

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

VILLAGE OF RIDGEWOOD  
ZONING BOARD OF ADJUSTMENT  
TUESDAY, AUGUST 23, 2022  
COMMENCING AT 9:06 P.M.

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

B E F O R E:  
THE VILLAGE OF RIDGEWOOD ZONING BOARD OF ADJUSTMENT

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

**QUICK COURT REPORTING, LLC**  
**47 Brian Road**  
**West Caldwell, New Jersey 07006**  
**973-618-0872**  
**Office@quickreporters.com**

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

2

JANE WONDERGEM, BOARD SECRETARY

3

JOHN BARREE, PP, VILLAGE PLANNER

4

CHRIS PIERSA, PE, VILLAGE ENGINEER

5

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

7

BRUCE E. WHITAKER, ESQUIRE

MCDONNELL & WHITAKER

8

245 E. Main Street

Ramsey, New Jersey 07446

9

Counsel for the Zoning Board

10

LOUIS D'ARMINIO, ESQUIRE

PRICE, MEESE, SHULMAN & D'ARMINIO, P.C.

11

Mack-Cali Corporate Center

50 Tice Boulevard, Suite 380

12

Woodcliff Lake, New Jersey 07677

Counsel for the Applicant

13

DOUGLAS M. STANDRIFF, ESQUIRE

14

LAW OFFICES OF DOUGLAS M. STANDRIFF

25 East Spring Valley Avenue

15

Suite 330

Maywood, New Jersey 07607

16

Counsel for the Objector, AK Realty, LLC

17

ROBERT J. INGLIMA, JR., ESQUIRE

THE LAW OFFICES OF ROBERT J. INGLIMA, JR.

18

1 Deerhill Drive

Ho-Ho-Kus, New Jersey 07423

19

Counsel for the Objectors, Bergen Convenience

Flagship, Inc.

20

21

22

23

24

25

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

I N D E X

<u>W I T N E S S</u>	<u>SWORN</u>	<u>PAGE</u>
TIAGO DUARTE, PE	6	
Direct Examination by Mr. D'Arminio		6
Cross Examination by Mr. Standriff		14
Redirect Examination by Mr. D'Arminio		21
Board/Professional Questions		
Vice Chairman Bandelt		20
JUSTIN TAYLOR, PE	22	
Voir Dire Examination by Mr. D'Arminio		23
Direct Examination by Mr. D'Arminio		25
Cross Examination by Mr. Standriff		68
Redirect Examination by Mr. D'Arminio		
Board/Professional Questions		
Mr. Whitaker		37
Chairman Brown		39
Vice Chairman Bandelt		41
Mr. Lebow		42
Mr. Piersa		44, 67
Mr. Curreri		46
Mr. Papietro		51, 79
Mr Barree		65
Mr. Negrycz		
Public Questions		
<b>Matthew Rossi</b>		80
516 West Saddle River Road		
<b>Rohan DeSilva</b>		86
521 West Saddle River Road		

E X H I B I T S

<u>NO.</u>	<u>DESCRIPTION</u>	<u>ID</u>	<u>EVID</u>
A-15	Aerial Map Exhibits, dated 8/23/22	7	

1                   CHAIRMAN BROWN: It's 9:06 p.m. on  
2 August 23, 2022. We'll go ahead and go back on the  
3 record.

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

14                   This is continued from June 28th, 2022.  
15 Hello, sir, Mr. D'Arminio, how are you?

16 MR. D'ARMINIO: How are you?

17 CHAIRMAN BROWN: Good.

18 I also saw Mr. Standriff is here as  
19 well.

20 MR. STANDRIFF: Yes, sir.

21 CHAIRMAN BROWN: Great.

22 And also Mr. Inglima as well.

23 MR. INGLIMA: Good evening.

24 CHAIRMAN BROWN: Welcome, everyone.

25 Mr. D'Arminio, go ahead.

1 MR. D'ARMINIO: Yes.

2 Thank you, Mr. Chairman. Just for the  
3 record, this is our fourth meeting; 3/22, 5/10, 6/28,  
4 and this is obviously 8/23. The previous testimony  
5 -- people who have testified is Mr. Antal, the  
6 general manager of the plant in New Jersey.

7 And, again, he talked about the  
8 company, the sign, its operation, the various  
9 benefits.

10 We've had Mr. Duarte from Dynamic  
11 Engineering, our professional engineer, talk about  
12 civil engineering aspects as far as the location, the  
13 site plan simulations, lines-of-sight.

14 Today what I'd like to do is there was  
15 some request for some cleanup from some more recent  
16 aerial photos, I believe it was, from Mr. Duarte.

17 And then we have traffic testimony from  
18 Justin Taylor from Dynamic, professional engineer  
19 with Dynamic.

20 And I believe that will probably take  
21 us up to the end, I guess, at this point.

22 CHAIRMAN BROWN: Okay.

23 MR. D'ARMINIO: So unless there's any  
24 questions or statements from anyone else or any of  
25 the attorneys, I would like to get started.

1 CHAIRMAN BROWN: Okay.

2 MR. D'ARMINIO: Are we good?

3 MR. WHITAKER: Yes, thank you.

4 MR. D'ARMINIO: Mr. Duarte?

5 T I A G O D U A R T E, PE

6 50 Park Place, Newark, New Jersey, having been  
7 previously sworn, continues to testify as  
8 follows:

9 DIRECT EXAMINATION

10 BY MR. D'ARMINIO:

11 Q. Good evening, Mr. Duarte, you have been  
12 previously sworn?

13 MR. D'ARMINIO: Chairman, correct?

14 We're good.

15 CHAIRMAN BROWN: Yes.

16 THE WITNESS: Yes.

17 MR. D'ARMINIO: Okay.

18 BY MR. D'ARMINIO:

19 Q. At the last hearing we were requested  
20 to provide an updated aerial, which I believe you  
21 have provided, correct?

22 A. Correct. What we'll do now is  
23 introduce Exhibit A-15.

24 Q. We have some extras of those, right?

25 A. We do, yes.

1 Q. Okay.

2 A. This is entitled, "The Aerial Map  
3 Exhibit," with today's date, no revisions.

4 (Whereupon, Aerial Map Exhibit dated  
5 8/23/22 is marked as Exhibit A-15 for  
6 identification.)

7 CHAIRMAN BROWN: Okay.

8 MR. D'ARMINIO: I would like to hand  
9 those out to the Board.

10 MS. WONDERGEM: I can pass them out.

11 MR. D'ARMINIO: And I'm marking that  
12 A-15, correct?

13 THE WITNESS: Correct.

14 MR. D'ARMINIO: Okay. Let me do that.  
15 Okay.

16 We have some extras if it's needed.

17 BY MR. D'ARMINIO:

18 Q. Why don't you indicate again and  
19 describe this exhibit and how it was obtained, dated,  
20 and then we can go through each of the issues.

21 A. Yes, so at the last meeting the  
22 question was raised about the -- the aerial and if we  
23 can get a more updated version.

24 So we --we did go back and provide --  
25 prepare this exhibit which has an aerial that's dated

1 June 2020.

2 I don't have the exact date, but that's  
3 -- that's what it comes in from the mapping software  
4 we used.

5 It is a NEARMAP which is obtained via  
6 aerial photograph.

7 Q. I'm sorry, what kind of a map was it?

8 A. It's entitled, NEARMAP is the company.

9 Q. Can you just spell that, please?

10 A. N-E-A-R-M-A-P.

11 Q. Okay.

12 A. So we updated the -- the aerial so that  
13 you can see there are some -- some clearing across  
14 Route 17 to the east of the site, which is the bottom  
15 of the page.

16 On the prior aerial the park, the  
17 wooded area immediately to the bottom of the site was  
18 more wooded.

19 There has been some recent clearing  
20 activity, and that is depicted with the loss of trees  
21 in the area. We --

22 Q. And that was one specific request,  
23 correct?

24 A. Yes, that was one of the requests.

25 We also did update the zoning limits.



1           As mentioned at the prior hearing,  
2           there was an amendment to the zoning map that added  
3           the AH3 zone on the north side, northbound side of  
4           Route 17, so this aerial map has also been updated to  
5           reflect those changes.

6           Q.       And how was that ascertained?

7           A.       From the -- the borough's zoning map.

8           Q.       So you received an updated zoning map  
9           and that was updated what, February?

10          A.       February 2022.

11          Q.       Thank you.   Okay.

12                 In addition, there were some issues  
13           with regard to the impervious coverage and whether  
14           the plan needed to be changed or updated on the plan.  
15           How did that -- how did -- you did an analysis, you  
16           did a further investigation.   What was that further  
17           investigation, what did it reveal?

18          A.       Yes.

19                 So at the last meeting the question was  
20           raised about the breakdown of the impervious surface  
21           on-site and if the proposed billboard would be  
22           increasing any of that impervious coverage from what  
23           exists today.

24                 And we went back, double-checked the  
25           survey and site plan and made sure that the proposed

1 structure does, in fact, not alter the impervious  
2 coverage on-site.

3 It's located within an area which is  
4 fully developed with pavement, so we're not altering  
5 that, the surface coverage.

6 There are areas of gravel on-site, and  
7 we can provide a revised site plan that provides that  
8 breakout of the two different areas, but this is more  
9 to confirm that there is no increase in impervious  
10 surface with the proposal.

11 Q. So if there was a request to have the  
12 actual breakdown, that could be a condition of the  
13 approval?

14 A. Correct, it could be.

15 Q. But at this point it doesn't change the  
16 plan, it doesn't change -- the plan is not changed at  
17 all?

18 A. Correct.

19 There are -- no plan change.

20 Q. Then there was also a request with  
21 regard to an ambient analysis of similar signs that  
22 we have done, and you said that you would do that.

23 Can you describe what that was and what  
24 you did in response to that request and what the  
25 results were?

1           A.       Yes.

2                    So on previous applications, we have  
3 gone back to -- to the sites after a new digital  
4 billboard has been constructed, so we have results  
5 from those pre- and post-conditions.

6                    But we also went out to the Maywood  
7 site, the Maywood sign, which was referenced with  
8 this -- in testimony previously as being a sign  
9 operated by Outfront which is of similar size and  
10 dimensions as to what is proposed.

11                   So we went out to that site and  
12 obtained ambient light levels in the area of the  
13 sign, of the existing sign that's out there, and we  
14 took readings at what -- at an ambient condition and  
15 a condition influenced by the -- the billboard.

16                   What we find or found and can provide  
17 documents to the town is that with the -- the ambient  
18 light levels, they varied from -- from zero to  
19 1 footcandles on-site, and with the -- with the  
20 billboard in operation, the ambient level did not  
21 change by that -- by more than the 0.4 --  
22 0.4 footcandles, which is in line with, basically,  
23 the testimony that I provided originally --  
24 previously.

25                   And these -- that 0.4 was actually

1 measured at a closer distance than the lighting  
2 profile that I provided previously which had  
3 0.3-limit at 187 feet, and we were below 0.4 at about  
4 130 feet.

5 Q. Otherwise you'd have been out in the  
6 road?

7 A. Correct.  
8 We would be out in the roadway  
9 otherwise.

10 Q. Dangerous. Okay.  
11 And so that was Maywood, right?

12 A. The Maywood sign, correct.

13 Q. Any other analysis that you did?

14 A. Yes.

15 So the historic files, we also have  
16 tested similar sized signed from Outfront in Ocean  
17 Township and in Hazlet and similarly, in those  
18 conditions, the ambient light levels actually in  
19 those two other sites didn't change at all, taking  
20 measurements from 20 feet from the sign all the way  
21 to more than 100 feet.

22 Neither of those two other sites had  
23 any changes to the ambient light levels.

24 Q. So they stayed actually constant, they  
25 didn't --

1           A.       Correct.

2                    The ambient level and the light level  
3 influenced by the billboard was the same, so there  
4 was no change.

