

COUNTY OF BERGEN
VILLAGE OF RIDGEWOOD

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IN THE MATTER OF THE)	TRANSCRIPT
APPLICATION OF LES)	OF
DANN, LLC,)	PROCEEDINGS
)	
)	
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Tuesday, May 23, 2023
8:48 p.m.
Ridgewood, New Jersey

BOARD MEMBERS:

- GREG BROWN, Chairman
- MATTHEW BANDELT, Vice Chairman
- GARY NEGRYCZ, Chairman Pro Tem
- HAROLD MAXWELL
- JASON CURRERI **(Absent)**
- DIANA RUHL **(Absent)**
- JONATHAN PAPIETRO
- JAMIE FOX
- MICHAEL PICKHOLZ

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ALSO PRESENT:

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

CHRIS RUTISHAUSER
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: GREGORY K. ASADURIAN, ESQ.
Attorney for the Applicant, LES Dann, LLC

I N D E X

<u>WITNESS</u>	<u>DIRECT</u>	<u>CROSS</u>
MICHAEL DANIEL		
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1 CHAIRMAN BROWN: Good evening, everyone.
2 We're back on the record 8:48.

3 Next we have LES Dann, LLC. It's an
4 application for preliminary and final major site
5 plan approval, expansion of a nonconforming use
6 variance approval, and use variance approval for
7 the construction of an auto body shop, which will
8 serve as the principal use at 246-264 South Broad
9 Street, Block 3905, and Lots 12, 13, and 14, in an
10 R-3 Zone.

11 This is continued from January 10, 2023,
12 carried from March 28, 2023.

13 Good evening.

14 MR. ASADURIAN: Good evening. Gregory
15 Asadurian from the DeCotiis Law Firm on behalf of
16 the applicant LES Dann. Thank you for describing
17 the nature of the application of the property.

18 With that said, the applicant was here on
19 January 10th. You heard testimony from two
20 witnesses. Since then we have revised the plans
21 and submitted revisions. We also re-published and
22 re-noticed. May 10th was the notice of property
23 owners and the publication I believe was done
24 May 12th and the Affidavit of Service and Proof of
25 Publication was provided this evening.

1 MR. WHITAKER: Thank you. If we could
2 just hear, Mr. Inqlima, enter your appearance.

3 MR. INGLIMA: Yes, thank you, Mr.
4 Whitaker, Mr. Chairman, Members of the Board.
5 Robert Inqlima, Jr. I represent the Religious
6 Society of Friends, Ridgewood Friends Meeting,
7 Friends Nursery School. It's actually two
8 entities. They have their property at 224
9 Highwood Avenue. That's Block 3908, Lot two.
10 That property is located within 200 feet from the
11 applicant's site and as such they're interested
12 parties and wish to appear and participate fully
13 in this matter through Counsel.

14 I have previously issued a letter to Mr.
15 Whitaker, which I understand has been subsequently
16 provided to the Board members. It was a letter
17 dated March 27, 2023 and as Mr. Asadurian
18 indicates, they have issued a new plan, a new
19 notice and they have addressed a number of the
20 different issues that were raised in my letter.

21 Although there are additional variances
22 set forth in the notice, there are apparently
23 several issues that I raised in correspondence
24 that the applicant does not agree with and has not
25 specifically notified the public as to the need

1 for variances for those particular bulk conditions
2 of the property. It shall be my clients' position
3 that all of the deviations and requirements for
4 variances that were set forth in my letter
5 continue to be applicable to the site. I don't
6 know of any that were eliminated by virtue of the
7 revisions to the plan, but to the extent that
8 there are variances required for the current
9 design or any design in the future that would
10 violate the standards that were cited in my
11 letter, we would respectfully continue those
12 particular notations and objections.

13 I don't intend, especially with the number
14 of people who have attended this meeting tonight,
15 to raise an issue with respect to notice of the
16 hearing. I think we can proceed notwithstanding
17 the fact that we feel that there are additional
18 variances needed because those variances will be
19 the subject of further discussion in the course of
20 the hearing and, obviously, testimony to the
21 extent that they're applicable.

22 I do note --

23 MR. WHITAKER: I'd like to stop with
24 notice. If we can just put that on the record
25 now.

1 MR. INGLIMA: I'm stating that --

2 MR. WHITAKER: Are you finished with
3 notice?

4 MR. INGLIMA: I have the notice. I
5 recognize that there are things that were not
6 included that I raised, but I think we can
7 proceed.

8 MR. WHITAKER: So let the record reflect
9 that there's been a revised notice as Counsel for
10 the applicant has stated. The new notice that has
11 been sent out was sent out properly. The
12 affidavit has been submitted as proper. The proof
13 of publication that's been submitted and reviewed
14 by me is proper, it's timely and meets the
15 requirements of the Municipal Land Use Law. There
16 is an issue that maybe during the course of the
17 hearings it is found that there is additional
18 variance relief requested. That's something that
19 the Board will have to consider. There is a catch
20 all phrase in the notice about additional
21 variances if they're found to be necessary for the
22 applicant to seek relief that the applicant would
23 seek those notices, so we recognize that. But the
24 first step in the process is that we have a proper
25 notice, it's adequate, it meets the requirements

1 of the Municipal Land Use Law and both counsel at
2 this point have agreed to that aspect moving
3 forward. So we don't have a notice objection
4 tonight. Correct?

5 MR. INGLIMA: Not from my clients, no.

6 MR. WHITAKER: Second, based upon my
7 review of the application, based upon the review
8 that's been done by this notice, and, you know,
9 from my perspective, I'm always looking to make
10 sure we do not have any type of issue come up that
11 becomes in and of itself an appealable event, so
12 my recommendation is and I talked to both counsel
13 prior to this hearing, that we are going to
14 disregard the testimony that was given at the
15 prior meeting and with that new notices come out,
16 this is going to be a fresh application.

17 So those of you that have files and have
18 notes made and have maybe have reviewed a
19 transcript or something else, put that aside for
20 the time being and look at this as a fresh start
21 tonight and Counsel for the applicant is prepared
22 to proceed in that fashion.

23 Then finally, there was one other and in
24 reviewing the transcript brought to my attention
25 there is one other thing that I made a comment

1 about and it's not totally correct and that is, I
2 had talked about the consolidation of lots and I
3 had stated that the lots can be considered
4 consolidated, but what I meant to say, of course,
5 is the lots can be consolidated and the Board does
6 not have to approve a consolidation under
7 Municipal Land Use Law, but only if the lots are
8 consolidated and then there's only one principal
9 building on the lot. So the lots are not
10 consolidated yet because there's more than one
11 building on the lot if they were consolidated.

12 Now, it's called a reverse subdivision.
13 The Municipal Land Use Law states that you do not
14 need land use approval for a reverse subdivision,
15 but obviously consolidation could not occur unless
16 there's only one principal building on one of the
17 lots and there were two vacant lots being
18 consolidated with that.

19 That said, it was also brought to my
20 attention that when conveyances were made to the
21 applicant for all three lots, they were all done
22 by separate deeds. So they all right now are
23 separate lots, tax lot and lot numbers all
24 separate. So the lots are not consolidated now.
25 If the Board were to grant an approval, a

1 condition, obviously, of any such approval would
2 be the requirement of the lots being consolidated.

3 Next.

4 MR. INGLIMA: Thank you, Mr. Whitaker.

5 Just in closing the loop on my comments earlier, I
6 noticed that there were plans that were filed
7 apparently within the past week or so, but I did
8 not see any new application forms filed by the
9 applicant notwithstanding the fact that there are
10 a number of additional variances noted both on the
11 plan and in the notice of the hearing. So I ask
12 this of the applicant through the Chair perhaps,
13 but shall the application itself be deemed amended
14 to include requests for all the variance relief
15 that are set forth on the plans and in the notice?

16 MR. WHITAKER: Counsel.

17 MR. ASADURIAN: I think the application
18 would be as reflected in the notice as well which
19 asks for the new variances.

20 MR. WHITAKER: But when we got the plans,
21 no revised application was submitted, correct?

22 MR. ASADURIAN: No, it was revised plans.

23 MR. WHITAKER: Okay. So in answer to the
24 question, if there are new variances listed on the
25 plan that are not listed in your original

1 application, your application is being revised to
2 request them also. Correct?

3 MR. ASADURIAN: Correct. And those new
4 variances were identified in the new notice.

5 MR. WHITAKER: They were in the notice but
6 not in the application of record.

7 MR. ASADURIAN: Yes, correct.

8 MR. WHITAKER: And during the course of the
9 hearings - I'll use that in the plural because
10 there'll be more than one - you're going to
11 specify each of those variances and, obviously,
12 proffer the proofs for each of the variances.

13 MR. ASADURIAN: Absolutely.

14 MR. WHITAKER: Mr. Inglima.

15 MR. INGLIMA: Thank you, Mr. Whitaker.

16 Mr. Chairman, Members of the Board, I also
17 would like to note, for the record, I don't know
18 how the Board chooses to deal with this issue,
19 whether it will be in the form of a hybrid
20 application and hearing or whether there is an
21 initial determination that has to be made, but I
22 would like to note for the record that the notice
23 and the position of the applicant, as indicated in
24 the documents filed with the Board, continues to
25 be that there are existing nonconforming uses on

1 all three lots that are the subject of this
2 application.

3 If I'm incorrect, please correct me, but
4 that's my understanding from what I've seen so far
5 and in the notice and in the application that was
6 originally filed, the applicant sought approval to
7 expand a nonconforming use pursuant N.J.S.A.
8 40:55D-70d(2), so that's part of the application,
9 as I understand it even though there's also
10 language that indicates that a "D"(1) variance may
11 be sought or may be required with respect to the
12 proposed development.

13 But I also note, for the record, that
14 there has been no information submitted to this
15 Board as part of the application or subsequently
16 that indicates whether a Certificate of
17 Nonconforming use was ever issued by a zoning
18 official of this municipality or that this Board
19 ever heard and decided an application seeking
20 certification of a nonconforming use at the
21 property, at any one of the three lots. There are
22 processes that exist for obtaining that type of
23 determination. It is my clients' respectful
24 position that that determination in one form or
25 another should be made before the Board embarks on

1 a hearing process in which they consider whether
2 or not to allow an expansion of a nonconforming
3 use.

4 Certainly, this Board has to know, is
5 entitled to know, and the public is entitled to
6 know whether the expansion of a nonconforming use
7 affects one lot or two or all three and what the
8 nature of any existing nonconforming use is being
9 expanded is under the law.

10 So we have taken the position previously
11 and it's continuing to be our position that the
12 determination of whether there is a valid,
13 enforceable legally protected, if you will,
14 nonconforming use of property at the site should
15 be determined as a threshold matter of the
16 hearings.

17 Now, I have no objection to that
18 determination being made as testimony is received
19 from the applicant or from anyone else who can
20 speak to the history of development and use of the
21 properties, but certainly that should be
22 determined if a "D"(2) variance is being sought.
23 It would be easily disposed of, obviously, if the
24 applicant simply said at this point we don't want
25 a "D"(2) variance, we don't ask for a "D"(2)

1 variance, we're only asking for a "D"(1) principal
2 use variance, because that's a very clear
3 situation. It's a very clear set of facts. It's
4 a very clear set of proofs. And at that point the
5 Board will know exactly how to receive and to act
6 upon the information that it receives in evidence.

7 As of right now, there's sort of this,
8 we're not sure whether it's a "D"(1) or "D"(2)
9 situation and I think it's only fair to the Board
10 members and to the public and to my clients if we
11 have some kind of procedure established at this
12 point to deal with this issue. If the applicant,
13 once again, withdraws an application for a "D"(2)
14 variance and no longer takes a position that it is
15 expanding a conforming use, the issue goes away.
16 But we're not at that point just yet.

17 MR. WHITAKER: So let's address that
18 issue. You have something else I'm sure to say,
19 but let's address that issue.

20 Members of the Board, Members of the
21 Public, Counsel, your counsel is well versed, the
22 Board is well versed because they've had this
23 before with expansion of nonconforming uses.
24 There's an exception in the Municipal Land Use Law
25 that provides that a Certificate of Nonconformity

1 can be issued when it is found that a
2 nonconforming use has existed when the adoption of
3 the Municipal Land Use Law occurred in 1976. A
4 Certificate of Nonconformity can be issued by the
5 zoning officer of a municipality if it is issued
6 within one year of the effective date of an
7 ordinance.

8 So in most instances if there's an
9 ordinance in place in 1976, any property owner can
10 come to the zoning officer and say I want to apply
11 for and receive a Certificate of Nonconformity,
12 I'm within the first year time constraint and I've
13 had this use prior to the adoption of the
14 ordinance that did not permit the use.

