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VILLAGE OF RIDGEWOOD
ZONING BOARD OF ADJUSTMENT
TUESDAY, FEBRUARY 27, 2024
COMMENCING AT 8:09 P.M.

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

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

- GREG BROWN, CHAIRMAN
- MATTHEW BANDELT, VICE CHAIRMAN (ABSENT)
- GARY NEGRYCZ, CHAIRMAN PRO TEM
- JASON CURRERI, MEMBER
- DIANA RUHL, MEMBER
- JONATHAN PAPIETRO, MEMBER
- JAMIE FOX, MEMBER
- HAROLD MAXWELL, MEMBER
- YELENA RAYTSER, ALTERNATE #2 MEMBER (ABSENT)

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

JANE WONDERGEM, LAND USE SECRETARY

JOHN BARREE, P.P., VILLAGE PLANNER

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

10 This is continued from November 28,
11 2023.

12 Good evening.

13 MR. WHITAKER: Counsel, enter your
14 appearance.

15 MR. WEISS: Matthew Weiss; Price,
16 Meese, Schulman & D'Arminio for the applicant.

17 MR. STANDRIFF: Douglas Standriff, AK
18 Realty.

19 MR. WHITAKER: We left the last meeting
20 with Mr. Standriff doing his presentation and I
21 believe we're just going to continue with that this
22 evening, there's nothing else to add, Mr. Weiss?

23 MR. WEISS: Mr. Whitaker, we just have
24 a few, I think, outstanding cleanup items, two
25 minutes, if the board doesn't mind.

1 MR. WHITAKER: Okay.

2 MR. WEISS: So a few things.

3 I know the board, first of all, asked
4 the applicant to speak to the town about, everyone
5 knows the landscaping proposal, we did speak to the
6 town. The town does not want to commit to anything
7 at this time.

8 So we continue to propose landscaping
9 the Schedler property, we're adding to the
10 landscaping on the Schedler property across the berm.
11 You know, and I guess we'll deal with the town at a
12 later date, if that's a condition of approval, you
13 know, then we can handle it that way.

14 But the town is not going to -- they're
15 not saying no, but they don't want to say yes at this
16 time. So we're just going to kind of let it lie, but
17 again, we remain offering the landscaping of the
18 berm.

19 MR. WHITAKER: And the landscaping that
20 you offered, is the landscaping that was shown on the
21 plan?

22 MR. WEISS: I don't know if we actually
23 showed any specific plan, because I think we were
24 going back and forth about not --

25 MR. WHITAKER: There was -- I have

1 notes that said you described --

2 MR. WEISS: We described, yeah, we
3 described that we would add to what's existing on the
4 berm.

5 MR. WHITAKER: So that's understood.
6 What's next?

7 MR. WEISS: Yeah. There were questions
8 about the size of the cell tower in the area. Our
9 engineer confirmed that's 135 feet, the cell tower.

10 And then I think the only other thing
11 was this question about the notice of Ms. Marticek.
12 Mr. Whitaker and I discussed this, but just to put it
13 on the record, we did notice her properly under the
14 statute and I do have an exhibit for the board, for
15 the public, everything we noticed her with that's --
16 you know, we followed the rules.

17 MR. WHITAKER: I've reviewed this in
18 advance of tonight's hearing and the notice was
19 proper.

20 MR. WEISS: Okay. So do we want to
21 just --

22 MR. WHITAKER: It meets the
23 requirements of the Municipal Land Use Law.

24 MR. WEISS: -- take notice of that.

25 MR. WHITAKER: Yes.

1 MR. WEISS: Perfect.

2 I think that is it.

3 MR. STANDRIF: We're going to call
4 Mr. Burgis.

5 Oh, and Ms. Bogart is going to testify
6 as well, if you want to swear them in at the same
7 time.

8 MR. WHITAKER: Yes. Okay.

9 Both raise your right hand.

10 Do you swear or affirm the testimony
11 you're about to give will be the truth and nothing
12 but the truth?

13 MR. BURGIS: I do.

14 J O S E P H H. B U R G I S, P.P., AICP,
15 25 Westwood Avenue, Westwood, New Jersey, having
16 been duly sworn, testifies as follows:

17 MS. BOGART: I do.

18 B R I G E T T E B O G A R T, PP, AICP, CGQ
19 205 Franklin Avenue, Wyckoff, New Jersey,
20 having been duly sworn, testifies as follows:

21 MR. WHITAKER: For the record, just
22 state your name and addresses.

23 MR. BURGIS: Joe Burgis, B-U-R-G-I-S,
24 of the firm Burgis Associates at 25 Westwood Avenue
25 in Westwood.

1 MS. BOGART: Brigette Bogart,
2 B-O-G-A-R-T, 205 Franklin Avenue in Wyckoff.

3 This is the first time we're on the
4 same side in 15 years.

5 CHAIRMAN BROWN: Hey, Jane -- I'm
6 sorry, Ms. Bogart, could you just grab the wireless
7 mic, because if you're not talking directly into a
8 mic, then not everyone's going to be able to hear you
9 and the acoustics in here, so thank you.

10 You have to leave the door open. It
11 can't be closed.

12 Thanks, Jane.

13 VOIR DIRE EXAMINATION

14 BY MR. STANDRIFF:

15 Q. Mr. Burgis, you're a licensed planner
16 in the State of New Jersey?

17 A. I am.

18 Q. License is in good standing?

19 A. It is.

20 Q. You've been approved as a planner
21 before this board in the past?

22 A. Many times, yes.

23 Q. Approximately, give me a ballpark how
24 many times?

25 A. 30, 40, something like that.

1 MR. WHITAKER: So we can expedite this.
2 Mr. Burgis has been previously qualified as an expert
3 witness in the field of planning as a licensed
4 planner.

5 Mr. Burgis, has your qualifications
6 since the last time you were qualified before this
7 board change?

8 THE WITNESS: Not at all, no.

9 MR. WHITAKER: And your license is
10 still in good standing.

11 THE WITNESS: Yes, it is.

12 MR. WHITAKER: Any questions by the
13 board members or members of the public as it pertains
14 to Mr. Burgis qualifications as a licensed planner in
15 the State of New Jersey.

16 (No Response.)

17 FEMALE AUDIENCE MEMBER: Can you speak
18 into the microphone?

19 MR. WHITAKER: There being none, at
20 this point he will be so qualified and render an
21 expert opinion in that field.

22 Please proceed.

23 THE WITNESS: Thank you.

24 DIRECT EXAMINATION

25 BY MR. STANDRIFF:

1 Q. You've reviewed Outfront's application
2 in this matter?

3 A. I have, yes.

4 Q. And you've reviewed the testimony of
5 the planner?

6 A. Yes, I did.

7 Q. Okay. What was your understanding --
8 and again, the board got the application sort of we
9 went through it just briefly, so we're not going to
10 go into detail on the application, we're going to go
11 right to his understanding of the planner's rational
12 for that.

13 So what was your understanding of the
14 rational given?

15 A. Very briefly, I was asked by my client
16 to specifically address the manner in which the
17 applicant's planner attempted to address the
18 statutory criteria for variance relief and make an
19 opinion as to whether or not I believe that the
20 applicant's planner did, in fact, affirmatively
21 address that criteria or failed to do so.

22 That fact that I'm sitting here tonight
23 clearly indicates that I believe that he failed to do
24 so and I'd like to explain why.

25 As background information, and I know

1 the board has heard and knows what the statutory
2 burden is for the kind of variances that are being
3 requested, but suffice it to say it's a two-fold test
4 on the positive criteria side.

5 An applicant has to show special
6 reasons in support of the application. There's two
7 options that they have with respect to that. One can
8 either show that the site is particularly suited for
9 the use or alternatively the applicant can show that
10 the site -- excuse me -- the proposed use is an
11 inherently beneficial use and that would warrant the
12 affirmative positive criteria.

13 In addition to that, there's the
14 negative criteria of the statute. The applicant has
15 to show that there's no substantial detriment to the
16 public good and also no substantial impairment to the
17 intent and purpose of the municipality's master plan.

18 I have reviewed the Master Plan. I
19 have reviewed the Zoning Ordinance. I did a site
20 inspection and I reviewed the transcripts and I was
21 here for Mr. Dona -- Mr. McDonough's testimony, so
22 I'm ready to comment on that.

23 Just as background information, with
24 respect to the Master Plan, there are three goals in
25 the Master Plan that I feel merit particular

1 attention.

2 One of those goals says that the
3 municipality's intent is to work to keep the small
4 town village feel in the community and adapt to
5 change in ways to maintain or compliment that feel.

6 Secondly there's a goal that
7 specifically talks about within the Route 17 corridor
8 in the vicinity of the subject site and specifically
9 that goal talks about in the vicinity of the
10 cemetery, the Schedler property and Old Paramus
11 Reformed Church and indicates that that represents an
12 important part of the Village history and,
13 consequently, the views associated with these
14 properties should be protected from out-of-scale
15 visual intrusion.

16 What's interesting, it then goes to
17 define what the planning board when they adopted the
18 Master Plan feels is a visual intrusion and they
19 specifically identified billboards, power lines and
20 poorly designed and inappropriately located buildings
21 and inadequately screened, unsightly land uses.

22 So, consequently, the fact that
23 billboards are specifically identified as a form of
24 visual intrusion is discouraged in the Master Plan,
25 that goes to the heart of the negative criteria of

1 the statute with respect to that prong that says an
2 applicant has to show there's no substantial
3 impairment to the intent of the plan and I'll get
4 into that in more detail in a moment.

5 I also looked at the Zoning Ordinance,
6 which is designed to implement the Master Plan
7 recommendations. The Master Plan -- excuse me -- the
8 Zoning Ordinance places the site in the OB-2 office
9 building zone and that zone identifies a variety of
10 principal permitted uses allowed as of right. They
11 include: Financial institutions; offices; veterinary
12 hospitals; childcare centers; municipal buildings and
13 facilities and institutional uses. There's a whole
14 host of area and bulk requirements associated with
15 that zone.

16 The proposed -- excuse me -- the
17 existing condition of the site contains a
18 preexisting, nonconforming garage, repair garage of
19 the area and bulk standards. The one that does not
20 -- is not being met by the existing conditions
21 regards the maximum permitted impervious coverage of
22 the site.

23 The ordinance permits a maximum of
24 70 percent of the site to be devoted to impervious
25 material and site plan application filed by the

1 applicant indicates that 76.2 percent of the site is
2 covered by building and other impervious material.

3 Now, the basis for relief is critical
4 here and if I've paid particular attention to what
5 Mr. McDonough said and how he said it and when he
6 talked about special reasons, he particularly focused
7 on four specific purposes of the Municipal Land Use
8 Law.

9 And I'd like to point out what those
10 were and then why I think they fall short of -- his
11 testimony fell short in this regard.

12 The first comment regarded that purpose
13 of the Municipal Land Use Law that promotes the
14 general welfare and he had indicated that this
15 applicant's proposal promotes the general welfare by
16 promoting a form of communication. I would suggest
17 that that's a very broad generalization of what that
18 term actually means. One can look at graffiti, for
19 example, and say many people think that that's a form
20 of communication. Some people like it, many people
21 don't. But by virtue of the way he described things,
22 you would think that any form of graffiti would be
23 furthering the purposes of the general welfare.

24 Secondly, he made an interesting
25 reference to an inherently beneficial use and

1 equivocated quite a bit here and on the one hand he
2 said it's an inherently beneficial use and then he
3 said it's not, but then he went on to say that
4 because someone -- some business that is an
5 inherently beneficial use can advertise on this
6 billboard, that makes the billboard an inherently
7 beneficial use in some manner, and, again, he then
8 stepped back a little bit from that position, but
9 that is what he said.

10 And my understanding of the Municipal
11 Land Use Law, in D variances is that the variances
12 for the -- in this case is for the structure itself,
13 the billboard. It is not for the message that's
14 being delivered on that billboard.

15 So, consequently, I think it's very
16 clear that this is not an inherently beneficial use
17 and in no way, shape or form can argue that that in
18 and of itself does, in fact, in some way promote the
19 general welfare.

20 Another issue he raised with is respect
21 to providing public service announcements and in his
22 testimony -- and he felt that this represented
23 another special and he specifically cited as an
24 example COVID and messages about protocol, masking
25 and testing that we all had to live through over the

1 past couple of years.

2 But today, you know, when we talk about
3 public service announcements, you know, we get AMBER
4 Alerts on this device that I'm holding in my hand, we
5 get policing information in your communities as to
6 what's going on in the community. Heck, I didn't --
7 for my daughter's school, I find out if she skipped a
8 class or missed a test or homework, I get all that
9 information right here in my hand.

10 So to suggest that the provision of a
11 public service announcement on a billboard carries
12 the weight of a special reason, I think is stretching
13 the concept of special reasons quite a bit.

14 Now, in addition to that, he did cite a
15 few other things. One, he cited -- and this was an
16 interesting twist. He said that this is an
17 opportunity -- having the billboard is an opportunity
18 to extend the Central Business District of Ridgewood
19 to Route 17 by sending or allowing to be sent a
20 message that there's a number of opportunities a
21 couple of miles off the highway and consequently that
22 represents a public benefit.

23 Now, my understanding of the
24 relationship of what a public benefit is, is
25 something that's directly positive, and yet, here he

1 was saying if someone were to have a store in the
2 Central Business District and if this person decided
3 that he or she would put a message up on a billboard
4 and if someone would say, oh, that's a nice sign to
5 see, it sounds like there's something nice in the
6 business district, I will go there. That is such a
7 stretch from what a true public benefit is to a
8 community, and I think it doesn't hold water here.

9 Finally, he also raised a concern with
10 the site's potential redevelopment and how that could
11 actually represent an adverse situation and my
12 understanding is that if a -- if an ordinance
13 identifies a series of principal permitted uses
14 allowed as of right, those are items and uses that
15 the municipality has made the determination are
16 appropriate for this at this location.

17 So to suggest that it's inappropriate
18 because it represents redevelopment that might be
19 adverse, would only -- we would only be able to go so
20 far, but what he said --

21 CHAIRMAN BROWN: Mr. Burgis, just
22 excuse me, can you just talk a little more into the
23 mic?

24 THE WITNESS: Oh, I'm sorry.

25 CHAIRMAN BROWN: Thank you.

1 THE WITNESS: What he had said -- is
2 that good?

3 CHAIRMAN BROWN: Yup, thank you.

4 THE WITNESS: Okay. What he had said
5 was that you would have a redevelopment of this site
6 that would result in people seeing -- drivers driving
7 on Route 17 would be distracted by seeing people
8 walking into and out of the new building or God
9 forbid watching people walk their dogs or bring their
10 cats into a veterinarian office.

11 That's practically a direct quote from
12 what he said. I would suggest that the Master Plan
13 is replete with comments about the desire to have a
14 community that looks like a vibrant active community
15 with pedestrian movements and the like. And yet here
16 we have the plan for the applicant suggesting that
17 that very vibrancy that we'd like to see happen in
18 the community represents an adverse condition that
19 should be avoided.

20 And, finally, he cites the case of Bell
21 v. Stafford, which said that billboards should be
22 allowed somewhere in the municipality.

23 Well, that case may stand for that
24 proposition, however, the one thing the zoning board
25 of adjustment, I'm sure, understands is that you are

1 not a policy-making board. And he's raising a policy
2 question in terms of what the municipality's
3 governing body should be doing to enable that kind of
4 activity, if that is, in fact, the case.

5 Well, but clearly you're not here to
6 establish land use policy for the board. You are
7 here to establish on a case-by-case basis whether
8 somebody is entitled to variance relief for it.

9 So based on what I said so far, I don't
10 think he has adequately touched upon special reasons
11 consistent with the Municipal Land Use Law to warrant
12 approval of this application.

13 Now, in addition to the general welfare
14 provision of the Municipal Land Use Law purpose that
15 he mentioned, he did cite three other purposes of
16 that act.

17 He talked about how the statute says
18 the provision of a variety of uses is being affirmed
19 by this application. Well, as you heard from me a
20 few minutes ago, the Zoning Ordinance of the
21 municipality identifies a whole host of permitted
22 uses that are allowed here. There is no rule that
23 says or case law that says you have to permit
24 everything in the municipality and the governing body
25 in this instance chose to identify a select number of

1 particular uses that they felt is appropriate for
2 this site.

3 So the fact that they chose not to
4 identify all permitted uses doesn't mean that this
5 purpose of the act isn't being affirmed by what the
6 ordinance already says, but it's a far stretch --
7 it's a big stretch to say that they should have
8 included many others just because the word says a
9 variety of uses. A variety of uses has already been
10 selected.

11 Thirdly, is the provision of the
12 Municipal Land Use Law that talks about promoting a
13 desirable visual environment and he compares the
14 impact of the proposed use to numerous permitted
15 uses, which the governing body has already determined
16 is appropriate here.