5           Q.       And you said that was -- it's just the  
6 two locations again, say it again?

7           A.       Hazlet Township and Ocean Township.

8           Q.       Ocean Township.

9                    And Hazlet was the one that was  
10 actually discussed. What's the name of the road on  
11 Route 35?

12          A.       Yes, on Route 35, previously discussed.

13          Q.       And Ocean was also on 35, right?

14          A.       Right.

15                   MR. D'ARMINIO: Okay.

16                   That's Mr. Duarte's testimony.

17                   CHAIRMAN BROWN: Thank you.

18                   And thank you for the updated aerial  
19 map. I know that was something that I asked for.

20                   Just looking at that updated aerial  
21 map, we have the -- around the subject property the  
22 200-foot circle.

23                   Is that correct?

24                   THE WITNESS: Yes, correct.

25                   CHAIRMAN BROWN: Great.



1 exhibit has changed due to being updated. But let me  
2 get the exhibit.

3 THE WITNESS: Yeah, it's up on the  
4 screen.

5 MR. D'ARMINIO: It's up on the screen?  
6 You got it?

7 THE WITNESS: Sorry, what was the  
8 question again.

9 BY MR. STANDRIFF:

10 Q. So the Board was originally presented  
11 with Exhibit A-1 and this new exhibit is taking that  
12 place, correct?

13 A. It's an addition to A-1.

14 Q. And the new exhibit is an updated  
15 aerial view --

16 A. Correct.

17 Q. -- whereas A-1 was somewhat outdated?

18 A. Correct, yes.

19 Q. Okay.

20 So, and if we take a look at the  
21 property on the northbound side, so as you're looking  
22 at the exhibit, it's towards the bottom of the page,  
23 the property in the triangle where there is a  
24 historic property, a decent amount of vegetation has  
25 been cleared away?

1                   Is that correct?

2                   MR. D'ARMINIO:  Objection as to the  
3                   characterization of decent.

4                   I don't know what that means.

5                   BY MR. STANDRIFF:

6                   Q.           Well, sir, can you compare the amount  
7                   of trees and foliage in A-1 on the property --

8                   A.           Yes.

9                   Q.           -- on the exhibit below and to the  
10                  bottom of the page where there is a large brown area  
11                  where the trees and foliage have been removed?

12                  A.           Yes.

13                  Just looking at the two aerials, it's  
14                  just obvious that there has been a number of trees  
15                  removed from that property in question.

16                  Q.           And so that would give a viewer  
17                  standing on that property an improved line-of-sight  
18                  to where the billboard is going to be, correct?

19                  A.           If they're standing on the property on  
20                  the northbound side of --

21                  Q.           Yes.  Where the historic property is.

22                  A.           Yeah.  I mean, depending, you know,  
23                  where someone would theoretically be standing, you  
24                  would have an improved line-of-sight now you're in  
25                  this clear area from the prior condition where there



1 were trees and vegetation.

2 Q. The testing that you mentioned you  
3 completed in regard to the Maywood sign, did you say  
4 that some of that testing occurred at night?

5 A. That testing was done exclusively at  
6 night.

7 Q. And was it your testimony that you  
8 stood 130 feet from the billboard in Maywood to take  
9 the readings?

10 A. Yes.

11 Both the northbound and southbound  
12 faces. That structure has two faces.

13 Q. And what type of instrument did you use  
14 to take those readings?

15 A. It's an Extech light meter,  
16 E-X-T-E-C-H.

17 Q. Does that light meter give a slightly  
18 different reading depending on the angle that it's  
19 held at or does it just measure all incoming light?

20 A. It does.

21 The levels I was measuring were ground  
22 level readings, so the light meter was actually on  
23 the ground and that's where we obtained those  
24 readings.

25 Q. Would you just give me the name of the

1 meter that you used and spell it so if I wanted to  
2 look at it and look at the specs I could do that?

3 A. Yes.

4 It's the Extech, E-X-T-E-C-H, LT300.

5 Q. And is it technically called a light  
6 meter?

7 A. It is, yes.

8 Q. Okay, thank you.

9 Was anyone with you when you performed  
10 those tests?

11 A. No, I was -- I was alone on-site.

12 Q. Does the light meter record somehow in  
13 its memory those readings or do you just look at a  
14 reading and see what it is?

15 A. You just look at a reading. It's a  
16 realtime display.

17 Q. The reading that the light meter takes,  
18 can you set it so that it's measuring some kind of  
19 difference or does it just give you a reading of  
20 ambient light and then you have to do the  
21 mathematical -- complete a mathematical equation to  
22 determine the difference.

23 A. At each location we took two  
24 measurements so that we calculated the difference  
25 between the two.

1           Q.        So you take a measurement -- how do you  
2 take a measurement? Do you take a measurement with  
3 the sign off and then take a measurement with the  
4 sign on, how do you take a measurement?

5                    Do you turn the sign off to allow you  
6 to take that first measurement?

7           A.        No, in this case we used -- I used a  
8 shield so -- a poster-board panel with the meter on  
9 the ground, so that it insures that there is no light  
10 coming in from the billboard influencing that.

11                    Because that --

12           Q.        And does -- does the shield wrap around  
13 the light meter 360 degrees?

14           A.        No, because I am only trying to prevent  
15 the light from the billboard. I still want to obtain  
16 the ambient light.

17                    So there's street lights, building  
18 lights on-site that I still want to capture that.  
19 It's an ambient reading.

20           Q.        But there's objects such as the -- I  
21 don't know the name of the building, there is an  
22 office building behind you; would light reflect off  
23 that office building?

24           A.        Potentially, but only on -- on the one  
25 side.

1 Q. That would be on the --

2 A. The northbound -- the north face.

3 Q. Yes?

4 A. Yes, on the southbound there's no  
5 building influence.

6 Q. So in one sense there's light being  
7 read by the machine that is bouncing off the building  
8 for your first test?

9 A. It's possible.

10 When I was there, I did not witness  
11 that influence happening.

12 MR. STANDRIFF: Thank you.

13 No further questions.

14 CHAIRMAN BROWN: Thank you.

15 Any other questions by the Board?

16 (No response.)

17 CHAIRMAN BROWN: No.

18 I am going to open it up for questions.

19 VICE CHAIRMAN BANDELT: I actually have  
20 one -- I'm sorry, I want to confirm so we're talking  
21 in your test was testing ambient light and not the  
22 visible light in the distance that one perceives?

23 THE WITNESS: Correct, ground readings.

24 VICE CHAIRMAN BANDELT: Great.

25 Thank you.

1                   CHAIRMAN BROWN: Do our professionals  
2 have any questions?

3                   MR. BARREE: Not based on his  
4 testimony.

5                   CHAIRMAN BROWN: Okay.

6                   MR. D'ARMINIO: I might have some  
7 additional questions, but the public is --

8                   CHAIRMAN BROWN: Yes, I am going to ask  
9 -- okay. It's the time for now members of the public  
10 to ask any questions of this witness.

11                   Remember, it's a time only for  
12 questions of the witness. There will be a time later  
13 for comments.

14                   MR. D'ARMINIO: And it's related to  
15 this testimony.

16                   CHAIRMAN BROWN: It's related to just  
17 this testimony.

18                   (No response.)

19                   CHAIRMAN BROWN: Okay.

20                   Seeing none.

21                   MR. D'ARMINIO: Okay.

22 REDIRECT EXAMINATION

23 BY MR. D'ARMINIO:

24                   Q. You had testified on cross that at the  
25 present condition, there would be a line-of-sight,

1 correct?

2 That there could be a line-of-sight to

3 --

4 A. Yes, there could be.

5 Q. -- a line-of-sight. Okay.

6 So that doesn't take into account any  
7 potential future conditions, clearly, correct?

8 A. Correct.

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

10 CHAIRMAN BROWN: All right.

11 MR. D'ARMINIO: I have one more  
12 witness.

13 CHAIRMAN BROWN: Yes.

14 MR. D'ARMINIO: Swear in the witness?  
15 This is a new witness.

16 MR. WHITAKER: Raise your right hand,  
17 please.

18 Do you swear or affirm that the  
19 testimony you're about to give will be the truth and  
20 nothing but the truth?

21 MR. TAYLOR: I do.

22 J U S T I N T A Y L O R, P E

23 1904 Main Street, Lake Como, New Jersey, having  
24 been duly sworn, testifies as follows:

25 MR. WHITAKER: Please speak into the

1 microphone.

2 Give us your full name and business  
3 address.

4 MR. TAYLOR: Justin Taylor,  
5 T-A-Y-L-O-R.

6 Business address is 1904 Main Street,  
7 Lake Como, New Jersey.

8 MR. WHITAKER: Thank you.

9 VOIR DIRE EXAMINATION

10 BY MR. D'ARMINIO:

11 Q. Mr. Taylor, would you give the Board  
12 the benefit of your background and experience,  
13 education, licenses and the like, please.

14 A. Absolutely.

15 I hold a bachelor's in engineering from  
16 the University of Delaware.

17 I'm a licensed engineer in the State of  
18 New Jersey, as well as Pennsylvania, Delaware and  
19 Texas.

20 I'm also a nationally certified  
21 Professional Traffic Operations Engineer by the  
22 Institute of Transportation Engineers --

23 CHAIRMAN BROWN: Can you speak up a  
24 little bit?

25 THE WITNESS: I'm sorry.

1 CHAIRMAN BROWN: Just speak right into  
2 the mic.

3 THE WITNESS: Better?

4 CHAIRMAN BROWN: Thank you.

5 THE WITNESS: I've been practicing  
6 traffic planning for a little over 20 years now, have  
7 testified at hundreds of boards throughout the State  
8 of New Jersey although I have not had the privilege  
9 to be here in Ridgewood before.

10 BY MR. D'ARMINIO:

11 Q. You've been accepted as an expert  
12 engineer and -- with a background in traffic,  
13 correct?

14 A. Yes, that's correct.

15 MR. D'ARMINIO: I would like to have  
16 Mr. Taylor -- I'd like to have Mr. Taylor qualified  
17 as an expert in engineering --

18 MR. WHITAKER: Any questions by Board  
19 Members?

20 (No response.)

21 MR. D'ARMINIO: -- and traffic  
22 engineering.

23 MR. WHITAKER: Any questions by the  
24 board members?

25 (No response.)



1 MR. WHITAKER: Any questions by members  
2 of the public as to Mr. Taylor's qualifications?

3 (No response.)

4 MR. WHITAKER: There being none, he'll  
5 be qualified in the field of traffic engineering.

6 He can testify and render opinions as a  
7 traffic engineer.

8 Please proceed.

9 MR. D'ARMINIO: Thank you.

10 THE WITNESS: Thank you.

11 DIRECT EXAMINATION

12 BY MR. D'ARMINIO:

13 Q. Mr. Taylor, why don't you talk about  
14 the proposal and then maybe go into the existing  
15 conditions first?

16 A. Sure.

17 As part of the project I took a look at  
18 the surrounding roadway network and the proposed  
19 location of the billboard.

20 From a traffic perspective, it's  
21 located along Route 17 in the southbound side of the  
22 roadway.

23 Now, Route 17 is under the jurisdiction  
24 of the New Jersey Department of Transportation. It's  
25 classified as an Urban Principal Arterial Roadway by

1       them with a 55 mile-an-hour speed limit.

2                       It also provides three lanes in both  
3       the northbound and southbound directions with a  
4       slightly curving horizontal geometry and a slight  
5       downgrade in this area from north to south.

6                       I would note that based on the most  
7       current NJ DOT data, it also has approximately  
8       120,000 vehicles per day that travel in combined  
9       directions.

10              Q.       Now, in terms of your experience,  
11       you've had experience in testifying with regards to  
12       Outdoor Advertising, correct?