15 This is my understanding. I'll ask
16 Counsel. It's my understanding that no
17 Certificate of Nonconformity exists. Correct?

18 MR. ASADURIAN: Not to my knowledge.

19 MR. WHITAKER: So then the second way that
20 a Certificate of Nonconformity can be issued is
21 after the year has expired and the applicant no
22 longer can go to the zoning officer, at that point
23 an applicant can come before a Zoning Board of
24 Adjustment, not for a variance, but for a request
25 to have a Certificate of Nonconformity issued.

1 It's my understanding from review of this
2 and, Jane, from the records, you do not have any
3 record of that being asked for on any of these
4 three properties?

5 Put it on the record.

6 BOARD SECRETARY WONDERGEM: No.

7 MR. WHITAKER: No. Thank you.

8 And, Counsel, you don't have a Certificate
9 of Nonconformity issued by the Zoning Board of
10 Adjustment of Ridgewood in the past?

11 MR. ASADURIAN: No, not to my knowledge.

12 MR. WHITAKER: So then a primary issue
13 that will need to be addressed is whether you're
14 seeking an expansion of a nonconforming use, which
15 underlying factor is show us it's nonconforming in
16 the first place or in the alternative if that
17 nonconformity cannot be shown then at that point
18 you're not seeking a expansion of a nonconforming
19 use, but rather you are seeking to have a use
20 variance as a "D"(1) in and of itself.

21 MR. ASADURIAN: Well, can I --

22 MR. WHITAKER: Certainly can address it.

23 MR. ASADURIAN: Two things. First, what
24 Counsel is doing putting the cart before the
25 horse. Every application that comes before this

1 Board and any other zoning board or planning board
2 in the state, the planner's the last person who
3 testifies and the planner talks about the
4 variances. What Counsel is asking me to do is to
5 put the planning testimony on first now. That's
6 not how it's done.

7 So with respect to how we proceed with our
8 application, with all due respect, it's my
9 client's application and how we proceed is in our
10 discretion.

11 And as for the "D"(2), it's been
12 grandfathered in. Just because somebody does not
13 apply for a Certificate of Nonconformity or for an
14 approval from the zoning officer within one year
15 of an ordinance change does not mean that the use
16 has not been grandfathered in.

17 MR. WHITAKER: I never said that.

18 MR. ASADURIAN: I agree, I know that. I'm
19 well aware. But I want to make sure it's clear
20 for the record.

21 So the fact that the prior owner did not
22 get a certificate from the zoning officer or come
23 to this Board does not mean that the use is not
24 permitted. I want that to be clear for the whole
25 Board and for the record.

1 MR. WHITAKER: The Board is cognizant of
2 that. The Board recently had the opportunity to
3 have applications that had those direct questions
4 in it and I'm not suggesting in any matter
5 whatsoever as to how you're going to present your
6 case, but up front we're going to need to know if
7 it's a "D"(2) or "D"(1) variance because, as you
8 know, Counsel, the burden of proof and the
9 requirements to prove either one of them is
10 different.

11 So with that said, even though I
12 recognize, you know, the planner comes in in the
13 ninth inning to kind of mop it up, we need to know
14 up front as to whether it is a nonconforming use
15 or not so the Board can consider which direction
16 we're taking for the variance relief being sought.
17 It doesn't have to be your first witness, but
18 there has to be a witness before the planner gets
19 on to be able to confirm that this use preexisted
20 the adoption of the ordinance that would not
21 permit that use to exist. You could certainly
22 have a witness come first to testify as to what's
23 being proposed on the site, but before we go into
24 site plan, before we go into the site plan
25 elements about the proposed use and, obviously,

1 long before we get to the planning testimony, we
2 need to know if there's a basis and foundation to
3 say the use predates the code.

4 MR. ASADURIAN: Understood.

5 MR. WHITAKER: Next. Anything, Mr.
6 Inglima more?

7 MR. INGLIMA: No, thank you, Mr. Whitaker,
8 other than to state the obvious that my client
9 doesn't waive any of its rights or remedies
10 available to them by virtue of the hearing
11 proceeding no matter what the Board decides.

12 Thank you.

13 MR. WHITAKER: Then Counsel, you can
14 proceed and perhaps give us just an opening
15 statement as to what your proffers are going to be
16 for the use of that over the course of the hearing
17 and then you can present your first witness.

18 MR. ASADURIAN: Thank you.

19 As the Chairman actually stole my thunder,
20 I had a little intro.

21 This application is seeking preliminary
22 and final major site plan approval together with a
23 "D"(1) and "D"(2) and bulk variance relief for the
24 construction of an expanded auto body shop at the
25 three lots.

1 The lots are 12, 13 and 14. The property
2 is presently located in the residential zone. The
3 middle lot actually has a residential dwelling on
4 it, which is being proposed to demolish, asking to
5 demolish all three structures on all three lots,
6 expand, build a new pristine auto body shop with
7 storage and office space and looking to
8 consolidate the three lots.

9 So with that brief intro, I would like to
10 start with Michael Daniel, my first witness.

11
12 M I C H A E L D A N I E L, 96 Newark
13 Pompton Turnpike, Wayne, New Jersey, having been
14 duly sworn, testified as follows:

15
16 MR. WHITAKER: Thank you.

17 Counsel.

18 MR. ASADURIAN: Thank you.

19
20 DIRECT EXAMINATION BY MR. ASADURIAN:

21 Q Mr. Daniel, who are you currently employed
22 by?

23 A LES Dann Corporation.

24 Q And what is your current position?

25 A CPA, accountant.

1 Q And for how many years have you been
2 employed by that entity?

3 A Over ten years.

4 Q And what is the nature of its business?

5 A Automotive collision repair.

6 Q And what is the nature of the clientele
7 that you receive here in Ridgewood?

8 A Higher end --

9 CHAIRMAN BROWN: Sorry, just to interrupt.
10 Can you guys talk a little more into your
11 microphone just because it's louder for everyone
12 in the back.

13 Thank you.

14 A Higher end customers: Mercedes, Teslas, Jaguars,
15 Land Rovers, et cetera.

16 Q And how many locations do you presently
17 have?

18 A Two in Wayne, New Jersey; one in Ridgewood, New
19 Jersey.

20 Q And are you the owner of the subject site
21 here in Ridgewood?

22 A Yes.

23 Q And when did you come to buy the
24 properties?

25 A I believe closure was April of 2021.

1 Q And what was the condition of the
2 properties when you purchased them?

3 A A bit disarrayed.

4 Q And can you please describe that?

5 A Yeah. Bumpers outside. 55 gallon drums full of I
6 don't know what outside. Tires down the embankment near
7 the train tracks. Plastics laying here and there. Cars
8 everywhere from rentals. Boats. Lift trucks. Tents
9 that were, you know, looked like shanty towns. Shipping
10 containers, et cetera.

11 Q And have you taken any part in cleaning up
12 the site?

13 A We did. Pretty much in closure, even before
14 closure, we started helping the previous owner clean up.
15 We brought probably upwards of ten Dumpsters or so to
16 help clean out the trash and we painted the buildings and
17 bring it, you know, as much new life as we could under
18 good help, permissible use. Landscape; cut the grass, et
19 cetera.

20 MR. ASADURIAN: What we did in January here
21 we had photographs marked. What I would like to
22 do is have the witness go through the photographs
23 and re-mark them. So the same markings, just with
24 today's date, for the record. And the Board
25 should have a copy of what was already marked. It

1 would just be changing the date on the exhibit
2 number to today's date.

3 MR. WHITAKER: That's fine.

4 MR. INGLIMA: Could I just ask for the
5 witness to identify the photographs?

6 MR. WHITAKER: Identify and say how the
7 photograph came into being.

8 MR. INGLIMA: And who took the photo and
9 the date it was taken.

10 MR. WHITAKER: That's what I mean, how it
11 came into being, yes.

12 MR. INGLIMA: Thank you.

13 Q Mr. Daniel, I want to show you what was
14 previously marked A-1 with the January 10th date.

15 MR. ASADURIAN: If we can mark this A-1
16 with today's date.

17 MR. WHITAKER: Yes, 5/23.

18
19 (Photo from the 1950s was received and
20 marked Exhibit A-1 for identification.)

21
22 Q It's two photos. Can you describe these
23 photos and what they depict?

24 MR. WHITAKER: Who took the photographs
25 and when were they taken.

1 A I believe the planner pulled these. He can
2 specify the exact date. I know around about the date. I
3 want to say mid '50s, I would like to say.

4 I believe at the time this was known as Ridgewood
5 Taxi and that is Lot 264 South Broad Street in the back
6 westward corner. That was, I believe, a repair shop back
7 then, mechanic shop.

8 MR. INGLIMA: I have to ask that the
9 testimony of the witness be limited to personal
10 knowledge. He seems to be testifying about
11 speculative uses of the property.

12 A Very clearly a damaged vehicle.

13 MR. ASADURIAN: With all due respect,
14 Municipal Land Use Law does permit him to testify
15 to hearsay and it specifically says that the
16 technical Rules of Evidence do not apply and
17 mostly because the technical Rules of Evidence are
18 for a courtroom and we are not in courtroom and
19 I'll specifically refer to 40:55D-10e, which says
20 technical Rules of Evidence shall not be
21 applicable to the hearing.

22 MR. INGLIMA: Just for the record, it
23 sounds to me as if this is being offered in
24 furtherance of the applicant's position about a
25 "D"(2) variance, the expansion of a nonconforming

1 use and I would ask that only matters that are
2 within the witness's personal knowledge be the
3 subject of his testimony.

4 I have no objection to the photograph
5 being marked. It is what it is. He can say where
6 he got the photograph, but he can't say what's
7 inside the building, behind walls, done there
8 every day. I mean, he has no basis for saying any
9 of those things.

10 MR. ASADURIAN: With all due respect --

11 MR. INGLIMA: My objection stands on that
12 issue.

13 MR. ASADURIAN: With all due respect,
14 these are questions for cross-examination, not
15 objection for a photograph.

16 MR. INGLIMA: I just don't want to get
17 into a situation where a lot of testimony goes in
18 the record and then I have to mop up afterwards.

19 MR. WHITAKER: So I acknowledge, the Board
20 understands that - quote - technical Rules of
21 Evidence do not prevail in proceedings like this,
22 but it doesn't mean that the Rules of Evidence in
23 and of itself, the entire Rule of Evidence book,
24 is put on the shelf and not looked at. So there
25 is expansions and it is more liberal in its use

1 with a zoning board of adjustment, but we're still
2 a quasi judicial board and we have to have a
3 foundation for testimony as to an exhibit as well
4 as we have to have foundation for testimony as it
5 pertains to an opinion.

6 So I would sustain the objection, but
7 allow the witness to obviously testify as to how
8 he's gotten the photograph. He can read off the
9 photograph, if he wants. But as far as where it
10 came from, I guess somebody else can substantiate
11 that and you can put that witness on for that.

12 MR. ASADURIAN: Thank you.

13 I'm going to mark as A-2 what was
14 previously marked on January 10th as A-2 with
15 today's date.

16
17 (Photos from 1966 and 1970 was received
18 and marked Exhibit A-2 for identification.)

19
20 Q Mr. Daniel, are you familiar with this
21 document, with this exhibit?

22 A Yes.

23 Q And what does it represent?

24 A Again, specific to what Mr. Whitaker said, the
25 planner I guess can speak to the exact date and how it

1 was pulled, but is an aerial photo very clearly
2 automobiles, et cetera, with outside storage across all
3 three properties.

4 Q Thank you.

5 MR. WHITAKER: What is the date of that?
6 Is there a date on that?

7 MR. ASADURIAN: 1966. There's two photos,
8 Mr. Whitaker. The left one is dated 1966 and the
9 right one is dated 1970.

10 MR. WHITAKER: The left is 1960?

11 MR. ASADURIAN: 1966, the one to the left.

12 MR. WHITAKER: And the one to the right?

13 MR. ASADURIAN: 1970.

14 CHAIRMAN BROWN: One second. Can you just
15 confirm with Jane what photograph because people
16 can't see it as well there and Jane's not looking
17 at it so she doesn't actually know what photograph
18 she's supposed to be on. Just so everyone can
19 clearly see it, can we just... We probably don't
20 have a digital copy.

21 MR. WHITAKER: You can supply digital
22 copies of these later. Correct?

23 MR. ASADURIAN: Yes, absolutely.

24 MR. WHITAKER: Okay. We don't seem to
25 have it now, so why don't you place it back to

1 where you were. We'll let you testify to them.
2 We'll take a break and let members of the public
3 come up and look at it since we have just the
4 old-fashioned easel tonight.

