

A-4

1 BOARD OF ADJUSTMENT
2 VILLAGE OF RIDGEWOOD
3 BERGEN COUNTY, NEW JERSEY
4 Wednesday, August 13, 1997
5 Commencing at 8:00 p.m.

6 TRANSCRIPT OF PROCEEDINGS:

COPY

7 * * * * *

8 RE: ERIC ROOS :
9 560 Route 17 North :
10 Block 4704, Lot 6.01 :

11 * * * * *

12
13
14
15
16
17
18
19
20
21
22
23 ATTORNEY'S COURT REPORTING
24 P.O. BOX 57
25 HACKENSACK, NEW JERSEY 07602
(201)342-1111

1 B E F O R E:

2 THE VILLAGE OF RIDGEWOOD BOARD OF ADJUSTMENT

3 THERE BEING PRESENT:

4 LEONARD JACOB
CHAIRMAN

5 ALBERT PUCCIARELLI
6 VICE CHAIRMAN

7 RONALD APOSTLE
8 MEMBER

9 DAVID LARSEN
MEMBER

10 ROBIN S. MALLOY
MEMBER

11 STEVE VENTOR
12 MEMBER

13 EDWARD SEAVERS
VICE CHAIRMAN

14 ANTHONY MERLINO
15 BOARD SECRETARY

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

17 KARAS KILSTEIN HIRSCHKLAU
SEITLIN & YOUNGMAN
18 BY: MORTON HIRSCHKLAU, ESQ.
9-10 Saddle River Road
19 Fairlawn, New Jersey 07410
Counsel to the Board

20 CHARLES C. COLLINS, JR., ESQ.
21 135 Prospect Street
Ridgewood, New Jersey 07450
22 Counsel for the Applicant

23 ATTORNEY'S COURT REPORTING
24 P.O. BOX 57
HACKENSACK, NEW JERSEY 07602
25 (201)342-1111

INDEX

- 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

ERIC ROOS

BY: MR. COLLINS

5

1 CHAIRMAN JACOB: The next application
2 is Eric Roos for the construction of an
3 addition which would increase the
4 non-conforming use on the property which
5 would also require a side yard variance at
6 560 Route 17 North, Block 4704, Lot 6.01 in
7 an R-125 Zone.

8 Just for the record, the agenda noted
9 that this is a continuation from the May 14th
10 hearing. I don't believe we started the
11 hearing at that point, so I sense this is the
12 first hearing.

13 MR. COLLINS: That's correct, Mr.
14 Jacob.

15 Good evening, Mr. Jacob, Mrs.
16 Malloy, Gentlemen. My name is Charles
17 Collins. I have offices at 135 Prospect
18 Street, Ridgewood, New Jersey. I'm here,
19 tonight on behalf of this application.

20 There are four witnesses intended for
21 this application. Knowing your marching
22 order for this evening, I believe we can get
23 through Mr. Roos and perhaps Mr. Marshall
24 with the architect and the planner to await
25 further scheduling.

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

With that, I would like to have Mr.

Roos sworn.

E R I C R O O S, 530 West Saddle River Road,
Ridgewood, New Jersey, having been duly sworn
testifies as follows:

DIRECT EXAMINATION BY MR. COLLINS:

MR. SEAVERS: Mr. Collins, before you
begin, we do not yet have the architect's
plans on this.

MR. COLLINS: I will provide them to
you before the next meeting. I don't have
any in my possession. I have the elevation
rendition.

MR. SEAVERS: The Site Plan Committee
would like to see them before the next
hearing.

MR. COLLINS: We will definitely do
that. In fact, we will get them to you much
in advance.

I noticed that when I went over his
plans, and the architect promised them to me
as soon as possible.

MR. SEAVERS: There are also,
obviously, a number of site plan issues
better dealt with in a committee meeting.

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

MR. COLLINS: And certainly picking up on your offer earlier this evening, if the Site Plan Subcommittee of the Board feels it is appropriate to meet with our consultant, we'll make ourselves available at any convenient time.

MR. SEAVERS: Okay.

CHAIRMAN JACOB: Mr. Collins, was Trenton advised?

MR. COLLINS: Yes, Trenton was advised, as well as the Bergen County Planning Board.

CHAIRMAN JACOB: Thank you.

BY MR. COLLINS:

Q. Mr. Roos, I'm going to ask you to speak directly into the microphone and speak loudly. Your answers are not only being transcribed but amplified.

Your full name is Eric Roos. I understand you did say you live on West Saddle River Road?

A. That's correct.

Q. Are you the owner of the property which is the subject of this application?

A. Yes, I am.

Q. And how long have you been the owner?

1 A. Since 1993.

2 Q. From whom did you acquire title to the
3 property?

4 A. From my aunt and uncle who passed away in
5 1993.

6 Q. How long did they own the property?

7 A. My uncle has used the property since
8 1915. He acquired it from his father, my grandfather,
9 who purchased the properties in the early 1940's from
10 him.

11 Q. What is the property currently used for?

12 A. It is a retail nursery, retail and
13 wholesale nursery business.

14 Q. Who is the operator of that business?

15 A. Matthew Cerillo who has leased the
16 property for approximately 25 years.

17 Q. How long has that business of the nature
18 of a nursery or garden center been conducted on that
19 property, to your knowledge?

20 A. My uncle started in 1915 with it, then in
21 the early '60s he semi-retired and started leasing out
22 the front of the property, the Route 17 part of the
23 property, at which time my mother and father ran the
24 business for about three years, and then he leased to
25 other people until Matthew Cerillo took over in the

1 early '70s.

2 Q. Would you describe for the Board what the
3 property looks like, what is on the property at this
4 time?

5 A. There's two small, rather outdated
6 buildings that are in need of repair. They're
7 workable, you know, and we try to address different
8 situations that the town asked us to address, keep them
9 up to code as best we can. We're at a point now we
10 need to make some improvements to the property.

11 Q. Then there are two shed-like buildings on
12 the property?

13 A. Yes, there are.

14 Q. How much of the property is currently
15 being used for a garden center and/or related purposes?

16 A. The entire property.

17 Q. How large is that property, if you can
18 remember?

19 A. I don't have the exact numbers.

20 Q. Pretty large?

21 A. Yes.

22 Q. We'll leave it at that.

23 A. About an acre and a half.

24 Q. Did you take some photographs of the
25 property?

1 A. Yes, I did.

2 Q. I'm going to show you what I have marked
3 as A-1 through 5 and ask you if you can take a look at
4 them and identify what they depict.

5 First of all, you said you did take the
6 photographs. When did you take them?

7 A. Approximately in July.

8 Q. All right. Would you take a look at A-1
9 and tell me -- speak into the microphone, tell me what
10 A-1 depicts?

11 A. A-1 shows a view from the Park and Ride
12 walkover that's directly south of the property. You're
13 looking down from the walkway.

14 Q. What does it show, specifically?

15 A. It shows a portion of Route 17. It shows
16 the display area outside in front. It shows both
17 buildings.

18 Q. I'm going to ask you to take a look at
19 A-2 and tell me what that depicts.

20 A. That shows looking back from the property
21 from one of the buildings, looking straight back all
22 the way down with nursery stock on one side and cars on
23 the other side. My home is directly in the back.

24 Q. Does this property which the application
25 is about extend all the way back to near the end of

1 that dirt area, dirt road area?

2 A. Yes, it abuts my property in the back.
3 My property and this property meet.

4 Q. I want you to take a look at A-3 and tell
5 me what that depicts?

6 A. It is a picture of the property from
7 about 50 feet behind the building looking straight out
8 to Route 17.

9 Q. Would you tell me if there are any
10 buildings that are shown in that particular picture?

11 A. Yes, both of the buildings; two sheds are
12 shown here.

13 Q. Would you then go to A-4 and describe
14 what the contents of that are?

15 A. This is also another picture taken from
16 above the Park and Ride walkover showing the two
17 buildings, nursery stock, cars parked and the adjoining
18 condominiums.

19 Q. And finally A-5, where was that taken
20 from?

21 A. This was taken from across the street,
22 the Park and Ride lot, shooting right across Route 17.

23 Q. What does it show?

24 A. Route 17, cars going by, the two sheds
25 and the condominiums and a sign for the nursery.

1 Q. You mentioned condominiums just now and a
2 couple of moments ago. You mentioned the Park and
3 Ride. Would you tell the Board what are the uses that
4 are adjacent to or nearby this property?

5 A. Okay. Directly to the north of the
6 property is a condominium -- set of condominiums. Just
7 next to that, next to Route 17 is a smaller office
8 building. Across the highway is some homes to the
9 north, and then the Park and Ride area. To the south
10 of that is more office buildings, garages and gas
11 stations. On the other side of 17, on the northbound
12 side, is several pieces of property that are there, and
13 directly adjacent to the nursery property is the
14 concrete walkover for the Park and Ride.

15 Q. Just to repeat, the property immediately
16 to the north of you fronting on Route 17, is that a
17 residential property?

18 A. No, it is not.

19 Q. And the property immediately to the south
20 of you fronts on Route 17, is that a residential
21 property?

22 A. The exact property next to me is State
23 owned for the Park and Ride walkover.

24 Q. You are aware there have been letters
25 circulating from some people in the neighborhood

1 regarding your proposed use of this property?

2 A. Yes.

3 Q. I think we ought to address the contents
4 of those letters, because misconceptions seem to be
5 floating out there.