17 For example, he had pointed out that,
18 well, you could have a two-story building on the site
19 that would look larger than the existing building and
20 the proposed billboard sign.

21 Well, again, that goes to the heart of
22 what one considers a desirable visual environment and
23 you can't make that statement without recognizing
24 what the Master Plan goal was that specifically said
25 billboards are an intrusive feature along this

1 corridor in this segment of the Route 17 corridor,
2 because of its physical relationship to the historic
3 character that I mentioned a moment ago.

4 Finally, he also uses that provision of
5 the purposes of the statute to talk about how this
6 application represents an efficient use of land.

7 Well, I am not certain how this
8 represents an efficient use of land when the site is
9 already fully developed. And it's developed already
10 with a preexisting, nonconforming use that's not
11 allowed by right. And it's proposing an additional
12 use that which is not allowed as of right and which
13 the Master Plan says that the governing body doesn't
14 want to see happen here.

15 So, consequently, the concept of an
16 efficient use of land vis-à-vis those comments and
17 the fact that this site already has an existing
18 nonconforming impervious coverage feature associated
19 with it, which suggests that these purposes of the
20 act is, in fact, not being affirmed by this
21 application.

22 Now, in addition to the issue of the
23 use is the issue of multiple principal uses allowed
24 on the property. The code only allows one and the
25 only thing he said about the second -- the provision

1 of a second principal permitted use -- excuse me --
2 the second use to be provided on the site is the fact
3 that we have room for it.

4 Well, that alone I don't think rises --
5 CHAIRMAN BROWN: Can you just back up a
6 second.

7 Can you talk into the mic and say that
8 again?

9 FEMALE AUDIENCE MEMBER: Yeah, can't
10 hear you at all in the back.

11 THE WITNESS: I keep sliding back.

12 CHAIRMAN BROWN: That's okay.

13 THE WITNESS: I'm sorry.

14 Did you get all of that or should I --

15 CHAIRMAN BROWN: No, can you --

16 MS. RUHL: You said the code allows one
17 and then we couldn't hear.

18 THE WITNESS: Okay. The ordinance
19 allows one permitted -- one use on the lot. The
20 applicant is proposing this second use on the lot.
21 And the only rationale he offered was the fact that
22 the second use does not have a significant adverse
23 effect on the property.

24 Well, when you look at all that I said,
25 again, vis-à-vis the Master Plan consideration, I

1 don't think that argument is sufficient to justify as
2 another special reason. When he spoke about the
3 requested height variance, he talked specifically
4 about a balancing act that has to occur when you
5 consider an application and in this instance I would
6 only suggest that we're balancing a number of
7 competing interests here.

8 We're balancing the fact that they
9 don't comply to the height provision of the code for
10 a particular use that the Master Plan says they do
11 not want to see at this location and, consequently, I
12 think when you look at the negative criteria, that
13 prong of the negative criteria, it is clear that
14 there is a substantial impairment to the intent of
15 the Master Plan. And it doesn't warrant the
16 applicant to use that very prohibition as a basis for
17 saying it's okay to have this proposed height that's
18 being requested.

19 I guess the end conclusion to my
20 comment, and then I'll let Brigette speak, is that
21 based on my evaluation of the application and the
22 testimony, I do not think that the applicant has
23 affirmed either the positive criteria or the negative
24 criteria and my conclusion is that this application
25 should, in fact, be denied.

1 CHAIRMAN BROWN: Thank you.

2 MR. STANDRIFF: No further questions.

3 CHAIRMAN BROWN: Before we --

4 Mr. Whitaker, before we move on to

5 Ms. Bogart, we should -- Mr. Weiss, do you have

6 questions?

7 MR. WEISS: None for this witness.

8 CHAIRMAN BROWN: Okay. I'll open it up

9 to questions from the public.

10 At this time it's time for members of

11 the public to ask any questions that they might have

12 of this witness. Remember it's a time for questions

13 only. They need to be directed to the witness.

14 Please state your name, also spell your

15 name and give us your address for the record.

16 MS. MILIAN: Kristina Milian,

17 K-R-I-S-T-I-N-A, Milian, M-I-L-I-A-N. And my

18 address, right?

19 CHAIRMAN BROWN: Your address, please.

20 Thank you.

21 MS. MILIAN: 530 West Saddle River

22 Road.

23 Thank you for your talk. You had

24 brought up Schedler before and the historic corridor

25 of Route 17.

1 Are you aware that Schedler is on the
2 New Jersey and national register of historic places?

3 THE WITNESS: Yes.

4 MS. MILIAN: Do you think it would be
5 appropriate for Budweiser to place an advertisement
6 that cascades over historic property?

7 THE WITNESS: I'm sorry, say that
8 again?

9 MS. MILIAN: Do you think it would be
10 appropriate in your expert opinion for Budweiser to
11 place an add that cascaded over historic land?

12 THE WITNESS: Are you talking about a
13 temporary sign for an event?

14 MS. MILIAN: I'm talking about an ad on
15 an Outfront Media billboard that's 24/7 cascading
16 over historic land such as Schedler or a graveyard.

17 THE WITNESS: I'm troubled by the word
18 "cascading," but the municipality has already made
19 that determination and they said they don't want
20 billboards in close relationship to the Schedler
21 property.

22 MS. MILIAN: Thank you.

23 You had brought up the Master Plan a
24 bunch. Do towns normally pay for and then ignore
25 their Master Plans typically in your experience.

1 THE WITNESS: More often than not they
2 do implement most, if not all, of their Master Plan.
3 In rare instances governing bodies don't agree with
4 their planning board and they do not implement it.

5 MS. MILIAN: In your experience do
6 zoning boards go against the Master Plan in regard to
7 historic places or do they honor them?

8 MR. WEISS: I'm not sure, can we get a
9 clarification on what we mean by -- historic places
10 could be anything.

11 MS. MILIAN: The Schedler property is
12 on the New Jersey and National Register of Historic
13 Places, so that's the bar.

14 MR. WEISS: Okay. Then you clarified.
15 Thank you.

16 MS. MILIAN: You're welcome.

17 THE WITNESS: To answer that, a zoning
18 board of adjustment is obligated as part of its
19 analysis of any variance to determine whether or not
20 there's a substantial impairment to intent of the
21 plan.

22 So they have to examine that document
23 and look at its goals and objectives and its policy
24 statements and specific land use designations and
25 they have to make that determination.

1 MS. MILIAN: All right.

2 Thank you very much for your time.

3 CHAIRMAN BROWN: Thank you.

4 Do any other members of the public have
5 any questions for Mr. Burgis?

6 MS. SCHELL: I do.

7 CHAIRMAN BROWN: Can you please just
8 state your name, spell your name and give us your
9 address for the record.

10 Thank you.

11 MS. SCHELL: Norka Schell, my address
12 is 520 West Saddle River Road.

13 THE COURT REPORTER: Would you spell
14 your name for the record?

15 MS. SCHELL: Excuse me.

16 THE COURT REPORTER: Would you spell
17 your name for the record?

18 MS. SCHELL: I'm sorry, N-O-R-K-A,
19 first name, Schell, S-C-H-E-L-L.

20 THE COURT REPORTER: Thank you.

21 MS. SCHELL: Okay. I have a question,
22 a few questions and I hope --

23 CHAIRMAN BROWN: Could you talk a
24 little bit more into the mic?

25 Thank you.

1 And, Mr. Burgis or Ms. Bogart, could
2 you just share your wireless mic with him?

3 Because I know it's difficult to, like,
4 you want to look at somebody, but the mic is the
5 opposite way, so thank you.

6 MS. SCHELL: So --

7 MALE AUDIENCE MEMBER: This mic is not
8 on.

9 MS. SCHELL: So I'm just wondering, has
10 any study conducted to access the potential impact
11 that the billboard on the nearby neighborhood.

12 THE WITNESS: I'm sorry, can you repeat
13 that, please?

14 FEMALE AUDIENCE MEMBER: Can you speak
15 into the microphone more.

16 MS. SCHELL: So I wonder if has any
17 study been conducted to access the potential impact
18 of the billboard on the nearby residents in the area.

19 MR. WEISS: I think just, you know,
20 from our -- we did have planning testimony, traffic
21 testimony, engineering testimony. I'm not stopping
22 you from answering, but --

23 MR. WHITAKER: Well, the board
24 recognizes the studies were done by the applicant.
25 She's asking, I think, has Mr. Burgis done any

1 studies, correct?

2 MS. SCHELL: Yes, correct.

3 THE WITNESS: Yes, I did look at not
4 only the site, but the surrounding development
5 pattern and because of the issue of the berm and
6 additional planting that had been suggested the
7 applicant would do, I did go across Route 17 and all
8 the way over to the housing on West Saddle River
9 Road, so I did look at that area.

10 MS. SCHELL: Okay. And what is your
11 conclusion on that study, if you may just summarize.

12 THE WITNESS: Well, the conclusion was
13 that there was a clear indication from the testimony
14 that supplemental planting on the berm would be
15 necessary to screen the billboard and the site and
16 the residents to the east.

17 MS. SCHELL: Okay. Thank you.

18 So -- and you also mentioned in your
19 testimony about the intrusion. So what does the --
20 regard to your opinion, how that billboard -- what --
21 how the intrusion will affect the neighborhood
22 nearby.

23 THE WITNESS: Well, the Master Plan was
24 very clear. It said that they wanted to restrict
25 certain intrusive uses anywhere near the historic

1 designated area and amongst the other uses that they
2 identified, the very first one was billboards.

3 So they made it very clear as to where
4 they place billboards in relation to an adverse
5 impact on that historic district.

6 MS. SCHELL: Okay. And how about the
7 privacy of the people who live nearby?

8 THE WITNESS: In terms of?

9 MS. SCHELL: In terms of the lights.

10 THE WITNESS: I believe the testimony
11 from Mr. McDonough had indicated that with that
12 additional vegetation, it would, in fact, block the
13 lights and because they were LED lights, they can be
14 directed in such a way that it wouldn't -- the
15 lighting alone would not affect the residents
16 providing you had that additional berming feature.

17 MS. SCHELL: Feature, okay.

18 Thank you.

19 So now, tell me about just if you know
20 what steps will be taken to mitigate any potential
21 negative effect of the billboard on the property
22 values in that area?

23 THE WITNESS: I suggested that based on
24 the way the application has been presented, there
25 doesn't have to be anything, because this board

1 should be denying the application.

2 MR. SCHELL: Okay. Thank you.

3 I appreciate that.

4 Thanks.

5 CHAIRMAN BROWN: Thank you.

6 If you can please just state of your
7 name and spell your name and give us your address for
8 the record.

9 MS. KWAK: Sure, thank you.

10 It's Hyun-Ju Kwak, last name is spelled
11 K-W-A-K. First name is Hyun-Ju, spelled H-Y-U-N-J-U.
12 I live at 291 Highland Avenue.

13 I'm speaking as a resident only, not in
14 any other capacity.

15 Am I permitted to ask questions of this
16 and then there was a prior comment addressing some
17 housekeeping items that carried over from the last
18 meeting? Am I allowed to --

19 MR. WHITAKER: Right now it's just
20 questions of the witness.

21 MS. KWAK: Okay.

22 Thank you.

23 Will there be an opportunity to ask on
24 housekeeping items?

25 MR. WHITAKER: Later.

1 MS. KWAK: Thank you.

2 Thank you very much for your testimony.
3 You mentioned about the visual intrusion.

4 If I may to just ask a clarification,
5 did the Master Plan in your view, did it make any
6 stratification between just the standard flat print
7 versus the LED light, is there a greater burden on
8 that visual pollution or intrusion.

9 THE WITNESS: The Master Plan did not
10 make any distinction. It simply said "billboards".

11 MS. KWAK: But from your experience,
12 obviously the LED would be higher light intensity,
13 would probably create a greater burden.

14 THE WITNESS: I'm not certain that
15 that's necessarily so.

16 MS. KWAK: Okay. And then in terms of
17 the screening aspect, I just want to verify -- not
18 verify, I want to just, you know, reconfirm that the
19 screening aspect is absolutely critical in terms of
20 mitigating any kind of that visual intrusion or
21 impact on the neighboring properties.

22 THE WITNESS: There's actually two
23 issues at stake here, because one is the visual
24 intrusion to the residents to the east, but that
25 doesn't address the statement in the Master Plan that

1 says that billboards are simply an intrusion or in
2 the historic district, itself.

3 THE COURT REPORTER: I'm sorry,
4 Mr. Burgis, can you speak more into mic.

5 THE WITNESS: Okay. I'll say that
6 again. The Master Plan -- is a two-fold answer. The
7 first that, the visual intrusion for the residents to
8 the east is one thing and that can be addressed
9 through the landscaping berming issue, but, secondly,
10 the Master Plan is very clear that they simply do not
11 want billboards in the vicinity of the historic
12 district. And the issue of berming and landscaping
13 on that berm doesn't address that point.

14 MS. KWAK: Okay. Thank you for that
15 clarification.

16 And, finally, just to confirm based on
17 your expert testimony and your deep experience, in
18 terms of the application, the merits of it, the first
19 principal, which means what's the merit of relief
20 from the Master Plan and zoning, it did not meet any
21 of the criteria from your point of view?

22 THE WITNESS: That was my position,
23 yes.

24 MS. KWAK: Thank you very much.

25 MALE AUDIENCE MEMBER: What was that

1 response? I could not hear you.

2 MR. WHITAKER: He would like to hear
3 your response to the last question.

4 THE WITNESS: That it didn't meet the
5 criteria.

6 MALE AUDIENCE MEMBER: It did not.

7 THE WITNESS: I did not.

8 MR. KWAK: Thank you.

9 MALE AUDIENCE MEMBER: Thank you.

10 MS. O'KEEFE: Good evening, Cynthia
11 O'Keefe, O-'-K-E-E-F-E, 542 West Saddle River Road.

12 I just have a few questions.

13 In your experience with the placement
14 of billboards, right now there's a resident who lives
15 almost directly across the street, she's at
16 548 Route 17 North and -- or I don't know if it's
17 West Saddle River Road, but she's the house right
18 across the street that unfortunately Outfront Media
19 planner John McDonough said was abandoned, but
20 knowing that she does exist and has lived there for
21 77 years, would you let us know if there -- you know,
22 if that was the case, you know, where they didn't
23 realize there was a resident living there.

24 And then they were informed that there
25 was a resident living there, would this change the

1 New Jersey Department of Transportation from granting
2 a permit where they thought the property might not be
3 inhabited by a resident.

4 THE WITNESS: I don't believe it would.

5 MS. O'KEEFE: You don't believe it
6 would.

7 THE WITNESS: Correct.

8 MS. O'KEEFE: So regardless of whether
9 someone lives there or not --

10 THE WITNESS: What the permit is for,
11 the permit is just the first step that says, you
12 know, placement is acceptable to DOT for traffic
13 safety issues, but the permit also goes onto say that
14 it's up to the locality to evaluate, you know, local
15 issues, because they're more familiar with the
16 locality and than Trenton would be.

17 MS. O'KEEFE: So having surveyed the
18 area visually, are you -- you're aware of the house
19 that I'm speaking with.

20 THE WITNESS: Yes.

21 MS. O'KEEFE: It's literally right on
22 Route 17.

23 THE WITNESS: Yes.

24 MS. O'KEEFE: So, you know, our concern
25 would be, you know, definitely would be safety being

1 that distracted drivers could be looking at the
2 billboard and potentially hit this house.

3 MR. WHITAKER: So let's clarify that.
4 The safety aspect is within the prerogative of the
5 NJ DOT, not this board.

6 So question being asked of Mr. Burgis
7 regarding safety would be an irrelevant question
8 because it's not something the board can consider in
9 their deliberations.

10 MS. O'KEEFE: Okay. That's fair.

11 With regard to Schedler, are you aware
12 that any plans to modify that property need to be run
13 through the New Jersey Department -- DEP State
14 Historic Preservation Office?

15 THE WITNESS: I believe that's correct.

16 MS. O'KEEFE: Okay. All right.

17 That's it.

18 Thank you.

19 CHAIRMAN BROWN: Thank you.

20 MR. GLAZER: Dana Glazer, 61 Clinton
21 Avenue.

22 So here's my question: I've seen
23 billboards on Route 17 in other areas which advertise
24 adult-related content and services. I'm concerned
25 about that happening here and I'm wondering, are

1 there any safeguards from keeping that from
2 happening?

3 THE WITNESS: If the board were to
4 approve this and they could limit it to certain
5 conditions about that type of material.

6 I've seen boards and I've seen
7 applicants often say that would not be happen or not
8 be permitted. So there's a way to get around that.

9 MR. GLAZER: And would there be any
10 consideration as to how adult content might impact
11 the middle school kids that are in this area from
12 seeing it?