5
6 (Photo of enclosed container for various
7 fluids was received and marked Exhibit A-3 for
8 identification.)

9
10 Q Mr. Daniel, I'm going to mark as A-3 with
11 today's date the same photograph which was marked on
12 January 10th, 2023 as A-3. Are you familiar with this
13 photograph?

14 A Yes.

15 Q And what does this photograph depict?

16 A That is at our current facility in Ridgewood.
17 It's the enclosed container for various fluids.

18 MR. INGLIMA: I'm sorry, I didn't
19 understand what he said.

20 MR. DANIEL: For oil and antifreeze.

21
22 (Photo of showing two drums was received
23 and marked Exhibit A-4 for identification.)

24
25 Q And I'm going to mark as A-4 with today's

1 date a photograph showing two drums. What does this
2 photograph depict?

3 A That is that same container opened. It's a
4 spillproof container, again, meant for oil and
5 antifreeze.

6
7 (Photo of spill container proof was
8 received and marked Exhibit A-5 for
9 identification.)

10
11 Q And we're going to mark with today's date
12 as A-5, the fifth photograph on this board. Are you
13 familiar with this photograph?

14 A Yes.

15 Q And what is this photograph?

16 A That's a spill container proof, it's just a close
17 up on the name of that particular enclosure.

18 MR. ASADURIAN: The rest of these are up
19 there.

20
21 (Photo of Lot 256 South Broad Street, the
22 residential home was received and marked Exhibit
23 A-6 for identification.)

24
25 Q Mr. Daniel, let's take a look at what we

1 marked as A-6.

2 CHAIRMAN BROWN: Can you talk more clearly
3 into the microphone, please?

4 MR. ASADURIAN: I'll try to.

5 CHAIRMAN BROWN: Yeah, try to talk as
6 loudly as you can. We all know that the acoustics
7 in this place are not optimal.

8 Q Mr. Daniel, are you familiar with what we
9 marked as A-6?

10 A Yes.

11 Q And what does this photograph depict?

12 A That is Lot 256 South Broad Street, the
13 residential home.

14 Q And that's the middle lot?

15 A Yes.

16 Q And let's take a look at what I'm going to
17 mark as A-7.

18
19 (Photo of the driveway to the residence,
20 256 South Broad was received and marked Exhibit
21 A-7 for identification.)

22
23 A That is the driveway to the residence, 256 South
24 Broad.

25

1 (Photo of 264 South Broad, Ridgewood Taxi
2 formerly E & G was received and marked Exhibit A-8
3 for identification.)

4
5 Q And let's take a look at what we're
6 marking as A-8. What does that show?

7 A That's the building westward, 264 South Broad.
8 Ridgewood Taxi formerly E & G.

9
10 (Photo of the back side of the resident's
11 home, 256 was received and marked Exhibit A-9 for
12 identification.)

13
14 Q And let's take a look at Exhibit A-9.

15 A That's the side, westward side coming from 264
16 facing the side of the resident's home, 256.
17 That's the back side.

18 MR. ASADURIAN: I'm going to keep the same
19 markings. It's skipping A-10. It goes to A-12
20 actually. So I just want to keep the markings the
21 same. So we're skipping A-10 and A-11 right now
22 and going to A-12.

23
24 (Photo of the back corner of 246 South
25 Broad Street building was received and marked

1 Exhibit A-12 for identification.)

2

3 Q What does this photograph depict?

4 A That's the back corner of 246 South Broad Street
5 building.

6

7 (Photo of Barry's Auto Body was received
8 and marked Exhibit A-13 for identification.)

9

10 MR. ASADURIAN: I'm going to mark the next
11 photograph, which doesn't have the marking. I
12 will mark this as A-13 with today's date.

13 A That's depicting the second auto body shop on our
14 property at 264 South Broad Street; Barry's Auto Body.

15

16 (Photo of E & G Mechanical was received
17 and marked Exhibit A-14 for identification.)

18

19 Q Let me show what I'm marking as A-14,
20 which also doesn't have a marking.

21 A That's the front of 264 South Broad Street, in the
22 back building, E & G Mechanical.

23

24 (Photo of open containers when the cleanup
25 was started was received and marked Exhibit A-15

1 for identification.)

2

3 Q And let me show you what we're marking as
4 A-15 with today's date. It has Dumpsters. What does
5 that show?

6 A Those are the open containers that were on the
7 property site and about how it looks somewhat when we
8 started to clean up.

9 MR. WHITAKER: Counsel, what number was
10 that?

11 MR. ASADURIAN: A-15.

12

13 (Photo of the back of 256 South Broad
14 Street was received and marked Exhibit A-16 for
15 identification.)

16

17 Q Take a look at what I'm marking as A-16,
18 Mr. Daniel.

19 A That is the back of 256 South Broad Street.

20

21 (Photo of back of 256 South Broad Street,
22 storage was received and marked Exhibit A-17 for
23 identification.)

24

25 Q And I'm going to now mark A-17.

1 A Again, that's the back of 256 South Broad Street,
2 storage and things of that nature.

3
4 (Photo of street view of 246 South Broad
5 Street was received and marked Exhibit A-18 for
6 identification.)

7
8 Q And take a look at the photograph that I'm
9 marking as A-18. What does that depict?

10 A From the street view of 246 South Broad Street.

11 Q And it shows the building with *Mountain*
12 *View Auto Auto* written on it. Correct?

13 A Correct.

14
15 (Photo of the street view of 246 and 256
16 was received and marked Exhibit A-19 for
17 identification.)

18
19 Q And let me show you what we're marking as
20 A-19.

21 A Again, street view facing a little bit more
22 westward. I believe, that's the direction of the
23 residence included in the property. 246 is Mountain
24 View; the residence is 256.

25

1 (Photo of back side of 256, the residence
2 with some bumpers, et cetera, outdoor storage of a
3 vehicle and no pavement was received and marked
4 Exhibit A-20 for identification.)

5

6 Q And take a look what I'm marking as A-20.

7 What does that photograph show?

8 A A closer up view, the back side of 256, the
9 residence with some bumpers, et cetera, outdoor storage
10 of a vehicle and no pavement.

11 Q Up until now all these photographs were of
12 the property in Ridgewood. Right?

13 A Correct.

14

15 (Photo of newest facility in Wayne was
16 received and marked Exhibit A-21 for
17 identification.)

18

19 Q I'm going to show you what we're marking
20 as A-21.

21 A That's a photo inside of our newest facility in
22 Wayne, New Jersey.

23 Q And does that photograph show what you are
24 proposing, meaning, something similar for the property
25 here in Ridgewood?

1 A Yes.

2

3 (Photo of the same building different
4 department was received and marked Exhibit A-22
5 for identification.)

6

7 Q Let me show you what I'm marking as A-22.

8 A That's an additional photo of the same building,
9 different department. What we would be proposing as well
10 in Ridgewood.

11 Q And that's the auto body shop you have in
12 Wayne?

13 A Yes.

14

15 (Photo of the office in Wayne was received
16 and marked Exhibit A-23 for identification.)

17

18 Q And let me show you what we're marking as
19 A-23.

20 A That is the office of the same building in Wayne.
21 Again, also proposing similar to Ridgewood.

22

23 (Photo of second floor parts storage at
24 the Wayne facility was received and marked Exhibit
25 A-24 for identification.)

1 Q I'm going to now mark A-24. If you could
2 describe what this photograph shows.

3 A That is a photo of the second floor parts storage
4 at the Wayne facility. Again, similarly proposed for
5 Ridgewood. It's showing the parts carts that measure
6 about three feet by two feet by sixish feet.

7
8 (Photo of exterior of the Wayne facility
9 was received and marked Exhibit A-25 for
10 identification.)

11
12 Q And take a look at what I'm going to mark
13 as P-25.

14 A That's the exterior of our Wayne facility.
15 Cleanliness and everything that proposed in Ridgewood, as
16 you can see proposed Tudor style to keep in the character
17 of the town.

18
19 (Photo of the elevator to the parts
20 storage racks located at the Wayne facility was
21 received and marked Exhibit A-26 for
22 identification.)

23
24 Q And I believe the final photograph I have
25 is what I am marking as A-26.

1 A Yes, that's an elevator to the parts storage racks
2 located at the Wayne facility up and down from the second
3 floor and first floor and vice versa.

4 Q Can you describe where parts are stored?

5 A Parts are stored on the second floor.

6 Q As part of this project, are you proposing
7 any outdoor storage?

8 A No.

9 Q Since you've owned this property, have you
10 had any complaints from any neighbors?

11 A No, I have not.

12 Q Can you describe for the Board briefly and
13 in general what you're looking to build and the reason
14 for it?

15 A So we're looking to build a facility that enables
16 us to take the photos that you just saw, which were a
17 little bit rundown, and bring up the stature of the area
18 in Ridgewood and bring it up to I believe what Ridgewood
19 is known for. To make a facility, again, to not only
20 keeps with the character, but also fits in with the
21 clientele that we cater to, again, Teslas, Mercedes, the
22 higher end. We also do do Hondas and things of that
23 nature, but, generally speaking, we are certified with
24 the higher models.

25 Similarly, we'll have the parts storage on the

1 second floor. The elevator that you see on the screen
2 now. No outdoor storage other than vehicles.

3 So bringing all that stuff that you saw in the
4 previous photos inhouse behind either a fence or
5 shrubbery, some type of buffer. Again, that can be
6 explained further. But everything inside to take out
7 from the exterior of the building.

8 Q And I believe you testified that you
9 anticipate the new facility to be similar to the one that
10 you have in Wayne. Correct?

11 A Yes.

12 Q How many employees do you have in
13 Ridgewood now?

14 A I believe we have... I want to say eight.

15 Q And do you anticipate that to change?

16 A I do.

17 Q I'm sorry?

18 A Go ahead.

19 Q Do you anticipate that to change if this
20 project is approved?

21 A I do.

22 Q And how many would you anticipate?

23 A 16.

24 Q And how many vehicles at most do you
25 approximate that you would have if this project is

1 approved?

2 A In terms of how many vehicles on the site?

3 Q Yes.

4 A At most, I would say anywhere from 50 to 60
5 actually on the site.

6 Q And that's at any one point in time?

7 A Yes, at any given point in time.

8 Q And how many cars, roughly, do you repair
9 in any given month since January 1 of this year?

10 MR. INGLIMA: Could you be specific as to
11 location, please?

12 MR. ASADURIAN: Yes, we're talking about
13 Ridgewood.

14 MR. INGLIMA: Thank you.

15 A I believe last month we fixed close to 80 vehicles
16 in a month.

17 Q And how long does it take on average to
18 repair each vehicle?

19 A Anywhere from six to eight days.

20 Q And do you receive damaged parts or what
21 do you do with damaged parts from vehicles?

22 A We bring the vehicle in. The vehicle would go
23 into our triage department. It gets disassembled. The
24 damaged parts go on one of those red carts that the Board
25 saw in the photos. Those red carts then go upstairs.

1 Remove any dust, potential damage that they may incur
2 downstairs if they get jockeyed around, things of that
3 nature, and then while they're upstairs, we wait for the
4 new parts to arrive.

5 Once the new parts arrive, we then match those new
6 parts to the damaged parts to make sure that this
7 headlight looks like this headlight, it's the right side.
8 Once all the parts arrive for that given parts cart, that
9 parts cart can then be an indicator to the shop foreman
10 that that particular vehicle can go into production.

11 Q Thank you.

12 And how do you handle fluids, if at all, if the
13 need arises with respect to making repairs?

14 A All fluids are, you know, we handle fluids
15 properly in terms of EPA, OSHA, things of that nature.
16 Any fluids that are removed from the vehicle wind up in a
17 similar container that you saw on the board in one of
18 those spillproof containers and then a company called
19 Safety-Kleen, which is accredited and also gives a
20 certificate that it's properly disposed of.

21 Q And as part of this project you are also
22 proposing to have Dumpsters on the site. Right?

23 A Yes.

24 Q Will those be enclosed?

25 A They will be behind the proposed fence and a

1 buffer.

2 Q So they are outdoor Dumpsters in an
3 enclosure?

4 A Yes.

5 Q And can you briefly describe for the Board
6 how disassembly is performed?

7 A Yeah. Disassembly, again, is brought into,
8 similar somewhat that you saw the pictures before, three
9 base proposed lifts. A technician will disassemble the
10 vehicle. Once the technician is done then a repair
11 planner, an estimator, comes by the vehicle, writes the
12 damage analysis through a computer system, orders all the
13 parts and then does ad min things in terms of the
14 insurance carrier and of that nature.

