

ALSO PRESENT:

McDONNELL & WHITAKER, LLC
BY: BRUCE E. WHITAKER, ESQ.
Attorney for the Zoning Board
of Adjustment

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Village Engineer

HEYER, GRUEL & ASSOCIATES
BY: JOHN BARREE and MCKINLEY MERTZ
Village Planners

JANE WONDERGEM
Board Secretary

APPEARANCES FOR THE APPLICANT:

DeCOTIIS, FITZPATRICK, COLE & GIBLIN, LLP
BY: MARK J. SEMERARO, ESQ.
Attorney for the Applicant, LES Dann, LLC

I N D E X

<u>WITNESS</u>	<u>DIRECT</u>	<u>BOARD/PUBLIC</u>
MICHAEL DANIEL		
BY MR. SEMERARO	10/115	41
MARK MONTALBANO		
BY MR. SEMERARO	86/119	99/128

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1 CHAIRMAN BROWN: It is Tuesday, the 10th,
2 7:31 p.m.

3 For New Business we have LES Dann, LLC.
4 It's an application for a preliminary and final
5 major site plan approval, expansion of a
6 nonconforming use variance approval and use
7 variance approval for the construction of an auto
8 body shop which will serve as the principal use at
9 246 through 264 South Broad Street, Block 395,
10 Lots 12, 13, and 14 in an R-3 Zone.

11 Welcome. Good evening.

12 MR. SEMERARO: Good evening, Mr. Chairman.
13 How are you?

14 CHAIRMAN BROWN: Good. How are you?

15 MR. SEMERARO: I'm very well, thank you.

16 Good evening, Members of the Board,
17 Chairman, Counsel. My name is Mark Semeraro from
18 the DeCotiis Law Firm representing the applicant,
19 LES Dann, LLC.

20 This application relates to the properties
21 commonly known as 246-264 South Broad Street. You
22 may be familiar with this property. This property
23 has historically been utilized as a body shop,
24 actually two body shops, dating back to the 1950s.

25 This application relates to three lots.

1 All three lots, at least in part, have functioned
2 as a single lot and use with respect to the
3 preexisting body shop. There is a lot in between,
4 we're dealing with Lots 12, 13, and 14 on Block
5 3905. The middle lot, Lot 13 has a residential
6 property, has a house that's currently being
7 rented in the front of it, but the rear of that
8 property had historically been utilized for the
9 storage of parts related to the body shop.

10 My client, LES Dann, LLC, had acquired
11 that property and continued the use obviously with
12 the knowledge and the acknowledgment of the
13 preexisting use from the Village.

14 This particular application proposes to
15 internalize all of the operations of the facility
16 so that the property can be beautified, be more
17 aesthetic in keeping with respect to the standard
18 that the Village is accustomed to.

19 This evening we do have my client, Mike
20 Daniel, who will be providing some testimony with
21 respect to their operations. He'll also provide
22 some testimony regarding other sites that he has,
23 other facilities that he has, and we'll show you
24 the type of operation that he is accustomed to
25 operating.

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I think that it is noteworthy that they do run a first class operation with higher end clientele and you'll see that from the pictures of his other operations.

I also believe that you have seen a marked improvement on that site from when my client acquired it compared to what it was previously functioning as.

This application is for preliminary and final site plan approval and we are seeking "D" variances for an expansion of a preexisting nonconforming use.

When we noticed the application, we noticed it for a "D"(2), which, as you know, is for an expansion of a preexisting nonconforming use with respect to two of the lots. We noticed an outright "D"(1) variance for the residential property, but I think you'll see through the evidence through the course of this hearing that that property too was utilized for this particular function and a "D"(2) variance would be appropriate for that property as well, but we noticed it for the more intense variance just for safety sake.

In addition to the "D" variances, there

1 are a number of "C" variances that are present,
2 but as you know, those dimensional variances, as
3 long as they don't rise to a "D" (6) height
4 variance are subsumed in the "D" variances and
5 those variances have to deal with front yard
6 setback, rear yard setback. Incidentally, the
7 rear yard of this property is adjacent to the
8 Conrail railroad.

9 There is a variance for height for
10 2.8 feet, which is a "C" variance.

11 There's a variance for building coverage;
12 off street parking. Again, all of those existing
13 standards really don't apply to this particular
14 use and they are subsumed in the "D" variance and
15 we'll explain why, as well as a retaining wall, a
16 fence.

17 There was noted to be a handicapped
18 accessible parking space variance, but we are
19 correcting the plan to address that.

20 Then there's a dimensional issue with
21 respect to parking spaces.

22 So that's really the nature of this
23 particular application. But, again, I think that
24 it's worth emphasizing that historically speaking
25 this was used as a body shop. That body shop

1 functioned with a substantial amount of exterior
2 storage for parts, car parts, I think that
3 historically you'd be familiar with driving past
4 the site and seeing those parts on the outside of
5 the property. And while we are seeking an
6 expansion in a larger building, the purpose of
7 that is to internalize the operation so that there
8 will not be exterior parts, whether they be new
9 parts or damaged parts that were removed from
10 cars, on the outside of the property. This
11 building, as you will see, has been designed to
12 internalize all of that so that when you drive
13 past this site you won't see anything that
14 resembles even remotely a junkyard. It doesn't
15 resemble a junkyard now because my client had
16 cleaned up the property substantially, but the
17 former property owner did operate it to the point
18 where it may have actually looked like a junkyard
19 to some extent.

20 So that's the nature of the application.

21 So my first witness will be Mike Daniel
22 from LES Dann Corp.

23
24 M I C H A E L D A N I E L, 31 Osceola
25 Road, Wayne, New Jersey 07470, having been duly

1 sworn, testified as follows:

2

3

CHAIRMAN BROWN: Thank you. Please
4 proceed, Counsel.

5

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MR. SEMERARO: Mr. Chairman, I have a
number of photographs that Mike's testimony will
cover. I think that it may be best for me to hand
them all out at this juncture and then just
approach them as we reach his testimony to that
part. Is that okay?

11

12

CHAIRMAN BROWN: Yes, that sounds great.
Thank you.

13

MR. SEMERARO: Okay. Thank you.

14

15

16

17

CHAIRMAN BROWN: Just a quick question. I
know some of these we don't have to put them on
the screen. Do you have extras for audience
members?

18

19

MR. SEMERARO: Yes, we do. I do have them
here.

20

21

DIRECT EXAMINATION BY MR. SEMERARO:

22

23

Q So, Michael, please explain to the Board
who your current employer is.

24

25

A LES Dann Corporation doing business as Mountain
View Auto.

1 Q Okay. And what's your position with that
2 company?

3 A Member and also CPA.

4 Q Okay. And how long have you been employed
5 by that company?

6 A Deloitte & Touche and then now engaged for the
7 last eight years.

8 Q Okay. And what's the nature of Mountain
9 View Auto?

10 A Automotive collision repair services.

11 Q Okay. How many locations are you
12 currently operating?

13 A Three.

14 Q Okay. And do you currently have
15 operations in Ridgewood?

16 A Yes.

17 Q And that's actually on the site that this
18 application pertains to currently. Correct?

19 A Correct.

20 Q Okay. When you purchased that property,
21 did you purchase it from an existing collision repair
22 shop?

23 A Yes, it was, prior to us, it was Ridgewood
24 Vehicle.

25 Q Okay. And when you purchased that, was it

1 your understanding that that property had functioned in
2 that capacity for quite some time?

3 A Yeah, when we purchased it, it was our
4 understanding from the seller that his father operated it
5 as Ridgewood Vehicle. Next door to him on Lot 14 there
6 was Barry's of Ridgewood as well. That was a tenant of
7 the old seller. In between we know there was a
8 residential home, but to us it was kind of delineated by
9 a fence in the back about 50 to say 75 feet off the back
10 of the house. Beyond that towards the tracks it was all
11 kind of mixed use all intermingled between two body
12 shops. So there was kind of corrals of car parts, tires,
13 bumpers, what have you, that we have since got rid of
14 after closing.

15 Q Okay. So when you actually purchased the
16 property, did you purchase all three lots from the same
17 owner?

18 A Yes.

19 Q And were all three lots, as you explained,
20 utilized with respect to the auto body collision repair
21 shop?

22 A Yes. From an outward appearance, though, we knew
23 about the nonconforming use. It all appeared that the
24 lot was being used, for lack of argument's sake, as an
25 auto body shop.

1 Q Okay. And the nature of the operation at
2 the time that you observed it prior to your purchase,
3 there were storage of automotive parts on all three lots?

4 A Yes. After we closed, we probably got rid of no
5 less than eight 30-yard Dumpsters of just trash, used car
6 parts, radiators, what have you. There was weeds and
7 stuff kind of growing.

8 To Mark's earlier point, it did kind of look like
9 a junkyard. We did the best we could to clean it up.
10 Aside from raking out the leaves and removing garbage,
11 there wasn't too much we could do without approval from
12 you guys, but we did our best. We painted buildings and
13 things of that nature just to kind of keep up with the
14 character of the Village.

15 Q So since you purchased it, you did clean
16 up the property?

17 A Yes.

18 Q And removed debris?

19 A Yes.

20 Q With respect to your current operations
21 on-site, how are you handling the removal of damaged
22 parts as compared to your predecessor?

23 A So the nature of our business is a little bit
24 different than the old fashioned shop that some may be
25 accustomed to. All the vehicles that come into our

1 premises are disassembled in its entirety from the onset
2 of the repairs, so whatever the damage is, we go as far
3 as is necessary in the area of the damage to remove
4 parts.

5 We have these big red parts carts that are
6 designated to the vehicle. All the damaged parts go on
7 that part cart and get put away into storage inside the
8 building.

9 Prior to and parts, like I said, were strewn about
10 the property and with our operation, like I said, each
11 individual car has its own parts cart and that gets kept
12 inside the building away from the site and, you know, not
13 at the outside of the building.

14 Q Okay. When you had purchased the site,
15 the former owner did have some old photographs that he
16 had provided to you showing some historic pictures of the
17 site. Is that correct?

18 A Correct.

19 MR. SEMERARO: Okay. I'd like to have
20 this photograph marked as A-1, if I may?

21 CHAIRMAN BROWN: A-1 with today's date
22 1/10.

23 MR. SEMERARO: I'm sorry?

24 CHAIRMAN BROWN: With today's date, yes.

25 A-1.

1 Q Yes. And that photograph is in accurate
2 depiction of what the owner had provided to you.

3 Correct?

4 A Correct.

5 Q And that photograph is dated back into the
6 1950s approximately. Correct?

7 A Correct.

8 Q In fact, the cars that are depicted that
9 are damaged in those photographs are cars from the 1950s
10 as well. Correct?

11 A I would believe so.

12 Q And we also had our planner pull out some
13 stand Board maps which are aerial photographs depicting
14 the site. Is that correct?

15 A Yes.

16 Q Okay. And A-2 is the photographs that the
17 planner had provided to you. Correct?

18 A Correct.

19 Q And those photographs, there's two on one
20 document, referencing 1966 and 1970. Is that correct?

21 A Correct.

22 MR. SEMERARO: Mr. Whitaker, I'd like to
23 have that marked as January 10th.

24 CHAIRMAN BROWN: A-2.

25 MR. SEMERARO: Thank you. Okay.

1 Q And that photograph depicts an aerial but
2 it shows a number of cars on all three lots. Is that
3 correct?

4 A It does.

5 Q Okay. And A-1 also showed damaged cars
6 that were clearly part of a collision repair that were
7 taken on-site as well. Correct?

8 A Correct.

9 Q Okay. Currently, how many cars a month is
10 your company repairing?

11 A Throughout the company wide, we repair between 300
12 and 400 vehicles a month.

13 Q Okay. Where do you get the majority of
14 your clientele from?

15 A We're certified by say 15 to 20 manufacturers
16 direct, so aside from partnerships with insurance
17 companies that direct work to us for our contracts, we're
18 one of three in the whole state to be certified by Amazon
19 Rivian, Tesla, and Mercedes as well, just to name a few.

20 Q Okay. Could you walk the Board through
21 the intake process of a new client with a damaged car?

22 A Yes. So once a customer gets into an accident, an
23 assignment is sent to us electronically to our central
24 command center in Wayne to get dispatched to a location
25 that is closest to that customer. They're then scheduled

1 in. Based on historical needs, we usually do eight per
2 day one location, three a day per another location, what
3 have you. Once the vehicles are then scheduled in, the
4 customer drops off. We photograph the vehicle, about 60
5 to 80 photographs of the car before we even touch it.
6 Then again it gets washed. It gets brought into the shop
7 for complete disassembly, as I noted before. Each
8 vehicle then gets an individual parts cart. The parts
9 get stored on that. That then gets put away up until the
10 point parts start arriving. Then once all the damaged
11 parts have been received as new, that car gets moved to a
12 different staging area and repairs commence.

13 Q Okay. And how many cars a month are you
14 handling out of the Ridgewood location currently?

15 A I would say about 60 to 70.

16 Q Okay. And a percentage of those
17 customers, are they from Ridgewood?

18 A Last time I looked about 15 percent or 10 to 12
19 vehicles per month.

20 Q Okay. And could you explain how you
21 currently handle the damaged parts that are used on the
22 vehicles?

23 A At the Ridgewood location?

24 Q At the Ridgewood location, correct.

25 A Similar to what I just said, however, it is

1 getting a little bit difficult due to the size of the
2 building. During the cleanup process, we did take over
3 other existing buildings that were on the property that
4 previously had tenants, so we are storing parts and
5 things of that nature for cars on those carts that I had
6 mentioned but at various buildings. So we're just doing
7 the best we can with what we got.

8 Q Okay. And what about how fluids are
9 handled with respect to vehicles that were in collisions.
10 What do you about that?

11 A So any hazardous waste not released,
12 unfortunately, at the scene and is brought to us with
13 fluids inside, if it's a refrigerant, it's taken out of
14 the vehicle with a closed system. That's a machine
15 that's required that we have by the State of New Jersey
16 and any coolant is released into a spillproof container
17 similar to what you guys get at a service center and then
18 once that container is full it then gets transferred to a
19 spillproof 55 gallon drum that we have photographs to
20 show you guys and then it gets picked up by Safety-Kleen
21 once that container is full, which is a certified company
22 for hazardous waste disposal.

23 Q Okay. Now, we have three photographs that
24 are on the bottom of this chart, they're also in front of
25 you, and this depicts the manner of the storage of those

1 fluids. Correct?

2 A Correct.

3 Q And A-3, A-4, and A-5.

4 In those photos, they're photos in accordance with
5 NJDEP guidelines?

6 A Correct. Safety-Kleen is a certified company,
7 they come pump those out and then transfer them as per
8 state guidelines and we get a receipt stating as such.

9 Q Understood.

10 Now, currently, this housing unit is on the
11 exterior of the property?

12 A It is.

13 Q The exterior of the building rather?

14 A Correct.

15 Q Do you propose with the approval of this
16 application moving this indoors?

17 A Yes. Anything within state guidelines that we can
18 move indoors for site purposes and aesthetics we would
19 move inside.

20 Q Okay. Now, we also have a number of
21 photographs which depict what the current operation is on
22 the site. Correct?

23 A Correct.

24 Q These are additional photographs of all
25 three lots. Is that correct?

1 A Correct.

2 Q And could you explain to the Board what
3 the first photograph depicts?

4 MR. SEMERARO: And this will be marked as
5 A-6. A-6 will be the upper left-hand corner with
6 the hedge and the vehicle parts in front of it.