13 Is there anything that would happen as
14 a result of that?

15 THE WITNESS: You're talking about a
16 much broader issue and as a parent of one who just
17 got out of middle school --

18 THE COURT REPORTER: I'm sorry, I can't
19 hear you.

20 THE WITNESS: I'm reluctant to go into
21 that, because that was not part of my direct
22 testimony.

23 MR. WHITAKER: I think this is beyond
24 the -- this is beyond the scope of what the witness
25 testified to, but just to clarify that, the zoning

1 board is not -- is here to consider the structure,
2 it's location and it's impact on the community.

3 The zoning board has limited ability
4 under the constitution to talk about the content
5 aspect. Okay? You may not like to hear that, but
6 basically from a planning perspective, the board's
7 major focus is the effect of this billboard, put the
8 content of a billboard aside for the moment, as it
9 its location, its proximity to other things in the
10 area and its relationship to what has already been
11 promulgated as you heard from the testimony by the
12 Master Plan that this is not a location for it.
13 That's what the board has to review.

14 MR. GLAZER: All right.

15 Thank you very much.

16 CHAIRMAN BROWN: Thank you.

17 MS. RUANE: Susan Ruane, first name is
18 Susan, S-U-S-A-N, last name is R-U-A-N-E, my address
19 is 705 Kingsbridge Lane.

20 I have a question. How many billboards
21 in New Jersey are near historic areas and how many
22 are near residential?

23 THE WITNESS: That I don't know.

24 MS. RUANE: Okay. So but does that
25 happen often or you just don't --

1 THE WITNESS: I just don't know.

2 MS. RUANE: Okay.

3 CHAIRMAN BROWN: Thank you.

4 MS. LIMA: Denise Lima, 319 East Glen
5 Ave.

6 Thank you for your testimony.

7 THE COURT REPORTER: I'm sorry, your
8 last name again.

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

10 THE COURT REPORTER: Thank you.

11 MS. LIMA: Got it.

12 I know we always talk about the front
13 end of the planning. This question might be a little
14 bit of a back end.

15 So in your experience, what is the
16 impact of the neighbor's housing market, the value of
17 their homes when billboards start going up on
18 highways?

19 Because when I think about certain
20 towns that have multiple billboards versus Ridgewood,
21 I would say there's a distinct delta.

22 MR. WHITAKER: That's not within the
23 area of what he's testified to.

24 MS. LIMA: Well, he's planning, isn't
25 he planning --

1 MR. WHITAKER: He hasn't been qualified
2 in valuation of real estate. He's been qualified as
3 a planner.

4 MS. LIMA: So planning for a billboard,
5 that doesn't -- it's not taken into consideration.

6 THE WITNESS: That's another area of
7 discipline, not mine.

8 MS. LIMA: Not yours, okay.

9 Thank you.

10 CHAIRMAN BROWN: Thank you.

11 MS. DeSILVA: Hi. Frettra,
12 F-R-E-T-T-R-A, DeSilva, D-e space S-I-L-V-A, 521 West
13 Saddle River Road.

14 Thank you.

15 I just have a couple of questions. You
16 said that the billboard -- it's my understanding, the
17 billboard is a visual intrusion by definition,
18 because of the way the Master Plan is worded?

19 THE WITNESS: That's correct.

20 MS. DeSILVA: Okay. And the Master
21 Plan is a piece that's been put together to establish
22 guidelines and policies for the Village.

23 THE WITNESS: That's exactly what a
24 master plan is.

25 MS. DeSILVA: Okay, great.

1 But we said that the zoning board also
2 is not here -- as part of what you said before, the
3 zoning board is not here to set policy.

4 THE WITNESS: Correct.

5 MS. DeSILVA: Okay. So I just want to
6 understand the balance that we're trying to achieve
7 here or at least that you see in these process -- in
8 this process is there -- if this is by definition a
9 visual intrusion, is there a certain threshold that
10 has to be met by the applicant in order to meet an
11 exception to the policy or for the zoning board to
12 consider it as an exception?

13 THE WITNESS: Yes.

14 That was the whole discussion about
15 special reasons, which is the positive criteria in
16 the statute and how one can further the purposes of
17 the Municipal Land Use Law.

18 In my analysis I just felt that the
19 testimony fell short of rising to that level.

20 In addition to that, there's the
21 negative criteria and one prong of that is that you
22 have to show there's no substantial impairment to the
23 intent of the plan and in my view, the intent of the
24 plan is very clearly spelled out by that statement
25 that you just highlighted about identifying

1 billboards as an intrusion wherever the historic
2 district may be.

3 MS. DeSILVA: And that actually is a
4 singular part of the plan, of the Master Plan.

5 I think some people have stated they
6 were asking about the historic properties, but the
7 land use portion is only part of the grander or
8 bigger Master Plan.

9 So I guess we should consider the
10 various aspects of the Master Plan as an overall
11 policy statement.

12 THE WITNESS: Well, the Master Plan is
13 a guide in terms of where different types of land
14 uses are to be placed and the policy statements
15 supporting those recommendations.

16 A master plan can contain many
17 different elements. There's a Land Use Element,
18 there's a Historic Preservation Element. I think the
19 statute identifies 14 different elements that could
20 comprise the Master Plan. The only obligatory ones
21 --

22 THE COURT REPORTER: I'm sorry, you
23 need to speak into the mic.

24 THE WITNESS: The only obligatory ones
25 are land use and a Housing Element and Fair Share

1 Plan.

2 MS. DeSILVA: Okay. Thank you.

3 So, basically, what we're saying is,
4 there is a policy, there could be an exception, but
5 based upon your review, it doesn't necessarily
6 balance out.

7 THE WITNESS: Correct.

8 MS. DeSILVA: Okay. Part of that
9 balance, I guess, you were stating and I just wanted
10 to kind of go back over that, was -- or I wanted to
11 understand the value to the community and driving
12 business to the community.

13 I know you said that there could be
14 limited value in that regard, I believe you said
15 that. I'm sorry.

16 THE WITNESS: Basically I was saying
17 that it's a very tenuous connection between having a
18 billboard on Route 17 and who may be advertising it
19 and how they may be advertising it to direct people
20 from Route 17 into the Central Business District.

21 There's no information to indicate in
22 testimony that people reading such a billboard sign
23 would gravitate to the Central Business District.

24 MS. DeSILVA: And was there any
25 testimony that indicated the actual frequency of a

1 viewing by Ridgewood residents of that billboard?
2 Because that's on Route 17 and actually most of
3 Ridgewood residents, unless they are going to the
4 north or someplace, they wouldn't pass that area.

5 THE WITNESS: No, but I think to be
6 fair, the suggestion was that anyone driving up and
7 down Route 17 whether they're Ridgewood residents or
8 not, would be informed that there's a business
9 nearby.

10 MS. DeSILVA: And did that -- maybe you
11 said this before.

12 Did it include any information as to
13 whether any Ridgewood residents or Ridgewood
14 businesses had advertised previously on their
15 billboards?

16 I can't remember the company's name,
17 I'm sorry.

18 THE WITNESS: I don't recall seeing any
19 such testimony.

20 MS. DeSILVA: Okay. And on the --
21 besides driving businesses to Ridgewood, I understand
22 that there is a public -- there could be public --
23 like you give an add for cancer prevention or
24 something, you know, I don't know, a --

25 MALE AUDIENCE MEMBER: Public service

1 announcement.

2 MS. DeSILVA: Public service
3 announcements. Was there necessarily a percentage or
4 a promised amount that could be designated for
5 Ridgewood.

6 MR. WEISS: Yes.

7 I'm going to answer that, because
8 that's our testimony.

9 MR. WHITAKER: Yeah, there was, that's
10 part of the record.

11 MS. DeSILVA: I'm sorry, what was the
12 amount.

13 MR. WHITAKER: They testified to that
14 many meetings ago.

15 MS. DeSILVA: Okay, okay. Sorry about
16 that.

17 MR. WHITAKER: The purpose of going
18 through Mr. Burgis' testimony now is based on things
19 he's testified to.

20 MS. DeSILVA: Yeah, I'm sorry about
21 that. Okay.

22 I think those were my questions. I
23 just want to make sure.

24 Okay. Thank you so much.

25 THE WITNESS: You're welcome.

1 CHAIRMAN BROWN: Thank you.

2 Any other members of the public have
3 any questions?

4 MS. MILIAN: Kristina Milian,
5 K-R-I-S-T-I-N-A, Milian, M-I-L-I-A-N, 530 West Saddle
6 River Road.

7 You had talked about landscaping. How
8 many trees would be necessary to block this billboard
9 from the neighborhood?

10 THE WITNESS: That I did not evaluate
11 that.

12 MS. MILIAN: Do you know how large
13 those trees would need to be?

14 THE WITNESS: There was testimony in
15 that regard. I think in one instance somebody said
16 10 to 12 feet.

17 In another instance, they said
18 something less than that.

19 MS. MILIAN: Are you aware that there's
20 trees on top of the berm right now.

21 THE WITNESS: Yes.

22 MS. MILIAN: And you also, I believe
23 someone mentioned that any plans need to be run
24 through the State Historic Preservation Office, it is
25 not up to the Village of Ridgewood what gets planted

1 there.

2 THE WITNESS: Well, in the end
3 Ridgewood does have to approve the project as well.

4 MS. MILIAN: Correct, but the ultimate
5 overseer is the NJ DEP.

6 THE WITNESS: I'm not sure if that's
7 correct.

8 MS. MILIAN: With permission they all
9 need to get it together, okay, great.

10 Thank you.

11 I'm just curious, I keep hearing
12 landscaping and we just like don't understand what
13 that means in practice.

14 THE WITNESS: Actually they did talk
15 about it in some detail, but then we heard this
16 evening that it's not being pursued at the moment.

17 MR. WHITAKER: There's no consent by
18 the property owner, that's what we heard.

19 MS. MILIAN: Okay.

20 Thank you very much.

21 CHAIRMAN BROWN: Thank you.

22 MR. WHITAKER: Mr. Burgis, I'd like to
23 just go back and ask a couple of questions from a
24 planning perspective on the direct testimony you
25 gave.

1 You testified that, and correct me if
2 I'm wrong, in your opinion as a licensed professional
3 planner, one of the things that you do is prepare not
4 only ordinances, but master plans on behalf of
5 municipalities; is that correct?

6 THE WITNESS: Yes, the firm presently
7 represents about 48 municipalities throughout the
8 state.

9 MR. WHITAKER: And on the basis of
10 preparing ordinances and master plans, you have
11 certain planning principals that you work from in
12 creating a master plan.

13 THE WITNESS: Correct.

14 MR. WHITAKER: And the issue that's
15 been raised before the board is the -- I'll use the
16 word "necessity" or the concept of billboards in a
17 municipality and is it correct to say that in
18 developing a master plan, if you were presented with
19 developing a master plan in the municipality and you
20 saw that there was a historic district within the
21 municipality, would it be your recommendation that
22 the billboard aspect, that that use be avoided in a
23 historic district?

24 THE WITNESS: Yes.

25 I was pleased to see how the Village

1 affirmatively addressed that point, because it is a
2 proper approach.

3 MR. WHITAKER: So you think from a
4 planning perspective, it would be basically improper
5 to include billboards in a historic district when
6 there's ability to include them somewhere else.

7 THE WITNESS: That is correct.

8 I thought that was the thrust of my
9 whole testimony.

10 MR. WHITAKER: I just want to recap.

11 The second thing I think you mentioned,
12 but correct me if I'm wrong, is you talked in terms
13 of second use, second use on the property.

14 THE WITNESS: Yes.

15 MR. WHITAKER: You've stated that the
16 first use that's there now is nonconforming.

17 THE WITNESS: Correct.

18 MR. WHITAKER: You stated that from a
19 planning perspective having a second nonconformity is
20 a negative.

21 THE WITNESS: Yes.

22 MR. WHITAKER: You've testified also
23 that by virtue of what's on the property now being
24 over in coverage, that this would be an increase in
25 the nonconformity also.

1 THE WITNESS: Correct.

2 MR. WHITAKER: Thank you.

3 CHAIRMAN BROWN: Thank you,
4 Mr. Whitaker.

5 I'll open it up to board members for
6 questions.

7 MR. NEGRYCZ: Does anybody -- can
8 somebody define the historic district we're talking
9 about? Where does it start? Where does it stop?
10 How wide, how long?

11 MR. STANDRIFF: Ms. Bogart can address
12 that.

13 MR. NEGRYCZ: Pardon?

14 MR. STANDRIFF: Brigette can address
15 that.

16 MR. WHITAKER: Next witness, Gary.

17 MR. NEGRYCZ: All right.

18 MS. RUHL: Quick question:

19 Is there a section of the Master Plan
20 that discusses sustainability?

21 I guess I'm curious about
22 sustainability, the electricity usage for a digital
23 versus a standard.

24 THE WITNESS: Yeah, I'm trying to
25 recall.

1 It's 160 or so pages long.

2 MS. RUHL: I know, that's why I'm
3 asking you.

4 THE WITNESS: I don't recall if it has
5 a sustainability element.

6 MR. BARREE: I wrote it, so I can
7 answer it.

8 MS. RUHL: I'm just curious if there's
9 a sustainability portion --

10 MR. BARREE: Yes.

11 MS. RUHL: -- what's the village's take
12 on sustainability.

13 MR. BARREE: There's a sustainability
14 element that encourages general resource -- moderate
15 use of resources in general, whether they be
16 electricity, water, et cetera.

17 I have no idea what the relative power
18 consumption is of one type of billboard versus
19 another, so I couldn't answer that.

20 MS. RUHL: Okay. Thank you.

21 CHAIRMAN BROWN: Board members have any
22 additional questions?

23 (No Response.)

24 CHAIRMAN BROWN: Okay. Seeing none.

25 Ms. Bogart, before you start, how are

1 you doing, our stenographer?

2 THE COURT REPORTER: I'm good.

3 CHAIRMAN BROWN: You're good.

4 THE COURT REPORTER: Yes.

5 CHAIRMAN BROWN: Oh, do you have -- go
6 ahead.

7 MR. WEISS: Maybe just five minutes.

8 CHAIRMAN BROWN: Oh, you want five
9 minutes before we start.

10 MR. WEISS: Yes.

11 Thank you.

12 CHAIRMAN BROWN: Okay. We're going to
13 take a five-minute break and then Ms. Bogart, we'll
14 start back with you. All right.

15 Thank you.

16 (Whereupon, a brief recess is held from
17 9:04 p.m. to 9:13 p.m.)

18 CHAIRMAN BROWN: We're going to go
19 ahead and go back on the record again.

20 It is Tuesday, February 27, 2024. It's
21 currently 9:16 -- no, it's not.

22 It's 9:15 -- 9:13 p.m.

23 Jane, could we have roll call, please.

24 MS. WONDERGEM: Greg Brown?

25 CHAIRMAN BROWN: Here.

1 MS. WONDERGEM: Matthew Bandelt?

2 (No Response.)

3 MS. WONDERGEM: Gary Negrycz?

4 MR. NEGRYCZ: Here.

5 MS. WONDERGEM: Diana Ruhl?

6 MS. RUHL: Here.

7 MS. WONDERGEM: John Papietro?

8 MR. PAPIETRO: Here.

9 MS. WONDERGEM: Jamie Fox?

10 MR. FOX: Here.

11 MS. WONDERGEM: Jason Curreri?

12 MR. CURRERI: Here.

13 MS. WONDERGEM: Harold Maxwell?

14 MR. MAXWELL: Here.

15 MS. WONDERGEM: Yelena Raytser?

16 (No Response.)

17 CHAIRMAN BROWN: Great.

18 Thank you. Mr. Standriff, go.

19 MR. STANDRIFF: Thank you.

20 B R I G E T T E B O G A R T, PP

21 having been previously sworn, testifies as

22 follows:

23 VOIR DIRE EXAMINATION

24 BY MR. STANDRIFF:

25 Q. Ms. Bogart, you've been found to be an

1 expert witness before this board a number of times in
2 the past?

3 A. Yes, I worked for this board for three
4 years.

5 CHAIRMAN BROWN: Can you just talk into
6 the mic, you need a mic. Thanks. Or the wire --
7 yeah, perfect.

8 THE WITNESS: Yes, both on the public
9 and private side. I worked for this --

10 FEMALE AUDIENCE MEMBER: We still can't
11 hear you.

12 Is it on?

13 THE WITNESS: It's on.

14 CHAIRMAN BROWN: That's better. Really
15 close.

16 THE WITNESS: Yes, both in the public
17 and private side, I worked for this board for three
18 years.

19 I did a number of redevelopment plans
20 and wrote a number of ordinance for the Village.

21 BY MR. STANDRIFF:

22 Q. Your license is in good standing?

23 A. Yes.

24 MR. STANDRIFF: I'll offer Ms. Bogart
25 as an expert in the field of planning.

1 MR. WHITAKER: Any questions by board
2 members of members of the public in connection with
3 Ms. Bogart's qualifications as a licensed planner in
4 the State of New Jersey?