15 Q Now, since we were here last, did any
16 members of the public or citizens, residents of
17 Ridgewood, conduct a visit of the Wayne facility?

18 MR. INGLIMA: Wait, I have to object. We
19 have an agreement that no reference would be made
20 at these hearings to any discussions, visits, or
21 other interaction between my clients and the
22 applicant and to the extent that Counsel may be
23 starting to go down a road of describing a site
24 visit that involved members of my client group,
25 that would be violative of our agreement. So I

1 object to him introducing testimony along these
2 lines.

3 MR. WHITAKER: I'm not cognizant to any
4 agreement. Is it something that was submitted to
5 the Board?

6 MR. INGLIMA: This is an agreement
7 pursuant to Rule 408 relating to possible
8 settlement of a dispute that may or is the subject
9 of litigation and Mr. Asadurian's partner, Mr.
10 Semeraro, outlined very clearly to my office
11 exactly what the ground rules would be. So if his
12 client is going to open up this issue, then it
13 violates the agreement that we had between Counsel
14 and we're going to talk freely and fully about
15 anything that was observed at their site. It's
16 that simple.

17 MR. ASADURIAN: I wasn't going to get into
18 any conversations. I'll withdraw the question.
19 It's not a big deal.

20 MR. WHITAKER: I think it would be wise
21 that if you got an agreement that falls within the
22 rule that the Board is not cognizant of, that it's
23 not mentioned at all in the record by both
24 counsel. Correct? Mr. Inglima is only raising it
25 because it's a sustainable objection, obviously.

1 If there is such an agreement, I don't dispute
2 what Mr. Inglima is saying, but the Board has no
3 knowledge of any of that nor should they.

4 MR. ASADURIAN: Understood. Like I said,
5 I'll withdraw the question. Nothing that was
6 discussed was going to be asked or revealed, but
7 I'll withdraw the question.

8 Q Mr. Daniel, why do you need a larger
9 facility at this site?

10 A As depicted in the photos, one can see that the
11 property as it stands now and, quite possibly, depending
12 on this continue to go like that, does not look very
13 well. Again, there's garbage all over. The road isn't
14 paved. There's potential for spills, things of that
15 nature. So having a bigger facility doesn't mean we'll
16 do more volume and increase traffic, but it will allow us
17 to bring some of the vehicles and the very nature of the
18 business that's outside inside that building. So you
19 shouldn't see any bumpers outside anymore, any tires, and
20 things of that nature.

21 Q So parts would be stored indoors?

22 A Yes.

23 Q And vehicles will also be stored indoors?

24 A To the capacity shown in the bays, yes.

25 Q And can you briefly discuss the spray

1 booths?

2 A Yes. Spray booths are tools used in the auto body
3 facility that allows us to spray vehicles, have heat in
4 them so we can dry the base coat as well as the clear
5 coat and they are EPA certified to ensure that employees
6 are safe.

7 Q And are they odorless?

8 A We use a water-based paint and the paint and as
9 well as the air does go through multilayers of filters.

10 Q And how are deliveries handled at the
11 site?

12 A Deliveries; I can speak to the Wayne site. The
13 Ridgewood site obviously doesn't exist yet. But the
14 Wayne site deliveries will come to a designated site that
15 is for deliveries specifically. An employee will meet
16 said delivery driver, make sure the packages aren't
17 damaged, bring them right in. You know, it happens in
18 under five minutes.

19 Q And what are the days and hours of the
20 operation?

21 A Currently, it's 8:00 to 5:30 Monday through
22 Friday; 9:00 to 12:00 on Saturdays.

23 Q With respect to parking, are you proposing
24 separate parking for employees and patrons?

25 A Yes, I believe the site plan shows designated

1 spots for various parts of the business.

2 Q And would you have signage to designate
3 employee parking versus patron parking?

4 A Yes.

5 Q And are you certified by car
6 manufacturers?

7 A Yeah, we are certified by Tesla, Mercedes, Honda,
8 Acura, Subaru, Volkswagen, Volvo, Nissan, Infinity. Most
9 recently, Rivian as well as the Amazon Prime Rivian.
10 We're one of three in the state that can fix those.
11 We're in the process of Lucid. The list goes on.

12 Q And are you designated by insurance
13 companies as an authorized center?

14 A We are. We have agreements with various vendors
15 such as Progressive, GEICO, Travelers, Plymouth Rock,
16 High Point, USAA. Again, that list is numerous.

17 Q And when you purchased the site, was a
18 phase one or phase two conducted?

19 A Yes, we conducted both.

20 Q And what did it reveal?

21 MR. INGLIMA: I'm going to object --

22 A Nothing.

23 MR. INGLIMA: -- the witness doesn't have a
24 basis for making any conclusions or statements
25 regarding what a phase one or phase two

1 examination report may have revealed and the
2 report, whatever it is, would speak for itself.

3 MR. ASADURIAN: He can still make --

4 MR. WHITAKER: An objection has been made
5 as to phase one and phase two. Is there a report?

6 MR. DANIEL: Yes.

7 MR. WHITAKER: And that report was done
8 probably in contemplation of purchasing the
9 property?

10 MR. DANIEL: Correct.

11 MR. WHITAKER: And that report exists?

12 MR. DANIEL: Yes.

13 MR. WHITAKER: And that's a report that
14 was completed by a company, individual that you
15 engaged?

16 MR. DANIEL: Correct.

17 MR. WHITAKER: And you have possession of
18 that report?

19 MR. DANIEL: I do.

20 MR. WHITAKER: So we should have the
21 report marked as an exhibit and on the basis of
22 that, as Mr. Inglima said the report will speak
23 for itself. If there's questions about the
24 report, we would want to have the person that
25 prepared that report here to testify if

1 environmental issues come up that need to have
2 further discussion and testimony.

3 Mr. Daniel, in connection with the report
4 that was prepared, was it prepared by a licensed
5 site remediation, an LSRP?

6 MR. DANIEL: It was reviewed by an LSRP.

7 MR. WHITAKER: It was reviewed but not
8 prepared by?

9 MR. DANIEL: I believe it was prepared by
10 Icon. I can't speak to their certification off
11 the top of my head.

12 MR. WHITAKER: So, Counsel, you're
13 prepared to provide that report?

14 MR. ASADURIAN: Yeah, I don't have that
15 with me now, but I'll have it for the next
16 hearing.

17 MR. WHITAKER: Fine. So why don't we put
18 that on the back shelf until we have the report
19 and then you can proffer what you want from that
20 at that time. Obviously, any time anything's
21 being submitted to the Board, a copy goes to Mr.
22 Inglima.

23 And for members of the public that are not
24 represented by Mr. Inglima, any such exhibits that
25 are being proposed will be on file with the office

1 for inspection, the Zoning Board Office.

2 Please proceed.

3 MR. ASADURIAN: I have no further
4 questions for this witness.

5 MR. WHITAKER: I missed one answer. I
6 apologize, I didn't hear the maximum number of
7 employees that you propose to be at the Ridgewood
8 site if a facility was developed as you are
9 proposing?

10 MR. DANIEL: 16.

11 MR. WHITAKER: 16?

12 MR. DANIEL: 1-6.

13 MR. WHITAKER: Thank you.

14 I have another question too just before we
15 go any further.

16 You talked about and used the word
17 "outdoor storage". Let's just be more specific.
18 I think you said during the course of that
19 automobiles would be still stored outside that are
20 ready to be repaired our have to be repaired?

21 MR. DANIEL: Correct, excluding the
22 vehicles in the bay.

23 MR. WHITAKER: Okay. So how many vehicles
24 are you suggesting would be the maximum number of
25 vehicles that need repair that would be stored

1 outside?

2 MR. DANIEL: Any point in time I believe
3 the amount of parking spots that we're proposing
4 is 54.

5 MR. WHITAKER: In connection with the term
6 "outdoor storage", would it be correct to say that
7 other than Dumpsters, which are enclosed, you
8 testified to, and vehicles in need of repair, that
9 there's no other equipment or parts that would be
10 outdoor, would constitute "outdoor storage"?

11 MR. DANIEL: Correct.

12 MR. WHITAKER: Thank you.

13 MR. DANIEL: Can I just let the testimony
14 to reflect that when we did purchase the property
15 between E & G, Barry's Auto Body, and the current
16 auto body, there was probably over a hundred
17 vehicles on-site when we purchased it.

18 MR. WHITAKER: Over a hundred vehicles
19 outdoors?

20 MR. DANIEL: Correct. Including boats and
21 bucket trucks and et cetera.

22 MR. WHITAKER: The last question I was
23 going to ask you, these photos you testified to
24 about the Wayne facility and the photos that show,
25 I gather, the property that's the subject of the

1 application since you've owned it, did you take
2 those photos?

3 MR. DANIEL: I personally didn't take them,
4 but somebody -- it was last June. I believe it
5 was our planner.

6 MR. WHITAKER: So we just need to know the
7 date of the photo and who took those photos at
8 some future date.

9 MR. DANIEL: September 8th.

10 MR. WHITAKER: We shouldn't have coaching
11 from the audience. If you got somebody who took
12 the photos and has that, let them come up and
13 testify.

14 Okay. That's the end of questioning.

15 All right. Procedure we will use now is
16 that Mr. Inglima can ask questions and then after
17 that members of the public can ask questions.
18 But, Mr. Inglima, I think you're going to help us
19 if you have people that you are representing
20 you've instructed them that you're asking the
21 questions on their behalf. Is that correct?

22 MR. INGLIMA: Yes, that's correct. That
23 would apply to any members, any trustees, any
24 officers of the two groups that I described in my
25 opening statement.

1 MR. WHITAKER: So all the members of the
2 public have heard that and understand it. Any
3 questions as to procedure?

4 CHAIRMAN BROWN: Mr. Whitaker, I have a
5 question. I assume we're going to go before the
6 public and our officials or what are we going to
7 do with Board questions?

8 MR. WHITAKER: We can do it either way.
9 You can certainly ask questions. You can ask
10 questions now. Have Mr. Inglima ask questions. I
11 think it would be best for the Board to ask
12 questions after everybody else has asked
13 questions.

14 CHAIRMAN BROWN: Okay. All right. Great.

15 MR. WHITAKER: Mr. Inglima.

16 MR. INGLIMA: Okay. Thank you.

17

18 CROSS-EXAMINATION BY MR. INGLIMA:

19 Q I'll try to... Forgive me for one minute.
20 I'm going to take a look at my notes as to a few things
21 that you said.

22 You introduced a photograph from, I believe you
23 indicated it was the 1950s, A-1. Is that correct?

24 A For myself?

25 MR. WHITAKER: The questions are to you.

1 Q Yes, Mr. Daniel.

2 A Yes.

3 Q Were you ever at the site? Did you ever
4 visit the site, the Ridgewood property that's the subject
5 of this application? I'm going to refer to throughout my
6 questions as "the site". Did you ever visit the site
7 during the 1950s?

8 A No.

9 Q Did you ever visit it during the 1960s?

10 A No.

11 Q How about the 1970s?

12 A No.

13 Q 1980s?

14 A No.

15 Q How about any time prior to the date that
16 you first were interested in buying the property in let's
17 say 2021?

18 A No.

19 Q When you brought the property in, I
20 believe it was June of 2021. Is that correct?

21 A Yes.

22 Q I'm not trying to mislead you.

23 A April or June.

24 Q I think you said April, but I believe that
25 the deeds indicate June.

1 So at the time you bought the property, did you
2 come onto the property before you took title and do any
3 of the things that you described earlier in your
4 testimony? You said you cleaned up the property, you did
5 other things. Did you do any of them before you acquired
6 the property from the prior owner?

7 MR. WHITAKER: You testified acquired the
8 property at closing of title. Correct?

9 MR. INGLIMA: Yes. Closing of title.
10 Thank you, Mr. Whitaker.

11 A After we purchased it we did clean up --

12 Q Okay.

13 A -- many pounds of garbage. Dumpsters full.

14 Q Were there tenants of Lot 14 at the time
15 you bought Lot 14? Do you know which one is Lot 14?
16 It's the one that's the farthest to the south.

17 A Lot 14 is... Give us the address.

18 Q 264 South Broad Street.

19 A There were tenants, yes.

20 Q Who were the tenants you had in June
21 of 2021?

22 A Barry's Auto Body and E & G Mechanical.

23 Q Is that E or V?

24 A E as in Edward.

25 Q And what buildings did they occupy?

1 A Barry's Auto Body was what I call the chicken
2 coops halfway down the lot. And E & G Mechanical was the
3 most rear of the building.