7 A So A-6 is the residence. I believe that's Lot 13.

8 Q Okay. And A-7, the next photograph?

9 A A-7 is the entranceway to the residence, Lot 13.

10 Q Next photograph, A-8?

11 A A-8 is the Lot 14 rear facing old tenant, our
12 current body shop.

13 Q Okay. A-9?

14 A A-9 is from Lot 14 it appears facing the
15 residence.

16 Q And all these photographs are accurately
17 depicting the way that the property looks today.
18 Correct?

19 A Yes.

20 CHAIRMAN BROWN: Can we establish when
21 those photographs were taken and by whom?

22 MR. SEMERARO: Excuse me?

23 CHAIRMAN BROWN: Can we establish when
24 these photographs were approximately taken and by
25 whom?

1 Q And do you know when the approximate date
2 when these photographs were taken?

3 A Yeah, I believe last Wednesday or Thursday.

4 Q Okay. And --

5 A By the planner, our hired planner.

6 Q No, these photographs were actually
7 submitted as part of the application. They were taken
8 within a month or two of prior to filing the application.
9 Correct?

10 A Correct.

11 Q Okay.

12 MR. WHITAKER: One second. The date, the
13 approximate time because the photographs I'm
14 looking at have lots of leaves on the trees.

15 MR. SEMERARO: Yes.

16 MR. WHITAKER: I mean, you're stating that
17 they are accurately depicting what exists there
18 now, I just need a time frame.

19 MR. SEMERARO: Correct. Mr. Whitaker, I
20 did tell you that these photographs were taken
21 within a couple of months of prior to filing the
22 application.

23 MR. WHITAKER: By your planner?

24 MR. SEMERARO: No, these photographs were
25 actually taken by my client.

1 MR. WHITAKER: Okay.

2 MR. SEMERARO: And these were the
3 photographs the were accompanying the initial
4 application. The first two photographs, those
5 were provided by the seller of the property and
6 the additional three photographs that were taken
7 of the storage facility of the fluids were taken
8 by Mr. Daniel and the storage facility for the
9 fluids was taken within the last week or so.

10 Q Correct?

11 A Correct.

12 Q So A-12 also accurately depicts what
13 portion of these lots appear like today. Correct?

14 A Correct.

15 Q And what lot is that?

16 A That's Lot 14.

17 Q Okay. Lot 15, which is on the lower
18 right-hand side of this board shows some Dumpsters to the
19 rear of one of the lots. Which lot is that?

20 A That is the rear of Lot 13, the residence.

21 Q Okay. And are those Dumpsters yours?

22 A Yes.

23 Q Okay. And what are they used for?

24 A That's how we recycle old damaged parts. One is
25 for aluminum; one is for steel; and one is for mixed

1 recycles and garbage.

2 Q Now, if this application were to be
3 approved, are you still proposing to maintain those
4 Dumpsters outside?

5 A They would be outside, but they would be within an
6 enclosed area.

7 Q Okay. Now, we have some additional
8 photographs of the existing lots. Correct?

9 A Correct.

10 Q So A-16 shows some partial disassembled
11 vehicles adjacent to a building. Correct?

12 A Correct.

13 Q Can you explain what that is?

14 A That is the side -- back of the residence but the
15 side of our existing body shop, the vehicles that are
16 disassembled waiting for parts.

17 Q And the same with A-17. Correct?

18 A Correct.

19 Q Okay. Then there's three more
20 photographs, which are A-18, 19 and 20. They currently
21 also depict the current status of the site. Correct?

22 A Correct.

23 Q Okay. Now, I note that on A-19 there is
24 some marking on Mountain View Auto on the building
25 itself. Is that correct?

1 A Correct.

2 Q And, obviously, that's something that you
3 had added to the property. Correct?

4 A Yes.

5 Q Okay. That is part of the beautification
6 of the property you had mentioned before?

7 A Yes.

8 Q Okay. Now, you had indicated that you
9 have two other sites. Correct?

10 A Correct.

11 Q And where are those sites located?

12 A They're both located in Wayne, New Jersey.

13 Q Okay. And had those sites been updated at
14 all since you (inaudible)?

15 A Yes.

16 Q Okay. Is that Wayne site operating in a
17 fashion consistent with how you propose to utilize this
18 property if your application is approved?

19 A I do.

20 Q Okay. Now, we have four photographs and
21 these photographs are consistent with your operation in
22 Wayne?

23 A They are.

24 Q Okay. And could you explain what these
25 photographs look like. This is going to be A-21.

1 A So A-21 depicted on the screen is our frame
2 department. This is where heavy collision is repaired;
3 frame damage, structural damage, welding, what have you.
4 There's four frame machines there. I propose the same in
5 the plans. All LED lighting, floors kept clean. We
6 don't want any slip hazard or trip hazards and things of
7 that nature, so.

8 Q Okay. And that terminology or the name on
9 the piece of the equipment is *Car-O-Liner*. Correct?

10 A Car-O-Liner is the recognized brand in the
11 industry for structural damage.

12 Q Okay. The next photograph, A-22, shows a
13 vehicle on a lift. Correct?

14 A Correct.

15 Q And could you explain, is that in the one
16 of the work bays?

17 A Yes, those are three bays that are designated just
18 to disassembly. So vehicles enter here and are
19 disassembled in the fashion that I explained previously
20 and that is one of the red carts that's designated to
21 that particular car on the lift that put all the damaged
22 parts in and removal parts on that cart.

23 Q Okay. A-23 is a depiction of a photograph
24 of, that looks like a front desk. Is that right?

25 A Yes, that's our main reception desk at our one

1 Wayne location.

2 Q Okay. Now, ultimately, if this
3 application is approved, is this similar in materials and
4 cleanliness and presentation as you would anticipate the
5 Ridgewood facility appearing?

6 A I do.

7 Q Okay. All right. Next photograph looks
8 like a bunch of part carts. Correct?

9 A Yes.

10 Q Can you explain what they are?

11 A Yes. So these are delineated as putting storage
12 on the plans. This is what it would like look. So
13 they're pretty sizeable carts. Granted, when accidents
14 happen, you do have a lot of damage and parts that have
15 to come off. Like I said, any car that's on premise will
16 get one of these carts.

17 Q Okay. The next photograph is A-25 and
18 that's of the exterior of the Wayne office?

19 A It is.

20 Q And is that also the garage?

21 A It's one of the entrances to the garage, yes.

22 Q Okay. Now, we don't see any parts or
23 damaged cars on the outside?

24 A No, sir.

25 Q Okay. And is that what you're proposing

1 the maintenance and the conditions of the proposed
2 facility appear like?

3 A I do.

4 Q Okay. And the last photograph is one of
5 an elevator. Now, do you have proposed an elevator in
6 your proposed facility?

7 A I do.

8 Q Okay. And the use purpose of that
9 elevator?

10 A The elevator's for, like I said, the parts are
11 sizable, so we do have upstairs storage listed as well.
12 There are designated areas, so there's an area for parts
13 carts that are waiting for parts and then there's an area
14 for parts carts that have other parts here that are
15 scheduled for work, so they're just moved and staged in
16 various areas so the technician knows where to get his
17 work from.

18 Q Okay. Now, we have the architect here and
19 the architect will certainly provide some testimony with
20 regard to the plans, but the second floor of the proposed
21 building is to house parts exclusively. Is that correct?

22 A Correct.

23 Q Okay. And those parts will either be
24 replacement parts or parts that were removed. Correct?

25 A Correct.

1 Q Okay. Now, how long have you engaged in
2 operations in Ridgewood?

3 A I believe we closed in June '21.

4 Q Okay. And since that point in time, have
5 you had any complaints?

6 A No, we have a great relationship with our
7 neighbors.

8 Q Okay. Now, the proposal to increase the
9 size of the building, what's the driving force behind
10 that?

11 A Primarily, it's an ease based. We have clients
12 are trying to use our services and, unfortunately, at
13 this particular location we're booked out about two
14 months so they can't really get in and we don't have the
15 size to handle that capacity. So in order to meet the
16 needs of our neighbors and clients, we'd like to expand
17 the size to allow for a more, you know, easier production
18 for both our technicians as well as bringing in new
19 customers so they can get their cars fixed as opposed to
20 driving them possibly dangerously for two months
21 unnecessarily.

22 Q Okay. And the appearance and cleanliness
23 of your facility in Wayne and what you're proposing to
24 construct here in Ridgewood, does that play a role with
25 respect to your business model and your clientele?

1 A Yeah, I mean, I think the industry is changing in
2 the sense that, you know, of what customers expect.
3 Amazon and Walmart have kind of ruined us. So a lot of
4 times, you know, again, with my certifications and things
5 of that nature, whether it be a Rivian or a Tesla, these
6 customers expect a certain level of service. So the
7 cleanliness and the appearance is really, you know, at
8 the forefront and the driving force behind this decision.

9 Q Okay. What's the approximate square
10 footage of your current shop?

11 A The recently renovated Wayne location is
12 approximately 31,000 square feet.

13 Q Okay. And what's Ridgewood currently?

14 A It's hard to say because we have the combined
15 locations of all the various buildings. I believe
16 Ridgewood Vehicle when I purchased it is around 8,000.
17 We took over E & G, that's about 4,000. Then I kind of
18 call them the chicken coops, but those are about
19 (inaudible) 300, so all that combined space of around
20 16,000ish square feet as it is.

21 Q Okay. And how many bays do you currently
22 operate in Ridgewood?

23 A Combined, I want to say about 15ish, again,
24 sporadically throughout the location.

25 Q Okay. And the way that you're mentioning

1 "sporadically throughout the location", I imagine it's
2 not the most efficient setup?

3 A It's not.

4 Q The setup that you're proposing will be a
5 more efficient operation?

6 A It would.

7 Q And will that operation consist of how
8 many bays?

9 A Approximately, 23.

10 Q Okay. That will enable you to maintain 23
11 vehicles indoors?

12 A Yes.

13 Q That you're working on at all times.
14 Correct?

15 A Correct.

16 Q Okay. Are you able to say, approximately,
17 what percentage of the parts you are storing outside
18 currently because of your lack of capacity to open
19 indoors?

20 A We try not to, but I believe one of the exhibits
21 in here show bumper covers being outside on racks.
22 Primarily, that's really it.

23 Q Okay. But you simply don't have the space
24 to hold all the parts for the (check). Correct?

25 A Correct.

1 Q And this expanded application, this
2 expanded facility for this application will give you the
3 ability to house them all indoors?

4 A Correct. There shouldn't be anything outside
5 after this hopeful approval.

6 Q Okay. You had indicated previously that
7 the fluid exchange for transfer operation is in
8 compliance with NJDEP. All of your operation is
9 regulated by NJDEP?

10 A Correct, in the State of New Jersey via the body
11 shop license.

12 Q Okay. And you currently comply with all
13 NJDEP regulations?

14 A Yes.

15 Q And propose to continue to comply?

16 A Correct.

17 Q Now, let's talk about the spraying booth a
18 little bit. What's your current configuration with
19 painting?

20 A We have one spray booth at the Ridgewood location
21 that's currently oil driven for heat as a heat source and
22 we spray water based heat. It's not the old lacquer
23 based paint. So we have chosen, it's not mandated, but
24 we have chosen to move to a water based paint. It's
25 created by BASF. It's called Underline (Phonetic).

1 There's really no odor to it. You can kind of be in one
2 of the spray booths and not really bother you.

3 Other than that, the configuration of the spray
4 booth there's an exhaust and intake while you're
5 spraying. The intake comes down from fresh air. It
6 goes through a roof filter. It gets pulled in down and
7 around the car. It gets extracted through a floor filter
8 and then it hits yet another two filters before the air
9 eventually drops into the atmosphere.

10 Q Okay. I know that you had indicated being
11 in the spray booth and you're not really detecting an
12 odor. Do you detect an odor outside at all?

13 A No. Our Wayne location, actually, I would say is
14 200 feet from an elementary school and no complaints
15 there.

16 Q Okay. And that's the same type of spray
17 booth that you're proposing to install as part of this
18 application as well. Correct?

19 A We are, yes.

20 Q Okay. What are your current hours of
21 operation in Ridgewood?

22 A We operate normal business hours, 8:00 to 5:30
23 Monday through Friday.

24 Q Okay. No weekend hours?

25 A No.

1 Q Okay. And are you proposing to maintain
2 the same hours?

3 A Yes.

4 Q Okay. And with respect to deliveries,
5 what type of deliveries do you currently get at the
6 facility?

7 A Deliveries for parts generally happen in the
8 morning. Just due to our size, our customers know, our
9 vendors know to come early. I would say most of our
10 deliveries are done between 8:00 and 11:00 and then they
11 kind of slow after that.

12 Q Okay.

13 A 8:00 and 11:00 a.m.

14 Q And do you anticipate that changing if
15 this particular application were to be granted?

16 A I do not.

17 Q And the hours would be proposed to be the
18 same as well. Correct?

19 A Yes.

20 Q With respect to your operations on the
21 site, the plan does have some parking lot illumination.
22 Correct?

23 A Correct.

24 Q And what are your proposed hours of
25 illumination?

1 A I would say dusk to midnight.

2 Q But, obviously, we would comply with
3 whatever terms the Board were to impose on that.
4 Correct?

5 A Correct.

6 Q And we do also have a monument sign
7 proposed. Correct?

8 A Correct.

9 Q And what hours of illumination for that
10 sign are you proposing for that?

11 A Dusk to midnight as well, granted, the Board
12 approval.

13 Q Okay. In Wayne, how many bays do you
14 have, approximately?

15 A 31.

16 Q Okay. And how many employees do you have?

17 A I have roughly 20.

18 Q Okay. And we're proposing 22 bays with
19 respect to your application?

20 A 23.

21 Q Okay. And how many employees would you be
22 expecting with respect to that?

23 A Similarly, 15 to 20 employees.

24 CHAIRMAN BROWN: 15 to 20?

25 MR. DANIEL: 15 to 20, yes, sir.

1 Q In Wayne with 31 bays, which is more bays
2 than you're proposing here, how many vehicles do you have
3 that you're working on on the premises at any given time?

4 A Around 80.

5 Q Okay. And how many vehicles would you
6 anticipate having on the premises for the expanded
7 facility if this application were to be approved here in
8 Ridgewood?

9 A I would say similar. Maybe a little less, 70 to
10 80 at any given point in site.

11 Q Okay. Now, the project, and we'll get
12 into this with our engineer, but the project is proposing
13 78 parking spaces. Correct?

14 A Correct.

15 Q And you had indicated of those 70 to
16 approximately 80 vehicles that you'd be working on at any
17 given time, at least 23 of them will be in bays
18 internally. Is that correct?

19 A Correct.

20 Q Okay. Now, I know you had indicated
21 previously that if this application were to be approved
22 that you wouldn't be storing any parts outside, whether
23 they be damaged parts or new parts, but only 23 vehicles
24 out of the 70 to 80 could be internal at any given time
25 given the number of bays that you have. Correct?

1 A Correct.

2 Q So will there be partially deconstructed
3 vehicles in the yard portion of this facility if this
4 application is granted?

5 A Yeah, the remaining 50 or so vehicles will be
6 outside but behind a proposed gate, whether it be PVC or
7 chain link with slats to cover for the aesthetics.

8 Q And, currently, it's the exact same thing
9 on the site now?

10 A Oh, yeah, Wayne mandated chain link with noise
11 slats.

12 Q But I'm saying with respect to the
13 Ridgewood property, you currently are having partial and
14 deconstructed vehicles in that portion?

15 A Oh, correct, yes.

16 Q And that's what your predecessor did as
17 well when he was (check). Correct?

18 A He did, yes.

19 Q Okay. Now, is your yard the first
20 destination for vehicles once they're involved in the
21 collision on the roadway or do they go somewhere else
22 first?

23 A No. So if an accident is bad enough, it will get
24 towed to a tow facility prior to coming to us.

25 Q Okay. And what hours do you typically

1 receive damaged vehicles on the premises?

2 A Badly damaged vehicles that were prior at tow
3 yards only come to us during working hours.

4 Q Okay. So that's between 8:00 and 5:30 --

5 A 8:00 and 5:30.

6 Q -- Monday through Friday?

7 A Yes.

8 Q So this isn't going to be a junkyard or a
9 tow yard. Correct?

10 A No, it's not a drop-off site.

11 Q Okay. So there aren't going to be tow
12 trucks delivering damaged vehicles with their reverse
13 beepers going all hours of the evening?