6 Is it your intention to rent out office
7 space if this proposal is granted?

8 A. No.

9 Q. Is it your intention to rent out
10 vehicular storage space or garage space?

11 A. No.

12 Q. Would the buildings that are being
13 erected on this property, if our application is
14 granted, be limited solely to nursery center use?

15 A. Yes.

16 Q. Would the garage space be limited solely
17 to nursery?

18 A. The garage space is designed to put our
19 equipment away, what is already there. The equipment
20 we have is one or two smaller tractors, a couple of
21 trucks. It would be used to put them away and also any
22 supplies over the winter, fertilizer that can't stay
23 out all winter long, to give the property a cleaner
24 appearance.

25 Q. Would there be any access to this

1 property from West Saddle River Road if this proposal
2 is granted?

3 A. No.

4 Q. Have you retained Andrew Marshall to
5 prepare the site plan for this proposal?

6 A. Yes.

7 MR. COLLINS: I have no further
8 questions of Mr. Roos right now, Mr. Jacob.

9 CHAIRMAN JACOB: Questions?

10 MR. SEAVERS: There's a portion of
11 the property, maybe halfway back, where
12 extending north it seems that the nursery is
13 using property that's not depicted on your
14 plan?

15 THE WITNESS: Yes.

16 MR. SEAVER: It seems to be a part of
17 the condominium complex?

18 THE WITNESS: Yes, it is. As far as
19 I know from Mr. Cerillo, several years ago
20 he had a verbal agreement with the people to
21 put things on that property in exchange for
22 pine trees and different things of that
23 nature. This is strictly between Mr. Cerillo
24 who leases the property from me. I guess it
25 is just a verbal agreement that they have.

1 MR. SEEVERS: It seems to be an
2 extension of the nursery use into what is a
3 residential zone and residential property.
4 It is part of the condominium complex.

5 I'm wondering whether there's
6 anything that's anticipated as to make it
7 clear what the boundary line is to your
8 property as opposed to the neighboring
9 property.

10 MR. COLLINS: It is not anticipated,
11 if that is in fact the case, and this is the
12 first I've heard about it, it is not
13 anticipated our proposed use will extend
14 beyond the boundaries of the lot that this
15 application deals with.

16 I will find out for you what the
17 particulars are of that arrangement, if in
18 fact Mr. Cerillo has an agreement with the
19 owners of the condominium, and if there is
20 consideration flowing to those condominium
21 owners for his use of that property, I will
22 be happy to report back to you, but our
23 application doesn't include any extension of
24 that use or even a ratification of that use.

25 MR. SEEVERS: Okay.

1 MR. HIRSCHKLAU: Mr. Collins, why
2 don't we go a step further. If the extension
3 onto the condominium property exists, is that
4 proposed to be discontinued by reason of this
5 application, or if not, is somebody going to
6 ask for a variance to continue that use?

7 MR. COLLINS: I don't want to
8 speculate on just what it is and where it is
9 located, so I will be happy to address those
10 questions after I find out the particulars,
11 where it is located specifically, if in fact
12 there is a violation at this time.

13 I can tell you this, if there is an
14 existing violation, we do not intend either
15 to expand that or to continue it. It will be
16 terminated and it is not a part of this
17 application.

18 MR. SEAVERS: It seems to be storage
19 not only of nursery stock that would be
20 capable of being sold, but also some nursery
21 stock that seems to be just debris.

22 MR. COLLINS: We will look into that
23 and definitely make whatever corrections are
24 necessary.

25 MR. SEAVERS: There's an easement

1 depicted on Lot, I think it's 4.02 and it is
2 right adjacent to Mr. Roos, where you live.
3 It's on the neighbor's property. It seems to
4 end at the 4.01 property, which is the
5 condominium complex.

6 I'm just wondering what that easement
7 is. It seems to be a waterline. Is that
8 where your waterline is?

9 THE WITNESS: The nursery has its own
10 well and septic tank system. That easement,
11 as far as I know, is a Public Service
12 easement that's been there -- or Water
13 Department easement that's been there. When
14 I built my house, my property ends right at
15 the easement, also.

16 MR. SEAVERS: There's a water main
17 under it and it ends in that area of the
18 property that's being used by the nursery.
19 That seems to be on the condominium property?

20 THE WITNESS: I think the water main
21 ends between my property and my neighbor's
22 property to the north.

23 MR. SEAVERS: It shows it all the way
24 in. You don't know about it?

25 THE WITNESS: No.

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

MR. SEAVERS: Maybe somebody else could or we could get an answer to that.

Was there a subdivision of this property or was it originally one property?

THE WITNESS: Yes, it was one property back in '88. I purchased a piece to build this house myself on this piece of property. I applied to the town for a minor subdivision to build this house, and that's when the property was subdivided at that point with my aunt and uncle still on the nursery property. Then I have the piece where my house is now.

MR. COLLINS: That was before you acquired title to the property that's the subject of this application?

THE WITNESS: Yes, yes.

MR. SEAVERS: Behind where you live it's shown on the plans an existing retaining wall?

THE WITNESS: Yes.

MR. SEAVERS: Is there a retaining wall back there?

THE WITNESS: There is a little wall, it's sloped, that comes down towards my

1 house. Basically the retaining wall on the
2 back side of the pine trees, I have a row of
3 pine trees that separate my property from the
4 nursery property. There is sort of a
5 retaining wall right there.

6 MR. SEAVERS: Is that where the
7 trellis area is that you walk through?

8 THE WITNESS: Yes.

9 MR. SEAVERS: That's where the pine
10 trees are?

11 THE WITNESS: Yes.

12 MR. SEAVERS: Okay. The property
13 line seems to show that -- it shows the
14 property lines closer to your house than
15 where the pine trees are. I couldn't find
16 the retaining wall on the property.

17 THE WITNESS: They're actually on the
18 nursery property. The property where the
19 lawn is is actually the house where I live.
20 The pine trees are on the nursery property.

21 MR. SEAVERS: Okay. What's the
22 reason that the building for the garages is
23 placed so far to the rear?

24 THE WITNESS: Just a matter of a
25 combination for space to give us as much sun

1 and space on the front part of the property
2 for people to buy things and then the hedge
3 of pine trees is there to block that
4 one-story building that can't be seen from
5 West Saddle River Road or my back yard.

6 MR. SEAVERS: From your property?

7 THE WITNESS: Yes, or neighboring
8 property. I have pine trees on both sides.

9 MR. COLLINS: If you look at the
10 pictures, Mr. Seavers, you'll see how the
11 stock is laid out along the dirt driveway all
12 the way back the length of that property. It
13 provides almost an esplanade if you were to
14 travel down to look at the inventory and see
15 what's available.

16 MR. SEAVERS: I don't doubt that.
17 I'm asking the reason for that building to be
18 that far back. Is there any reason why it
19 couldn't be closer to Route 17 behind the
20 proposed building so that what is this
21 esplanade showcase may look nicer closer to
22 the residential area?

23 MR. COLLINS: Behind the garage?

24 MR. SEAVERS: Sure.

25 MR. COLLINS: That's certainly

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

something we could consider when we meet with the Site Plan Subcommittee.

MR. SEAVERS: I'm asking for what the reason is for it to be back?

THE WITNESS: Strictly for the matter of the open area to go straight back to abut the building behind the pine trees.

MR. SEAVERS: And I know that one, I believe one of the variances is the side yard for the building which backs up to the bus shelter area?

THE WITNESS: Correct.

MR. SEAVERS: Considering that's what it backs up to, would there be any -- is there any reason to keep it where it is or would it be okay if the building were closer to the property line there?

THE WITNESS: The reason why we left the space we did behind it is to take deliveries in that back door there rather than deliveries to the front door, leave the space of the dumpsters, to take deliveries behind the building. It's approximately 10, 12-foot wide.

MR. SEAVERS: The deliveries would

1 have to go in the parking lot, through the
2 parking lot?

3 THE WITNESS: To the building so the
4 flow of traffic would not be interrupted.

5 MR. SEAVERS: You gave the uses
6 adjacent to the property to the north there
7 being office buildings. Would you agree the
8 office building is in a design that is more
9 residential than office building in
10 character?

11 THE WITNESS: Absolutely.

12 MR. SEAVERS: Directly to the east of
13 that is a residence, the condominiums?

14 THE WITNESS: Yes.

15 MR. SEAVERS: Continuing all the way
16 back to the east is residential, correct?

17 THE WITNESS: Yes.

18 MR. SEAVERS: And to the south you
19 have this bus shelter area, but to the east
20 of that it's what?

21 THE WITNESS: The bus shelter, then
22 we have the adjacent property of -- it's open
23 property. It's a lot of open property, more
24 or less like, for lack of a better word, a
25 farm. There's horses there in the fall.

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

MR. COLLINS: That's the Ward

property?

THE WITNESS: The Ward property. He also sells wood on that property.

MR. COLLINS: Is it a residential use?

THE WITNESS: People live there.

MR. COLLINS: It's also used for storing Dave's Tree Service Trucks and a number of other non-residential uses. It's a large piece of property.

MR. SEAVERS: Okay.

CHAIRMAN JACOB: Mr. Roos, the proposed two-story building you indicated is going to be for nursery usage.

Have you determined what the usage will be of each of the two stores, what's going to be on the first floor? Are they both going to be open to the public, etcetera?

THE WITNESS: The first floor will be strictly retail selling space, just to expand what Mr. Cerillo is selling besides evergreens and nursery stock, fertilizers and seeds and small potted plants, cut flowers.