5 (No Response.)

6 MR. WHITAKER: There being none, you
7 can offer an expert opinion in that field.

8 Please proceed.

9 MR. WEISS: I'm just objecting to this
10 witness as repetitive, Mr. Whitaker, before we start.

11 MR. WHITAKER: Repetitive.

12 MR. WEISS: Yes, regarding her planning
13 testimony if she's going to testify to the same
14 thing.

15 MR. WHITAKER: Counsel, there's a
16 presumption, an assumption that it's repetitive, but
17 I haven't heard any testimony yet.

18 MR. WEISS: Well, I want to put out
19 there.

20 MR. WHITAKER: Planners can testify
21 about different aspects of the plan.

22 So why don't we give them the
23 opportunity to listen and hear and learn.

24 Let's proceed.

25 MR. STANDRIFF: This witness will offer

1 some exhibits that the previous witness did not, then
2 we'll testify to those.

3 DIRECT EXAMINATION

4 BY MR. STANDRIFF:

5 Q. It's my understanding that you are of
6 the opinion in regard to the preexisting
7 nonconforming use that the billboard would
8 essentially allow the property to have two principal
9 uses.

10 Is that correct?

11 A. Correct.

12 Q. Can you explain your reasoning?

13 A. As their planner had indicate and
14 Mr. Burgis had indicated, because the existing auto
15 body facility is a nonconforming use and the
16 billboard is a non-permitted use --

17 I can't get any closer, it's so
18 awkward. Is this better? I don't know.

19 MALE AUDIENCE MEMBER: Maybe louder and
20 slower perhaps.

21 THE WITNESS: How about this?

22 MALE AUDIENCE MEMBER: Very good.

23 THE WITNESS: Because the existing use
24 is a nonconforming use. It's a godfather --
25 grandfathered use in the B-2 district and our

1 proposed or their proposed billboard is a
2 non-permitted use.

3 So there would be two nonconforming
4 uses on the property. Their planner did provide
5 testimony with regard to the D-1 and the D-2
6 variances that are required for this situation and
7 Mr. Burgis went into great detail regarding the
8 statutory criteria and how he felt that it was not
9 met.

10 MR. STANDRIFF: Thank you.

11 BY MR. STANDRIFF:

12 Q. Let's talk about the size of the
13 proposed sign. Essentially this sign is
14 10-feet-6-inches-wide-by-35-feet-8-inches, correct?

15 A. Yes.

16 Q. And that would be a total of 374 square
17 feet per side?

18 A. Correct.

19 Q. And a total times two then of
20 approximately 748 square feet?

21 A. Correct.

22 Q. Is there anywhere in the Ridgewood code
23 that would allow for signs of that size?

24 A. No.

25 The Village code has a maximum of

1 30 square feet in the downtown and this goes to a
2 portion of the testimony that was provided on
3 November 28th where I think a number of the board
4 members asked Mr. McDonough if this height was
5 necessary and he was not sure, he said 30 feet would
6 be -- 30 feet in height would be more appropriate if
7 it could be accomplished.

8 So that was one of my reasons that I
9 believe this site is not appropriate for this sign
10 height, because their own planner indicated that he
11 was not sure that 40 feet in height with this size
12 sign was appropriate for this location.

13 Further, I believe the Village
14 planner's review letter from several years ago, 2021
15 indicated that it was a two-panel sign and that would
16 require additional variances.

17 Q. Is it your recollection as well that
18 the height of the sign in the application is
19 currently 40 feet, correct?

20 A. Correct.

21 Q. And that was actually raised due to
22 some concerns about the fact that looking out of my
23 client's second-floor window, a sign lower in height
24 would be, in essence, directly in front of the people
25 sitting in that second-floor room?

1 A. Yes, the students for the learning
2 center, yes.

3 Q. So it was raised to sort of appease
4 some concerns due to the visibility with my client's
5 building?

6 A. That's correct.

7 Q. Okay. Let's talk about the traffic.

8 MR. STANDRIFF: Ms. Wondergem, could
9 you pull up Applicant's Exhibit A-15.

10 BY MR. STANDRIFF:

11 Q. So in your review of the site and the
12 buildings around it, can you describe the approximate
13 number of entrances and exits to the other businesses
14 right nearby the proposed site?

15 A. This portion of the Route 17 corridor
16 has always been a problem issue, because there are a
17 number of entrances and exits immediately adjacent to
18 Route 17. They have 90-degree angles to get into and
19 out of the property.

20 When I was the planner representing the
21 Village and Dunkin Donuts was coming in, we had a
22 special traffic expert come in to represent the
23 Village because of the issues with regard to
24 entrances and exits along this portion of the highway
25 corridor.

1 I have an exhibit from your Master Plan
2 that shows the traffic accidents along this portion
3 and I think this is important to provide, because
4 there was testimony from the applicant's traffic
5 engineer that there won't be significant increase in
6 traffic issues along this corridor.

7 However, if I can provide this exhibit
8 to you, you can see that there is already a number of
9 traffic accidents that occur in this area.

10 MR. STANDRIFF: Okay. So I'm going to
11 mark this example as AK-19.

12 (Whereupon, Master Plan, page 83,
13 entitled, "All crashes 2013 to 2019" is marked
14 as Exhibit AK-19 for identification.)

15 MR. WEISS: This is not a traffic
16 witness.

17 So I just want to make sure she's
18 limiting to planning testimony before she even gets
19 into it.

20 MR. WHITAKER: Limiting it to planning
21 testimony and the exhibits she evidently had the
22 ability to review. She didn't do a traffic study
23 herself.

24 THE WITNESS: I did not.

25 This is part of your Village Master

1 Plan.

2 MR. WHITAKER: Right.

3 BY MR. STANDRIFF:

4 Q. And in the Master Plan is the actual
5 page that we're looking at identified in some way,
6 what would we refer to it as?

7 So it says, "All crashes 2013 to 2019"?

8 A. Correct, and it's page 83 in your
9 Master Plan documents.

10 Q. Okay. So if you look over to the
11 western side where Route 17 comes through, it appears
12 that the Route 17 is all blue.

13 A. That's correct.

14 And in specific located immediately
15 adjacent to what the applicant is proposing.

16 Q. And would the road coming into that
17 area, would that be West Glen?

18 A. Correct.

19 Q. Okay.

20 A. And my only point from a planning
21 perspective is that you heard testimony that there's
22 going to be significant or not substantially
23 significant increases in traffic accidents in this
24 area and I guess it's this board's job to evaluate
25 what is significant compared to what currently

1 exists.

2 There's a couple of different cases
3 with regard to billboards that talk about not only
4 the aesthetics, but traffic safety and how it impacts
5 safety in the area for pedestrians and vehicles and
6 as I'm sure this board is aware, that there's been a
7 number of terrible accidents in this area and further
8 north within the last two years.

9 The only thing I do want to identify
10 with regard to traffic is there was testimony from
11 the engineer Taylor from August of 2022 and it's
12 page 33 and he said there was 13 accidents in three
13 and a half years within 1,000 feet of the property
14 and as I mentioned to you on page 33 of his
15 testimony, it indicated that the impact on the crash
16 rate in that area, that's not statistically
17 significant.

18 And I'm obviously not testifying as a
19 traffic engineer, so I don't know from a traffic
20 engineering perspective what that term means, but I
21 do know that if you look at your Master Plan and look
22 at the accidents that are in that area, anything
23 additionally significant would warrant review by this
24 board when they're reviewing this application.

25 Q. And just for the record, I have that as

1 page 34 of Mr. Taylor's testimony from August 23 of
2 2022.

3 And so Mr. Taylor testified that over
4 that 3-and-a-half year period there were 13
5 accidents.

6 So if we do the math, that's 3.7
7 crashes per year?

8 A. Correct.

9 Q. And Exhibit AK-19 shows a large number
10 of crashes in the proposed area over an approximately
11 six-year period?

12 A. That's correct.

13 MR. WEISS: Sorry, can we just -- I
14 don't know where Route 17 is on the map, because it's
15 not marked.

16 Can we just point it out?

17 MR. STANDRIFF: So your spot would be
18 right here (indicating).

19 MR. WEISS: Okay. Thank you.

20 All right.

21 I was just trying to figure out what
22 color we were looking at.

23 Okay, thank you.

24 BY MR. STANDRIFF:

25 Q. Is it your opinion that the site that

1 the applicant has picked out for this billboard is
2 suitable or not suitable?

3 A. I don't believe it's suitable and just
4 as Mr. Burgis had indicated, for a number of reasons.
5 One is the impact to the historic preservation areas
6 and I have some exhibits from your Master Plan, both
7 the Land Use Element, your Historic Preservation
8 Element illustrating that it's not suitable and the
9 Village has determined that already.

10 I also believe it's not suitable from a
11 traffic impact, a safety impact as you can see from
12 the map I had just submitted and also not suitable
13 because you already have an existing nonconforming
14 use on the property and we're proposing another one
15 and as Mr. Burgis indicated, and I agree with, the
16 fact that I don't -- we don't believe that the
17 statutory criteria has been met.

18 Do you want me to pass that out?

19 Q. Sure.

20 MR. STANDRIFF: Let's mark it
21 individually.

22 (Whereupon, Representation of the
23 Historic Sites and Districts in Ridgewood is
24 marked as Exhibit AK-20 for identification.)
25

1 BY MR. STANDRIFF:

2 Q. So the first exhibit is a
3 representation of the historic sites and districts in
4 Ridgewood; is that correct?

5 A. That's correct, and you can see on that
6 map --

7 Q. Let me --

8 A. Okay, I'll wait.

9 MR STANDRIFF: Ms. Wondergem, I've
10 marked that as AK-20, 2-0.

11 BY MR. STANDRIFF:

12 Q. So this is another page from the Master
13 Plan, correct?

14 A. Yes.

15 Q. Okay. And the areas shown in dark
16 brown are what?

17 A. They are the state and national
18 register land marks and you can see that obviously
19 the property across Route 17 is identified, the
20 church is also identified and if you go to New Jersey
21 DEP GIS records, you will also see that the cemetery
22 is also identified as a historic landmark.

23 So that's not indicated on this map
24 here, but it is definitely on the NJ DEP GIS data.

25 Q. And also identified in the Village's

1 Master Plan?

2 A. It's identified, but not indicated as a
3 specific landmark, but it is in the DEP records.

4 Q. And just for the record, the property
5 to the east of 17, we've been talking about that as
6 the Schedler property, correct?

7 A. Correct, yes.

8 Q. And that triangle is Schedler property?

9 A. Yes.

10 Q. And below it is the Paramus Church?

11 A. Correct.

12 And the cemetery is the white -- the
13 larger location all the way to -- I guess it's to the
14 west of those two properties.

15 Q. The triangle to the west of the
16 subject?

17 A. Correct.

18 Q. So I have two pages also from the
19 Master Plan documents, which talk about historic
20 preservation and the Route 17 corridor in this area
21 of the Schedler property, the cemetery, the Old
22 Paramus Reformed Church and everything that
23 Mr. Burgis testified to, I just wanted to go through
24 and give you the actual pages where this is
25 identified at.

1 MR. WEISS: Sorry, you can finish your
2 sentence, go ahead.

3 THE WITNESS: No, go ahead.

4 MR. WEISS: I would just like to point
5 out, you know, I did mention that I would be
6 objecting if any of this was repetitive.

7 The witness is pretty consistently
8 saying as Mr. Burgis said, I don't know why the board
9 needs to hear the same thing twice from two different
10 witnesses.

11 MR. WHITAKER: So noted.

12 Please proceed.

13 THE WITNESS: Thank you.

14 So I think it's important to note that
15 both Mr. Burgis and I agree our evaluation and that
16 these pages are important to note, because it gives
17 background and it actually provides the board with
18 the specific information and pages from their Master
19 Plan documents so that they can review, review these
20 goals and purposes and recommendations with regard to
21 how do they evaluate this application.

22 BY MR. STANDRIFF:

23 Q. So this is actually page 42 discussing
24 the scenic corridors and views.

25 Is that correct?

1 A. Yes.

2 And so page 42, if you look at the
3 center column.

4 MR. WEISS: I'm sorry, are we marking
5 this, Mr. Standriff.

6 MR. STANDRIFF: Yes, I marked this
7 document as AK-21, 2-1.

8 (Whereupon, Master Plan, page 42,
9 entitled, "Scenic corridors and views" is
10 marked as Exhibit AK-21 for identification.)

11 THE WITNESS: So center column, the
12 last two paragraphs starts with, and I'm going to
13 read it, because I think it's very important.

14 "The vision plan stresses the desire to
15 preserve the village's feel and character, and
16 the Historic Preservation Element identifies
17 designated and future sites of historic
18 preservation importance.

19 "In addition to specific properties and
20 districts, there are several important vistas
21 and scenic corridors in the Village that
22 warrant planning consideration.

23 "The Route 17 corridor in the vicinity
24 of Valteau Cemetery, the Schedler property and
25 the Old Paramus Reformed Church is an

1 important part of the village's history. The
2 views associated with these sensitive
3 properties should be protected from out of
4 scale visual intrusion. Developments that are
5 out of scale with the existing built
6 environment along the developed portions of
7 the Route 17 corridor should be restricted.
8 Among possible intrusions that should be
9 regulated include billboards, power lines,
10 poorly designed and inappropriately located
11 buildings and inadequately screened unsightly
12 land uses."

13 BY MR. STANDRIFF:

14 Q. And the next exhibit, please identify
15 that.

16 A. This is page 59 of your Land Use
17 Element.

18 MR. STANDRIFF: I'm going to mark that
19 as AK-22, 2-2.

20 (Whereupon, Page 59 of the Land Use
21 Element is marked as Exhibit AK-22 for
22 identification.)

23 BY MR. STANDRIFF:

24 Q. And what did you wish to highlight in
25 that document?

1 A. So on the first column all the way to
2 the left, last paragraph, LU-6 also talks about
3 scenic corridors and the recommendation is to protect
4 the village's scenic character and charm and to
5 prevent disruption of important viewsheds and scenic
6 corridors and the Zoning Ordinance should be amended
7 to regulate and restrict development that may be
8 potentially harmful or incompatible with these
9 important resources.

10 At a minimum, the following features
11 should be considered for protection, and Number One
12 is the Route 17 corridor in the vicinity of this
13 area, the Schedler property, the cemetery and Old
14 Paramus Reformed Church.

15 And the reason that I wanted to
16 highlight this and give these pages to this board for
17 review and analysis when you're looking at this
18 application, is because it's very important from a
19 planning perspective to if you're granting a D-1 or
20 D-2 variance, you have to review and make sure that
21 there's no substantial detriment to your Master Plan
22 and Zoning Ordinance and if you look at these pages
23 from my perspective, it's very difficult to
24 understand how this board could potentially suggest
25 that there's no substantial detriment to your Master

1 Plan documents.

2 Q. We've also discussed the proximity of
3 this site to residential properties. We've marked a
4 number of photographs as AK-11 through AK-18?

5 A. Correct.

6 Q. Let me give the board these and I have
7 extra of this exhibit on the chair there for the
8 public if they wish to see it.

9 (Whereupon, Series of Photographs are
10 received and marked as Exhibit AK-11 through
11 AK-18 for identification.)

12 BY MR. STANDRIFF:

13 Q. So the first exhibit is an overview to
14 help assist the viewer to understand where the
15 photographs were taken from.

16 A. Yes.

17 Q. And then the second is a slightly
18 enlarged view of that same photograph, right?

19 A. Yeah, so the second page you can see
20 both the Schedler property, the cemetery and the
21 site.

22 Q. Okay. So in photograph marked AK-13,
23 you can see to the right the Tire & Wheel property,
24 right?

25 A. Yes.

1 Q. And then what is the purpose of this
2 photograph, what is it showing?

3 A. It's showing the residential property
4 to the northwest.

5 Q. Okay. So --

6 A. Within 200 feet of this other site.

7 Q. If we turn to the next exhibit, AK-14,
8 is that an enlargement of the previous photograph?

9 A. Yes.

10 Q. So I see just -- I note the sort of
11 Winnebago type vehicle in AK-13 and if you turn to
12 the next photograph, you can see that same vehicle?

13 A. Yes.

14 Q. What is immediately to the right of
15 that vehicle?

16 A. Another -- I'm sorry, the residential
17 property and then another residential property.

18 Q. And in AK-15, is that a different view
19 of the residential property that we just saw from the
20 opposite side?

21 A. Yes, on Franklin Turnpike.

22 I believe that's also within 200 feet,
23 if not a little bit greater.

24 Q. Okay. And the address of this
25 blue/gray house in photograph AK-16 is what?

1 A. 581 Franklin Turnpike.

2 Q. And that appear to be a single-family
3 residence?

4 A. Yes.

5 Q. And, again, in AK-13, it's basically
6 directly behind the subject site?

7 A. Yes.

8 Q. Okay.

9 A. This goes to the heart of some of the
10 questions by the board in November, I guess the last
11 time was November and I guess prior to that was, yes,
12 their planner had indicated that there are a number
13 of billboards up and down Route 17 corridor and the
14 questioning was are they anywhere near residential
15 properties, and the applicant's planner did not have
16 any identification or had knowledge of that.