14 A Correct.

15 Q And that's currently how you operate that
16 facility today. Correct?

17 A Correct.

18 Q And with the exception of a slightly
19 expanded member of vehicles you'd be working on, it's the
20 same projected process. The vehicles will arrive
21 on-site, the ones that are drivable, still between
22 regular operating hours. Correct?

23 A Yes.

24 Q Okay. Now, the facility that you're
25 proposing here in Ridgewood is proposed to have a

1 fancier, nicer facade than what you have in Wayne. Is
2 that correct?

3 A Yes.

4 Q And what's the reason for that?

5 A We'd like to keep the character of Ridgewood so we
6 did propose a Tudor-style automotive facility.

7 Q Okay. What type of deliveries or parts do
8 you have to your facility currently here in Ridgewood?

9 A Primarily, the deliveries, like I said, are from
10 parts vendors whether it be Mercedes, Honda, Lexus and
11 they're primarily driving, you know, standard Sprinter
12 vans. So no big 18 wheelers and, you know, big carriers
13 such as that. They're carrying bumpers and things like
14 that so they don't need huge vehicles to drop parts off.

15 Q Okay. So predominantly vans, it's not
16 even straight job trucks?

17 A Correct.

18 Q Okay. Do you ever have the need for a
19 straight job truck to deliver larger parts?

20 A At times there may be, take an F-250, for example,
21 that needs a full frame at which the vehicle has to be
22 bigger, so we would have to take that vehicle in for the
23 delivery, but then we would have a forklift on the site
24 to quickly get that off the truck and get that truck back
25 on the road for you guys.

1 Q Okay. What's the maximum frequency that
2 you have straight job trucks making these type of
3 deliveries?

4 A Those types of hits are few and far between.
5 Sometimes those cars are going to total out anyway, we're
6 not even going to fix them. So I would say maybe once to
7 twice every two months.

8 Q Okay. And the vans delivering parts, at
9 what frequency are you getting them?

10 A Primarily, they're going to be between 8:00 and
11 11:00 a.m. That's going to be our highest rate of drop
12 offs, and I would say we get ten to 12 deliveries in the
13 new facility. Right now we're only going to get about
14 four to six currently.

15 Q Now, the one comment in the engineer's
16 letter discussing the fact that there are a couple of
17 parking spaces near the proposed delivery portion of the
18 proposed site. Is that correct?

19 A Correct.

20 Q And those parking spaces you're proposing
21 to be used by employees. Correct?

22 A Yes.

23 Q Okay. So there's not going to be a
24 situation where we're going to have a high frequency of
25 pedestrians conflicting with the area where deliveries

1 will be made?

2 A Correct.

3 Q Okay. So just to emphasize one thing that
4 we had discussed previously. You had cleaned up the
5 property quite significantly from when you purchased it.
6 Correct?

7 A Yes.

8 Q And you anticipate that the property will
9 be cleaner yet if this application is approved. Correct?

10 A Yes.

11 MR. SEMERARO: Okay. Mr. Chairman, I have
12 no other direct questions.

13 CHAIRMAN BROWN: Great, thank you.

14 I'll go ahead and, Mr. Whitaker, do you
15 want to start or?

16 MR. WHITAKER: Just to clarify a couple of
17 things on the record. The Wayne location, the
18 address?

19 MR. DANIEL: 96 Newark Pompton Turnpike,
20 Wayne, New Jersey.

21 MR. WHITAKER: Thank you.

22 And in connection with the tow truck
23 operation, do you own or operate tow trucks
24 yourself?

25 MR. DANIEL: We have two in the need of an

1 emergency. We primarily use them for
2 inter-locational use.

3 MR. WHITAKER: And are they stored on the
4 site?

5 MR. DANIEL: At our Wayne location.

6 MR. WHITAKER: Would any of them proposed
7 to be stored on the Ridgewood site?

8 MR. DANIEL: No.

9 MR. WHITAKER: In connection with the work
10 being done on the cars themselves, is it correct
11 to say that all the work is done inside the
12 building?

13 MR. DANIEL: Yes.

14 MR. WHITAKER: And is the work done at all
15 times with garage doors closed?

16 MR. DANIEL: Yes.

17 MR. WHITAKER: Thank you.

18 CHAIRMAN BROWN: Thank you. I'll open it
19 up to Board members for questions.

20 BOARD MEMBER 1: I have one.

21 So you made a couple of comparisons to
22 your Wayne location. What type of area is that
23 location built in? Is it a residential area?
24 Commercial? Can you describe that?

25 MR. DANIEL: Yeah, it's in an industrial

1 area, but like I said, it's about 200 feet away
2 from an elementary school, so it's a longer
3 driveway and once you hit the end of the driveway
4 you're next to residents' homes.

5 BOARD MEMBER 1: Thank you.

6 BOARD MEMBER 2: Mr. Daniel, you say about
7 15 to 20 employees will be at this location
8 potentially?

9 MR. DANIEL: I did.

10 BOARD MEMBER 2: Will the parking area for
11 them be designated as separate areas for the
12 employees not to conflict with vehicle storage or
13 customers coming and going?

14 MR. DANIEL: Yeah, we'll put signage.

15 BOARD MEMBER 2: I beg your pardon?

16 MR. DANIEL: We'll put signage to
17 delineate customer parking and employee parking.

18 BOARD MEMBER 2: So the employees and the
19 customers will be in the same area? I didn't
20 understand what you're saying.

21 MR. DANIEL: Well, the customers will be
22 on the one side of the parking lot and the
23 employees will be on the other.

24 BOARD MEMBER 2: Okay. And that area is
25 where?

1 MR. DANIEL: The employees will be in
2 front of the parts loading area that we were just
3 discussing.

4 BOARD MEMBER 2: Okay. So I'm looking
5 briefly at the plans, C-2.4, this parking area
6 that's right across or right adjacent to your
7 front door facility. That's where employees and
8 customers will use?

9 MR. DANIEL: Correct.

10 BOARD MEMBER 2: Okay. That elevator
11 that's pictured there on the wall, is a like size
12 one going to be used in this location for first
13 and second floor access?

14 MR. DANIEL: Yes, that size is needed to
15 fit the parts carts.

16 BOARD MEMBER 2: Is that commercial grade
17 to carry weight, load, supplies or just personnel?

18 MR. DANIEL: No, it's for both.

19 BOARD MEMBER 2: Okay. The property
20 between that has a resident home. Is there a
21 tenant there now?

22 MR. DANIEL: I believe he's moving out.

23 BOARD MEMBER 2: Their lease is ending,
24 they're moving out?

25 MR. DANIEL: Yeah, they were month to

1 month when we closed on the property and they're
2 actually in the midst of moving out. I just
3 signed a letter of recommendation for them.

4 BOARD MEMBER 2: Very good. Okay.

5 Approximately, what type of delivery rate
6 per spare parts, how many vehicles coming and
7 going can you estimate for your 60 to 70 vehicles
8 a month, how many parts deliveries, various
9 locations, approximately, do you see in addition
10 to Fed Ex, UPS? I mean, those would be more
11 typical, but trucks bringing spare parts,
12 approximately, what's your rate per day?

13 MR. DANIEL: Primarily right now we only
14 get about four to six deliveries per day. They
15 will probably jump up to about ten to 12 in the
16 proposed expansion.

17 BOARD MEMBER 2: Now, I notice in the
18 material we received there's a separate parts
19 delivery area. Would that be the primary area
20 where those parts will be delivered so it's
21 separate from customers, employees, and your
22 outside parking?

23 MR. DANIEL: Yes, I believe there's a
24 separate man door on the side of the proposed
25 fence and that's primarily where they would enter.

1 BOARD MEMBER 2: And to address damaged
2 parts, the displaced pieces, everything is going
3 to be within the building. No storage outside of
4 displaced pieces?

5 MR. DANIEL: No, sir, they'd be on one of
6 those parts carts either upstairs or downstairs
7 depending if the cart is full.

8 BOARD MEMBER 2: But within?

9 MR. DANIEL: Yes.

10 BOARD MEMBER 2: How often do you expect
11 to have those displaced parts picked up, your
12 recycling? Do they report how often to you and
13 where on the premises will they show up to pick
14 that?

15 MR. DANIEL: I believe there's two
16 proposed (Inaudible) Dumpsters. Right now at the
17 Wayne location just for comparison I believe they
18 get picked up once every three weeks.

19 BOARD MEMBER 2: Three weeks?

20 MR. DANIEL: Correct.

21 BOARD MEMBER 2: Option for more frequent
22 if you suddenly have a big collection with your --

23 MR. DANIEL: Correct.

24 BOARD MEMBER 2: You mentioned 60 to 70
25 vehicles per month at other locations. What

1 potential do you see for Ridgewood?

2 MR. DANIEL: I'd say we'd probably go
3 around 120 per month.

4 BOARD MEMBER 2: That many?

5 MR. DANIEL: Yeah. But, again, with the
6 efficiency that we're proposing, fewer spray
7 booths and things of that nature, primarily we fix
8 cars in about seven to ten days.

9 BOARD MEMBER 2: Understood.

10 MR. DANIEL: It's a very quick cycle.

11 BOARD MEMBER 2: And to, again, the
12 vehicles that are brought in can be brought to you
13 by any number of towing companies, but where on
14 the premises will they be kept? How many will be
15 potentially outside in some disrepair as opposed
16 to what you're going to keep? What was that
17 balanced number again?

18 MR. DANIEL: So when the vehicle would get
19 towed in, the rolling gate will be open and then
20 all the vehicles that are damaged to either be
21 torn down or are currently torn down, they would
22 be set behind, like I said, either that proposed
23 fence, whether it be PVC at your guy's discretion
24 or chain link with the white slats.

25 BOARD MEMBER 2: So how many would be

1 outside and any visible from the street?

2 MR. DANIEL: None should be visible from
3 the street other than the ones that are getting
4 dropped off that morning, per se. But in the back
5 I believe there's I think 55 to 60 parking spaces
6 behind that fence, so presumably all 55 to 60
7 spots.

8 BOARD MEMBER 2: At any given time you
9 would have how many operational inside, how many
10 vehicles?

11 MR. DANIEL: 23.

12 BOARD MEMBER 2: 23, okay. All right.

13 How about on your spray booth, you
14 mentioned how it functions. Is that going to be a
15 downdraft spray booth for water circulation?

16 MR. DANIEL: Yeah, it will be two
17 downdraft booths, both spray water based paint.

18 BOARD MEMBER 2: Water based paint.

19 Do you have the potential to do any other
20 type of lacquer paint for particular classic
21 vehicles, older vehicles?

22 MR. DANIEL: Just the nature of our
23 contracts with insurance companies, we have to fix
24 them so fast that we don't get into restoration
25 work or anything like that and aside from that we

1 are actually required by our manufacturer to use a
2 certain paint. So Tesla, Rivian, Mercedes, they
3 all certify this particular paint line so we're
4 forced to use that paint.

5 BOARD MEMBER 2: Understood. Okay.

6 That's all I have for you now. Thank you.

7 MR. DANIEL: Thank you.

8 CHAIRMAN BROWN: Can we just go back to
9 the parking for a second --

10 MR. DANIEL: Yeah.

11 CHAIRMAN BROWN: -- when it comes to
12 spaces. So you talked about 15 to 20 employees,
13 70 to 80 vehicles on the lot. Right? 23 of those
14 could be inside and 78 parking spaces. So how
15 many of the employees do you presume are driving?

16 MR. DANIEL: I mean, it is hard to say. I
17 don't want to be dishonest with you, but I do have
18 a good amount of employees at my Wayne location
19 that don't drive or carpool or Uber or what have
20 you. I mean, I would say --

21 CHAIRMAN BROWN: If we just do quick math
22 and we say you have 70 vehicles on the lot, right,
23 you have 15 employees and 23 of those cars are in
24 the actual shop, I come out with 72 vehicles on
25 the lot with 78 spaces and that includes the 23.

1 So you basically have six spaces open for parking?

2 MR. DANIEL: Right.

3 CHAIRMAN BROWN: If you have 80 vehicles
4 on the lot, then you have zero.

5 MR. DANIEL: I guess the, and it's hard to
6 talk about this because it's not really seen
7 today, but the nature of the industry is going
8 that we actually pick vehicles up from customers'
9 houses and things like that, so additional
10 parking, you know, I don't foresee it as being an
11 issue because, like I said, the Amazons, the
12 Walmarts, the Teslas, they all kind of conditioned
13 us to expect a higher level of service. So at
14 times we'll pick customers' cars up on our flatbed
15 or an enclosed trailer or what have you. So
16 having the customer interface and worrying about
17 additional parking I don't foresee being an issue.

18 CHAIRMAN BROWN: Okay. Do any Board
19 members have additional questions?

20 BOARD MEMBER 3: Yes, I do.

21 Mr. Daniel, are your facilities, the
22 existing ones and perhaps to Ridgewood, designated
23 by manufacturers, domestic or import, as
24 authorized factory repair for collision and/or
25 chassis work?

1 MR. DANIEL: Yes, they're all certified by
2 around 17 or 20 impactors. So all the Fiat and
3 Chrysler, recognized as Honda, Accura, Infinity,
4 Nissan, Tesla, Rivian, Mercedes, Ford, GM, you
5 name it, we have the accreditation from all of
6 them. Corvettes, the C8 specifically, with the
7 mid engine that just came out --

8 BOARD MEMBER 3: European manufacturers?

9 MR. DANIEL: Excuse me?

10 BOARD MEMBER 3: European manufacturers?

11 MR. DANIEL: Those are tougher.

12 (Inaudible) The Europeans, they want you to get
13 certified -- sorry -- sponsored by a local
14 dealership. Unfortunately, our Wayne location is
15 surrounded by Paul Miller, if you heard of that
16 dealership, and they won't sign off on a piece of
17 paper. I'm sorry to say it is very political in
18 that sense. Luckily, at the Ridgewood location,
19 pending this approval, we do have a relationship
20 with the local BMW dealership that's willing to
21 sign off on us to get BMW certified.

22 BOARD MEMBER 3: So not yet?

23 MR. DANIEL: Correct. They're waiting to
24 see the approval.

25 BOARD MEMBER 3: How about the Japanese

1 Korean manufacturers, any of those are you
2 authorized factory recognized?

3 MR. DANIEL: We are Toyota recognized.
4 Right now Lexus does not have the certification.

5 BOARD MEMBER 3: Any of those pending,
6 pending Japanese manufacturers pending for you to
7 be --

8 MR. DANIEL: Toyota has. Lexus right now
9 doesn't recognize any shop at all. They just
10 don't have a process to certify you yet.

11 BOARD MEMBER 3: Very good.

12 Are your facilities designated by any
13 national local insurance companies as an
14 authorized center to do repair work for their
15 insured?

16 MR. DANIEL: Yes, we have all the large
17 carriers. A national contract with Travelers,
18 GEICO, Progressive, State Farm, Allstate, Liberty
19 Mutual recognized facility, High Point, you name
20 it.

21 BOARD MEMBER 3: Can you provide a list of
22 the insurers that you're authorized to the Board
23 and then any --

24 MR. WHITAKER: It would be irrelevant. It
25 would be irrelevant.

1 BOARD MEMBER 3: Very good. Thank you.
2 Never mind.

3 BOARD MEMBER 4: When a large part comes,
4 more than a person can handle, is it delivered
5 into the building or is it delivered in a parking
6 lot and then brought in?

7 MR. DANIEL: Delivered to the parking lot
8 and then brought in with a forklift.

9 BOARD MEMBER 4: And you have a forklift
10 for that purpose?

11 MR. DANIEL: Yes.

12 BOARD MEMBER 4: The forklift is stored
13 inside?

14 MR. DANIEL: Yes.

15 BOARD MEMBER RUHL: Quick couple of
16 questions. I didn't hear, when did you guys
17 purchase all three sites?

18 MR. DANIEL: I believe June 2021.

19 BOARD MEMBER RUHL: So recently. Okay.
20 Do any of the sites have underground oil
21 tanks?

22 MR. DANIEL: At the Ridgewood location?

23 BOARD MEMBER RUHL: Yes, I'm sorry, at the
24 Ridgewood location.

25 MR. DANIEL: They've all been removed. I

1 have the documentation at closing. I have the
2 permits and all the letters from the Village.