4 Q Would it be fair to say that's the
5 building that's closest to the railroad right-of-way or
6 the westerly boundary of Lot 14?

7 A Yes.

8 Q So that building is a, best described as a
9 garage structure. Correct?

10 A A mechanic shop.

11 Q Mechanic shop.

12 Are either of them, those two tenants, still
13 tenants of the property?

14 A They are not.

15 Q When did Barry's Auto Body leave?

16 A Shortly after we closed.

17 Q How about E & G Mechanical?

18 A I believe within the last eight months.

19 Q Are there new tenants of either one of
20 those buildings? Let me rephrase that.

21 Have you entered into any other leases or
22 arrangements to permit occupants of either of the
23 buildings that you described as having been previously
24 occupied by Barry's Auto Body and E & G Mechanical?

25 A No, no agreements at the moment.

1 Q You're familiar with the building that you
2 indicated in one of the photographs, I believe you said
3 you had painted it? You painted it green. I'm a little
4 colorblind so I'm going to say green. It might not be
5 exactly green.

6 A Our facility that we operate under Mountain View
7 Auto we painted.

8 Q Did you paint any of the buildings on Lot
9 14?

10 A On Lot 14, we painted the exterior of what was
11 formerly Barry's Auto Body.

12 Q And is there an occupant of that building
13 now?

14 MR. WHITAKER: I need you to answer the
15 question.

16 A Yes, there is a contractor that's in there month
17 to month at the moment. We're not in an agreement.

18 Q So is that a business by the name of
19 SShuart, S-h-u-a-r-t?

20 A I believe it's SShuart Contracting.

21 Q SShuart, I'm sorry if I mispronounced the
22 name. I think I spelled it correctly.

23 What do they do, do you know?

24 A They just use it for storage.

25 Q Well, he put a sign on the building that's

1 visible from the street, did he not?

2 A Not that I'm aware of.

3 Q Well, I think if you stand out in front of
4 264 South Broad Street and you look to the west
5 generally, you'll see the sign on the easterly facade of
6 the building that you painted and it has the name of that
7 particular business on the sign. I've seen it. If you'd
8 like I'll show you a photograph that I took. I'd be
9 happy to introduce it to the Board if they wish to see
10 it, but how are they putting up signs on that building?

11 MR. ASADURIAN: I'm going to object. This
12 has nothing to do with his testimony and how they
13 put up signs or whether they got permits or not is
14 not within his purview.

15 MR. INGLIMA: Well, I think the permitting
16 history of Lot 14 might be of some interest to
17 this Board since they're being asked to consider
18 what the uses of the property have been
19 historically and whether they're entitled to
20 either be continued or expanded, so I'm going to
21 state my question again.

22 Q Did you consent to the erection or
23 affixing of a sign that bears the name of SShuart on the
24 east face of the building that you described on Lot 14?

25 A I didn't consent to the sign, no.

1 Q You said there's no arrangement with that
2 tenant. They have keys to the building. They have
3 access to the building. Is that correct?

4 A From my knowledge, yes.

5 Q They do specialized flooring applications,
6 don't they? They pump self-leveling flooring materials
7 onto the floors of industrial and commercial buildings.
8 Correct?

9 A Not at that facility.

10 Q But that's their line of work, that's
11 their business?

12 A From what I can tell by the side of their truck,
13 yes, I --

14 Q Okay. Have they ever done work for any of
15 your businesses --

16 A They have not.

17 Q -- to any of the buildings that your
18 company occupies over the past ten years?

19 A They have not.

20 Q They had nothing to do with any work you
21 did at the property in Ridgewood at 246 South Broad
22 Street?

23 A Not that I'm aware of, I don't believe so.

24 Q Okay. After Barry's Auto Body left Lot
25 14, were there any other auto body stores -- I'm sorry --

1 auto body shops or any other businesses that were
2 involved in the repair or rehabilitation of automobiles
3 or vehicles present on Lot 14?

4 A Yes, E & G Mechanical.

5 Q And what do they do?

6 A They are a mechanic shop, so they specialize in
7 Range Rovers. And at at time there was, like I said, the
8 whole westward side had about 60 to 70 Range Rovers.
9 Tandem parts parked up the side. Sheet metal piles that
10 weren't in Dumpsters all down in that corner lot.

11 Q What kind of work -- you said they do
12 mechanical work on Range Rovers. Would that have
13 involved auto body work?

14 A At times. I can't speak to what he was. He's
15 been in that building for, I believe, close to a decade.
16 When I purchased it, we made him clean everything up
17 because his building was a fire hazard and, again, there
18 was over, close to a hundred vehicles over there that we
19 made him get out. That's why we didn't want him as a
20 tenant because it was not a viable business or safe to
21 keep to him there.

22 Q So he hasn't been there for at least eight
23 months?

24 A At a minimum, correct.

25 Q Do you know if the E & G Mechanical

1 business ever obtained a Certificate of Occupancy from
2 the Village of Ridgewood for their tenancy or occupancy
3 of that building?

4 A I can't speak to that. All I know is that when we
5 purchase it, it was a visibly unsafe building. We
6 requested that he be removed or please, at a timely
7 fashion, please vacate the premise and he did.

8 Q So you've cleaned up Lot 14. You've
9 removed tenants. You have a new occupant of one of the
10 buildings on that lot. Are there any other persons or
11 businesses that have the right to use or enjoy the use of
12 any parts of Lot 14? In other words, for parking, for
13 access or for any other purpose?

14 A There's one more tenant, again, that was
15 preexisting. Speaks to my prior testimony about the
16 numerous businesses that the previous owner has allowed
17 to be there, be it boats, bucket trucks, et cetera. So
18 there's one landscaper that remains.

19 Q What's the name of that landscaper?

20 A Couldn't even tell you, to be honest. It's a
21 green truck.

22 Q And you indicated that there are no leases
23 with that landscaper?

24 A No, sir.

25 Q You just let them park their trucks there?

1 A Friendly neighbor to a family owned business.

2 Q Let's talk about Lot 13. This is the lot
3 that has the residential dwelling house on it. You
4 indicated that when you bought the property there were
5 cars behind it. Whose cars were behind that building?

6 A I believe one was Mike Dunnigan (Phonetic) Water
7 something or other and another was a bucket truck that
8 did trees. Another was a boat. Again, all previous
9 owner type things. There was multiple shipping
10 containers. The list goes on. You can pull up Google
11 Earth.

12 Q Well, I've seen the photographs. Do you
13 know who used the shipping containers?

14 A I can't speak to that.

15 Q And once again, did you have any
16 arrangements that you succeeded to as the new owner of
17 the property with the businesses or individuals that you
18 just described: Donohue, the bucket truck tree guy, the
19 boat owner, the person whoever it was who put the
20 shipping containers there?

21 A They all since vacated other than what we just
22 discussed.

23 Q So you never entered into any leases or
24 other arrangements with them?

25 A When we closed, it was vacated.

1 Q So everyone left the property, I assume,
2 other than a tenant of the residence. Right?

3 A Correct. Everybody went to the adjacent property
4 that currently rents out U-Hauls, et cetera.

5 Q Are you referring to Lot 4001?

6 A I believe, I'm not versed in lots. All I know is
7 my neighbor on the westward side also has commercial
8 vehicles, U-Hauls, et cetera.

9 Q Now, aerial photography of the site seems
10 to indicate that there is a driveway connection or some
11 other kind of vehicular passageway that connects Lot 14,
12 the one we've been talking about at length, and Lot 4001,
13 which you identified as being the U-Haul.

14 A I believe, again, I did not put this there, I
15 believe there's an electrical pole, one of those big
16 wooden poles that delineates that nobody can just drive
17 through that. Again, that was preexisting when we
18 purchased it, but I can testify we do not use that as a
19 driveway.

20 Q So there are no easements or other rights
21 of access across Lot 14 that are held by anyone who is
22 associated with Lot 4001 either as a tenant or property
23 owner?

24 MR. ASADURIAN: I'm going to object to the
25 extent it's out of his purview.

1 MR. WHITAKER: I couldn't hear you,
2 Counsel.

3 MR. ASADURIAN: I'm going to object to the
4 extent it's out of his purview.

5 MR. WHITAKER: Mr. Daniel, to your
6 knowledge, having been one of the principals of
7 the company who purchased the property, do you
8 have any knowledge of easements that are on your
9 property?

10 MR. DANIEL: On any of the three
11 properties, I have no knowledge of easements.

12 MR. INGLIMA: It may be helpful given the
13 fact that we are dealing with multiple lots as
14 part of this application if the Board could
15 request and the applicant could provide a report
16 of title that it obtained at the time the
17 applicant acquired title to the subject property.
18 I think that would help go a long way towards
19 resolving any of these issues with respect to
20 either the properties themselves that are subject
21 of the application or any abutting properties that
22 might have rights.

23 MR. ASADURIAN: There's no issue to
24 resolve. There's no need for us to submit title
25 work.

1 MR. WHITAKER: Well, you have a site plan.

2 MR. ASADURIAN: Sure.

3 MR. WHITAKER: And you're seeking a site
4 plan approval. One of the things that the survey
5 has to show is any recorded easements. If the
6 survey shows a recorded easement, your licensed
7 surveyor will have to put that on the survey and
8 when the Board gets a survey that shows a recorded
9 easement, as a matter of procedure the Board
10 requests a copy of the written document.

11 MR. ASADURIAN: I don't dispute that, but
12 Mr. Ingle's basically trying to imply there's
13 something out there without saying there's
14 something out there and trying to switch the
15 burden onto us.

16 MR. WHITAKER: No, I think the implication
17 is your witness doesn't know that there's any
18 easements on the property. We can take a break,
19 we can look at the surveys to see if your surveyor
20 shows any easements on the property. But it's not
21 unusual for an applicant to provide that
22 information when the site plan application is
23 filed.

24 MR. ASADURIAN: There's a difference
25 between referring title work and easements.

1 MR. INGLIMA: If I may clarify just so
2 that Counsel is aware of why I'm asking this
3 question. Lot 40.01 is a landlocked. It does not
4 have direct access to South Broad Street. It
5 appears from aerial photography that there is a
6 vehicular connection between that lot and the
7 rear, I should say the southwest corner, if you
8 will, of Lot 14. I looked for an easement on any
9 of the other properties that lie between Lot 4001
10 and South Broad and I couldn't find any recorded
11 easements myself, but I'm not a title searcher, I
12 was just doing my own research. However, given
13 the fact that there's a landlocked lot that has
14 what appears to be a connection to the site, I
15 think it's incumbent upon everyone to find out
16 whether or not there are any rights, whether
17 they're subject of a recorded easement or may
18 arise by virtue of prescription.

19 MR. WHITAKER: Just the look at the tax
20 map doesn't show anything -- the tax map doesn't
21 show any easements.

22 MR. INGLIMA: I know it doesn't.

23 MR. WHITAKER: I'm looking now.

24 MR. INGLIMA: It doesn't show any right of
25 access to that lot.

1 MR. ASADURIAN: And I don't even know what
2 aerial Mr. Inglima's talking about. This is the
3 second time he made reference an aerial. He
4 hasn't introduced --

5 MR. WHITAKER: When you have a landlocked
6 piece of property, the question that's going to be
7 asked of your surveyor, the applicant, your
8 planner is are you permitting ingress and egress
9 to that site from your property because if you are
10 that's a site plan consideration that the Board
11 has to take into consideration.

12 MR. ASADURIAN: I understand that.

13 MR. WHITAKER: So it's a germane question.
14 So let's pull out the title report for a future
15 meeting and just provide us with a statement as to
16 whether there are any easements of record on the
17 property, and if there are any easements of record
18 on the property, provide a copy of the easements
19 and proceed from there.

20 MR. INGLIMA: Thank you, Mr. Whitaker.

21 Q Forgive me for jumping around a little
22 bit. I started to ask a question about an occupant of
23 the residence on Lot 13 and I don't think I ever either
24 finished my question or lodged an answer. So once again,
25 do you have a residential tenant of the building, I guess

1 it's a two-and-a-half story dwelling, on Lot 13?

2 A I do not.

3 Q Is there anyone in the building at this
4 time?

5 A No.

6 Q So no tenants at all? No offices? No
7 residents? Nothing?

8 A 256 South Broad Street is empty.

9 Q Thank you.

10 Okay. I'd like to talk about Lot 12. This is the
11 northern most property. This would be 246 South Broad
12 Street. That's the building that's been the subject of
13 photographs that you've introduced today. Did you buy
14 that building in its current condition as far as the
15 footprint of the building?