17 Q. So in addition to being near the
18 residential properties, we've discussed its proximity
19 to historic properties and the next picture, AK-17,
20 what is the purpose of that photograph for the board?

21 A. So that's taken from the historic
22 cemetery looking onto, I guess it's east towards the
23 subject site.

24 Q. And what would the -- there's buildings
25 here on Franklin Turnpike.

1 BY MR. STANDRIFF:

2 Q. So did you take a look at that
3 regulation?

4 A. I did and I reviewed the testimony of
5 Mr. McDonough.

6 Q. Okay. So, and his testimony was
7 essentially that the Route 17 corridor in Ridgewood
8 in this area is such that you wouldn't have room to
9 put two digital billboards, correct?

10 A. He didn't answer that question
11 specifically. He said that he was probably sure that
12 there couldn't be two digital billboards in the
13 Village based upon this regulation.

14 However, if you read the regulation
15 specifically, it does not prohibit non-digital
16 billboards.

17 So you could have potentially two
18 digital billboards on this corridor.

19 Q. Two billboards, one digital, one old
20 fashioned in this corridor?

21 A. The testimony says that their planner
22 did not indicate that he knew for specific for sure
23 that two billboards couldn't be provided, two digital
24 billboards couldn't be provided there.

25 So in addition to those potentially two

1 billboards, you could actually have additional
2 regular billboards.

3 Q. Okay. So this 3,000-foot regulation
4 does not apply to what I'm referring to as old
5 fashioned billboards?

6 A. That's correct.

7 Q. So you could have a digital billboard
8 and 1,000 feet later a regular, old fashioned
9 billboard if it were approved?

10 A. Yes, yes.

11 Q. So there's no -- this regulation does
12 not prohibit that?

13 A. Correct.

14 Q. So I've gone pretty quickly, I think,
15 through your testimony. If you think it's
16 appropriate, you can give a summary of why you don't
17 believe this site is suitable and the application
18 should not be approved.

19 A. Well, for a number of reasons and I'll
20 try to summarize quickly without being repetitive.

21 We have an existing nonconforming use
22 on the site. We're going to be creating another
23 nonconforming use on the site.

24 As you heard from Mr. Burgis and I
25 confirm and I agree that the criteria has not been

1 met for the D-1, D-2 criteria.

2 As you've seen from the exhibits from
3 your Master Plan, AK-19, I believe there's going to
4 be traffic impacts and their traffic engineer
5 indicated that there might be additional traffic
6 incidents in this area.

7 I believe that it's going to be an
8 eyesore particularly when you look at the historic
9 corridor and its relationship to your Master Plan
10 goals and objectives of the scenic corridor and what
11 the preservation means and how to prevent any impact
12 and intrusion to the historic nature of the Village.

13 So I believe for all those reasons, the
14 site is not suitable.

15 As Mr. Whitaker had questioned the
16 applicant's planner in November, were you hired
17 before or after the site was picked out, and he
18 indicated it was after.

19 So for him to determine that this site
20 is particularly suited for the use when you're hire
21 after the site was already identified and did not
22 take into consideration any of these Master Plan
23 issues or the traffic issues, I think that's an
24 issue. I don't believe the site is suitable.

25 So for all those reasons, between the

1 historic preservation nature, the scenic corridor
2 issues, the goals and objectives in your Master Plan.

3 The fact that there may be additional
4 billboards in this area, even if you approve this
5 site, this site is not particularly suited for this
6 use and for those reasons I don't believe they met
7 either the positive or negative criteria.

8 There's a substantial impairment to
9 your Master Plan as can be seen from the pages I had
10 presented to you. There's substantial detriment to
11 the public good as you heard from a number of your
12 residents speaking today and throughout a number of
13 two, three years.

14 So for all those reasons, I don't
15 believe the negative criteria is met either.

16 So my conclusion, I don't believe that
17 the site is suitable for this use and that it should
18 not be approved.

19 MR. STANDRIFF: No further questions.

20 CHAIRMAN BROWN: Thank you.

21 Mr. Weiss, do you have any questions?

22 MR. WEISS: No.

23 CHAIRMAN BROWN: Okay, thanks.

24 I'll open it up to questions from the
25 public, it's time for members of the public to ask

1 any questions that they might have of the applicant's
2 witness [sic].

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

6 MR. DeSILVA: Rohan DeSilva, R-O-H-A-N,
7 D-e S-I-L-V-A, 521 West Saddle River Road.

8 So at some point in that testimony, I
9 believe it's called, you mentioned that there was a
10 study done for 1,000 feet in terms of the accidents;
11 is that correct?

12 THE WITNESS: No, there was a study
13 done in the Village Master Plan, which has a map of
14 all the traffic accidents in the entire village.

15 MR. DeSILVA: Okay. So the thousand
16 feet was for this corridor within a thousand feet of
17 the sign or no?

18 THE WITNESS: I don't believe I
19 mentioned a thousand feet.

20 MR. STANDRIFF: I think you're
21 referencing the testimony of the applicant's witness.

22 MR. DeSILVA: Okay.

23 Okay. So my point is, why would you
24 only check a thousand feet from the sign? The
25 viability of that sign -- it's a question, right?

1 MR. WHITAKER: But she didn't --

2 MR. DeSILVA: I'm not saying you.

3 MR. WHITAKER: You have to ask
4 questions of her testimony, not of someone else's.

5 MR. DeSILVA: All right. Let me
6 rethink everything. I'll be back. This is what
7 happens when you can't hear everything.

8 MS. MILIAN: Kristina Milian,
9 K-R-I-S-T-I-N-A, Milian, M-I-L-I-A-N, 540 West Saddle
10 River Road.

11 I think it would be helpful if you
12 wouldn't mind, could you please repeat what you said
13 about the accidents? Because a bunch of us could not
14 hear you. So my question is: Could you kindly
15 repeat the accident metrics that you were rattling
16 off, because we couldn't hear you?

17 THE WITNESS: I'm sorry, this
18 microphone is -- I only -- hold on.

19 MR. STANDRIFF: She didn't give a
20 specific number of accidents.

21 The exhibit places a colored dot on a
22 road where there has been an accident.

23 So, again, she didn't give a particular
24 number of accidents, except for when she was
25 referencing the testimony from the applicant's

1 witness.

2 MS. MILIAN: I see, okay, sorry, it was
3 just difficult to hear. I was just trying to help.
4 So thank you.

5 CHAIRMAN BROWN: Thank you.

6 MR. RUANE: Leo Ruane, R-U-A-N-E,
7 705 Kingsbridge Lane.

8 THE COURT REPORTER: Your first name.

9 MR. RUANE: Leo, L-E-O.

10 I got a question just in particular
11 you're a planner, an urban planner, so in relation to
12 the Master Plan for the town, I know that took
13 several years to get that Master Plan approved. I
14 haven't particularly read it, but some of your
15 testimony tonight around AK-20 and AK -- Exhibits
16 AK-20 and Exhibit AK-21, in relation to the scenic
17 preservation, the historic preservation off the term,
18 these make -- so this makes the proposed site because
19 it's right in the historic corridor, I didn't even
20 know that the cemetery was also considered historic,
21 so the majority of that particular area between the
22 Schedler property, the church and cemetery historic
23 in nature.

24 So putting this billboard up would
25 visually impair the nature of the town. I just

1 wanted to clarify that that's what your testimony was
2 for this evening.

3 THE WITNESS: That's exactly what I'm
4 saying and there's a number of pages and paragraphs
5 in the Village Master Plan and, yes, I'm very aware
6 that it took years to put together and that is a
7 scenic corridor and there's specific goals and
8 recommendations to make sure that that scenic
9 corridor is not impacted negatively.

10 MR. RUANE: Yeah, I haven't read the
11 Master Plan before, but these are very informative on
12 the nature of the town.

13 So I also believe that this billboard
14 would really affect the scenic nature and what the
15 actual people of this town have tried to put into the
16 Master Plan.

17 Thank you.

18 THE WITNESS: I agree.

19 MS. LIMA: Denise Lima, L-I-M-A,
20 319 East Glen Ave.

21 Thank you for your testimony.

22 The Master Plan has 667 occurrences of
23 the word historic, so it means a lot to us here and
24 when you're talking about historic and you're talking
25 about Paramus Church and Schedler, I think that

1 corridor that you mentioned also includes the
2 Ackerman Homes across the street from Paramus Church,
3 so it explains all of that, correct?

4 THE WITNESS: Correct. I did not
5 mention that, those homes --

6 MS. LIMA: Okay. Because sometimes we
7 just talk about Schedler, the church, but it's well
8 the homes across the street which are from the late
9 1600s.

10 Thank you for connecting the dots to
11 Mr. Taylor's testimony on August 23rd, essentially
12 something I was -- I'm going to mention as well, his
13 national studies testimony that you were speaking of
14 dates back to 2012 and he was comparing, I think you
15 said, national to Ridgewood and I'm not sure how
16 something that happened in Iowa can be compared here.

17 I think you also mentioned the thousand
18 feet, the New Jersey DOT mile marker from Hollywood
19 Ave and another mile past has the most accidents and
20 occurrences in all of Route 17 and that's
21 statistically from 2023, so I think that's what's
22 fair and understanding in this and then --

23 MR. WEISS: I'm sorry, Mr. Whitaker, is
24 there a question here.

25 MS. LIMA: I'm sorry, can you --

1 MR. WHITAKER: I'm waiting for the
2 question.

3 MS. LIMA: Oh, I was just confirming
4 her testimony back to Mr. Taylor's --

5 MR. WEISS: Thank you.

6 This is for questions.

7 MR. WHITAKER: That's not what you're
8 here for now. You're here to ask questions, not
9 confirm testimony.

10 MS. LIMA: Should I rephrase it in a
11 question or should I move on?

12 MR. WHITAKER: I think the record is
13 very clear to what was stated. We don't need to hear
14 it a second time.

15 MS. LIMA: Okay.

16 MR. WHITAKER: We'd like to move ahead.

17 MS. LIMA: Have you seen Mr. Taylor's
18 studies from 2012 about the safety from his
19 testimony, any of the studies did he produce, did you
20 see any of those?

21 THE WITNESS: I did not see the
22 studies, but I was here for his testimony.

23 MS. LIMA: Okay. So there are no
24 studies.

25 THE WITNESS: I'm not aware of them.

1 MS. LIMA: Okay. Thank you.

2 CHAIRMAN BROWN: Thank you.

3 MS. DeSILVA: Frettra, F-R-E-T-T-R-A,
4 DeSilva, D-e space S-I-L-V-A, 521 West Saddle River
5 Road.

6 Thank you.

7 Do you know how many historic districts
8 there are in Ridgewood?

9 THE WITNESS: Not off the top of my
10 head. I know that the downtown is mostly historic
11 district and then there's other historic sites
12 throughout the area.

13 MS. DeSILVA: Is there another historic
14 corridor in Ridgewood besides the one we've described
15 tonight.

16 THE WITNESS: The downtown area.

17 MS. DeSILVA: The downtown area? So
18 these couple of historic corridors are, I would say,
19 or would you say are unique, are special and unique.

20 THE WITNESS: I would believe so and I
21 believe -- I know as one of the other residents had
22 just indicated, it took a long time to put together
23 this Master Plan and to put together these goals and
24 recommendations for historic corridors and so
25 obviously the Village, the residents and planning

1 board all felt it was necessary to protect them and
2 that's why they put these specific paragraphs into
3 these pages of the Master Plan, not only the Land Use
4 Element, but also the Historic Preservation Element
5 and that's why I thought it was important for this
6 board to see and acknowledge when they're reviewing
7 this application to understand the importance of
8 these areas and what it meant to the residents and
9 the planning board and governing body when they were
10 looking at the Master Plan documents.

11 MS. DeSILVA: That was going to be my
12 question, whether it should be treated special and --

13 THE WITNESS: Yes.

14 MS. DeSILVA: Okay. And one thing I
15 think you said, but I hadn't heard before, apart of
16 this consideration in looking at the conformance and
17 nonconformance, et cetera, some of it, I guess, the
18 public benefit could be considered, is that true or
19 was that -- I thought you said not beneficial to the
20 public or something like that, did you say that or
21 no.

22 THE WITNESS: I don't believe I said
23 that.

24 MS. DeSILVA: Okay. So public benefit
25 doesn't matter in this -- in your examination of

1 this.

2 THE WITNESS: When a zoning board is
3 looking at a D-1 use variance, which is what they're
4 seeking here and a D-2 use variance, they have to
5 consider if it promotes the general welfare of the
6 public and that's one of the purposes of the
7 Municipal Land Use Law, so that's the positive
8 criteria.

9 MS. DeSILVA: And part of that benefit
10 to the public could be the use of the historic
11 corridor district, for example, the use of the
12 cemetery, the use of the church, the use of the
13 Schedler property.

14 THE WITNESS: I guess from my
15 perspective, I think that the use of the historic
16 corridor and the Master Plan goals have to be
17 reviewed and balanced upon any public -- potential
18 public benefit of the proposed billboard.

19 MS. DeSILVA: And are you aware of the
20 various -- I guess the range of the use of those --
21 of this district currently, say the cemetery in
22 addition to it's obvious use is used by the middle
23 school for walks and things like that.

24 THE WITNESS: I'm very aware. As I
25 mentioned in my intro, I was the Village planner for

1 three years and I actually started the visioning
2 process for the Master Plan.

3 MS. DeSILVA: Because my kid brought
4 home something from the cemetery once, because they
5 go on walks. Okay, that's good.

6 Okay. So, yes, so then I guess for me
7 that plays into the public benefit, because those
8 areas are used for children, they're used for
9 families, they're used for, you know --

10 THE WITNESS: 100 percent and, in fact,
11 I've never seen -- I don't know to say this, but I've
12 never seen a cemetery with more people walking
13 through it just to have a walk, walking their dogs.
14 It's definitely a public benefit to have the cemetery
15 there and have the nostalgic nature of the church and
16 everything else around that area.

17 MS. DeSILVA: I have another question
18 for you and because I didn't understand necessarily.
19 When you all were talking about the placement of the
20 billboards, I guess I didn't understand that, because
21 these towns are very close together.

22 So we have Hollywood Avenue, for
23 example, which is Ho-Ho-Kus and then we have where
24 we're building this proposed billboard and then we
25 have, say, Ridgewood Avenue, which is Paramus. When

1 you were talking about the placement of the
2 billboards, were you saying that potentially there
3 could be this proposed billboard in Ridgewood, a
4 billboard, say, on Hollywood Avenue or near Hollywood
5 in Ho-Ho-Kus and then another one that may be not
6 digital on Ridgewood Avenue.

7 THE WITNESS: So the state regulations
8 don't identify municipal borders, it's just a
9 thousand feet --

10 MS. DeSILVA: Okay. Just distance.

11 THE WITNESS: Yeah, distance.

12 So there could be an additional
13 billboard here and then there could be a regular
14 billboard or old fashion billboard within a thousand
15 feet and it could be on the other side of the highway
16 and that doesn't matter and the applicant's planner
17 indicated he wasn't sure if there could be two
18 digital billboards within Ridgewood.

19 MS. DeSILVA: And if there were any
20 proposals like that or plans like that or whatever,
21 it's not in my benefit to say, in the event that this
22 billboard were built, and there are proposals, if
23 they met those criteria and they didn't -- they may
24 not have to come to this zoning board, but they could
25 come -- have to go to another municipality, so

1 Ridgewood would not have any impact on that
2 construction.

3 THE WITNESS: That's correct.

4 And from a planning perspective, every
5 application stands on its own.

6 My only point in saying that is that
7 this application relied on the fact that, oh, you're
8 going to be safe and not have to provide any other
9 billboards in this village, in this area, because of
10 this regulation and so it was like a -- almost they
11 offered it as a safeguard and from what I've been
12 reading, I'm not sure that it's a safeguard.

13 MS. DeSILVA: And not only from a
14 distance perspective, but from an overseeing
15 perspective as well, that was my --

16 THE WITNESS: Correct.

17 MS. DeSILVA: Okay.

18 Thank you very much.

19 CHAIRMAN BROWN: Thank you.

20 MS. BERLAMINO: Arlene Berlamino,
21 B-E-R-L-A-M-I-N-O, 76 Fardale Avenue, Mahwah, New
22 Jersey.

23 In regard to the historic district, I
24 think the attorney for the applicant asked -- may
25 have said we don't even know how much area there is.

1 The historic district of Old Paramus Reformed Church
2 encompasses almost 40 acres, if you needed a number
3 put on that, but so the effect of 40 acres of
4 historic property on the Village of Ridgewood, how
5 would that affect the Master Plan?