3 BOARD MEMBER RUHL: So there's no
4 underground storage tanks of any sort on the
5 property?

6 MR. DANIEL: Not that I'm aware of. I
7 hope not.

8 BOARD MEMBER RUHL: At the next, I'm sure
9 there's going to be another hearing, can you find
10 out if there are any underground storage?

11 MR. DANIEL: Sure.

12 BOARD MEMBER RUHL: When you did buy the
13 property, was there any testing required by NJDEP
14 to see if there's any leak?

15 MR. DANIEL: We did a phase one and phase
16 two and both were successful.

17 BOARD MEMBER RUHL: They didn't find
18 anything?

19 MR. DANIEL: No, ma'am.

20 BOARD MEMBER RUHL: Great. Thank you.

21 You mentioned earlier about cars getting
22 dropped off. So there will be no activity at the
23 site on the weekends? So if there's a car
24 accident, someone has to drop off a car, will
25 there be drop offs on the weekend?

1 MR. DANIEL: So if your car is
2 non-drivable we call that, it's not safe to drive,
3 primarily the insurance company will require you
4 to get towed at the scene and then that vehicle
5 will get towed to a tow facility. It won't get
6 towed to a body shop.

7 BOARD MEMBER RUHL: Okay.

8 MR. DANIEL: Then the tower would hold
9 that for the weekend or a day or so and then the
10 insurance company then sends us an assignment and
11 then we know then to call the customer, get
12 approval to go pick their vehicle up and then we
13 bring it to us during business hours.

14 BOARD MEMBER RUHL: So definitely nothing
15 will happen there --

16 MR. DANIEL: No, pretty much COVID changed
17 a lot. We realized we don't have to be open
18 Saturdays and Sundays, so we've since been closed
19 for the last two years.

20 BOARD MEMBER RUHL: Great. Thank you.

21 We were talking about illumination until
22 midnight. Currently, the one site that has the
23 majority of body work and the parking, what are
24 the current illumination hours there?

25 MR. DANIEL: That's till midnight.

1 BOARD MEMBER RUHL: Till midnight.

2 MR. DANIEL: Yeah, it's on on the
3 photocell.

4 BOARD MEMBER RUHL: Okay. So if look at
5 your property. I don't do north, east, south,
6 west, I'm sorry.

7 MR. DANIEL: Yes.

8 BOARD MEMBER RUHL: To the right is an
9 apartment building.

10 MR. DANIEL: Yes.

11 BOARD MEMBER RUHL: So are there any
12 lights, I didn't go there at night, so I'm asking
13 you.

14 MR. DANIEL: Yes.

15 BOARD MEMBER RUHL: In the back -- so the
16 way that property's situated, the apartment
17 building, it's more to the rear of the property
18 than to the front.

19 MR. DANIEL: Correct.

20 BOARD MEMBER RUHL: You don't have
21 parking -- the building and your parking don't
22 sort of overlap currently?

23 MR. DANIEL: Right.

24 BOARD MEMBER RUHL: So in the back of your
25 property currently, are there any lights

1 illuminated at night?

2 MR. DANIEL: Just because of the age of
3 the property, there's no electrical that runs past
4 the building but there is one large light that
5 illuminates off the back of the existing body shop
6 at 246 that shines onto the backyard.

7 BOARD MEMBER RUHL: Is that on till
8 midnight as well or is it on a motion sensor --

9 MR. DANIEL: Yeah, that's an auto cell, so
10 it's on until the sun comes up.

11 BOARD MEMBER RUHL: Okay. But it's a one
12 story facing?

13 MR. DANIEL: It's off the roof, so second
14 story, so one and a half.

15 BOARD MEMBER RUHL: One and a half. Okay.

16 But the way the property is designed at
17 the current time, the parking lot will reach to
18 the back and that whole area now will be lit?

19 MR. DANIEL: Right, that's a proposed. I
20 mean --

21 BOARD MEMBER RUHL: I just want to make
22 sure I'm understanding.

23 MR. DANIEL: Yeah, now it would run back
24 to the tracks.

25 BOARD MEMBER RUHL: To the tracks. Okay.

1 MR. DANIEL: And it would be proposed to
2 be on till midnight. But like I said, at the
3 board's discretion, that's a simple fix.

4 BOARD MEMBER RUHL: And I guess you're not
5 the right person to ask about lighting studies and
6 all that. Right?

7 MR. DANIEL: I believe he's next.

8 BOARD MEMBER RUHL: Yeah, I don't want to
9 waste time.

10 MR. SEMERARO: To the extent, I'm not sure
11 that we actually have a lighting plan. If the
12 Board desires one, we certainly can have it made
13 up. We certainly would stipulate that we wouldn't
14 have any quarrel over at the property lines, that
15 we would end up having a direct illumination
16 downward so it wouldn't be giving sky glow and
17 accept reasonable hours. But to the extent that
18 the Board would like to see something else more
19 fully designed, we certainly would be willing to
20 do that.

21 BOARD MEMBER RUHL: Okay. But it wouldn't
22 be him. I just don't want to waste time.

23 Lot 14, which I think is the furthest to
24 the left.

25 MR. DANIEL: 264, yes.

1 BOARD MEMBER RUHL: Currently, most of the
2 ground cover there is, at least from the pictures
3 that I noticed, it's soil. Right?

4 MR. DANIEL: I believe it's what's called
5 QP, which is just compacted stone.

6 BOARD MEMBER RUHL: Compacted stone.

7 MR. DANIEL: Yeah.

8 BOARD MEMBER RUHL: Very little of it at
9 this time is paved.

10 MR. DANIEL: Yeah, I want to say there's a
11 20-foot driveway that runs all the way back and
12 then expands wider.

13 BOARD MEMBER RUHL: Okay. And I'll ask
14 more to the planner as we move forward.

15 Okay. That's it for me. Thank you.

16 MR. DANIEL: You're welcome.

17 BOARD MEMBER 5: Just very quickly.

18 So you testified at one point that the
19 part deliveries from 8:00 a.m. to 11:00 a.m. and
20 you don't anticipate that increasing. Correct?

21 MR. DANIEL: It would increase -- right
22 now it's from four to six, I would say.

23 BOARD MEMBER 5: Not the delivery, the
24 delivery time.

25 MR. DANIEL: Oh, for the customers or the

1 time? Everything is about speed in our industry.
2 So because of our size and everything, our vendors
3 know to get to us early so we can get to the cars
4 faster. So generally we have partnerships that
5 get to us earlier in the morning. They do trickle
6 in at times when we need a part as an emergency or
7 anything, around 2:00, 3:00. But like I said, the
8 primary delivery is going to be before 11:00 a.m.

9 BOARD MEMBER 5: But you're doubling the
10 number of deliveries from four to six to ten and
11 12. Right?

12 MR. DANIEL: Correct.

13 BOARD MEMBER 5: And they would still fit
14 in within the 8:00 to 11:00, so how much of that
15 8:00 to 11:00 time will now be with delivery
16 trucks there?

17 MR. DANIEL: We have designated parts
18 personnel. That's all they handle. So the
19 deliveries take no more than three to five
20 minutes. It's as simple as dropping a couple of
21 boxes off, sign an invoice and they're off
22 premise.

23 BOARD MEMBER 5: So each delivery. You're
24 talking about 12 deliveries, it would be 12
25 deliveries times maybe five minutes. So 60 an

1 hour out of the 8:00 to 11:00?

2 MR. DANIEL: Correct. But we don't sit
3 there and check every nook and cranny with the
4 driver because it's not fair to them, so we pretty
5 much: All right, the invoice says three parts,
6 you gave us three boxes, see you later.

7 BOARD MEMBER 5: And you testified earlier
8 that about 15 percent, 10 to 12 vehicles are
9 currently from Ridgewood residents?

10 MR. DANIEL: Yes.

11 BOARD MEMBER 5: But it sounds a lot of
12 the work that you're doing, if not all of it, is
13 insurance work. So that's just incidental
14 Ridgewood residents who have collisions in the
15 area that get sent to you. It's not Ridgewood
16 residents that are seeking out your services?

17 MR. DANIEL: Well, I didn't delineate by
18 your insurance or self pay, basically, if they're
19 directed to us or not. I mean, I could see that
20 for you guys if you guys needed that. But
21 primarily, I mean, 15 cars per se a month is
22 probably a decent size from the Ridgewood
23 population. Granted, you're not getting into
24 accidents every day.

25 BOARD MEMBER 5: Okay. That's all for me.

1 BOARD MEMBER FOX: I have a couple of
2 questions if I can.

3 Do you guys do self pay? You can walk in?

4 MR. DANIEL: Yeah, we allow that.

5 BOARD MEMBER FOX: And then you said you
6 wash every vehicle before you strip it down.
7 Where do you wash it?

8 MR. DANIEL: I'll speak to the Wayne
9 location. We have a oil/water separator. It's
10 about three-foot by three-foot box. That's
11 cleaned out monthly and it's tested I believe
12 quarterly by Wayne Water.

13 BOARD MEMBER FOX: But it's done outside
14 the building. Right?

15 MR. DANIEL: No, the oil/water separator
16 is in the car --

17 BOARD MEMBER FOX: It's a car wash bay
18 inside the --

19 MR. DANIEL: Yeah, single car wash bay.

20 BOARD MEMBER FOX: Got it.

21 Okay. And then I saw in the minutes, I'm
22 catching up, that there wasn't a Dumpster
23 enclosure but it looks like they are now enclosed
24 in the amended site?

25 MR. DANIEL: Right now they're not

1 enclosed because the entire property didn't have a
2 fence on it, but now they will be within the
3 fenced area.

4 BOARD MEMBER FOX: Okay. And then the
5 discussion about lighting, and I get we can do the
6 photometric counts and all that stuff, but digital
7 timers you guys will obviously be open to
8 programming --

9 MR. DANIEL: Yeah, we could do timers,
10 what have you.

11 BOARD MEMBER FOX: Yeah, random
12 photometric.

13 And then the sidewalks. Looking at the
14 site plan in the pictures it looks like the
15 sidewalks are in pretty lousy shape, but on the
16 site plan I see them as existing to remain. Is
17 that the intent along Broad to just leave those
18 sidewalks?

19 MR. SEMERARO: We will have our engineer
20 testify next, if that's okay, Mr. Fox.

21 BOARD MEMBER FOX: Yeah, no problem.

22 My last question was, when the question of
23 parking was talked about, it was discussed that
24 you think you're going to pick up cars more than
25 park, which makes sense to me, but then at the

1 same time you guys only do two tow trucks that
2 wouldn't be stored here. So do you typically
3 outsource the flatbed trailer enclosure to a third
4 party?

5 MR. DANIEL: We used to have a lot of
6 trucks 20 years ago. We didn't really see the
7 need for it anymore and the insurance and
8 everything, we were doing better with collision,
9 so we partnered with a local company out of
10 Pequannock and they do all our pickups and
11 deliveries generally.

12 BOARD MEMBER FOX: So they obviously store
13 at their own yards?

14 MR. DANIEL: Yes.

15 CHAIRMAN BROWN: Do the Board members have
16 any other questions?

17 Professionals, do you guys want to go?

18 MR. RUTISHAUSER: Good evening, Mr.
19 Chairman. Members of the Board.

20 Continuing on with Mr. Fox's question
21 regarding the wash water disposal from the bays.
22 You said you're going to direct it to an oil/water
23 separator?

24 MR. DANIEL: I did.

25 MR. RUTISHAUSER: Where does the water go

1 after that?

2 MR. DANIEL: Well, the clean water would
3 then go into the street.

4 MR. RUTISHAUSER: The street?

5 MR. DANIEL: Yeah. The sewer line, yeah.

6 MR. RUTISHAUSER: Sanitary or storm? We
7 are a separate system in the Village?

8 MR. DANIEL: Yeah, sanitary.

9 MR. RUTISHAUSER: All right. There will
10 be a meter on that in that case.

11 MR. DANIEL: Okay.

12 MR. RUTISHAUSER: You mentioned, going
13 back to the parking lot lighting. Has your
14 engineer or have you looked at our Village code?
15 We require that the source of the illumination not
16 be visible at the property line. So typical it
17 looks like a shoebox fixture. The fixture
18 depicted as an area light and footing detail
19 appears to be a similar one. Can you confirm
20 that?

21 MR. DANIEL: I think the architect can
22 speak better to that.

23 MR. RUTISHAUSER: Okay. Well, it's on the
24 engineer's drawing, drawings C-2.5.

25 MR. SEMERARO: I don't think we'll have

1 any problems stipulating to complying with that.

2 MR. WHITAKER: We'll have the engineer
3 testify to it. Once the engineer testifies, part
4 of your plans.

5 MR. SEMERARO: Right.

6 MR. RUTISHAUSER: In my review memo I
7 noted that the parking spaces proposed - I don't
8 know if you want to answer this or if we should
9 leave it for you engineer - are undersized in
10 comparison to what the Village code provides,
11 so...

12 MR. DANIEL: The engineer can speak to
13 that.

14 MR. SEMERARO: The engineer will speak
15 (inaudible).

16 MR. RUTISHAUSER: All right. Thank you.
17 Let me see what else.

18 On the spray, the proposed vent to the new
19 building, can you provide any information on the
20 hours of operation for the venting of the spray
21 booths?

22 MR. DANIEL: Normal business hours.
23 They're only in operation as we're spraying
24 vehicles.

25 MR. SEMERARO: Just for clarity of the

1 record. It's from 8:00 to 5:30 p.m. Monday
2 through Friday. Correct?

3 MR. DANIEL: Correct.

4 MR. RUTISHAUSER: All right. So nothing
5 would be running overnight?

6 MR. DANIEL: No, sir.

7 MR. RUTISHAUSER: Okay. Because I had a
8 concern if they run overnight if there would be a
9 noise level at the adjacent property line, the
10 residential properties, but you're running them
11 only until 5:30. Right?

12 MR. DANIEL: Yeah.

13 MR. RUTISHAUSER: The rest of the
14 questions I have would be for the professionals
15 the applicant has.

16 MR. BARREE: I think I just have two
17 questions. Good evening.

18 Are there any other security measures
19 you're proposing for the yard? Any kind of camera
20 systems?

21 MR. DANIEL: Yeah, (inaudible) the
22 lighting we proposed cameras and things of that
23 nature.

24 MR. BARREE: And do you offer rental car
25 pickup on-site if somebody is dropping off a

1 drivable vehicle?

2 MR. DANIEL: Yeah, we partner with
3 Enterprise. So they come -- we send them a list
4 of our appointments the night of so that way the
5 next morning they can come do their pickup and
6 drop offs.

7 MR. BARREE: So would it be fair to say
8 then that there would be some rental cars on the
9 site day-to-day?

10 MR. DANIEL: They generally would pick the
11 customer up and bring them back so they could sign
12 paperwork and things like that, so there shouldn't
13 be any additional vehicles.

14 MR. BARREE: Okay. So the transaction
15 doesn't -- I had the opportunity of visiting a
16 body shop recently where the rental car service
17 was right there and I swapped cars on the
18 property.

19 MR. DANIEL: Right.

20 MR. BARREE: That's not how you run it?

21 MR. DANIEL: Generally, similar to your
22 thing, they just bring you a car. You sign on an
23 iPad I presume or something and then you get in
24 the vehicle and leave, so I operate in the same
25 fashion. They wouldn't be allowed to store, you

1 know, five, ten plus cars on-site.

2 MR. BARREE: Okay. But there may be one
3 or two?

4 MR. DANIEL: Yeah.

5 MR. BARREE: Okay. Thank you.

6 CHAIRMAN BROWN: Any additional questions?
7 Before I open it up for the public
8 questions, do you have anything else you want to
9 ask?

10 So this is just the time for the public to
11 ask questions of the witnesses, questions only.
12 There will be a time later on if the public would
13 like to make comments. Again, it's just
14 questions.