13              A.       Yes, that's correct.

14              Q.       And you're knowledgeable on various  
15       studies with regard to the same, correct?

16              A.       That's correct.

17              Q.       When you drive and also your experience  
18       in driving, how do we see?

19              A.       So, yes, I think, you know, I've heard  
20       a lot of questions as I have been sitting through  
21       these hearings about how people will view the  
22       billboard, how the billboard is going to affect the  
23       driving public; is there safety concerns, are there  
24       crash concerns with regards to installation of a  
25       digital billboard.

1                   So I think it's really pertinent to  
2 educate the Board and everyone here, kind of, how you  
3 won't view everything as you drive, but also view a  
4 digital billboard or billboard in general.

5                   When you're driving, as when you're  
6 doing anything else, your eyes are constantly moving.  
7 They're what is in the industry termed fixating on  
8 various objects as you are absorbing all the  
9 information.

10                   So you're constantly grabbing little  
11 pieces of information. Your mind is actually  
12 assembling all those.

13                   As I said, in the industry we call that  
14 a fixation. As you would stop on something, fixate  
15 for a fraction of a second, and then continue on  
16 looking at other things.

17                   When you have successive fixations,  
18 it's termed a dwell. And again, it's as you're  
19 picking up pieces of information, you may glance at  
20 the TV, glance back, look at something else and maybe  
21 look back at that, and you're kind of compiling this  
22 image in your mind.

23                   In order to determine how long their  
24 safety concerns might come up, the federal government  
25 looked at this.

1                   They conducted a study in 2006 and in  
2 what's called a naturalistic study. What they did  
3 was place cameras in cars and they had people just  
4 drive. They didn't know why they were driving, they  
5 were recording the eye motions and they were  
6 recording the interior and exterior of these vehicles  
7 and collecting all that data to really take a look at  
8 what kind of eye movement created potential for  
9 safety concerns.

10                   What they found, based on the study, is  
11 there's about a two second threshold. They  
12 determined that in excess of two seconds, there is  
13 the potential for increased crashes or near crash  
14 events.

15                   And below two seconds there is really  
16 no difference from the normal driving, normal driving  
17 patterns. So --

18                   Q.       That two seconds is a fixation, right?

19                   A.       That two seconds is a fixation. A  
20 constant two seconds look or glance away from the  
21 roadway or the driving operation that you're doing.

22                   Now, that wasn't directly applicable or  
23 in reference to billboards.

24                   So as the proliferation of billboards  
25 and digital billboards started to take place, the

1 FHWA conducted their own study in 2012 of how people  
2 reacted in the presence of billboards.

3 They used the same type of technology,  
4 this naturalistic study of placing cameras in the car  
5 and having people drive routes past digital  
6 billboards, past static billboards, watching where  
7 their eyes went and how they reacted to these  
8 billboards.

9 Within that study what they found is  
10 the average fixation or that instantaneous glance on  
11 a digital billboard is 0.30 seconds, right?

12 So three-tenths of a second.

13 I'll go back. The safety threshold  
14 that the federal government had established was  
15 two seconds consistently. And their finding was that  
16 people are glancing for a single fixation of 0.39  
17 seconds.

18 What they did find is that if people  
19 were interested in the billboards, they would glance  
20 back. And the average dwell time or total fixations  
21 was right around one second.

22 So that's the amount of time they take  
23 to absorb a billboard if you're interested in the  
24 content.

25 Now, not everybody is interested in the

1 content. You know, as you drive around you may see,  
2 oh, there's a wedding ring on the billboard and I'm  
3 married already, I don't need to even look at who's  
4 selling it, if there's a deal.

5 But you may see, hey, Wawa is doing a  
6 special, I'm interested in a cup of coffee, what are  
7 they charging this week? You may fixate again and  
8 collect that information.

9 But as a whole, what the people are  
10 really looking at is that approximately one second in  
11 -- on average, three-tenths of a second collection of  
12 data.

13 And the final piece that we really need  
14 to look at when we're talking about the visibility of  
15 the billboard is how people actually view it while  
16 they're driving along the roadway.

17 Now, the FHWA, in their publication and  
18 manual on uniform traffic control devices, uses a  
19 center of gaze of 40 degrees, or 20 degrees to either  
20 side of center, that is essentially what you're  
21 looking at while still keeping your eyes on the road.

22 And they use that for placement of  
23 traffic control devices, traffic signal heads, stop  
24 signs, overhead signs that are necessary for the  
25 motoring public to identify something and take an

1 action.

2 So when you look at billboards, we look  
3 at that same 40-degree cone, 20 degrees to either  
4 side, of that center of gaze, and how long the  
5 billboard is present in that cone in order to  
6 determine how long a driver has to actually look at  
7 the billboard while still essentially keeping their  
8 eyes on the road.

9 All that compiled, we then took a look  
10 at the proposed site and the existing geometry of  
11 Route 17 in this area.

12 Based upon the location of the  
13 billboard and the horizontal and vertical geometry of  
14 the roadway, you're going to start to identify that  
15 there is potentially a billboard out there at about  
16 1,000 feet, right?

17 You are not necessarily seeing the full  
18 billboard, but you're seeing it amidst everything  
19 else that's along the roadside and identifying, maybe  
20 there's something I need to look at.

21 Now, in the northbound direction, that  
22 billboard falls within the center gaze, that  
23 20-degree cone of vision, for approximately another  
24 700 feet, right?

25 Now, I mentioned that the roadway is a

1 55 mile-an-hour speed limit. That translates into  
2 80.7 feet per second for the rate of travel for the  
3 vehicle.

4 That 700 feet then allows the billboard  
5 within that center gaze for 9.7 seconds, right?

6 So there's almost nine seconds that  
7 that billboard's going to be visible without even  
8 having to look in either direction within that center  
9 gaze. Greatly exceeded --

10 Q. So it's within the -- it's within your  
11 front view?

12 A. Correct.

13 It's within that 20-degree cone for  
14 almost nine seconds, whereas you only need one second  
15 of viewing successive fixations to absorb the  
16 information.

17 So there's plenty of time to identify  
18 the message, if you're interested in it, absorb the  
19 information, and while still driving and keeping your  
20 eyes on the road.

21 Similarly, in the southbound direction,  
22 it's visible for approximately 815 feet within that  
23 cone of vision, which translates to 10.1 seconds of  
24 visibility.

25 So based upon those two lengths of



1 visibility and time of read in both directions, I  
2 think the sign has been appropriately located for  
3 optimal viewing along the state highway system.

4 Now -- right, we've talked about the  
5 naturalistic study, we've talked about how you view.  
6 I would also state that there's been national studies  
7 done on the implementation of billboards and the  
8 conversion of static billboards to digital billboards  
9 in a statistical study.

10 And what they did was they'll collect  
11 crash records from the local municipalities and the  
12 state -- state troopers around these billboards, both  
13 before the billboard was there and then after the  
14 billboard was there if it's a new installation, or  
15 before and after the institution of a digital  
16 billboard.

17 Q. The conversion?

18 A. The conversion of a digital billboard  
19 from static to digital, that's correct.

20 And what they find in all of these  
21 studies, 59 billboard locations, that there is no  
22 statistically significant relationship between the  
23 installation of this digital billboard and any type  
24 of crash history.

25 So what they found is based on the

1 analysis of these crash records, that the change in  
2 -- from static to digital or the installation of a  
3 digital billboard doesn't have any impact on the  
4 crash rate in the area that's statistically  
5 significant.

6 So knowing that those studies were done  
7 specifically in there, and I know at one of the last  
8 meetings there was some question about crashes along  
9 this Route 17 in the vicinity of the site, so I had  
10 the capability of getting crash data from the  
11 municipal police department.

12 We requested crash data for the entire  
13 length of Route 17 in Ridgewood.

14 There were approximately, over  
15 three-and-a-half years, about 250 accidents of the  
16 entire stretch of Route 17.

17 We then go down to that thousand-foot  
18 influence area that I mentioned where the digital  
19 billboard would be to look at the specific area that  
20 we're discussing.

21 In that section, over the last  
22 three-and-a-half years, there have been 13 crashes.

23 Now, in the traffic engineering realm,  
24 when you talk about crashes, we talk about crashes  
25 per million vehicle miles traveled. And what it

1 allows us to do is normalize specific areas across a  
2 statewide platform to really be able to identify and  
3 compare the safety of various locations.

4 So when we take the traffic traveled on  
5 Route 17, the area that we looked at, what we find is  
6 a crash rate of 0.22 crashes per million vehicle  
7 miles traveled in the influence area of the proposed  
8 billboard.

9 Just for some context, based on the  
10 data published by the NJ DOT, the statewide average  
11 of all state highways is between 2.2 and 2.8 crashes  
12 per million vehicle miles traveled.

13 So again, this section has 0.22. The  
14 statewide average is 2.2 to 2.8.

15 If we drill down a little bit more and  
16 you look at similar roadways, four or more lanes with  
17 a median and shoulders, similar to what we have here,  
18 the statewide average is 1.5 to 2.1 during the same  
19 time period.

20 If we drill a little further and we  
21 look at Route 17 in its entirety, you have crashes of  
22 1.65, 2.3, and then looking at Route 17 in Ridgewood,  
23 as far down as I can drill based on the NJ DOT data  
24 that's provided, you have crash rates of 0.57 to 0.99  
25 per million vehicle miles in Routes -- on Route 17 in

1 Ridgewood.

2                   So based upon that and the crash rate  
3 indicated based upon this influence area of the  
4 billboard, because we don't have history of crashes  
5 in this area or that would be identified as a safety  
6 indication that the DOT might want to look at any  
7 type of study in here or any type of concern for the  
8 area that we're really discussing.

9                   Q.        Could you just computerize that?

10                   I mean, in terms of statewide average,  
11 it's like 10 percent or something?

12                   A.        We're actually about 90 percent lower  
13 than what the statewide average is and about  
14 50 percent lower than even what Route 17 in all of  
15 Ridgewood is, based upon the DOT safety studies.

16                   So in conclusion, it's my opinion that  
17 the billboard has been located for good visibility  
18 along Route 17. We have great time of read within  
19 the cone of vision and center of gaze.

20                   There have been numerous national  
21 studies that show that the installation of digital  
22 billboards does not have any relation to or cause  
23 accidents.

24                   And as we mentioned, the crash rate of  
25 the influence area is 90 percent lower than the

1 statewide average, so I don't see any indication of  
2 existing safety concerns in here that would raise any  
3 concern.

4 Q. So for those reasons, the reasons that  
5 you stated, that -- would it be your opinion that the  
6 proposed Outdoor Advertising sign in this location  
7 would operate within reasonable parameters of public  
8 safety?

9 A. Yes, I do.

10 That's my opinion.

11 MR. D'ARMINIO: Thank you.

12 CHAIRMAN BROWN: I'll open it up to any  
13 board members for questions.

14 MR. WHITAKER: You talked about the  
15 distances north and south pertaining to visibility,  
16 and then you just testified as to the Ridgewood area  
17 and pertaining to the number of accidents.

18 What did you consider when you talked  
19 about the distance in the Ridgewood area?

20 Is it 850 feet, 700 feet? What was  
21 that distance?

22 THE WITNESS: So what we looked at was  
23 1,000 feet to either side of the proposed billboard  
24 from an analysis of the crash records.

25 MR. WHITAKER: So that's area of

1 2,000 feet.

2 THE WITNESS: That's correct.

3 MR. WHITAKER: And the area you're  
4 talking about pertaining to visibility was 700  
5 northbound and 850 southbound.

6 THE WITNESS: So, let me explain that.

7 MR. WHITAKER: So I have the numbers  
8 correct.

9 THE WITNESS: So they're not exactly  
10 correct, I apologize if I wasn't clear in this.

11 So the billboard, like I said, about  
12 1,000 feet out, you're going to recognize that  
13 there's something there that you might want to look  
14 at. So from my perspective what we look at is that  
15 thousand feet, and then how long it's within that.