1 More of a garden center type of place as well
2 as a display area outside.

3 The second floor will be an office
4 for myself, Mr. Cerillo, and strictly office
5 space for us to use.

6 CHAIRMAN JACOB: So the second floor
7 will be office function?

8 THE WITNESS: Yes.

9 CHAIRMAN JACOB: Where is that
10 function being carried out right now?

11 THE WITNESS: Well, he has the small
12 building that he does his work out of. In
13 the picture you see one bigger building. He
14 has an office in there.

15 CHAIRMAN JACOB: Was any
16 consideration given, and I'm not sure you're
17 the perfect witness to answer this, but was
18 any consideration given to having a one-story
19 building, perhaps a little larger in
20 footprint that accommodates the necessary
21 office space that you need?

22 THE WITNESS: Here again the idea for
23 a two-story building was to keep the space,
24 the overall selling space for nursery stock,
25 which is predominantly done during the spring

1 and summer and fall months outside, just to
2 keep the overall square footage inside, leave
3 one floor as retail selling space. The
4 building is 30 by 60 feet, so you're talking
5 square feet of selling space, it's not a bad
6 size. We're trying to give us as much room
7 as we can to the building.

8 CHAIRMAN JACOB: I'm not saying you
9 should take a portion of the 800 square feet,
10 what I'm suggesting, was any consideration
11 given perhaps to increasing the size of the
12 building footprint, making it a one-story
13 building and whatever, you know, additional
14 office space you needed square footage-wise,
15 adding that to 1800 square feet that you need
16 for a selling floor?

17 THE WITNESS: It could be done. Here
18 again we need as much outside selling space
19 as we can.

20 CHAIRMAN JACOB: Questions?

21 MR. APOSTLE: Mr. Roos, are there any
22 single-family residential houses bordering
23 any of this property now?

24 THE WITNESS: I'm directly to the
25 back of it.

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

MR. APOSTLE: Besides you?

THE WITNESS: To the north of it there's an empty lot from the condominiums, then to the south of it is the Ward property. On the other corner there's another single-family home.

MR. APOSTLE: On the northeast corner?

THE WITNESS: The northeast corner is office building.

MR. COLLINS: Northwest.

THE WITNESS: Northwest is office building, northeast is single-family, yes.

MR. APOSTLE: On the south there's no single-family?

THE WITNESS: Southeast is single-family.

MR. APOSTLE: Thank you.

MR. PUCCIARELLI: Mr. Roos, are you involved in the management of the nursery or is your position vis-a-vis the nursery just that of landlord?

THE WITNESS: I've been involved through my entire life. My family was in it -- my mother's side of the family was in

1 it all their lives. I've been involved off
2 and on. I do part-time landscaping on the
3 side now.

4 Basically, what happened to me, I
5 went through a job elimination last year. I
6 was with this job for 13 years, and I made a
7 decision after checking the market and trying
8 to find a replacement job, if I'm going to
9 work hard to make half the money I need to
10 make to support my family here in Ridgewood,
11 the nursery was offering me a pretty good
12 avenue.

13 Since I have knowledge of the
14 nursery, and I spoke to Mr. Cerillo about it,
15 without becoming partners, he's going to
16 continue doing what he's doing in a
17 family-type environment and my wife and I are
18 going to open up another part with selling
19 flowers and potted flowers and seeds and
20 fertilizer and things like that. That's how
21 it will be all involved.

22 MR. PUCCIARELLI: You said you were
23 going to have your office upstairs. I wanted
24 to know if it was the same business?

25 THE WITNESS: Yes. My wife and I

1 will be there. Mr. Cerillo and his family
2 will be there. It is strictly going to be a
3 family-run business.

4 MR. PUCCIARELLI: Nursery business?

5 THE WITNESS: Nursery business.

6 CHAIRMAN JACOB: Any other questions?

7 Are there any questions from members
8 of the audience of the witness? Please step
9 forward and give us your name and address,
10 please.

11 MS. GREENE: Mary Greene, 510 West
12 Saddle River Road in Ridgewood.

13 I have a question of Mr. Roos. On
14 your application for development, what I will
15 show you here, on Section 3-C it says, "Has
16 the property which is the subject of this
17 application been the subject of Ridgewood
18 Planning Board action," and you have answered
19 yes. I would just like to know what that
20 action was. That's what I would just like to
21 know?

22 THE WITNESS: All I know is that in
23 the early '70s the property was brought
24 before the Board here while my uncle had the
25 property. At the time, a developer wanted to

1 come in, and my uncle had passed away, and
2 that nursery, he wanted to buy that property
3 and this nursery property in question now and
4 put up office buildings at that time, and it
5 went before the Planning Board and after
6 several years it was finally denied.

7 MR. COLLINS: Miss Greene, actually
8 the answer to that question, Mr. Roos had the
9 property subdivided when he had his home
10 built. That was the Planning Board action to
11 which I made reference.

12 THE WITNESS: Yes.

13 MS. GREENE: All right. I just
14 wanted to know what that was. Thank you.

15 MR. COLLINS: I'm sure you won't be
16 the only one.

17 MR. MURPHY: My name is Chris Murphy,
18 526 West Saddle River Road. I have a
19 question for you.

20 In your opinion would you say that
21 the traffic that we have on West Saddle River
22 Road is something that you would rather do
23 without?

24 THE WITNESS: Yes. I have three
25 children ages three, eight and eleven who

1 take the bus every day to school. Traffic
2 can be a concern there. I've been involved
3 in the neighborhood for many, many years. I
4 remember when Racetrack Road was opened up
5 and cars used to go across 17 and the traffic
6 was really an impossible situation at that
7 time. Since the closure of Racetrack Road
8 traffic has calmed down a lot. Traffic can
9 be -- it's not always a major problem, but
10 people do not obey the speed limits on that
11 road.

12 MR. MURPHY: I'm with you on that.

13 I know when I go to Cerillo's
14 sometimes and there's a lot of traffic and I
15 might miss actually being able to turn into
16 the street right there and I'll have to turn
17 around and actually come around. It's around
18 that sharp bend. If you're going to
19 Cerillo's and you don't know where it is
20 there's an even chance you're going to miss
21 it and have to turn around and actually come
22 down that road and go back up West Saddle
23 River to get back onto 17 North. Not only
24 would it be customers that would be doing
25 that, people delivering deliveries, trucks,

1 you know, and things along those lines.

2 CHAIRMAN JACOB: Is there a question
3 here? Is there a question?

4 MR. MURPHY: My question is, do you
5 think that would have a negative impact on
6 the neighborhood, that increased traffic
7 flow?

8 THE WITNESS: I think that's a very
9 common problem throughout Route 17, up and
10 down 17. If you miss something, you have to
11 go a hundred miles out of your way to turn
12 around and come back again. I think a lot of
13 local people may know the shortcuts to come
14 around and cut back through. I doubt people
15 unfamiliar with the area would ever know. If
16 you have people that are unfamiliar with how
17 to get back onto 17, they're totally lost off
18 of that road. On the other hand, local
19 people know the area. I don't think it would
20 be a major increase in traffic.

21 Trucks, it's hard enough to make the
22 swing, they would go up to Hollywood Avenue
23 which is a bigger cloverleaf, then go back
24 and come back up again.

25 MR. MURPHY: If this does go through

1 and you put up the two-story building with
2 all the other stuff, are you going to still
3 live in your house or are you going to move?

4 THE WITNESS: My game plan, and you
5 can ask my wife and my children, my children
6 are in the Ridgewood School System and I want
7 to stay in Ridgewood. I spent most of my
8 years in Ridgewood. I have no plans on
9 moving anyplace for at least 25 years.

10 MR. MURPHY: Thank you.

11 THE WITNESS: Maybe when my children
12 go away to college.

13 CHAIRMAN JACOB: Any other questions
14 from members of the audience? Please step
15 forward.

16 MRS. MURPHY: Randy Murphy, 526 West
17 Saddle River Road.

18 Why was the Planning Board -- why did
19 they turn down the action in the '70s? You
20 said your uncle applied to expand?

21 THE WITNESS: A developer applied,
22 not to expand the nursery, to put an office
23 complex up. I, like the rest of us in
24 Ridgewood at the time, even myself, I didn't
25 want to see a bunch of office buildings from

1 the back of my property. Other people at
2 that time didn't want office buildings in the
3 back of their property.

4 MRS. MURPHY: So you fought that
5 action?

6 THE WITNESS: I was not involved in
7 that action. I can only tell you what I know
8 happened through hearsay through my family.

9 MRS. MURPHY: And do you think that
10 the size of the operation that you're
11 proposing warrants office space on the second
12 story of over 2000 square feet?

13 THE WITNESS: I anticipate business
14 to be good. We do have a nice business there
15 now. My expectations are high, but I think
16 there's an awful lot of traffic that goes by
17 Route 17 every day. I'm not on a side road
18 around back next to a dead end street, I'm on
19 a major highway in New Jersey, and I'm
20 putting a lot of my time and effort and my
21 personal finances into this to make this
22 business a success. Yes, I am anticipating a
23 good business.

24 MRS. MURPHY: And do you think that
25 people coming from Route 17 South and making

1 a turn onto Hollywood Road and coming down
2 West Saddle River Road, coming up again to
3 hit Cerillo's, do you think that's going to
4 increase the traffic?

5 THE WITNESS: Here again the local
6 people know the back roads to get there.
7 People that are out of town, I don't think
8 they're going to know their way around.