15 MR. WHITAKER: So the procedure that we
16 use is for a person to come up to the microphone,
17 give their name and address. You have to speak
18 into the microphone because the entire hearing is
19 being recorded. And you're asking questions of
20 the witness based upon the testimony the witness
21 provided. So by way of example, if you were to
22 ask the witness about the character of the
23 building, the makeup of the building, the building
24 materials, an architect would testify to that,
25 that would not be within the purview of this

1 witness's testimony. So you would hold that
2 question until the architect comes up. Likewise,
3 if it's an engineering question or planning
4 question or I understand a traffic question.

5 At that point we can proceed.

6 MR. FRANK MORTIMER: Hi, I'm Frank
7 Mortimer. My address is 426 Van Buren Street,
8 Ridgewood, New Jersey.

9 MR. WHITAKER: Can you spell your last
10 name, please?

11 MR. FRANK MORTIMER: M-o-r-t-i-m-e-r,
12 because we all need more time.

13 So my questions are: The math seems to be
14 conflicting of some of your testimony that
15 initially you said that you're currently in the
16 Ridgewood location seeing 60 to 70 cars a month,
17 then you said that if this is approved that you
18 would handle up to 120 cars a month but you could
19 have 80 cars being operated on at any given time.
20 That seems like you're underplaying initially what
21 you're saying you're doing currently, but it's a
22 lot bigger. So how does that add up so it's not
23 that much bigger?

24 MR. DANIEL: Well, the 80 cars on-site,
25 they wouldn't be transitioned daily. So at any

1 given point in time I'm working on 80 cars, you're
2 really only looking at transitioning additional 40
3 plus cars to get to that 120.

4 MR. FRANK MORTIMER: If it's 80 cars any
5 given day and there's 30 days in a month then it
6 seems like it's going to be a lot more than 120
7 cars per month that you'd be working on.

8 MR. DANIEL: That would speak to the
9 cyclability of the vehicles. We only are looking
10 to fixing them in anywhere from seven to ten days.

11 MR. FRANK MORTIMER: To your question that
12 I asked you too, is that when you look at the
13 parking that if you can do 80 cars a day and you
14 subtracted 23 bays and then add on the parking for
15 employees, it doesn't seem like you're going to
16 have enough parking for everything that you're
17 saying you want to do.

18 MR. DANIEL: Like I said, in our Wayne
19 location we have a similar parking and we don't
20 have any other issue with having to double park,
21 triple park or things of that nature.

22 MR. FRANK MORTIMER: But the math that you
23 testified to here doesn't seem to add up. I'm
24 just asking the questions about it.

25 MR. DANIEL: I mean, the math I think an

1 engineer might have to speak to. But I'm just
2 going by what we currently do at our other
3 locations and there's no real issue in the
4 parking.

5 MR. FRANK MORTIMER: My next question is,
6 to be specific, is your Wayne locations, are they
7 industrial? Not the type of area, but is that
8 what they're zoned as or are they zoned as
9 residential?

10 MR. DANIEL: The one Wayne location is
11 zoned as industrial and the other Wayne location I
12 believe is mixed used because there's literally,
13 it's behind a set of four houses.

14 If the Board wants it, it's 76 Mountain
15 View Boulevard.

16 I don't know the exact zone of it, but
17 like I said, it's probably closer to residences at
18 that location than Ridgewood is proposed at.

19 MR. FRANK MORTIMER: Well, I think it's
20 important that we specifically know if it's zoned
21 commercial and industrial because I think that
22 that plays a big part in --

23 MR. DANIEL: I believe the --

24 MR. SEMERARO: Mr. Chairman, I don't
25 believe that the zoning in Wayne is particularly

1 relevant to this application.

2 MR. FRANK MORTIMER: I beg to differ, sir,
3 because it is an industrial business and it's in a
4 residential area. It's an R-3 but it's still a
5 residential area and, additionally, you have to
6 consider the traffic patterns to get to your
7 location, which is also through residential areas.
8 So I think it's extremely important to know what
9 your current business is zoned at so we can make
10 an informed decision here.

11 MR. SEMERARO: I guess, Mr. Chairman, let
12 me (inaudible) for a moment on that.

13 CHAIRMAN BROWN: Sure, go ahead.

14 MR. SEMERARO: I appreciate that.

15 CHAIRMAN BROWN: Can you please speak into
16 your mic, just so they can hear you.

17 Thank you.

18 MR. SEMERARO: Just given the standard of
19 the charge that the Board must follow with respect
20 to the MLUL, that is not relevant to the criteria
21 that you have. I certainly understand why this
22 gentleman feels it's relevant to his inquiry, but
23 it's not relevant to the standard and criteria
24 that the Board has to employ in deciding whether
25 or not to grant the relief in question.

1 Particularly, this use is preexisting.
2 It's nonconforming, but it's a preexisting
3 nonconforming use. So there's no question that
4 this use is permitted on the site. The issue is
5 whether or not our expanding the use meets the
6 coventry standard that your Board attorney will
7 instruct you to apply in your analysis and in this
8 particular case we felt that the inclination to
9 internalize all operations and enhance the
10 aesthetics of the facility and the property were
11 certainly a significant benefit to the community
12 than what's currently there and we will end up
13 having our traffic engineer provide testimony with
14 respect to trip generation.

15 MR. DANIEL: And I believe our traffic
16 expert, like Mark said, can speak to this, but you
17 have to remember as well that prior to me
18 purchasing this, there was two body shops running
19 at this. So that traffic pattern for two body
20 shops will be no different than one larger body
21 shop doing the same amount of work of the two
22 existing shops. So all we're asking to do is
23 combine it. It won't increase any of the traffic
24 standards that were already in play with the two
25 existing body shops and also the town gets the

1 benefit of an upgraded characteristic and
2 aesthetics in that location of the town.

3 MR. FRANK MORTIMER: Did you have proof
4 that those two separate companies that were
5 operating, how many cars per day or per month that
6 they did versus what you're proposing?

7 MR. DANIEL: Yes, I can easily get that
8 through our vendor CCC. When we purchased
9 Ridgewood Vehicle, we got that, what they were
10 doing per month.

11 MR. FRANK MORTIMER: I think that's
12 important to look at too. Then - pardon me for
13 not knowing your name - but I disagree with him
14 saying that it's already zoned for that. There's
15 one location that is a residence, so that's why
16 you're asking for a variance, to combine it. So
17 to play this off like it's already zoned and you
18 just want to improve it is really misrepresenting
19 what's happening here.

20 MR. WHITAKER: Let me address two concerns
21 you have.

22 The Board is charged, and I'll be going
23 over that at the conclusion of the applicant's
24 case, with a certain witness test under pertinent
25 case law for an expansion of a nonconforming use.

1 It's readily available information to determine
2 where the other facilities are and what zone
3 they're in. But the Board cannot render a
4 decision and have any relevancy by stating that,
5 well, in Wayne the facility's in an industrial
6 zone, here it's in a residential zone, so there's
7 a reason not to allow the application to be
8 approved.

9 MR. FRANK MORTIMER: I understand -- I'm
10 sorry.

11 MR. WHITAKER: So it is irrelevant for
12 what the Board has to consider.

13 In connection with the other issue you
14 raised. The testimony so far, and the Board still
15 has to consider it, is that at least two out of
16 the three lots are used for an auto body shop and
17 that they are nonconforming and that the lot in
18 the middle, at least a portion of it, has been
19 used in the past for storage of parts for those
20 auto body shops that exist.

21 Under the statute, which is called a "D"
22 use variance, there's a number of different
23 subsections. One is where you're asking for a use
24 that's not permitted and never existed there in
25 the past and the other is to ask for an expansion

1 of the nonconforming use. And what the Board has
2 to consider is, A, is it a nonconforming use and,
3 B, what's the extent of the expansion for the
4 nonconforming use assuming they find the site
5 itself is nonconforming.

6 So there's no question that in the middle
7 lot a hundred percent of the lot was not used as a
8 nonconforming use because of the residence there.
9 So that in and of itself would constitute an
10 expansion of the nonconforming use. And on the
11 other two lots, the Board listens to the evidence
12 and determines that the buildings that are there
13 now and their square footage, the number of bays
14 they have now and the bays they're proposing, that
15 too would constitute an expansion of a
16 nonconforming use.

17 MR. FRANK MORTIMER: Understood.

18 MR. WHITAKER: That's an outline.

19 MR. FRANK MORTIMER: The reason I bring up
20 the Wayne is that because all through the
21 testimony it was a comparison to Wayne and so
22 while I don't think you can use that to vote on, I
23 think if it's an entirely different setting, then
24 it really shouldn't be used as an example.

25 MR. WHITAKER: Well, I'll disagree with

1 you for this. The Board is trying to evaluate
2 this gentleman's testimony on what type of
3 operation do you expect to have there and so his
4 testimony is basically to say: This isn't a new
5 concept for me. We have a business established
6 already. Irregardless of the zone, here's the
7 volume we do in this other site. Here is the way
8 we operate there and we're looking to do that same
9 type of operation here. That's the proffer of
10 evidence that they have for that. It has nothing
11 to do with residential and industrial, but there
12 is a business plan being used somewhere else that
13 they're proposing to do here. So that's what
14 they're using as a basis and foundation for
15 explaining how many bays they can have and what
16 the volume of business will be at the site. Now,
17 that doesn't mean that what they're telling us is
18 something that is Gospel, that's up for the Board
19 which are the finders of fact to evaluate, to
20 determine.

21 MR. FRANK MORTIMER: Understood. Thank
22 you.

23 BOARD MEMBER RUHL: Can I just followup
24 on, right now you say there's 15 bays. There are
25 how many bays on Lot 14 and then Lot 12? Just,

1 I'm trying to get that whole comparison.

2 MR. DANIEL: So I don't know what exhibit
3 it is. I guess A-18 shows the one building and I
4 believe that has four bays in it.

5 BOARD MEMBER RUHL: Which lot is that?

6 MR. DANIEL: That's 14.

7 BOARD MEMBER RUHL: That's the one all the
8 way to the right?

9 MR. DANIEL: Yeah, that's the left lot.

10 BOARD MEMBER RUHL: Sorry.

11 MR. DANIEL: No problem.

12 BOARD MEMBER RUHL: So the left lot has
13 four?

14 MR. DANIEL: Yeah, then A-11, that has
15 three.

16 BOARD MEMBER RUHL: Wait, wait. So if
17 you're looking at it from the street, the one that
18 has *Mountain View* -- let's start with the one that
19 looks like a body shop.

20 MR. DANIEL: Yep, the one that looks like
21 body shop. Big white building with *Mountain View*
22 on it.

23 BOARD MEMBER RUHL: Yes.

24 MR. DANIEL: That's got 11 bays, I
25 believe, in there -- sorry, nine bays. Nine bays.

1 BOARD MEMBER RUHL: Nine bays there.
2 Okay. And then four is the lot all the way to the
3 left?

4 MR. DANIEL: Yep.

5 BOARD MEMBER RUHL: So now we're at 13.

6 MR. DANIEL: Yeah, and then A-11.

7 BOARD MEMBER RUHL: Which one's A-11?

8 MR. DANIEL: That's like this little, I
9 call it the chicken coop.

10 BOARD MEMBER RUHL: That's all the way on
11 the left lot as well?

12 MR. DANIEL: Yeah, right down the side of
13 the property at 264.

14 BOARD MEMBER RUHL: That has how many
15 bays?

16 MR. DANIEL: That's the size of those,
17 those there and that gray building in the
18 background, there's a tenant that was preexisting.

19 MR. SEMERARO: Did you say you thought
20 there were three bays in that building?

21 MR. DANIEL: Yeah, but we only use the
22 two.

23 MR. SEMERARO: Oh, okay. So there's two
24 functioning bays?

25 BOARD MEMBER RUHL: Two functioning bays?

1 MR. DANIEL: Correct.

2 BOARD MEMBER RUHL: So there's 15.

3 And then you just were testifying that
4 previous to your purchase, so all you're doing is
5 adding these two and probably less traffic than
6 what will be there coming. If there was only six
7 bays on that left lot, why would you say that
8 there was a lot of traffic there? I'm trying
9 to...

10 MR. DANIEL: What do you mean there was a
11 lot of traffic?

12 BOARD MEMBER RUHL: Maybe I misunderstood.
13 But you're saying you could get testimony from the
14 previous owner when you purchased --

15 MR. DANIEL: Yeah, I'm saying before I
16 purchased it, this used to be a full functioning
17 other body shop.

18 BOARD MEMBER RUHL: So they were doing
19 more work than you're doing on that lot currently.

20 MR. DANIEL: I'm saying combined --

21 BOARD MEMBER RUHL: Talk about that one
22 lot.

23 MR. DANIEL: I would say based on his
24 business from what I knew before I purchased, he
25 was doing about three, three cars a day, roughly,

1 which is what Ken was doing at Ridgewood Vehicle.
2 So they were doing about six cars a day I'm saying
3 combined. So I'm saying in the new proposed
4 construction, we'll be doing similar. So I'm
5 saying all we're asking, you're still getting the
6 same traffic.

7 BOARD MEMBER RUHL: No, I'm not getting
8 it. I'm sorry.

9 So you're saying they were doing six
10 cars -- we're only talking about the lot all the
11 way to the left that basically has six bays on it.

12 MR. DANIEL: Yeah.

13 MR. WHITAKER: Let's step back to the
14 relevancy of the question. Okay.

15 The number of bays is relevant for
16 expansion of a nonconforming use. The amount of
17 business, whether they serve 20 customers or 40
18 customers, would be irrelevant.

19 BOARD MEMBER RUHL: To me it goes, and I
20 guess he may not be the right person, it goes to
21 the number of traffic in and out of that --

22 MR. WHITAKER: That's a traffic expert.

23 BOARD MEMBER RUHL: Thank you. So I won't
24 bother you on that.

25 MR. SEMERARO: We will have a traffic

1 engineer for live testimony.

2 BOARD MEMBER RUHL: About previous,
3 current, and future, all three?

4 MR. SEMERARO: I anticipate it. We will
5 make sure he has the testimony to your
6 satisfaction for all the facts.

7 BOARD MEMBER RUHL: Thank you. Now I got
8 it. Thank you.

9 CHAIRMAN BROWN: If you can please state
10 your name, spell your name, and give us your
11 address, for the record and direct your questions
12 to the witness.

13 MS. CAROLINA PUSTERLA: My name is
14 Carolina Pusterla, P-u-s-t-e-r-l-a. Address is 42
15 Leonard Place, so right across the street.

16 I just wanted to ask once the project is
17 approved what the estimated time frame would be
18 for the entire project in terms of construction?

19 MR. DANIEL: The timeline that I got, how
20 realistic is it, I don't know, but they said six
21 to eight months. That seems, you know, positive.

22 MS. CAROLINA PUSTERLA: And as part of the
23 overhaul, will there be any measures in place to
24 sort of minimize the noise given just the --

25 MR. DANIEL: I believe that the Village

1 would contain that to working hours and no
2 weekends, but that's up to the town.

3 MS. CAROLINA PUSTERLA: But even during
4 working hours, as the cars are being worked on,
5 those areas tend to be -- so if those doors tend
6 to be up --

7 MR. DANIEL: Our operation won't change
8 during construction. So any noise that you hear
9 now or don't hear, will remain the same. The
10 additional noise would just be from the
11 construction.

12 MS. CAROLINA PUSTERLA: So
13 post-construction, so as part of the new plan,
14 given that there's going to be a lot more volume
15 and a lot more work, as part of the overhaul,
16 would there be perhaps, like, those doors that are
17 sort of going up and down, for example, during the
18 day as people were working, I mean, I can
19 literally hear conversations. So I'm just
20 wondering --

21 MR. DANIEL: So I guess the good thing for
22 you then is that the proposed expansion puts the
23 body shop actually behind brick-and-mortar. It's
24 actually set further back to the tracks and to my
25 testimony, we'll try to keep the doors closed for

1 you. So more the noise would, A, be blocked by
2 the proposed brick-and-mortar and then also be
3 closer to the tracks and then also doors closed.
4 So, hopefully, you won't hear too much.