16 As I started with, your eyes are  
17 constantly moving. You may get a large vision of a  
18 cup of coffee at that range, 750 feet, 800 feet,  
19 something like that, and then if you're interested  
20 you will look back up as you travel north or south  
21 along the highway.

22 But the numbers that I quoted you, the  
23 800 feet -- 700 feet in the northbound direction, is  
24 from about a thousand feet all the way down to about  
25 300 feet from the billboard where the billboard moves

1 out of the 20-degree cone of vision.

2 So I have 700 feet of travel distance  
3 along the highway in that northbound direction. In  
4 the southbound direction it's about 850 feet from,  
5 again, that thousand foot mark down to about 185 feet  
6 away from the billboard where it extends outside of  
7 the cone of vision.

8 MR. WHITAKER: The crash number you  
9 testified to is a thousand feet.

10 THE WITNESS: Correct.

11 So we looked at the same area as we  
12 were from a -- from a visibility viewing standpoint  
13 as well as the crash records.

14 MR. WHITAKER: Thank you.

15 CHAIRMAN BROWN: Can you put up A-4 for  
16 us?

17 So that's the picture we were provided  
18 at 750 feet traveling southbound.

19 THE WITNESS: Correct.

20 CHAIRMAN BROWN: So if we backed that  
21 up to a thousand feet, are you seeing the billboard  
22 or no? Or is it blocked by the --

23 THE WITNESS: So you are going to see a  
24 section of the -- a section of the billboard.

25 You're going to see potentially the

1 bottom of it. You're going to recognize it just as  
2 you would at a thousand feet. You're going to see  
3 the Exxon sign. You may not see the prices on it,  
4 but you're still going to identify that there's  
5 something along the roadside that you might be  
6 interested in viewing.

7 MR. D'ARMINIO: And that's just the  
8 first -- you're talking about the first fixation --

9 THE WITNESS: Correct.

10 MR. D'ARMINIO: -- correct?

11 THE WITNESS: Yes, yes. You have the  
12 potential --

13 (Simultaneous Speaking.)

14 CHAIRMAN BROWN: So that --

15 MR. D'ARMINIO: I don't know if you  
16 could read it, if it's legible, it's just the first  
17 fixation.

18 CHAIRMAN BROWN: But then you're saying  
19 from that thousand feet -- if we back up 1,000 feet,  
20 which we don't have a picture of so we're not sure  
21 what we'd see exactly, but you would be able to have  
22 800-and-some-odd feet of travel that you can  
23 recognize that billboard on.

24 THE WITNESS: So what we took it from  
25 was about 250 feet further from this --



1                   CHAIRMAN BROWN: Further back.

2                   THE WITNESS: -- further -- further  
3 north.

4                   CHAIRMAN BROWN: Further north.

5                   THE WITNESS: Where you're still going  
6 to be able to see the potential, the bottom of the  
7 sign underneath the overpass.

8                   CHAIRMAN BROWN: Okay.

9                   THE WITNESS: Right?

10                  And again, that's an identification  
11 point of, oh, there's a billboard there potentially  
12 and maybe I want to look at what's there.

13                  CHAIRMAN BROWN: Okay.

14                  VICE CHAIRMAN BANDELT: I got a  
15 question: So in some of the studies that you  
16 referenced, is there a particular distance when  
17 drivers are most engaged, you know, most looking at  
18 one of these billboards?

19                  THE WITNESS: That's a great question.  
20 From an eye movement standpoint, they identify that  
21 all the way out at thousand feet you might be  
22 glancing in that direction.

23                  Now, are you looking at the billboard?  
24 Not necessarily. You could be looking at something  
25 else in that area.

1                   From an advertising standpoint what  
2 they really look at is about 750 feet to 200 feet,  
3 right in that range, which is why they provided the  
4 photos that they did, the simulations that they did.

5                   In that distance you're  
6 recognizing/perceiving the information that's along  
7 there, as opposed to, again, identifying that there's  
8 something you might want to look at, now you're  
9 starting to grab some of the content of the message  
10 and compiling those images in your head.

11                  VICE CHAIRMAN BANDELT: So it's  
12 basically once you're within 750 feet, that might be  
13 when your eye is, kind of, really trying to figure  
14 out what's on the billboard and am I interested in  
15 this?

16                  THE WITNESS: Correct, yes.

17                  VICE CHAIRMAN BANDELT: Okay, thank  
18 you.

19                  MR. LEBOW: I have a question.

20                         So you referenced a thousand feet you  
21 used in your calculation in Ridgewood, and you  
22 mentioned the national numbers the average 2.  
23 Something.

24                                 How did you come up with that? Is that  
25 using a thousand feet on average or how is that

1 calculation? Is it apples to apples that you're  
2 working with?

3 THE WITNESS: That's why we look at the  
4 million vehicle miles traveled, right?

5 That normalizes it because if you  
6 had -- you know, if you had a lower volume or a  
7 longer distance that you're analyzing, you're not  
8 going to have apples to apples.

9 So what we do is we translate the area  
10 that we look at, the number of vehicles passing that  
11 point, and the number of crashes identified, to get a  
12 normalized analysis.

13 So it really is apples to apples of the  
14 0.22 calculated to the 2. -- 2.2 to 2.8 as a  
15 statewide average.

16 MR. LEBOW: So, I'm just trying to  
17 understand that number. So you're taking a million  
18 -- I'm sorry, what's it called?

19 THE WITNESS: It's million vehicle  
20 miles traveled.

21 MR. LEBOW: Okay.

22 So that's taking a million vehicles or  
23 a million miles, like, what -- what -- I am just  
24 trying to understand because you're just throwing out  
25 a term that isn't like --

1                   THE WITNESS: So -- so, again, it's a  
2 distance, it's million vehicle miles traveled.

3                   So vehicle miles, right, if we were  
4 looking at 2,000 feet, you're a little less than half  
5 a vehicle mile traveled, right?

6                   As opposed to 5,280. Then you're also  
7 looking at the number of vehicles passing that point  
8 that are traveling that, call it half a mile right.

9                   And then we're relating that to the  
10 crash rate that we have, that we identified, the 13  
11 crashes over the last three-and-a-half years. Right?

12                   So that equates to the 0.22 crashes per  
13 million vehicle miles.

14                   As a statewide average, I mean,  
15 honestly I don't know the number of miles of state  
16 highway throughout New Jersey, but that gets compiled  
17 into -- every crash is recorded in New Jersey, the  
18 distance they travel and the number of vehicles that  
19 they record, right, and so that translates into 2.2.

20                   MR. LEBOW: All right.

21                   Thank you.

22                   MR. PIERSA: I do have a question about  
23 the crash data you cited before. You said a certain  
24 number of accidents per thousand feet, was it, in  
25 Ridgewood?

1                   THE WITNESS:   So we requested all the  
2 crash rate or the crash data for all of Route 17 in  
3 Ridgewood.

4                   And then we oiled that down, based on  
5 collecting that data, to the 2,000 feet that we're  
6 talking about as the influence area of the billboard.

7                   MR. PIERSA:   So that would be, on the  
8 southbound side of 17, that would be from the  
9 billboard northward on the approach within that  
10 thousand feet, and similarly the same thing for the  
11 northbound side of 17, you analyzed a thousand feet  
12 from the billboard approaching the billboard, so it  
13 would be a thousand feet to the south on the  
14 northbound side of 17, correct.

15                  THE WITNESS:   That's correct.

16                  MR. PIERSA:   Okay.   I was just trying  
17 to gauge the relativity of the crash data you cited.

18                  THE WITNESS:   That's correct.

19                  We want to look at the influence area  
20 of where the billboard would be, so we're looking at  
21 the approaches to it, a thousand feet in either  
22 direction.

23                  MR. PIERSA:   And you found that to be  
24 very low crash rates compared to other parts of  
25 Route 17 and the state highways in general?

1 THE WITNESS: Yes, that's correct.

2 MR. PIERSA: Okay.

3 MR. CURRERI: One thing from the  
4 studies that you cited, what was that taken from?

5 THE WITNESS: So it's actually a  
6 compilation. There's various speed limits in the  
7 locations where it was tested.

8 There are various types of highways.  
9 And some higher speed and lower speeds, we try --  
10 when they were trying to do it, they were trying to  
11 get a broad picture of various billboards.

12 So they did it on some interstates.  
13 They did it on some local highways. It's not all at  
14 a constant speed.

15 MR. CURRERI: Do you know if any of the  
16 data was at 55 MPH that you cited for your original  
17 analysis?

18 THE WITNESS: So I know that they were  
19 done on several interstates, most likely at a higher  
20 rate of speed than 55.

21 But, yes, there's definitely some at  
22 that speed.

23 MR. CURRERI: But you don't know -- do  
24 you know the subsets of what would have been the  
25 interstates at 55 miles per hour?

1                   MR. D'ARMINIO: I'm sorry, I didn't --  
2 I didn't -- would you just speak clearly --

3                   MR. CURRERI: Okay.

4                   Do you know from those studies the  
5 subset of data that dealt with the same speed that  
6 we're talking about here, not the average?

7                   THE WITNESS: No, it's -- it's not  
8 broken down to that level. It's provided at all of  
9 the billboards at the study.

10                  MR. CURRERI: For your original  
11 analysis you based it off of traffic on Route 17, but  
12 did you actually do an analysis of what the -- the  
13 speed that people are travelling on 17 at those  
14 various times?

15                  THE WITNESS: We did not.

16                  We took the speed limit to be what the  
17 speed limit is.

18                  I would say if people are traveling at  
19 a slightly higher rate of speed, say 60, 65, you  
20 would still have plenty of time to view, given the  
21 length of time of read that we have here.

22                  MR. CURRERI: Now, on the dwelling time  
23 as well, if the billboard changes while it's -- while  
24 you're in the visibility section, would you dwell for  
25 longer now that you see two different images versus

1 one image?

2 THE WITNESS: That's another great  
3 question, I'm sorry I didn't explain this as I went  
4 through.

5 In these studies they're all digital  
6 billboards, right?

7 So there's a constant rate of flip time  
8 as they're going through this.

9 And so that change and that desire to  
10 look at potentially a different ad copy is all baked  
11 into the number, that -- that dwell and that fixation  
12 times that I quoted to you.

13 So the average of about a second spent  
14 on -- on the digital billboard.

15 MR. CURRERI: And for those, I guess  
16 for that analysis then probably all based off and  
17 pertaining to a digital billboard having the same  
18 amount -- what is the copy time on this one, the  
19 number of each image?

20 THE WITNESS: So yes, eight seconds is  
21 what is proposed here.

22 Eight seconds is what the New Jersey  
23 DOT requires. It's also what is recommended by the  
24 FHWA as a flip time.

25 I don't have the exact information on



1 when -- on when they are done, but if you give me a  
2 second.

3 So various states throughout the  
4 country have different standards for what they allow  
5 for flip times, some are less, some are more than New  
6 Jersey.

7 So if you let me just correlate between  
8 where the -- so the secondary studies were done in  
9 both Reading, Pennsylvania and Richmond, Virginia,  
10 both of which have flip times less than eight  
11 seconds. Pennsylvania has a flip time of five  
12 seconds and Virginia actually allows a flip time of  
13 four seconds.

14 MR. CURRERI: Just for my own  
15 edification, is a longer or shorter flip time safer?

16 THE WITNESS: So I don't think there's  
17 a direct correlation between safety and those flip  
18 times.

19 What I can tell you is in these studies  
20 what they found with, say, a four-second or  
21 five-second flip, that people were dwelling for just  
22 about a second, well below the threshold, and --  
23 excuse me -- and fixating, again, for that  
24 four-tenths of a second, well below the national  
25 number of two seconds which could potentially

1       increase or decrease safety.