6 THE WITNESS: I think it should go back
7 to the heart of all the recommendations and goals and
8 objectives of the Master Plan and the sites that have
9 been identified.

10 MS. BERLAMINO: Because I mean, that's
11 only on your side of the highway and then you got all
12 the historic, you know, acreage on the other side.

13 Also is -- I'm not sure what your other
14 historic districts are.

15 Do you consider the vista from, like,
16 Crest and Hillcrest to be part of your historic
17 district or the scenic view from that area that's,
18 you know, very well loved in Ridgewood, is that to be
19 considered as part of your Master Plan and preserved
20 also.

21 THE WITNESS: Just to be clear, I don't
22 work for the Village anymore.

23 MS. BERLAMINO: Okay. I don't live in
24 the Village, but I do know that, you know, the vista
25 from Crest and Hillcrest up in the heights, you can

1 see New York City from there and as such, does the
2 Village consider that one of their things that needs
3 to be preserved and, you know, do they identify that
4 in the Master Plan as something that they strive to
5 protect.

6 THE WITNESS: It specifically talks
7 about the Route 17 corridor and the cemetery and the
8 church and the Schedler property.

9 MS. BERLAMINO: But would you say that
10 vista is important to the Village of Ridgewood.

11 THE WITNESS: That I can't answer.

12 MS. BERLAMINO: From every -- three
13 times a week I take care of my kids -- my grandkids
14 and I have to travel from Mahwah to Oakland to do it
15 and I have to travel on Franklin Avenue to Route 202.

16 At one certain point I can see the
17 billboard on River --

18 MR. WHITAKER: What's the question?

19 MS. BERLAMINO: So that's my question,
20 it's leading to the question. I'm just going to the
21 thing. I can see the billboard in Riverdale from
22 that point, which is probably from as the crow flies,
23 maybe eight miles away, I can see that billboard in
24 the morning bright as day.

25 When I look at the vista from Crest and

1 Hillcrest, the New York lookout vista, I see can see
2 the steeple of Old Paramus Reformed Church. Hence, I
3 would be able to see a billboard from five miles
4 away.

5 MR. WHITAKER: What's the question?

6 MS. BERLAMINO: So would this be part
7 of your Master Plan to be able to see a billboard
8 from five miles away in the center of town, that's my
9 question.

10 MR. WHITAKER: It's not her Master
11 Plan.

12 THE WITNESS: Again, I don't work for
13 the Village. It's not my Master Plan. It's the
14 Village's Master Plan, so I can't answer that
15 question.

16 I have not seen any documentation,
17 which identifies what the vista is, what the scenic
18 corridor is.

19 I've just seen the goals and objectives
20 and recommendations from their Master Plan.

21 MS. BERLAMINO: Okay. And in addition
22 to the church, the cemetery and the Schedler
23 property, there's also the schoolhouse museum, which
24 someone else brought up that they do tours, that's
25 one thing that look you out from the schoolhouse, you

1 can see directly across the entire cemetery to the --
2 I refer to it as the cousin's property that's where
3 they had the building --

4 MR. WEISS: Mr. Whitaker, I'm trying to
5 be lenient here, but like --

6 MR. WHITAKER: I was, too, but this is
7 not her testimony, so it's not going to be used.

8 MS. BERLAMINO: Okay.

9 Thank you.

10 MS. RUANE: Susan Ruane, S-U-S-A-N
11 R-U-A-N-E, 705 Kingsbridge Lane.

12 I'm going to ask questions in regard to
13 the billboards that you saw on I believe Route 17, as
14 well as I believe you testified that you saw or
15 referenced Route 17 billboards, as well as on Route 4
16 and I wanted to know if -- Frettra just asked about
17 the --

18 THE COURT REPORTER: I'm sorry, can you
19 speak into the mic.

20 MS. RUANE: I'm sorry, the close
21 proximity of the billboards to each other. Do those
22 exist on those two corridors like on Route 17, the
23 close proximity of billboards from like a digital
24 billboard to a regular billboard like --

25 THE WITNESS: I was actually referring

1 to the applicant's testimony about the billboards on
2 Route 17 and Route 4. They can be on opposite sides
3 of the highway.

4 So that also adds into in the factor
5 that this board should consider.

6 MS. RUANE: Okay. But you don't know
7 if there already exists similar situations like that.

8 THE WITNESS: (Witness shakes head).

9 MS. RUANE: No, okay. That was pretty
10 much it.

11 Thank you.

12 THE WITNESS: Thank you.

13 CHAIRMAN BROWN: Thank you.

14 MS. MARATHE: My name is Meha Marathe,
15 first name M-E-H-A, last name M-A-R-A-T-H-E. Address
16 is 506 West Saddle River Road.

17 And I understand from your testimony
18 that this area in question is officially a scenic
19 corridor and just my question is what are -- what's
20 the definition of that and what are the ordinances
21 around that? What can't you do if it is a scenic
22 corridor?

23 THE WITNESS: I don't know the answer
24 to that, because I don't believe the Village has
25 implemented any regulations to further their Master

1 Plan other than identify that it needs to be looked
2 at and it needs to be protected and I could be wrong,
3 because like I said, I don't work for the Village, I
4 just looked at the Master Plan, because when this
5 board is reviewing the D-1 variances, D-2 variances,
6 they need to look at how it affects the Master Plan.

7 So I don't know if it's taken to the
8 next level, whether those regulations have been
9 implemented or adopted at this point.

10 MS. MARATHE: Okay. So it is all up to
11 the Village, no specific overall general regulations
12 around scenic corridors.

13 THE WITNESS: Oh, with regard to as a
14 state as a whole.

15 MS. MARATHE: Uh-huh.

16 THE WITNESS: No.

17 MS. MARATHE: Thank you.

18 CHAIRMAN BROWN: Thank you.

19 MS. O'KEEFE: Cynthia O'Keefe, 542 West
20 Saddle River Road. O'Keefe, O-'-K-E-E-F-E.

21 I had a few questions for you regarding
22 the Master Plan and your experience either with
23 Ridgewood or other municipalities in terms of
24 engagement, like who actually works on the Master
25 Plan, who develops it.

1 Is that a fair question?

2 MR. WHITAKER: This goes beyond the
3 scope of her direct testimony, but --

4 MS. O'KEEFE: Well, it would help me
5 understand it.

6 MR. WHITAKER: The Master Plan is
7 promulgated by the municipality through the advise of
8 a planner who prepares various reports for a planning
9 board to review and, basically, the planning board
10 that adopts the Master Plan after they get a great
11 deal of information from many of the organizations
12 and the departments within the municipality, as well
13 as having to take and look at the demographic, have
14 to look at population, has to look at a
15 municipality's needs. It's a very involved document.
16 It was promulgated. It was referenced in the
17 Municipal Land Use Law that was adopted in 1976.

18 MS. O'KEEFE: So, obviously, a lot of
19 care and attention goes into that with multiple
20 sources, resources.

21 I'm just curious in your experience as
22 a planner, have you had any direct correlation to the
23 historic preservation commissions either in Ridgewood
24 and would they be asked to opine on a project of this
25 nature?

1 THE WITNESS: I don't recall if the
2 Village of Ridgewood Historic Preservation Commission
3 does.

4 I just finished the Historic
5 Preservation Element in Wyckoff and they opine on
6 every project that involves an historic preservation
7 site. So it depends on each municipality.

8 MS. O'KEEFE: Okay. So just, you know,
9 to give an example, an applicant would come and file
10 their application and then do you know the steps, the
11 next steps, what would happen before -- obviously,
12 you know, we come and listen to testimony, but are
13 there checks and balances that need to take place
14 prior to this process starting.

15 THE WITNESS: Municipalities that have
16 an historic preservation commission or a committee,
17 the governing body can permit them to give a report
18 on the application and so -- and I know
19 Mrs. Wondergem does a great job in --

20 THE COURT REPORTER: I'm sorry, I can't
21 hear you.

22 THE WITNESS: I'm sorry, gives it to
23 everybody who is going to opine and provide a report.
24 I don't know if in the Village it goes to an historic
25 preservation committee.

1 MS. O'KEEFE: Well, as far as I'm
2 aware, it doesn't and they were not aware of this
3 project and this application, so that's why I'm these
4 specific questions, I was a little shocked to learn
5 that, you know, attending as a resident that they
6 were not aware that there was a billboard
7 application.

8 THE WITNESS: Like I said, it depends
9 on every municipality, what the process is.

10 MS. O'KEEFE: Okay. Thank you very
11 much.

12 CHAIRMAN BROWN: Thank you.

13 MS. BRADFORD: Hello, can you hear me?
14 Okay, sorry.

15 Bridey Bradford, B-R-I-D-E-Y, Bradford,
16 B-R-A-D-F-O-R-D. I'm at 241 Hope Street.

17 And I just wanted to verify that your
18 testimony was that this billboard would, indeed,
19 negatively affect not one, but possibly three
20 historic sites?

21 THE WITNESS: Correct.

22 MS. BRADFORD: And did I understand
23 your testimony to be that it would also most likely,
24 in all probability, increase traffic accidents on 17
25 as well.

1 THE WITNESS: The traffic engineer for
2 the applicant indicated there would not be a
3 significant -- I forgot the terminology -- but
4 significant impact to the traffic -- the accidents
5 that occur on Route 17 and so I just provided the
6 Master Plan map which shows all of the identified
7 traffic accidents that currently exist in that area
8 on Route 17.

9 So I'm not a traffic engineer, I can't
10 tell you if that significantly or negatively impacts
11 it, but that's up for this board to decide.

12 MS. BRADFORD: I see.

13 Can I ask, and I apologize if this
14 isn't part of your testimony, has a traffic analysis
15 been submitted that addresses that there's wiggle
16 room, it seems to me, between there will be an
17 increase and what is significant increase, that's
18 kind of what you're saying, right.

19 MR. STANDRIFF: There was testimony
20 from the applicant's witness about the traffic study.

21 MS. BRADFORD: There was.

22 THE WITNESS: Yeah, there was
23 testimony.

24 MS. BRADFORD: Okay.

25 So then, I guess, my -- I have two

1 questions; one is that it seems to me that -- it
2 seems to me as though this zoning board and Ridgewood
3 is sort of defending against an unwanted application,
4 is that not accurate?

5 MR. WHITAKER: That's not a question
6 for this witness.

7 MS. BRADFORD: Okay. That's fair.

8 I'm not sure that this is actually
9 either. I don't know who to address this to, but my
10 question is: Who benefits from this billboard?
11 Because it seems as though Ridgewood will be
12 negatively affected.

13 MR. WHITAKER: Couldn't hear your
14 question.

15 MS. BRADFORD: Oh, I'm so sorry, let me
16 say it again.

17 My question is then who does benefit
18 from this? Because it seems as though Ridgewood will
19 be negatively impacted.

20 MR. WHITAKER: It's not a question for
21 this witness.

22 MS. BRADFORD: Oh, okay, I apologize.
23 I hope that that question is able to be addressed to
24 whoever is the proper person.

25 Okay. Thank you for your testimony.

1 THE WITNESS: Thank you.

2 CHAIRMAN BROWN: Thank you.

3 Just one quick question, because we --

4 MS. DeSILVA: One quick -- one
5 question, yup.

6 CHAIRMAN BROWN: Okay, just one.

7 MS. DeSILVA: Frettra DeSilva, I hope
8 you know how to spell it now, 521 West Saddle River
9 Road.

10 Just one question this lady reminded
11 me. You talked about double use, having two
12 principal usages and that there were two
13 nonconforming uses and I was trying to understand the
14 significance of that.

15 Is it that when you're looking at this,
16 you don't look at them independently if you have --
17 this is my question to you: If you have a
18 nonconforming use and you're trying to get another
19 nonconforming use, you can't just look at the
20 nonconforming use, but you have to look at that as
21 having some kind of impact by the first one, you
22 know, some kind of additional -- you have to meet
23 a -- you know, a higher standard or something? I'm
24 not sure.

25 THE WITNESS: This is a unique

1 situation, because a nonconforming use is basically
2 so you have this district and there's certain
3 permitted uses and the auto body shop is not
4 permitted.

5 So they're not permitted to expand, do
6 anything with their property, make it larger at all,
7 unless they come before this board.

8 So if they want to put an extra bay on
9 the property to accommodate that first use, they'd
10 have to be before the zoning board to get a D-2
11 variance, which is a significant variance in the
12 planning world.

13 So then on top of that, they're adding
14 another nonconforming use, the billboard, which is
15 not permitted in the district.

16 So now you have two uses that are not
17 permitted by your -- the Village's Zoning Ordinance.

18 MS. DeSILVA: So does the zoning board
19 then have to answer the first one and the second one?

20 THE WITNESS: Correct, and they
21 provided testimony with regard to both the D-1 and
22 the D-2 use variances and that's what Mr. Burgis has
23 testified to, that he didn't believe that they met
24 the criteria for either.

25 And I agree with him.

1 MS. DeSILVA: Okay. Sorry, I just
2 didn't understand, but she made me realize.

3 Thank you.

4 CHAIRMAN BROWN: Thank you.

5 MR. RUANE: Leo Ruane, 705 Kingsbridge
6 Lane.

7 CHAIRMAN BROWN: Just one quick
8 question.

9 MR. RUANE: Short, yeah.

10 CHAIRMAN BROWN: We want to kind of
11 move this along, so, you know, go ahead.

12 MR. RUANE: I want to get some
13 clarification on a couple of the exhibits that were
14 put out in this handout, AK-13, -14, -15, -16.

15 Just let me clarify, what was the
16 purpose of these? Is it just to show that these are
17 residential views that -- yeah, can you just quickly
18 just re-explain that to me?

19 THE WITNESS: Yes. So there was some
20 testimony provided that there's not any residential
21 properties that are going to be affected by this
22 proposed use and it wasn't going to affect any
23 historic properties.

24 So that exhibit that was submitted
25 tonight is basically to show that within 200,

1 300 feet of the property there are residential uses
2 that are going to be impacted.

3 MR. RUANE: Okay. Yeah, that's what I
4 thought also.

5 Again, I just wanted to clarify that.
6 Thank you.

7 CHAIRMAN BROWN: Thank you.

8 Just one question. We want to sort of
9 move this along so we can get to public comment, so
10 we can kind of continue, so...

11 MS. MILIAN: I mean, I'm a member of
12 the public, I'm just trying to understand and ask
13 questions so I'm better informed with this process,
14 which I think is my right, right?

15 MR. WHITAKER: The concept and the
16 procedure we use is you ask all your questions one
17 time at the podium.

18 MS. MILIAN: When was that stated, at
19 the beginning?

20 I didn't hear it, I'm sorry.

21 CHAIRMAN BROWN: If you can --

22 MS. MILIAN: I did not hear -- I'm
23 really being -- I just wanted to -- I didn't hear
24 that at the beginning.

25 I'm not trying to be disrespectful to

1 anyone. We're all parents and working parents as
2 well and we don't want to be at --

3 CHAIRMAN BROWN: Again, you'll have
4 time later to make comments.

5 So if there's a question, please state
6 your name and give us your address and then --

7 MS. MILIAN: Kristina Milian,
8 K-R-I-S-T-I-N-A, Milian, M-I-L-I-A-N, my address is
9 530 West Saddle River Road.

10 And I just have one question for you.

11 Are there any other towns that you can
12 think of in Bergen County that before America250 are
13 thinking of putting in an Outfront Media billboard in
14 a historic district that will impact numerous
15 historic sites?

16 THE WITNESS: Not that I'm aware of,
17 but --

18 MS. MILIAN: I just wanted to ask that.
19 Thank you so much.

20 THE WITNESS: Thank you.

21 MS. KWAK: Hyun-Ju Kwak. K-W-A-K,
22 spelling of my last name. First name is H-Y-U-N-J-U.
23 I'm at 291 Highland Avenue.

24 First thank you so much for the
25 testimony. I found it to be not repetitive in any

1 way. And I really appreciate the grace of the board
2 for allowing her to speak.

3 Thank you.

4 My question is this: It sounds like
5 that I'm marrying both testimonies together, one you
6 testified to the fact that you have to first satisfy
7 various criteria on having the application be heard
8 and that has not met any of the criteria in your
9 expert opinion.

10 In your opinion, your testimony, you
11 mentioned that even if that had been satisfied, if
12 you consider the application, the merits of it, that
13 this site is not appropriate for all the reasons that
14 you mentioned; is that correct?

15 THE WITNESS: Correct.

16 MS. KWAK: And before then when you
17 slice and dice in terms of trying to figure out a way
18 to accommodate such an application, whether it be
19 lowering or, you know, the height discussion, first
20 we have to meet that burden of proof, correct, to say
21 that this application has met one through four, I
22 think you mentioned four criteria before you can do
23 the consideration component of the site; is that
24 correct? Is that a good summary?