5 MS. CAROLINA PUSTERLA: Okay. Thank you.

6 MR. WHITAKER: The applicant must comply
7 with the ordinances in the Village of Ridgewood,
8 which also, by State law has certain decibel
9 levels that they have to adhere to during the day
10 and during the night. They're not operating at
11 night anyway and it is a construction that would
12 be permitted and inspected by the town. I'm not
13 suggesting it's being passed, but that's for any
14 application that's here.

15 MS. CAROLINA PUSTERLA: Thank you.

16 CHAIRMAN BROWN: Any other members of the
17 public have any questions?

18 Again, please state your name, spell your
19 name, and give us your address.

20 MR. IAN KELLER: Yeah, hi. Ian Keller,
21 K-e-l-l-e-r, 140 Cottage Place.

22 My question is about the operational
23 nature and the assurances you've given. Those
24 hold only until something else changes, right.
25 You said that COVID changed the nature of your

1 business and you don't operate on Saturdays
2 anymore, but that could change again, right. And
3 you could take deliveries at different times and
4 you could spray different, for some reason water
5 based paints don't prove to stand the test of time
6 and things change or perhaps you sell the
7 business, none of those guarantees would
8 necessarily be --

9 MR. WHITAKER: I won't use the word
10 "guarantee" but I think Counsel is telling you
11 that the things that they're testifying that I as
12 counsel for the board take down become
13 stipulations if there is an approval. So if this
14 Board were to approve this, the hours of operation
15 are Monday through Friday, I'll look at my notes,
16 8:00 to 5:30. There's tow trucks stored on site.
17 All work is done inside the building with garage
18 doors closed. Those type of things all go into a
19 resolution. That resolution, when passed, runs
20 with the land, so to speak, which means it doesn't
21 matter who the owner is, any future owner has to
22 abide by the same terms, conditions, and
23 stipulations.

24 MR. IAN KELLER: Okay. Thanks a lot.

25 Thank you.

1 CHAIRMAN BROWN: Any additional members of
2 the public that would like to ask any questions?
3 Seeing none.

4 At this point in time, you've completed
5 Mr. Daniel's testimony. Move on.

6 MR. SEMERARO: Correct. I'll go with our
7 architect next.

8 CHAIRMAN BROWN: Okay. Before we do that,
9 we're going to take a ten minute break. We're
10 going to pick this up again at 9:20. Okay.

11

12

(Recess)

13

14

 MR. SEMERARO: I'd like to call Mark
15 Montalbano. He's our architect.

16

17

 M A R K M O N T A L B A N O, 97

18

 Lackawanna Avenue, Totowa, New Jersey, having been
19 duly sworn, testified as follows:

20

21

DIRECT EXAMINATION BY MR. SEMERARO:

22

 Q Mr. Montalbano, can you please give the
23 Board the benefit of your education and licensure?

24

 A I have a bachelor of architecture degree from

25

Pratt Institute. Been a licensed architect in the State

1 of New Jersey for the past 20 years. My license is in
2 current good standing. Testified in front of several
3 boards in the state on projects of this scale. In fact,
4 I was in front of this Board about four years ago for a
5 small residential application.

6 MR. WHITAKER: Just speak into the
7 microphone for clarity.

8 MR. MONTALBANO: I'm sorry?

9 MR. WHITAKER: Just speak into the
10 microphone a little bit better.

11 MR. MONTALBANO: Okay. Sorry about that.

12 MR. WHITAKER: The acoustics are sometimes
13 tough here.

14 Q So you've been accepted by this Board or
15 the Village Planning Board as an expert previously?

16 A Yes, I have.

17 MR. SEMERARO: Okay. Mr. Chairman, I
18 submit him as an expert for architecture.

19 MR. WHITAKER: Any questions by Board
20 members or members of public in connection with
21 this gentleman's qualifications as an expert in
22 the field of architecture, being a licensed
23 architect in the State of New Jersey?

24 There being no questions, Mr. Chairman, he
25 can be so qualified and can render a professional

1 opinion in that field.

2 Please proceed.

3 MR. SEMERARO: Thank you.

4
5 BY MR. SEMERARO:

6 Q Mr. Montalbano, you were retained by the
7 applicant to design the proposed facility. Is that
8 correct?

9 A Yes.

10 Q And in so doing, you prepared
11 architectural plans and even a monument sign plan that
12 was submitted as part of this application. Is that
13 correct?

14 A Yes.

15 Q Okay. Can you please walk the Board
16 through the plans that you had designed and provide
17 testimony with respect to same?

18 A Yes. I'll give a brief overview as Mr. Daniel is
19 much more intimate with the daily operations of the
20 facility as opposed to myself.

21 But in general, the proposed building consists of
22 three primary areas. At the front you have a two-story
23 structure including a business office and storage spaces
24 as was discussed; in the rear, one-story service garage.

25 The total area of the entire complex is 32,314

1 square feet. The front portion of the building will be
2 utilized for office support and storage automotive parts
3 as discussed.

4 The rear is a one-story portion building for
5 vehicle auto body service repair. That area totals
6 15,675 square feet.

7 The first floor of the front portion of the
8 building will be utilized as a customer main entrance
9 along with the office and support spaces for the
10 company's operation. This will include customer
11 reception area, business offices as well as service
12 technician support areas, including a locker room,
13 changing rooms, break rooms and restroom facilities.

14 The front door facing South Broad Street will
15 serve as a primary office and staff customer entry. Upon
16 visitor arrival, we've designed a clear story lobby with
17 exterior glass facade creating a lighting feeling for the
18 customers as they enter the building.

19 The remaining portion of the first floor will be
20 utilized for vehicle part storage as was previously
21 discussed. This area will be the receiving area,
22 inventory, and stored until the parts in the shop
23 properly repair damaged vehicles.

24 The majority of the parts will arrive via man door
25 along the side of the building which was shown on the

1 floor plan facing the parking lot area where the
2 customers will come and go.

3 There's also a garage door for a larger items such
4 as car engines and frames for forklifts to receive those
5 parts to bring them in.

6 On the second floor there's approximately 7,440
7 square feet. The front portion of the building will be
8 utilized for additional parts storage. So these racks go
9 up and down the elevator as previously discussed. The
10 elevator is a passenger/freight elevator that's to be
11 used for both purposes. The space will be racks on the
12 first floor and accessed by two stairwells as well for
13 egress as well as use in the daily operations.

14 The rear one-story service garage area is
15 approximately 15,675 square feet to be utilized for
16 vehicle repair. The total of 22 service bays are
17 proposed, with access via a center aisle for utilizing
18 direct access to the outside parking lot. All the garage
19 doors will be facing the parking lot only, not on the
20 side of the property. Several of these bays will be
21 dedicated for a specific task, as Mr. Daniel discussed,
22 such as disassembly, assembly, painting, washing,
23 polishing.

24 The paint booth system for the facility is
25 proposed centralized within the garage from an assembly

1 standpoint per my client's request. The paint booth is a
2 pre-manufactured system, as was discussed, and will be
3 installed in accordance with all applicable requirements.

4 Within the service area will be a vehicle floor
5 recovery storage system. Again, as discussed, that will
6 be located likely near the wall between the storage and
7 office area separating the two spaces.

8 All building infrastructure, including HVAC,
9 plumbing, vehicle exhaust system, oil interceptors will
10 be provided and installed in accordance with the current
11 building code.

12 The proposed exterior facade design integrates
13 traditional Tudor elements to compliment the South Broad
14 Street scape. Materials for the facade will include
15 stucco with a simulated wood trim boards and a stone
16 vener base. Windows will be aluminum with buttons in a
17 traditional style, again, keeping more of a residential
18 feel on a modern commercial construction. Traditional
19 gable roof with asphalt shingles are proposed along the
20 top of the building facade to further compliment the
21 residential design feel of the neighborhood.

22 A height variance of 32.8 feet, where 30 feet is
23 required, will permit the gable roof design aesthetics to
24 function as part of the building's parapet structure,
25 since the roof is flat, past the 28-foot flat roof, which

1 we are proposing, two 14-foot floor plates for the first
2 and second floor.

3 The height variance request will also serve to
4 shield the rear service portion of the building and
5 operations of the facility as well as the anticipated
6 rooftop HVAC units that will not be visible from the
7 street.

8 The rear service garage area will be a
9 pre-engineered manufactured building that will have a
10 concrete masonry unit base with vertical metal wall
11 panels. The roof will be a low sloped gable style
12 standing seam metal roof with perimeter gutters at
13 approximate height starting at 21 feet to around 24 foot
14 10.

15 In the front of the property we're proposing a
16 monument sign, which will be double-sided, 4-foot high by
17 9 foot 2 wide, monument type. The sign will be
18 constructed the same stone base material to match the
19 building, to compliment the building in a simple stone
20 cap.

21 The perimeter of the signage will be landscaped
22 seasonally. I did talk to my client about that. They
23 tend to put seasonal plantings in there for the time of
24 year; mums in the fall, et cetera.

25 The signage itself will be 1 foot 6 by 8 feet,

1 which is 12 square feet per side with burgundy applied
2 letters to a white background.

3 We're proposing the sign be up lit with shields to
4 light the sign during the hours as requested. I think it
5 was 5:00 to midnight or dusk to midnight.

6 Q Okay. Could you just put up for the
7 benefit of the members the facade drawing? I'd like to
8 ask you a couple of questions regarding that.

9 The monument sign that you had made mention to,
10 that was on the plan named A-5 and dated October 14,
11 2022, that was submitted as part of the application. Is
12 that correct?

13 A Yes.

14 Q Okay. Thank you.

15 Okay. Now, you're showing at this point in time
16 what drawing is that and the date?

17 A (Inaudible).

18 Q Okay. And you had testified that the
19 front of the building is two stories and is designed in
20 such a way to match other architecture on Broad Street of
21 a Tudor nature. Correct?

22 A Yes.

23 Q You had also testified that we are seeking
24 a 2.8-foot height variance, which is a "C" variance, due
25 to the roof line that's proposed for that portion of the

1 building. Correct?

2 A Yes.

3 Q And we could design this building in a way
4 where it would not need a 2.8-foot height variance, but
5 that would change the roof structure. Correct?

6 A Correct.

7 Q And in your opinion would that be a less
8 attractive structure than what's being proposed?

9 A Yes, by meeting the height criteria it will
10 dramatically affect the roof elevation and take away from
11 the overall aesthetic of the building.

12 Q Okay. And also the rooftop mechanicals
13 wouldn't then be shielded if we were to lower the
14 rooftop. Is that correct?

15 A Not to the degree we're proposing based on this
16 site.

17 Q So the reason we are seeking that height
18 variance is both for aesthetics and matching street
19 scape. Is that right?

20 A Correct.

21 Q And then secondarily to hide and shield
22 mechanicals for visual and noise. Correct?

23 A Yes.

24 Q Okay. Now, is any other portion of this
25 building triggering height variance?

1 A No.

2 Q And you had discussed the fact that all of
3 the garage doors are facing the parking lot and that's
4 towards the northern side of this lot. Correct?

5 A Yes.

6 Q So the adjoining neighbors are on to the
7 south side. Correct?

8 A Yes.

9 Q So there are no doors or windows on this
10 structure that are opening or causing pedestrian traffic
11 along the residential neighbors. Is that right?

12 A Correct.

13 Q Okay. You had testified that the painting
14 booths are pre-manufactured. Correct?

15 A Yes.

16 Q And they're self contained. Correct?

17 A Yes, they are.

18 Q And they are designed in accordance with
19 all applicable EPA and DEP requirements. Correct?

20 A Yes.

21 Q And the oil/water separator that you had
22 made mention of is also going to be compliant with
23 respect to all applicable environmental regulations.
24 Correct?

25 A Yes.

1 Q Okay. The way that this building has been
2 designed, particularly with respect to the space or
3 storage of parts, it is contemplated that all parts, both
4 replacement parts as well as the original damaged parts,
5 are going to be able to be housed internally. Correct?

6 A Yes.

7 Q Okay. What's the footprint on this
8 building?

9 A The total area is 32,314 square feet.

10 Q Is that the footprint or is that all
11 square footage?

12 A That's the total area. The service repair area is
13 15,675.

14 Q Okay.

15 A And the front office area is 7,440 square feet.

16 MR. WHITAKER: 7,440?

17 MR. MONTALBANO: Yes.

18 MR. WHITAKER: Thank you.

19 Q Okay. And you had initially walked
20 through what the approximate square footage is worth for
21 the various uses on each floor, but can you just please
22 post the floor plan and advise us to what drawing
23 identifier that is?

24 A Yeah. Drawing A-1 is the, which I had up, I put
25 it up on the screen, right, drawing A-1, the top left

1 portion would be the office area. The lower portion
2 facing the proposed parking lot would be the parts,
3 receiving, and storage with racks, again, as discussed
4 with the garage door there for larger parts to come in as
5 well as a man door for deliveries.

6 Q Okay. And those part racks can be
7 transported in the elevator to the second floor depending
8 if the car's being actively worked on in one of the bays
9 or not?

10 A Right, the elevator will be double doored. So it
11 could be used by people in the office, if necessary, to
12 go up or people in the parts area or service technicians
13 to go up as well.

14 Q Okay. Could you just run through which
15 drawings you had previously prepared that were submitted
16 as part of this application?

17 A Yeah, sure.

18 Drawings A-1 was the first floor plan dated
19 8/24/21.

20 A-2 second floor floor plan dated 8/24/21.

21 A-3 was the roof plan, 8/24/21.

22 A-4 is the elevations, building elevations,
23 8/24/21.

24 And A-5, the monument sign, filed, I believe,
25 October -- I'm sorry, I can't read this small font. Is

1 it October 15th?

2 Q Correct. October 14th.

3 A October 14th.

4 Q And you designed each and every one of
5 these plans. Correct?

6 A Yes, I did.

7 Q Okay. And the plans will be constructed,
8 the construction will be in accordance with all
9 applicable building codes. Correct?

10 A Um hm.

11 Q Okay. Thank you.

12 CHAIRMAN BROWN: Great. Thank you very
13 much.

14 I'm going to turn it over to Mr. Whitaker
15 real quick first.

16 MR. WHITAKER: One question was raised and
17 I just want to put it on the record in case any
18 Board members have a concern.

19 At the beginning of this there was
20 discussion that there's three lots but for the
21 Board members' edification, the three lots are in
22 common ownership. That's what Counsel has
23 described. So they have all merged by virtue of
24 the common ownership. So you're not looking at
25 any type of a development application here with

1 lot lines. It's all one lot for purposes of this
2 site plan.

3 CHAIRMAN BROWN: Thank you, Mr. Whitaker.

4 I'll go ahead and open it up for Board
5 member questions.

6 BOARD MEMBER RUHL: I you just want to
7 clarify.

8 Previously it was testified that there was
9 23 bays. I was looking at your A-1 and I count
10 22.

11 MR. MONTALBANO: You're correct, it's 22
12 bays.

13 BOARD MEMBER RUHL: 22 bays. Okay.

14 MR. MONTALBANO: Yes.

15 BOARD MEMBER RUHL: I just wanted to make
16 sure.

17 BOARD MEMBER 5: I just have a quick
18 question around the sizing of the front structure,
19 the office complex, the first floor. So I think
20 in previous testimony we were looking at somewhere
21 between the neighborhood of 15 to 20 people. Is
22 that approximately correct?

23 MR. MONTALBANO: For total employees.

24 BOARD MEMBER 5: For total employees, but
25 would it be standard that you design a break room

1 that has 36 seats in it for 15 to 20 employees?

2 MR. MONTALBANO: I think Mr. Daniel can
3 speak better to that. But from the previous
4 facility I did for him in Wayne, that is utilized
5 sometimes for training purposes, so sometimes
6 they'll have some outside people come in to do
7 some training for the staff.