2                   MR. CURRERI:   So ultimately if I was  
3       looking at something at 8 miles an hour or 100 miles  
4       an hour for one second that's more dangerous than if  
5       I was looking at it for two seconds at 30 miles an  
6       hour or stuck in traffic on 17.

7                   THE WITNESS:   I honestly don't think I  
8       agree with that statement, because, again, you're  
9       driving.   Your first and foremost job and indication  
10      when you're driving is to -- is to pay attention to  
11      the road.

12                   The reason we looked at what we call  
13      the center of gaze is, essentially, you're not taking  
14      your eyes off the road.   Your eyes are still straight  
15      ahead.   You're picking up information, but you're not  
16      turning your head to pick up that billboard  
17      information.   You still have direct view of the  
18      taillights in front of you, changing -- vehicles  
19      changing lanes, that sort of thing.

20                   So I don't think that the rate of speed  
21      is going to impact the safety based upon the data  
22      that's out there.

23                   MR. CURRERI:   Just for my own  
24      edification, so you're saying, your testimony would  
25      be that the rates of speed would not impact it?

1                   THE WITNESS:   So what I'm -- what I'm  
2   saying is that people drive and they -- they have the  
3   ability to look at things and still be a safe driver,  
4   right?

5                   So if you, three-tenths of a second,  
6   you're still looking forward, but your eyes raise to  
7   the billboard, right?

8                   You haven't taken your eyes off the  
9   road, you're still fully perceiving cars around you  
10  and the road conditions around you, right?

11                  So as you pick that up, so the change  
12  in the rate of speed in between those two doesn't --  
13  doesn't impact it, I don't think.

14                  MR. CURRERI:   Okay.   I would just say  
15  that -- and it's common knowledge that 17 people stop  
16  very quickly for no particular reason that is  
17  commonplace to travel during rush hour, I would  
18  imagine their rate of speed would have some  
19  correlation to accidents.

20                  But, thank you.

21                  MR. PAPIETRO:  Mr. Taylor, in the  
22  beginning of your presentation you mentioned the  
23  report from 2006.

24                  Was that the report prepared by  
25  Virginia Tech College on behalf of the NHTSA?

1                   THE WITNESS: It was the report that  
2 was prepared, yes, by the National Highway Traffic  
3 Safety Administration entitled, "The Impact of Driver  
4 Inattention on Near Crash, Crash Risk."

5                   MR. PAPIETRO: Okay. So -- well in  
6 that regard by Virginia Tech, I presume that it's the  
7 same one you're quoting NHTSA and my research just  
8 adds that Virginia Tech College contributed to it.

9                   So if we're talking about the same one,  
10 you established about a two-second window as a window  
11 of time that is common or typical?

12                  THE WITNESS: So what was determined  
13 was that more than two seconds has the possibility of  
14 increasing the rate of near crash or crash events,  
15 and below two seconds had the same rate as normal  
16 driving activity.

17                  MR. PAPIETRO: Okay.

18                  So anything that is more than  
19 two seconds increases the risk of motor vehicle  
20 collisions or some incident?

21                  THE WITNESS: Has the potential, yes.

22                  MR. PAPIETRO: Has the potential, of  
23 course.

24                  Now, in your survey work, we have been  
25 given -- the Board's been given 750 and 500 feet as

1 average distances that the sign is visible and may be  
2 read to some degree.

3 Do you have any information that  
4 indicates how many times a given driver traveling at  
5 the posted speed limit, which on that highway is  
6 about a mile a minute, will glance to that sign an  
7 the accumulation of seconds for how many times an  
8 average driver or any driver passing by in that  
9 visible range distance might look at that sign, and  
10 thus take their eyes off the road?

11 THE WITNESS: So let me start with the  
12 end of that first.

13 I don't believe that people are taking  
14 their eyes off the road while the sign is in the cone  
15 of vision.

16 Again, it's within 20 degrees, you are  
17 still perceiving what's around you and what's  
18 happening in the roadway.

19 But, based upon the data collected by  
20 the FHWA, the total dwell, the successive fixations  
21 for a digital billboard, was approximately one  
22 second, right? The average fixation was four-tenths  
23 of a second.

24 So what you're seeing is there's about  
25 two to three fixations to perceive that -- that

1 billboard.

2 MR. PAPIETRO: So then are you  
3 suggesting the data you have indicates that no driver  
4 glances away from the road to the sign more than  
5 two seconds?

6 THE WITNESS: The data that we found,  
7 no. The maximum fixation recorded for a digital  
8 billboard was 1.335 seconds.

9 And it needs to be taken with a grain  
10 of salt because the location of the billboard was on  
11 a curve in the roadway, and so it's potential that it  
12 was not looking at the billboard, they were still  
13 looking at the road, but the cameras couldn't  
14 determine whether they were still had their eyes on  
15 the road or it was at the digital billboard.

16 But the longest fixation that was found  
17 for a digital billboard was 1.335 seconds.

18 MR. PAPIETRO: And is that approximate  
19 average consistent in variations of what we see here  
20 in Ridgewood and other roads?

21 Is that constant, or is that within the  
22 specific guidelines that you have for evaluating  
23 Ridgewood?

24 THE WITNESS: It's an average over all  
25 the data collected for the various types of roadways

1 that the study was conducted on.

2 MR. PAPIETRO: So then do you have a  
3 percentage of plus or minus that is applied to that  
4 average, it can be so much higher, so much lower,  
5 depending on changes, and what would that number be?

6 THE WITNESS: So I actually don't have  
7 that information directly at my fingertips.

8 There is a range, obviously, when they  
9 average, but I don't see as a variation if the  
10 maximum was 1.3 -- 1.335, then the variation on the  
11 0.379 is going to be relatively low.

12 MR. PAPIETRO: Okay.

13 In your research work, do you have any  
14 information that indicates a variable between younger  
15 drivers and more mature drivers looking at digital  
16 signs, road signs, and their time that they gaze at  
17 that sign?

18 Is there a difference between younger  
19 and more mature drivers, and what would that be, if  
20 any?

21 THE WITNESS: So I don't have that  
22 information again at my fingertips. I -- it's  
23 something I could provide if you're looking for it.  
24 It was broken down, I believe, into certain age  
25 groups in the data, but I -- I don't have that right

1 here with me.

2 MR. PAPIETRO: Okay. And you mentioned  
3 also a window, percentage window; was it 20 percent  
4 of a window you're talking about that the driver  
5 looks away?

6 I didn't hear that clearly. Could you  
7 review that for me?

8 THE WITNESS: So the manual on uniform  
9 traffic control devices which is published by the  
10 Federal Highway Administration has determined that  
11 the center of gaze is 20 degrees to either side of  
12 the center.

13 So I'm looking at you; 20 degrees to  
14 either side I can see the Chairman, I can see him  
15 looking at me and then looking away. I can see our  
16 friends at the other table, excuse me, I don't  
17 remember your name, but I'm still looking at you.

18 I can still perceive that 20 degrees to  
19 either side.

20 That's what I'm talking about when  
21 you're talking about a center gaze and the evaluation  
22 that we did for how long the billboard was in view.  
23 It's what the FHWA utilizes, as I said, for the  
24 installation of traffic control devices, traffic  
25 signals, stop signs, other things that are required



1 for a driver to make a determination on.

2 MR. PAPIETRO: Okay.

3 So you're stating you see me, and that  
4 anything in that window 20 degrees you can perceive  
5 it's there, but can you read it.

6 THE WITNESS: Can I read it?

7 MR. PAPIETRO: Is it legible to read?  
8 If you're looking at me and you perceive some  
9 movement, some light change in that 20-degree window,  
10 can you read it or do you just know it's there?

11 THE WITNESS: So you knew something  
12 happened, you might look at the billboard. I can  
13 still see if you wave your hand, I can see a movement  
14 that's going on because it still falls within that  
15 center gaze. You can still perceive the other things  
16 that are going on within that center of gaze.

17 You are going to look at the billboard  
18 if you want to look at the billboard; you're going to  
19 glance up and see what that is. But you still have  
20 your eyes essentially on the road within that  
21 20-degree cone of vision.

22 MR. PAPIETRO: As a driver approaches  
23 the sign, does that window open or close?

24 THE WITNESS: So the window opens to a  
25 point that it's no longer within the 20-degree cone

1 of vision.

2 MR. PAPIETRO: This sign that is  
3 proposed here is quite a bit higher off the road.

4 That window that you've just mentioned,  
5 is that at lateral road level or do you have some  
6 accounting for the height of this sign.

7 THE WITNESS: You also have an  
8 accounting -- it's a cone, right? So it's in three  
9 dimensions.

10 MR. PAPIETRO: It's a cone.

11 THE WITNESS: Yes.

12 MR. PAPIETRO: What is the height  
13 window from ground level upward that the cone  
14 represents.

15 THE WITNESS: I'm not sure I...

16 MR. PAPIETRO: Well, you said the  
17 20-degree window is a cone.

18 THE WITNESS: Yep. It is.

19 MR. PAPIETRO: So what is the diameter  
20 of that cone from ground level to high that a driver  
21 would be looking through to see.

22 THE WITNESS: It really depends on the  
23 distance. You're talking about a 20-degree departure  
24 from wherever you are. Right.

25 So again, 20 degrees left or right,

1 also 20 degrees up and down.

2 So the area at the end depends on what  
3 the distance between the point of vision is and the  
4 point of reference that we're measuring is.

5 So the analysis that was done and the  
6 legibility that we, right, the times that I quoted to  
7 you and the travel distances take that into account.

8 MR. PAPIETRO: So when a driver gets  
9 closer and more of that sign is visible, the total  
10 height is visible, does the driver's angle of vision  
11 go further from the roadway to the sign, further from  
12 center or straight ahead and up to that sign? Is  
13 there a change there that has an effect on how long  
14 they glance at the sign?

15 THE WITNESS: So there is a point along  
16 the travel where it's going to now leave that  
17 20-degree cone of vision.

18 The measurements that I quoted to you  
19 are the distance and time of read all within that  
20 20-degree cone of vision.

21 MR. PAPIETRO: Do you have any  
22 information that indicates what percentage of passing  
23 traffic on Ridgewood roads in particular but on other  
24 highways, what percentage of passing traffic actually  
25 uses road signs and digital signs for any

1 information.

2 How much of the percentage of traffic  
3 passing by actually looks at the sign.

4 THE WITNESS: I don't have that  
5 information.

6 MR. PAPIETRO: You don't have that.  
7 Okay.

8 Do you have any information that  
9 indicates the clarity of the sign for inclement  
10 weather, and is it more or less distracting depending  
11 on weather conditions and how about vehicular  
12 traffic, those two issues; do they affect a driver  
13 turning away from the direction of the traffic and  
14 looking or trying to look at something?

15 MR. D'ARMINIO: Just for the record, I  
16 would object to the characterization of distracting.  
17 He never said it was distracting.

18 But as far as the question relates to  
19 maybe perhaps looking away from the sign and  
20 different glances, you could -- just object to the  
21 characterization.

22 You can answer that.

23 THE WITNESS: So the safety of the sign  
24 is not dependent on that copy, right?

25 The advertising potential may not be as

1 good at that point, although I think the LED  
2 technology does a great job cutting through rain,  
3 cutting through everything else, because it's a large  
4 sign.

5 But it doesn't change the safety of the  
6 sign, right? Because if the advertising doesn't get  
7 their point across, well then the advertiser didn't  
8 get their point across.

9 But the studies that have been done  
10 nationally all indicate that people glance and they  
11 go back to driving, right?

12 They spend 85 percent of their time  
13 physically on the task of driving with the other  
14 15 percent being changing the radio or taking your  
15 sip of coffee or looking at a billboard, all that  
16 within it.