9 MRS. MURPHY: How would you come if
10 you were coming down 17 South?

11 THE WITNESS: I think the bigger
12 trucks that go to Cerillo's go to East Saddle
13 River Road, make the turn and come up Route
14 17.

15 MRS. MURPHY: I see Cerillo trucks
16 going back from my house several times a day.
17 If they're doing more business than they're
18 currently doing, then other trucks would
19 continue to do that?

20 THE WITNESS: That's true.
21 Generally, the smaller trucks, and I know he
22 has a couple of bigger trucks, they really
23 can't make the bend going down to East Saddle
24 River Road. They go up by Hollywood Avenue.
25 They told me they go down to East Saddle

1 River Road and make the bend and come back up
2 again.

3 MRS. MURPHY: That's all.

4 CHAIRMAN JACOB: Please step forward.

5 MS. KRISHNAN: My name is Unni
6 Krishnan, U-n-n-i K-r-i-s-h-n-a-n of 32
7 Carriage Lane.

8 You made a comment, right, you were
9 in opposition to an earlier plan, you don't
10 want to look out of your house and look at a
11 couple of office buildings?

12 THE WITNESS: Correct.

13 MS. KRISHNAN: We live in an area
14 which all of us moved in there thinking it's
15 a purely residential part of Ridgewood, a
16 town we've all come to love. The last thing
17 we want to see, you know, to look out your
18 door and look at an office building. Even in
19 the case of Cerillo's, the way they've been
20 operating the last few years, it's a little
21 bit like the camel and the --

22 CHAIRMAN JACOB: Is there a question
23 coming?

24 MS. KRISHNAN: Yes. I would like Mr.
25 Roos' opinion on why he thinks this kind of

1 development isn't going to harm the
2 neighborhood even more than it has already,
3 and why he would assume that putting it there
4 is actually going to help everybody, make it
5 better than it is at this point in time.

6 Any further comments that I have I
7 shall reserve for a later stage.

8 THE WITNESS: My feeling is this.
9 Again, I want to clean up the property and
10 make it more presentable like by putting one
11 building up, which I have an artist's
12 rendering which I will show you the picture,
13 it goes with the flow of a residential type
14 of building. It is not strictly a
15 commercial-looking building. It is not glass
16 and metal and what have you. Here again,
17 with a lot of nursery stock throughout the
18 yard I'm trying to be as environmentally
19 friendly, let's say as we can be with the
20 area.

21 I paved the lot as the town required.
22 I have the required number of spaces. I'm
23 doing as the town requires for an approval.
24 I'm willing to put up a row of pine trees
25 that would block an awful lot of the nursery.

1 If we need more, we'll put it in. There's a
2 burn there to better screen. It's natural
3 looking rather than putting up a big fence or
4 something that would be unappealing. I would
5 be more willing to do that.

6 MS. KRISHNAN: I did look at the
7 plans that you have at the Village Zoning
8 Board. I see you have a plan to put 16
9 parking spots right along the side of our
10 property which would be about say between 10
11 and 15 feet from our back doors. If you're
12 going to put those in, you'll have four lamp
13 posts that are 20-foot high, you know, I
14 don't think putting in a few trees will
15 really improve the visibility or the
16 appearance from our point of view.

17 Also, in terms of additional, I use
18 the word pollution loosely, there's going to
19 be an increased flow of traffic pollution
20 from the form of lights, especially at night
21 when you have the lamp posts, etcetera. The
22 noise level is going to be increased
23 substantially, too.

24 So, I still don't see how it is going
25 to improve the situation.

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

Thank you.

CHAIRMAN JACOB: Please step forward.

MR. HANKEY: My name is Donald Hankey
(phonetic), 524 West Saddle River Road.

If you're putting up this building
for yourself and Mr. Cerillo, why do you have
more parking area for offices than you do for
all the retail parking?

I understand you propose over 2000
square feet for office parking and about 1800
square feet for all your retail parking.

MR. COLLINS: I think that would
probably be better answered by Mr. Marshall
who is familiar with the formulas that apply
here. He can answer Mr. Hankey's question
why there's 16 parking spaces on the
property.

MR. HANKEY: I thought it was just an
office for two people?

THE WITNESS: It is a matter of
requirement. That's what I'm being told.

CHAIRMAN JACOB: Anybody else?
Please step forward.

MR. KEMENY: Peter Kemeny (phonetic),
12 Carriage Lane.

1 Mr. Roos, I live in the condominiums,
2 and are you aware of the fact that our
3 street -- I'm sure you are aware of the fact
4 our street is a private street?

5 THE WITNESS: Yes.

6 MR. KEMENY: We already have problems
7 with illegally parked cars in our street.
8 I've already came to the Ridgewood Police and
9 complained about that. You are considering
10 increasing your retail operation. I'm
11 absolutely sure there will be increased
12 traffic, and of course people will very
13 conveniently use our street to illegally
14 park.

15 Are you aware of the fact they use
16 our property to go onto your property? They
17 Trespass. I don't know how many times I
18 chased people away and I called the police
19 out. I notice they go across our property
20 onto yours. Are you aware of that?

21 THE WITNESS: I'm not aware of that,
22 but are they going across my property to
23 catch a bus to New York?

24 MR. KEMENY: No, they are going
25 across from our dead end street onto 17 and

1 onto your property and they park their cars
2 on our street which clearly says there's no
3 parking.

4 THE WITNESS: I'm not aware of that.
5 I know people cut through my property and the
6 adjacent properties to go to the Park and
7 Ride.

8 MR. KEMENY: I can ask the police
9 here in Ridgewood to testify for me. We
10 already asked for directions from the police
11 how to stop this illegal parking in our
12 street.

13 Thank you.

14 CHAIRMAN JACOB: Anybody else?
15 Please step forward.

16 MR. ELLIOT: Hello. Thomas E.
17 Elliot, 34 Carriage Lane. I live in the
18 townhouse complex. This was probably touched
19 on a little earlier, but my back yard is
20 about 15 feet away from your business, okay,
21 and all through your business hours during
22 the times I'm in my living room or my back
23 yard, I'm looking eyeball to eyeball with
24 your patrons at night, the headlights are
25 shining, you know, in our house. It is just

1 a scant 15 feet from your property separated
2 by a few pine trees that are maybe three
3 feet, you know, apart.

4 My question is, have you given any
5 consideration to our and my piece of serenity
6 and privacy with the increased traffic flow
7 in your business, increased patrons and the
8 two-story office building which would be
9 right on top of me and the parking, the
10 garage that you plan on building, have you
11 given any consideration to the impact to the,
12 you know, the peace and tranquility that I
13 have come to expect in Ridgewood?

14 THE WITNESS: I absolutely have, and
15 here again I think a nursery business, which
16 is predominantly a daytime business, and
17 basically a nine to ten month a year
18 business, it is not like a place like a
19 McDonald's or a driving range where people
20 come at all hours of the day and night.

21 Basically, we're open predominantly
22 during the daytime hours and do very little
23 after hours.

24 As far as my knowledge goes, and here
25 again, I am not opposed to any particular

1 screening that you want between my property
2 and yours, I'm not opposed to anything like
3 that whatsoever.

4 MR. ELLIOT: Correct me if I'm wrong,
5 I was under the impression you also intend to
6 make this -- turn this from a seasonal
7 business to a year round business?

8 THE WITNESS: We're looking probably
9 at best one more month. It is now open about
10 nine months out of the year. Maybe we'll go
11 to ten, you know, for cut flowers for
12 Valentine's Day or Eastertime. Otherwise it
13 is the same months of the year. On December
14 24th when you sell your final Christmas trees
15 we'll probably be closed until March.

16 MR. ELLIOT: Thank you.

17 CHAIRMAN JACOB: Any other questions?
18 Please step forward.

19 MR. UCHIDA: Good evening. My name
20 is Mr. Uchida, U-c-h-i-d-a. Okay. I live 20
21 Carriage Lane, one of the condominium homes.

22 I just move into my condominium two
23 years ago, and Ridgewood is known as a very
24 quiet neighborhood and a nice place to raise
25 a family.

1 My question to Mr. Roos, myself and
2 my wife every day we commute to New York City
3 using the Park and Ride and we walk every day
4 from your nursery place and on some days in
5 the early morning you have a sprinkler that
6 goes on, I think you water the walk and also
7 you water the Route 17 Road. Sometimes my
8 wife and myself have to run or get onto Route
9 17 South to go onto the Park and Ride bus
10 station and with the increase of business how
11 would that affect the sidewalks and the
12 safety of the pedestrians who will be using
13 that sidewalk?

14 THE WITNESS: At this point, like I
15 said, we use well water and because we're on
16 17 it is very windy there and the nursery
17 tends to dry out very easily, so it has to be
18 watered.

19 All I can say is I'm not there on a
20 day to day basis at this time. Once I am in
21 the future, if we can get this approved and
22 moved forward, I would certainly be willing
23 to address the issue, let's say by a certain
24 time the sprinkler's could be off.

25 MR. UCHIDA: Basically, the sprinkler

1 is not watering plants, you're watering Route
2 17. You're way off the point of where the
3 water is spreading. This has happened almost
4 every single day, even weekend days.

5 THE WITNESS: I'm not running the
6 nursery.

7 MR. UCHIDA: On some occasions myself
8 and my wife have to run and I see you have
9 employees laughing at us. We are trying to
10 get away and not get wet.