8 MR. SEMERARO: We can provide some --

9 BOARD MEMBER 5: Yeah, I'm just trying to
10 rationalize the 15 to 20 employees, but from what
11 I see in this structure, you know, 36 seats in a
12 break room. I count maybe nine offices, desks
13 with work spaces.

14 BOARD MEMBER RUHL: And 22 bays.

15 BOARD MEMBER 5: And then 22 bays.

16 MR. WHITAKER: I guess in my opinion it
17 seems like an excess office space given the
18 testimony we previously heard, so something isn't
19 lining up there either. The structure is
20 significantly larger than what we're hearing or
21 there's more work that this is being sized for.

22 MR. SEMERARO: I could have the testimony
23 supplemented to explain and adjust things if need
24 be.

25 MR. WHITAKER: Sure, thank you.

1 CHAIRMAN BROWN: Board members have any
2 questions? Okay.

3 BOARD MEMBER 2: Yes, for the architect.

4 I'm looking at your A-1 page here and the
5 number of designated work areas in there. On what
6 would be the left side from the front of the
7 building there there are three darkened areas:
8 *Paint, line, and spraying.* Those are self
9 contained? Did you design those to be totally
10 enclosed? Are they totally enclosed work areas
11 for painting and spraying?

12 MR. MONTALBANO: If you're referring to
13 the booths?

14 BOARD MEMBER 2: Yes.

15 MR. MONTALBANO: Yes, they're basically,
16 they're kits that come from the manufacturer, so
17 there's different manufacturers. Each
18 manufacturer is a little slightly different, but
19 they would fit in the parameters of that area.
20 They're self contained.

21 BOARD MEMBER 2: Understood.

22 Further to the right is another darkened
23 area says: *Body, Filler, Primer.* Is that also a
24 self contained, fully enclosed item?

25 MR. MONTALBANO: I don't believe it is.

1 I'd have to confirm with my client if it needs to
2 be enclosed.

3 BOARD MEMBER 2: Okay. Moving right along
4 then. Mr. Daniel previously mentioned an internal
5 wash bay. I don't see it, internal self-contained
6 wash bay that would capture the water. Where is
7 in this area or is it in this area?

8 MR. MONTALBANO: It is within the area.
9 It's the third bay from the left.

10 BOARD MEMBER 2: On the road to the left or
11 to the right there?

12 MR. MONTALBANO: Closest to the parking
13 lot.

14 BOARD MEMBER 2: Closest to the parking
15 lot. The third one in?

16 MR. MONTALBANO: Yes.

17 BOARD MEMBER 2: Very good. Thank you for
18 pointing that out.

19 MR. MONTALBANO: And it would be an open
20 area. It would have floor drains dedicated for
21 the oil receptor.

22 BOARD MEMBER 2: Understood. Thank you.

23 Now, in the areas marked: *Sanding,*
24 *Masking, Prepping, Prepping,* are these areas
25 totally open to the interior and my concern is

1 capturing dust and debris and whatever from
2 sanding and Bondo. Are those areas as well as the
3 one in the front that says *Bondo*, are those areas
4 totally open to the interior of the building and
5 what if any filtration dust capturing are you
6 providing?

7 MR. SEMERARO: Can I have Michael come up
8 and answer these internal questions for you?

9 MR. WHITAKER: Let's do this so we don't
10 confuse the record. Let's see if there's any
11 other questions for the architect and then we'll
12 re-call him.

13 BOARD MEMBER RUHL: I have one last one.

14 Regarding the height variance. Each story
15 appears to be 13 feet. Is there a reason why
16 they're 13 feet?

17 MR. MONTALBANO: It's actually a 14-foot
18 floor plate between each floor.

19 BOARD MEMBER RUHL: I'm sorry, say that
20 again.

21 MR. MONTALBANO: It's 14 feet between the
22 ground floor and the second floor and 14 feet
23 between the second floor and the roof.

24 BOARD MEMBER RUHL: Okay. Is it necessary
25 for the second floor to be 14-foot tall?

1 MR. MONTALBANO: Based on the racks that
2 he does use to store the parts upstairs, not the
3 movable racks, and to integrate all the HVAC into
4 the building and put in a sprinkler system and
5 other mechanical items as well as the building
6 structure, it becomes very tight to try to lower
7 that to fit all that infrastructure into the
8 building.

9 BOARD MEMBER RUHL: Could the
10 mechanicals -- aren't the mechanicals above?
11 Could they be in on the first floor?

12 MR. MONTALBANO: We're anticipating
13 mechanical units on the roof to heat and cool the
14 space and ventilate it. Below that is all the
15 ductwork and infrastructure to supply it. It
16 becomes difficult to try and run ductwork through
17 steel framing and other building structure
18 components as opposed to having the interstitial
19 space between that and put below that so you can
20 integrate these utilities into the building.

21 BOARD MEMBER RUHL: I'm just trying to
22 understand the necessity. If you did the second
23 floor instead of 13 feet 11 feet, you wouldn't
24 need a variance.

25 I guess how big are these racks? There's

1 been no testimony that they are 13 feet.

2 MR. MONTALBANO: I'm basing it on past
3 experience again from the other facility that I
4 worked on.

5 BOARD MEMBER RUHL: Can someone next time
6 just bring what these racks really look -- what
7 the dimensions of the racks are. If it's
8 necessary to have even the height variance, the
9 second floor could be brought down.

10 MR. SEMERARO: Do you know how tall the
11 racks are?

12 MR. MONTALBANO: I believe they're 9 feet.

13 MR. SEMERARO: And the top of the rack --

14 MR. MONTALBANO: Also that's storage on it
15 as well.

16 BOARD MEMBER RUHL: Yes, so someone can
17 give show us what they are next time. You're
18 going to be back.

19 MR. MONTALBANO: Sure, sure.

20 BOARD MEMBER: I want to point out, the
21 elevation does show 27 feet, so right now,
22 Architect, it's 13.6 for each floor, not 14. I
23 don't know if that change is strong. Right now
24 it's showing 27 feet (inaudible) 13.6 feet.

25 MR. SEMERARO: Mr. Chairman, would I be

1 able to at this juncture call Michael up to answer
2 the questions regarding the ventilation and dust?

3 CHAIRMAN BROWN: Yes, let's wait one
4 second.

5 MR. WHITAKER: Can we hear from the
6 architect clarification of what we just brought up
7 though?

8 MR. MONTALBANO: I do apologize. There's
9 an error in my testimony. It is 13.6 floor to
10 floor. Again, it's tight and we did have
11 discussions prior to hearing to lower this as much
12 as possible and it was originally 14 feet.

13 MR. WHITAKER: But the overall height of
14 the building is correct. You got 32.8?

15 MR. MONTALBANO: Correct.

16 MR. WHITAKER: Thank you.

17 MR. RUTISHAUSER: A couple of quick items.
18 The signage and elevation drawing, A-5, can you
19 kindly submit a signed and sealed drawing to the
20 Zoning Board office because I don't know if the
21 Board members got a signed and sealed drawing, I
22 did not.

23 MR. SEMERARO: We'll prepare a hard copy
24 for distribution since this is considered part of
25 the application.

1 MR. RUTISHAUSER: Correct.

2 MR. SEMERARO: Yeah, we'll provide that.

3 MR. RUTISHAUSER: All right. Another
4 question is, what is the anticipated floor loading
5 on that second floor storage area and is that
6 storage area sprinklered?

7 MR. MONTALBANO: The entire building's
8 scheduled to be sprinklered.

9 The floor loading I will confirm and
10 provide that information. It will be in
11 accordance with NJUCC.

12 MR. RUTISHAUSER: Okay. Because,
13 unfortunately, this brought back a terrible
14 memory, the Hackensack Ford fire that caused the
15 lives of five firefighters.

16 Sorry if I'm dating myself.

17 Nothing further for the architect.

18 BOARD MEMBER 2: I have one more question,
19 Mr. Chairman, if I may?

20 On the floor plan, where are all of the
21 paint; the paint, the thinners, the mix room for
22 the paint, where all the paint is going to be
23 prepared and used? Where is the storage area for
24 all those supplies, paint supplies and related
25 spraying primers and all? Where is that in this?

1 MR. MONTALBANO: I think my client would
2 be better suited to testify to its location.
3 Typically it's outside or near the paint booths.
4 Most likely on the adjacent perimeter wall, but
5 I'll leave it to him to confirm how he stores it.

6 BOARD MEMBER 2: On the perimeter wall
7 behind the paint booth are you saying?

8 MR. MONTALBANO: Yeah, behind the paint
9 booth, yes.

10 BOARD MEMBER 2: So that's an open area,
11 not enclosed of any kind. All that paint is
12 stored in appropriate shelving, whatever?

13 MR. MONTALBANO: Correct.

14 BOARD MEMBER 2: Right there. Okay.

15 Thank you.

16 BOARD MEMBER: One question for you. Is
17 the design of the ground transformer shown on the
18 site plan under your purview or will that be
19 covered by the site engineer?

20 MR. MONTALBANO: The engineer will address
21 that.

22 BOARD MEMBER: Okay. Thank you.

23 BOARD MEMBER RUHL: I was going through
24 what was submitted and there's photos of the auto
25 body shop and there are racks in there. I don't

1 know --

2 MR. SEMERARO: I'm sorry. I didn't hear
3 the question.

4 BOARD MEMBER RUHL: The photo of the
5 racks --

6 MR. SEMERARO: It's not a architect
7 question.

8 BOARD MEMBER RUHL: No, but I wanted --
9 are these the racks that are going in?

10 Yes, there you go. Thank you.

11 MR. SEMERARO: Do you want to have Mr.
12 Daniel come back up. Mike will provide testimony.

13 BOARD MEMBER RUHL: Thank you.

14 CHAIRMAN BROWN: Any other questions,
15 Board members, for the architect?

16 BOARD MEMBER 1: I have one additional
17 question.

18 So for the previous witness there was a
19 question regarding sound coming off the property.
20 Is there any sort of insulation that's being done,
21 sound-related insulation that's being done within
22 the confines of the, sort of the structure to
23 alleviate some of that?

24 MR. MONTALBANO: Look, the current
25 building code requires a pretty intense amount of

1 insulation for heat loss. That insulation we
2 found has been successful in absorbing a
3 substantial amount of sound.

4 BOARD MEMBER 1: So you'll be meeting
5 whatever the minimum building code requirements
6 are but you won't be going above that. Is that
7 correct?

8 MR. MONTALBANO: I don't see a need for
9 it.

10 MR. SEMERARO: And we'll certainly comply
11 with all the county and state noise regulations.

12 CHAIRMAN BROWN: Thank you. So we'll open
13 it up for questions from the public real quick.

14 So, again, remember it's the time for
15 members of the public to ask any questions that
16 they might have of the applicant's witness.
17 Again, it's just a time for questions only,
18 comments will come later.

19 Please state your name, also spell your
20 name and give us your address, for the record.

21 MR. FRANK MORTIMER: Frank Mortimer,
22 M-o-r-t-i-m-e-r, 426 Van Buren, Ridgewood, New
23 Jersey.

24 You stated that the overall size of the
25 building is 32,000 square feet. Correct?

1 MR. MONTALBANO: Yes, including the second
2 floor.

3 MR. FRANK MORTIMER: And just to make sure
4 that my math is correct, what the other witness
5 had stated what's currently there is 16,000 square
6 feet, so we're doubling the size of the structure
7 that is on those lots. Correct?

8 MR. MONTALBANO: Based on the existing,
9 yes.

10 MR. FRANK MORTIMER: Okay. Now, as an
11 architect and speaking theoretically, if you have
12 a building that's 32,000 square feet, what is a
13 maximum amount of employees that that could hold?

14 MR. MONTALBANO: It's all depending on
15 use, on how the IBC dictates occupancy. It's not
16 necessarily the realistic use of the facility and
17 how used.

18 MR. FRANK MORTIMER: But realistically, if
19 you're going to give a ballpark of a maximum that
20 that can hold, then how much can it hold or how
21 many people?

22 MR. MONTALBANO: I can't really answer
23 that question because it would be dependent on the
24 type of facility and what the use of the facility
25 is.

1 MR. FRANK MORTIMER: So a use like this,
2 what would be the maximum that you can see how
3 many people could work and be in the building at
4 one time?

5 MR. MONTALBANO: Again, the code dictates
6 a maximum amount of people permitted for life
7 safety. It's not necessarily the amount of people
8 that are going to be --

9 MR. FRANK MORTIMER: What is the code for
10 a 32,000 square foot building in Ridgewood?

11 MR. WHITAKER: Well, it's based on uses.

12 MR. FRANK MORTIMER: I'm just trying to --

13 MR. MONTALBANO: Again, it's based on use.
14 So as an example, if this was an Amazon warehouse
15 you might have six people in a hundred thousand
16 square feet. If this was an office building,
17 you'd probably have one person for every 150,
18 200 square feet. It's varied.

19 MR. FRANK MORTIMER: So for the size of
20 this building it's safe to say though that it
21 could house more than 15 employees at any given
22 time?

23 MR. MONTALBANO: Correct.

24 MR. FRANK MORTIMER: Okay.

25 MR. MONTALBANO: Also probably hold 300

1 people for an event.

2 MR. WHITAKER: Also seeking parking
3 variance. Correct?

4 MR. MONTALBANO: Excuse me?

5 MR. SEMERARO: I don't believe that's
6 subsumed into the use variance.

7 MR. WHITAKER: My question was, there's a
8 variance being requested for parking?

9 MR. SEMERARO: Correct.

10 MR. WHITAKER: So to answer this
11 gentleman's question, 130 spaces are required and
12 you're proposing 101 with your EV credit.

13 MR. SEMERARO: Correct.

14 MR. WHITAKER: That's your answer. It's
15 not based upon how many people you can put in,
16 it's based on the ordinance and what the
17 requirements are.

18 MR. FRANK MORTIMER: Thank you.

19 So along those lines, though, if we're
20 saying that we have a hundred something spaces
21 here, 80 of which can have cars, 22 not 23, so
22 there's a discrepancy of how many bays, then we
23 have the employees and we have customers, so
24 that's, you know, if you add that up that's over
25 the hundred whatever you're requesting.

1 Here's my next question. You also said
2 that in the response to the size of the break
3 room, showing the 36 people could be there, it
4 might be used for training, so that would be
5 additional people that could potentially be there
6 at any given time so where do they park?

7 MR. SEMERARO: We're going to have Mr.
8 Daniel provide testimony as to whether or not
9 there's going to be training at this facility and
10 the number of employees.

11 MR. FRANK MORTIMER: I'm just trying to
12 understand why it's built to be much larger than
13 what's being presented here, how many people would
14 work. The same as I'm trying to understand why
15 it's presented there would less cars what seems
16 like it's capable of being worked on at any given
17 time.

18 My next question is that since you're
19 doubling the size of a building on this existing
20 area, was any thought given to the permeable
21 surface and the impacts on the environment?

22 MR. MONTALBANO: That's an engineering
23 question. Our engineer will be providing
24 testimony.

25 MR. FRANK MORTIMER: Then my last question

1 is, when you were drawing up the plans, did you
2 consult the Ridgewood Master Plan and specifically
3 the move to meet to more green environmentally
4 friendly buildings and equipment?

5 MR. WHITAKER: That wouldn't be a question
6 for the architect, per se, and more for an
7 engineer and planner, I believe.

8 MR. FRANK MORTIMER: Okay. Thank you.

9 MR. WHITAKER: So hold that question until
10 later.

11 MR. FRANK MORTIMER: Thank you.

12 CHAIRMAN BROWN: Any other members of the
13 public have any questions for the architect?
14 Okay, seeing none.

15 MR. SEMERARO: Thank you, Mr. Chairman. I
16 just would like to ask the architect a question or
17 two myself and then I'd like call Mr. Daniel up to
18 answer those other questions.