17 So the safety of the location, the  
18 safety of the billboard isn't impacted by that.

19 MR. PAPIETRO: Okay. Do you have any  
20 information indicating whether there is a greater or  
21 lesser time a driver glances based on the number of  
22 pictures, the graphics and/or the text from a simple  
23 display to a more comprehensive advertisement, more  
24 text, more pictures?

25 Is there any specific data that

1 indicates the variations of the signs generate a  
2 variation in how long the driver will glance and if  
3 that goes beyond that two second hazard window?

4 THE WITNESS: So, again, the national  
5 data shows that none of the studies exceed the 1.335  
6 seconds.

7 As I previously testified, the  
8 locations where the studies were conducted were in  
9 Pennsylvania and Virginia, both of which have a flip  
10 time less than what's being proposed here.

11 So the number of ads seen during travel  
12 there are most likely greater than what you would see  
13 here in Ridgewood.

14 There isn't that level of data to say  
15 it was an advertisement for Nike and that it was an  
16 advertisement for Ford, and that -- like, it doesn't  
17 get broken down that far.

18 But, again, the information that has  
19 been collected by the federal government shows that  
20 people do not look away in the presence of digital  
21 and static billboards for longer than what they have  
22 determined to be unsafe.

23 MR. PAPIETRO: So then would it be fair  
24 to say that a variation in the actual graphics and  
25 text on the sign could create a variation in how long

1 a driver is distracted looking at something?

2 MR. D'ARMINIO: I, again, object to the  
3 phrase "distracted," which is pejorative, but you can  
4 answer it.

5 THE WITNESS: So let's -- you could put  
6 the Gettysburg Address up on the billboard and you  
7 wouldn't get the information because it's just too  
8 much information. Right?

9 But you could also put just a Nike  
10 swoosh and you would know what that is, right.

11 The purpose of advertising nowadays is  
12 not really to get you the attorney's phone number for  
13 something, it's to put the earworm in your mind of  
14 oh, I want a cup of coffee; oh, I need a defense  
15 attorney, you know.

16 So the size and the ad copy on there  
17 doesn't really impact the perception. The more  
18 information you put on there, the less likely you are  
19 to get your point across, but not the more likely it  
20 is to create a safety issue.

21 MR. PAPIETRO: Okay. And this very  
22 picture we put up here demonstrating now a similar  
23 one from the northbound direction, the sign is  
24 clearly blocked by at least two utility poles which  
25 have wires and transformers.

1                   So these two poles clearly block that  
2 sign and pictures and they are never out of view as  
3 the traffic is passing by, and it's the same from the  
4 northbound direction.

5                   Do you have any indication that that  
6 affects the driver trying to read through those  
7 blockage issues and spend more time glaring at the  
8 sign, or do they just continue looking in a straight  
9 ahead direction?

10                  THE WITNESS: It's -- no, it's a really  
11 good question. It's all about the perspective that  
12 you're at.

13                  So yes, the billboard -- the utility  
14 pole at a certain point is going to be -- is going to  
15 block a certain point of that billboard.

16                  But 30 feet forward it's now no longer  
17 blocking that spot. And it's fascinating the way the  
18 mind takes all these pictures and assembles them,  
19 right.

20                  So you're going to be looking at it,  
21 and maybe the first letter of the first word is  
22 blocked at that first fixation. And as you travel  
23 another hundred feet, now it's no longer blocked and  
24 now you can either fill in the whole word or you're  
25 perceiving a different part of it.



1                   So utility poles don't have really any  
2                   impact in the perception of the billboard.

3                   MR. PAPIETRO:   Okay.

4                   Do you have any indication, any  
5                   information, pardon me, that supports why eight  
6                   seconds was chosen rather than a longer interval.

7                   THE WITNESS:   So the FHWA conducted a  
8                   study in 2007, I believe -- in 2007, and they  
9                   published a guidance after doing this analysis that  
10                  recommended eight seconds.

11                  MR. PAPIETRO:   Recommended.

12                  THE WITNESS:   Yes.   And the NJ DOT,  
13                  based upon the recommendation of the federal  
14                  government, adopted that eight-second flip as their  
15                  standard.

16                  MR. PAPIETRO:   Okay.

17                  Thank you, Mr. Taylor.

18                  THE WITNESS:   You're welcome.

19                  CHAIRMAN BROWN:   Thank you.

20                  Go ahead.

21                  MR. BARREE:   Just one follow-up  
22                  question.  You mentioned this study that reviewed --  
23                  looked at the correlation between the change from a  
24                  static billboard to a digital billboard, there was  
25                  insignificant change.

1                   Are there similar studies that review  
2 the presence and absence of billboards entirely?

3                   THE WITNESS: So within that study, and  
4 there were multiple studies conducted in multiple  
5 states of this, it's either the conversion of a  
6 static to a digital, or the introduction of a digital  
7 where there was no billboard, so that's baked into  
8 that data as well.

9                   MR. BARREE: Okay, thank you.

10                  And then just one last follow up on the  
11 study regarding the dwell and so forth. Was there  
12 any analysis of different traffic type stop and go  
13 versus free flowing studies specifically just the  
14 pattern of traffic movement?

15                  THE WITNESS: Absolutely. That's  
16 another good question.

17                  And, yes, what they did is they  
18 conducted these studies during the day, during the  
19 nighttime, during different peak periods, to really  
20 be able to identify what these fixations are.

21                  So, yes, they were done at different  
22 times and different travel patterns throughout the  
23 locations.

24                  MR. BARREE: So is there any period or  
25 type of traffic that's safer or it's all just

1 combined.

2 THE WITNESS: The data is all blended  
3 together.

4 MR. BARREE: Thank you.

5 CHAIRMAN BROWN: Great.

6 Thank you.

7 MR. PIERSA: I have a question.

8 Has the applicant made any effort to  
9 get the utility poles that are sort of blocking the  
10 view of the billboard relocated, out of the way?

11 MR. D'ARMINIO: We have not at the  
12 present time. We hadn't considered that.

13 I could ask my client, but, no, we  
14 haven't considered that.

15 Based on how people perceive, as  
16 Mr. Taylor has indicated, the sign is a viable sign,  
17 as my client has testified as to why we're here.

18 MR. PIERSA: Okay. I mean, it just  
19 seems that if utility poles or required transformer  
20 wires were, to some extent, obstructing the view of  
21 the billboard, I mean, I would kind of think that the  
22 Applicant would want to see them relocated if  
23 possible.

24 That's why I just asked about it.

25 MR. D'ARMINIO: We'll certainly look at

1 that and explore that.

2 CHAIRMAN BROWN: Okay, thank you.

3 So, Mr. Standriff, do you have any  
4 questions?

5 MR. STANDRIFF: Yes, thank you.

6 CROSS-EXAMINATION

7 BY MR. STANDRIFF:

8 Q. Sir, do you live in this area and do  
9 you regularly travel on Route 17?

10 A. I do not live in this area. I do  
11 travel on Route 17 on -- I won't say frequently, but  
12 I do travel Route 17. I come up to Campmor, it's one  
13 of my favorite places to come, and it's how I get to  
14 New York.

15 Q. So you have some general idea of the  
16 traffic and how some of the drivers are on Route 17,  
17 right?

18 MR. D'ARMINIO: Objection to the  
19 characterization.

20 If you want to answer it, go ahead.

21 THE WITNESS: I am fully aware of the  
22 traffic that travels Route 17 on a daily basis.

23 BY MR. STANDRIFF:

24 Q. I want to ask and try to understand a  
25 little bit about the million miles traveled.



1 statewide average is the statewide average of all the  
2 roadways within New Jersey that are controlled by the  
3 state.

4 Q. Okay. So if I understand you  
5 correctly, that data would include the Garden State  
6 Parkway below Toms River?

7 A. Yes.

8 Q. And it would include that area on the  
9 Garden State Parkway where -- I think it's somewhere  
10 around Exit 117 at some point divides and there is  
11 only an exit ramp every five miles or something like  
12 that?

13 A. That is included in the data, yes.

14 Q. Okay. So Route 17 is completely  
15 different from the roadway I just used as an example,  
16 right? I mean, when you have an entrance and exit  
17 ramp every five miles or so and cars are able to  
18 merge and they have plenty of road to accelerate,  
19 that's almost the complete opposite of this area of  
20 Route 17. Correct?

21 A. So the average crash rate for Route 17  
22 in its entirety ranges from 1.65 to 2.43, whereas  
23 this area was 0.22.

24 Q. That's not what I asked you.

25 A. So --

1           Q.       This area of Route 17 has some of the  
2 building's property only on 100, 150 feet frontage as  
3 an entrance for the building, and the building  
4 immediately next door has an entrance or an exit.

5                    So in this photograph, I don't remember  
6 what exhibit it is, but it's 750 feet traveling  
7 southbound photograph, there is an entrance or exit  
8 to the commuter parking lot and then immediately down  
9 the road there is an entrance or exit to a medical  
10 building; about 40 feet after that there's an  
11 entrance to another building immediately north of  
12 where the sign's going to be.

13                   Do you understand that?

14           A.       Yes.

15           Q.       And cars are coming in and going out of  
16 all of those buildings.

17                   Do you understand that?

18           A.       I do.

19           Q.       And there's a Dunkin' Donuts where,  
20 every day, however many cars going 55 slow down to  
21 five miles an hour or so, pull into Dunkin' Donuts,  
22 and there's another car coming out of Dunkin' Donuts  
23 because they already got their coffee.

24                   Do you understand that?

25           A.       Yes.

1           Q.       So in general, when you use this  
2 average rate of accident, is it true -- and let's  
3 take a hypothetical. Let's take a rural country road  
4 somewhere in New Jersey that is straight and level,  
5 but there is only -- there's very few cars that  
6 travel on it, and then compare that with even a  
7 straight and level portion of Route 80 or Route 95.

8                   The actual number of accidents in the  
9 second example, 80 or 95, there's actually going to  
10 be a much higher number, true number of accidents.  
11 Correct?

12           A.       So it's the reason that we use million  
13 vehicle miles as the metric, because it allows us to  
14 take all of those various pieces and compare them as  
15 an apples to apples comparison.

16           Q.       My question is in my example of the  
17 rural road, with very few cars traveling on it,  
18 versus 80 or 95, isn't it true that the actual number  
19 of accidents is going to be much higher in the second  
20 type of road?

21                   MR. D'ARMINIO: I think that question  
22 has been answered and -- asked and answered, but if  
23 you want him to say the answer again.

24                   THE WITNESS: Which one is your first  
25 and which one is your second one.



1 BY MR. STANDRIFF:

2 Q. So the road with very few cars  
3 traveling on it is number one. The road with the  
4 example of Route 80 or 95 is Road No. 2.

5 And my question is, isn't Road No. 2  
6 going to have a much higher actual number of  
7 accidents?

8 A. Yes.

9 Q. Route 17 is -- I believe you said the  
10 speed limit is 55, right?

11 A. Correct.

12 Q. And the rate of accident correlates  
13 positively with speed; is that correct, so that the  
14 faster each vehicle is traveling, generally the  
15 higher the rate of accidents. Correct?

16 A. I can't confirm that.

17 Q. Does congestion -- that is, number of  
18 vehicles and their closeness to each other as they're  
19 traveling down the road -- correlate positively to  
20 the rate of accident?

21 A. I honestly don't have the answer to  
22 that.

23 Q. Would you say that there are more  
24 accidents during the rush hour in general than when  
25 it's not rush hour, I don't know, 2:00 a.m.?

1           A.       Yes, there probably -- with a higher  
2 volume at that point, there are most likely more  
3 accidents.

4           Q.       And you mentioned that this area of  
5 Route 17 has 120,000 cars going both ways each day.  
6 Of that 120,000 vehicles each day, do you have any  
7 idea what percentage of them occur at, let's say,  
8 7:00 to 8:30 a.m. and 4:30 to 5:30 p.m.; i.e., rush  
9 hour?