16 A Yes.

17 Q When you bought that building, who
18 occupied that building?

19 A Ridgewood Vehicle.

20 Q Ridgewood Vehicle was the name of a
21 company that operated it?

22 A The prior owner.

23 Q So they operated a body shop there?

24 A They did, I believe, again, since the '60s.

25 Q And when you bought the land, Lot 12, the

1 land that comprises Lot 12, did you also buy the
2 business, Ridgewood Vehicle?

3 A Yes.

4 Q So your purchase included not only the
5 real property and the improvements, but also an interest
6 in a business that was a going concern?

7 A Yes.

8 Q Okay. Did Ridgewood Vehicle have a lease
9 of either Lot 13 or Lot 14 at the time you bought it?

10 A I would have to check the records.

11 Q So you're not aware of any leases that you
12 succeeded to as a tenant by virtue of having purchased
13 Lot 12 or Ridgewood Vehicle?

14 A I'd have to check.

15 Q Okay. When Ridgewood Vehicle operated
16 their business, you indicated that they made, I don't
17 want to put words in your mouth, but it sounds like you
18 were saying it was a very messy operation. Is that a
19 fair way of characterizing your testimony?

20 A From the photos, it was just not our way of doing
21 business.

22 Q Okay. So since you bought the property in
23 June or whatever of 2021, you've discontinued those
24 practices that were formerly used by Ridgewood Vehicle.
25 Correct?

1 A We removed the safety hazard.

2 MR. ASADURIAN: I'm going to object to
3 that question.

4 MR. WHITAKER: On what grounds, Counsel?

5 MR. ASADURIAN: He's saying he
6 discontinued the uses to what was an auto body
7 shop that was there. He testified --

8 MR. INGLIMA: Practices.

9 MR. WHITAKER: I understood --

10 MR. ASADURIAN: He said uses.

11 MR. WHITAKER: Let's be clear.

12 MR. INGLIMA: I'll reask the question.

13 MR. WHITAKER: I understand this question
14 to be that he discontinued the practice keeping
15 the place a mess after he acquired it. Maybe I
16 misunderstood. Redirect your question.

17 MR. INGLIMA: I will rephrase the
18 question. Thank you, Mr. Whitaker.

19 Q After you purchased Lot 12 and Ridgewood
20 Vehicle, you cleaned up the mess that Ridgewood Vehicle
21 was operating at the site. Is that a fair statement?

22 A Yes.

23 Q All right. So you didn't do the same
24 kinds of, I don't know how else to put it, but shall we
25 say unaesthetic types of operations there. Right?

1 A We continued normal auto body practices. We
2 removed unsafe practices; leaving garbage on the ground,
3 leaving bumpers outside.

4 Q So you don't do any of those things now?

5 A Yeah, we are continued, forced to put bumpers
6 outside currently because of space which is the reason
7 I'm in front of the Board to remove that.

8 Q When you say you put bumpers outside, what
9 are you talking about? Is that a bumper that has been
10 removed from a vehicle that's being serviced by your
11 company or --

12 A Yes.

13 Q -- is it a part that's been painted?

14 A It's removed from the vehicle so we can gain
15 access to other areas of the vehicle and because we're
16 not dealing with foam ridges, we're dealing with cars,
17 they are quite large and we need space, so they sit on
18 racks outside.

19 Q Would it be fair to say that you use areas
20 that are behind the residence on Lot 13 to store those
21 types of materials?

22 A As it was a continued use, yes.

23 Q You do what they were doing?

24 A Yes, we do store bumpers. But we do not, again,
25 allow garbage and parts, et cetera, that are damaged and

1 anything, but I would like to be corrected by the
2 witness only.

3 A We did not put that fence there. It was
4 preexisting.

5 Q Okay. Thank you.

6 Right now when you operate Mountain View Auto Body
7 at the site, do you do any work on cars to repair
8 windshields?

9 A Yes, if needed.

10 Q Do you advertise that service on your
11 website?

12 A It is part of auto body repair.

13 Q And do you do any other kinds of
14 restoration work on cars --

15 A No.

16 Q -- not associated with collision damage?

17 A Not restoration. I'm not dealing with old
18 vehicles, but if a customer does not want to use
19 insurance, we call that a self pay. It's not
20 restoration. It's still auto body collision repair.

21 Q So you advertise your services to the
22 general public to do all manner of work on cars that
23 involves their bodies, the painting, coating them with
24 certain protective materials. Right?

25 A We operate as an auto body facility.

1 Q So you're not just dealing with cars that
2 get into collisions, you're dealing if I wanted to have
3 my convertible repainted and, you know, it's a number of
4 years old, you'd take that job on. Right?

5 A Scheduled it.

6 Q But you do that kind of work?

7 A We will schedule it.

8 Q Yes. Okay. When someone comes in with a
9 non-collision type of service, is it treated differently
10 from your collision service?

11 A No.

12 Q So it's processed in the same manner as
13 every other customer?

14 A Correct.

15 Q Have you ever had to tell a customer we
16 can't do your work because we're too busy or we have too
17 many cars on the lot?

18 A No, because we schedule it. We can kind of
19 metaphorically turn the faucet on and off. We're not a
20 retail center.

21 Q The notice that was originally issued with
22 respect to this application, which I believe was back in
23 December of last year, indicated that all business
24 operations would be conducted within the new building.

25 MR. ASADURIAN: Mr. Whitaker, we've

1 re-noticed.

2 MR. INGLIMA: No, no, please let me
3 finish.

4 Q Your new notice says that there will be
5 work conducted outside the building. Can you describe
6 for the Board what the work would be that would be
7 conducted outside the building? It's in the notice.

8 A Honestly, I'm unaware of any work that would be
9 done outside the building.

10 Q Are there ever occasions when you do
11 dismantling of automobiles outside the building at the
12 Wayne facility that you're referring to?

13 A No.

14 Q Never?

15 A No. I mean, I can't use the word "never", but
16 generally speaking it's not conducive to do work outside.

17 Q Well, when you say "conducive", I mean, if
18 it's a nice, sunny day and a car comes in and you want to
19 start the disassembly process, you could do that outside.
20 There would be nothing to stop you. Right?

21 A Potentially, but it doesn't fit our model. You
22 lose a part. You can't bag it. You can't tag it
23 appropriately. It doesn't fit our parts carts. Parts
24 carts can't go outside on the pavement, they don't wheel
25 well correctly.

1 Q I have a photograph in my hand and I don't
2 want to get ahead of myself. I'll show it to Mr.
3 Whitaker first and I'll show it to Mr. Asadurian. It's
4 actually two photographs. One which shows the distance
5 shot from the northbound lanes of Route 23 facing the
6 Mountain View Auto Collision Center in Wayne.

7 MR. WHITAKER: These were taken by?

8 MR. INGLIMA: These were taken by me, Mr.
9 Whitaker.

10 MR. WHITAKER: What was the date?

11 MR. INGLIMA: They were taken on April 27,
12 2023.

13 MR. DANIEL: To be fair, that building is
14 not our address for the auto body.

15 MR. WHITAKER: April 27th of 2023.

16 MR. DANIEL: Mr. Whitaker, that building is
17 not our address for the auto body. Mountain View
18 Auto rents space to be able to put that sign on
19 that building for the highway.

20 MR. INGLIMA: I'll await a ruling from Mr.
21 Whitaker whether this can be shown to the Board.

22 I will make a proffer that this shows
23 conditions outside the applicant's property in
24 Wayne that are inconsistent with the testimony of
25 Mr. Daniel.

1 MR. DANIEL: Again, that building is not
2 under the --

3 MR. WHITAKER: So let's deal with the
4 question first.

5 So Mr. Inglima wishes to proffer this.
6 Counsel, you certainly have a right to refute what
7 he's going to show, but he's doing this for
8 purposes of disputing the direct testimony that's
9 been provided on the record, Mr. Inglima?

10 MR. INGLIMA: That's correct.

11 MR. WHITAKER: So it's proper.

12 MR. DANIEL: But this building is
13 not showing --

14 MR. WHITAKER: No, no, you don't
15 understand how the procedure works. Let Counsel
16 answer that question.

17 MR. ASADURIAN: But the testimony that was
18 provided by my client was with respect to the work
19 and services that they do in Ridgewood. Mr.
20 Inglima is trying to bring in something from
21 another property in another town and saying this
22 contradicts what you said you do in Ridgewood.

23 MR. WHITAKER: We can go back on the
24 transcript to look, but I have notes to say that
25 at the Wayne facility all work is done indoors.

1 Did he not say that? Did I miss it?

2 MR. ASADURIAN: He did, but this is not
3 the Wayne facility.

4 MR. WHITAKER: Well, that's something you
5 have to dispute after he proffers this. That's
6 certainly your answer to it. You're ahead of
7 yourself, so to speak, okay. So the photo would
8 be permitted.

9 MR. DANIEL: Sir, before it's permitted,
10 can he ask me who owns this building?

11 MR. WHITAKER: I think you're going to
12 have to let your attorney ask these questions of
13 me, not you. Okay. I think that if you need to
14 take five minutes to catch your breath on this, so
15 do it, but there is a procedure that we use and
16 employ at the Board and that is you are
17 represented by Counsel and at that point the
18 questions can directed through Counsel. You don't
19 challenge me or the Board.

20 MR. ASADURIAN: Mr. Whitaker, are we
21 marking these?

22 MR. WHITAKER: We'll mark them as O-1.

23 MR. INGLIMA: I would ask that they be
24 marked as O-1A and B since there's two of them
25 and they're just marked for identification.

1 MR. WHITAKER: That's all. O-1 is the top
2 photo that shows three vehicles in the front with
3 the full sign of Mountain View.

4 O-1B is the one that does not show a sign,
5 but shows basically two vehicles and an
6 individual.

7 MR. INGLIMA: It shows a portion of the
8 sign in the upper right corner.

9 MR. WHITAKER: Yes, okay. And the address
10 of the property?

11 MR. INGLIMA: I don't know the street
12 number. It's on Route 23 in Wayne, New Jersey.

13
14 (Top photo showing three vehicles in the
15 front with the full sign of Mountain View was
16 received and marked Exhibit O-1A for
17 identification.)

18
19 (Photo of two vehicles and an individual
20 was received and marked Exhibit O-1B for
21 identification.)

22
23 MR. INGLIMA: As part of my proffer, I
24 will state for the record and represent to the
25 Board that these are photographs that I took on

1 April 27, 2023, some time between 12:00 p.m. and
2 1:00 p.m. from the northbound lanes of Route 23 in
3 Wayne and from the southbound lanes in the case of
4 photograph O-1B.

5 MR. WHITAKER: Next question.

6 MR. INGLIMA: Thank you, Mr. Whitaker.

7 Q Mr. Daniel, do you recognize the building
8 that's shown in O-1A?

9 A I do.

10 Q It bears the name *Mountain View Auto*
11 *Collision Center* on the easterly facade. Is that
12 correct?

13 A It does.

14 Q And I believe we see what looks like a
15 rollup door on the right side of the frame on O-1A and we
16 see three vehicles that are parked in a small parking lot
17 that lies between the building frontage and the
18 southbound lanes of Route 23. Is that correct?

19 A Related to this application, Mountain View Auto
20 does not own this building.

21 MR. WHITAKER: That's not the answer to
22 the question. You have to respond to the
23 question.

24 A There are doors there and there are cars there.

25 Q Okay. Is Mountain View Auto Collision

1 Center a tenant of the building that is shown in the
2 photograph?

3 A To be able to place the sign on the facade.

4 Q Do you maintain a facility in that
5 building that is served by several rollup doors of which
6 one is shown in O-1A that is used for ceramic coating of
7 vehicles?

8 A Not for Mountain View Auto.

9 Q Does any business with which you are
10 associated operate a ceramic coating facility for
11 automobiles and other vehicles at the location shown in
12 O-1A?

13 MR. ASADURIAN: Mr. Whitaker, I'm really
14 not understanding where we're going with all this.

15 MR. WHITAKER: I don't know either, but,
16 again, your client has testified that he has a
17 facility in Wayne and Mr. Inglima is questioning
18 how the facility in Wayne operates. So he is
19 trying to show that and the underlying testimony
20 that you proffered may be incorrect or is in
21 dispute. So why wouldn't the witness testify and
22 respond to the questions?