11 Also, when we walk on Route 17 South,
12 you're walking against the cars. Some day
13 somebody might get hit by a car and you'll
14 definitely be sued for that type of accident.

15 CHAIRMAN JACOB: Thank you. Anybody
16 else with a question?

17 One more quick question from somebody
18 who hasn't spoken yet.

19 MR. FINE: Philip Fine, 471 West
20 Saddle River Road.

21 I became aware of this only through
22 the letter, okay? Is the scope of your
23 buildings absolutely necessary for your
24 business? Could they be scaled back in terms
25 of the two-story and the parking, the concern

1 being they're going to be used ultimately for
2 some other purpose?

3 THE WITNESS: At this point this is
4 the only thing I looked at, a single-story
5 and the two-story building, and this seemed
6 to be the most applicable to the type of
7 operation that we're going to run with having
8 the square footage or retail selling space on
9 the bottom and putting the offices up above
10 and a bathroom up there.

11 MR. COLLINS: I think questions
12 regarding the scope of the building, and I've
13 listened to Mr. Fine and I've detected
14 concern from other witnesses, and I heard Mr.
15 Elliot say it's going to be located right in
16 his backyard. We have nice renditions of
17 what the building is going to look like. It
18 is a dormered building. It is not
19 rectangular. It is very attractive. I think
20 perhaps those issues might wait until the
21 architect is able to show you what the
22 building is going to look like and allow
23 these people to see what the building is
24 going to look like, then we can make
25 judgments whether it is going to be such an

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

unattractive thing.

CHAIRMAN JACOB: Perhaps it might be appropriate to submit that documentation with the application.

MR. COLLINS: Thank you for the reminder.

CHAIRMAN JACOB: I think the questions are appropriate of the witness to find out what his intent is.

I believe he answered the question.
Thank you, Mr. Fine.

Any other questions?

Mr. Murphy, you had a question?

MR. MURPHY: Mr. Roos, what are your planned hours right now? How many days a week would you be open and the months that you would be open?

THE WITNESS: We're looking at seven days a week, much like it is now, maybe a little more structured, in the area of 8:00 to 6:00, 8:00 to 5:00, those type of hours of operation with lesser hours on Sundays. Here again with my wife and myself predominantly doing most of the work up there, it is going to be a see how the business goes type of

1 thing.

2 MR. MURPHY: So there is a
3 possibility you could expand the hours if the
4 business was going well, you were selling a
5 lot of fresh cut flowers?

6 THE WITNESS: I can't see it going
7 into the night, personally, at this point. I
8 can't see that happening.

9 MR. MURPHY: Thank you.

10 CHAIRMAN JACOB: Mrs. Murphy?

11 MRS. MURPHY: If you're not going to
12 go into the night, why would they need to
13 have lights up along the side where the
14 condos are?

15 THE WITNESS: We are open during the
16 night. That's the way it is now during the
17 Christmas time, you know, from Thanksgiving
18 through December 25th we're open in the
19 evening selling Christmas trees.

20 MRS. MURPHY: And can you honestly
21 say that you do not consider this area
22 largely residential?

23 THE WITNESS: The Route 17 area I do
24 not consider residential. West Saddle River
25 Road I do consider residential.

1 MRS. MURPHY: All the properties that
2 are adjoining this property, you just do not
3 consider largely residential?

4 THE WITNESS: On Route 17?

5 MRS. MURPHY: On the sides, in the
6 back, catty corner?

7 THE WITNESS: In the back, yes, it is
8 residential. On the front where the building
9 is going to be, where the bulk of the
10 activity is going to be, I do not consider
11 it.

12 MRS. MURPHY: All of the Ward's
13 property to the side, that's all zoned
14 residential?

15 THE WITNESS: There's no homes there
16 now.

17 MRS. MURPHY: Doesn't matter. It's
18 zoned residential?

19 THE WITNESS: Yes.

20 MRS. MURPHY: There is a home on the
21 property. It may not be on the edge of the
22 edge of 17, but there is a home on the
23 property. You still feel this is largely a
24 residential area?

25 MR. COLLINS: I think he answered the

1 question.

2 MRS. MURPHY: Okay.

3 CHAIRMAN JACOB: Any other questions
4 of this witness?

5 MR. SEAVERS: Mr. Roos, the type of
6 office use that you plan on having up there,
7 what's the purpose of the office use?

8 THE WITNESS: To be able to count the
9 register at the end of the day, order
10 supplies, you know, rather than doing that on
11 the selling floor.

12 MR. SEAVERS: It is something you
13 won't be there 9:00 to 5:00 most of the time,
14 you'll be actually down on the selling floor?

15 THE WITNESS: Correct.

16 MR. SEAVERS: Is it the type of use
17 that you could do in a basement? You have a
18 basement office instead of a second-story
19 office?

20 THE WITNESS: I guess you could, but
21 I would like the idea of being up above to be
22 able to see the yard, see what's going on at
23 the time as opposed to being in the basement
24 and not seeing anything except four walls.

25 MR. SEAVERS: And in terms of the

1 access to the second floor, we haven't seen
2 any architect's plans, but is it accessible
3 from the inside?

4 THE WITNESS: Yes, it is.

5 MR. SEAVERS: So that it has to be
6 used only in connection with the nursery
7 business?

8 THE WITNESS: Yes.

9 CHAIRMAN JACOB: There was a question
10 from the lady?

11 MRS. KEMENY: Yes. I'm Mrs. Kemeny.
12 I live 12 Carriage Lane in the condominiums.

13 You said, as far as I understood,
14 that the property is not residential property
15 around you because it is on Route 17. You're
16 facing Route 17 but everyone around you is
17 residential. We have 10 condominiums and you
18 are right on our property or vice versa and
19 you have conducted a seven day a week
20 business. What do you think, how do you
21 think we feel, you have a Saturday and Sunday
22 business, and you say this is a small
23 business, and what you are saying it is a
24 small seasonal business and you want to
25 expand it. We don't want to take a way your

1 livelihood. Most certainly I don't. None of
2 us wants you to take away our peace. We
3 moved there just a couple of years ago, and
4 more specifically --

5 CHAIRMAN JACOB: What's the question,
6 please? The question?

7 MRS. KEMENY: The question is how
8 would he feel, why does he think that he's
9 improving in the neighborhood if he's
10 building a two-story building and trying to
11 expand the seasonal business for a much
12 bigger business? It's not an improvement.

13 THE WITNESS: I also live on the
14 property. What I'm saying is the biggest
15 point to me, I'm putting a building on Route
16 17. I'm not putting it next to anybody's
17 home. I'm putting the garage -- the garage
18 would be next to my home, closest to my home.
19 I tried to configure it the best way it would
20 work for everybody as well as keep the
21 environment nice there with the evergreen
22 plants and everything else in the area.

23 MRS. KEMENY: I'm not questioning
24 whether it's nice. I'm questioning about the
25 noise and activity and traffic?

1 THE WITNESS: Route 17, whether I'm
2 there or not will still have the same noise,
3 unfortunately. I don't like it either.

4 MRS. KEMENY: So you want to increase
5 it. You don't like it, but you want to
6 increase it, yes?

7 THE WITNESS: I don't think the noise
8 level is going to be any noisier than what it
9 is now.

10 MRS. KEMENY: Thank you.

11 CHAIRMAN JACOB: Is there anybody
12 else? Please step forward.

13 Identify yourself, please.

14 MRS. GREENE: Mary Greene. Mr.
15 Roos, I would like to ask you, the use of
16 that property has been a nursery use since
17 even before your uncle ran it; your
18 grandfather ran it. It's always been a
19 nursery type business, plows and horses back
20 in those days. Then your uncle took the
21 property over and he had his portion around
22 1916. It was used continuously as a nursery,
23 trucks loading and unloading trees and
24 whatever. Around 1950, I believe it was
25 maybe he starting leasing it, then I forget

1 the exact date that he leased it, then the
2 Cerillo's came in?

3 THE WITNESS: No, about 1960 when he
4 semi-retired he first leased it to my mother
5 and father for a few years, and then a couple
6 of minor leases after that and then the
7 Cerillo's have been there since the early
8 '70s.

9 MRS. GREENE: So actually this use
10 predated even the buildings of the
11 condominiums, and I believe it was in 1988,
12 do you recall any -- were you involved in any
13 of that that went on before the Zoning Board
14 of Adjustment? Were you involved in any of
15 that at that time?

16 THE WITNESS: No, I was not.

17 MRS. GREENE: Do you know if any
18 questions were brought up at that time as to
19 the activities in the nursery that would
20 adversely affect people that would come to
21 live in the condominiums?

22 THE WITNESS: No, I do not.

23 MRS. GREENE: So actually that
24 activity of a nursery was there before the
25 condominiums were ever built?

1 THE WITNESS: Yes, it was.

2 MRS. GREENE: Okay. I guess that
3 answers my question.

4 CHAIRMAN JACOB: Any other questions?
5 Thank you, Mr. Roos.

6 MR. COLLINS: I guess we'll stop
7 here?

8 CHAIRMAN JACOB: Yes. All in favor
9 of having a special meeting on October 22nd?
10 This will be continued to October
11 22nd.

12 MR. COLLINS: I don't need to notice
13 on that basis?

14 CHAIRMAN JACOB: You'll grant an
15 extension?

16 MR. COLLINS: Yes, I grant an
17 extension.

18 So I don't need to notice?

19 CHAIRMAN JACOB: Before everybody
20 leaves, so they all know, this will be
21 continued to October 22nd.

22 MR. COLLINS: Thank you.

23 (Whereupon the proceedings are
24 concluded in this matter.)