10          A.       Out of the 13 that occurred over  
11 three-and-a-half years?

12          Q.       No, no. The 120,000 vehicles that pass  
13 this area on a daily basis, what percentage of them  
14 do it at rush hour?

15          A.       I don't have specifics here. I can  
16 tell you from a transportation industry,  
17 approximately 10 percent of your motoring public  
18 travels during the peak commuting hours.

19          Q.       Now, the company that you're testifying  
20 on behalf of is an advertising company. Correct?

21          A.       Yes.

22          Q.       Their job is to get people's attention  
23 and then hold it so they can push their message,  
24 right? Push their clients' message?

25          A.       So their job is to advertise, yes.

1           Q.       Isn't that what advertising is, get  
2 someone's attention and give them an advertisement?

3           A.       Yes, you want to give them an  
4 advertisement. That's correct.

5           Q.       So, and the people that are going to be  
6 creating the ads on the billboard are going to try to  
7 get and hold people's attention with their  
8 advertising; the better the advertisement, I suppose,  
9 the more likely that people are to purchase the  
10 product being advertised. Right?

11          A.       I'm not that -- that's not my area of  
12 expertise on how advertising works.

13          Q.       I understand.

14                    But in general, you understand that  
15 that is how advertising works; right? I mean, they  
16 sell more product -- that is, more ads -- the more  
17 they get and hold someone's attention?

18                   MR. D'ARMINIO: With regard to that  
19 line of questioning, I have allowed it go for a while  
20 without objection, but in terms of how advertisers  
21 act, I don't believe that that's relevant. He's  
22 testified as to how people view billboards. Whatever  
23 the copy is, whatever it is, whatever the goals of  
24 the billboard company are, the facts are the facts as  
25 to these studies as to how much of a fixation there

1 is and how long the dwell times are.

2 BY MR. STANDRIFF:

3 Q. I'm still trying to figure out if you  
4 will admit that the general idea, the whole thing  
5 behind a billboard is to get and hold someone's  
6 attention.

7 Do you agree or disagree with that?

8 A. I think the goal of a billboard is to  
9 convey a message from the advertising.

10 Q. That the person remembers.

11 A. Yes.

12 Q. So let's -- now, how often is this ad  
13 going to change? Do you know how often, however many  
14 seconds each ad is going to remain on the billboard  
15 before the next one comes up?

16 A. Yes, it's eight seconds.

17 Q. Okay. So let's say I'm going down the  
18 road and I'm somewhere around a thousand or 800 feet  
19 away and I notice an ad, right, and it's got a puppy  
20 on it, and I say that's a nice cute puppy. So I look  
21 at the ad and it holds my attention.

22 But the company then, after the eight  
23 seconds, the thing changes, right? And it changes  
24 over to an ad by a plumber, a local plumber who  
25 wanted to advertise on the billboard.

1                   Now, that plumber is not too  
2 sophisticated so he's got his phone number up on the  
3 ad, ten-digit number, right? 201, whatever it is.

4                   And I say that's right, my kitchen sink  
5 needs to be fixed. I should remember this plumber's  
6 number. Right? So now I have already looked at the  
7 ad for the puppy, and I liked it so it held my  
8 attention a little bit. Now I am looking at the ad  
9 for the plumber and I'm saying I should call that  
10 guy, and I got to try to remember a ten-digit number,  
11 right?

12                   Now, it seems to me that I'm going to  
13 be bumping up against that -- I'm going to be looking  
14 at that billboard for two seconds, maybe even more  
15 than that. Right?

16                   A.       No.

17                   Q.       No, I am not?

18                   A.       No. The data that is conducted in  
19 these naturalistic studies show that you do not look  
20 at that. So you like the puppy, right, but you  
21 glanced at it for three-tenths of a second and said I  
22 really like puppies, right? You're not staring at  
23 that image. You're concentrating on driving and  
24 you're perceiving that in these fixations, right?

25                   And the combined dwell time is

1 approximately a second. So the naturalistic studies  
2 that were done strictly, you know, exclusively for  
3 the federal government to study this phenomenon  
4 indicate that you don't look at it the way you're  
5 putting together.

6 Q. Sir, I can't even remember what I had  
7 for breakfast and you're telling me I can remember a  
8 ten-digit phone number by looking at it for .3  
9 seconds?

10 A. No, I am telling you, you may look at  
11 it over the span of two to three, three-tenths  
12 seconds, and then if you don't, well, then it was  
13 poor advertising. But it doesn't impact the safety  
14 of the traveling public as the billboard's there.

15 Q. Would you agree with me -- I don't know  
16 if you took the same driver's ed course that I did,  
17 but one of the main safety rules for drivers is keep  
18 your hands on the wheel, keep your eyes on the road.  
19 Right?

20 A. Uh-huh.

21 Q. Yes?

22 A. Yes.

23 MR. STANDRIFF: Thank you.

24 No further questions.

25 CHAIRMAN BROWN: Thank you.

1 Jon.

2 MR. PAPIETRO: Yes. Mr. Taylor, one  
3 more question.

4 Is there any -- are there any  
5 regulations or recommendations that limit what can be  
6 put up, the quantity of information, text, pictures,  
7 a limit on what can be put on a digital sign?

8 THE WITNESS: There are -- not to my  
9 knowledge is there a text limit, a number of words  
10 that are allowed to be put up there.

11 MR. PAPIETRO: Is there any indication  
12 regarding guidelines or percentage of text pictures  
13 or vice versa; less pictures more text, less text  
14 more pictures? Anything that controls the content  
15 for the advertiser.

16 THE WITNESS: Not from a traffic safety  
17 perspective, there is not.

18 MR. PAPIETRO: Okay, thank you.

19 CHAIRMAN BROWN: Great. Thank you.

20 I'm going to open it up for questions  
21 from the public.

22 Remember, it's the time for questions  
23 of Mr. Taylor only. There will be a time for  
24 comments later on.

25 Okay. Please state your name, also

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

3 MR. ROSSI: Matthew Rossi, R-O-S-S-I.  
4 516 West Saddle River Road in Ridgewood.

5 CHAIRMAN BROWN: Thank you.

6 MR. ROSSI: So I want to understand the  
7 scope of your study. Did it include any roads beyond  
8 just Route 17?

9 THE WITNESS: No, it did not.

10 MR. ROSSI: Okay. So do you realize  
11 that within the thousand foot reference point that  
12 you made, that West Saddle River Road has about 1500  
13 linear feet that are within one thousand foot  
14 approximately, my GoogleEarth measurements?

15 THE WITNESS: So Saddle River Road is  
16 what --

17 MR. ROSSI: West.

18 THE WITNESS: Excuse me, West Saddle  
19 River Road is outside of that thousand feet that we  
20 looked at. I know it's in close proximity, it's the  
21 nearest road to the south of us.

22 MR. ROSSI: So there are portions of  
23 West Saddle River Road about 1500 feet that are  
24 within 1,000 feet of the sign.

25 THE WITNESS: So you're talking about



1 if you drew a line between the billboard to a point  
2 on West Saddle River Road.

3 MR. ROSSI: Yes, line-of-sight, yes.

4 THE WITNESS: So, I can't speak to  
5 where that falls on West Saddle River Road, but I can  
6 tell you that the billboard is not oriented towards  
7 those sections, it's oriented towards the motoring  
8 public on Route 17.

9 MR. ROSSI: Right. But there would be  
10 visibility --

11 CHAIRMAN BROWN: Mr. Rossi, can you use  
12 the microphone?

13 MR. ROSSI: Sorry. Is this on? All  
14 right, sorry.

15 So there is some visibility, so it's  
16 that direction, I understand it's oriented towards  
17 the road, so I don't know the exact angles, but there  
18 is a fair amount of road on -- there is a stretch of  
19 West Saddle River Road where there's direct  
20 visibility of the sign.

21 THE WITNESS: Honestly, I'm not aware  
22 of direct visibility.

23 MR. ROSSI: Maybe not direct. Let's  
24 say visibility.

25 MR. D'ARMINIO: If you -- if you know,

1 if you've looked at it.

2 THE WITNESS: I'm honestly not aware of  
3 the visibility, excuse me, from West Saddle River  
4 Road in a view shed of the billboard.

5 MR. ROSSI: Okay.

6 So my measurements show that there are  
7 roughly 1500 feet within 1,000 feet of the sign.  
8 Taking that as an understanding --

9 MR. D'ARMINIO: He doesn't have to take  
10 that as an understanding. I mean, you'd have to  
11 establish it and you can do that when you -- you're  
12 not -- you can do that with your own testimony or  
13 with your own, I guess, opinions, though it wouldn't  
14 be an expert opinion.

15 MR. ROSSI: I measured the measurements  
16 on the phone.

17 So beyond that, do you know the speed  
18 limit on West Saddle River Road?

19 THE WITNESS: I do not.

20 MR. ROSSI: Okay. It's 25.

21 So that stretch of road, people are  
22 decelerating from, let's say, 55 regardless that most  
23 people on 17, they're not going 55, but we'll say  
24 that everyone is going 55.

25 When exiting to West Saddle River Road

1 you have a stretch where you decelerate to 25.

2 So I am trying to understand if there's  
3 any studies during what I will call extreme  
4 deceleration that that signage may have an impact.  
5 Because you're sort or already occupied with  
6 deceleration, if you have something in your  
7 line-of-sight that's visible.

8 THE WITNESS: So it's not something  
9 that we researched or looked at, because we were  
10 focused on the viewing of Route -- from Route 17.

11 I don't think as you're decelerating  
12 off of Route 17 onto West Saddle River Road, given --  
13 what's up here, A-15?

14 MR. ROSSI: Is there no -- there's a  
15 thousand foot radius if that's the line-of-sight is  
16 that what you said.

17 THE WITNESS: So the line-of-sight, the  
18 thousand feet that you talked about is as you're  
19 driving on the highway and you're perceiving all the  
20 roadside of what's going on, at about a thousand feet  
21 you're picking up context clues of there's something  
22 else out there, right.

23 And so as you drive north you've got  
24 the Dunkin' Donuts, right, and then you've got the  
25 Exxon, and then -- so you're starting to say oh, well

1 there's a billboard, maybe that's something I want to  
2 look at. That's why we use that thousand feet.

3 It's not really a thousand foot radius  
4 around the sign where it's perceived. It's as you're  
5 driving along the highway, the roadway, and you're  
6 looking at it.

7 So as you're decelerating off of  
8 Route 17 onto West Saddle River Road, you're not  
9 looking at the billboard. You're concentrating on  
10 the task of driving.

11 MR. ROSSI: My only point is I'm just  
12 interested if there's a study, being your field of  
13 expertise, that -- if it's on your periphery, whether  
14 it's your focus or not in your focus, but if it's  
15 visible and you're under the driving task of pretty  
16 significant deceleration, specifically 55 to 25, does  
17 that .30 second where you may perceive something,  
18 glance at it, or your total one second look at  
19 something, is it more impactful during a more  
20 strenuous driving task? Is there any studies that  
21 can show, you know, not just driving down the highway  
22 and I'm looking around, no, I am actively braking and  
23 having something in my periphery.

24 THE WITNESS: So I can tell you that  
25 the studies incorporate billboards in all types of

1 locations. So on Route 17, that's median separated.  
2 But also on two-lane highways where you have  
3 driveways on both sides, vehicles turning left and  
4 right in proximity to traffic signals, in proximity  
5 to other things that are active driving activities.  
6 So yes.

7 MR. ROSSI: I heard -- that's a lot of  
8 things. I'm talking specifically as you're  
9 decelerating, which is sort of close, that -- is  
10 there no specific data for that kind of --

11 THE WITNESS: That, I am not aware of.

12 MR. ROSSI: Thank you very much.

13 CHAIRMAN BROWN: Okay. Thank you.

14 Any additional questions from the  
15 public?

16 (No response.)