23 MR. ASADURIAN: Because the proffer was to
24 attack credibility saying that he has cars stored
25 outside.

1 MR. WHITAKER: We didn't get there yet.

2 MR. ASADURIAN: And the questions are far
3 beyond that.

4 MR. WHITAKER: No, he wants to first
5 establish if Mountain View Auto Collision Center,
6 as I understand it, leases this facility in any
7 manner whatsoever and his testimony, his answer
8 was they lease the building's facade. He then
9 asked the question, I don't have the exact
10 wording, has any entity that you're involved in
11 lease this for auto body collision work or any
12 other work at this property.

13 MR. INGLIMA: I believe I referred to
14 ceramic coatings specifically.

15 MR. WHITAKER: Ceramic coatings. And we
16 didn't get an answer.

17 A May I ask Mr. Inglima the relevance to a ceramic
18 coating because I'm not proposing this in Ridgewood.

19 Q I'm not asking about how you operate
20 ceramic coating business, I'm asking whether or not you
21 have access or enjoy the use of the parking area that's
22 shown in the photograph. Do you?

23 A Mountain View Auto is able to use this building to
24 place a sign on it.

25 Q Okay. Is there a driveway that leads into

1 your main facility, the one that was the subject of the
2 photographs that have been previously marked? And that
3 driveway runs immediately north from the building that's
4 depicted or shown in the photograph marked as O-1A?

5 A I believe the owners on which Mountain View Auto
6 rents to do own both properties.

7 Q And there's a driveway that leads directly
8 into your collision center at this location, isn't there?

9 A It does, but, again, I can't speak to the owners
10 of the buildings, which Mountain View Auto rents from.
11 They do own both properties.

12 Q Okay. If I can direct your attention to
13 the photograph that has been marked as O-1B. There is a
14 gentleman standing to the left of a white vehicle that is
15 in a state of disassembly of some kind. Isn't he wearing
16 a Mountain View Auto Body T-shirt?

17 A The words are blurry.

18 Q You know what your T-shirts look like. Is
19 he wearing an auto body T-shirt?

20 A He is wearing a maroon T-shirt. It looks like a
21 red T-shirt.

22 Q And your company has red T-shirts?

23 A Also gray, also black.

24 Q Are you denying that the man who is shown
25 in the photograph that's been marked as O-1B is an

1 employee of your company that he's taking photographs of
2 a vehicle that is being worked on by your company?

3 A I can't see his face.

4 Q Okay. Do you know of any occasions when
5 your company has placed vehicles outside the fence line
6 of its Wayne, New Jersey facility for storage, for any
7 kind of work, for any purpose related to customer
8 service?

9 A Speaking in absolutes, I'm sure there are times
10 when a car is outside of the fence.

11 Q Now, the photograph, I'll proffer to the
12 Board, shows vehicles that are located within a hundred
13 feet of the road. Are you saying that this kind of
14 condition would never happen in Ridgewood?

15 A If there was a condition of the approval, I'm sure
16 somebody from the Zoning Board would have choice words
17 with us if this did happen.

18 Q But it is happening in the photographs
19 O-1A and O-1B. Correct?

20 A I believe this building is also zoned differently.

21 Q Well, you had testified before that it
22 never happens and it doesn't happen in Wayne and I
23 respectfully submit the photograph to show that that
24 testimony is contradicted by a condition that I saw on my
25 very first drive by the site. So how do you answer the

1 concerns of this Board and the public about the manner in
2 which you're going to operate this business and the
3 visibility of automobiles under repair from South Broad
4 Street or any residential properties in the area? How do
5 you answer that concern?

6 MR. ASADURIAN: I'm going to object to the
7 fact that he classifies it as a concern.

8 He can answer the question.

9 MR. INGLIMA: I'm stating for the record
10 that it is absolutely a concern of my clients.

11 MR. ASADURIAN: But the Board has not
12 expressed a concern.

13 MR. INGLIMA: I'm not asking about the
14 Board's concern. I'm asking about the public's
15 concerns and my clients' concern.

16 MR. WHITAKER: He objected. The
17 applicant, I listened to tonight said they do not
18 have storage of vehicles outside confined areas
19 behind the fence, storage vehicles behind the
20 fence, that's what he would do in Ridgewood. Mr.
21 Inglima is showing you another site where
22 evidently there's photographs that contradict his
23 testimony. So he's asking, how are you going to
24 address that concern. It's a legitimate question.

25 A Mr. Inglima, were there concerns of vehicles being

1 outside on our current site ever made to you?

2 MR. WHITAKER: It's the wrong procedure
3 and Counsel will instruct, you're not here to ask
4 questions, you're here to answer questions.

5 A At the Ridgewood site, again, speaking in
6 absolutes, we would obviously do our best to ensure that
7 this would not happen at the Ridgewood facility.

8 MR. WHITAKER: So the statement you're
9 making is you would do your best. It's not at
10 this point a standard that is an absolute. You'll
11 do your best.

12 Continue.

13 MR. INGLIMA: Thank you, Mr. Whitaker.

14 Q Mr. Daniel, were you involved in the
15 design or the development process that resulted in this
16 application being filed?

17 A I was part of it, yes.

18 Q I mean, you indicated earlier that you
19 were a CPA for the applicant. Are you an officer of the
20 applicant, either the LES Daniel company that operates
21 the auto body shops or LES Daniel LLC that owns the
22 property?

23 A The property.

24 Q Do you have a role or a title or an
25 official responsibility for Mountain View Auto Collision

1 Center?

2 A Yes, I run operations.

3 Q Okay. So would it be fair to say that
4 you're very familiar with the process from when you
5 acquired the property to the date you filed the
6 application with the Board that resulted in this hearing?
7 In other words, the request for variances and the site
8 plan application?

9 A Yeah, including the clerical paperwork that the
10 attorneys do, I was aware of how the building was
11 designed.

12 Q When the site was acquired, was it your
13 intention from day one to consolidate the lots and build
14 the facility that's the subject of this application?

15 A I wouldn't say that, no.

16 Q Well, at what point did you come to the
17 conclusion that you wanted to do what you're asking the
18 Board to approve?

19 A When we purchased the property, we were unaware of
20 how dis-shambled the property was.

21 Q But you cleaned it up and now you're
22 before the Board and you're saying that you want to
23 change it completely. You want to remove all the
24 structures that are there today. Correct?

25 A The structures are unsafe.

1 Q Are you referring -- when you say the
2 structures are unsafe, are you referring to the principal
3 building in which you conduct Mountain View Auto
4 Collision Center on Lot 12?

5 A No.

6 Q Okay. So you're referring to the other
7 two lots?

8 A Correct.

9 Q Okay. Who decided how big the building
10 would be that's the subject of this application?

11 A The nature of the facilities is what we do in
12 Wayne.

13 Q So you were trying to mimic what you do in
14 Wayne in terms of the building, the facility --

15 A I believe I testified to that, yes.

16 Q This building is not as big as Wayne,
17 though, is it?

18 A Which facility are you talking about, the current
19 one?

20 Q When I refer to Wayne, just so we have the
21 correct shorthand, I'm referring to the one that's on
22 Route 23.

23 A That one's not operated by Mountain View Auto.

24 Q The one that's in the photographs that you
25 marked in evidence tonight.

1 A The one you marked in evidence?

2 Q No, the photographs you marked in
3 evidence.

4 A Yeah, that's 96 Newark Pompton Turnpike.

5 Q Great. So that's going to be Wayne. From
6 now on when I say "Wayne" I'm referring to that one. I'm
7 not referring to your flagship store on Mountain View
8 Avenue. I'm referring to that one. Okay?

9 This facility that's the subject of this
10 application is smaller than what you have in Wayne.
11 Correct?

12 A Correct.

13 Q So it's got fewer repair bays?

14 A Cumulatively. Are we talking about all the
15 properties combined as how we currently?

16 Q No, no, just talking about the building
17 that's shown on the architectural plans.

18 A Just on Lot 12.

19 Q We're talking about -- when I talk about
20 the building that's the subject of the application, I'm
21 referring to the building that's depicted on the
22 architectural plans that have been filed by this Board as
23 part of this application process.

24 A You're comparing Mountain View 96 auto body.

25 Q Right.

1 A To the plans that we submitted.

2 Q Right.

3 A Okay. Continue.

4 Q I had a question pending. Is the building
5 that you're proposing here in Ridgewood smaller than the
6 building that you operate in Wayne, using the
7 definition --

8 A I got you.

9 Not really, they're similar in size.

10 Q Similar size.

11 A I don't know the exact square footage.

12 Q Have you done any kind of marketing
13 analysis to determine how big a building you need in
14 Ridgewood?

15 A Other than our knowledge of past occurrences that
16 have worked for us and other businesses that we know
17 failed and based on their size of the building.

18 Q Well, is it possible that you could build
19 a newer, better, cleaner building that's smaller than
20 what's being proposed on the plans?

21 MR. ASADURIAN: Objection.

22 MR. WHITAKER: Anything is possible, Mr.
23 Inglima.

24 MR. INGLIMA: Well, he has cited those as
25 objectives of the application. So I'm trying to

1 find out whether or not the size of this facility
2 is the only thing that would result in those
3 objectives being met.

4 MR. WHITAKER: That's a fair question.

5 A Is the objection to the size of the building or
6 just that we're building it period? The way in which
7 you're asking the question it seems like a smaller
8 building you would be amenable to.

9 Q I'm asking you how you decided how big a
10 building you needed?

11 A Again, just based on our knowledge and the fact
12 that we're not working with pens and phones, we're
13 dealing with cars that are six feet, four feet wide by
14 eight, ten, 12 feet long. You need space when you
15 disassemble vehicles.

16 Q When you filed the application originally,
17 you were showing fewer repair bays inside the building
18 than are depicted on the plans that are currently on file
19 with the Board, the most recent revisions of the
20 architectural plans.

21 A Correct.

22 Q Why did you increase the number of bays?

23 A Again, this is a new application, but from
24 comments from the previous application and concerns from
25 the public, we revisited the plans and saw that

1 additional bays may help not only with parking but flow
2 and the Board came to the determination that maybe we did
3 not execute the space as well as we could have.

4 Q So it was more of a design decision than
5 anything else?

6 A Correct.

7 Q It had nothing to do with how much
8 business you want to do at the Ridgewood facility?

9 A Not that I'm aware of, no. Bays are not
10 indicative of employees and things of that nature. It's
11 not one for one.

12 Q Now, who determined how to lay out the
13 building that's the subject of this application on the
14 site? In other words, if I may characterize it
15 generally, the building appears to be more or less
16 oriented in a parallel fashion to the south property line
17 of Lot 14. Did you have any role in determining where
18 the new building would be?

19 A That was a business decision to be able to keep
20 our employees working while we constructed a building.

21 Q So, in other words, you wouldn't have to
22 tear down the existing building that's used on Lot 12
23 while you're building the new facility on Lot 14 and 13?

24 A Correct, in terms of harming potentially eight
25 families.

1 Q Would it be possible to tear down all of
2 the buildings on Lot 13 and 14 as an initial stage of
3 construction?

4 MR. ASADURIAN: Objection.

5 Q Is there any reason why you would not tear
6 down those buildings as an initial stage of construction?
7 We're talking about Lots 13 and 14, the residential lot
8 and the lot that had Barry's Auto Body on it years ago?

9 A You're asking would I tear those down first?

10 Q Yes.

11 A I believe that is the plan for the contractor
12 assuming this goes through.

13 Q Is there any reason why you can't build a
14 new building behind the existing Mountain View Auto
15 Center?

16 A Again, it would be harmful to the employees that
17 currently work there, I believe.

18 Q I'm not talking about tearing down the
19 existing building in which you have an auto body shop.
20 I'm talking about building a new facility behind it, I
21 shouldn't say behind it, for the record, to the west --

22 A To the Board's point anything --

23 Q -- near the right-of-way of the railroad
24 tracks?

25 I'm sorry, can you answer that?

1 A It's possible, I assume.

2 Q Okay. And you could obviously store
3 vehicles on Lot 14 or Lot 13 while you're doing the
4 construction along the westerly portion of the property,
5 couldn't you?

6 A I don't believe vehicles would be able to leave
7 the Lot 12 property in a fashion that is maneuverable
8 around the property while building over there. It would
9 not be possible. We looked at these options.

10 Q Well, are there vehicles that you are
11 currently working on on Lot 12 in the existing auto
12 collision center that from time to time are stored on Lot
13 14?

14 A I'm sure at times.

15 Q So you have used Lot 14 for the principal
16 use of Lot 12 already?

17 A Correct, but you have to leave the building. The
18 way the building's designed, unfortunately, you have to
19 leave the building to come back into it. Everything is
20 not within the building.

21 Q Well, you have a driveway to South Broad
22 Street and you have another driveway to South Broad
23 Street on Lot 14. Where's the difficulty? Isn't that
24 what you're doing right now?