25

C E R T I F I C A T I O N

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, MARIA A. LINK, a Certified
Shorthand Reporter, License No. XI01432, Registered
Professional Reporter, and Notary Public for the State
of New Jersey, certify that the foregoing is a true and
accurate transcript of my stenographic notes.



MARIA A. LINK, CSR

1 created from vehicles driving around in a gravel
2 parking lot?

3 A. No.

4 MR. INGLIMA: I have no further
5 questions of Mr. Marshall at this time.

6 CHAIRMAN JACOBS: Thank you, Mr.
7 Inglima.

8 Anybody in the audience care to ask
9 any questions of this witness? I don't see
10 any.

11 Thank you, Mr. Marshall.

12 MR. COLLINS: I thought now what I
13 would do is bring back Mr. Roos and make him
14 available for Mr. Inglima's cross-examination
15 on the use of the property.

16 CHAIRMAN JACOBS: Do you have any
17 questions of Mr. Roos?

18 MR. INGLIMA: Yes, I do.

19 MR. COLLINS: Mr. Roos, would you
20 step up here, please.

21 Mr. Roos has been previously sworn,
22 Mr. Jacobs.

23 E R I C R O O S, 530 West Saddle River Road,
24 Ridgewood, New Jersey, having been previously
25 sworn continues to testify as follows:

1 CROSS EXAMINATION BY MR. INGLIMA:

2 Q. Mr. Roos, can you tell me when you
3 purchased the property that's the subject of this
4 application?

5 A. I obtained the property from my aunt when
6 she passed away in a will from her in 1993.

7 Q. Did you pay any money for the property or
8 was it an inheritance?

9 A. An inheritance, yes.

10 Q. Have you ever received a certificate of
11 status of non-conforming use with respect to any other
12 use of your property at any time since you acquired it?

13 A. No.

14 Q. Have you received a certificate of
15 occupancy from the Construction Code Official, the
16 Zoning Officer or another administrative officer of
17 Ridgewood?

18 A. No.

19 CHAIRMAN JACOBS: Mr. Roos, we can't

20 hear you.

21 BY MR. INGLIMA:

22 Q. Are there any adjoining properties other
23 than the residential lot which fronts on West Saddle
24 River Road in the area of the subject premise that are
25 owned by you?

1 A. Yes.

2 Q. Can you describe them?

3 A. I live in a house directly behind the
4 property.

5 Q. That's the one I'm referring to. There's
6 no other lots other than that one that you own?

7 A. No.

8 Q. Had you used the property which is the
9 subject of this application prior to the date that you
10 acquired it from your aunt? Were you a tenant of the
11 property? Were you a licensee, operator of a business?

12 A. No, I was not.

13 Q. And do you currently operate any business
14 at that location?

15 A. No.

16 Q. And your tenant is Cerillo's Nursery?

17 A. Yes.

18 Q. And what are the terms of the current
19 lease? How long are they a lessee of that property?

20 A. They've been there 25 years.

21 Q. How much longer do they have on their
22 lease?

23 A. As far as I'm concerned, as long as they
24 want.

25 Q. Do you have a written lease with them?

1 A. Yes.

2 Q. Is it subject to termination without
3 cause at any time within the next two years?

4 A. It is renewed every year between Mr.
5 Cerillo and myself.

6 Q. It's a written lease?

7 A. Yes.

8 Q. Are you aware of the date when the
9 Village of Ridgewood adopted a Master Plan or Zoning
10 Ordinance which made the current use of the property
11 unpermitted? Do you know when that was?

12 A. I believe it was in the early '70s, but I
13 do not have an exact date.

14 Q. Do you know what the use of the property
15 was at that time?

16 A. Nursery business as it is now.

17 Q. Do you know who the operator was?

18 A. Mr. Cerillo.

19 Q. I believe Mr. Collins indicated earlier a
20 representative of Cerillo's was here.

21 MR. COLLINS: Mr. Cerillo is here.

22 MR. INGLIMA: It might be more
23 appropriate for me to ask questions of this
24 nature to Mr. Cerillo.

25 MR. COLLINS: Sure.

1 BY MR. INGLIMA:

2 Q. I believe you indicated you didn't have
3 any other tenant of the property?

4 A. No.

5 Q. Have you or do you know whether your aunt
6 or any other predecessor entitled to the property has
7 obtained a highway access permit from the Department of
8 Transportation?

9 A. Yes.

10 Q. Who would that be?

11 A. My aunt had a permit from the highway
12 department.

13 Q. Do you have a copy of it in your
14 possession?

15 A. Yes.

16 Q. Do you have it here tonight?

17 A. I don't believe I have it here tonight.

18 Q. Could you produce that for the Board?

19 A. Yes.

20 Q. Thank you.

21 What was your aunt's name?

22 A. Emma Vogler, V-o-g-l-e-r.

23 Q. Do you know what use of the property that
24 highway permit was issued for?

25 A. To the best of my recollection it was for

1 conducting nursery business.

2 Q. Do you know whether that permit is
3 conditional, whether it's subject to termination?

4 A. I don't know.

5 Q. Going back to before Cerillo's operated
6 the property, are you aware of what the use of the
7 property was at that time?

8 A. Yes.

9 Q. What was that?

10 A. A nursery business.

11 Q. Was that a nursery business that
12 consisted of a farming type operation where plants and
13 other materials were grown on site? Did it consist of
14 a business where plants and materials were brought to
15 the site for sale?

16 A. It was both. There were plants grown on
17 site and sold in front and other plants brought in from
18 the outside.

19 Q. What areas of the site were covered by
20 that use?

21 A. The back yard part, the parts closest to
22 my house.

23 Q. Could you indicate for the Board where
24 would that be in relation to the site plan?

25 A. Yes.

1 CHAIRMAN JACOBS: Where is this
2 question going? I think it's been
3 established it's been a nursery for a number
4 of years.

5 How is that pertinent to the
6 application?

7 MR. INGLIMA: It has to do with the
8 question whether this is an expansion of a
9 non-conforming use or whether or not this
10 applicant is entitled to any kind of
11 consideration by the Board with respect to
12 either application.

13 CHAIRMAN JACOBS: Can we limit
14 questions to current use then and let the
15 Board decide whether it's an expansion of a
16 non-conforming use?

17 MR. INGLIMA: I understand your
18 point, Mr. Chairman. The questions I was
19 asking are addressed to the issue of at the
20 time that it became non-conforming or that an
21 ordinance was enacted by the Municipality
22 that would have made the use non-conforming,
23 what was the use at that time.

24 Frankly, at the risk of telegraphing
25 my whole line of questioning, I just want to

1 determine whether or not there's been a
2 change over time in that use, the character
3 of that use which may have a bearing.

4 CHAIRMAN JACOBS: Ask the question
5 and go on.

6 MR. INGLIMA: Absolutely.

7 BY MR. INGLIMA:

8 Q. After the date that you just referred to,
9 if I may, the east portion of the site was used for
10 nursery?

11 A. Yes.

12 Q. Was that use expanded to the west towards
13 the highway?

14 A. In regards to planting in the front?

15 Q. In regards to any business use of the
16 property?

17 A. The nursery business was always on the
18 property along the Route 17 front and in the back trees
19 were grown.

20 Q. Is it your testimony that the use has not
21 changed substantially since the date that you referred
22 to prior to Cerillo's taking possession and the
23 character of the use as it is today? Is it your
24 position there's not been a substantial change?

25 A. Substantial? The trees are not grown as

1 much in the back as they were then. Less trees are
2 grown in the back as they were on that date, 30 or 35
3 years ago.

4 Q. Have you made any attempts to sell your
5 property recently?

6 A. No.

7 Q. Have you made any attempts to subdivide
8 the balance of the property which is the subject of
9 this application for development as residential lots?

10 A. No.

11 Q. Have you made any other applications
12 concerning this property since the date of the
13 subdivision?

14 A. No.

15 Q. Have you made any attempt to acquire
16 other property located either to the north or the south
17 of the subject premise to be consolidated with this
18 property?

19 A. No.

20 Q. Have you entered into leases or
21 agreements to use or acquire those properties in the
22 future?

23 A. No.

24 Q. Do you intend to do so at any time?

25 A. No.

1 CHAIRMAN JACOBS: Any other
2 questions?

3 MR. INGLIMA: Just one question.

4 BY MR. INGLIMA:

5 Q. You're familiar with the specific use
6 which is being proposed as part of this application?

7 A. Yes.

8 Q. Are you willing to enter into a
9 stipulation where a condition of this approval if it
10 was granted that would restrict use of that property to
11 that specific use and activity and to no other kinds of
12 retail sales, other uses non-specified in the variance
13 resolution?

14 Do you understand the question? I'll
15 repeat it?

16 A. As far as pertaining to a garden center,
17 retail nursery business, correct. I'm not looking to
18 open up a barber shop or a McDonald's, no. I
19 respectfully am looking for items related to a nursery
20 sense, evergreen or florist sense. I will not be
21 selling saws or hammers, golf balls.

22 Q. Who is the tenant of the property,
23 assuming it was built?

24 A. Myself and Mr. Cerillo.

25 Q. And would you include in the activities

1 on that property the sale of tools or other materials
2 used in household repair?