17 CHAIRMAN BROWN: Okay. Seeing none.

18 MR. D'ARMINIO: That's it,

19 Mr. Chairman. We're good.

20 CHAIRMAN BROWN: We're good for the  
21 evening.

22 THE WITNESS: Thank you very much.

23 CHAIRMAN BROWN: I'm sorry, one second.

24 We have another member of the public who has a  
25 question.

1 MR. DeSILVA: Rohan DeSilva, 521 West  
2 Saddle River Road.

3 THE COURT REPORTER: Sir, could you  
4 spell your name, please?

5 MR. DeSILVA: I could. It's also on  
6 the tax records.

7 MR. WHITAKER: Sir, we need your name  
8 for the record.

9 MR. DeSILVA: My name is Rohan DeSilva.

10 THE COURT REPORTER: Please spell your  
11 first and last name.

12 MR. DeSILVA: D-E-S-I-L-V-A.

13 THE COURT REPORTER: And please spell  
14 your fist name?

15 MR. DeSILVA: It's in the records.

16 CHAIRMAN BROWN: Sir, please spell your  
17 name.

18 MR. DeSILVA: Can I have the spellings  
19 of everybody's name, everybody else's name.

20 Not yours, I'm talking about the  
21 attorneys and the expert witness, because I didn't  
22 hear the spelling of the name when they came up.

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

24 CHAIRMAN BROWN: Do you have questions?  
25 Ask your question.

1 MR. WHITAKER: Sir, everyone has to  
2 identify themselves for the record and spell their  
3 name.

4 CHAIRMAN BROWN: When you come up and  
5 come forward to ask a question or later, we won't get  
6 to this evening, but at another time you come forward  
7 to make a comment, right, when you do that from the  
8 public, so we have a clear record of who you are and  
9 where you're from, we ask you to please state your  
10 name and just spell your name as well for us. So  
11 that's all it's about.

12 MR. WHITAKER: The attorneys' names are  
13 known because they gave them at the beginning of this  
14 hearing.

15 MR. D'ARMINIO: As was each witness.

16 MR. DeSILVA: I gave my name. The  
17 spelling I was a little unclear on. Okay.

18 CHAIRMAN BROWN: Ask your question,  
19 Mr. DeSilva.

20 MR. DeSILVA: Yeah.

21 So this study is from the national  
22 highway traffic safety administration or something  
23 like that.

24 THE WITNESS: Yes, the 2006 study is --

25 MR. DeSILVA: 2006 study.

1 THE WITNESS: Yes.

2 MR. DeSILVA: What happened in 2007.

3 THE WITNESS: I'm not sure what you  
4 mean.

5 MR. DeSILVA: Okay. So 2007, that is  
6 when the Apple iPhone came out about there. And  
7 there's been proliferation of smart phones since.

8 How is a study from 2006 going to  
9 incorporate the distraction, and I say distraction,  
10 of a smart phone and a sign on a billboard? Has a  
11 study been done on this?

12 MR. D'ARMINIO: Objection as to the  
13 characterization of a distraction, but if you get the  
14 sense of the question, Mr. Taylor, you can answer it.

15 THE WITNESS: It's a great question.

16 The 2006 study is what was utilized to  
17 establish that two seconds of continuous glance away  
18 from the roadway has the potential to create crashes  
19 and near crash events.

20 In 2012, the Federal Highway  
21 Administration conducted their study in the presence  
22 of digital billboards and that's where the dwell  
23 times and fixation times that I quoted tonight come  
24 from.

25 MR. DeSILVA: Okay. Did you mention



1 that before, because I didn't hear it.

2 THE WITNESS: I did.

3 MR. DeSILVA: Okay. So this is why I  
4 kept saying I can't hear.

5 THE WITNESS: I apologize if I wasn't  
6 too close to the mic.

7 MR. DeSILVA: So can we do something  
8 for Village Hall where people with hearing  
9 impairments -- because there's all sorts of  
10 accommodations made for handicapped people, right.

11 CHAIRMAN BROWN: I mean, there is a --

12 MR. WHITAKER: Come forward. Sit in  
13 the first row and then you can hear.

14 MR. DeSILVA: Okay. So sitting in the  
15 first row is my option. Okay, great.

16 My major concern is actually with  
17 the --

18 CHAIRMAN BROWN: It has to be a  
19 question. Comments are later.

20 Questions.

21 MR. DeSILVA: Yeah.

22 Why is the attorney for the client  
23 objecting to the term "distraction"? Even if it's  
24 for .3 seconds from an outdated 2007 study. What is  
25 known now, you know, why is that an issue when -- if

1 you are averted from the roadway, even if it's within  
2 the gaze and you're focusing on that and you're not  
3 focusing on the road, it is a distraction.

4 So why is the term "distraction" being  
5 objected to?

6 MR. D'ARMINIO: That's actually a  
7 comment. And the entire testimony of Mr. Taylor  
8 tonight was that it's not a distraction. Distraction  
9 is a concept and a connotation that it's dangerous  
10 and it's problematic. That's the entire testimony.  
11 That is why I objected to it.

12 MR. DeSILVA: I don't know what people  
13 can object to on something that is a fact. It is a  
14 distraction. I'm sorry. I mean, for somebody to  
15 say --

16 CHAIRMAN BROWN: Do you have a  
17 question?

18 MR. WHITAKER: What is your next  
19 question?

20 MR. D'ARMINIO: What's the question?

21 MR. WHITAKER: Ask your next question.

22 MR. DeSILVA: I keep asking the same  
23 question. Why is the attorney objecting to the term  
24 "distraction".

25 MR. WHITAKER: He gave you an answer.

1                   MR. D'ARMINIO: My tactics are not the  
2 -- is not the reason. What record I'm trying to  
3 establish, I don't have to justify to you. So I  
4 would think --

5                   MR. WHITAKER: Let him ask his next  
6 question.

7                   (Simultaneous Speaking.)

8                   MR. DeSILVA: I'm sorry. Let me not --

9                   CHAIRMAN BROWN: One person at a time.

10                  MR. DeSILVA: Thank you.

11                  CHAIRMAN BROWN: Clearly, he answered  
12 your question about the distraction. If you have  
13 another question, please ask it or --

14                  MR. DeSILVA: Can I ask you or --

15                  CHAIRMAN BROWN: No.

16                  MR. DeSILVA: -- it has to be --

17                  CHAIRMAN BROWN: It has to be directed  
18 towards the Applicant's witness, which right now is  
19 Mr. Taylor, based on what he has testified to tonight  
20 since he's an expert in that.

21                  MR. DeSILVA: Okay. Let me try this.

22                  My neighbor asked a question in terms  
23 of the angles. I asked a similar question at the  
24 last session about the angles, because I said that  
25 the billboard was not pointing down Route 17, it was

1 pointing towards the east side of 17 and onto the --  
2 the areas -- onto the residential side of the street.

3 But this gentleman doesn't seem to know  
4 what the angles are. This is not his expertise? Is  
5 it a whole group of people that have to be expert  
6 witnesses to this?

7 CHAIRMAN BROWN: The Applicant is  
8 bringing multiple witnesses in front of us, right?  
9 The witness tonight is -- his expertise, as we  
10 stipulated to, is on traffic.

11 So that's what he can answer any  
12 questions that you might have about tonight, but if  
13 there's questions that you want to ask when it comes  
14 to angles or anything else, that would be at another  
15 time, another meeting, and depending on what witness  
16 is before us at that point in time.

17 MR. DeSILVA: Okay. My last question  
18 is why is the client not here.

19 CHAIRMAN BROWN: Is that -- he asked  
20 why -- the client is represented by his attorney.  
21 His attorney is here.

22 That's it.

23 MR. DeSILVA: So that's all --

24 MR. D'ARMINIO: And, I'm sorry. We do  
25 have Ron Tortello because Mr. Antal on vacation. You

1 know, it's August. I do have Ron Tortello if you do  
2 have a question with regard to --

3 MR. DeSILVA: I'd like to be on  
4 vacation, too, but I'm here because this meant so  
5 much to me.

6 MR. D'ARMINIO: Right. And we have  
7 someone -- a representative of the client is --

8 MR. DeSILVA: Okay.

9 MR. D'ARMINIO: I didn't mean to  
10 mislead. I just meant that Mr. Antal is not here.

11 But if there was a question as to  
12 operations or anything that the Board wanted to know,  
13 Mr. Tortello is here.

14 CHAIRMAN BROWN: All right. Thank you.

15 And also, just so we are clear, if you  
16 have -- I know that the acoustics in here can be  
17 problematic at times.

18 We do have a court reporter here who  
19 can provide a transcript and if you need a transcript  
20 you can see our Board Secretary, Jane, and she can  
21 get it for you. It will be online as well.

22 So, Mr. D'Arminio, is that your last  
23 witness for this evening?

24 MR. D'ARMINIO: That's it for this  
25 evening. I think we're timing it right.

1                   CHAIRMAN BROWN:  So we're going to find  
2 another date that we can bring this back.

3                   MS. WONDERGEM:  October 11 or  
4 October 25.

5                   CHAIRMAN BROWN:  So it will be  
6 October 11 or October 25.

7                   Mr. Standriff and Mr. Inqlima, either  
8 of those dates are okay?

9                   MR. D'ARMINIO:  Could we just check?  
10 We anticipate that we would have planning testimony,  
11 and I just want to make sure -- if you can give us  
12 two minutes, three minutes, and we'll find out from  
13 Mr. McDonough his availability.  And I guess you have  
14 the same situation.  Just give us a minute.

15                   CHAIRMAN BROWN:  Since the public is  
16 still here, I want to thank you again for coming out.  
17 We certainly appreciate it.

18                   So you know, there will be a time  
19 during this application that you will be allowed to  
20 make comments and be able to provide your own  
21 testimony at that point in time if you'd like to.

22                   (Brief pause.)

23                   CHAIRMAN BROWN:  Any problems with the  
24 11th or the 25th?

25                   MR. D'ARMINIO:  Both of those are good

1 for me.

2 CHAIRMAN BROWN: Okay. So should we  
3 shoot for the October 11th then?

4 MR. WHITAKER: Why don't we do October  
5 the 11th? I'll announce it now. You can check this  
6 week and let me know and we can announce it on the  
7 11th.

8 MR. D'ARMINIO: Excellent, okay.

9 CHAIRMAN BROWN: Okay. So this will be  
10 carried to October the 11th, 2022, at 7:30 p.m.

11 No further notice is required.

12 Thank you, everyone.

13 (Whereupon, this hearing is continuing  
14 at a future date. Time noted: 10:49 p.m.)

15

16

17

18

19

20

21

22

23

24

25

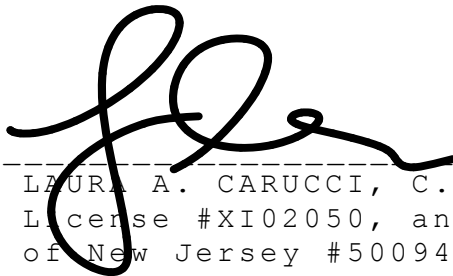
C E R T I F I C A T E

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

I, LAURA A. CARUCCI, C.C.R., R.P.R., a Notary Public of the State of New Jersey, Notary ID.#50094914, Certified Court Reporter of the State of New Jersey, and a Registered Professional Reporter, hereby certify that the foregoing is a verbatim record of the testimony provided under oath before any court, referee, board, commission or other body created by statute of the State of New Jersey.

I am not related to the parties involved in this action; I have no financial interest, nor am I related to an agent of or employed by anyone with a financial interest in the outcome of this action.

This transcript complies with regulation 13:43-5.9 of the New Jersey Administrative Code.



LAURA A. CARUCCI, C.C.R., R.P.R.  
License #XI02050, and Notary Public  
of New Jersey #50094914, Notary  
Expiration Date December 3, 2023

Dated: September 1, 2022