25 THE WITNESS: I think so.

1 I think you did it well.

2 MS. KWAK: Thank you very much. So
3 based on all this, it sounds like this application is
4 completely, utterly antithetical to the Master Plan.

5 THE WITNESS: I believe so.

6 MS. KWAK: Okay.

7 So in this kind of scenario, have you
8 seen a board then vote to approve an application of
9 this kind of contour that has had plenty of testimony
10 that says that it contradicts the existing Master
11 Plan?

12 MR. WEISS: Is it within her purview to
13 answer this?

14 MS. KWAK: No, I think I was wondering
15 in her experience.

16 MR. WHITAKER: She's not here to
17 testify as to what boards in particular do.

18 MS. KWAK: A board.

19 MR. WHITAKER: She's here to provide
20 her analysis of this particular application.

21 MS. KWAK: Okay.

22 MR. WHITAKER: Not to compare other
23 municipalities or other boards.

24 MS. KWAK: Okay.

25 So perhaps to rephrase it then, this

1 application, do you see on the -- on just the
2 application in itself, in your point of view, I want
3 to, I guess, confirm, that it is deficient in
4 multiple ways, not the least of which is that the
5 site, itself, is not appropriate?

6 It has two -- this -- you already have
7 a nonconforming use and it would be a second
8 nonconforming use.

9 THE WITNESS: Yes.

10 I think you heard from both Mr. Burgis
11 and I that it -- this application as a whole is not
12 appropriate.

13 MS. KWAK: Okay.

14 Thank you very much.

15 CHAIRMAN BROWN: Thank you.

16 Okay. I'll open it up to board members
17 for any questions.

18 MR. NEGRYCZ: I have one or two.

19 On the --

20 CHAIRMAN BROWN: Gary, your mic.

21 MR. NEGRYCZ: Excuse me.

22 On the first handout which was the
23 traffic and accident study, the one with all the blue
24 dots, I gather you're interpretation is that the
25 Route 17 area is accident prone and that the

1 billboard would aggravate that tendency.

2 Is that correct what I heard?

3 THE WITNESS: My only proposal to you
4 when reviewing this application is that if you look
5 at Route 17, it has a number of accidents and I don't
6 know, as I mentioned, I'm not a traffic engineer, I'm
7 not trying to compare.

8 And there was no analysis or
9 identification that I saw that gave the amount of
10 accidents, but their traffic engineer indicated
11 there's no significant impact to the amount of
12 accidents that are going to happen and so my only
13 suggestion to you as a planner was that this is in
14 your Master Plan. There's a number of traffic
15 accidents on Route 17, specifically in this area.
16 And what does a significant impact mean compared to
17 what is provided here, and these are all crashes
18 between 2013 and 2019.

19 MR. NEGRYCZ: Well, I'm looking at the
20 Route 17 with the big orange dot, but that's better
21 than a half a mile south of the church.

22 So really, I thought we were talking
23 about the distance from the church primarily to
24 somewhere around Hollywood Ave as the magic corridor
25 of historic significance.

1 I'm just trying to make sure what I
2 heard --

3 THE WITNESS: I understand.

4 I think from my perspective is two
5 separate issues, what's the historic corridor and the
6 aesthetic impacts to that historic corridor.

7 And then the second issue is traffic
8 and safety.

9 So I don't believe that they overlap
10 completely, but I think they could be compared and
11 concluded together.

12 MR. NEGRYCZ: Because I see a lot of
13 blue dots and the description says, "no apparent
14 injury." So that sounds like fender benders.

15 THE WITNESS: As I mentioned too, I
16 think it's two separate issues.

17 You got your historic preservation and
18 your aesthetic improvements.

19 MR. NEGRYCZ: I'm just trying to make
20 sure we're not linking it to the billboard, because
21 it does not appear to be relevant. There may be
22 other objections to the billboard.

23 Moving on to the historic district.

24 THE WITNESS: Uh-huh.

25 MR. NEGRYCZ: I see the church here and

1 I see the Schedler property, but any historic
2 existence of the Schedler property has been leveled
3 in the last year-and-a-half and the building is being
4 relocated.

5 So I don't know what you're going to
6 see and then we built a berm around it.

7 So I'm not real sure what the Schedler
8 property is going to be.

9 Oh, it's all posted on the website, so
10 you can go look at it. All right?

11 So in any case, I'm trying to
12 understand the only thing I see here that's in the
13 historic corridor is the church on the corner, which
14 I think we all know has been there for a very long
15 time. And so I'm trying to get the significance of
16 the historic corridor.

17 Somebody wrote it up as a study for the
18 Master Plan, which they got a nice paycheck. But,
19 quite frankly, drive down that piece of highway,
20 that's history. We ought to rewrite it.

21 CHAIRMAN BROWN: Do you board members
22 have any additional questions?

23 MR. CURRERI: One very quick.

24 CHAIRMAN BROWN: Sure.

25 MR. CURRERI: The Master Plan that has

1 been cited this entire time, is this the Master Plan
2 that was in effect when this application first
3 started or is this the new one?

4 THE WITNESS: I apologize, I don't know
5 -- I don't know exactly when it was adopted and when
6 this application was submitted.

7 CHAIRMAN BROWN: Mr. Barree, could you
8 just answer that?

9 MR. BARREE: The Master Plan that's
10 being discussed in the exhibits drawn from this
11 evening was adopted in October of 2022.

12 I believe this application started
13 sometime in 2021. It predates my involvement with
14 the Village.

15 I don't know exactly when that was, but
16 I think that answers the question.

17 MR. CURRERI: Yup.

18 Thank you.

19 CHAIRMAN BROWN: Board Members, have
20 any additional questions?

21 (No Response.)

22 CHAIRMAN BROWN: Okay. Seeing none.
23 Mr. Standriff, are you --

24 MR. STANDRIFF: I rest.

25 CHAIRMAN BROWN: You rest? Great.

1 MR. WEISS: I just want to reserve for
2 any -- we don't have anything tonight, but I just
3 want to reserve for any rebuttal, et cetera, but we
4 can move on.

5 CHAIRMAN BROWN: Okay.

6 Great.

7 MR. STANDRIFF: And I think we'll mark
8 exhibits into evidence at some point in the future.

9 CHAIRMAN BROWN: Okay.

10 MR. WHITAKER: So let's just clean up
11 the record a little bit.

12 We have a series of exhibits the
13 applicant submitted and a series of exhibits the
14 opposition here submitted.

15 Are there any objections to all of them
16 being entered into evidence now?

17 MR. STANDRIFF: No.

18 MR. WHITAKER: You have no objection to
19 the applicant?

20 The applicant has no objection here?

21 MR. WEISS: No.

22 MR. WHITAKER: So let's note that
23 they're all now been marked into evidence as
24 designated during the course of the testimony.

25 So that's out of the way.

1 (Whereupon, Exhibits A-1 through A-30
2 are moved into evidence.)

3 (Whereupon, Exhibits AK-1 through AK-22
4 are moved into evidence.)

5 MR. WHITAKER: Mr. Chairman, back to
6 you as to the next procedure.

7 CHAIRMAN BROWN: Okay. I'll go ahead
8 at this time and open it up for comments from the
9 public.

10 It's a time for members of the public
11 to comment on the proposal, request some special
12 consideration or ask any final questions.

13 Sorry.

14 MS. RUANE: I just have a question.
15 This isn't my comment.

16 I thought at the last meeting, they
17 presented a thing that said the obstruction, which
18 they used the -- and it wasn't to scale and they said
19 they were coming back with a better drawing at scale.
20 I think everybody asked them to provide a better
21 rendering and did you -- oh, no, no, no, can you tell
22 us what that meant.

23 MR. WEISS: I'm going to. I didn't
24 want to cut you off, I apologize.

25 MS. RUANE: Do you have that rendering

1 that's supposed to be to scale?

2 MR. WEISS: What I just said, we're
3 going to reserve for rebuttal, et cetera, we're going
4 to bring it in April, but we don't have it with us
5 tonight, which is why we're not showing it to you.

6 MS. RUANE: Okay. Because I was
7 waiting for that to be presented.

8 MR. WEISS: I apologize, but we will
9 have it in April.

10 MS. RUANE: Okay.

11 MS. CANZANI: Madeline Canzani,
12 M-A-D-E-L-I-N-E C-A-N-Z-A-N-I, 506 Sterling Place.

13 CHAIRMAN BROWN: Wait one second.

14 MS. CANZANI: Ms. Wondergem, can you
15 bring up the --

16 CHAIRMAN BROWN: Hold on one second.
17 Thanks. She needs to be sworn in, but if --

18 MR. WHITAKER: Yeah, we closed it for
19 questions.

20 This is time for statements.

21 CHAIRMAN BROWN: All right. So since
22 this is --

23 MS. CANZANI: I've been trying to say
24 this for three months.

25 CHAIRMAN BROWN: Yeah, yeah, since this

1 is time --

2 MS. CANZANI: And every time I come up,
3 you can't talk about that, you can't talk about this.

4 MR. WHITAKER: There's a procedure.

5 We have to keep to the procedure and
6 you may not like the fact that we have to be very
7 careful with the presentation being made, because we
8 have to preserve a record and it has to be documented
9 a certain way.

10 So the procedure is very clear,
11 questions are asked first, testimony can not be given
12 until the applicant has completed their case, which
13 they have. They have the right to a rebuttal later.
14 And the first objector has completed their case.

15 Now anybody else can be sworn in and
16 they can testify as to their position in regard to
17 this application and that's the time now for that
18 type of testimony.

19 MS. CANZANI: The last meeting --

20 CHAIRMAN BROWN: You just need to get
21 sworn in.

22 MR. WHITAKER: Be sworn in and you can
23 then give us your opinion as to the application.

24 MS. CANZANI: Okay.

25 So are you saying you want me to be

1 sworn in?

2 MR. WHITAKER: And the law requires,
3 because this is being recorded, the law requires that
4 every witness be sworn in and speak clearly into the
5 microphone, because there will be a transcript of
6 this proceeding and it has to be preserved in case
7 any party wishes to appeal it to the superior court.

8 So with that said, if you would raise
9 your right hand, be sworn in.

10 Do you swear or affirm the testimony
11 you're about to give will be the truth and nothing
12 but the truth?

13 MS. CANZANI: I do.

14 M A D E L I N E C A N Z A N I,

15 506 Sterling Place, Ridgewood, New Jersey, having
16 been duly sworn, testifies as follows:

17 MR. WHITAKER: Thank you.

18 MS. CANZANI: So can I refer to my --

19 MR. WHITAKER: You can make any
20 presentation you want.

21 You heard the Chairman say that the
22 comments, he's limiting it to five minutes per person
23 so everybody gets a chance.

24 MS. CANZANI: Okay. This was touched
25 on a little bit by Mr. Standriff, but if you can

1 bring up the very first aerial photograph, I think
2 it's the second one in the list that was provided by
3 the applicant.

4 MR. STANDRIFF: I think she might be
5 referring to the second exhibit in the overall list.
6 It's not marked with a number. It simply says aerial
7 view.

8 MS. CANZANI: It just says aerial
9 photograph, PDF, I think. It's this one.

10 MR. STANDRIFF: In your list it's the
11 second item.

12 I think that's correct.

13 MR. WEISS: That's your exhibit.

14 Does she want -- what's on the screen
15 is AK-11. I think she wants one of our exhibits.

16 MR. STANDRIFF: Did you get that off
17 the website.

18 MS. CANZANI: Yes.

19 MR. STANDRIFF: The town's website.

20 MS. CANZANI: Yes.

21 MR. STANDRIFF: It's the aerial view
22 from the town's -- it's no one's exhibit.

23 MR. WEISS: Oh, it's no one's exhibit,
24 okay.

25 MR. STANDRIFF: It's the second item on

1 the town's -- the zoning board's website list of
2 exhibits, it's the second item. It's just marked as
3 aerial view.

4 MS. WONDERGEM: Can I see the picture,
5 please.

6 MS. CANZANI: Sure.

7 MR. STANDRIFF: Aerial map, maybe it's
8 aerial map.

9 (Whereupon, a brief recess is held.)

10 MS. WONDERGEM: Get the handheld,
11 please.

12 CHAIRMAN BROWN: Could -- Ms. Bogart,
13 could you -- hold on, one second. You just need a
14 mic or it's not being recorded and on the record.

15 MS. CANZANI: Do you see this dark area
16 right here (indicating)? You have that -- I have
17 another copy.

18 So this was the original photograph
19 that they presented and it came from GoogleEarth, so
20 I -- because I go by there all the time. And I knew
21 there was a house there.

22 So I went on GoogleEarth and you can
23 clearly see that there is a roof there. It doesn't
24 look anything like that photograph. Right there.

25 That is 581 Franklin Turnpike. And I

1 believe 581 Franklin Turnpike has a house in the
2 front, which Mr. Standriff showed. It also has an
3 apartment over the garage, which is less than
4 200 feet, like, in a direct sight line from the
5 billboard.

6 I assume that there has to be some kind
7 of anchor for this sign, concrete or something. I
8 mean, the sign can't be just propped up.

9 It has -- you have to dig a foundation
10 for the sign; am I correct?

11 MR. WHITAKER: It's not a time for
12 questions. It's a time for testimony.

13 So you made an assumption and let's
14 continue.

15 MS. CANZANI: So I can't even ask if
16 the soil's been tested?

17 Because there are four properties right
18 along that line that are all listed on the Department
19 of Environmental Protection as being contaminated.

20 MR. WHITAKER: You can testify now that
21 to your knowledge and you can explain what you
22 believe and you can say at that point that to your
23 knowledge you don't believe it's been tested or that,
24 do it that way, but you cannot ask questions. The
25 question period is over.

1 MS. CANZANI: I haven't heard any
2 testimony about whether the soil underneath this
3 proposed billboard has been tested and there are four
4 properties, 615, 490, 607 and 547 that are listed as
5 contaminated on the Department of Environmental
6 Protection's website.

7 I was going to ask a question of the
8 planner, but I guess I can't, so...

9 MR. ROTH AUG: Hello, I'm very sorry.

10 MR. WHITAKER: If you're going to
11 testify, you have to be sworn in.

12 MR. ROTH AUG: Walter Rothaug,
13 558 Hillcrest Road, Ridgewood, New Jersey.

14 MR. WHITAKER: Raise your right hand,
15 please.

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

19 MR. ROTH AUG: I do.

20 W A L T E R R O T H A U G,
21 558 Hillcrest Road, Ridgewood, New Jersey, having
22 been duly sworn, testifies as follows:

23 MR. WHITAKER: Thank you.

24 THE COURT REPORTER: Sir, can you spell
25 your last name for the record?

1 MR. ROTH AUG: Okay.

2 R-O-T-H-A-U-G.

3 THE COURT REPORTER: Thank you.

4 MR. ROTH AUG: Rothaug. 558 Hillcrest
5 Road, Ridgewood. First name Walter.

6 Do you have it?

7 THE COURT REPORTER: Thank you.

8 MR. ROTH AUG: Okay.

9 I'm very sorry to bother the board with
10 -- because only brief comments to make to the
11 witness.

12 Is the -- we are still in the phase of
13 answering direct comment from -- direct comment to
14 the -- what the testimony given by the witness or are
15 we in this phase of talking about -- of summarizing
16 this in general?

17 I'm sorry for the question, but I don't
18 hear very well.

19 MR. WHITAKER: No problem.

20 We are in the phase where each person
21 will have the ability to come up and give his or her
22 opinion as it pertains to this application.

23 We're going to ask that the opinions
24 given not be repetitive. If somebody gets up and
25 says I have four reasons why I dislike this

1 application, the next person could get up and say I
2 concur. They don't have to go through all four
3 reasons the second time. It's typically the way it's
4 done. Okay?

5 MR. ROTH AUG: All right. And this is
6 my summary after then the thing.

7 First of all, as far as the direct
8 testimony is concerned, I'm very glad that I heard
9 the word "accidents" brought up on that section of
10 Route 17 in this.

11 I would comment that Paramus has a
12 50-year ordinance to try to eliminate signs and
13 visual pollution on Route 4 and Route 17 and I'm
14 seeing that they are permitting large billboards at
15 least on Route 4, rather than Route 17.

16 I might mention that I called Paramus's
17 Board of Adjustment, these have gotten through by
18 variances against the thing. I would hope that
19 Ridgewood would not permit this.

20 The -- they say electronic billboards
21 will not distract drivers, but -- or I said, these
22 billboards will distract drivers, that is their
23 intention. They want to get your attention and
24 distracted drivers are a cause of accidents.

25 What benefit will the Village get from

1 these signs? The -- I don't see that we'll get
2 anything from them, except a minor public service
3 announcement.

4 It's not even a place where village
5 residents would see these. I've seen them on the
6 signs which are put up in Rochelle Park. And I
7 believe Maywood and they're, you know, join the
8 ambulance corps or join the volunteer fire department
9 or something like that.