25 A If the building is built in the back the way the

1 contractor has it, you would not be able to leave the Lot
2 12 building.

3 Q Except by using South Broad Street.
4 Correct?

5 A You're coming out of the back of the building.

6 Q What comes out of the back of the
7 building? We're talking about the existing building?

8 A Yes. There's a spray booth and there's one exit
9 out the back of the building towards the train tracks.

10 Q And that's used for the spray booth?

11 A Correct.

12 Q And you have rollup doors that are on the
13 various bays that are oriented on the inner aspect of the
14 L-shaped building. Correct?

15 A Correct. But when you leave the spray booth, you
16 have to go out the back side of the entrance.

17 Q So you're saying that because of the spray
18 booth you can't build a new building on the westerly
19 portion of the property?

20 A I won't be able to leave the spray booth, sir. I
21 wouldn't be able to drive a vehicle out of the spray
22 booth.

23 Q And that's the whole reason the building's
24 got to be on the south property line instead of on the
25 west property line?

1 MR. ASADURIAN: That's not what he said.
2 You're mischaracterizing his testimony.

3 MR. INGLIMA: All right. I'm asking him
4 why they can't do it. That's a fair question.

5 MR. ASADURIAN: Mr. Whitaker, I don't
6 really understand where we're going with this.
7 It's outside the scope of direct. It's not
8 relevant to this application. The applicant has a
9 right to present an application that they deem
10 appropriate. It's not somebody else's decision to
11 say why did you not build this. That's not the
12 burden and it's not the standard.

13 MR. WHITAKER: So the applicant's position
14 is it's going to be built where he's proposing it.
15 He's not going to suggest any other options. I
16 just want the record clear.

17 MR. ASADURIAN: No, Mr. Whitaker, that's
18 not what I meant.

19 MR. WHITAKER: I don't understand your
20 objection.

21 MR. ASADURIAN: The objection is the
22 standard of proof is not could we build this while
23 you're doing this. The standard of proof is the
24 positive negative. These questions have nothing
25 to do with either his direct, his present

1 application, or the standard of proof.

2 MR. WHITAKER: Would the question not be,
3 did you explore other options to build the
4 building in a different location on the property
5 and if the answer were yes and then the next
6 question I would assume would be and why did you
7 not select the other option. That's a legitimate
8 question. Mr. Inqlima doesn't have to ask that,
9 one of the Board members will before this hearing
10 is over.

11 MR. ASADURIAN: But he did not ask that
12 and that's my objection.

13 MR. WHITAKER: He did not ask what?

14 MR. ASADURIAN: The questions you just
15 asked, Mr. Whitaker.

16 MR. WHITAKER: No, maybe I should ask the
17 question because it's is getting late. All right.

18 Did you explore the other options on this
19 property as to where the location of the building
20 would be? It's a yes or no?

21 MR. DANIEL: Yes.

22 MR. WHITAKER: And what options did you
23 explore?

24 MR. DANIEL: Knocking down the existing
25 building on Lot 12, putting it in the location

1 that Mr. Inglima had suggested and no matter which
2 way we looked, it would either, A, harm the
3 employees in terms of stopping the business
4 running or it was not feasible because we couldn't
5 continue operations.

6 MR. WHITAKER: So your objective was to
7 locate a building in a location where the current
8 business could continue to operate. Nothing wrong
9 that. Now we know. That's all. Nothing wrong
10 with that. We now have the answer.

11 Mr. Inglima.

12 MR. INGLIMA: Thank you, Mr. Whitaker.

13 Q Did the design of the building that is
14 shown on the current plans, did your choices about the
15 design of that building have anything to do with how
16 visible the building would be from South Broad Street?

17 A We wanted to keep the exterior of the building
18 with the character known in Ridgewood, the Tudor style.
19 I would assume the building is known to myself to be seen
20 from the road, it's clear.

21 Q You're showing on the plans a building
22 that is less than 30 feet from the right-of-way of South
23 Broad Street.

24 A Correct, which is still further back than the
25 existing Lot 12 building which I think is 14 feet.

1 Q Well, we can get into this with the
2 engineer or the architect, but why couldn't you build a
3 building that is 40 feet back, which is what the
4 ordinance requires for residences?

5 A From the design of the bays on the, I believe
6 that's the south side or southwest.

7 MR. ASADURIAN: I think that's a question
8 more appropriate for the professionals.

9 MR. INGLIMA: Well, I'm asking this
10 gentleman because I assume that from his prior
11 testimony that he was involved in some aspects of
12 design and laying out the site, so I just am
13 curious to find out why it can't be built to
14 conform with the setback along South Broad Street.
15 If he doesn't have an answer to that, that's fine.
16 I'll move on. But if he does, I'd be interested
17 in hearing it.

18 A I'll keep that to the professional.

19 Q And the building also violates the rear
20 yard setback. So not only are you too close to the road,
21 but you're too close to the railroad tracks. Did you
22 give any consideration to shortening that building up a
23 little bit so that you can comply with those
24 requirements?

25 A We did. I believe E & G Mechanical's ten, 11 feet

1 from the railroad setback.

2 Q That little garage?

3 A If you'd like to call it little, it's a mechanic
4 garage.

5 Q I've seen a lot of homes in Ridgewood that
6 have bigger garages than E & G Mechanical, but this isn't
7 about my observations.

8 When you have customers bring vehicles to your
9 site, you indicated that there are going to be signs that
10 direct them as to which vehicle spots are for customers
11 and which are for employees. Correct?

12 A Yes.

13 Q The employee spaces I thought were being
14 identified as the ones that are to the farthest west on
15 the site as its currently shown on the plans. In other
16 words, on the westerly side of the stacked parking
17 spaces.

18 A Yes.

19 Q Do you contemplate having customers drive
20 in the area where the stacked parking spaces are?

21 A I believe the employees, unless I'm mistaken, but
22 I believe the employees' lot -- I'm sorry -- the customer
23 parking is done in the front 21 bays that are in the
24 front enclosure, in front of the enclosure.

25 Q So they're on the street side, if you

1 will, or east side --

2 A The customers --

3 Q -- of the fence?

4 A -- yes.

5 Q Would the fence be open all day long?

6 A Potentially.

7 Q I should say gate. The gate on the fence.

8 So potentially that would be open.

9 So if I was driving in there and I was dropping
10 off a car, what would stop me from driving all the way
11 into the back lot?

12 A I can't speak to your mind, there would be signs
13 directing customers to park here please and a sign on the
14 gate, *Employees Only*.

15 Q And how many parking spaces would be
16 available for customers?

17 A Again, I believe there's 21 proposed parking
18 spots, what's that, northward up that gate.

19 Q And they would all be made available for
20 the customers?

21 A Correct.

22 Q And that would include customers who are
23 dropping off vehicles as well as customers who might be
24 visiting the site for other purposes?

25 A Customers are on a scheduled basis.

1 Q Well, if I went in -- you say on your
2 website *Free Estimates* either by photograph or by visit.
3 Right? I can go to your facility and get an estimate?

4 A Correct, we don't charge, but it's still
5 scheduled.

6 Q So if I came to your facility, any one of
7 your facilities and I wanted to get an estimate in
8 person.

9 A Yes.

10 Q I would park in that lot, the lot that you
11 say is for customers?

12 A Presumably so.

13 Q And if I had scheduled a drop off of a
14 vehicle for repairs, I would park it in that lot also?

15 A Correct.

16 Q If somebody's car was being brought to you
17 in an un-drivable condition, where would it be left on
18 your property?

19 A In the back, because a customer wouldn't drive
20 that in.

21 Q Well, how would it get in? How would it
22 be brought to your property? Are you talking about a
23 flatbed operator or a tow truck?

24 A A single bed flatbed.

25 Q There are tow trucks that can tow two

1 vehicles. Right?

2 A Yeah, but they're not bringing us the cars.

3 Q So it's your experience that they wouldn't
4 be the ones visiting your site?

5 A Correct.

6 Q Okay. Would there be any transfers of
7 vehicles between your other facilities and the Ridgewood
8 facility?

9 A Not that's currently planned.

10 Q Is there ever a situation where a service
11 that's provided at one location is not available at
12 another and you have to do that kind of transfer?

13 A Again, we're talking about absolutes and there's
14 always a possibility.

15 Q Please forgive me. In all my questions
16 I'm referring to your own experience.

17 A There is a possibility.

18 Q So things that have happened.

19 A I don't want to misspeak to the testimony, so it
20 is possible.

21 Q Okay. If somebody's bringing in -- a
22 hauler is bringing in, I'm going to use the word *hauler*,
23 a flatbed or tow truck, they're bringing in a vehicle,
24 they're bringing it into the back lot, in other words.
25 So where would they deposit the vehicle?

1 A In one of the spaces in the backyard behind the
2 fence.

3 Q In one of the stacked parking stalls?

4 A Correct.

5 Q There are parallel rows of five end-to-end
6 spaces within the area that I'm referring to as the
7 stacked parking?

8 A Yes.

9 Q If a car is not drivable, how are you
10 going to move other cars around? How are you going to
11 move it around if you need to get access to let's say a
12 car that's in stall number 3?

13 A Yeah, well, we have tools to be able to move the
14 vehicle, whether they're floor dollies, they're, you
15 know, little four-wheel 10,000 pound dollies that go in
16 the car and you can push them into the spaces.

17 Q So you have the ability to manually move
18 the vehicles around even if they're not drivable?

19 A We have different tools to be able to do this,
20 yes.

21 Q Okay. And when you put a car in position
22 number 3 in a row of five end-to-end stalls, that means
23 that you would have to gain access to that particular car
24 by moving two other cars?

25 A Well, you're an intelligent person. Having FIFO

1 type rules --

2 Q I feel better --

3 A You know, so not all the time you have to move
4 those cars, similar to a Home Depot when you grab a paint
5 can, the next one's behind it. So as the plan show, the
6 space behind is open, so as we need the vehicle, they
7 will come from the back and move their way forward as
8 they move through production.

9 Q Let's say that you had an insurance
10 adjustor who had to inspect a vehicle.

11 A Yes.

12 Q How can they inspect a vehicle if it's in
13 position number 3 with two other cars end to end on
14 either side of it and cars on, literally, on the lateral
15 sides of it?

16 A Right. Based on our agreements, we don't have
17 insurance adjustors. Again, not speaking in absolutes,
18 but based on our agreements and our contracts, we are
19 essentially liaisons for say GEICO. You have a GEICO
20 insurance company, we schedule you, you come in, we have
21 a direct connection online, we are the adjustor.

22 Q So you never have visits to your property
23 by adjustors from any insurance companies?

24 A I can't say never. I can't say never. But
25 generally speaking, we are direct liaisons and that's the

1 speed in which we are able to fix vehicles, because we
2 don't have to deal with the carrier. The carrier trusts
3 us to basically have their money in mind and as well
4 knowing that we are certified to repair the vehicle in a
5 way that's acceptable to industry standards and that's
6 why we're able to fix the vehicles and move the vehicles
7 in the fashion that we do.

8 MR. WHITAKER: Mr. Inglima, how much
9 longer do you have? We're not going to complete
10 it tonight. We have other things on the agenda.
11 Normally we break testimony at 10:30. We're past
12 that.

13 MR. INGLIMA: It would probably be a good
14 idea to break now because I believe I have about
15 another 15 minutes, 20 minutes.

16 MR. WHITAKER: So let's continue this then
17 to the next meeting, this witness and we'll
18 announce. The meeting I understand is only for
19 this application. So it's recognized the Board
20 has nothing else on their agenda except any other
21 business like passing a resolution or that type of
22 thing. Right, Janet?

23 BOARD SECRETARY WONDERGEM: Yes.

24 MR. WHITAKER: June 13th at 7:00 p.m.,
25 7:00 to 11:00.

1 So the meeting will be carried to
2 June 13th at 7:00 without any further notice.
3 Cross-examination will continue at that time.

4 MR. INGLIMA: Thank you, everyone. I
5 appreciate your time.

6
7 (Whereupon, the proceedings concluded at
8 10:44 p.m.)

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C E R T I F I C A T E

I, LYNANN DRAGONE, License No. XIO1388, a Certified Court Reporter and Notary Public of the State of New Jersey, certify that the foregoing is a true and accurate transcript of the hearing at the time and the date hereinbefore set forth.

I further certify that I am neither attorney nor Counsel for, nor employed by any of the parties to the action in which this hearing was taken.

I further certify that I am not an employee of anyone employed in this case, nor am I financially interested in this action.

Lynann Dragone

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