19 CHAIRMAN BROWN: Sure.

20

21 REDIRECT EXAMINATION BY MR. SEMERARO:

22 Q So, Mr. Montalbano, you were asked a
23 question regarding the sound dampening inherent to the
24 new construction.

25 A Yes.

1 BOARD MEMBER RUHL: Sorry.

2 On those photos, can you go to the photos
3 of the bays. Just where the cars are in the bay.
4 Fine. Right there.

5 So the structure that you designed, it's a
6 corrugated steel it looks like structure?

7 MR. MONTALBANO: Yeah, for the service
8 garage, it will be a pre-engineered metal
9 building.

10 BOARD MEMBER RUHL: I'm just curious. I'm
11 ignorant on this part. What's the inside of this
12 bay look like and what's the inside of the bay
13 that's going to be constructed look like? Is that
14 similar?

15 MR. MONTALBANO: That photo is very
16 similar to what's going to ultimately be for the
17 proposed in Ridgewood. The only difference is the
18 roof's going to have a slight pitch above it,
19 framed above and this is an existing structure
20 that was retrofitted. This will be a new
21 structure that will have the insulation that we
22 talked about.

23 BOARD MEMBER RUHL: The steel, insulation
24 and better wall?

25 MR. MONTALBANO: Um hm.

1 BOARD MEMBER RUHL: Perfect. Thank you.

2 BOARD MEMBER: Is it insulated metal panel
3 building, is that what it is, like a butler
4 building?

5 MR. MONTALBANO: The exact construction is
6 to be determined. It will be a metal panel with a
7 masonry base just for durability, but the metal
8 panel system, done it a few different ways, we'll
9 put a wedge of insulation up with a metal panel
10 over it or it will be an insulated metal panel.

11 BOARD MEMBER: Okay. Depends on whether
12 you're buying pre-fab or installing.

13 MR. MONTALBANO: But we have to have that.
14 That's the current code now with the continuous
15 requirement and, again, that will help keep heat
16 in as well as sound.

17 BOARD MEMBER: And the overhead doors will
18 follow suit. They would be insulated?

19 MR. MONTALBANO: Excuse me?

20 BOARD MEMBER: The overhead doors will be
21 insulated as well?

22 MR. MONTALBANO: Yes, they will.

23 BOARD MEMBER: Thank you.

24 MR. SEMERARO: Thank you.

25

1 M I C H A E L D A N I E L, having been
2 previously sworn, testified as follows:

3

4 REDIRECT EXAMINATION BY MR. SEMERARO:

5 Q First I'm going to ask you some followup
6 questions that I know some of the Board members are going
7 to have some follow up questions as well.

8 The proposed facility in this application is
9 within 2,000 square feet or so of your Wayne facility.

10 Correct?

11 A Yes.

12 Q Okay. And, in fact, your Wayne facility
13 has nine more bays, I believe, than what's being proposed
14 here. Correct?

15 A Correct.

16 Q And the total number of employees,
17 administrative and technicians in Wayne is how many?

18 A I have to count really quick but it's under 20.

19 Q Okay.

20 A You have to understand that though we're showing
21 in Ridgewood proposed 22 bays, it's not like when you
22 walk into a Mercedes or a Honda dealership, you don't
23 need a tech per bay. A technician can work on anywhere
24 from two to three bays at a time. So in Wayne, you know,
25 though we have 31 bays, I believe off the top of my head,

1 I have to really count, but I think we only have 11
2 technicians working those 31 bays. A lot of it's
3 efficiencies and while it's raining as a production
4 manager there's an open bay here, so he can pull in a car
5 dry it off, set it up for the guy so he's working on one
6 car and he can move right to the next one. So it's not a
7 one-to-one type process, so just to address those
8 concerns.

9 Q Okay. And there was some questions asked
10 about the number of stations with respect to lockers and
11 in the lunch area or gathering area. They seem to
12 accommodate a larger number of individuals than the
13 employees that you're projecting for the site. Can you
14 explain why?

15 A Yeah, I mean, at times we do host trainings.
16 It's, you know, not an every month occurrence type thing,
17 but we do prepare for that. It would be, you know, after
18 hours. It would not be till 9:00 at night, but between
19 5:00 and 7:30ish where the industry would come in. It's
20 known as I-CAR that basically does our trainings and, you
21 know, whether they come from our Wayne location. We like
22 to keep the company together, you know, as camaraderie
23 and training and things like that. It's also a cost
24 savings on having a person come to one location. So we
25 just have that area where the employees can go and

1 collaborate and get trained all at once as opposed to
2 hiring I-CAR to go to this location, to this location,
3 and to this location.

4 Q If they were to do that, would they
5 carpool together to get to the site?

6 A Yeah.

7 Q Okay. There were some questions regarding
8 how dust is handled and maybe the by-product...

9 MR. SEMERARO: And I apologize, I'm not
10 sure I'm doing your question justice...

11 A I remember it. Unless you need it from the board,
12 but I remember the question.

13 BOARD MEMBER 2: Yes, I would like to know
14 if the entire work area was heated and air
15 conditioned so it's totally closed and contained
16 year round with doors closed. You mentioned all
17 work will be done with the doors closed. So is
18 this entire work area fully heated and air
19 conditioned for year round use?

20 MR. DANIEL: Yeah, heat is actually --
21 just to address the one question for
22 environmentally friendly, we are proposing that we
23 do radiating heat throughout the concrete in the
24 work space.

25 BOARD MEMBER 2: In-ground floor heating

1 you're talking about?

2 MR. DANIEL: Yeah, it's what we're told as
3 being most efficient next to infrared.

4 Then the question about the dust, I can
5 propose it in the next meeting, I can enter an
6 exhibit, but we do have rendering where you can
7 see that all, anywhere where there's any type of
8 painting or dust extraction, what have you, it is
9 enclosed. On top of having a system that's built
10 in that's enclosed, our technicians also use a
11 vacuum sander. So whatever dust doesn't get
12 absorbed by the machine itself can get taken in by
13 the vacuum sander as well.

14 BOARD MEMBER 2: So some of the equipment,
15 tools that the staff are using will collect the
16 dust but then in the overall area, I was referring
17 to the several open or several areas marked:
18 *Sanding, Prepping, Prepping* and --

19 MR. DANIEL: Yeah, that will be all
20 enclosed. I'm saying in addition to, as a
21 secondary safety there's also a vacuum sander as
22 well.

23 BOARD MEMBER 2: What kind of enclosure?
24 Are you talking solid walls or some kind of a
25 temporary arrangement or something that's

1 portable?

2 MR. DANIEL: For the downdrafts. So it's
3 like a paint booth, but there's no heat.

4 BOARD MEMBER 2: Understood.

5 MR. DANIEL: You put them on top, you push
6 them on down and it sucks it out.

7 BOARD MEMBER 2: It captures all the
8 residue from the sanding.

9 The other item on that that's along the
10 left side wall, the one that's marked: *Body,*
11 *Filler, Primer.* Is that also a self-contained
12 item that's in place like their paint and spray
13 booth?

14 MR. DANIEL: Yeah. I can enter the
15 rendering as an exhibit, if you need it.

16 BOARD MEMBER 2: Say it again.

17 MR. DANIEL: I can enter an exhibit if you
18 need it. We have a rendering to show that it's
19 all enclosed.

20 BOARD MEMBER 2: Understood.

21 MR. DANIEL: Even in that area that you're
22 talking about.

23 BOARD MEMBER 2: Then for the air
24 filtration, what have you provided for just
25 cycling the air through the building? Is that an

1 engineering question or do you want to answer how
2 all that air is going to be cleaned, filtered so
3 your employees --

4 MR. DANIEL: Yeah, I'll save that for the
5 engineer.

6 BOARD MEMBER 2: Very good. Thank you.

7 BOARD MEMBER 1: I have a followup
8 question.

9 How many for the front office employees do
10 you have at your Wayne location, roughly?

11 MR. DANIEL: Four.

12 BOARD MEMBER 1: So, again, I understand
13 the break room, you know, light.

14 MR. DANIEL: It's also understood that as
15 we get additional locations, Ridgewood won't be
16 our last, similar to other large companies, we
17 will have like a central command center which is
18 what we're building now. So whatever I have as ad
19 min at one location isn't necessarily a cookie
20 cutter approach that's going to be here because
21 with internet, phones, and things of that nature,
22 I can direct phone calls to a central location and
23 then dispatch from there. So...

24 BOARD MEMBER 1: Yeah, the reason why I'm
25 asking is because it goes back to the size of the

1 structure and, you know, it was previously pointed
2 out there's roughly nine to ten work stations,
3 somewhere in that range, and so would those office
4 work areas be for your front office staff? Who
5 would be using those?

6 MR. DANIEL: Yeah, I mean, honestly, the
7 office space may go unused, but we need the size.

8 If you look at the shop space, we didn't
9 expand on what our current use is. Again,
10 sporadically, there's around 15,000 square feet
11 when you add up all the buildings. So looking at
12 the shop space where the 22 bays are, it's still
13 relatively the same exact size, 800 square feet
14 larger, something around there. So the office
15 space is primarily almost 70 to 80 percent storage
16 for these parts carts.

17 You got to understand, we're dealing with
18 a headlight that could be \$1,200.00.

19 BOARD MEMBER 1: Sure.

20 MR. DANIEL: You can't just pile stuff up
21 and leave it to rot. We're dealing with cars for
22 most people are the second largest investment that
23 they're making.

24 The office space I think is just made that
25 way, to be honest with you. Part of it may be

1 wasteful, but it needs to be that large to take on
2 the storage space. And just to be aesthetically
3 pleasing, you're not going to have that building
4 this big on one side and then another length on
5 another side. So the large part may go unused.

6 BOARD MEMBER 1: Thank you.

7 BOARD MEMBER RUHL: Just one quick
8 followup.

9 How many employees do you currently have
10 at that location?

11 MR. DANIEL: At Ridgewood?

12 BOARD MEMBER RUHL: Yes.

13 MR. DANIEL: Seven.

14 BOARD MEMBER RUHL: 15 bays, you have
15 seven employees?

16 MR. DANIEL: Yeah, there's a receptionist.
17 One estimator.

18 Yeah.

19 BOARD MEMBER RUHL: Okay.

20 MR. DANIEL: Like I said, it's not a
21 one-to-one ratio.

22 MR. WHITAKER: To have the record clear,
23 the stipulation is this is a single occupancy
24 site. So you're not leasing any office space to
25 any other user. Correct?

1 MR. DANIEL: No.

2 MR. WHITAKER: Just to make sure. Thank
3 you.

4 BOARD MEMBER: The employee parking area,
5 I'm looking at C-2.2. You mentioned that the area
6 directly to the right of your main facilities is
7 going to be combined for the customer. It appears
8 to be only .1 spaces and then there are six that
9 have a specific description usage, 15 spaces for
10 15 employees or more, then where do customers
11 park? It seems to be an inadequate amount of
12 spaces for employees and customers in any
13 combination during a given day.

14 MR. DANIEL: I mean, the employees can
15 park along the tracks in the back.

16 BOARD MEMBER: You're referring, looking
17 at that same page now, all the way at the rear of
18 the open parking area there's several parking
19 spaces along the back?

20 MR. DANIEL: Correct. Yeah, they can park
21 there and that leaves the 11 open spaces up in the
22 front for customers.

23 BOARD MEMBER: Okay. So this entire rear
24 parking area is going to be some number of
25 vehicles and then saved for repair, (inaudible)

1 then employees can park all the way at the back
2 and leave some. Can you designate that?

3 MR. DANIEL: Yeah, I think --

4 BOARD MEMBER: What's going to be for
5 employees or customers and separate that?

6 MR. DANIEL: Yeah, like I said, we can put
7 signage up to designate.

8 BOARD MEMBER: For the employees?

9 MR. DANIEL: Yeah, as the Board sees fit.
10 If you guys feel that this section is best for
11 employees we just put signage up that says:
12 *Employee Parking Only.*

13 BOARD MEMBER: Understood. Thank you.

14 MR. SEMERARO: Do the Board members have
15 any additional questions?

16 CHAIRMAN BROWN: Okay. Do any members of
17 the public have any questions?

18 Again, you need to state your name,
19 address.

20 MR. FRANK MORTIMER: Frank Mortimer,
21 M-o-r-t-i-m-e-r, 426 Van Buren Street.

22 So my question, Mr. Whitaker had said that
23 a resolution would be passed about all the things
24 that are said in here including the time of
25 business, which is 8:00 to 5:30. We just heard

1 him testify that if there's training it would be
2 after hours. So my question is, well, is the
3 business hours to 5:30 or is the business hours
4 including the time for training, which could be he
5 said once a month and then how does the impact the
6 overall resolution?

7 MR. WHITAKER: Well, assuming the Board
8 was granting a favorable resolution, the testimony
9 that was given is that the hours of operation for
10 the public to come there is from 8:00 to 5:30.
11 Okay. That doesn't mean that any building in the
12 Village of Ridgewood means that it's closed down,
13 nobody can use it thereafter. For instance,
14 people will come in after that to clean the
15 building. People can come in to do paperwork in
16 an office after that. It just means the full
17 operation is from 8:00 to 5:30. There's no
18 prohibition in this zone that would eliminate the
19 ability for someone to have training or something
20 like that after hours. That question wasn't
21 asked, but now we know. The Board will have to
22 determine whether that's feasible or not.

23 MR. FRANK MORTIMER: The reason I ask is
24 because I think that there's a concern of after
25 5:30 hours and if there's going to be training

1 with up to 36 people then where do they park?
2 What about the noise and et cetera? So I think
3 that that should be taken into consideration.

4 MR. WHITAKER: The Board will take it into
5 consideration. But you also heard testimony that
6 it's done sporadically. It's not an everyday
7 training session. It's not a school, I
8 understand.

9 MR. DANIEL: If I may add, before we
10 bought the property, you have to understand how
11 the property was used aside from a body shop. The
12 seller had boat renters there. He had a
13 landscaper there. He had a tree guy there. They
14 were going in and out at all hours of the night.
15 So moving forward in the future, I mean, we
16 already got rid of all of them, so how the
17 property was used to our use today and how it will
18 be used I think is a little bit more professional
19 than how the neighborhood had to deal with it, you
20 know, just a year and a half ago.

21 MR. FRANK MORTIMER: Thanks.

22 CHAIRMAN BROWN: Thank you.

23 Any other questions? Okay. Seeing none.

24 All right. It is 10:15. Do you want to
25 start another witness?

1 MR. SEMERARO: Mr. Chairman, I'm certainly
2 open to suggestion. I know that we have to come
3 back. We do have our planner. I don't know if
4 you want to have the engineer's testimony
5 bifurcated or not. It may not be the best thing
6 to do. But I'm certainly cognizant of your time
7 and whatever you feel is best.

8 MR. WHITAKER: I would suggest it's hard
9 for the Board and members of the public to take in
10 the testimony in two different sessions. It
11 probably would be much more streamlined if it's
12 all done in one evening.

13 MR. SEMERARO: So are you suggesting we
14 start with the engineer today?

15 MR. WHITAKER: No, I'm saying to do it all
16 at one time.

17 MR. SEMERARO: Yeah, I think that --

18 MR. WHITAKER: We don't go past 10:30 so
19 you have only have two minutes.

20 MR. SEMERARO: Okay. That's great. If we
21 could look at the calendars and pick the next
22 date.

23 MR. WHITAKER: I would suggest, Jane, that
24 we pick a night where we don't have a lot of other
25 applications or maybe this is the only application

1 so we can get through it because there's a lot
2 more to go.

3 BOARD SECRETARY WONDERGEM: March 14th?

4 CHAIRMAN BROWN: Jane, we don't have
5 anything else on the 14th, right? So March 14th
6 would be the next date, Tuesday.

7 MR. SEMERARO: Okay. We're fine. That's
8 great. March 14th. So March 14th at 7:00 p.m.

9 MR. WHITAKER: No further notice is
10 required.

11 For members of the public, this matter
12 will be carried till 7:00 p.m. on March 14th in
13 this room.

14 CHAIRMAN BROWN: Yeah, at 7:00 p.m.

15

16 (Proceedings concluded)

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C E R T I F I C A T E

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