interest, nor am I related to an agent of or employed by anyone with a financial interest in the outcome of this action.

This transcript complies with regulation 13:43-5.9 of the New Jersey Administrative Code.



LAURA A. CARUCCI, C.C.R., R.P.R.
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of New Jersey #50094914, Notary
Expiration Date December 3, 2023

Dated: July 17, 2023