10 And I consider them very, very minor
11 and, again, broadcasting these things every eight
12 seconds is certainly a distraction towards people who
13 see this and what is to stop them at eight seconds?
14 Why not make them six seconds? You can get more
15 commercials in, in that time, leaving them to no time
16 at all.

17 The -- it adds to the general light
18 pollution and the general environmental degradation
19 of the region. It will actually -- it affects the
20 historic approach to the Old Paramus Church and also
21 the Schedler property across the highway from this,
22 it will be an eyesore there.

23 The issue of the state permits for
24 these were given almost 10 years ago. I have been on
25 here almost eight years ago, but we've been going

1 almost two years on this application. Haven't things
2 changed in the past 10 years of the state issuing
3 those permits? Those permits were issued by the
4 highway department under Chris Christie at the time
5 and, you know, with the cause of the traffic problems
6 on the George Washington Bridge and in Fort Lee and
7 things like that.

8 I question the state's permitting
9 process. The only limitation on this seems to be
10 commercial free speech, which certainly might be
11 offending community values.

12 Even though the plaintiffs were --
13 another thing, even though the plaintiff's expert
14 witnesses were regarded and accepted as a committee,
15 if I were the board, I would be extremely critical or
16 not critic -- but seriously examine what was
17 presented as expert testimony.

18 It certainly didn't seem very -- some
19 of the arguments selected did not seem very credible.

20 I would recommend also that the --
21 let's see where I have my last thing.

22 We have nothing like this in Ridgewood
23 and all it will do is contribute to the general
24 ugliness of the state and the region in here and
25 please don't have it in Ridgewood and I would label

1 this as kind of a commercial cancer that offers
2 nothing to our community. And I would urge the board
3 to stop this cancer before it spreads.

4 Thank you very much.

5 CHAIRMAN BROWN: Thank you.

6 MR. ROTH AUG: I might add on this, it
7 says the public should always have the final word.

8 (Laughter.)

9 CHAIRMAN BROWN: Thank you.

10 Good evening. Could you just please
11 state your name, spell your name, give us your
12 address for the record.

13 Mr. Whitaker will swear you in.

14 Thank you.

15 MS. DeSILVA: Hi. Frettra,
16 F-R-E-T-T-R-A, DeSilva, D-e space S-I-L-V-A, 521 West
17 Saddle River Road.

18 MR. WHITAKER: Raise your right hand,
19 please.

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

23 MS. DeSILVA: I do.

24 F R E T T R A D e S I L V A,

25 521 West Saddle River Road, Ridgewood, New

1 Jersey, having been duly sworn, testifies as
2 follows:

3 MR. WHITAKER: Thank you.

4 MS. DeSILVA: I'm just going to make
5 one quick statement and that's in regards to one of
6 the final comments regarding the date of the Master
7 Plan versus the date of the application here.

8 It's my understanding that the Master
9 Plan was put in place in 2022, I think someone said
10 and this may have been started in 2021.

11 However, previous discussions tonight
12 stated that it was a process that was in review for
13 several years, but I don't think that's the point.

14 I think the point is that the Master
15 Plan is not a Zoning Ordinance, it's not a law. It's
16 policies that are put in place by the town and towns
17 can change and develop their policies over a series
18 of time.

19 And so I don't think the -- there's a
20 -- there would be any, kind of, grandfathering in or
21 predating that could impact the consideration of the
22 Master Plan by the fact that this process was started
23 in 2021.

24 I think those policies that the town
25 has determined after several years of review and

1 development and then publishing it must be considered
2 by the zoning board today as they're making decisions
3 to approve or not to approve this proposal.

4 And so I just wanted to say that I
5 don't -- from my perspective, I don't believe that
6 that should be treated as you would, say, a law that
7 had been adopted and ordinance, a Zoning Ordinance
8 that was in place, but this is a policy document for
9 the town.

10 Thank you.

11 CHAIRMAN BROWN: Thank you.

12 Good evening.

13 MS. SCHMITT: Kathryn Schmitt,

14 S-C-H-M-I-D-T, 123 South Irving Street.

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

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

20 MS. SCHMIDT: Yes, I do.

21 K A T H R Y N S C H M I T T,

22 123 South Irving Street, Ridgewood, New Jersey,

23 having been duly sworn, testifies as follows:

24 MR. WHITAKER: Thank you.

25 MS. SCHMIDT: I'll be very short,

1 although I may be a little repetitive.

2 I do concur, though, that the Master
3 Plan is directional not directive. Nevertheless, it
4 seems like a billboard would be taking us in a very
5 different direction than the intent of the plan and
6 based on my research on page 216 of the version that
7 I read, it said specifically, at minimum the
8 following --

9 THE COURT REPORTER: I'm sorry, slow
10 down, please.

11 MS. SCHMIDT: Excuse me.

12 THE COURT REPORTER: Slow down.

13 MS. SCHMIDT: Oh, okay, sorry. I'm
14 trying to be quick.

15 At minimum the following features of
16 the Village should be considered for protection: A,
17 the Route 17 corridor in the vicinity of Vallean
18 Cemetery, the Schedler property and the Old Paramus
19 Reformed Church. This corridor should be protected
20 from out-of-scale visual intrusions included, but not
21 limited to, billboards, power lines, poorly designed
22 and inappropriately located buildings and
23 inadequately screened, unsightly land uses.

24 It doesn't specifically mention the
25 schoolhouse museum, because that's owned by the

1 church, but that also is on the National Register of
2 Historic Places.

3 Look, I love sitting at the Lincoln
4 Tunnel and spending my 15 to 25 minutes looking at
5 the billboards, that's a great place for them.

6 I just don't think this is and I would
7 hope that the board would not approve this proposal.

8 Thank you.

9 CHAIRMAN BROWN: Thank you.

10 Good evening.

11 MS. LIMA: Denise Lima, 319 East Glen
12 Ave.

13 MR. WHITAKER: Raise your right hand,
14 please.

15 Do you swear or affirm the testimony
16 you're about to give will be the truth and nothing
17 but the truth.

18 MS. LIMA: I do.

19 D E N I S E L I M A,

20 319 East Glen Avenue, Ridgewood, New Jersey,

21 having been duly sworn, testifies as follows:

22 MR. WHITAKER: Thank you.

23 MS. LIMA: There's some people on the
24 board here that I don't recognize and I just wanted
25 to spend a minute to just make sure everybody fully

1 understands that the corridor that's being mentioned
2 is where Ridgewood was originally settled.

3 Started in the 1600s across from
4 Paramus Church are the Ackerman Houses, John Ackerman
5 and the Ackerman-Naugle house. That is the epicenter
6 of where Ridgewood started way before the trains came
7 in. That's where everything was conducted.

8 That's where the Smith house was.
9 That's where the mills were. That's when the Saddle
10 River was flowing really rapidly and people were
11 fishing and -- and the Indians were there. This is
12 the heart of Ridgewood.

13 I have asked the planning board and the
14 Village Council to assign this area, this corridor as
15 historic, because that's where we settled.

16 The Zabriskie Scheduler house is not
17 moving. It is historic. So is the church. So is
18 the cemetery.

19 It's a wider net area, even though the
20 Master Plan doesn't mention every little nook and
21 cranny.

22 So people need to really understand
23 what that area is and what it means.

24 When you look at the 1700s military
25 maps, Saddle River, the Paramus Road, Old Post Road

1 and East Glen Ave, which was named Harrison, were the
2 only streets on the map -- roads, they weren't really
3 streets. And that's how people moved from New York
4 and Fort Lee and all the battles through this area up
5 to New York, up to West Point.

6 So people need to understand this was
7 the epicenter. It's not just one building that's
8 across the street that a billboard is going to shine
9 on.

10 We're trying to make this something
11 bigger, because that's where we started before the
12 railroad.

13 Second, I just -- I want to echo the
14 comments about the safety. I really think we need to
15 do something more current. The New Jersey State DOT
16 from last year will show you, again, that the mile
17 points from Hollywood Avenue and a mile past the
18 Paramus Church has the most accidents, the most
19 fatalities, the most injuries than any other segment
20 and mile post throughout all of Route 17.

21 And I think that's important to
22 understand, because the more we put the billboard in,
23 the more we have distractions and a park across the
24 street, the more distractions and more things that
25 are going to happen they're certainly going to

1 increase.

2 The testimony from the applicant is old
3 and outdated. It's before COVID. It's cellphone
4 coverage and usage has exceeded. We have more trucks
5 on the road, because there's more deliveries and
6 transportation from COVID. None of that has been
7 taken into effect from the testimony of the
8 applicant.

9 So I just urge you to try and get
10 something more current. I can send you the DOT links
11 and you can see where that patch is by mile post.
12 It's provided by the state. And I think you would be
13 interested to see that.

14 My last comment is I don't -- we
15 always, again, talk about the front and we never talk
16 about the back end. I'm seeing discrepancies on the
17 useful life of the billboard.

18 So somewhere between five and ten
19 years. And so happens at the end of five or ten
20 years? What happens if there's nothing that's
21 revenue generating and now we have a blank billboard?

22 Whose obligation is it to maintain it,
23 make it clean, not have graffiti on it or even simply
24 take it down? Who's going to bear the cost of that
25 before it gets to be abandoned and look like crap in

1 our neighborhood.

2 I can tell you that I spoke to the
3 Rochelle Park. They have Lamar and Open Media [sic]
4 billboards across from Route 17 within Rochelle Park.

5 There's a billboard there that has
6 nothing on it, but graffiti. And I said why aren't
7 you displaying what you would like to advertise? And
8 they said the trees are blocking the billboard, the
9 town doesn't want to maintain the trees. So we can't
10 advertise. So now it's a mess. And now people have
11 graffiti on it.

12 I certainly don't want that in
13 Ridgewood.

14 So if you're going to approve this, we
15 should have something in escrow from the applicant
16 and money set aside to keep it and maintain it and
17 eventually to take it down if the useful life goes
18 down.

19 Again, something else to think about,
20 because the other towns didn't do that and they wish
21 they did.

22 Thank you.

23 CHAIRMAN BROWN: Thank you.

24 Good evening.

25 MS. MARATHE: My name is Meha Marathe,

1 first name M-E-H-A, last name M-A-R-A-T-H-E. Address
2 is 506 West Saddle River Road.

3 Should I go ahead?

4 MR. WHITAKER: Raise your right hand,
5 please.

6 Do you swear or affirm the testimony
7 you're about to give will be the truth and nothing
8 but the truth?

9 MS. MARATHE: I do.

10 M E H A M A R A T H E,

11 506 West Saddle River Road, Ridgewood, New
12 Jersey, having been duly sworn, testifies as
13 follows:

14 MR. WHITAKER: Thank you.

15 MS. MARATHE: So I'm a new homeowner.
16 We just moved there last July. And really the reason
17 we moved is we really wanted a small community and a
18 quiet way of life. And that's why we chose
19 Ridgewood.

20 So this plan for a billboard is going
21 to be quite disruptive in that sense.

22 So we will be directly and
23 significantly impacted in an adverse way.

24 It's not just an eyesore, it's really
25 impacting the quality of life. Those bright neon

1 lights are going to be directly shining in our
2 backyard, in our windows the way we are located
3 there.

4 So -- and I don't think any kind of
5 foundation, any size of trees for that reason is
6 going to obstruct that kind of lighting. And it is
7 truly a visual intrusion. So I object this.

8 Thank you.

9 CHAIRMAN BROWN: Thank you.

10 MS. RUANE: What time does this meeting
11 end?

12 CHAIRMAN BROWN: We have a curfew of
13 11 p.m.

14 Good evening.

15 MS. BRADFORD: Good evening.

16 Bridey Bradford, B-R-I-D-E-Y, Bradford,
17 B-R-A-D-F-O-R-D. I'm at 241 Hope Street.

18 MR. WHITAKER: Do you swear or affirm
19 the testimony you're about to give will be the truth
20 and nothing but the truth.

21 MS. BRADFORD: Yes, sir.

22 B R I D E Y B R A D F O R D,

23 241 Hope Street, Ridgewood, New Jersey, having
24 been duly sworn, testifies as follows:

25 MR. WHITAKER: Please proceed.

1 MS. BRADFORD: I just wanted to add to
2 the proceedings that I think this is a bad idea stem
3 to stern.

4 I think that we are just hearing, I
5 concur with everything that has been said previously,
6 I would add that significant -- no significant
7 increase in traffic implies that there will be some
8 kind of increase. And I think any increase is
9 unacceptable.

10 I think spoiling the magical view from
11 the vista would be terrible and just a poor choice.

12 And I really hope that you decide
13 against this, and that's it.

14 Thank you.

15 CHAIRMAN BROWN: Thank you.

16 Good evening.

17 MR. TORIELLO: Good evening.

18 Joel Torielli, J-O-E-L T-O-R-I-E-L-L-I,
19 422 Bogert Ave in Ridgewood.

20 MR. WHITAKER: Raise your right hand,
21 please.

22 Do you swear or affirm the testimony
23 you're about to give will be the truth and nothing
24 but the truth?

25 MR. TORIELLI: Yes, I do.

1 J O E L T O R I E L L I,
2 422 Bogert Avenue, Ridgewood, New Jersey, having
3 been duly sworn, testifies as follows:

4 MR. WHITAKER: Please proceed.

5 MR. TORIELLI: I'll keep it very brief.
6 I know it's getting late.

7 Briefly I want to thank the board for
8 their time and attention and for serving this
9 community. I know it can be really thankless serving
10 up there, so thank you on behalf of me and my family.

11 I did say I have served on this board
12 in the past. I did take some time and researched the
13 ordinances.

14 Ms. Bogart and Mr. Burgis kind of stole
15 a lot of my thunder. So I agree with all their
16 testimony. Everything I was going to say, you guys
17 kind of said it.

18 So I guess I'll just -- I'll keep it
19 brief and say I'd encourage this board to deny this
20 application.

21 I believe the digital billboard will
22 substantially impact or impair the intent and purpose
23 of the Zoning Ordinance.

24 Thank you. And, again, thanks for your
25 service, guys.

1 CHAIRMAN BROWN: Thank you.

2 Mr. Weiss, we need a new date?

3 MR. WEISS: I think we have one
4 already.

5 CHAIRMAN BROWN: Do we have one, Jane?

6 MS. WONDERGEM: April 23rd.

7 MR. WEISS: Yes.

8 CHAIRMAN BROWN: So it would be
9 April 23rd, 2024, 7:30 p.m., no further notice
10 required.

11 MR. WEISS: Thank you.

12 CHAIRMAN BROWN: Good evening, thank
13 you.

14 FEMALE AUDIENCE MEMBER: Will public
15 comments continue?

16 FEMALE AUDIENCE MEMBER: Will public
17 comments continue?

18 CHAIRMAN BROWN: No, public comments
19 will not continue at that point in time.

20 MR. WEISS: We're coming back in April
21 anyway. We'll be here anyway.

22 So if the board wants to hold it until
23 April, that's fine with me.

24 MR. WHITAKER: So anyone who has not
25 made a public comment, Mr. Chairman, would have the

1 ability to make a comment then, but it's not
2 repetitive.

3 So anybody that's done it this time is
4 not doing it the next time.

5 CHAIRMAN BROWN: Everyone understands
6 that.

7 FEMALE AUDIENCE MEMBER: We can make a
8 comment next time?

9 CHAIRMAN BROWN: Yes, if you --

10 MR. WHITAKER: At the April meeting
11 those who did not comment tonight will be able to
12 make a comment that night.

13 FEMALE AUDIENCE MEMBER: Could you
14 clarify that all exhibits from the housekeeping that
15 carried in November, that they will be available for
16 the April meeting?

17 CHAIRMAN BROWN: They're all on the
18 website.

19 MR. WHITAKER: They're all on the
20 website.

21 FEMALE AUDIENCE MEMBER: The scale and
22 any items that you addressed --

23 MR. WEISS: Oh, yes.

24 We expect to be back with our exhibits
25 in April, yes.

1 FEMALE AUDIENCE MEMBER: And are we
2 allowed to ask after you present that exhibit?

3 MR. WEISS: Don't ask me that question.

4 MR. WHITAKER: I didn't hear the
5 question.

6 MR. WEISS: Can she ask questions after

7 --

8 MR. WHITAKER: It may open up again,
9 have another round.

10 CHAIRMAN BROWN: Yeah, if they present
11 new information that you haven't heard before, you
12 will have the opportunity to ask questions specific
13 to that information that they speak about, nothing
14 else, okay.

15 FEMALE AUDIENCE MEMBER: Thank you.

16 CHAIRMAN BROWN: Great. Good evening.

17 (Whereupon, this matter will be
18 continuing at future date. Time noted:
19 11:01 p.m.)
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C E R T I F I C A T E

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

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

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



LAURA A. CARUCCI, C.C.R., R.P.R.
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