3 A. In regards to gardening. I wouldn't want
4 to be restricted from carrying certain garden tools,
5 no.

6 Q. I'm talking hardware or household goods?

7 A. Such as?

8 Q. Tools; light bulbs, other types of home
9 fixtures?

10 A. I'm not going to be selling sofas or
11 couches.

12 Q. No, not furniture, small goods?

13 A. No.

14 Q. The types of materials you would find in
15 a hardware store. You know what I mean by hardware
16 store?

17 A. Absolutely. Some hardware stores would
18 carry the things I would carry related to a garden
19 center.

20 Q. Describe for the Board the types of
21 things you feel would be related?

22 A. Shovels, rakes, hoses.

23 Q. Are you currently selling items on site?

24 A. No.

25 Q. Would you also be trying to sell

1 machinery or equipment such as lawn mowers, tractors,
2 snow blowers, leaf blowers, chain saws?

3 A. At this time I have absolutely no plans
4 to sell power equipment.

5 Q. Would you be selling or dispensing
6 gasoline, kerosene, motor oil, liquefied petroleum?

7 A. Absolutely not.

8 Q. Would you be selling sheds or other
9 similar small storage enclosures?

10 A. I have no plans at this time for that.

11 Q. Fencing, lumber or other construction
12 materials?

13 A. As far as construction materials go,
14 landscaping types or garden center supplies. I would
15 need a better definition.

16 Q. As to the items which you said you had no
17 intention of selling on the property, would you be
18 willing to make a condition of the approval if granted
19 with respect to the site that you will not sell those
20 things?

21 A. I'm sure at this point, Mr. Collins, it
22 could be addressed.

23 MR. COLLINS: We can request a list
24 of items that Counsel is concerned about at
25 this point in time. I don't want to

1 generically reject anything that might be
2 related to either a garden or a nursery
3 center. There are too many things that we
4 couldn't conceive of that are probably
5 handled all the time in those centers. So I
6 think it's fair to say that Mr. Roos is
7 willing to accept limitations on the use of
8 that property that are reasonable and if the
9 Board were to grant his application would
10 permit him to conduct a retail garden and
11 nursery center. I don't know what more I
12 could say at this point.

13 MR. INGLIMA: I just have one very
14 quick question.

15 BY MR. INGLIMA:

16 Q. Mr. Roos, you mentioned before that
17 Cerillo's and you will be tenants of the property if
18 this development is approved?

19 A. Yes.

20 Q. Is there any distinction between the uses
21 that would be developed for Cerillo's and those which
22 would be developed on the property for your tenancy?

23 A. Distinctions as far as what? I need
24 something clearer than that. We'll be in a garden
25 center business together, if that's a better

1 clarification for you.

2 Q. For instance, is Cerillo's going to
3 perform one type of activity on the site and you are
4 going to perform a different type of activity?

5 A. We're going to be in the retail garden
6 center nursery business.

7 Q. You would be partners in the joint use of
8 the property?

9 A. Yes.

10 Q. Would there be outside tenants for the
11 office section of the building?

12 A. At this time I have no plans for that.

13 Q. Would it be offices just for the garden
14 center as you've described it would be or would it be
15 for other uses?

16 A. At this time my plans are offices just
17 for myself or related type of businesses if we're going
18 to do different types of businesses within the garden
19 center such as lawn sprinkler or landscaping.

20 Q. Would you continue to be willing, I
21 believe it was brought up by Mr. Marshall's testimony,
22 I just want to confirm it, you're going to be
23 continuing to sell Christmas trees and pumpkins, other
24 seasonal items from the site?

25 A. Seasonal items, Christmas trees, yes.

1 Pumpkins, no. We do not sell pumpkins now, no.

2 MR. INGLIMA: Thank you. I don't
3 have any further questions.

4 CHAIRMAN JACOBS: Mr. Merlino, you
5 had a question about the paving or a comment?

6 MR. MERLINO: Yes. The design
7 standards require off-street parking and
8 loading areas to be paved or concrete. So my
9 suggestion would be either to change the
10 design or request a waiver from those
11 standards.

12 MR. COLLINS: That's an example of
13 what I was referring to earlier.

14 On the basis of the testimony of Mr.
15 Marshall in his opinion as to what is
16 appropriate for this site, as well as Mr.
17 Inglima's concerns about the potentiality of
18 seepage where you have an over-impervious
19 area on the property, I would request that
20 the Board grant a design waiver to permit the
21 crushed stone or gravel area for the overflow
22 parking other than have it macadamized.

23 Does the Board have any questions of
24 Mr. Roos based on his testimony?

25 MR. SEEVERS: Mr. Roos, I thought the

1 first time that you were here it was fairly
2 clear that the office use on the second floor
3 was solely related to the business to be
4 conducted on the property. When you were
5 asked by Mr. Inglema the question about
6 whether it would be rented out to other
7 tenants you said I have no plans for that at
8 this time, which seemed a lot more indefinite
9 than what I heard last time.

10 I want to make sure that if your
11 application were to be approved by this Board
12 that you would understand it would have to be
13 with the condition that any office use of the
14 second floor would be limited to a concurrent
15 use with the balance of the property and the
16 office is not to be like the office building
17 up 17 where it's rented out to other tenants.

18 THE WITNESS: Absolutely. That's
19 what I believe I said, I have no plans at
20 this time to rent anything out. If it did
21 involve renting something out I would be
22 willing to make a stipulation it would be a
23 related business in the garden center such as
24 a water sprinkling type operation or
25 landscaping type of operation that I would

1 have or Mr. Cerillo would have in our
2 companies. If we had a separate office for
3 it or what have you.

4 MR. SEAVERS: A separate office for a
5 business that you're operating that has some
6 relation to a garden center or nursery or
7 landscaping?

8 THE WITNESS: Absolutely.

9 MR. SEAVERS: As opposed to renting
10 it out to another company that's unrelated to
11 you but that's in the same field?

12 THE WITNESS: Correct.

13 CHAIRMAN JACOBS: Mr. Roos, in the
14 same context, you mentioned two words which I
15 want to talk to you about.

16 Do you currently have a landscaping
17 business at the property?

18 THE WITNESS: Do I currently have a
19 landscaping business? No.

20 CHAIRMAN JACOBS: Do you currently
21 have a lawn sprinkler business at the
22 property?

23 THE WITNESS: No.

24 CHAIRMAN JACOBS: If you were to
25 expand and have outside tenants as you've

1 indicated in the examples, wouldn't those two
2 functions require additional space, trucks,
3 equipment, etcetera, etcetera, etcetera?

4 THE WITNESS: Well, currently Mr.
5 Cerillo has a landscaping business tied in
6 with the nursery. We do not install -- I
7 should say he does not install water
8 sprinklers. If I'm looking to add whatever,
9 we're looking to build the business from
10 whatever it is now, evergreens and a
11 landscaping business, to make it more of a
12 full garden center, that's what I'm saying,
13 to leave the opportunity open to expand
14 within the business.

15 CHAIRMAN JACOBS: If there was
16 expansion of the business would all of the
17 expansion equipment that might be required be
18 accommodated in the four bay garage?

19 THE WITNESS: Yes.

20 CHAIRMAN JACOBS: So there would not
21 be any equipment of that nature outside of
22 the garage. Is that correct?

23 THE WITNESS: Correct. Part of my
24 application, the reason for the garage is to
25 be able to put equipment away at night and

1 out of sight and just have evergreens and
2 nursery stock to be exposed.

3 MR. LARSEN: Mr. Roos, you mentioned
4 the related fields of a garden and nursery
5 center. My experience in today's world is a
6 garden center also has reflection ponds,
7 pools, jacuzzis, hot tubs, swimming pools.
8 These are all part of the landscaping theme.
9 You don't just put lawns in, you put in
10 shrubberies plus, plus, plus. Sprinklers
11 give rise to ponds and pools. Pools give
12 rise to pool service. That's what it seems
13 to be, an extension of what you said this is,
14 a related field. I heard nothing that would
15 prevent you from assuming that pool service
16 was part of what landscaping is, what was or
17 should be. I'm expressing a concern that
18 expansion of this business can get pretty
19 expansive and I ask for your comments on
20 that.

21 Where do you think you stop being a
22 full service landscaping business?

23 THE WITNESS: I haven't really
24 thought that far in advance. I'm strictly
25 speaking as to what a garden center would

1 carry in our areas.

2 MR. LARSEN: They carry things I just
3 said, so to follow through --

4 THE WITNESS: Absolutely. I
5 understand what you're saying. Here again as
6 Mr. Collins said, there could be certain
7 conditions that we have to follow within the
8 garden center guidelines. At this point I'm
9 sure not looking to get into the pool
10 business. I'll have enough to get going with
11 what I want to get going with in the garden
12 center business with shovels, rakes, flowers
13 and such.

14 MR. COLLINS: I think perhaps this
15 would require further clarification, Mr.
16 Roos. I think the Board is looking for some
17 clarification.

18 Your application is not to operate
19 either a swimming pool installation
20 maintenance or service business from that
21 location. Is that correct?

22 THE WITNESS: That's correct.

23 MR. COLLINS: You have no intention
24 of doing that. Is that correct?

25 THE WITNESS: Correct.

1 MR. COLLINS: And isn't it a fact
2 that the office space to be part of the
3 second floor is to be used only by you and
4 Mr. Cerillo in the pursuit of what could be
5 called a garden nursery center business?

6 THE WITNESS: Correct.

7 MR. COLLINS: It doesn't involve the
8 amenities or embellishments that Mr. Larsen
9 has suggested may go along with a high flown
10 garden in some affluent area?

11 THE WITNESS: I lost what you said.

12 MR. COLLINS: Well, so did I.

13 My point is I'm trying to get out
14 whatever assurance you're willing to give the
15 Board that you don't intend to take what is a
16 modest garden nursery center proposal and
17 develop it into a host of different business
18 offshoots that maybe are tangentially related
19 only because one thing may relate to another,
20 in Mr. Larsen's description?

21 THE WITNESS: Absolutely correct.
22 I'm not looking to go beyond what my limits
23 could be outside of a garden center. I'm not
24 looking to build pools or build houses or
25 anything else out of that. I would certainly

1 be willing, if we can get together as far as
2 some sort of guidelines, I have no problem
3 with that.

4 MR. COLLINS: Are you familiar with
5 the garden center in Glenrock, Herolds Farm?

6 THE WITNESS: Yes.

7 MR. COLLINS: Would you describe how
8 that may relate to what you see the use of
9 your property to be if the Board grants
10 approval?

11 THE WITNESS: I think it's a pretty
12 full service garden center. He carries bags
13 of mulch, top soil, some decorative stone,
14 many plants, flowers, different holiday
15 themes, Christmas trees, Easter flowers. He
16 follows along the lines I would.

17 MR. COLLINS: Apart from the size,
18 how do you feel your proposal compares with
19 that use?

20 THE WITNESS: I would say similar.
21 He's much bigger than I am. He has the
22 space. I couldn't even begin to try to do
23 that. He has a much bigger parcel than I
24 have right now.

25 MR. COLLINS: Do you anticipate your

1 use of the property to depart in any dramatic
2 way from the character of Herolds Farm?

3 THE WITNESS: No.

4 MR. COLLINS: Yours would be a
5 smaller operation. Is that correct?

6 THE WITNESS: Correct.

7 MR. COLLINS: Mr. Larsen, I don't
8 know whether that responds to your question.

9 MR. LARSEN: I think we opened up an
10 area of concern. The finality of it would be
11 a laundry list of things you can't do.
12 Related gets to be flexible. It boils down
13 to spreading out. I know nobody mentioned
14 gym sets. I know you said no sheds. You
15 didn't so no gym sets. When you talk
16 landscaping in today's world, in today's
17 homes that we see in our neighborhoods, they
18 are awfully inclusive. That was my concern.
19 Maybe the laundry list will do it.

20 I have a second question, if I may,
21 feeling you've adequately answered this one.

22 Did you say lawn mowers?

23 THE WITNESS: No, no power equipment.

24 MR. LARSEN: Absolutely nothing with
25 gasoline?

1 THE WITNESS: No.

2 MR. LARSEN: Thank you.

3 MR. PUCCIARELLI: Would you be
4 willing to stipulate that there would be no
5 permitted on-site outdoor vehicle storage
6 overnight? It seems to me this is one way to
7 circumscribe the activities on the premise.

8 MR. LARSEN: That's not allowed
9 anyway. Commercial?

10 MR. PUCCIARELLI: Commercial
11 properties don't have to have garages.

12 THE WITNESS: As far as vehicles of
13 my own or those related to the business?

14 MR. PUCCIARELLI: Vehicles,
15 generally. Yours, anybody's?

16 THE WITNESS: I plan on having nobody
17 else's vehicles but my own on the property.
18 I would plan on putting them in the garage
19 every night. I can't say every night it's
20 going to happen. Maybe they're loaded with
21 things which need to be watered that night to
22 go out for delivery the next day. I can't
23 say that would always be the case. Certainly
24 during the off seasons, certainly there will
25 be no vehicles in the yard that couldn't go

1 in the garage.

2 MR. PUCCIARELLI: The Board may make
3 it a condition of the approval that no
4 vehicles be permitted to be stored outdoors
5 overnight on site, including vehicles used
6 directly in the business; tractors and the
7 like, as well as automobiles, personal
8 automobiles and so on.

9 THE WITNESS: If it has to be.

10 CHAIRMAN JACOBS: Mr. Roos, following
11 Counsel's illustration of Herolds Farm, in my
12 mind those are all related functions to a
13 garden nursery, etcetera. For instance,
14 greenhouse. You don't plan to have a
15 greenhouse on this property?

16 THE WITNESS: No, I do not.

17 CHAIRMAN JACOBS: They've started a
18 market selling the vegetables grown on the
19 property. Do you plan to have any sort of
20 market to sell vegetables which might be
21 grown on the nursery?

22 THE WITNESS: No, I do not.

23 CHAIRMAN JACOBS: Thank you.

24 MR. SEAVERS: How about firewood?

25 THE WITNESS: No. I don't have room

1 for firewood. I don't foresee it, no.

2 MR. SEAVERS: Again, you don't
3 foresee it?

4 THE WITNESS: No.

5 MR. SEAVERS: Herolds Farm, as an
6 example, I've seen on their property dump
7 truck loads of firewood which is very
8 unsightly?

9 THE WITNESS: No firewood.

10 MR. SEAVERS: Can you see the need
11 for defining, consistent with what Mr. Larsen
12 said, what you will do and what you won't do?

13 THE WITNESS: Yes.

14 MR. SEAVERS: Maybe you can come up
15 with some type of list like that and present
16 it next time?

17 THE WITNESS: Yes. No problem.

18 MR. COLLINS: We'll do that. That
19 would be a good idea.

20 MR. LARSEN: Do you plan to be open
21 on Sunday to sell these things?

22 THE WITNESS: Yes.

23 MR. LARSEN: You would have retail
24 garden supply sales on a Sunday?

25 THE WITNESS: Yes.

1 MR. LARSEN: Thank you.

2 CHAIRMAN JACOBS: Any other
3 questions? Are there any questions from
4 members of the audience of Mr. Roos?

5 Thank you, Mr. Roos.

6 A VOICE: Is there anything Mr. Roos
7 can do?

8 CHAIRMAN JACOBS: Please state your
9 name and address for the record.

10 MR. VANUZZIA: Vincent Vanuzzia
11 (phonetic), 640 Kenwood Road, Ridgewood.

12 He has to create a list of things he
13 can and cannot do in his garden center. I
14 understand maybe if it was unsightly, but if
15 it was packaged like you see in netting in
16 the stores, what would be so wrong?

17 Is it the Planning Board's function
18 to really almost be an agency or bureaucracy
19 to stop -- or anybody for that matter, of the
20 do's and don't's? I agree about tractors and
21 unsightly or hazardous chemicals, but I don't
22 know if an intelligent person can list every
23 product in relation to their business that he
24 can or cannot do. Something may come on the
25 market. Do they then have to come back to

1 you?

2 CHAIRMAN JACOBS: Is there a question
3 here? Is there a question here?

4 MR. VANUZZIA: There is a question.

5 CHAIRMAN JACOBS: What's the
6 question?

7 MR. VANUZZIA: How come this list has
8 to be created? I would like to know.

9 CHAIRMAN JACOBS: Because the Board
10 of Adjustment has asked for an indication of
11 what types of operations are going to take
12 place in this proposed establishment. If Mr.
13 Roos can provide such information, that's all
14 we're asking for. If Mr. Roos is not
15 intelligent enough, to use your language, we
16 will not get that information, but I think
17 it's information that the Board would like to
18 have based upon the discussion we've just
19 had. I think all the residents would like to
20 know what is being proposed for this
21 facility. I think it's a valid question.

22 Is there another question of Mr.
23 Roos?

24 MR. CERILLO: Matt Cerillo. I don't
25 see any way possible that this size of a four

1 bay garage --

2 CHAIRMAN JACOBS: Is there a question
3 here?

4 MR. CERILLO: How is he going to get
5 all the vehicles in the garage? If you say
6 they all have to go in, it's impossible.
7 Some of the trucks are longer, wider than the
8 garage.

9 CHAIRMAN JACOBS: I think you should
10 have the discussion with the applicant and
11 decide what size garage is needed.

12 MR. CERILLO: He's trying to agree
13 with you to get this done. He's saying
14 things that are going to be changed.

15 CHAIRMAN JACOBS: Any other questions
16 of Mr. Roos?

17 Thank you, Mr. Roos.

18 Mr. Collins?

19 MR. COLLINS: What I'll do, I think,
20 is ask the Board to stop it right here. The
21 reason for that, I have to go over with my
22 client some of the testimony that he's had.
23 I want to be able to have an opportunity to
24 have a further discussion with Mr. Cerillo.
25 I haven't had that opportunity yet. I don't

1 want to proceed at this point with Mr. Schier
2 because it would take too long for us to do
3 it.

4 So, if the Board would permit me I
5 would like to suspend my activity at this
6 point in time and resume on the March date.

7 MR. INGLIMA: May I just ask, I
8 assume you're going to bring Mr. Cerillo
9 back?

10 MR. COLLINS: Yes, Mr. Cerillo is
11 necessary for questions that you want to put
12 to him.

13 At this point in time I don't want to
14 start with him and get into other areas,
15 frankly, I'm not sure about.

16 CHAIRMAN JACOBS: Okay.

17 This hearing will be continued then
18 to March 25th at eight o'clock in Village
19 Hall.

20 MR. COLLINS: So the earlier times
21 are not applicable?

22 CHAIRMAN JACOBS: That's correct.

23 MR. COLLINS: Thank you.

24 (Whereupon the proceedings are
25 concluded in this matter.)

